



STATE PARTY EXAMINATION OF GRENADA'S SECOND PERIODIC REPORT

54TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

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Grenada ratified the Convention on the Rights of the Child (CRC) on 5 December 1990. On 31 May 2010, the Committee on the Rights of the Child (the Committee) examined the second periodic report of Grenada. It was last examined on 24 February 2000.

Opening Comments

The delegation of Grenada was led by Hon. Sylvester Quarless, Minister of Social Development. He was supported by the Chief Welfare Officer of the Ministry of Social Development.

Mr Quarless thanked the Chair for his welcome and regretted that the Committee had not received Grenada's written replies to the list of issues in advance although they had been submitted to the OHCHR office in Barbados¹. He explained the second report covered the period 2000 to 2007 and was based on the Committee's concluding observations. He mentioned that hurricanes Ivan and Emily in 2004 and 2005 respectively had made the reporting process more difficult but that Grenada was nevertheless committed to the letter and spirit of the CRC. He stressed that the government was currently drafting laws and policies to promote the objectives of the CRC.

Ms Maria Herzog, the Country Rapporteur, welcomed the delegation. She noted that Grenada had made great strides in areas of social development and welcomed the establishment of a Ministry of Social Development (2003). She commended the introduction of domestic and family legislation, including the proposed four draft bills on family and domestic violence, child care and adoption, children born out of wedlock and juvenile justice and the new legislation relating to the ombudsman. She also appreciated the commitment to implement the concluding observations. She welcomed the free food programmes in primary schools but noted the lack of information on resources allocated to children. She commended the fact that a family court was now operating twice a week and offered alternative forms of punishment as well as mediation, but deplored that

¹ The Chair noted the Committee was now in possession of the replies and apologised if any of the questions asked were already answered in written form.

these improvements were not accompanied by a ban on corporal punishment. She asked about the steps taken to strengthen the implementation of the CRC and whether a comprehensive children's code and a coordination body were envisaged. She suggested clarifying the role of the ombudsman in a national plan of action. She noted that neither Convention on the Rights of Persons with Disabilities nor the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption (the Hague Convention) had been signed or ratified and asked about the steps to promote the ratification of treaties that had been signed, such as the Convention on the Elimination of all forms of Racial Discrimination (CERD). She enquired about measures to recover data destroyed by the hurricanes or to obtain new data and whether data was gathered systematically. She further asked if Grenada needed any technical assistance in this context.

General Measures of Implementation

Legislation

The Committee enquired about the role of the Organisation of Eastern Caribbean States (OECS) and how it worked with Grenada with regard to children's rights. It also asked if about steps taken to ensure that new bills were harmonised with the CRC. The delegation explained that the Domestic Violence Unit and Child Welfare Authority were working with the government to map out the existing systems of child protection to identify the goals of the legislation in force, review its status and put together plans of action to move forward. With regard to the role of the OECS, the delegation explained that it prepared draft model laws that could be adapted by member states. In this context, Grenada had prepared four new bills they were committed to pass by the end of 2010, namely the Juvenile Justice Bill, the Child Care and Adoption Bill, the Status of Children Bill and the Domestic Violence Bill. The Committee asked if it was realistic to pass those laws by the end of 2010. The delegation was confident they would succeed since the bills were in the legislative agenda of the previous government and there was unified political will in this regard.

Grenada had requested technical support from a consultant to review the draft laws to make sure they were in conformity with the CRC. The terms of reference of the consultant were expanded to work on new legislation regarding spouse maintenance, child maintenance, custody access and guardianship and on the amendment of the law on sexual offences.

Children's ombudsman and administrative processes

The Committee requested further information regarding the office of the ombudsman. The delegation responded that Mr. Agar Alexander had been appointed as Ombudsman. Although the full nature of his mandate was still being drafted, it was confirmed that he would be entitled to receive complaints. A special advisor for children had also been appointed and both offices were in the process of recruiting staff.

Dissemination and training

The Committee noted that information on the CRC existed and that it was disseminated. However, it was not done systematically to all relevant professionals and asked if in-depth training on the respect of the rights of the child existed. The Committee also wanted to know if judges were taking into account the principles of the CRC and if training was available for professionals working with children. The delegation replied that they would provide professional development to stakeholder organisations.

Monitoring

While noting the existence of data on the application of the CRC, the Committee remained concerned about the lack of systematic data collection. The delegation explained that data collection was difficult due to the limited number of administrative staff available.

The Committee expressed concerns about coordination. While noting the lead role of the Ministry of Social Development, it highlighted that without a national plan of action it would be difficult for the state to follow-up to the concluding observations collectively. It also noted that a national plan

for children had to exist within a general and comprehensive social policy. The delegation agreed about the need for a national plan for children but since there was a lack of technical expertise, they wished to focus on current areas of policy before attempting to create a national plan. They explained that they were working with regional and international partners to help them with policy work to compensate for the lack of qualified personnel. Regarding coordination, they had a multi-sectoral approach in consultation with the relevant ministries. For instance, the new juvenile justice programme which not only involved the ministry responsible for criminal justice also involved the Ministry of Social Welfare and the Ministry for Education.

The Committee deplored that the budget for children was included in the budgets of health and social services as it made it harder to see specific allocations to children. The Committee was also concerned about the rise in food prices and the hurricanes which *de facto* led to a drop in social assistance. It worried that social assistance might not be sustainable in times of economic crisis since 2/3 of it relied on donor funds. The delegation said that to address the impact of the hurricanes they were providing indirect financial assistance to households headed by women, which constituted 50% of the households, through a social expenses trust fund, notably supporting house repair projects. They mentioned that this was done to comply with donors' gender budget requirements.

The role of civil society and non-governmental organizations

The Committee asked whether the private sector had been approached to assist in child rights. They further queried if there were any business-led social protection initiative independent of the government.

The Committee asked about the government's coordination with civil society. With regard to the juvenile justice bill, the Committee wanted to know whether civil society had been included from the beginning or only delegated certain tasks. The delegation explained that the government adopted a multi-sectoral approach involving all stakeholders including NGOs. NGOs also provided inputs and made recommendations on state-run programmes and assisted the government to carry out some programmes when resources were limited. They were involved in the review of the juvenile justice system from the beginning and though the programme would be run by the government, some members of the personnel might come from civil society. In addition, the latter might provide resources, such as transportation. The legal assistance for children was also provided by the NGO Legal aid counselling clinic.

Ratification of international instruments

The Committee noted that despite a high number of inter-country adoptions, Grenada had not ratified the Hague Convention. The delegation explained that the Adoption Board had reviewed the Convention and recommended its ratification. They hoped it would be ratified by the end of 2010 as it would not imply major changes in their legislation.

The delegation also mentioned that the ratification of the CRPD had been recommended by the Cabinet and the Ministry of Foreign Affairs was in charge of facilitating the process. As the ratification of the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (OPSC) was linked to the passing of the new law, they expected it to be ratified in 2010. They would also consider the ratification of the Optional Protocol to the CRC on the involvement of children in armed conflict (OPAC) and the Convention against Torture (CAT) in 2011.

Definition of the Child

With regard to the age of criminal responsibility, the delegation explained that it was set at 7 years old in the statute books but in practice cases involving children under 16 before magistrates courts were dealt with in the juvenile justice system. Children would usually not go to court without being represented by a parent or social worker. The new bill aimed to raise the age of criminal

responsibility.

In response to a question about the procedure if a child under 15 committed a crime, the delegation noted that a first time offender was managed with probation curfew and counselling. They were looking at alternative sentencing options for children such as placement with trained foster carers, counselling and development of life skills. Most child offenders were over 12 years old and in most cases police officers encouraged the victim not to prosecute. The criminal justice system was only involved if prosecution was maintained. Children could be remanded for short periods and the general sentence for serious criminal offence committed by a child was a suspended sentence. There was also a programme enabling children to remain in school under curfew while prosecution proceeded.

General Principles

Non-discrimination

The Committee was concerned that the National Gender Policy only covered discrimination against girls. The delegation explained that they were revising it with the assistance of UNIFEM to make it gender neutral.

The Committee also asked about discrimination against children born out of wedlock, homosexual children or children with homosexual parents, children with disabilities, and young mothers and young offenders in terms of education. According to the delegation, there was no discrimination against children born out of wedlock, as they were the majority rather than the minority. However, despite a 1995 law allowing those children to inherit from their parents, culturally, a person who had not been supported by his father during his life could not claim his estate after his death. The delegation also noted that while the state had no discriminatory position regarding homosexuality, it was socially sanctioned. With regard to children with disabilities, they were integrated in general schools as far as possible but there were also other educational facilities for them. They also had access to safety net programmes. They admitted that there were challenges for pregnant school girls as there was some cultural resistance against letting them go back to school. To address this problem, the Ministry of Social Development had recently put pressure to send those girls to different schools but this remained an important challenge. Most of the girls were able to access afternoon classes to complete their secondary education. The delegation did not have any data on the future life strategy of young mothers or on whether they were able to complete their education later in life.

Best interests of the child

The Committee asked how the principle of the best interests of the child was implemented in practice and in particular whether judges referred to this principle in their judgements.

Right to be heard

The Committee enquired about the weight and importance given to what children said and whether legislative texts allowed or obliged any type of authority to take into account their views. In addition, they asked whether there was a mechanism to collect children's views on decisions affecting them, what age criteria were used, whether they were heard by administrative authorities and judges or whether it was delegated to specialists.

The delegation explained that in judicial proceedings, children were considered to be able to speak for themselves at middle-school age (i.e. 6-8 years old) and younger children were represented by a social worker. The Ministry of Social Development and others were in charge of bringing the views of the child before the court. Children could be represented by various actors such as social workers and the legal clinic. If the views of the child were not transmitted and/or if the child was not represented, the judicial proceedings would be deferred until these requirements were fulfilled. In adoption cases brought before the high court, for example, guardian *ad litem* would include interviews of all parties, including the child, in the reports they transmitted to the adoption board.

The latter then transmit a recommendation to the court and the high court judge could decide to hear the parties and the child directly. The Committee asked how the maturity of the child was assessed. The delegation replied the decision was made by reference to the child's age. The Committee also queried about the participation of children in the school life and within the family.

Civil Rights and Freedoms

Corporal Punishment

The Committee noted that corporal punishment was still lawful at home, at school, in the alternative care system and was used by courts as a disciplinary measure. They were concerned about the continued practice of corporal punishment in the juvenile justice system in particular and reaffirmed that legislation was a guarding tool. They asked about plans to ban corporal punishment at home and as a disciplinary measure since the last report. The delegation mentioned the previous recommendation in that regard and explained that awareness raising campaigns had been undertaken. The 2002 Education Act discouraged corporal punishment in schools since it provided that only the school principle, the deputy principle or specifically appointed teachers could resort to corporal punishment. In parallel, guidance counsellors had been appointed in all secondary schools to deal with discipline issues and provide alternative solutions. They affirmed that it was not a widespread practice and hoped corporal punishment would be eliminated from the system. They also trained parents to use alternatives at home.

Child abuse

The Committee asked whether there were training programmes on the prevention of abuse and sexual offences. The delegation replied that education on abuse was part of the curriculum from a very low age with a policy of "Good touch, bad touch" and that April had been declared the abuse awareness month. In addition, funding had been obtained for training and the establishment of a family centre providing support for victims of abuse. The Committee also wanted to know more about the hotline system and asked why there were only two hotlines and why children did not use them.

Birth Registration

On the question of birth registration and not naming children until their baptism, the delegation explained that children born in a medical facility (90% of births), or with the assistance of a midwife, were registered upon birth and generally given names 3 months after birth and when they get baptised. The government had considered changing this and name children at birth but the country was very religious and the cultural practice was very entrenched. However, the name of the child had to be registered to get the immunisation certificate required to go to school and so very few children were unregistered by the age of 2 or 3 years old.

The Committee asked why there was no mention of the mother's name and occupation, as this information was specified for the father; why there was no column for the child's surname to prevent any future change and how children born out of wedlock were registered. The delegation admitted they had not investigated why the mother's name was not specified. With regard to children born out of wedlock, they explained that fathers were only registered if they accompanied the mothers to register and that, as a result, 50% of fathers were unregistered. They noted that this figure was unsurprising as over 70% of births were to unmarried mothers. They specified that the status of the child bill would make provision for changes.

Family Environment and Alternative Care

Adoption

The Committee was concerned by the absence of a clear system to monitor domestic and inter-country adoptions in the Ministry of Social Development. It asked about the measures to ensure that all adoptions were monitored by the government. The delegation responded that there were around

20 cases of adoption per year and 80% of them were adoptions by relatives. The Committee also noted a gender bias favouring the adoption of girls. The delegation confirmed this observation and attributed it to cultural beliefs that considered girls to be more manageable and compliant than boys and additional help in the household.

Parental Assistance

The Committee enquired how the government helped parents to be 'good parents'. The delegation explained that they used a combination of social workers' assistance and parenting training programmes. A national parenting programme had been established to coordinate all parenting programmes. The latter promoted good parenting and holistic child development. Community parenting clinics were run with the assistance of community groups providing training in parenting skills. A number of courses targeted fathers in an attempt to alleviate the cultural history of absent fathers. The Committee further asked about measures to support single parents (in particular mothers). The delegation explained the government assisted single mothers through programmes such as food and housing assistance.

Child Maintenance

The Committee asked about state maintenance and existing legal measures to support children and especially those born out of wedlock. The delegation stated there was no such maintenance. A single fund would present difficulties as many fathers were unemployed or seasonally unemployed. The Committee also wanted to know about the measures to make fathers comply with their parental responsibility, especially with the payment of maintenance decided by the courts, and whether there was a national fund for judicial proceedings against fathers who did not pay. The delegation noted they did not provide assistance to bring fathers to court but the single parent had access to the safety net programmes. The same applied when fathers were not able to provide maintenance. For those wanting to go to court, there was an NGO providing mediation and legal aid. As bringing fathers to court was still a taboo, mediation seemed to be the best way to deal with these situations and would be included as a component of the system (before judicial proceedings) in the new bill.

Alternative care

The Committee noted the low number of foster parents and asked why Grenada preferred institutionalisation to extended family or foster care. The delegation mentioned that alternative care used to be funded by the UK. The government was now solely responsible for alternative care and planned to expand foster care as it was cheaper than institutional care.

The Committee requested more information regarding the decision to remove a child from family care and the procedures in place. The delegation explained that social workers decided when to remove a child. This decision was often taken when family care was not appropriate, mainly in situations of abuse where the perpetrator stayed with the family, or when there was a risk of danger to the child.

The Committee asked about support provided to children abused in foster care or institutions. The delegation explained that children in government-run institutions normally had access to counselling but acknowledged that they faced a major challenge with finding and keeping trained personnel. Finally, the Committee asked how foster care would meet the long term needs of children and how those needs would be provided for.

Basic Health and Welfare

Pre and post-natal care

Regarding giving birth and baby friendly hospitals, the delegation explained that there were maternity wards in 3 hospitals and 2 clinics. New-borns were generally given to their mothers after the delivery, except in case of problem or if they were premature.

The Committee recalled that, according to the World Health Organisation (WHO), breast feeding

should last for at least 6 months. The delegation explained that traditionally, breast-feeding only lasted 2 months. They were encouraging mothers to breastfeed for 4 months as a compromise.

The Committee was concerned about the short period of paid maternity leave and asked how newborns were cared for afterwards and how breastfeeding could be guaranteed. They were particularly interested in hearing about incentives or breastfeeding facilities for mothers who worked and asked if these issues were included in the new draft.

Children with disabilities

The Committee asked if there were any measures for the early detection, prevention and rehabilitation of children with disabilities.

Sickle cell anaemia

The Committee asked if there were any measures to address sickle cell anaemia, notably by making genetic counselling mandatory. The delegation indicated that its proposed national plan on health included genetic counselling along with an early detection system.

HIV-AIDS and Sexual health

The Committee asked if there was any programme regarding adolescent reproductive health specifically in relation to HIV-AIDS and contraception. The delegation explained that the sex education programme run by the Ministry of Education focused on abstinence. Contraception was available for over 16 but to prevent younger adolescents from having sexual relations, they needed their parents' consent for contraception.

Harmful traditional practices

The Committee asked about the steps to prevent issues such as tattooing. The delegation indicated they successfully changed attitudes and that parents were now persuading their children not to maim themselves.

The Committee asked whether forced marriages, early marriages or female genital mutilation were issues. The delegation indicated that none of these were a problem, female genital mutilation was not part of their culture and with regard to marriages, they explained that they had a very low rate of marriage and that the average age of marriage was 25 years old.

Education, Leisure and Cultural Activities

The Committee noted that pre-school/early child development programmes seemed to be underdeveloped compared to the well-managed school system and asked whether there were plans to extend such programmes.

The Committee welcomed the free primary school system but noted problems with regard to the universality secondary schools and asked if measures were taken to address those problems. It also raised concerns about access to education for poor children. The delegation indicated that they were assisted by safety net schemes such as book rental schemes, assistance with transportation, allowances and the provision of free secondary education.

Drop-outs

The Committee was concerned that while the majority of children went to school, there were still children who did not attend primary school and the level attendance was worse in secondary school. Another concern was that only 80% of those enrolled in grade 1 of primary school reached grade 5. The delegation explained that they addressed the problem of drop-outs by the creation of school attendance officers who would visit the children missing and interview their parent. Safety nets were also dependent on school attendance.

The Committee wondered if drop-outs were due to the quality of education as it seemed that the curriculum was not adapted to children and adolescents' lives. The Committee also discussed other possible causes and mentioned sexual harassment and the quality of teachers. It noted that it might

be difficult to employ qualified teachers and asked about their training. With regard to the curriculum, the delegation responded that the Ministry of Education had proposed a national review of the curriculum to have a better mix of vocational training and life skills but they were encountering problems with the teachers unions and were negotiating work conditions. Teachers were trained on literacy and numeracy skills. An important challenge was children with learning difficulties, as they were often left behind.

Vocational training

With regard to the question on vocational training, the delegation said that they wished to add a more vocational component to education to provide practical skills.

Special Protection Measures

Asylum seekers

On the question about refugees and unaccompanied children, the delegation confirmed that there were very few asylum seekers due to Grenada's location and the fact that it was an English speaking country (most people from the region were French or Spanish speaking).

Child labour

The Committee noted that many children were missing school especially when there were tourist ships or markets. In addition, a child under 16 could work with the authorisation of the Ministry of Labour. It asked how this worked and how often such permission was granted. The delegation indicated that the Ministry could only give work permits to children who were 16 years old or older and who had finished secondary school; the only exception being seasonal employment during the holidays or the weekends. They also mentioned that children working received the same pay as adults. The delegation believed that instances of children missing a few days of school to help family businesses and support their families were not the same as children forced to work because of economic circumstances. They further explained that the Ministry of Labour adopted the position that all children under 15 should be in school and that a breach of ILO regulations in this regard would result in heavy fines for the employer. They finally stated that cases of children in regular employment were rare.

Street children

The delegation indicated they had no data on street children. They also mentioned that this was one area that they hoped would not develop due to the current economic situation.

Juvenile justice

The Committee wanted to know if the review of Grenada's prisons recommended by the World Bank (2006) had taken place. The Committee expressed serious concern about the legal possibility of whipping and flogging children in the administration of justice and the fact that the new bill did not expressly prohibit corporal punishment. The Committee highlighted that the bill should be child protection oriented with an explicit prohibition of corporal punishment. It also pointed out that the practice of detaining children under 16s with adults and the procedure used in serious cases were not satisfactory.

Drugs and alcohol consumption

Regarding measures to address drug consumption, the delegation said that the level of drugs on the island raised some concerns in 2005 but that thanks to preventive measures this problem was not overwhelming. In 2006, drug prevention programmes were introduced and drug resistance skills were taught. With regard to alcohol consumption, children abusing alcohol were referred for interventions and received counselling.

Trafficking

The Committee asked questions on child trafficking and whether Grenada had the intention to draft a comprehensive law to prosecute trafficking. The delegation indicated that trafficking was not an

issue in Grenada, probably because of their geographical location.

Sexual abuse, sexual exploitation and sex tourism

The Committee noted that the law only set an age of sexual consent for girls (16 years old) and asked about the sexual exploitation of boys. It also wanted to know what kind of preventive programme was in place to address the “sugar daddy” phenomenon, sex tourism and exploitation. The delegation explained that the two main components of prevention in this context were public education and awareness-raising. With regard to “sugar daddies”, the delegation admitted it was a historical phenomenon. It was not necessarily linked to poverty but was a way to get items like mobile phones, etc. with the emergence of a phenomenon of transactional sex with peers notably. Regarding sexual exploitation of boys, there were very few reports from abused boys, because people were generally homophobic.

Prostitution and pornography

The Committee asked whether there was a national law on child prostitution and pornography and if not, how they were implementing Articles 34, 35 and 36 of the CRC. It also wanted to know who was prosecuted in instances of prostitution. The delegation confirmed that prostitution was unlawful and that prostitutes could be prosecuted, provided there was a complainant. They highlighted that there were, however, very few cases as it was not an open issue in the country. A distinction was made between children under 16 or under 18 if they were forced, who were considered as victims of abuse, and adults who willingly engaged in such activities. The Committee asked what was done to support families of children involved in prostitution. For the delegation, poverty was not the only reason for child prostitution and they felt that many involved in such activities wanted to change life styles. The Committee asked about measures to prevent children from being ill-treated, involved in prostitution, etc. The delegation explained that the two main components of prevention were public education and awareness-raising.

Concluding Remarks

The Country Rapporteur thanked the delegation for the information provided. Grenada was putting a lot of effort into improving the well-being and welfare of children and implementing the CRC despite the challenges. While all the new bills were underway, only the one on the ombudsman had been implemented. Since the ratification of the Hague Convention was not controversial, she wondered why Grenada had not ratified it. She acknowledged the lack of professionals and commended the commitment to follow-up the concluding observations.

The Minister thanked the Committee for the opportunity to discuss the situation in Grenada. He reiterated that their commitment to implement most of the new legislation in 2010. They had made positive steps despite the economic downturn and emphasised the political will of the government to pass the new bills, overcome existing challenges and strengthen the infrastructure for the delivery of programmes for children. They looked forward to the continuous support of the Committee.