

NGO Group for the Convention on the Rights of the Child
**Database of NGO Reports presented to the UN Committee on
the Rights of the Child.**

Document Title:
Written Submission under Article 45 (A) of the Convention

Region:
Central America and the Caribbean, South America

Country:
Jamaica

Issued by:
Jamaica Coalition on the Rights of the Child

Date of publication of NGO Report:

Date of presentation to presessional working group:
10/94

CRC Session
(at which related national state party report was submitted):
08th Session : Jan 95

Language:
English

Document Text

[Link to related state party report at UNHCHR in English](#)
[Link to related state party report at UNHCHR in French](#)
[Link to related state party report at UNHCHR in Spanish](#)

UN CONVENTION ON THE RIGHTS OF THE CHILD

NON-GOVERNMENTAL ORGANIZATIONS

WRITTEN SUBMISSION UNDER ARTICLE 45(A) OF THE CONVENTION

Prepared and Submitted by:

THE JAMAICA COALITION ON THE RIGHTS OF THE CHILD

Abstract

The purpose of this report, which is being submitted by the Jamaica Coalition on the Rights of the Child, is to conduct a critical appraisal of the State Party Report. In its report, the Government outlines the relevant laws that relate to the rights of citizens, but many do not relate specifically to children.

The State Party Report informs one that the Government of Jamaica takes compliance in the law as proof of its serious commitment to the rights of children. **Though laws may be in place** to safeguard their rights, the gap between law and practice is sometimes so wide that the government would need to make a more concerted effort to ensure that laws are effectively enforced, and that monitoring mechanisms function in the best interests of children. The inadequacy of the law, in some instances, leaves room for manipulation and misrepresentation. This was found to be the main criticism of the State Party Report because though children's rights may be enshrined in the laws, the practical reality of their lives emphasizes the fact that many of the laws are not properly enforced, thereby depriving them of the rights which they should enjoy under the United Nations Convention.

In the process of conducting this critical appraisal, it was found that a very weak database exists, on issues relating to children, from which one can draw **valid statistical data** to prepare a proper critique. The draft report of the National Plan of Action Committee also made mention of the need to conduct comprehensive research in a number of areas so that a sound database can be established.

As statistically valid indicators have been difficult to obtain, certain aspects of the report sought to provide information that indicate what is taking place.

The present report attempts to highlight some of the more pertinent issues that relate to children in Jamaica in the areas of parental responsibilities, forms of child abuse and neglect and children with disabilities. Other issues are also discussed, in an attempt to provide information which help to indicate the present situation where children are concerned.

Since the Convention was ratified, the member agencies of the Coalition have been working diligently by promoting the rights of the children in Jamaica, and by educating the public on the Convention. The significant roles being played by non-governmental organizations cannot be overlooked, as they have been tireless in their efforts to assist children in various circumstances.

Recommendations are put forward, for most of the areas discussed, but more specifically, for the areas relating to children that were discussed above. One of the main recommendations that has been put forward is the need to develop a National Policy Statement on children, which embodies and concurs with the rights of the child as stated in the Convention. The need to establish monitoring mechanisms so as to ensure that laws are enforced effectively is another recommendation. Other recommendations have been put forward, and these can be reachable goals provided that the development of a national policy on children is considered to be one of the main objectives of the state and all parties concerned. Without such a policy, all efforts at compliance with the Rights of the Convention will be futile.

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Introduction

The Jamaica Coalition on the Rights of the Child has been invited to conduct a section by section analysis of the State Party Report, which follows the Committee's General Guidelines regarding the Form and Content of Initial Reports.

A formal response to the State Party Report is considered to be timely in light of the present socio-economic climate of the Jamaican society. The effects of neo-liberal policies which have been adopted by the Jamaica government have impacted negatively **on the economy** and the society. **These** policies have led to a devaluation of the local currency, increased levels of unemployment, a larger sector of the society living below the poverty line, and other problems of squatting and growing crime rates. All these factors have negative and harmful effects on the lives of our children.

The Coalition's response to the State Party Report should be viewed as a document **which seeks** to remind the government of its commitment to **its future** leaders, and to fulfil its responsibilities to its children.

General Measures of Implementation

The State Party Report points out the measures that have been taken in an attempt to harmonize laws and policies of the Jamaica Government with the Rights of the Convention. The Report fails to note that in the field of social legislation the following laws were enacted in 1993:

- (i) The Jamaica (Nationality)(Amendment) Act,1993
- (ii) The Citizenship (Constitutional Amendment) Act,1993 (
- iii) The Inheritance (Provision for Family and Dependents) Act 1993.

Other bills under consideration were the Insurance (Amendment) Bill and the Married Women's Property (Amendment) Bill and the Family Property Bill. Discussions were also activated regarding laws relating to rape and domestic violence.

Definition of the Child

This section of the State Party Report has been discussed adequately in terms of outlining the legislation which governs the definition of a child.

The Report also notes that when the Age of Majority Act came into effect, the age of majority was changed from 21 years to 18 years. In the Jamaican Constitution (Section 15 (1)), the right to liberty is not attained until the age of 21 years.

This report is in agreement with the statement made in the State Party Report that this particular provision is contradictory to that in the Legal Reform Act. This lack of consistency in the law needs to be addressed by the government.

General Principles

(a) Non-Discrimination

In sub-section 3.2 of the State Party Report, it is noted that the Jamaican Constitution offers protection to every person including a child, and that certain rights and freedoms are enshrined in the Constitution. In Section 21 (1) of the third chapter, it states:

Whereas every person in Jamaica is entitled to the fundamental rights and freedoms of the individual, that is to say, has the right, whatever his race, place or origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest to each and all of the following, namely life, liberty, security of the person, the enjoyment of property and the protection of the law, freedom of conscience, expression and of peaceful assembly and association; and respect for his private and family life.

In spite of these provisions, many Jamaican citizens are unaware of their rights under the law. There exists discrimination on the basis of race, class, gender and religious affiliation.

Thorburn (1993) also notes that many children with disabilities face problems which arise from ignorance and negative attitudes on the part of individuals who are not sympathetic to their special needs. This view is supported by the Jamaica Association for the Deaf. The lower-class groups and individuals of the Rastafarian faith are also subjected to discrimination on the basis of their less privileged socio-economic position.

There has been, in recent times, a number of debates which address the need to reform certain aspects of the Jamaican Constitution. Therefore sections of the population are now becoming sensitized to the existence of this legislation.

Public education programmes which are geared to sensitize the population to their rights under the law need to be introduced by the government so that citizens can play a more active role by ensuring that the laws protect those for whom they were designed. They should also assist in the redrafting of the Jamaican Constitution.

The system of registration of births and deaths is severely inefficient, which makes it almost impossible to be able to retrieve any data (Dunn and Hamilton, 1993).

(b) Preservation of Identity

The state has an obligation to protect and to re-establish basic aspects of the child's identity. A child should not be deprived of a nationality unlawfully, even though the child may have another identity.

In 1993, the Nationality Act was amended. This Act enables **single women to pass on citizenship to their children**. In the case where conflicting laws exist between states, the Jamaican government is powerless to enforce laws.

An international treaty, which will determine how conflicts of nationality should be resolved, needs to be considered by the Government of Jamaica.

(c) Freedom of Expression

According to Article 13 of the Convention, the child has the right to freedom of expression. This right **is enshrined in** the Constitution, and it was quoted in the State Party Report.

Yet, as it was stated earlier, one is left to assume that these freedoms also include children.

The various forms of media need to play a more effective role by ensuring that children are made more conscious of the existence of this constitutional right.

(d) Access to Appropriate Information

A child's access to information is dependent on its social and cultural relevance, and its ability to assist in the developmental process.

This area was not discussed in the State Party Report. This omission is noticeable, especially in light of the fact that the Ministry of National Security and Justice is the government department which monitors and regulates information which enters the country. The Cinematography Authority of Jamaica censors films and determines their suitability for different levels of audiences. There are specific laws which ensure that films which will be viewed by public audiences are classified according to international standards. The Press Association of Jamaica outlines the code of ethics for press, radio and television. These guidelines of behaviour prohibit journalists from publishing immoral material about the lives of other individuals.

With respect to the rental of video tapes, there are no laws which prohibit children from either renting or watching videos that are not suitable for their age.

Stringent methods, which enable the monitoring of films watched by children, need to be introduced.

Parental guidance is also recommended in this area, as parents need to recognize the possible harmful effects to children who watch films that are not inkeeping with their age.

More conscious efforts need to be made to introduce informative children's programmes, and those which provide the forum for children to express their views about issues which affect them.

(e) Freedom of Thought, Conscience and Religion/ (f) Freedom of Association and of Peaceful Assembly

These freedoms are all enshrined in the Constitution of Jamaica (Chapter III, Section 21), and they have been noted in the State Party Report. Legally, children do have a right to enjoy these freedoms, but practically, many do not.

Children from lower socio-economic groups have become the victims of violence due to the tribalistic nature of the Jamaican political and social climate. The increase in gang warfare in inner city communities sometimes result in the deaths of children.

There exist a number of organizations in which children can become involved, and which enable their personal development and an awareness of their civic responsibility. These

include Rotary and Key Clubs, Boy Scouts and Girl Guides Associations, sports clubs and religious assemblies. Children also have the opportunity to participate in peaceful assemblies, for example, Children's Carnival (1993,1994), marches against school vandalism and drugs (May 1993), the Rights of Children (May 1993,1994).

(g) Protection of Privacy

In the Jamaican Constitution, it states:

Except with his own consent, no person shall be subject to the search of his person or his property or the entry by others of his premises (Section 19(1)).

The State Party Report observes that a child's right to privacy is protected under a principle of common law, but specific laws relating to children should be put in place so as to reinforce this principle of common law.

At present, the names of children who are involved in legal proceedings are withheld from the media, whether they are the victims or the perpetrators of certain acts.

(h) The Right not to be subjected to Torture or other Cruel, Inhuman or degrading Treatment or Punishment

The right not to be subjected to torture is also enshrined in the Jamaican Constitution, and this point was made on page twelve (12) of the State Party Report. It can be reiterated here again that while there are legal provisions, this does not imply that the laws are being enforced.

The points raised in this sub-section are also applicable to the **sub-section (b) Children in Conflict with the Law**, which falls **under the section Special Protection Measures**, and will be discussed more fully in that sub-section.

Other forms of torture and cruel, inhuman treatment to which children are subjected include various forms of abuse, neglect and abandonment. These areas will be discussed more fully under the section which follows.

Family **Environment and Alternative Care**

For each of the sub-sections discussed, the State Party Report notes "the principal legislative, judicial and administrative measures in force in Jamaica *which* give full recognition to the principles outlined in the Convention" (p 13). The Report, also outlines how the enforcement of legislation is frustrated because of external and other socio-economic factors, for example, the problem of delinquent fathers, the numbers who live below the poverty line, and the unavailability of funds in the National Budget. Yet it fails to state exactly how the lives of children have been affected as a result of these factors. This section will attempt to fill the gaps in the data.

Over the last two decades or so, Jamaica, like all the islands of the Caribbean, has been experiencing a breakdown of the family, the community and the school, which are some of the primary institutions of socialisation. Problems of debt repayment, structural adjustment policies imposed by multilateral agencies and increased unemployment high inflation and governments failure to protect the poor have forced many families to adopt coping strategies which are proving to be detrimental to the survival of the unit, and society as a whole. The lack of proper social networks to provide a cushion of support, and of attention to human priorities have resulted in high levels of child abuse, neglect and abandonment, the growing epidemic of street children, delinquent and "barrel children" I (Crawford- Brown, 1993).

(a) Parental Guidance/ (b) Parental Responsibilities

All parents are responsible for the care and development of their children. The Maintenance Act provides that parents live up to their responsibilities, and this first act was mentioned in the State Party Report. The Report also states that parents are responsible for ensuring that their children receive a formal education. The Affiliation Act ensures that children who are born out of wedlock are also provided for. While there are also provisions in the Maintenance Act which enable parents to enforce orders, the State Party Report points out the difficulty which some parents face because of the large numbers who live below the poverty line. It has been estimated that approximately 80% of the rural population lives below the poverty line. This underscores the point made earlier about the impact of debt repayment and structural adjustment policies as reflected in Appendix 2. The government must demonstrate the political will and the commitment to ensuring that resources for the social sector return to levels in the 1970's.

For the year 1993, the Family Court heard 1835 Maintenance cases and 2747 Care and Protection cases; in 1992 the figures were 1832 and 2414 respectively. These were cases for Kingston/St.Andrew courts alone (PIOJ, 1994:24.4).

The increasing number of reports of children being burnt to death in home fires is another alarming indicator of the lack of parental responsibility. In the majority of instances, parents either left a candle burning or a pot on the stove. From 1987 to 1989, it was reported that 23 children, between the ages of two months and fifteen years lost their lives in home fires (UNICEF/PIOJ, 1991). A recent report in the printed media stated that the Burn Ward at the Bustamante Children's

The term barrel children was coined by Jamaican Social Work practitioners. It describes a specific category of children who are waiting to rejoin parents who have migrated. These children receive material possessions in barrels from parents.

Hospital will be re-opened. One of the reasons is because of the increase in the number of cases of children being burnt in home fires (Sunday Gleaner, June 26, 1994).

Amendments need to be made to the Juveniles Act which make parents and guardians legally liable to maintain a juvenile. These amendments should include the introduction of strict Penalties to be imposed on parents and guardians for failing to live up to their responsibilities. The imposition of fines is not recommended in this case. Rather, the attendance of parents at child care programmes should be made mandatory, where child care workers operate in the community over an extended period of time (six to eight months) and teach **individuals how to provide guidance** and be responsible parents. These parents will then pass on their skills to other individuals in the community.

Research also needs to be conducted in this area which analyses the relationship between children being burnt and the socio-economic position of parents and guardians.

(c) Separation From Parents

Over 42% of Jamaican households are headed by women (PIOJ, 1994), and as such, parental responsibility falls on the shoulders of mothers who have to care for and provide economic stability for the household. Most Caribbean households are matriarchial, therefore when mothers are absent from the home, the domestic situation is immediately worsened.

While the Equal Pay for Equal Work Act guarantees that women receive wages equal to their male counterparts for similar jobs, sexual division of labour and occupational segregation as a result of sex, affect the earning power of women. Many women of lower socio-economic groups are therefore unable to provide an adequate standard of living for themselves and their children.

Migration, to the United States and Canada, provides the opportunity for women to attain a better quality of life for their families.

The period of separation of parents from children results in the child experiencing types of behaviour that are harmful to its own development. Crawford-Brown conducted a comparative study of delinquent and non-delinquent male adolescents. Her results proved that in the delinquent group there was a preponderance of absent mothers (86%), while in the non-delinquent group, the figure represented 13% (Crawford-Brown, 1993:13).

These factors underscore the need for the allocation of more resources for children's services.

Children placed in institutional care, whether in places of safety or in children's homes are also separated from their parents. At the end of 1993, 2058 children were placed in 46 residential institutions.

(d) Family Reunification

Reunification for the *purpose* of maintaining and re-establishing the parent-child relationship is an area of research that needs to be explored fully in Jamaica, especially in light of the fact that many parents migrate or work in other countries in order to attain a better standard of living, while children are left behind with relatives. While the State Party Report observes that the Family Court has the authority to award visiting rights to parents and children, if each resides in separate countries, it remains blinded to the fact that other complementary provisions, which **address the psychological and emotional trauma which children** may undergo as a result of separation and re-unification, also need to be considered.

Barrett, who conducted a study on the impact of the New York immigration experience on the structure of the Caribbean family, stated that one problem which was identified in Jamaica was the large number of children with behavioral problems. She stated that there appears to be a relationship between these problems and the migration of parents, especially mothers (Barrett, 1989).

(e) Recovery of Maintenance For A Child

The recovery of child support from parents is administered by the Family Court. The system is inadequate because payment to children is dependent on the salary which fathers report that they receive. With such an inadequacy, the financial support which children receive is less than that required.

The State Party Report notes that the intent of legislation is frustrated because of the expense and difficulty in finding delinquent fathers. Yet this expense needs to be weighed against the future expense of a nation which has to confront the problems of a delinquent and irresponsible population. After this has been done, it will be realized that short-cut measures can have debilitating and irreversible effects.

The private sector and trade unions should be able to play more significant roles in the area of parental education.

In sub-section 5.6 of the State Party Report, it was observed that laws of Jamaica provide basic protection for children who have been mal-treated by parents, but no mention has been made of the kind of protection which adopted children receive, or of the possible long term side effects on children, who have been adopted and mal-treated.

The law needs to be amended so that it provides basic protection for all children.

whether in family environments or in alternative care.

Table I in the appendix gives a breakdown of children in institutional care for the years 1992 and 1993.

Street children are also children who are deprived of a family environment. It has been estimated that the population of street children in Jamaica is in the region of 2,500 children. In the Situation Analysis of Women and Children in Jamaica, it was reported that poor economic circumstances force children to eke out a living on the streets (UNICEF/PIOJ,1991:174). **There they become involved in various activities which include windscreen wiping, bottle collecting, begging.**

(h) Illicit Transfer and Non-Return

The state has an obligation to prevent the kidnapping or retention of children abroad by a parent or third party. No specific mention has been made of this sub-section in the State Party Report, and while there exist no statistics on this area at present, it is an area in which some data should be collected in order to determine the gravity of the phenomenon.

(i) Abuse and Neglect, including Physical and Psychological Recovery and Social Re-integration

The State Party Report points out that the Juvenile Act makes it an offence for an adult who has the custody, charge or care of a child to "wilfully assault, ill-treat, neglect or abandon that child".

Despite this legal provision, child abuse cases continue to increase. In a recent article in one of the daily newspapers, it was also reported that child sexual abuse is rampant. In the report, it was stated that 567 children under the age of sixteen years were raped (Sunday Gleaner, May 8, 1994). The Economic and Social Survey (1993) confirmed this figure and it showed that it represented approximately 50% of the reported incidents of rape and carnal abuse in Jamaica for that year. The average age of children being raped is 7.7 - 9 years.

In the Report of the Task Force on Child Abuse (1988) a strong recommendation was made for the preparation of a single Child Abuse Act so perpetrators of child abuse have to undergo legal proceedings. and at the same time the victims of abuse can be protected. The Task Force put forward other recommendations.

These included the need to upgrade the penalties that exist at present in our laws to those which reflect the present society's view on the seriousness of the crime. It was also suggested that it be made mandatory that health professionals dealing with child abuse, report to a Central Registry. If such a system were instituted, it would be easier to trace child abuse victims (ibid, 1993:67). It was also recommended that the rules of corroboration be relaxed for children under the age of ten years, so that psychological tests can be accepted and used as evidence in courts. An experimental programme, in which evidence is video recorded, was also recommended.

The State Party Report notes that the "Government has accepted, in principle, the need for amendment of legislation"(p.16). Yet the only modification, which was made in January 1989, **recommended** that Section 54 of the Offences Against the Person Act be modified so that the age of consent is changed from 14 years to 16 years.

The non-existence of proper legal provisions exacerbates the process of recovery, as children often have to re-enter the same environment as their perpetrators.

(j) Period ic Review of Placement

This is another sub-section which was not discussed fully in the State Party Report. It was mentioned briefly in paragraph five of sub-section 5.5.

Financial provisions should be made in government budgets to ensure that resources are available. This is being suggested as the process of reviewing placements is hampered by the lack of adequate government resources which affects the level of training of staff, and the number of officers who make visits.

There exists no precise data on the different categories of children who are institutionalized. A system of institution specialization needs to be put in place by the government so that children are able to graduate from one level of institution to another.

Basic Health and Welfare

(a) Survival and Development

In the State Party Report, reference was made to the fact that the Minister of Health has final responsibility for the administration of matters affecting the health of children. The Report also notes that the Ministry of Health has made some progress in the implementation of the Convention, as immunization is one of the five targets for child health for 1995 .

For 1993, immunization coverage of children under one year old was as follows:-

Diphtheria, pertussis and tetanus (DPT3) - 91.0%
Measles² - 72.0%
Poliomyelitis (OPVJ) - 93.3~
Tuberculosis (BCG) - 100.0%

Source: Ministry of Health-Expanded Programme on Immunization Report,1994.

A report from the Registrar General's Department put infant mortality rate at 27 deaths per 1000 live births in 1978. The Ministry of Health, which conducted a study on infant mortality in 1993, produced a preliminary report which showed that it was reduced to 21.4 per 1000. The introduction of the Control of Diarrhoeal Disease programme is also believed to have contributed to the decline in child mortality rates, according to reports from the Statistical Institute of Jamaica, in which child mortality is said to have been reduced to 16.1 live births. Before the CDD programme was introduced, diarrhoeal disease was the leading cause of hospital admissions of children, and a leading cause of death among them. The State Party Report presented data which showed that there was a decrease in the number of diarrhoeal cases between the years 1989 and 1992 of 26,766 to 13,294 respectively.

² It should be pointed out that though measles coverage has increased over the years, it still seems to be low because the vaccine is given when the child is near the age of one. Therefore, some children are given the vaccine when they are more than one year old. These are not included in the coverage.

~b) Disabled Children

Children with disabilities experience problems which are a direct result of the negative attitudes and lack of understanding on the part of individuals.

Policies developed in the 1970s by the Ministry of Health stated that the process of rehabilitation would *be* a significant component of primary health care, *but these* policies were never implemented. Childhood disability has not received sufficient attention by the Government of Jamaica. Despite the fact that the State Party Report observed that services to the disabled child have increased, they are still inadequate because of the

non-implementation of policies which would enable the allocation of sufficient **funds for** the process of rehabilitation of the disabled child.

The International Convention on the Rights of the Child in 1991 has led to a re-awakening of interest and a re-examination of **policies. The Five-Year Development Plan** has included new **policy statements** on education for **children with** disabilities, and the Jamaica Coalition on the Rights of the Child has included a sub-committee on children with disabilities. A policy/legislation advisory committee has also been set up by the Ministry of Labour and Welfare (Thorburn,1993:77 in Jamaica Country Programme 1990-95).

For the year 1993, a total of 393 children with disabilities were placed in institutional care (PIOJ,1994:24.5).

The rural population also confronts the problem of accessibility to services, which are relatively poor in rural districts.

Preventative measures need to be introduced in order to identify children with mild disabilities. At present approximately 850 children receive early intervention at-pre-school level from the Government Early Stimulation Project (Kingston) and from an NGO called 3D projects in St. Thomas, Clarendon, St. Catherine and Manchester. (Thorburn, 1993:80-81 in Jamaica Country Programme 1990-95). These programmes need to be expanded so that more children are identified at an early age.

NGOs, have been playing a significant role in this area, by developing public education programmes and in advocacy. The important role which they have been playing in the area of children with disabilities is believed to be given scant regard by some government ministries, probably with the exception of the Ministry of Education. It was felt that government development plans should be so designed that both government ministries and NGO conduct programmes in those areas in which they are more competent.

(c) Health and Health Services

Primary health care, which is a cost effective strategy, developed by the Government of Jamaica in 1977, and its main objective is the provision of primary and preventative care.

A number of primary health care services are being provided. These include maternal and child health, dental services, environmental sanitation and disease control. Most of the UNICEF Summit goals for 1990-2000 were incorporated into Jamaica's primary health care goals. For 1993, the priorities were immunization, family planning, food protection and general sanitation (PIOJ,1994). Immunization coverage was discussed in the first sub-section of this section of the report.

Despite these priority goals, Irons of the Ministry of Health stated that certain parishes have been experiencing deteriorating nutritional status, when compared with previous years. It was stated that:

All the parishes in the south-east region together with Trelawny in the western region had the largest number of malnourished children (0-36 months) attending child health clinic. The percentage of malnourished children in these parishes was greater than the national average (Irons,1993:2).

The percentage of malnourished children who had to be admitted to the Bustamante Children's Hospital increased from 3.8% in 1990 to 7.4% in 1992.

Data obtained from the Jamaica Survey of Living Conditions showed that low weight for age declined from 15% to 7.3% between the years 1978 and 1989, but it increased from 8.3% to 9% between 1990 and 1991.

In another study which looked at the nutritional status of children, Gerney pointed out that there was an increase in malnutrition in Kingston and St.Andrew, mainly in urban

inner-city communities. These urban communities that were located at Bower Bank (16.7%), Callaloo Bed (35.5%), Olympic (17.5%), Rae Town (10.9%), Bell Rock (25%) and White Wing (9.8%), had a very high prevalence of low birth weight among the malnourished population when compared to the parish average (Kingston and St. Andrew), which was 8.2% (Gerney, 1993:17).

The study also noted that the peak age of admission continues 16

to be the 6-23 months age group. The group recording the largest proportion is 6-11 months, followed by the 12-23 months and the 0-6 months.

There was a close association between price increases in food and the deteriorating nutritional status of children.

Malnutrition levels, which should be reduced by 50%, is on the increase in Jamaica.

The reduction of maternal mortality rates to less than 10 per 10,000 live births, is one of Jamaica's mid-decade goals.

The State Party Report presented data which showed that there was a noticeable decrease in the number of maternal deaths between the years 1990 and 1992 in three out of four hospital types. Data obtained from the Economic and Social Survey also state that the maternal mortality rate for 1992 was estimated at 10.2 per 10,000 live births, but the figure for 1993 is not yet available (PIOJ, 1994:22.4).

(d) Social Security and Child Care Services and Facilities

The social welfare of the children of Jamaica is monitored by specific agencies. In the Ministry of Local Government, Youth and Sports, the Child Care Services Division is responsible for children who are in need of protection (neglected, abused children etc) and those who have committed offences. Various forms of institutional care are provided for these children. This area was discussed under the sub-heading Children Deprived of a Family Environment.

This sub-section (d) was not discussed in the State Party Report. This may be due to the fact that insufficient emphasis is placed by the government on this area. Some information and statistical data will be included here.

Day care service is another child care service provided, and the main objective of the programme is the implementation of preventative strategies. It seeks to focus on the provision of proper supervision of day care services for children. Programmes in skills training, stimulation and child development are introduced. For 1993, there were 4925 children, from birth to four years, in attendance at day care programmes. There were 78 privately run centers in 1993, 6 more than in 1992.

The Caribbean Child Development Centre (CCDC) did an evaluation of the day care services in 1993. The results point to the need for a standardized curriculum, a national training programme for child care personnel, and an education programme for parents which will assist in the improvement of child care practices.

The findings of a recent survey which was funded by UNICEF and conducted by CCDC were presented by Dr. Kerida Mc Donald at a workshop held in June this year. Some very disconcerting facts about the quality of day care provisions in Jamaica were presented. These included a general lack of stimulation provided for children (particularly babies), little attempts to foster creativity, lack of emphasis on social and emotional **development, and too much emphasis on rote learning**. The study noted that there is a low level of staff training and that parental pressure has been placed on centers which emphasize "academic" type learning.

It is being recommended that a standardized curriculum be introduced.

(e) Standard of Living

Every child has a right to a standard of living which is adequate for his/her mental, moral, spiritual and social development. Parents are primarily responsible for ensuring that this is not denied the child. The state, in turn, has the responsibility to ensure that parents can fulfil their responsibilities. The legislative measures that are in place to ensure that these responsibilities can be fulfilled were discussed under the section Family Environment and Alternative Care.

No specific mention has been made to the present sub-section in the State Party Report.

The present socio-economic climate in Jamaica makes it extremely difficult for parents to carry out these basic responsibilities.

In his 1994 budget presentation, the Opposition Spokesman on Finance noted that it costs \$J 1106.34 to feed a family of five for one week. The minimum wage stands at \$J 500. per week, which is less than half of what is required to buy basic food items. Households which are single-parent comprise over 40% of the population. These households are so financially strained that some basic food items have to be foregone. Hence malnutrition levels are on the increase.

Primary school students contributed a small sum to high protein nutri-bun programme which is part of the school-feeding programme (PIOJ,1994:20.4). This figure has now increased five-fold, which would make it difficult for many children to benefit from the programme. In 1994, the government has also re-instituted the payment of fees to secondary school students, and for some schools the figure quoted is 30-34 times the minimum wage (Sunday Gleaner, May 22, 1994). The higher cost, in terms of access to both primary and secondary level education, would prevent many children from attending school. The inflation rate, which stands at 39% (May 1994) causes an escalation of the cost of housing for the average Jamaican. Many families, therefore, are forced to live in sub-standard, over-crowded houses.

Education, Leisure and Cultural Activities

(a) Education, including Vocational Training and Guidance

Government education programmes for children fall under the following headings:

Early childhood, which targets children in the 3-6 and/or 4-5 age group; primary education, for children in the age group 6-11 years; secondary education for the 12-19 age group, and special education programmes for children in the age group 4-18 years, who have special education needs because of their mental and physical development levels.

In the State Party Report, it has been pointed out that the policies of the Ministry of Education are inkeeping with the principles outlined in the Convention. It mentions further that two factors that restrict the extent of their implementation are (1) the difficulty in implementing compulsory education because of the financial constraints which parents face and (2) the cost of education makes it difficult to make secondary education accessible to all children.

The cost of vocational training is also high because of the cost of the provision and maintenance of equipment, and the retraining of qualified teachers. Enrollment figures in six (6) agricultural/vocational institutions increased from 918 in 1991/92 to 1192 in 1992/93 (PIOJ,1994:20.6).

For the year 1991/92 it has been estimated that 722,000 individuals were enrolled in the formal educational system. The gross enrollment rates recorded at the primary and secondary levels were 106% and 75% respectively. At least 9.5% of the tertiary age group were enrolled in tertiary institutions. This figure represented a 25% increase in this age group to receive educational coverage.

In the 1989 Survey of Living Conditions, it was stated that the attendance rate in primary and all-age schools was 73.2%. Attendance levels on Fridays were 5% lower than those on Monday to Friday, as children remained at home with younger siblings or they worked to help the household. The 1993 target for attendance was 85%, but it is believed that if this target is to be achieved government would need to shift its focus away from monitoring attendance as an end in itself to establishing the causes of absenteeism (Morris, 1992).

The findings of a recent survey which was funded by UNICEF and conducted by CCDC were presented by Dr. Kerida Mc Donald at a workshop held in June this year. Some very disconcerting facts about the quality of day care provisions in Jamaica were presented. These included a general lack of stimulation provided for children (particularly babies), little attempts to foster creativity, lack of emphasis on social and emotional development, and too much emphasis on rote learning. The study noted that there is a low level of staff training and that parental pressure has been placed on centers which emphasize "academic" type learning.

It is being recommended that a standardized curriculum be introduced.

(e) Standard of Living

Every child has a right to a standard of living which is adequate for his/her mental, moral, spiritual and social development. Parents are primarily responsible for ensuring that this is not denied the child. The state, in turn, has the responsibility to ensure that parents can fulfil their responsibilities. **The legislative measures that are in place** to ensure that these responsibilities can be fulfilled were discussed under the section Family Environment and Alternative Care.

No specific mention has been made to the present sub-section in the State Party Report.

The present socio-economic climate in Jamaica makes it extremely difficult for parents to carry out these basic responsibilities.

In his 1994 budget presentation, the Opposition Spokesman on Finance noted that it costs SJ 1106.34 to feed a family of five for one week. The minimum wage stands at \$J 500. per week, which is less than half of what is required to buy basic food items. Households which are single-parent comprise over 40% of the population. These households are so financially strained that some basic food items have to be foregone. Hence malnutrition levels are on the increase.

Primary school students contributed a small sum to high protein nutri-bun programme which is part of the school-feeding programme (PIOJ,1994:20.4). This figure has now increased five-fold, which would make it difficult for many children to benefit from the programme. In 1994, the government has also re-instituted the payment of fees to secondary school students, and for some schools the figure quoted is 30-34 times the minimum wage (Sunday Gleaner, May 22, 1994). The higher cost, in terms of access to both primary and secondary level education, would prevent many children from attending school. The inflation rate, which stands at 39% (May 1994) causes an escalation of the cost of housing for the average Jamaican. Many families, therefore, are forced to live in sub-standard, over-crowded houses.

Education, Leisure and Cultural Activities

(a) Education, including Vocational Training and Guidance

Government education programmes for children fall under the following headings:

Early childhood, which targets children in the 3-6 and/or 4-5 age group; primary

education, for children in the age group 6-11 years; secondary education for the 12-19 age group, and special education programmes for children in the age group-4-18 years, who have special education needs because of their mental and physical development levels.

In the State Party Report, it has been pointed out that the policies of the Ministry of Education are inkeeping with the **principles outlined in the Convention**. It mentions further that **two factors that restrict** the extent of their implementation are (1) the difficulty in implementing compulsory education because of the financial constraints which parents face and (2) the cost of education makes it difficult to make secondary education accessible to all children.

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In the 1989 Survey of Living Conditions, it was stated that the attendance rate in primary and all-age schools was 73 . 2% . Attendance levels on Fridays were 5% lower than those on Monday to Friday, as children remained at home with younger siblings or they worked to help the household. The 1993 target for attendance was 85%, but it is believed that if this target is to be achieved government would need to shift its focus away from monitoring attendance as an end in itself to establishing the causes of absenteeism (Morris, 1992) .

Courts islandwide. Over 50% of these were males (780) with 350 Fit Persons Orders made and 130 Supervision Orders made (PIOJ,1994:24.2).

It was reported that 138 juveniles were detained at the four correctional institutions in 1993. At the St.Andrew Remand Centre, 47 boys were accommodated prior to court appearances.

In Jamaica, children are being detained in prison lock-ups. A representative of Human Rights Watch, a U.S.-based private organization promoting international human rights, conducted research which showed that children have been detained in lock-ups in Jamaica under the most dehumanizing conditions.

The individual saw and spoke with approximately thirty (30) juveniles in lock-ups in Kingston. The rights of these juveniles, who are deprived of liberty, have been denied as they are unable to obtain legal assistance, and they do not have access to it. Many juveniles remain in the lock-ups because their families are unable to pay for legal services. There were also two cases where juveniles were placed in cells with adult criminals. When questions were asked, she was informed that the juveniles would be eighteen years in a few months.

The lack of statistical evidence prevents one from obtaining accurate data. It also signals the need for research in this area.

(c) Children in situations of exploitation including physical and Psychological recovery and Social Re-integration

Sub-sections (iii) and (iv) were discussed earlier in the report.

(i) Economic Exploitation, including Child Labour

With deteriorating living conditions, many children from poor homes work on the streets, in grocery stores and in other domestic tasks, in order to supplement the family income.

The State Party Report admits that the phenomenon of working and street children has been a disturbing one, in spite of the existence of legislation against child labour. Ennew and Young (1980) conducted a study on working children, and gave an estimated figure of 2,500 for the population of working children. The figure is believed to be larger now.

While there have been some attempts to deal with the problem by governmental and non-governmental agencies, the desired effects are not being experienced.

An issue of concern is whether children are being deprived of a formal education in order to earn an income. This matter needs to be addressed by the government.

(ii) Drug Abuse

The National Council on Drug Abuse (NCDA) conducted some surveys on the levels of drug use in the island in 1990 and 1991. The findings stated that 90% of persons in all socio-economic groups in Jamaica believed that drug use by young people was a problem.

At present, there are four institutions associated with the treatment and rehabilitation components of the NCDA. One of the treatment houses, the Addiction Alert Organization, has plans to develop a programme for adolescents, as this group is perceived to be at particular risk.

Conclusion

The existence of laws in Jamaica will not be sufficient to protect children, as they remain administered inadequately and are not enforced due to the shortage of financial and other resources.

The budgetary allocation for the social and community services sector for the fiscal years 1993/94 and 1994/95 were 23.44% and 19.36% respectively. For these years, education and culture received 15.13% and 10.43%, health received 3.44% and 5.02%, and social security and general welfare received 1.23% and 1.21% respectively. These 1994/95 figures reflect the fact that budgetary allocations treat education and health as priority areas, but when one considers that the inflation rate is over 30% and half of the budget (SJ million 27,632,452.5) goes to debt servicing, one realizes that the Jamaican economy looks rather bleak for the future of our children.

The member agencies of the Jamaica Coalition have, since ratification, been lobbying the government to include the Convention in all of its plans and policies. Its activities also include assisting legislators in the examination of laws with a view to amending them, so that they are inkeeping with the Convention. The State Party, however, needs to adopt a more proactive role in not only educating the public about the Convention on the Rights Child, but in ensuring that policies and programmes are developed and implemented.

Recommendations

Some recommendations were suggested throughout the report. The following recommendations should be given priority attention by the State Party.

1. A National Policy Statement with NGO input and special emphasis on basic needs, - protection and development of children, needs to be developed by the State Party.
2. Resources should be provided by the State Party to ensure that existing laws related to children are enforced.

3. The State Party has a responsibility to ensure nationwide dissemination of information on the Rights of the Child given its wide access and control over the mass media.
4. A strong database needs to be developed in all areas relating to children. The State Party should ensure that these information systems are set up in all planning departments of government ministries. The Planning Institute of Jamaica and the Ministry of Finance should play the major **roles in** the processes of data analysis and dissemination.
5. The State Party needs to develop a comprehensive child guidance programme which builds on existing systems such as, health and education which provides access at the community and parish levels.
6. A Ministry of Family Services and Social Security which will give greater focus and attention to social welfare/development issues is strongly recommended. This ministry's portfolio would include matters related to children, youth, women, the elderly, and persons with disabilities.
7. The State Party needs to ensure the passing of the Child Abuse Act. This Act, as well as other existing Acts related to children, should be incorporated into the Child Protection Act as soon as possible thereafter.
8. The State Party should implement a national public education programme which will sensitize citizens to the specific needs of children with disabilities and those in extremely difficult circumstances.
9. The State Party needs to commit resources to the implementation of the World Summit National Plan of Action.
10. The State Party, in fulfilling its obligation to the nation's children should enunciate a policy which requires that at least 30% of its annual budget is allocated to social and community services.

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