

# OFFICE OF THE CHILDREN'S ADVOCATE

*Annual Report*  
*2007/08 Fiscal Year*



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# FOREWORD



I am pleased to present this report which outlines the activities of the Office of the Children's Advocate (OCA) from April 2007 to March 2008.

The continued achievements of this organization are attributed, in large measure, to the committed employees who have consistently worked beyond the call of duty to protect and enforce the rights of children living in Jamaica.

During the period under review, the OCA in carrying out its mandate, participated in many inter-agency meetings and Parliamentary discussions on policies and laws impacting the child. In addition, there was participation at the international and regional levels in varied fora. The expanded public outreach proved effective as the number of complaints being reported to the Office has increased. Similarly, calls for information, advice and interventions have also increased considerably.


A brief situation analysis of the status of children is presented in this report. While the Office of the Children's Advocate acknowledges improvements in areas such as the provision and access to free healthcare in public hospitals, many more threats to the rights of the child still exist including rising food costs, natural disasters and increasing levels of crime and violence.

On an organizational level, measures have been taken to improve efficiency through knowledge management and the creation of a database to enhance recording and retrieval of cases.

Research capabilities were also advanced with the appointment of a Research Officer in October 2007. The organization had benefited from this move, in that, we are better able to make informed recommendations as a result of the data garnered from our research.

During the next financial year, the OCA will continue to work closely with key stakeholders in order to achieve its mandate; however, additional resources will be required to adequately meet the needs of and demands on the Office.

I would like to thank all those who offered support in the past year, and particularly to UNICEF for funding most of our public education and consultation activities. Finally, I thank those who allowed the Office to be of assistance to them.

  
Mary Clarke (Mrs)  
Children's Advocate



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# 1. INTRODUCTION

The Office of the Children's Advocate (OCA), is a commission of parliament and was created under the Child Care and Protection Act, 2004. The first Children's Advocate, Mrs. Mary Clarke was appointed in January 2006 and assumed her position in February 2006. The mandate of the OCA is the protection and enforcement of the rights of children.

Although there have been significant strides in the protection of the rights and best interests of children, there continues to be many challenges. The issues of natural disaster, limited capacity to detect and treat mental health problems, inadequate family support, lack of timely response to the plight of children, rising food prices, incidence of poverty, crime, abuse and violence all contribute to this.

The OCA's vision and mission statements reflect its work to ensure that the rights of children are protected and enforced and their best interests upheld and encapsulate the desire that rights, best interests and reality must become one in the near future.

## **Vision**

Children in Jamaica enjoy the protection of their rights and consideration of their best interests at all times.

## **Mission**

To promote the safety, best interests and well being of children and to promote, protect and enforce their rights.

For the 2007/8 fiscal year, the strategic objectives identified were<sup>1</sup>:

- Undertake measures to strengthen the system of Governance and Management of the OCA;
- To continue to review and monitor existing laws and services to ensure their relevance and effectiveness in protecting and upholding the rights and best interests of the child;
- To provide legal representation as required and or identified;
- To promote awareness of the rights and best interests of children; the role and functions of the OCA; and to undertake consultations with stakeholders, primarily children;
- To receive complaints and conduct investigations on behalf of the child and;
- To give advice and make recommendations to Parliament and relevant authorities on matters concerning the rights and best interests of children.

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<sup>1</sup> Estimate of Expenditure 2007

## 2. MANDATE OF THE OCA

The responsibilities of the Office of the Children's Advocate are stipulated in the first schedule of the Child Care and Protection Act, 2004 (CCPA) and are as follows:

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

11. The Children's Advocate may in any court or tribunal act as a 'friend of the court' in any proceedings involving law or practice concerning the rights and best interests of children.

### 3. SITUATION ANALYSIS

Generally, children in Jamaica have experienced significant improvements in their quality of life over the years. In spite of resource constraints and other challenges that the country face, the nation's children have benefitted from increased access to education and health care, along with, improvements in care and protection and other social services. Nevertheless, there continues to be challenges which overshadow the rights and best interests of many children in Jamaica.

The Jamaica Economic and Social Survey, 2007 reports that there are 960,300<sup>2</sup> (35.8 percent of total population) children age 0 to < 18 years living in Jamaica. From this total, 491,300 are males and 469,500 are females. The child poverty rate over the past five years continues to average 22.0 percent which is much higher than the national rate of 14.3 percent.

#### 3.1 Impact of Natural Disaster on Children

The year 2007 brought with it a number of natural disasters which continue to have an impact on the society and several children. The Office of Disaster Preparedness and Emergency Management reported that in August 2007, there were at least 230 vulnerable communities located along the south coast where conditions associated with hurricane Dean caused serious devastation.

Several children were affected. Many families were displaced; numerous schools were damaged along with school books and uniforms. This unfortunate event placed additional strain on parents.

Visits to some of these areas on the south coast by representatives of the OCA following the hurricane revealed the deplorable conditions under which children live. In many of these communities there are limited infrastructure including lack of designated play areas and poor sanitation. For example, children sometimes were sharing play areas with domestic animals.

Meanwhile, a number of different agencies were seen collecting data from the residents. However, many persons were in need of immediate aid and only Children's First, a Non-Government Organization, was seen on the spot distributing much needed hot soup to children and affected families.

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<sup>2</sup> Planning Institute of Jamaica, Economic and Social Survey of Jamaica, 2007



**Manning's Boys Home in December 2007 after Hurricane Dean**

## **3.2 Education**

The indicators relating to access to education are encouraging and the government must be commended for the free tuition initiative up to the secondary level. This is in keeping with the CCPA and the 'Leave no Child Behind' initiative of the Ministry of Education (MOE). However, there are still issues relating to attendance and educational attainment that need urgent attention.

### **3.2.1 Access to Education**

MOE 2007/08 statistics show that approximately 546,452<sup>3</sup> children are enrolled up to the secondary school level, a minimal increase of 33 from the 2006/07 figure of 546,419.

While the enrolment rate is generally high, there are concerns that the attendance rate for the 2006/7 school year at the early childhood level was 69 per cent, 82.2 per cent at the primary level and 82.5 per cent at the secondary level as indicated in graph 1 (ESSJ, 2007). Of interest also, is that the sex ratio for attendance averaged 78.8: 82.1<sup>4</sup> for the three years indicating an even lower attendance rate for males.

Section 28 (1) of the CCPA states that "every person having custody, charge or care of a child between the ages of 4 and 16 years shall take such steps as are necessary to ensure that the child is enrolled at, and attends school." While the law makes it mandatory for children to attend school, there is no mechanism in place to ensure compliance.

The Jamaica Survey of Living Conditions, 2006<sup>5</sup> (JSLC) indicates that the main reasons given by parents/guardians for non-attendance of children for some or all days were "running errands" (40.2 per cent), "illness" (30.3 per cent) and "money problem" (17.8 per cent). This is a departure from previous findings which indicated the lack of finance as the primary reason.<sup>6</sup>

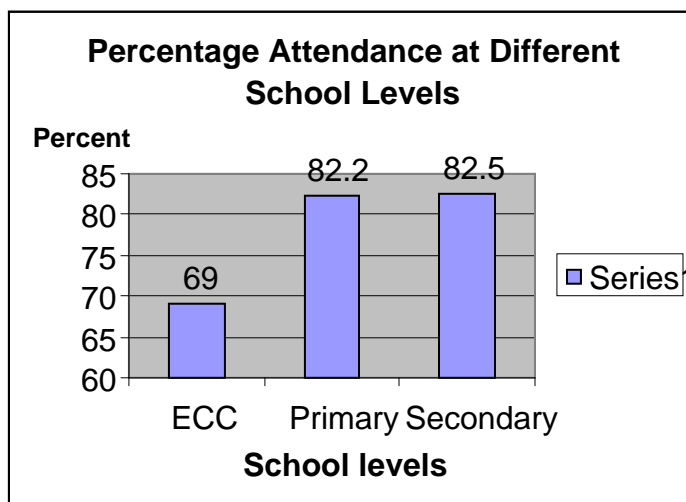
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<sup>3</sup> MOE Jamaica Statistics 2007/08 unpublished.

<sup>4</sup> MOE, Jamaica Education Statistics 2006 - 2007

<sup>5</sup> Planning Institute of Jamaica, Jamaica Survey of Living Conditions 2006.

<sup>6</sup> Jamaica Survey of Living Conditions 2006



**Graph 1**

To this end, more public education is required to convince parents/guardians of the importance of education as a vehicle for social mobility. Additionally, more follow-ups of children not attending schools need to be done by the relevant authorities.

### **3.2.2 Educational Attainment**

Educational attainment is measured at different levels using standard MOE examination in the case of primary and junior high levels and standard Caribbean examination at the secondary level. In the 2006/07<sup>7</sup> school year, only 43.3 per cent of the 42,047 children in grade one who participated in the MOE Reading Inventory examination mastered all four cognitive skill areas while 7.5 per cent did not mastered any of the areas.

In the Grade four Literacy Test, the results are more encouraging. Of the 34,524 students that did the test, 83.5 per cent mastered the Word Recognition component, 68.2 percent mastered the Reading Comprehension section and 82.6 per cent mastered the Writing segment.

The result in the Grade Six Achievement Test is however well below acceptable levels. Of the 50,940 children who sat the examination, the national mean for Mathematics was a low 46 per cent. It is also important to note that none of the national average was above 50 per cent.

The percentage passes showed an even more significant decline at the secondary level. Of the 39,347 students that sat English Language in the Caribbean Examination Council, only 45.1 per cent obtained passing grades. The passing rate for Mathematics is much

<sup>7</sup> Ministry of Education, Education Statistics 2006/7

lower at 29.6 per cent. Of note is the fact that females outperformed males in most of the disciplines.

These results have serious implications for the development of Jamaica and more specifically the country's obligation to provide children with an education. While attendance and enrollment are useful indicators, there must be specific outcomes which are used as the main indicator for a proper education.

The OCA is also concerned about overcrowding in many schools. Also of concern is the fact that students were placed in high schools that were not yet built at the time of placement. These students had to be transferred to neighboring schools, adding to the problem of over crowding at these institutions. Region six is of particular concern as two secondary schools which were to be constructed in that region were not built.

As it relates to discipline in schools, the OCA welcomes the announcement of the appointment of Deans of Discipline in schools and trust that they will be appropriately trained to undertake their responsibilities.

Another area of concern is the exorbitant sums of money that are being spent on extra lessons by parents and guardians. Careful examination is needed of the finding of the Jamaica Survey of Living Conditions 2006 which indicates that households continue to pay more for extra lessons than they did for tuition and fees. Such expenditure would negate the benefits of the government's policy of free tuition for all.

The Report also reveals that the annual average expenditure for extra lessons at the primary level was \$10,880.35 and \$11,383.83 for children at the secondary level. The general expectation is that schools would provide a satisfactory standard of education to make it unnecessary for children to have a need for extra lessons. Therefore lessons provided by the same teachers for a price would warrant further investigations.

### **3.3 Child Health**

The government must be commended for the initiative to provide free health care for children. The indicators for child health are also promising. The Infant Mortality Rate per 1000 live birth is 19.9.<sup>8</sup> The Ministry of Health's Annual Report (2005) indicates that the average coverage for immunization fell below the targeted level of 90 percent with an average of 87.6 per cent. The coverage for BCG however showed marked improvement, registering 4.9 percentage points which exceeded the target of 90 percent. This improvement can be credited in part to the Ministry's relentless efforts to track defaulters.

However, there are several problems that must be highlighted, some of which are being addressed and need to be treated with urgency. Among the major gaps that exist are the treatment of children with mental health issues and those with disabilities.

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<sup>8</sup> MOH Annual Report (2005).

### **3.3.1 Child and Adolescent Mental Health**

Currently, mental health services are provided by the Bustamante Hospital for Children (age 0-12) and the Bellevue Hospital (age 18 years and older). Several other hospitals also provide these services to adults. However, there is a huge gap with respect to the adolescent age group (age 13-18) which needs immediate attention.

In 2006 and 2007 the Bellevue Hospital saw 77 and 36 adolescents in the emergency room and admitted 12 and 25 adolescents in the 15 to 18 years respectively. The University Hospital of the West Indies in 2007 admitted 36 patients under 18 years to the Ward 21. Of this amount, 22 were females and 14 were males. These facilities were not built to cater to children.

Additionally, children who are referred from institutions such as children's homes, places of safety and juvenile correctional centers have to return to these institutions where the members of staff are not trained to deal with their emotional and mental health problems.

Most of the cases that are seen by the Child Guidance Clinics (CGC) in the four health regions relate to sexual abuse, conduct disorder, adjustment disorder, learning disorder, substance abuse and Attention Deficit Hyperactivity Disorder (ADHA). Many of the cases are referred from schools, courts, hospitals and the Child Development Agency (CDA). The CGCs operate with huge backlogs as many clinics operate once per week. In view of this fact, the OCA is recommending that the services of the CGCs be expanded.

As it relates to schools, many are not equipped to identify and treat children with learning disorders, emotional and behavioural problems and other disabilities. As a result, many children go through the education system without their problems being detected. In schools where these are detected, many of the CGCs operated by the Ministry of Health and Environment are unable to deal with the huge number. The staffing is also very limited, making it impossible for them to do adequate follow up.

### **3.3.2 Bustamante Hospital for Children**

The only children's hospital in the country, the Bustamante Hospital for Children, is stretched to its limits as far as resources are concerned, as it seeks to deal with the hundreds of cases it receives each day. It has been reported that the hospital staff complement has remained virtually unchanged for over 20 years. Also, the hospital was originally built to accommodate children from birth to 10 years; however, it is currently accommodating children up to age 12. In general, the child population since 1980 has significantly increased and thus more resources are needed to adequately provide for such increases.

An article published in the Jamaican Gleaner dated March 31, 2008 highlights some of the challenges that the hospital has been facing which worsened after the abolition of user

fees at the hospital on May 28, 2007 and implementation of free health care on April 1, 2008. The article reads as follows:

*A rush on the facility, experienced after the implementation of free health care, has increased the ratio of patients to staff. A mother of an 11-year-old boy, said the shortage of staff at the facility can be frustrating to parents who do not understand what is happening. Wright's son was admitted at the facility last month after one of his toes was broken. The mother, who visited the facility at 8:00 a.m., said her son was not admitted until 10:00 p.m. "I get through late but understand because they kept saying that they dealing with emergency cases first," said Wright. The mother added: "Some parents there don't understand so they were quarrelling." ... "They (the staff) are stressed. We can't get a break, so we are exhausted," said the health-care provider.*

The OCA takes this opportunity to commend the work of the staff at the hospital which is being undertaken at this time. It is hoped that there will be continued implementation of measures to treat with increased number of clients. There is also the problem with the general facility which could be more child friendly with play areas and facilities for education and training for children and adults while they wait for attention (refer to section on **Review of Services**).

### **3.3.3 Children with Disabilities**

The government has continued the implementation of policies, programmes and projects for persons with disabilities but there still remains a huge gap in this area. The Jamaica Council for Persons with Disabilities (JCPD) is a government department within the Ministry of Labour and Social Security that coordinates and gives oversight to these initiatives. The department works closely with the non-government organization sector and other government agencies in an effort to have inclusion and proper implementation of policies and programmes.

The ESSJ, 2007 notes that work is continuing on the drafting of a National Disability Act which seeks to bring national legislation in line with the United Nations Convention on the Rights of Persons with Disabilities. The government is commended for being the first country to both sign and ratify the Convention. However, there is an urgent need for this draft law to be finalized and enacted.

The World Health Organization reports prevalence of disability at 10 per cent which the Planning Institute of Jamaica (PIOJ), 2001 uses in its study to estimate that Jamaica has 240,570 persons living with disabilities.<sup>9</sup> The study indicates that disabilities are highest at age nine and 65+. The zero to nine age group has the highest prevalence totaling 27.4 per cent. The prevalence of disabilities found in children age two to nine was related to cognitive (68 per cent), hearing (7 per cent), speech (11 per cent), gross motor (3 per cent), vision (9 per cent) and seizure (2 per cent).

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<sup>9</sup> Planning Institute of Jamaica, 2001, People – Magazine of the Social and manpower Planning Division

There are very few support services for children with disabilities and their caregivers. Special education is provided to some 8,766 students<sup>10</sup> with disabilities in formal-based and community-based programmes. Of this number, 62.4 per cent were males. It is also important to point out that special education is delivered in a limited number of schools and not many are located in rural areas.

The OCA commends the home/community-based programmes operated by several voluntary organizations including the 3D Projects and Rural Services for Children with Disabilities. Unfortunately, these organizations are facing serious financial constraints and find it difficult to be fully operational. As such, there is need for an assessment of the contribution made by these organizations which should be used to guide provision of financial support.

Another concern that came to the fore during the period is the issue of lead poisoning in children. While the effects of lead poisoning are very serious, children are most significantly affected by this heavy metal, which is toxic to the human body. A child can have already absorbed lead into his or her body if the mother, during pregnancy, was exposed to lead. Children can be exposed by breathing, eating or drinking materials containing lead and through skin contact. Because children are not yet fully developed, the lead poisoning affects many aspects of their progression and growth. Reports have been made concerning the extent and effects of lead poisoning and a meeting was held with officials of the Ministry of Health and Environment.

### **3.3.4 Nutrition**

Researches have shown that proper nutrition in childhood contribute to children's overall wellbeing and help them to grow to their full potential and enjoy a healthy life. The JSLC 2006 reported that 4.6 per cent of children were stunted, with low height for their age and 3.6 percent of children under five years of age were underweight.

The prevalence of overweight children under 5 years old is 5.0 percent. With the rising food prices, every effort should be made to maintain the basic nutrition of children at an affordable level. Where schools supply lunches, support should be provided to enable these institutions to maintain prices at affordable rates. The JSLC 2006 reports that there was a decline in beneficiaries of the Government School Feeding Programme from 71.4 percent in 2004 to 68.4 percent in 2006.

### **3.3.5 Parenting and Parental Support**

The OCA welcomes the move by the government to establish a Parenting Commission which will go a far way in helping to provide practical support for parents, as well as, sensitize parents about the crucial responsibility they have to their children and by extension, the society.

Additionally, in keeping with the National Policy Statement on Women, which was accepted by Cabinet in July 1987, which recognizes that "...appropriate child care

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<sup>10</sup> ESSJ, 2007

arrangements not only increase the efficiency of women workers but is an investment in the children and future of Jamaica,” the OCA recommends that consideration be given to the granting of incentives to government ministries, agencies and private sector organizations that establish day care facilities so that they may offer adequate supervision for their employees’ children especially during the hours after school.

This could also help to foster breast feeding which is vital to child nutrition. Preliminary figures from the MOHE revealed that in 2007 exclusive breastfeeding at six weeks was 44 percent and 32.3 percent at three months. This is below the Ministry’s target of 70 percent exclusive breastfeeding of babies up to 6 months.

### **3.4 Child Protection**

The United Nations Convention on the Rights of the Child requires states to put the necessary mechanisms in place to ensure that all children are protected regardless of race, creed, class or ethnicity. The Jamaican government has made provision for this through the drafting and enactment of the CCPA, 2004. However, there are areas about which the OCA is concerned.

#### **3.4.1 Child Abuse & Violence**

While the government of Jamaica has sought to introduce measures that will reduce the level of child abuse, the task continues to be challenging. Children continue to be physically, sexually, and emotionally abused by adults and their peers.

The OCA commends the Minister of Education, the Hon. Andrew Holness, for the announcement to abolish corporal punishment in schools as this is one perpetuation of violent behaviour against children. This announcement comes at a time when many persons still believe in the use of corporal punishment as a disciplinary measure at home and school. Consequently, there is a need for the promotion of alternative methods of disciplining children if, as a country, we are going to protect the best interests of our children.

The OCA is also concerned about the rate at which sexual offence cases are cleared up which remains around 50 per cent. When sexual offences are committed the conviction rate is also very low. In order to deal adequately with the abuse of children, there has to be capacity building in the area of investigation as it relates to law enforcement.

The announcement of the modernization, refurbishing and equipping of Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA) is very timely especially in light of the establishment of the Office of the Children’s Registry (OCR) in October 2007. With the OCR in operation, the number of reported cases of child abuse is expected to increase. The OCA is proposing the use of video technology to minimize secondary abuse of child victims in the child justice system.

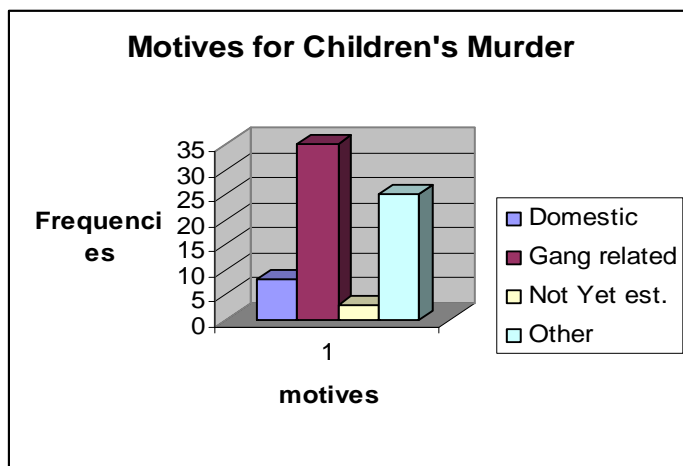
The government is also being urged to consider the establishment of regional child protection centres with specialist staff for the clinical and forensic interviewing and video

recording of statements of abused children. No abused child, especially those who have been sexually abused, should have to undergo secondary victimization by having to continuously recall and repeat his or her story which is the case in the current system. This will require completion of the Evidence Amendment Bill and increased capacity in forensic and clinical interviewing.

The CAMP Bustamante project which is a component of the Ministry of Health and Environment's Healthy Lifestyle Project, is designed to reach and treat children, who are victims of abuse and violence, the incidences of which have risen alarmingly in recent years. This project is operated at the Bustamante Hospital for Children and should be commended for the excellent work being undertaken especially with children who have been sexually abused. It is recommended that this project be institutionalized and adopted by other hospitals which have seen high cases of children abuse.

It is important to examine the need for services offered to treat children who have been abused. Mandatory reporting encourages and facilitates disclosure of incidences of child abuse. While efforts are being made to improve services at the point of first disclosure, consideration must be given to the needs of the victims for psychosocial support to restore their wellbeing. The OCA also intends to discuss some of the unintended consequences of mandatory reporting which have been brought to its attention.

Reports from the Corporate Planning and Research Unit of the Jamaica Constabulary Force (JCF) reveal that from April 1, 2007 to March 17, 2008, there were 71 children murdered, of which 35 were gang related. The graph below shows the motives as established by the JCF.



Graph 2

The statistics also show that 36 murders were committed in the Kingston and St. Andrew area (KSA) and 7 in St. James. These are the parishes with the highest incidents. There were 21 children murdered in the 11 to 15 age group with nine children under the age of 10 years of age. Of the total number of murders, only 39 per cent have been cleared up (see table below). The cleared-up rates are low generally.

## Children Murdered between April 1, 2007 and March 17, 2008

Division	Reported	Cleared Up	Percent
Kingston Central	2	0	0
Kingston Easter	5	3	60
Kingston western	6	2	33
St. Andrew Central	4	1	25
St. Andrew North	5	2	40
St. Andrew South	14	5	36
St. Catherine North	3	1	33
St. Catherine South	2	1	50
St. James	7	5	71
Trelawny	1	1	100
Westmoreland	1	0	0
St. Mary	4	1	25
St. Ann	2	1	50
Portland	1	1	100
Manchester	2	1	50
Clarendon	6	0	0
St. Elizabeth	5	3	60
St. Thomas	1	0	0
<b>Total</b>	<b>71</b>	<b>28</b>	<b>39.4</b>

**Table 1 (Data adapted from Corporate Planning & Research, JCF)**

While children are victims of crime, they are also affected in other ways. They are some times perpetrators, as well as witnesses of crime and violence. They are also indirectly affected both materially and emotionally when their parents or care givers, close friends or relatives are murdered. Additionally, they are affected when violence in their communities makes it impossible for them to leave home or causes closure of their schools. They suffer emotional trauma when they constantly experience fear at home and in their communities. There is great concern that without appropriate intervention, violence may become a way of life for these children.

Reports coming to the Office indicate that children who are perpetrators of crime and violence sometimes spend prolonged periods in lock-ups awaiting identification parade as legislation with respect to the time children spend in detention is non-specific. To this end, there is urgent need for clarification in this regard.

During the year, the OCA received many complaints of children involved in the development of pornography. This emerging issue needs to be tackled at the level of legislation, policy and programming.

Reports to the OCA also indicate that children are being sold alcohol and cigarettes especially at public functions in breach of Section 39 and 40 of the CCPA. It is

recommended that a notice be displayed in such establishments that patrons must be over 18 years.

### **3.4.2 Road Safety**

The OCA recognizes the work of the National Road Safety Council under the direction of the Office of the Prime Minister to encourage proper road usage. In spite of this, the OCA is concerned that too many children have fallen victim in road accidents. The Traffic Headquarters of the JCF reported that in 2007, 29 children died in traffic accidents.

To help reduce the number of children who are being killed or injured on our roads, careful consideration is needed for school zoning, the construction of sidewalks and an increase in the number of pedestrian crossing especially in areas where there are basic and infant schools and where children walk to school (rural areas).

### **3.4.4 Child Labour**

Reports about child labour remain a major concern in Jamaica. According to the US Department of Labour, 2005 findings, there were an estimated 0.9 percent of children ages 5 to 14 years working in Jamaica in 2002. Approximately 1.2 percent was male compared to 0.6 percent female. The majority, 52.4 per cent, were working in the service industries (wholesale, retail, hotels, and restaurants), followed by agriculture, forestry, and fishing. Boys are more likely to be found on agricultural sites and on the street while girls are more likely to be found working in shops, markets, or family dwellings.

Children are still to be seen on their own selling on the streets and around the markets. This seriously compromises their safety and hence the root causes of this phenomenon, including poverty, will have to be addressed.

The Programme of Advancement Through Health and Education (PATH) needs to create a special window for the most vulnerable who are not in households and those in recognized NGOs which are providing mostly remedial and primary education services.

There is also a need to expedite the finalization and enactment of the Occupation Health and Safety Act, which when completed, will have implications for the labour inspectorate as it relates to child labour.

Likewise, more clarity is needed on the types of hazardous work from which children are prohibited and the light work which will be allowed as stated in the CCPA.

There is also a serious problem relating to the sexual exploitation of children. The US Department Report, 2005 highlights the issue of children in prostitution, catering to the tourist market.<sup>11</sup> The report also indicates that young girls are being forced to work in

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<sup>11</sup> Taken from Dunn & ILO-IPEC, Situation of Children in prostitution: A Rapid Assessment, Geneva November 200, pg. 3.

bars, massage parlors and “Go-Go” clubs. The National Anti-Trafficking Taskforce continues to deal with issues relating to trafficking in children.

### 3.5 Children in State Care

Children in state care are managed by the CDA, in the various places of safety and childcare facilities and the Department of Correctional Services whilst at the juvenile correctional centre.

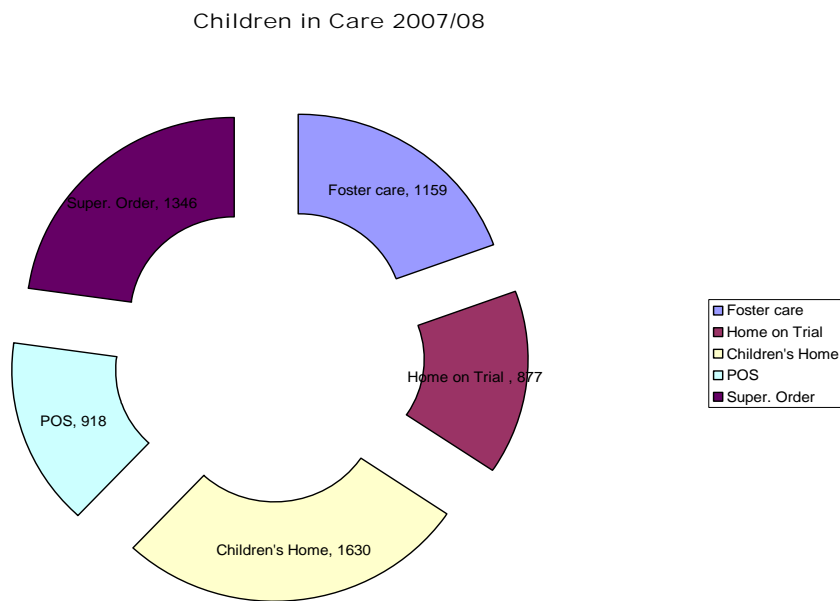
#### 3.5.1 Care and Protection

The CDA is the government’s agency with primary responsibility for children at risk<sup>12</sup>. Their activities surround providing quality care and promoting the welfare of children while safeguarding them from abuse.

Data from the Agency showed that over 12,360 reports were received through its intake desk island wide for the 2006/7 fiscal year. Of this amount, 5,134 were for children displaying behaviour management problems, many of whom had been abused.

The Agency also reported that as at March 31, 2008, there were 5,930 children in state care. This is an increase of 95 from the previous year. These children are either in institutions such as child care facilities, places of safety or in foster care. Graph 3 shows the distribution of children in the system.

#### Graph 3



<sup>12</sup>PIOJ, ESSJ 2007

There has been a decrease in the number of foster parents when compared to previous period. Nevertheless, the western region which includes the parishes of Hanover, Westmoreland, St. James and Trelawny recorded the highest numbers, that is, 441.

There are 12 places of safety (POS)<sup>13</sup> operating in the four health regions. Seven are located in the south eastern region, none in the north eastern region and five in the other two regions. The government also operates five children's home, one each in Kingston, St. Ann, St. Elizabeth, Portland and Clarendon. The CDA also has oversight for 34 private children's homes, 20 of which are located in the KSA.

Interviews conducted by representatives of the OCA with children in state care have revealed that the lack of child care facilities in some parishes present a serious challenge for family association. Many of the children are placed in homes outside of their parish of origin and because of the distance and transportation cost, their parents and other family members are unable to visit them on a regular basis. Several children pointed out that they only saw their parents once during their stay at these facilities

During the period January 2006 to the end of December 2007, 51 children died in these facilities. The majority died from natural causes and the others in sudden and/or accidental circumstances. Post mortem reports are still pending for some of these children.

The OCA in its report last year recommended a mechanism for impartial and independent review of sudden or accidental death of children in government institutions (hospitals, children's homes etc.) to enhance accountability and encourage systemic recommendations to improve quality of service for children. During this year, terms of reference for such mechanism were detailed and sent to the relevant Ministry on request and the OCA is repeating its call and awaiting feedback on this recommendation.

Overcrowding in child care institutions is also an issue that needs to be addressed urgently. Although the aim of the CDA is the deinstitutionalization of children, too many children still reside in children's homes and places of safety because of the inadequate support that is being provided to community and family based programmes, services and interventions.

The OCA is recommending that consideration be given to the provision of resources for family preservation centers to minimize the need for institutionalization.

Additionally, children with special needs who are institutionalized are grossly underserved and consideration is needed for these children to be provided for according to their individual needs.

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<sup>13</sup> CDA moving to classified POS and Children's Homes as Child Care Facilities.

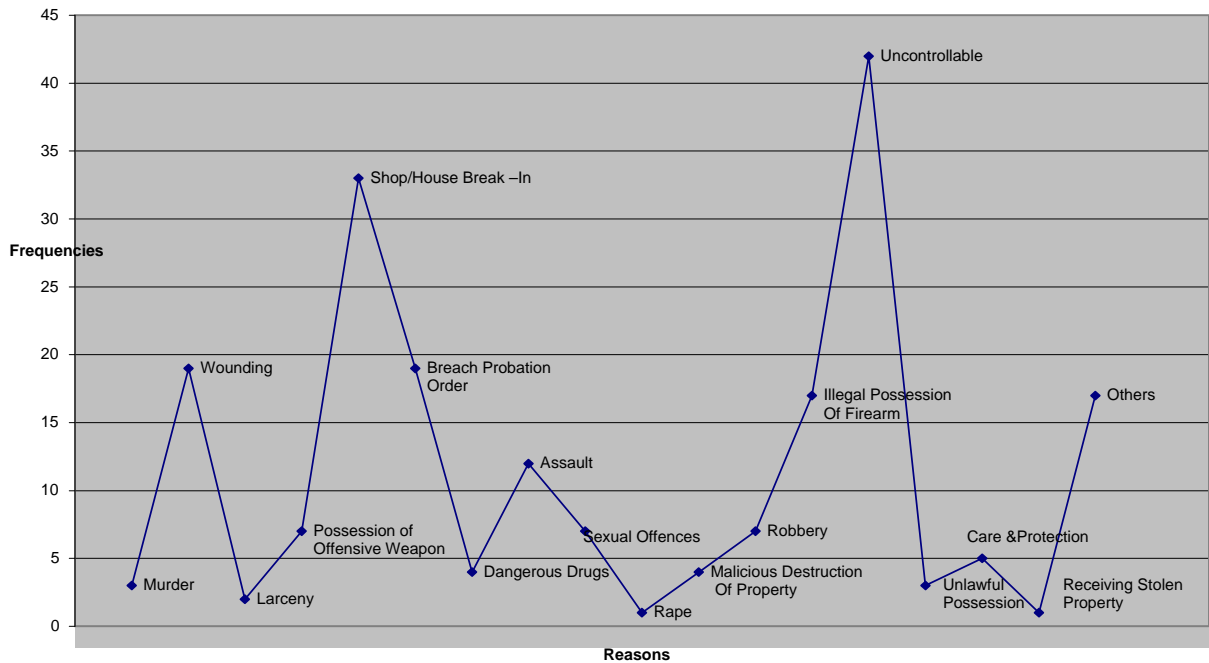
### 3.5.1 Correctional Services

There have been increases in the number of wards admitted to correctional centers over the years. Many of these are girls and the Department lacks the facilities to accommodate the increasing population. At Fort Augusta, the OCA observed girls who are in need of care and protection, uncontrollable and those in conflict with the law, being housed at the same facility.

In light of this fact, the OCA welcomes the announcement of the establishment of the new facility at Montpelier, St. James which will go a far way in ensuring the best interests of children who are in conflict with the law. It is hoped that special attention will be given to the provision of specialist interventions for the rehabilitation of children.

During 2007, 382 children were given correctional order and admitted to correctional institutions for children. Of this amount, 42 were brought before the court for uncontrollable behaviour, 33 for shop or house lifting. Graph four provides a break down of the offences committed.

**Admission to Juvenile Inst. 2007**



**Graph 4**

# 4. ACHIEVEMENTS

## Introduction

The protection and enforcement of children's rights continue to be the focus of the OCA and though there have been several challenges, the Office has been vigilant in its approach to ensure the rights and best interests of all children. The achievements are in relation to the strategic objectives approved by Parliament and in line with the mandate as set out in the CCPA.

### 4.1 System of Governance and Management

In keeping with the strategic objective to strengthen the governance and management structure, the OCA undertook several initiatives during the period under review. Job descriptions were reviewed and matched against responsibilities and tasks. This resulted in the reallocation of responsibilities and approval for the appointment of two additional positions within the organization namely Human Resource/ Office Manager and Records Officer.

These positions were filled in October and December 2007 respectively. Recommendations were also made for the reclassification of some positions and this is to be further pursued in the new financial year.

In keeping with a training plan which was developed to strengthen the capacity of staff, at least eight employees were trained in the disciplines as listed:

- Government Accounting Level 1
- Records Information Management
- Service Skills for Support Workers
- Telephone Techniques & Receptionist Skills
- Human Resource Development Profiles Client Services Workshop
- Performance Management Appraisal System
- International Organization for Migration Counter Trafficking Training
- Customer Service and General Office Administration Training Assessment

The OCA also sought to strengthen staff capacity through the acquisition of equipment and books including one set of the Laws of Jamaica.

There were some serious human resource constraints faced during the financial year which were discussed with the relevant authority and the OCA expects a speedy resolve.

These resulted from issues such as:

- Loss of benefits which are received in central government such as staff loan, salary advance, etc
- Lack of duty concession on motor vehicles
- Low classification of posts

- Lack of allowances for some senior posts which attract such allowances in the Public Service

The OCA currently has 17 employees who are keen in carrying out the mandate of the office. These are:

- Children’s Advocate
- Deputy Children’s Advocate
- Two Legal/Policy Officers
- Two Investigation Officers
- Public Education and Special Projects Manager
- Research Officer
- Accountant
- Human Resources and Office Services Manager
- Accounting Technician
- Administrative Secretary
- Senior Secretary
- Records Officer
- Telephone Operator
- Driver
- Office Attendant

As the office becomes more visible, the demands and complaints of the citizens will continue to increase and it is expected that the staff complement will increase accordingly.

The OCA sought to improve its system of data gathering and case management by designing and using more appropriate intake forms and by creating a database for the easy retrieval and tracking of cases. This also enables analysis of cases thus fostering a greater understanding of clients’ needs and concerns. A Knowledge Management System Consultant was contracted for this purpose.

## **4.2 Public Education and Consultations**

A pre-awareness survey conducted by the OCA has revealed that children in Jamaica are relatively knowledgeable of their rights but many are unaware of their responsibilities and what to do when their rights are violated. There is also a gap between the knowledge and practice among adults in this regard. This fact has been the basis for the Public Education Campaign of the OCA.

Section 11(c) of the CCPA requires that OCA take reasonable steps to ensure that –

- “ (i) Children are made aware of the functions and location of the Office of the Children’s Advocate and the way in which they may communicate with the Children’s Advocate:
- (ii) The views of children and persons having custody, control or care of children, are sought concerning the exercise by the Children’s Advocate of his functions under this Part”

## 4.2.1 Public Awareness

The OCA sought to raise awareness not just among children but among all groups in society through direct interaction, mass media and the distribution of pamphlets and brochures. This was a coordinated effort by all staff, lead by the Children's Advocate and the Public Education Manager. The Office has conducted over 100 public seminars, lectures, workshops and talks to over 10,000 children and parents in schools, youth groups, places of safety, children's homes and correctional institutions, community based organizations, parent teachers' organizations and faith based organizations. Among these are presentations at:

- Early Stimulation Programme Awards Ceremony for Fathers
- Delegates at the Missionary Church Association Annual Conference
- 157<sup>th</sup> Convention of the Baptist Union Officers
- 100 Man Police Station
- Caribbean Information Poison Network Annual School's Competition
- 3 D Action Day, St. Catherine and St Thomas
- Stella Maris Church Counseling Centre
- African Methodist Episcopal Church National Youth Summit
- Mico Teacher's College General Assembly
- Childcare and Correctional Institution including Granville POS, Jamaica National Children's Home, Stony Hill Remand, Armadale Correctional Centre and Hill Top Correctional Centre
- Shortwood Teacher's College Graduation Ceremony

The media was a viable partner in highlighting and promoting the rights of children. Many media interviews and press briefs were undertaken to highlight issues, provide comments and information and commemorate special days for children such as Universal Children's Day, World AIDS Day, International Day for the Prevention of Child Abuse.

The OCA was very responsive to the observance of Child Month and addressed several fora and organizations on issues affecting children, child rights and stakeholders responsibilities. Some of these include Optimist Club of Kingston, Kiwanis Club North St. Andrew and Kingston and the Saxthrope Methodist Church. Special addresses were made on the Rights of Persons with Disability and Adolescent and Child Mental Health in a live broadcast. The Children's Advocate and other representatives of the Office were interviewed on several radio programmes on issues relating to street children, age of consent and sexual abuse, early childhood development and the role of OCA.

The OCA distributed over 10,000 brochures and pamphlets on the role and functions of the Office, child abuse and the rights of the child. The OCA also acknowledges the contribution of printed materials by the CDA. Additionally, with the financial assistance of UNICEF, the Office developed advocacy materials in the form of brochures, posters and bookmarkers giving information about the OCA, child rights (children living in Children's Homes and Places of Safety, children with disabilities) and requirements of the CCPA.

A child friendly website was also developed which when operational, will provide information to children and other stakeholders about children's rights and responsibilities, ways of protecting themselves, roles and functions of the OCA, how to contact the OCA and other pertinent information.

The Jamaica Information Service was contracted to develop three radio Public Service Announcements (PSA) and one television PSA to educate children and adults about children's rights and responsibilities as well as the responsibility of adults to protect children from abuse. These were aired on four of the main radio stations and the 2 main television stations. The responses to these PSA's have been very positive and persons have been encouraged to report cases of child abuse.

#### **4.2.2 Consultations**

In compliance with the functions of the OCA as set out in the CCPA, the OCA held several consultations with children and stakeholders in an effort to get their views on issues affecting them and to inform them of the work of the OCA. Five of these were held regionally in Montego Bay, Ocho Rios, Mandeville, Spanish Town and Kingston, targeting children 6-12 years old.

It was felt that this group of children, if given information at this level, would carry the information with them throughout their school life. Approximately 500 participants including teachers, guidance counsellors and children from across 14 parishes were in attendance and were consulted.



**Children Consultation held in Ocho Rios**

Participation was very high and suggested an eagerness to find out more about the activities of the OCA and the implications of the CCPA, not only for teachers but for the students as well. Both groups presented wide-ranging issues for clarification and discussion. Teachers felt that they needed to equip themselves with information to prevent violation of the rights of their students out of ignorance. The children on the other hand raised questions and concerns about the range of abuses meted out to them and inquired about the penalties for violating their rights and rights of each other.

Among the issues that stood out were the harsh disciplinary practices and the lack of parental support. The Ministry of Education has since addressed the issue of harsh punishment in schools. The children also raised the issue of violation of rights in the home, school and communities. Similarly, the teachers were also concerned about the crime and violence in communities, the negative effect of “loud nasty music” and use of illicit drugs, namely ganja. Additionally, the teachers spoke to the lack of a guidance counsellor in some primary schools and the lack of urgency in dealing with issues that affect children.

The OCA has submitted its findings to the Minister of Education, the CDA and the JCF. The response from the Minister of Education has been very positive and further dialogue is anticipated. The OCA holds quarterly meetings with the JCF at which the CDA attends.

The Office also participated in two one-day national consultation on Justice Reform. Stakeholders’ consultations on policy recommendations in the Annual Report 2006/07 were done at St. Andrew High School and the Medallion Hall Hotel with guidance counsellors, principals, teachers, students and the National Secondary Student Council.

The OCA hosted a Round Table discussion of Children’s Advocate and Ombudsman for Children from other countries along with stakeholders in the child protection system at the Jamaica Conference Centre. Several issues were highlighted and best practices noted. The OCA is continuing to follow up to ensure that these issues are dealt with.



**Children’s Consultation, Mandeville**

### 4.3 Complaints and Investigations

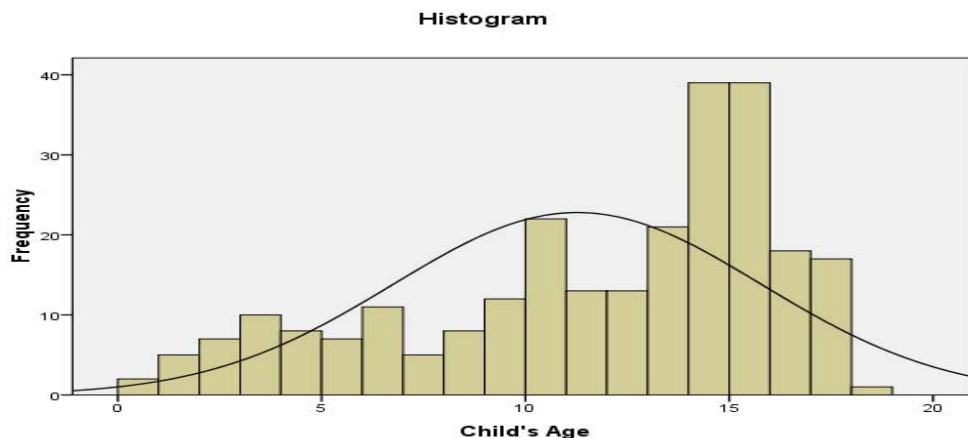
The Children's Advocate is mandated by the CCPA section 12 and 13 of the first schedule to receive complaints and conduct investigations from or on behalf of a child where the child's rights are being infringed or best interests have been adversely affected because of the action or inaction of relevant authorities.

Investigations Officers are responsible for documenting all complaints received at the office, providing information and assistance to all stakeholders, especially children and undertaking investigations and making recommendations for corrective action. All complaints received are entered into the Journal of Complaint. These cases are referred to the Legal Department to determine jurisdiction. The cases that require investigation are entered in the Register of Complaints. There are some matters which are not entered in this Register of Complaints at first, but as the investigations progress there were indications that the child's right were infringed which merited an in depth investigation.

The OCA undertakes investigations which may involve interviews, visits and review of reports and administrative records, the collection of statements and preparation of reports pertaining to the matter being investigated. Additionally, meetings are convened and held with relevant authorities. At the end of each investigation, appropriate action is taken to remedy the injustice or infringement. The investigators endeavored to negotiate where appropriate, a non-adversarial resolution to the matters investigated.

As the office became more established, the level of response from the citizens increased. For the fiscal year 2007/8, there were 333 complaints (involving 337 children) up from the 275 (21 per cent increase) for the previous year. Of this amount, the **majority (63.5%) of the informants are female, 16.9 per cent are males and 19.6 per cent of the informant did not give their gender.** There were **55 per cent of the complaints made against males and the remaining 45 per cent against females.** Less than 5 per cent of the complaints made are from children themselves. Graph 5 shows the distribution of the age of the children.

Age of Children



Graph 5

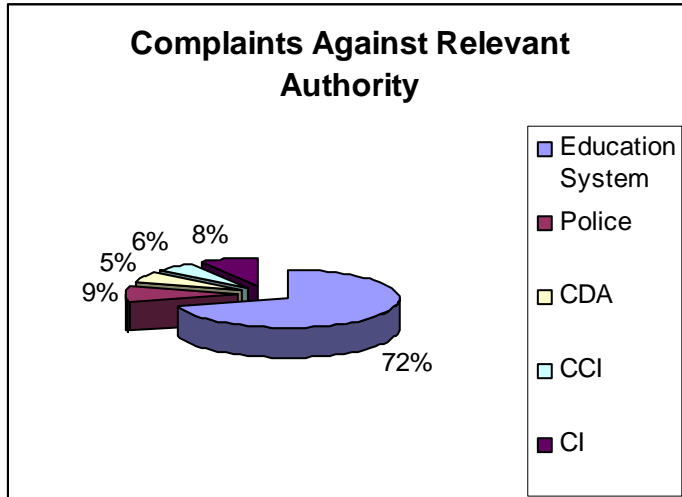
Of the total number of complaints received, 195 were assigned for investigation (see table 2 for summary).

**Summary of Complaints Received**

Complaints received	Complaints assigned for investigation	Cases closed	Cases pending
333	195	112	83
Percentage	59.0	57.0	43.0

**Table 2**

The OCA received 97 complaints against relevant authorities. Graph 7 shows the distribution of complaints against relevant authorities.



**Graph**

7

The majority of the complaints against relevant authorities had to do with policy decisions. For those relating to education, the issues were with disciplinary matters (corporal punishment, suspension, expulsion and exclusion), injury at school and unprofessional conduct by teachers. The police matters were related to none action and children in lock-ups while those against CDA related to care and protection and none action. As it relates to the childcare institutions there were reports of physical abuse and sexual abuse by peers. Physical abuse was the dominant complaint against the correctional institutions.

For the same period, 69 of the total cases were referred to relevant agencies, usually after preliminary investigations are undertaken as shown in table 3.

## Cases referred to Relevant Authorities

CDA		Police		Family Court		Ministry of Health	
Care and Protection	21	Sexual abuse	29	Custody	7	Health	3
		Physical Abuse	5	Other	4		
<b>Total (69)</b>	<b>21</b>		<b>34</b>		<b>11</b>		<b>3</b>

Table 3

Of the 65 cases brought forward at March 2007, 52 were investigated and closed while the other 13 are pending. Of those resolved, 15 were related to educational issues, 20 to criminal matters (police), 14 to court representation and three to care and protection.

In relation to those pending, three are related to services at child care institutions, two at correctional institutions, two are related to health (the effects of lead poison) and three are related to corporal punishment in schools and child care facilities.

## Highlights of Investigations

As a result of investigations and interventions, some achievements are:

- Conditional re-admittance of 15 students to schools.
- Successful intervention for medical treatment of a baby whose parent had denied such treatment.
- OCA intervened in the case of a 13 year old male child who was allegedly beaten by his uncle in 2004. The child is now physically challenged and has not attended school since the incident. The investigators took up the matter with the police concerned and the uncle was arrested and charged with Assault occasioning Grievous Bodily Harm. The case is now before the court and the OCA is watching proceedings on behalf of the child.
- The investigators made representation to the PATH programme and as a consequence approximately 10 children were placed on the programme and several mothers obtained birth certificates for their children from the Registrar General's Department with the help of the OCA.
- Interventions were made with the police in cases of child abuse especially those relating to sexual abuse. Three teenage mothers were returned to high school in KSA and St. Catherine.
- Two suicidal girls were counseled by the investigator (who is a trained psychologist) and the crisis was averted and referred to the Child Guidance Clinic.
- Several parents were empowered with information about the court process which allowed them to support their children in post traumatic stress thus making them better able to deal with the court proceedings.
- Compensation was received for approximately three children from relevant authorities due to injuries sustained at school.

- Issues relating to children in correctional centres are being dealt with at the highest level and a proposal was made for the fast tracking of Montpelier as a correctional centre for girls.
- Advocacy resulting from investigations of child abuse cases contributed to the action of the Ministry of Education regarding corporal punishment and communication was sent to schools banning such punishment.
- Successful intervention was made for a woman who was displaced by Hurricane Dean and separated from her children. She was promised land by the government to have her home built by Food for the Poor. OCA is watching proceedings on behalf of the children now in care and is in constant dialogue with the agencies responsible for providing support for the mother. Every effort will be made to ensure that she is reunited with her children.
- The Office assisted CISOCA when their officers were barred from conducting investigations concerning a child at one of the island's public hospitals. The office visited the hospital along with CISOCA and the child was allowed to be interviewed.
- Investigation was undertaken into services being offered at Caribbean Centre for Change and a full report was sent to the Ministry of Education as the relevant authority which was responsible for licensing the institution. The OCA is awaiting a response from the relevant authority to which the report was sent.
- OCA visited four inner-city schools (Iris Gelley and Denham Town Primary Schools and Trench Town and Charlie Smith Comprehensive High Schools) affected by violence. Recommendations were made and submitted to the Ministry of Education and the relevant Members of Parliament.
- Liaised with JCF regarding loud and lewd music and videos in public transport.
- Successful intervention on behalf of children with special needs who were not enrolled in school.

#### **4.4 Legal Representation**

Section 14 (1) in the First Schedule of the CCPA states that the Children's Advocate may in any court or tribunal –

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

In keeping with this mandate, the legal arm of the OCA established jurisdiction in 333 complaints received by the office. Of this amount, 195 were entered in the Register of Complaint for investigations. Directions were provided to the investigation team where further investigations or actions were needed.

There were court appearances in approximately 54 cases at different levels of the court system including the Resident Magistrate, the Family Court and the Circuit Court as shown in table 4.

### **Distribution of Court Appearances**

<b>Courts</b>	<b>Frequencies</b>
Family	33
Resident Magistrate	20
Circuit	1

Table 4

Matters before the court include cases relating to sexual abuse, care and protection, custody, maintenance, physical abuse, assault occasioning bodily harm, uncontrollable children and child offenders/accused (*amicus curiae*). Visits were made to courts island wide.

The legal team was constrained by several issues including the incompleteness of court files which necessitate several visits to court for one matter before trial begins. Children are oftentimes unprepared for the court process and sometimes unaware of the nature of the proceedings.

Representations were also made for children who required Legal Aid Counsel as oftentimes children in trouble with the law are without legal representation. Requests are made for representation by the children's parents or the court. In this regard, the OCA obtained Legal Aid Counsel for children in approximately 10 cases.

In addition, requests were made to the Office to advocate for bail to be granted to 22 children who were deemed to be in need of care and protection or who were deemed uncontrollable. The legal team made submissions in court where in many of the cases it was in the children's best interest to be given bail in light of their educational needs and also for reintegration into the family after a period of remand.

The Office also watched proceedings on behalf of children who were victims in cases ranging from rape to indecent assault and child perpetrators when it appeared their best interests might be infringed.

Furthermore, the legal officers sought counseling for children and teachers who had matters before the court. Interventions were made for mandatory detoxification for addicts and psychiatric evaluation to be done when these were deemed appropriate.

Plans are being developed to have a massive sensitization about the CCPA and child rights for persons in the criminal justice system. Consultations have already been made with the Chief Justice who has committed to this activity.

There needs to be a specific definition or criteria for the identification of the "uncontrollable child." Children with special needs such as those with Attention Deficit Disorder, which is a medical condition, are many times, deemed uncontrollable and treated as such.

## 4.5 Review of Laws and Services for Children

Section 11 of the First Schedule of the CCPA states that the OCA shall –

- “(a) Keep under review the adequacy and effectiveness of –
  - (i) law and practice relating to the rights and best interests of children;
  - (ii) services provided for children by relevant authorities.”

In keeping with this mandate the OCA did the following:

- Written and oral submissions were made on the amendments to the draft Offences Against the Persons Act and the Incest Punishment (Amendment) Act. Comments were also provided on draft Cabinet Submissions on the Pornography Bill and the Sexual Offences Bill.
- The OCA is also a member of the Steering Committee for the Establishment of the Registry of Sexual Offenders.

In view of OCA’s goal to promote systemic change by influencing policy and practice impacting the rights of the child, the services offer for children were reviewed:

- **Services offered at Correctional Institutions for Children**

In response to complaints received dealing with the child’s right, visits were made to Fort Augusta, Armadale Correctional Institutions and Horizon Remand Centre to review the services for children. During these visits the OCA received written reports from children regarding their experiences (10, 9 and 20 from each institution respectively). The responses highlighted the need for educational, recreational and counseling services and pointed to cases of assault. The responses also highlighted the need to provide the wards with opportunities to develop life skills to prepare them for re-entry into normal life.

Subsequent meetings were held with the Commissioner and his staff, then with the Attorney General, the Senator in the Ministry of National Security, CDA and DCS to discuss findings and recommendations. The DCS has since prepared a statement on how it intends to address the issues and steps which the DCS has taken<sup>14</sup>:

- “i. A Standing Order is developed setting out strict procedural guidelines, to assist the staff members in dealing with children when they become disruptive;
- ii. The following actions were taken after the incident:
  - a) Psychological assessment
  - b) Medical examination
  - c) Individual Counselling
  - d) Group Counselling
- iii. The committee which is to look at intervention strategies meets once per week to examine the issues affecting children in all juvenile institutions. They also plan to deal with these issues.

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<sup>14</sup> Letter from Commissioner R. Reese dated May 8, 2008.

- iv. The girls at Horizon are now receiving counseling, academic and vocational instructions and recreation. A time table is also set up to take care of their daily activities.”

- **Services at Childcare Institutions**

The OCA visited several government and private children homes and places of safety. Discussions were held on critical issues with the CDA. The issues discussed included complaints of reports from citizens regarding some CDA regional offices, refusal of places of safety to accommodate children who are in custody and police lockups and training received by staff of children’s homes and places of safety to deal with positive discipline of wards.

- **Services at the Bustamante Hospital for Children**

A visit was made to the Bustamante Hospital for Children and meetings held with the hospital administration in response to disruption in services to children resulting from an act of violence on staff by a client. Subsequent meetings were also held with the Chief Medical Officer and the Director of the South East Regional Health Authority where issues and recommendations were discussed.

Through the intervention of the OCA, the Community Safety and Security Branch of the Jamaica Constabulary Force provided technical assistance in personal security for the staff.

- **Services for Adolescent Mental Health**

The OCA received complaints about the inadequacy of service for children especially the adolescent age group with mental health problems. A visit was made to the Bellvue Hospital where some of these adolescents are being treated and there was attendance at the Annual Child Mental Health Review.

Subsequent meetings were held with senior mental health officials at Bellevue Hospital. Results of OCA investigation with recommendations were discussed with the MOH. We **welcome information received** at our meeting with the MOH to improve mental health services for adolescents at the Cornwall Regional Hospital.

- **Experience for children in the Justice System**

The OCA continued its research on the experience of children in the justice system in an effort to strengthen mechanisms to mitigate against secondary victimization of child victim. Questionnaires were administered to sixty one children from children’s homes, places of safety and correctional institutions for children who had interfaced with the courts.

A number of issues were raised regarding the adequacy of children’s court, children’s preparation for court, the court process and proceedings. Recommendations were

made to the Justice Reform Taskforce and further discussions are to be held with the relevant authority.

#### **4.6 Advice and Recommendation to Parliament/Relevant Authorities**

Throughout the year, meetings were held with relevant authorities to discuss critical issues relating to the rights and best interests of children. Some of these have already been referred to in this report. In addition, there were meetings involving ministers of government including:

- Speaker of the Houses of Parliament
- The OCA **made interventions at the highest levels of decision making** on behalf of children with special needs and NGO's providing services and facing financial difficulties.
- Discussions were held with the Minister of Education on the Education Code and the legal functions of the OCA.
- Ministry of Land and Environment regarding the development of safe cities as part of a Post Conference debriefing.
- Chief Medical Officer, Ministry of Health regarding health issues for children specifically mental health and lead poisoning.
- There was preparation of Papers including submission to the Ministry of Education Torch Publications on Rights of the Child, Violence in School.

#### **4.7 Collaboration/Partnerships/Technical Assistance**

In an effort to enforce and uphold the rights of children, the OCA collaborated with several agencies and worked closely with the UNICEF, Violence Prevention Alliance (VPA), JCF, PIOJ, DCS, Safe School Programme, MOE, Children's Registry, CGC, and CDA.

OCA wishes to make special mention of its Consultative Committee which made significant contributions to the work of the Office (see Annex 1).

Quarterly meetings are held with the police (Community Safety and Security Branch) which are attended by CDA and the Paediatrics Association of Jamaica.

The OCA is represented on various Committees and Boards that are working for the development and protection of children. These include the:

- Violence Prevention Alliance
- Parenting Policy meetings and workshops
- Parenting Sub-Committee of the Early Childhood Commission

- Board of the Possibility Programme
- Inter-Ministerial meeting on Youth Development
- National Child's Month Committee
- National Anti-Trafficking Taskforce
- Social Investment for Children Initiative
- Correctional Services and Social Welfare and Vulnerable Groups Taskforces of the National Development Plan
- Caribbean Poison Network, Education Sub-Committee
- Safe School Taskforce

Opportunities were provided for the Children's Advocate to participate in the discussions and activities during Violence Prevention Week. The OCA also collaborated with UNICEF to arrange for Professor Paulo Pinheiro, member of the Inter-American Commission of Human Rights and leader of the UN Secretary General Study on Children and Violence to visit Jamaica during Violence Prevention Month. Prof. Pinheiro presented to Parliament on the various forms of violence exerted against children and the responses that must be promoted through legislation and support for social services and parenting.

The OCA was also invited to provide expertise in the provision of technical comments on several documents, plans, programmes and reports including a chapter of the National Development Plan (Correctional Services, Social Welfare and Vulnerable Groups and Population), World Fit for Children Plus Five Report and Child Protection Manual.

Three members of staff presented papers at the Early Childhood Commission Conference on:

- Securing children Rights in Community Development
- Rights of Children in the Care & Protection of the State
- Comments of the Committee on the Rights of the Child leading up to the Conference.

On the international level, the OCA participated in and contributed to deliberations at conferences namely:

- I. Regional Child Protection Conference held in Cuba. One staff member was sponsored by the British High Commission. Extensive research was done on child sexual abuse, the investigation process and the public awareness programmes in Jamaica.
- II. Regional Caribbean Child Research Conference held at the Jamaica Conference Centre in October 2007. The OCA presented a paper on the Experiences of Children in the Justice System;
- III. United Nations Habitat Conference on Safe Cities held in Mexico from September 20 – October 5;
- IV. Meeting of 15 representatives of Human Rights Institutions for Children in Florence, Italy, November 9-11 to prepare for the UN Commemorative Session on the World Fit for Children Plus Five;

- V. United Nations General Assembly, New York on the World Fit for Children Plus Five conference;
- VI. UN meeting of Global Network of Independent Human Rights Institutions, New York;
- VII. Multiple Country Consultation held in Jamaica on the Effects of Small Arms and Light Weapons on Children and their Community.

## 5. CONCLUSION

The OCA will continue to be an independent voice for children, ready to respond to issues affecting their rights and best interests, within its capacity.

The Office is cognizant of the continued challenges in undertaking its mandate. The cooperation of the relevant authorities in promoting and protecting the rights and best interests of children is note worthy and it is hoped that this will continue.

The OCA is hoping that this report will not only be used to provide information but will also be used to inform decision making in the best interests of children.

The Office welcomes constructive feedbacks and comments.





## **GLOSSARY**

AHDD/ADD	– Attention Hyperactive Deficit Disorder
CAMP	– Child Abuse Mitigation Project
CISOCA	– Centre for Investigation of Sexual Offences and Child Abuse
CCF	– Child Care Facility
CCPA	– Child Care and Protection Act
CDA	– Child Development Agency
CGC	– Child Guidance Clinic
CCI	– Child Care Institution
CI	– Correctional Institution
CH	– Children’s Home
DCS	– Department of Correctional Services
EC	– Early Childhood
ESSJ	– Economic and Social Survey of Jamaica
JCPD	– Jamaica Council for Persons with Disabilities
JSLC	– Jamaica Survey of Living Condition
KSA	– Kingston and St. Andrew
MOE	– Ministry of Education
MOH	– Ministry of Health and Environment
NGO	– Non-Governmental Organization
OCA	– Office of the Children’s Advocate
OPM	– Office of the Prime Minister
POS	– Places of Safety
PIOJ	– Planning Institution of Jamaica
PSA	– Public Service Announcement
UN	– United Nations
UNICEF	– United Nation’s Children’s Fund
UHWI	– University Hospital of the West Indies
VPA	– Violence Prevention Alliance

## **ANNEX 1**

### **OCA CONSULTATIVE COMMITTEE**

1. Mrs. Mary Clarke, Office of the Children's Advocate
2. Miss Nicole Wright, Office of the Children's Advocate
3. Dr. Julie Meeks, Caribbean Child Development Centre, UWI
4. Miss Verity Rushton, United Nations Children's Fund
5. Mrs. Nancy Anderson, Independent Jamaica Council for Human Rights
6. Mrs. Carolyn Gomes, Jamaican For Justice
7. Mrs. Margaret McCauley, Jamaica Coalition for the Rights of the Child
8. Mr. Ricardo Sandcroft, Child Development Agency
9. Mr. Cedric McDonald, Private Sector Representative
10. Assistant Commissioner of Police, John Mclean, Jamaica Constabulary Force