### III. Main areas of concern and recommendations

#### B. General principles (arts. 2, 3, 6 and 12 of the Convention)

**Respect for the views of the child**

26. The Committee notes the State party’s efforts to ensure respect for the views of the child in courts, schools, the family and relevant administrative processes, as well as in judicial proceedings. The Committee also notes the numerous child participation initiatives by various government agencies, including the Child Development Agency and the Office of the Children’s Advocate. The Committee is concerned, however, that traditional and cultural practices do not readily accommodate and recognize the views of the child in homes, alternative care centres, schools and communities; and that respect for the views of the child is not adequately implemented in practice in all relevant areas and at the national and local levels.

27. The Committee, in light of its general comment No. 12 (2009) on the right of the child to be heard, recommends that the State party:

(a) Take measures to ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant legal and administrative proceedings;

(b) Develop toolkits for public consultation on national policy development to standardize such consultation at a high level of inclusiveness and participation, including consulting with children on issues that affect them; and
(c) Conduct awareness-raising programmes, including campaigns, to promote the meaningful and empowered participation of all children within the family, in particular with regard to family decisions affecting their lives, alternative care centres, communities and schools, including within student council bodies, with particular attention to children in vulnerable situations.

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39 of the Convention)

**Corporal punishment**

30. The Committee notes the significant progress in enacting legislation prohibiting corporal punishment in the penal system, alternative care settings and early childhood institutions, in particular, the Early Childhood Act, Child Care and Protection Act and the Act to Provide for the Regulation and Management of Early Childhood Institutions. The Committee, however, is concerned that corporal punishment remains lawful in the home and schools, is widely accepted in society, and continues to be practised in the State party.

31. In line with its general comment No. 8 (2006) on the right of the child to protection from corporal punishment, and general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee recommends that the State party:

(a) Amend its legislation to explicitly prohibit corporal punishment in all settings, including the family, schools and institutions, and explicitly repeal the common law right to inflict “reasonable and moderate” punishment;

(b) Finalize and approve the draft National Safe Schools Policy which addresses the use of corporal punishment in schools;

(c) Promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment, and expand parenting education programmes and training for principals, teachers, and other professionals working with and for children; and

(d) Strengthen and expand its efforts through awareness-raising campaigns to inform the public in general about the negative impact of corporal punishment on children and actively involve children and the media in the process.
D. Family environment and alternative care (arts. 5, 9-11, 18(1) and (2), 20, 21, 25 and 27 (4) of the Convention)

Family environment

36. While welcoming the National Parenting Policy, and social support programmes and services for families as well as other poverty reduction initiatives, the Committee is concerned that many families, in particular those in situations of poverty, receive insufficient assistance in the performance of their child-rearing responsibilities, especially family counselling and parenting education programmes. The Committee is also concerned about limited access to day care for children under three years of age, especially for middle and low-income families.

37. The Committee recommends that the State party:

   (a) Intensify its efforts to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities, in particular in situations of poverty, and especially female-headed households, including by strengthening the system of family benefits and child allowances, and other services, including affordable day care;

   (b) Finalize the development of and implement the National Poverty Policy and Programme in keeping with Vision 2020 Jamaica – National Development, and implement the Jamaica Social Protection Strategy; and

   (c) Expand family counselling and parenting education programmes, and other programmes, including the Programme of Advancement Through Health and Education (PATH), the Effective Parenting Campaign, Steps-to-Work Programme and the Roving Caregivers Programme to strengthen parenting capacity building.

Children deprived of a family environment

38. The Committee welcomes the budgetary increases of the Child Development Agency, which provides placement and supervision of children in residential children homes and places of safety, as well as information that many of the recommendations contained in the Keating Report regarding children’s homes and places of safety have been implemented. It also welcomes information that children deemed “uncontrollable” will no longer be criminalized, as well as information concerning the construction of a transitional facility for girls
leaving the care system. The Committee additionally notes the efforts of the State party to encourage foster parenting, which has resulted in an increase in the number of children placed in foster care. The Committee is, however, concerned about the following:

(a) The continued institutionalization of children, and institutional abuse of children, as well as the number of critical incidents in child care facilities;

(b) Inadequate monitoring of the conditions of the system of children’s homes and foster care, and inadequate number of institutional childcare providers, as well as insufficient training of such providers; and

(c) Inadequate financial support and psychological support for foster families.

39. The Committee recommends that the State party undertake the following measures, taking into account the Guidelines for the Alternative Care of Children annexed to the United Nations General Assembly resolution 64/142 of 18 December 2009:

(a) Further strengthen the support provided to biological families to prevent out-of-home placements;

(b) Increase efforts to ensure that children in need of alternative care are placed in family-based care rather than in institutions, and that they maintain contact with or are returned to their families whenever possible, with a view to avoiding the institutionalization of children;

(c) Ensure adequate safeguards and clear criteria, based on the needs as well as best interests of the child, for determining whether a child should be placed in alternative care;

(d) Ensure periodic review of the placement of children in foster care and children’s homes, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children;

(e) Ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services, in order to facilitate the rehabilitation and social reintegration of children resident therein to the greatest extent possible;

(f) Increase training to staff dealing with children in alternative care including staff sensitization training sessions by the Child Development Agency and the development and dissemination of
relevant tools such as the Child Abuse Prevention and Control in Residential Care Facilities Handbook;

(g) Increase financial support to foster parents and provide psychosocial support to both children and foster families; and

(h) Implement the remaining recommendations contained in the Keating Report.

Adoption

40. The Committee welcomes the information that the backlog regarding adoption cases is being addressed, but is, nevertheless, concerned about the lengthy process and remaining backlog regarding adoptions. It is also concerned that the State party has not yet ratified the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

41. The Committee recommends that the State party review current legislation and policies on adoption with a view to ensuring that the best interests of the child should be of primary consideration, and that the relevant legislation and policies are in line with the Convention. The Committee also recommends that the adoption system be strengthened to address the backlog in cases by ensuring sufficient number of officers to handle adoption cases, conduct the necessary investigations and prepare the requisite documents. The Committee additionally recommends that the State party streamline the adoption process, including by amending the Adoption Act of 1958. The Committee further recommends that the State party consider becoming party to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

G. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d), 38, 39 and 40 of the Convention)

Children in situations of migration

56. The Committee is concerned about the impact of migration on children, especially those left behind as well as challenges in securing maintenance from parents who may have migrated abroad.

57. The Committee recommends that the State party undertake a comprehensive study on all aspects of migration’s impact on children in the country and the role of child protection and social protection systems
in providing services for children affected by migration. It also recommends that the State party develop national policy and guidelines for all ministries, agencies and departments providing services to children of migrants, and all children affected by migration, including measures to secure maintenance from parents working abroad. The Committee further recommends that the State party take all necessary measures to ensure the recovery of maintenance from abroad by entering into bilateral agreements with the major States of employment of Jamaican migrant workers and also ratify The Hague Conventions and other Conventions relative to the subject.

Children in street situations

60. The Committee welcomes the information regarding initiatives by the State party to address children in street situations. It, however, reiterates its concern (CRC/C/15/Add.201, para. 52) about children in street situations and issues related to this phenomenon, including substance abuse, HIV/AIDS, and sexual exploitation of children in street situations.

61. The Committee recommends that the State party continue to strengthen its efforts to protect children in street situations and reduce their number, including by identifying the underlying causes, such as poverty, family violence, migration, and lack of access to education, with the aim of preventing and reducing this phenomenon, and developing a comprehensive strategy. The Committee also recommends that the State party provide adequate protection and assistance for recovery and reintegration to children in street situations, including shelter, education and vocational training, adequate health care services, including HIV/AIDS screening, and other social services, including substance abuse programmes and mental health counselling.

Country Report

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**Acronyms and Abbreviations:**

- **CEDAW**: Convention on the Elimination of All Forms of Discrimination against Women
- **CRC**: Convention on the Rights of the Child/Committee on the Rights of the Child
- **CRPD**: Convention on the Rights of Persons with Disabilities
- **ICCRP**: International Covenant on Civil and Political Rights
- **ICESCR**: International Covenant on Economic, Social and Cultural Rights
- **OPAC to CRC**: Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
- **UN**: United Nations
- **UPR**: Universal Periodic Review