

***NGO INITIAL REPORT ON SAINT  
VINCENT AND THE GRENADINES***

***SUBMITTED TO***

***THE***

***UNITED NATIONS COMMITTEE ON  
THE RIGHTS OF THE CHILD***

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**SAINT VINCENT AND THE GRENADINES**

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**AN NGO INITIAL REPORT ON SAINT VINCENT AND THE  
GRENADINES SUBMITTED TO THE UNITED NATIONS  
COMMITTEE ON THE RIGHTS OF THE CHILD**

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**INTRODUCTION**

The Saint Vincent and the Grenadines Human Rights Association is a Non-governmental Organization concerned with Children Rights, among other Human Rights issues. The organization has been in existence since 1986 and has worked and continues to work in promoting and protecting Children Rights.

We take the opportunity of the upcoming examination of the Initial Report to be presented by the State Party, Saint Vincent and the Grenadines to the Committee on the Rights of the Child, to present this NGO Report to the said Committee. Our only concern in presenting this report is that it may facilitate the future implementation of Children Rights in Saint Vincent and the Grenadines.

This Report is presented in Eight (8) main sections as follows:

- **General Measures of Implementation (Articles 4,42,44,6)**
- **Definition of the Child (Article 1)**
- **General Principles (Articles 2,3,6, 12)**
- **Civil Rights and Freedoms (Articles 7,8,13,14,15,16,17,19,37a)**
- **Family Environment and Alternative Care (Articles 5,9,10,11,18,20, 21,25,27,4)**
- **Basic Health and Welfare (Articles 18,23,24,26,27)**
- **Education, Leisure and Cultural Activities**
- **Special Protection Measures (Articles 22,30,32,33,34,35,37,38,39, 40)**

**NOTE**

*There was a revision of the Laws of Saint Vincent and the Grenadines, which was published in 1990, but the work done for this revision and consolidation of the Laws took place before 1990 and before the Convention On The Rights of the Child came into force in 1990. That revision did not and could not take into consideration the Legislative Administrative and other Measures for the Implementation of the Rights in the Convention since the date of the Accession of Saint Vincent and the Grenadines to the Child Rights Convention was in 1993. No truly comprehensive revision of the Laws in relation to children has been undertaken.*

**PART I****GENERAL MEASURES OF IMPLEMENTATION****A. Measures taken to Implement the Provision of the CRC ARTICLE 4)**

A general review of the Laws concerning children has not been done by the Government of Saint Vincent and the Grenadines. Any Legislative or Administrative changes that may have been made in this regard have been done in an ad hoc manner.

There is no National Policy or Programme that has been hammered out by the National Government for children.

**IT IS RECOMMENDED** that a comprehensive review of existing Legislation very much still needs to be done. Following on this a Children's Act should be passed in the local Parliament which should include measures for the co-ordination of children's issues among other things.

**B. Making the Principles and Provisions of the CRC widely known Article 42)**

The State Party has not made any active effort on making the Principles and Provisions of the Convention widely known to Vincentians.

The Saint Vincent and the Grenadines Human Rights Association did extensive work in this regard by addressing students at the majority of Secondary Schools in the country about the Child Rights Convention. The Vinsave Organization did some publicity regarding pre-school children.

## **PART II**

### **Definition Of A Child (Article 1)**

In Saint Vincent and the Grenadines a “**Child**” is defined at different ages for different purposes. For example, The Employment of Women, Young Persons and Children’s Act, Cap. 148, Section 2 states that “ **no child must be employed in industrial undertakings or on ships**”. A “**Child**” is defined for this purpose as a person under the age of fourteen (14) years.

But, the Recruitment of Workers Act, Cap. 151 at Section 4 states that all persons under age eighteen (18) but over sixteen (16) shall not be recruited for work, except the Governor General (Cabinet in reality) with consent of their parents allow them to do so. This Law is cumbersome and needs changing.

The Marriage Act (Cap. 173, Section 4) states that the minimum age for marriage for males is sixteen (16) years and that for females fourteen (14) years. This is discriminatory.

**IT IS RECOMMENDED** that Legislation be passed to make the age of marriage for both sexes to be sixteen (16) years.

**IT IS RECOMMENDED** that (Cap 124, Section 12) and the Juvenile Act,(Cap 168, Section 3) be amended to increase the age of Criminal Responsibility from eight (8) years to the age of twelve (12) years as a minimum.

**The State Party’s Initial Report** states that Section 24 of the Criminal Code, Chapter 124 states that the Death Penalty shall not be pronounced against any person who was under sixteen (16) years of age when the commission of the crime punishable by death was committed. This has been legally changed by **Act 27 of 1993**, the minimum age at which any person can be executed by way of hanging is now eighteen (18) years. This was done after strenuous campaigning by the Saint Vincent and the Grenadines Human Rights Association for the increase in the age from 16 to 18 years.

The Laws relating to the age at which girls and young women can give consent to having sexual relations have many variants and need to be revised and consolidated into one age limit.

**IT IS RECOMMENDED** that having sexual relations with a girl who is under 15 years, should automatically be a criminal offence.

It is regrettable that children under the age of sixteen (16) years who are charged with murder and other serious criminal offences are kept in Police Stations until the date for their trials because there is no **Juvenile Center** for young persons who have been accused of criminal offences. In some instances they are placed in cells at Police Lock-ups.

## **EDUCATION**

Compulsory Education in Primary School is not yet enforced in Saint Vincent and the Grenadines. The 1992 Education Act has set up a formula for achieving Compulsory Education sometime in the future, but that time is indeterminate.

## **COURT PROCEEDING: EVIDENCE FROM CHILDREN**

Young children are allowed to give evidence in both Criminal and Civil Courts as long as they satisfy the sitting Judge or Magistrate that they understand the necessity to tell the truth and the consequences of not doing so. Such evidence is taken unsworn and needs to be corroborated.

An area which needs to be regularized is the various nomenclatures given to children of varying ages. For example, **Juveniles** are Children under 16 years, **Minors** are those under 18 years, **Young Persons** are those who are 14 years old and under the age of 16 years. A “**Child**” is defined as a person under the age of 14 years.

**IT IS RECOMMENDED** that all persons under the age of 18 be classified as children period. This would dovetail, it seems, with Section 2 of the Age of Majority Act, (Cap 164) which states that the age of achieving one’s majority in Saint Vincent and the Grenadines is at age 18 years. This is also the age at which a person can vote at National Elections.

## **PART III**

### **GENERAL PRINCIPLES**

#### **A.Non Discrimination (Article 2)**

The Constitution of Saint Vincent and the Grenadines states that **“Every person in St. Vincent and the Grenadines is entitled to the Fundamental Rights and Freedoms whatever his race, place of origin, political opinions, colour, creed or sex (Chapter 2, Section 1)**

In fact there is discrimination in relation to the age permitted for marriage between boys and girls – 16 years and 15 years respectively. There is no Law which specifically protects children with Disabilities from discrimination. Children who are known to be infected with HIV/AIDS are discriminated against at schools by some Teachers. There is no provision made by the Administrative Authorities for Homeless or Street Children and also Orphans. There is no Legislation in place for the care and protection and welfare of such children.

**Article 2** talks of the State Party **“to respect and ensure”** the rights of each child. Children of parents of the Indigenous Caribs who live mostly in the extreme North of the country undergo a form of discrimination, which is subtle but does exist in the same way against their parents. It is necessary to ensure the discontinuance of such discrimination.

With regards to protection from. **“all forms of punishment”**, the State Party instead of protecting children from such punishment allows Corporal Punishment to be inflicted at School, by Law. This contravenes the Convention.

#### **B. Best Interest of the Child (Article 3)**

This is expressed in Article 3 but applies to other articles. The Adoption Act (Cap 163. Section 16) and the Domestic Violence (Summary Proceedings) Act, 1995 are good examples of Legislation where the best interest of children is recognized. But so such

recognition is explicitly given in, for example, Health Services for children and in Children's Education.

**IT IS RECOMMENDED** that on the proposed reform of the Saint Vincent and the Grenadines Constitution a specific provision should be included to recognize the paramount Rights of Children to take first place in decision making in the entire country. This will provide a means of legally enforcing such rights in a Constitutional Court. At the same time other Legislation regarding Children in the future should specifically include the principle of "**the best interest of the child**". Furthermore, there must be review to see that that principle is carried out in practice.

### **C. Standard of Facilities for the Care and Protection of Children**

The State Party's Report mentions at page 18 that "*the only legal provision for the Standard of Facilities for the Care and Protection of Children are contained in the Juvenile (Approved School) Rules made under the Juvenile Act (Section 15: Cap 168)*."

In fact no Approved Schools have been in existence in Saint Vincent and the Grenadines for over thirty years.

One of the outstanding weaknesses for the Care and Protection of Children in this State is that there is a lack of provision for homes for children by the State, or for children with such need. Correspondingly, there are obviously no Regulations existing which can be applied to such homes to care for children.

### **D.The Right to Life, Survival and Develop[ment] (Article 6)**

The Right to Life is guaranteed by the Constitution of Saint Vincent and the Grenadines (Cap: 2 Section 2). But the Right to Life may be curtailed for children by a Government who do not sufficiently address the need to reduce infant mortality and morbidity and increase children's life expectancy. While the record of this State Party is not bad in this regard, more effort should be made to reduce infant mortality further.

The rate of infant mortality in 1997 was 18.2 per thousand live births. But in 1993 and 1994 it was 14.5 and 13.7 per thousand births respectively. The need here is to progress further and not regress.

There does not seem to be any comprehensive holistic programme to promote Children's Development and so, within that context, enable better opportunities for child survival.

**IT IS RECOMMENDED** that a multi-sectoral programme aimed at Child Development, as a Policy, should be prepared and implemented, setting out Goals and Standards.

Such a programme outlined in the previous paragraph must take seriously into consideration pre-natal assistance by making the availability of relevant and effective drugs to prevent and/or reduce the number of infants born HIV positive.

### **E. Respect of Views of the Child**

In Saint Vincent and the Grenadines children who are capable of forming their own views, given their age and maturity, are not assured by the State Party the right to express their views freely in all matters concerning them.

In Schools and other Institutions established and run by the State Party, students have very little, or no say. They are not given the opportunity to do so. It may happen in a very rare or isolated case, which would be the exception to the existing situation. In their homes, some children are given the opportunity to express their opinions on matters concerning them. However, while it is difficult to assess correctly what happens in the home, generally speaking the views of children are not often taken into consideration and have little weight in decisions affecting them. The general attitude of dominance from parents and an expected subservience and obedience from their children is the basis for the continuing disregard for Principles set out in Article 12. Education of parents in this matter is essential.

In the Courts and other Tribunals the views of children in matters concerning them are sometimes canvassed and taken on board before a final decision is made; e.g. in Adoption and Custody Cases.

The denial of children of sufficient age and maturity to participate fully in the process of making decisions affecting them is a denial of a fundamental human right. This often leads to conflict and disruption in homes when children rebel against such treatment.

## **PART IV**

### **CIVIL RIGHTS AND FREEDOM**

#### **A. Name and Nationality (Article 7) and Preservation of Identity (Article 8)**

The presentation by the State Party is accepted in relation to Article 7 and 8 of the CRC. But it is necessary to add that there is a sizeable number of children who do not know their fathers and have not been cared for by them. There are no statistics to back up this statement, but this is a trend, which has been noticed by the St. Vincent and the Grenadines Human Rights Association, which is given by the mother's who come to seek advice in taking Affiliation Proceedings. This is a statistics which should be recorded in future by us.

#### **B. Freedom of Expression (Article 13)**

##### **Freedom of Thought, Conscience and Religion (Article 14)**

##### **Freedom of Association and Peaceful Assembly (Article 15)**

The freedoms mentioned above are provided for in the Constitution of Saint Vincent and the Grenadines for all persons, including children.

The Freedom of Expression is somewhat limited in reality because the right given by children to express views, especially on matter concerning them is not respected, as required under Article 12.

There is necessity for a positive attitude by the State and NGOs to encourage the Civil Rights in Articles 13,14 and 15 to be promoted and respected for the benefit of all children, especially those of a certain age and maturity.

### **C. The Right to Privacy (Article 16)**

Chapter 1 Section 1 © of the Constitution of Saint Vincent and the Grenadines legislates for “**the protection for the privacy of the home and other property**”..... It does not define “**other property**”. There is no civil case which has so far defined what “**other property**” would include. It is submitted that “**correspondence**” should be included in any such interpretation.

It should be mentioned that Chapter 1, Section 1 © of the Constitution does not come within Section 16, which deals with the enforcement of the protective provision of the Constitution. Only Section 2 to 15 come within protective provision. Therefore a child or an adult will not be able to legally enforce those intended rights set out in Section 1 © mentioned above.

**IT IS RECOMMENDED** that the Constitution be amended to explicitly include the right to privacy, family, home and correspondence for all persons including children. And further, that the enforcement of these rights be included for adjudication under Section 16 of the said Constitution.

Regarding attacks on a child’s (or anyone else’s) reputation, a civil action can be taken for libel or slander to seek compensation in damages.

### **D. Child’s Access To Appropriate Information (Article 27)**

The State Party has not particularly recognized the important functions the media can perform regarding children’s education and social, spiritual, mental and moral well-being.

The Media reports extensively on Sports including children’s sporting activities and children are fairly well served here for the promotion of their physical development.

The Media has done little to make the principles and provisions of the CRC widely known to children. However, the SVG-Human Rights Association held several Television and Radio Sessions informing children and adults on the provision in the CRC. Those were paid for presentation.

The Internet is now being accessed by many children in Saint Vincent and the Grenadines. There is good and bad information thereon. The Authorities have not yet thought it necessary to regulate for exclusion of the bad from the Internet regarding children. Needless to say, this is easier said than done.

The State Party does little to encourage the production of children's books. But, they have only this year 2001 started a School Book Scheme for students. Functional Literacy, especially reading skills, is slow for a sizeable number of students.

### **E.A Child's Right to Protection From All Forms of Violence**

Children are abused in all different ways and forms in Saint Vincent and the Grenadines, physically, psychologically, verbally, sexually, and by way of neglect and abandonment.

There are Legislative and Administrative measures to protect children from violence, injury and other harm. The Courts administer Laws such as Indictments for Rape, Assaults, Incest, Carnal Knowledge, Wounding and other Crimes perpetrated against children.

The crimes perpetrated on children are largely within the family, by mother and father, brother and sister. The Criminal Code, 1988 provides avenues for criminal prosecution against persons who criminally cause harm in any form to children. The Domestic Violence (Summary Proceedings) Act 1995 provides Protection Orders for children against abuse.

The problem of effecting social re-integration of children and their families after serious trauma perpetrated on children is seriously lacking. Counseling though in existence is not adequate. Of great concern is that crimes and abuses and physical and mental harm perpetuated on children are often deliberately hidden within the family. This is done to sometimes hide the shame which exposure would bring.

The situation regarding abuse and all forms of ill treatment on children is on the increase. A Register of Child Abuse has been recently started recording abuse on children and is reproduced in the State Party's official Initial Report. That is not the whole truth. It however is an effort to record some of the sad and unacceptable harm done to the children. Finally, not enough is done by the State Party to mount programmes and procedures aimed at prevention of abuse of all forms on children. Continuing education of parents and children and the community at large is necessary.

**F. The Right Not To Be Subject To Torture, Cruel, Inhuman or Degrading Treatment or Punishment (Article 37 a)**

Section 5 of the Constitution of Saint Vincent and the Grenadines 1979 states: **“No person shall be subjected to torture or to inhuman or degrading punishment or other treatment”**.

**Article 5** of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, **Article 7** also prohibit torture, cruel, inhuman or degrading treatment or punishment. Saint Vincent and the Grenadines has ratified the ICCPR and has a legal obligation to obey this absolute prohibition.

Further still, the State Party has incorporated the United Nations Declaration for the Prevention of Crime and the Treatment of Offenders into the local Law (Chapter 143), which makes it an Offence to commit such Offences.

But in contradiction to all the above the State Party allows Corporal Punishment to remain legal for children as young as five (5) years and upwards at Government and Government Assisted Primary Schools (Statutory Rules and Orders 1959 No. 44 Gazetted the 16<sup>th</sup> January, 1960).

Section 9, Sub-section 3 of the said Regulations says:-

**“Corporal Punishment may be administered as a last resort by the Head Teacher or by an Assisted Teacher in the presence, under the direction and on the responsibility of the Head Teacher”.** In reality all types of Teachers apply Corporal Punishment on students.

Section 9 Sub-section 4 defines the Instrument to be used for Corporal Punishment as follows:

**“It shall be a leather strap twenty inches in length and one and a half inches in breadth and a quarter of an inch in thickness”.** Up to six strokes can be given to any pupil for any misdemeanor.

**“Corporal Punishment at Schools also contravenes Article 19 of the CRC which states that children must be protected from “all forms of physical and mental violence”.**

Corporal Punishment is sometimes used on Juveniles who find themselves before the Criminal Courts.

Corporal Punishment on children is done as a matter of course within families in St. Vincent and Grenadines. In many cases children are seriously injured and traumatized

**IT IS RECOMMENDED** that the State pass Legislation abolishing all forms of Corporal Punishment.

**5. Family Environment And Alternative Care (Articles 5,9,10,11,18,20,21,25,27,4)**

- A. The family environment for children in Saint Vincent and the Grenadines is directed and controlled by parents and sometimes by members of an extended family. It is within the family circle, controlled by parents, that provides the vehicle for the growth, upbringing and moral direction for children.

In St.Vincent and the Grenadines, the State Party does not interfere in family affairs except where it is necessary to do so, to protect a child.

Article 5 and 18 of the CRC are the bases for this policy.

Because of poverty it is necessary that State intervention in aid of children be available on proof of need. Article 18 (2) states that the State Party should render assistance to parents in such circumstances. To do so there should be specific services provided. Such services are provided by the Public Assistance Board under the new Ministry of Social Development. This assistance can include money for the purchase of food and payment for any basic services. It could also include school books, school uniform, and free medical care, through the Ministries of Education and Health. The State has very recently started a school book scheme for school children.

There are those children who have been abandoned by their parents, or for one reason or the other, have no fixed place of abode. They are missed out in receiving assistance that they so much need.

These children need a specific home facility that may be used for purposes of their daily care and upbringing, and for professional childcare guidance, in helping them to be rehabilitated and be integrated again in the normal life of the society and their various communities.

### **B. Separation From Parents (Article 9)**

It is a natural expectation that children should remain with and be brought up by their parents. Article 9 says clearly that children should not be separated from their parents **unless** it is in their best interest for this separation to happen **and** if it becomes necessary to do so then the procedures and reasons for making such a separation must be fair.

Furthermore, there should be regular review of the situation of a child's separated from its parents.

In reality it is estimated that 45% of Vincentian families are headed by women. This is the phenomenon of the one parent family. The men are absent. They may have migrated or may be truant and irresponsible. In quite a number of cases mothers also migrate leaving children to grand parents or older children.

Most children in Saint Vincent and the Grenadines do not have regular contact with both parents. This is because the one parent family is so prevalent. There is nothing in the Law to encourage this principle. However, in divorce and custody hearings, Courts will in most cases endeavour to ensure access to parents who have not been given custody of children.

Finally the Government has no specific Care and Protection facility where children could be properly cared for, who are abandoned or are in such need, for one reason or another.

**IT IS RECOMMENDED** that such a facility be provided.

### **C. Adoption (Article 21)**

Adoptions in Saint Vincent and the Grenadines are granted by the Adoption Act Chapter 163 of the Laws of Saint Vincent and the Grenadines (Revised Edition) 1990.

By and large Adoptions are fairly well regulated by the local legislation. However, there are some few cases where children are sold for money or with promise of financial

assistance, from time to time, to the parents. These “**pay for**” unlawful adoptions are usually made by parents to persons from first – world countries. It is necessary for the State to do whatever is necessary to prevent unlawful selling of children as commodities.

## **PART VI**

### **BASIC HEALTH AND WELFARE**

#### **Survival And Development (Article 6)**

The expenditure spent by Government on Health Care Services over the past four to five years is approximately 14% of the total recurrent expenditure. How much of this was spent on the Health and Welfare of children has not been disaggregated from the total.

One positive aspect of child Health Care in Saint Vincent and the Grenadines is the increase in the immunization of children from several diseases.

Much education has been done in encouraging mothers to breast feed their babies for as long as possible. The Community Health Clinics in the countryside have been increased and are staffed with trained Nurses and Midwives. The problem sometimes is the unavailability of basic medicines to meet the needs of sick children.

It is essential that the Health Education Unit in the Ministry do more to educate young mothers in particular in the care and early attention they should give to their children when they fall ill. Negligence and late attendance at the hospital and clinics by parents sometimes cause death or a more prolonged illness to children.

#### **B. Disabled Children**

There are three educational institutions set up by Government for children with physical and mental disabilities. According to the Financial Estimates of Saint Vincent and the Grenadines for 1997, there were 108 children attending these schools and just over \$500,000 E.C. was spent for the maintenance and management of the said schools in 1998.

There needs to be a change in policy regarding the education of children with disabilities. Many more of these children should be integrated into the schools where the large majority of Vincentian children attend.

- (a) **IT IS RECOMMENDED** that a National Survey be done to find the exact number of children with disabilities in the country. This Survey must take into consideration the number of severely disabled children who hardly ever leave their homes because their parents do not wish to expose them to the general public and/or not have the facilities to transport them publicly. There is a grave urgent need for the Government (State Party) to do much more for these children. Very recently an NGO, the Association for Children with Disabilities- has been able to raise funds to prepare a facility where some of these severely disabled children can be taken from time to time.
- (b) **IT IS RECOMMENDED** that many more Teachers be specifically trained to teach and counsel children with disabilities.
- © There needs to be a comprehensive National Policy for the Education, safety, development and integration in the society of children with disabilities.
- (d) Legislation must be prepared and passed in the local Parliament making it unlawful to discriminate against all persons with disabilities – including children.
- (e) The State Party needs to give much more financial help and other assistance to poor families with disabled children.
- (f) The level of medical care and attention given to children with disabilities by the State is much less than given to other children.
- (g) Regarding employment, the State Party should implement the ILO Convention No. 159 on the Vocational Rehabilitation and Employment of Disabled persons. This Convention is to enable disabled persons to secure and hold employment they are capable of doing. This will also help in integrating young persons with disabilities in the main stream of the world of work.

### **C.Health and Health Services (Article 24)**

The health care of children in Saint Vincent and the Grenadines has been improving over the past decade but there are certain recurring problems . They are:

- a. Inability in maintaining a continuing decrease in infant mortality. The rate went from 14.1 per 1,000 live births in 1990 to 9.7 in 1993. But it rose to 18.6 in 1997.

- b. Not enough Dentists to deal with Dental Health Care of Children.
- c. Too many very young teenagers become pregnant-some as young as twelve years of age. More attention needs to be given to this problem. It affects the education, future health and economic viability of such young mothers. Strain is put on their parents and such children tend to be more under- nourished especially if the teenage mother is from a poor family.

**IT IS RECOMMENDED** that more intensive and continuing education should be given at school to children about the several severe consequences that will follow if they become sexually active too early – the inclusion of the HIV\AIDS should not be forgotten.

## **7. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **A.A Child' Rights To Education (Article 28)**

The Education Act No. 29 of 1992 provides the legal and policy framework for educational services in St. Vincent and the Grenadines. Under the Act an Education Advisory Board has been established to advise the Ministry of Education on matter relating to education.

Education in St. Vincent and the Grenadines is divided into four stages : pre-school (or pre-primary), primary, secondary and tertiary.

Enrolment at primary schools in the country as at September 1998 was 21,120 including 656 in private schools. To move up from primary to secondary, a primary school student has to sit a Common Entrance Examination. A child has to pass this exam before she/he is able to attend secondary school. This exam is set for students who are usually 10 and 11 years of age but not those over 12 years.

However, there is another chance for children who fail the Common entrance to do the School Leaving Exam, which is done by 14 years olds. Those who pass will then be

allowed a late entry to secondary school. Only a minority stay on at primary school to do the School Leaving Exam.

There are six vocational schools but not enough for those early drop-out children to attend. Most sit at home or start working earlier than they should, if they can find work. They are usually exploited at this stage in their working life.

**IT IS RECOMMENDED** that there should be a comprehensive review of the system of examination, which is at present the vehicle for children to pass upward from primary to secondary school.

**NOTE. Primary Education is not yet fully compulsory. It is recommended that the State Party do what is necessary to implement compulsory education at the primary level. This is necessary to bring the State in line with one of the provision or Article 28 of the CRC.**

**Secondary Education:** There are twenty (21) secondary Schools in St. Vincent and the Grenadines. Most of these schools are financially assisted by Government in that the State pays some of the Teachers; this happens in Secondary Schools which are run by various established Churches.

Secondary Education is only free in the Secondary Schools completely run by Government. At present there are ten (10) privately run Secondary Schools.

**Tertiary Education** –There are three Institutions for this purpose – the Saint Vincent and the Grenadines Community College (sometimes called the A-Level College because it trains students for A-Level Examinations), the UWI School of Continuing Studies and the St. Vincent and the Grenadines Teachers College. The first and the last are government owned. The Government pays a subvention towards the UWI School.

**Adult Education:** There is an Adult Education Unit that provides basic education

for adult learners. The aim is to teach numeracy and literacy skills to persons of all adult ages who may have missed out on their education as children. Even some early drop-out school leavers may attend to improve their literacy skills.

### **Pre School Education**

Pre-schools for children between the ages of 3 and 5 years of age have mushroomed in St. Vincent and the Grenadines over the past ten years. However, they are unregulated by Government.

There is need for Legislation to be passed in the local Parliament for the purpose of regulating these pre-schools. Some are held in inadequate buildings, with untrained persons whose main aim sometimes is to do it as a job of work, and not with the educational needs of the children in mind.

## **PART VII**

### **SPECIAL PROTECTION MEASURES**

#### **A.Children Seeking Refugee Status (Article 22)**

Saint Vincent and the Grenadines, generally speaking, do not have persons coming to this country seeking refugee status.

**B.Armed Conflict** Children in armed conflict, have not up until now, manifested itself in St. Vincent and the Grenadines.

#### **C. Children in Conflict with the Law (Articles 37,39 and 40)**

In Saint Vincent and the Grenadines, the Juvenile Act (Chapter 168) defines a Juvenile as being under sixteen (16) years. Anyone who is not a juvenile is treated as an adult for the purposed of the penal law.

The following are infringements of the Principles of the CRC regarding the rights of children who find themselves in conflict with the law in Saint Vincent and the Grenadines.

#### **Article 40**

- (a) *The guarantees mentioned in Article 40.2 are not always met. For example, children are sometimes forced to confess to criminal offences by police when they are held in custody at police stations. I know this from a child who informed his relatives in my presence that he was forced to plead guilty on a charge of being in possession of marijuana.*
- (b) *Children need legal assistance and representation in Court and also as soon as possible after being detained or arrested by police. Poor children- and the majority of those brought before the Court are poor-cannot afford legal representation. The State Party does not provide legal assistance save when*

*a child is charged with murder and this is only at the level of the Criminal High Court – not at the Preliminary Inquiry stage (P.I) in the Magistrates Courts.*

- © *Children who have been charged with infringing the penal law are not usually treated on detention and arrest by police “in a manner consistent with the promotion of the child’s sense of dignity and worth”. They are kept mixed with adult persons charged with crimes, in police stations.*
- (d) *The Corporal Punishment of Juveniles Act (Cap. 123) allows for the caning of juveniles who have been found guilty of crime or pleaded guilty thereto. This punishment is delivered on the bare buttocks and up to twelve (12) strokes can be given usually by a policeman in a police station.*
- (e) *Children charged with murder are not given bail . If they are over 16 years of age they are sent to an adult prison to await their trial. In local prisons there is little or no division or separation between untried prisoners and those already tried.*

The age for criminal responsible starts at eight (8) years.

**IT IS RECOMMENDED** it be increased at least to age twelve (12)

The Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) are not followed, because children are treated like adults.

It must be mentioned that matters – whether civil or criminal – affecting children are heard in the Family Court which affords privacy for Juveniles. The public is excluded and there is a legal embargo on what the media can report.

**D. DEPRIVATION OF LIBERTY-** Article 37 (b) and (d). There is no institution where children who are deprived of their liberty by a Court of Law can be sent, and which is used exclusively for such children.

The Juvenile Act makes provisions for “Approved Schools” where, if they were in existence, juveniles found guilty of serious and other crimes could be detained. But, Approved Schools have not been in existence now for over thirty years. Consequently, some juveniles, especially those over the age of 16 years are sent to prison.

In relation to Article 37 (d) the State Party does not ensure that a child deprived of his liberty has access to legal assistance as early as possible.

Juveniles are not usually detained as a “last resort ...for the shortest appropriate time” as required under Article 37 (b). Sometimes juveniles and young people from 16 years upwards are sent to prison when a lesser treatment or punishment could have been applied. Such an example is a Community Service Order, but the law does not make provision for such orders in Saint Vincent and the Grenadines.

There is no legislation in place to ensure that the detention of a child at the pre-trial stage is done as a last resort.

Children who are truant and may have mental problems brought on through the abuse of harmful drugs (marijuana and cocaine) sometimes have their liberty restricted by being picked up from the streets and sent to the Mental Health Centre.

