



Roadmap to protect children against all forms of violence in the Caribbean

Outcome of the Sub-regional Meeting for the Follow-up to the United Nations UN Study on Violence against Children, Kingston, 14 - 15 May 2012

I. Background

The Caribbean Meeting for Follow-up to the Recommendations of the United Nations Study on Violence against Children was held in Kingston, Jamaica on 14 and 15 May 2012 to encourage more widespread dissemination of the UN Study and renewed commitments to follow up on its recommendations at sub-regional and national levels. The meeting was also meant to raise awareness about violence against children in the Caribbean, to promote exchange of experiences, and stimulate further progress in priority areas of concern.

The meeting was hosted by the Government of Jamaica, organized with the Global Movement for Children in Latin American and the Caribbean (GMC-LAC) in partnerships with the United Nations Special Representative of the Secretary-General (SRSG) on Violence against Children (Marta Santos Pais), and benefited from the support of CARICOM.

The Caribbean meeting promoted the consolidation of the strategic alliances with key institutions, including the UN Special Representative of the Secretary General on Violence against Children, the Inter-American Commission on Human Rights (IACHR) and CARICOM. The meeting prioritized strengthening institutional links with countries in the Caribbean, United Nations agencies, international and regional organizations, as well as civil society organizations, including the media, religious leaders, research institutions and children and adolescents themselves, with a focus on accelerating progress in the implementation of the recommendations of the UN Study.

The meeting reaffirmed the importance of the Recommendations of the UN Study in taking concrete and strategic actions based on international human rights instruments and in accelerating and monitoring progress in preventing and responding to all forms of violence against children.

The meeting recognized the strategic role of the SRSG on Violence against Children in raising awareness and promoting accelerated progress in the implementation of the UN Study's recommendations. In this perspective, the SRSG's task is fundamental and underscores the urgency of tackling violence against children and



adolescents, based on an effective approach and realistic priorities, with a particular emphasis on the following three overarching recommendations of the UN Study:

- Development in each State of a national strategy on violence against children (Recommendation 1);
- An explicit legal ban on all forms of violence in all settings (Recommendation 2);
- Development of data and research systems with regard to this problem (Recommendation 11).

II. Proposals and recommendations

Prior to the event, a mapping exercise was conducted on implementation of the recommendations in the Caribbean - emphasizing the three prioritized by the SRSG. The mapping incorporated information from primary and secondary sources, as well as from States and civil society organizations from throughout the Caribbean. Experts on children's rights also contributed with valuable information. In addition, groups of children and adolescents were consulted to ensure their views are taken into account. Their contributions were decisive in clarifying their perceptions of violence, their experiences and proposals on ways to implement the recommendations.

The present document is based on the key findings of the mapping and the outcomes of the Caribbean Meeting. It presents a Roadmap with recommendations to track progress in implementing the three recommendations identified as priorities.

To ensure a strategic and sustainable approach to the implementation of the recommendations, the following strategic actions are proposed:

Use of the international human rights instruments as a framework for action

Considering that the protection of children and adolescents from violence is an ethical and human rights imperative, it is recommended that all States in the Caribbean ratify the human rights treaties related to children and withdraw reservations they may have entered in relation to these. In particular, States in the Caribbean are encouraged to ratify the three Optional Protocols to the Convention on the Rights of the Children, namely: the Optional Protocol on the involvement of children in armed conflict, the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on a communications procedure

States are called upon to recognize the contentious jurisdiction of the Inter-American Court of Human Rights and to take actions to implement the recommendations by international and regional human rights monitoring bodies, in particular the Committee on the Rights of the Child (CRC Committee), the SRSG on Violence



against Children, the Inter-American Commission on Human Rights (IACHR) and its Rapporteurship on Children's Rights, and the Inter-American Court of Human Rights. Special attention should be paid to the Concluding Observations and General Comments of the CRC Committee, the recommendations of the SRSG on Violence against Children, and the recommendations of the three thematic reports published by the IACHR: *Citizen Security and Human Rights*; *Corporal Punishment and Human Rights of Children and Adolescents*; and *Juvenile Justice and Human Rights*.

Development of a national strategy to prevent and respond to all forms of violence against children and adolescents (Recommendation 1)

States are encouraged to develop a comprehensive and integrated strategy on the prevention and response to all forms of violence against children. In addition, the recommendations of the UN Study should be included in public policy planning instruments, both those of a general nature and those specifically designed for children (i.e. national plans of action for children, national development plans, and national human rights plans, as well as other plans and programmes). The strategy on violence as well as other State's planning instruments must include strategic objectives, defined timelines and resource allocations that are adequate and sufficient, in both financial and human terms, as well as relevant indicators and regular evaluations of their results and impact. Their implementation needs to be ensured by high level coordinating mechanisms, with management responsibility for activities that span across government departments and political and administrative levels. States are encouraged to ensure that reports of the implementation of the strategy on violence and supportive activities are presented annually to Parliament and made available to the general public.

The development of national strategies and plans should be promoted in association with other relevant parties, in particular civil society organizations, and other groups, including children and adolescents, as well as religious leaders, the media, academic institutions.

These actions must be accompanied by a communication and dissemination strategy involving the media in order to strengthen the principles of transparency and public control and ensure that the public has access to information on strategies for combating violence. The communication strategy should also seek to contribute to addressing social norms and behaviours condoning violence against children (entailing a social and cultural change) and should be directed both at the general public and at decision-makers, using appropriate, child-friendly language when required.



Adoption of national legislation prohibiting all forms of violence against children (Recommendation 2)

It is of concern that some forms of violence are still not prohibited or adequately regulated by law. The majority of countries in the Caribbean continue to allow violence in certain settings, including in the home and community, in schools, workplaces and care and justice institutions. Furthermore, others do not adequately penalize those who sexually abused children and adolescents.

States are urged to enact legislation explicitly prohibiting all forms of violence against children, in all settings. This includes the prohibition of sexual abuse against boys and girls, without any type of discrimination. The current legislation in many countries is in effect denying boys who are sexually abused the same protection offered to girls --legislation should therefore be made gender neutral in Caribbean countries. It is also recommended to ensure that all types of sexual acts perpetrated against children are spelt out, as separate offences - using terminologies based on human rights instruments - with corresponding penalties --there should be no disparity in sentencing between offences.

To date no countries in the Caribbean have adopted comprehensive legislation prohibiting all corporal punishment against children, in all settings¹ – home, schools and institutions. States in the Caribbean are urged to explicitly prohibit corporal punishment in all settings. This legal prohibition will send a clear message that all forms of violence against children and adolescents are inadmissible. The explicit prohibition on physical and humiliating punishment is essential, as is the repeal of defences currently included in legislation, including the term ‘moderate’ or “reasonable”, which introduces an element of discretion that is inconsistent with the rights of children and adolescents to their personal integrity and human dignity.

With respect to the prevention of violence in institutional settings, it is important that guidelines include suitable guarantees regarding supervision and safe and child sensitive counselling, reporting and complaint mechanisms. This includes mechanisms for redress and legal and psychological support to aid recovery and integration. Complaint mechanisms must be designed to be easily accessible by and specially adapted for children and adolescents – including young children and children with disability - and to be established by law, confidential, safe, user-friendly

¹ Committee on the Rights of the Child General Comment 8(2006) The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment CRC/C/GC/8, 2 March 2007 and General Comment 13 (2011)The right of the child to freedom from all forms of violence CRC/C/GC/1318 April 2011



and independent to avoid re-victimization. Legal guarantees must be established to protect child victims and witnesses and prevent any risk of manipulation or reprisals. States should take all necessary measures to combat and end impunity for incidents of violence and violations of child rights, providing adequate sanctions. There are significant concerns regarding incidents of violence and violations of human rights of children and adolescents occurring in centres of confinement, and in institutions where children and adolescents are under the custody of the State. It is important that all countries establish a separate, and specialized juvenile justice system staffed by specialized judges who have training in human rights and child development. The juvenile justice system should put emphasis on alternative measures to deprivation of liberty and promote socio educative rather than merely punitive measures – taking in mind that deprivation of liberty should be a measure of last resort, and for the shortest time possible. As a matter of priority, countries in the Caribbean should increase their minimum age of criminal responsibility to the age of 12 years as the absolute minimum age and to continue to increase it to a higher age level. Violence as a sentence such corporal punishment, death penalty and life imprisonment should be abolished in the region.

National legal frameworks must be reviewed and reformed to ensure fully compliance with international and regional human rights standards. Participation by civil society and children and adolescents themselves must be taken into consideration in these legislative reforms processes, particularly on issues affecting them, as established by the Convention on the Rights of the Child strengthening linkages between governments and non-governmental governmental organizations.

Legislation must also cover the work of both public and private institutions, and be used as the basis for developing regulations concerning these services, including standards of conduct and discipline and appropriate monitoring mechanisms.

Law enforcement must be complemented by initiatives aimed at raising social awareness and mobilizing the general public, particularly children and adolescents. In most cases this implies combating deeply rooted social attitudes and behaviours and creating conditions for a culture of respect for children's rights. Media dissemination plans are recommended to further this aim. These initiatives should focus particularly on those who are in direct contact with children, including parents, relatives, caregivers, teachers, health professionals, social workers, civil servants employed in public institutions, civil society organizations that work with children and adolescents, the general public, public decision-makers and their advisers.

Parliamentarians should organize debates to supervise and encourage follow-up of any legislative recommendations or reforms that may be necessary to prevent and respond to violence against children. They should also guarantee allocation of adequate resources for effective implementation of legislation.



Consolidation of national systems to collect, analyse and disseminate data and research on violence against children (Recommendation 11)

Efforts are needed to strengthen national systems for collecting and generating consolidated disaggregated data that allow for monitoring progress over time and comparison with data from other sources avoiding duplication among different national institutions. This system will be a key tool for planning public policies and informing policy and budgetary decisions, and for monitoring and evaluation.

The information systems should contain both quantitative and qualitative data that reflect diversity (indigenous populations, rural populations, age...), have access to diverse sources and enhance capacity to conduct quality research. Collaboration of national statistics centres with universities and research institutions is important, as well as with civil society organizations that generate research and data on violence against children. Adequate training for staff involved in information collection, analysis and dissemination must also be addressed.

It is recommended that questions addressing issues of violence be included in household surveys (MICS), keeping in mind the limitations of such surveys when violence occurs within the family itself. It is recommended that the opinions and perspectives of children and adolescents be included and their experiences recorded. In this respect, it is felt that children and adolescents should participate directly in surveys and perception studies and other qualitative and quantitative research, and that these surveys should be conducted regularly and in an ethical manner. In this perspective, schools may be a setting for administration of such surveys; however, special attention should be given to ensuring the voice of children who are in institutions or confinement in States' institutions also heard. To ensure reliability and quality of information, it is recommended that these surveys be conducted by experts, in respect of children's rights.

Statistical information must be made public in a friendly manner, respecting the principle of transparency and scrutiny of public administrations by their citizens while preserving individuals' right to privacy. Accessibility and analysis of information by children and adolescents, civil society and public in general should be considered.

Greater attention is recommended with regard to information collection on violence prevention, particularly on risk factors and protection issues. The same applies to information on forms of response to violence and recovery of victims. The information gathered should not be restricted to quantitative data on the number of violations and the types of violence. Telephone helplines are an important mechanism to compile and monitor data on the facts reported and the process followed in response to specific cases (such as the number of cases reported that lead to a formal complaint, and the result, if any).



There must be an increase in the number of monitoring tools, instruments and indicators available. Indicators developed must be grounded in international human rights instruments and incorporate enhanced equivalence and standardization factors, permitting comparison of data over time and between countries and improved monitoring. Children of all ages, gender, ethnic origin, nationality, social and economic condition and in all environments should be taken into account, particularly those incurring the greatest risks. Less visible forms of violence must be identified.

It is essential to integrate information databases across all sectors (e.g. education, health, justice, finance etc.) since it is possible that data from different sectors are not being cross-referenced or jointly analysed. Effective data management is crucial. States should have integrated systems that draw on data generated by prevention, detection and protection services.

National plans on violence must include indicators for measuring the scope of the objectives proposed, with particular attention to implementation at local level. Financial and public investment indicators should be considered.

It is recommended that CARICOM, as a regional organization in the Caribbean, support the work of unifying concepts and recognizing or standardizing indicators, providing technical assistance and guidance to States in the region creating a network linking national systems. Another aspect of possible collaboration between the CARICOM and the States is the development of an effective model of inter-sectoral data management and modernization of instruments and systems. It is recommended that CARICOM encourage initiatives in this respect, fostering exchange and taking into consideration good practices at country level.

Furthermore, it is recommended that a monitoring mechanism is set up at CARICOM level to regularly monitor the implementation of the UN Study's recommendations by States in the region with common indicators that allow to share and compare information between countries.

III. Institutionalization of a follow-up process and application of the UN Study's recommendations

Overcoming all forms of violence against children and adolescents requires a sustained effort over time and the joint work of many varied actors. Thus it is clearly necessary to institutionalize suitable and adequate national and regional structures and processes for follow-up and application of the recommendations to achieve progress and ensure sustainable changes



Designation of a high-level authority in each country with the mandate to coordinate actions necessary for implementation and follow-up to the UN Study recommendations

Confronting the phenomenon of violence requires an integrated and holistic approach. Such a multi-faceted and multi-causal issue linked to children's rights must be addressed from the perspective of promotion, prevention, protection and response if we are to break the cycle that reproduces violence, and not merely offer reactive responses. This type of intervention requires two kinds of coordination: horizontal (between sectors, including health, education and social affairs, gender, justice and home affairs, planning, economy and finance) and vertical (between local and national authorities). Thus, coordination must be led by a top-level actor with the capacity to manage coordination and a mandate to call on diverse sectors and the various levels of government. It is recommended that a strategy be designed and mechanisms sought through which the recommendations can be incorporated into all spheres and levels of the State, at the same time ensuring effective and efficient vertical coordination.

Based on positive promising practices in the region regarding effective structural framework and mechanisms, the following operational suggestions are made to stimulate the process of follow-up to the UN Study recommendations:

1. The setting up of multidisciplinary and cross-departmental Committees at country level – involving the highest authorities - to mobilize the process of development of the national plan (national roadmap) with adequate resource allocation, specific goals and objectives; and responsibilities for follow-up of actions and regular evaluation of results. The Committees should be comprised of different state actors, experts, civil society and children and adolescents bearing in mind cultural diversity;
2. The creation of a Coordination group at national and sub-regional levels focusing on the issue of violence, with a specific budget and access to technologies to facilitate communication between specialists across the Caribbean region;
3. The development of coalitions at national and sub-regional levels (with the participation of civil society organizations and other groups representing children, including children themselves) to inform and support the consideration of children's protection from violence as a priority in the agenda of governments in the region as well as within the regional work undertaken by CARICOM, the Organization of Eastern Caribbean States (OECS), the Organization of American States (OAS) and other actors in the region.



Financial resources must be transferred from national to decentralized levels in accordance and consistent with responsibilities assigned, avoiding the creation of inequalities in access to prevention and protection anywhere within the territory. To achieve this without limiting compliance by a country, the clause addressing budget allocation in Recommendation 1 – “must be in accordance with the country's resources” – should be viewed in relative terms.

Promotion of and support for the participation of children and adolescents

It is fundamentally important to encourage participation of children and adolescents in the follow-up to the UN Study. Their ideas and experiences should be valued and considered. Appropriate conditions should be established for them to act within their own communities, including a mechanism for their own protection. It is therefore recommended that the communication strategy be developed with children and adolescents from its conception and design to its implementation, using child-friendly materials that take diversity into account.

At the same time, approaches adapted to children/adolescents should be promoted in both prevention and response, thus increasing accessibility for children/adolescents and the efficiency of the strategies employed.

It is therefore recommended that children's participation be institutionalized through appropriate and representative fora and mechanisms, in accordance with article 12 of the Convention on the Rights of the Child and with General Comment No. 12 of the Committee on the Rights of the Child regarding the Right of the Child to Be Heard, and the recommendations of the 20th Pan-American Conference. These measures should take into consideration the on-going efforts for the creation of Children's Consultative Councils and existing children's organizations and networks.

Follow-up of the recommendations of the UN Study by Independent National Human Rights Institutions

The establishment of Independent National Human Rights Institutions (INHRI) is strongly encouraged. Their actions should include follow-up to the recommendations of the UN Study. Among possible initiatives also are: advocacy for legal reforms; promotion of public policies; research and initiatives involving supervision and monitoring; provision of counselling/guidance; and in some cases response to individual complaints on incidents of violence. It is also recommended that INHRI submit annual reports to the Parliament to discuss progress towards achievement of the UN Study's recommendations.

Children and adolescents must have direct and user-friendly access to the INHRI and have appropriate information on its mandate.



It is recommended that INHRI in each country institutionalize their collaboration with the SRSG so they can provide relevant information regarding the follow-up of the UN Study. Similarly, it is important that the various INHRI have spaces for exchange and collaboration between them so that they can share knowledge and experiences and build synergies. This could be done through the establishment of network of INHRI at regional level.

Consideration of the recommendations by multilateral regional bodies and spaces for interstate cooperation

Some forms of violence are transnational in nature, requiring interstate agreements for cooperation or multilateral action. Tackling such issues through multilateral bodies such as the CARICOM and/or the OECS is essential.

Promotion of alliances of actors and sectors to achieve greater impact

Initiatives such as the one promoted by the Global Movement for Children in Latin America and the Caribbean are important in supporting progress towards compliance with the recommendations of the UN Study. They must be encouraged and maintained, ensuring their development at national and regional levels.

Within this framework it is important to stimulate and reinforce local, national and regional organizations working on violence against children, whether individually or as part of networks and coalitions. It is also important to encourage and ensure exchange and cooperation among actors, including the media at local, national and regional levels to ensure the visibility, dissemination and sharing of their various initiatives.

Consideration of the recommendations by multilateral development organizations and international financial institutions

Given the unanimous support for the UN Study expressed by the States and the existing relationships for development cooperation among several States in the Caribbean, it is recommended that the UN Study and its recommendations be taken into account as a reference in strategic interventions in bilateral cooperation between States, as well as in multilateral development organizations and international financial institutions.

IV. Follow-up to the Roadmap

Complements to this regional Roadmap are the Manifesto produced by children and adolescents of the Caribbean countries participating in the meeting and the Kingston Declaration, endorsed by the participants to the meeting.



Participants in the working groups have also produced an initial draft roadmap for each country, adapting the recommendations to each country's context. These national roadmaps, to be developed in conformity with the regional Roadmap, will later be improved and discussed at national level by those who participated in this process and will inform implementation of the Roadmap at country level.

In the Caribbean, CARICOM, in conjunction with the community organs and mechanisms (such as the Council for Human and Social Development - COHSOD), represents a valuable structure for institutionalizing regional follow-up to the UN Study, grounded in the Roadmap agreed to at the Kingston meeting. Within this forum mechanisms can be established for exchange of experiences that contribute to implementation of the UN Study's recommendations. In this respect, it should be considered that, at the bi-annual meeting of the Special COHSOD for children, each State presents a follow-up report about country level progress and challenges in implementing the UN Study's recommendations. Such a common approach has great value in creating opportunities for collective progress and synergies in the region. It is also recommended that CARICOM reinforce its institutional relationships with the SRSG on Violence against Children with a view to contributing to the SRSG's mandate.

Finally, CARICOM Member States and associates should consider providing support to the SRSG's Office for the implementation of its mandate. As the Office depends on voluntary contributions, insufficient funding can put at risk the efficiency, long-term planning and independence of the mandate. It is hence crucial that States – which unanimously declared their commitment to the UN Study and its recommendations at the UN General Assembly – mobilize in support of the SRSG's mandate and contribute to ensuring the continuity and visibility of the agenda on violence against children within the United Nations system.