

SAVING THE CHILDREN OF THE CARIBBEAN

By

The Honourable Mme. Justice Désirée P. Bernard, O.R., C.C.H.



Before addressing the topic chosen for discussion, I wish to congratulate heartily the members of the Steering Committee of the Caribbean Association of Women Judges spearheaded by the Trinidad & Tobago Association of Women Judges for arranging the launch of this Association which is long overdue and can only enure to the benefit of the judges of the Caribbean and to the Region's judicial systems.

The International Association of Women Judges to which the Caribbean Association will be affiliated, was formed in 1991 as a non-profit, non-governmental organization with membership comprising all levels of national judiciaries bound together by commitment to the rule of law and equality before the law. Its objectives include, *inter alia*, promoting women's access to the courts and educating the public and the judiciary itself about its role in implementing laws that promote and protect the rights of women

on an equal basis as well as eliminating gender bias from judicial systems. The Constitution of the Trinidad & Tobago Association reflects the same laudable objectives, as will the proposed constitution of the Caribbean Association.

The theme chosen for this Conference is “The Law and the Protection of Children (Saving the Children of the Caribbean),” and can be discussed appropriately in relation to two of the objectives of the Association, these being supporting programmes and activities which discourage violence in our societies, and engaging in judicial exchanges and conferences which contribute to the understanding and resolution of legal issues facing women. The relevance of these objectives to children is due to women’s natural affinity, not to mention the variety of legal issues which women may encounter within the judicial system in relation to their children including violence in all of its horrible forms.

As a consequence the question arises – how do we protect and save the children of our Region into whose hands our future will be entrusted, a fact which we tend to forget or disregard in our interactions with and treatment of our children. We also ignore the impact which our behaviour

and actions have in molding the minds and characters of those entrusted to our care.

The effect of the adoption of the **Convention on the Rights of the Child (CRC)** by the General Assembly of the United Nations on 20th November, 1989, focused the world's attention on issues affecting children with the largest number of member states ratifying or acceding to any treaty when it entered into force on 2nd September, 1990. This Convention led the way to the adoption by the General Assembly of two other U.N. instruments concerning the world's children – **The Millenium Declaration** adopted in September 2000, and **A World fit for Children** adopted on 10th May, 2002.

Here in our Region initiatives were taken to protect and safeguard the rights of our children by commitments of our governments beginning in 1996 with the Belize Commitment to Action for the Rights of the Child, a Regional Symposium on Juvenile Justice in 2000 here in Trinidad & Tobago and a Special Meeting of CARICOM's Council of Human and Social Development with specific targets to be achieved within the period 2003-2006. The time frame for attainment of the goals of the Framework is 2015. One wonders whether all have been or will be achieved.

In pursuit of these laudable objectives a Regional Task Force on Child Rights and Child Protection was established comprising representatives from member states and civil society with a mandate, *inter alia*, to ensure a coordinated regional approach to effective child protection mechanisms and juvenile justice systems; also to provide a forum for interchange of experiences and ideas.

Task forces apart, there is pressing need to address and highlight some key issues which both children and adults as parents, guardians, teachers and all concerned citizens encounter on a daily basis. The list includes the ever-present cancer of child abuse (including sexual abuse), violence in all its hideous forms, trafficking in children, and teenage pregnancies, to mention just a few.

In the twin instrument to the Convention born unusually nearly thirteen (13) years later and intitled **A World Fit for Children**, governments at a special session of the General Assembly of the United Nations on Children reaffirmed their commitment to protect the rights of children by upholding certain principles and objectives, such as putting children first, i.e. ensuring that their best interests be of primary consideration, leaving no child behind by removing all forms of

discrimination affecting them, and protecting them from harm and exploitation. This latter objective leads me to make mention of the **Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and pornography** adopted by the General Assembly on 25 May, 2000 which I am not certain has been ratified or signed by all Caribbean member states. Over the years prior to its adoption states parties being gravely concerned about the increase in international trafficking in children and the widespread practice of sex tourism in relation to girl children in particular, agreed to incorporate all such practices as offences in their criminal justice system, and also to adopt appropriate measures to protect the interests of children who are victims of sexual exploitation.

These commitments were reiterated in **A World fit for Children** mentioned earlier with additional affirmations, such as, identifying and addressing the underlying causes giving rise to trafficking and sexual exploitation of children, and raising awareness of the illegality and harmful consequences of such practices. I shall now make mention of a few issues which in my view have given rise to increasing concern within our Region, and which requires urgent and consistent attention both individually and collectively.

ABUSE AND VIOLENCE

Within recent times individually and collectively the states of the Region have been beset by an alarming rise in violent incidents with children increasingly being the victims. Invariably they face on a daily basis the trauma of dodging bullets (if fortunate enough) or experiencing the constant verbal and physical assaults of adults in hostile environments. Others face the all-too-familiar scourge of deviant sexual abuse in dysfunctional households – fathers and stepfathers committing acts of incest on trusting and unsuspecting girls and boys of tender age who have been catapulted prematurely into the adult world of sexual activity. Lack of parental control or misguided perceptions of parental roles lead inevitably to children developing character traits which encourage the use of violence as means of settling disputes or as coping skills in a world which they perceive to be hostile. As they advance into adolescence they live by the mantra – “get you before you get me”. It is survival of the fittest, and anger which is always close to the surface erupts on the commission of simple acts perceived unjustifiably to be provocative or disrespectful.

Inevitably this has given rise to an ever-increasing number of children and young adults running foul of the law and being prosecuted for serious

crimes such as rape, wounding, manslaughter and murder. As a result, the juvenile justice system in some states of our Region become overburdened being invariably understaffed. In some states the legislation pertaining to juveniles needs drastic reform as well as the provision of adequate support services with suitably qualified personnel. From all reports these issues are being addressed through regional symposia which began as far back as the year 2000 and continues to be discussed at several levels in order to improve the juvenile justice systems within our states. It is hoped that reforms of these systems will be accelerated in the best interests of the Region's children.

DRUG USE AND TRAFFICKING

This is another scourge which is stalking our communities – the pervasive use of habit-forming drugs and its by-product of trafficking which spawns mules and “swallowers” attracted by lucrative payments for shipments out of the Region mainly to the metropolises of the developed world. Poverty is the main incentive for young men and women undertaking the risks inherent in embarking on these potentially dangerous enterprises.

The tentacles of the drug trade have penetrated the fabric of every state in our Region spawning the formation of gangs in our communities

with rivalry among them resulting in premature death of young males. The proliferation of guns and ammunition which is the Siamese twin of the drug trade is another cause for the early demise of our youths when they fail to conform to the rigid codes within the gangs. In most instances young boys find within a gang the discipline, comfort and understanding which they never find within their families. These gangs become their families sometimes with disastrous consequences. Day by day we witness the wanton destruction of young lives cut down in their prime. Urgent concerted action is required at the Regional level to arrest and eradicate this monster in our midst.

PROSTITUTION AND PORNOGRAPHY

The other hideous aspect of sexual abuse of children which has invaded our communities is pornography and titillating sexual practices. One hears with astonishment that this has crept into the school systems with teen-aged girls and boys indulging in these practices which are captured on mobile phones which are now the medium for spreading pornography. This too has to be arrested before it becomes the norm in our schools. One can only hope that it is not too late. Ratification and

implementation of the Optional Protocol on this issue and which was mentioned earlier is not an option; it is obligatory and an imperative.

TEENAGED PREGNANCIES

The continuous decay of the moral fibre of our societies is also evident in the increasing number of teen-aged pregnancies – children giving birth to children. Every state of our Region is plagued by the rise in teenaged births. Very often these teen-aged girls drop out of school and enter adult life without completing formal education. They have no skills and find it difficult to subsist financially being dependent invariably on one or other parent; if not they find themselves involved in other relationships which lead to birth of other children, thereby completing a vicious circle out of which they cannot extricate themselves. Help is needed if they are to re-integrate into society. If possible, such children should be given the opportunity to resume their education and secure coping skills to enable them to maintain themselves and their offspring. This is an imperative as often the fathers responsible for the births disappear or are themselves unable to make any financial contribution or offer support.

ABDICATION OF PARENTAL RESPONSIBILITIES

The large and ever-increasing number of female single-headed households in our Region is adequate testimony of the neglect and failure of the men in our societies to fulfill their responsibilities as fathers, particularly in visiting relationships leaving the women “holding the baby”, literally and figuratively. Some women find themselves in the unfortunate position of being dependent on more than one putative father for financial support which is never forthcoming in most cases. Children, particularly boys, enter adolescence and adulthood without the guidance, love and care of a father thereby oft times forcing them into the arms of gang leaders who they regard as father figures. This was an area of concern of the Committee on the Rights of the Child which monitors compliance with the Convention in one report from our Region some time ago. Mothers often throw up their arms in despair when they can no longer cope with the twin burdens of nurture and discipline thereby leaving adolescents to fend for themselves. The result – a generation of angry young men, teenaged female prostitutes and street children soliciting alms. What a dire prediction of the future of our Region!

The Convention in Article 27 recognises the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development, and the primary responsibility rests on both parents to guarantee that right within their capacities and financial capabilities. Fathers have to step up to the plate and fulfill their financial obligations. Recovering payment of court-ordered child support in some jurisdictions is a frustrating exercise. Procedures to facilitate recovery of maintenance owed by defaulting fathers mainly must be a priority of state personnel. This was another area of concern of the Rights of the Child monitoring Committee when examining the reports from a few states in the Region, and recommendations were made to improve the situation.

INCREASING AWARENESS AND IMPLEMENTATION OF THE CRC

At a Children's Forum during the Belize Conference in 1996 fifty-two children speaking on behalf of the children of the Region formulated several recommendations, one of them being promoting public awareness of the Convention among their siblings, parents and teachers with a view to making the school and home environment more "child friendly".

In the reports examined by the RTC Committee one recurring concern was the slow pace of reform of existing legislation as well as the

enactment of new legislation to conform to the Convention; very often recommendations of the Committee included a comprehensive review of laws pertaining to children particularly with regard to abuse, violence and neglect. If we are serious about improving the status of children in our Region and ensuring that they are raised in a safe and healthy environment free from violence, drugs, abuse and fear, we have to hold ourselves accountable by taking seriously our obligations under treaties we ratify, and complying faithfully with their provisions. States should also have regard and seek to heed and implement the recommendations made by the Committee in its comments on their reports which come up for consideration periodically.

The general perception of the Committee and of organisations concerned with the welfare of children is that public awareness of the Convention and its mandate is either limited or non-existent; although there was much enthusiasm about ratifying, follow-up action has been slow and in some instances non-existent. As a result the general public and stakeholders such as social workers, those in law enforcement and the wider judiciary (including the magistracy) have limited, if any, knowledge of the Convention, its provisions and its mandate.

It is imperative that this be corrected with dispatch, and that all states of the Region take steps to review, revise or enact legislation to address the myriad problems which confront our youths and children on a daily basis. It is the political will which is necessary to ensure the social development of our children into mature and responsible adults before they become lost forever in the swamp of illegal activity and degradation or become a statistic in the records of those who died prematurely. The time for action is now.

I wish to thank the Steering Committee of the Caribbean Association of Women Judges for inviting me to address you at this Opening Ceremony of the Launch and Inaugural Conference of the Association, and I wish to extend best wishes for its success in the years ahead.



Launch of:
The Caribbean Association of Women Judges
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