



Convention on the Rights of the Child

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Summary record of the 1516th (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Monday, 31 May 2010, at 10 a.m.

Chairperson: Mr. Zermatten (Vice-Chairperson)

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (*continued*)

Second periodic report of Grenada on its implementation of the Convention on the Rights of the Child (CRC/C/GRD/2; CRC/C/GRD/Q/2; written replies by the State party to the list of issues (document without a symbol distributed in the meeting room in English only))

1. *At the invitation of the Chairperson, the members of the delegation of Grenada took places at the Committee table.*

2. **Mr. Quarless** (Grenada) said that his country was firmly committed to the implementation of the Convention on the Rights of the Child, as attested by its efforts to adopt laws and policies in order to fulfil its obligations under that instrument and promote full observance of the rights of the child. During the period under consideration (2000–2007), the situation of children had improved considerably, although Grenada had been devastated by two hurricanes, Hurricane Ivan in 2004 and Hurricane Emily in 2005, with disastrous consequences in many areas of life.

3. **Ms. Herczog** (Country Rapporteur) asked about the current situation of the bills on the status of the child, childcare and adoption, juvenile justice and domestic violence. She wondered why Grenada had not ratified the Optional Protocols to the Convention, the Convention on the Rights of Persons with Disabilities or Hague Conventions Nos. 23, 24, 28, 33 and 34. It was regrettable that the Convention on the Rights of the Child had not been incorporated into domestic legislation, that Grenada was yet to adopt a children's code and that there seemed to be no national coordinating body for the implementation of the Convention.

4. She welcomed the adoption of a mediation and conflict resolution techniques Act, but noted with concern that corporal punishment was still permitted in schools and within the family. She commended the adoption of the law establishing the post of Ombudsman, but would like to know whether the post had been filled and whether there were any plans to appoint a Children's Ombudsman.

5. Noting that Hurricane Ivan and Hurricane Emily had caused the loss of many sources of data, she wished to know whether the Government had launched a data collection campaign and had requested technical assistance from international organizations in collecting and analysing new data. It would be useful to have more information about the budget devoted to families, and particularly to children's issues.

6. **Mr. Filali** asked whether the Convention could be invoked directly before the courts and, if so, whether the courts had pronounced judgements based specifically on its provisions. He would also like to know whether judges received training in the provisions of the Convention and whether Grenada was involved in the work being done by the Organisation of Eastern Caribbean States (OECS) to draft a children's code.

7. The delegation might provide more details about the Ombudsman's mandate and, in particular, to state whether he or she was authorized to receive complaints from children. Lastly, he wished to know the age of criminal responsibility in Grenada.

8. **Mr. Koompraphant** asked how the Ministry of Social Development coordinated the implementation of the Convention with other competent authorities. Since the report under consideration stated that no progress had been made towards the adoption of a comprehensive children's code and that the Convention did not have legal force in Grenada, it would be interesting to know how the country could fulfil its obligations under the Convention. He also required further information on respect for the views of the child within the family and in schools.

9. **Ms. El-Ashmawy** asked whether professionals working with children received training in the provisions of the Convention.

10. **Ms. Maurás Pérez**, noting with satisfaction that Grenada had increased its social expenditure, asked what proportion of the national budget was devoted to children's issues. With two thirds of social expenditures financed by international donors, she wondered about the long-term viability of such assistance in view of the world economic crisis. She would like to know whether households headed by women, which accounted for 50 per cent of all households, received any specific social benefits.

11. **Ms. Varmah** asked why a baby's birth certificate gave the father's profession and address, but not the mother's, and whether the father's name was stated on the birth certificate if the child was born out of wedlock. She noted with concern that, even though births, most of which took place in hospital, were sometimes registered without recording the child's name, a child's birth certificate would not be issued until the parents could produce proof of the child's baptism, which could take up to four months.

12. It would be useful to know whether any studies had been conducted to find out why more girls than boys were adopted and how domestic and international adoptions were monitored, since Grenada was not party to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and there were a great many international adoptions in the country.

13. She was alarmed to note that corporal punishment still appeared to be legally permissible as a method of discipline in the home, in schools, in alternative care facilities and in correction institutions, and would like to know whether any steps had been taken since the consideration of the previous report to prohibit corporal punishment in all settings, including the family.

14. **The Chairperson** noted with regret that people working with children were not systematically and thoroughly trained to respect children's rights, and expressed his concern that adolescent mothers were excluded from the school system and that children in conflict with the law were not allowed back to school for the entire duration of the investigation and judicial proceedings. Information about the limited access to the education system for disabled children and the realization of the principle of the best interests of the child would also be desirable.

15. He would like to know whether the law required the judicial and administrative authorities to hear the testimony of a child when a decision about that child was to be taken, and whether age criteria had been defined and mechanisms implemented.

The meeting was suspended at 10.55 a.m. and resumed at 11.15 a.m.

16. **Mr. Quarless** (Grenada) said that, in collaboration with UNICEF and as part of a programme of reform of family law by OECS member States, four family law bills had been drawn up, which Grenada was due to approve during the current year: they dealt with the status of the child, childcare and adoption, juvenile justice and domestic violence. A consultant had been recruited, with UNICEF support, to facilitate the process: the consultant's task was to examine the four bills and adapt them to the country's needs in consultation with stakeholders, to evaluate the current social services system in consultation with the Ministry of Social Development in order to rectify its shortcomings, to assess the situation in the legislative and other areas in need of reform, to draw up a plan of action to strengthen institutional capacity, to draw up a professional development plan for stakeholders and to provide the Ministry of Social Development with general advice.

17. He should point out that, since the submission of the report in 2008, three new bills had been drawn up as part of the OECS family law reform programme; they dealt with the obligation to pay maintenance to a spouse, the obligation to pay maintenance for a child, and the custody and guardianship of children.

18. The law on sexual offences would also be reviewed with a view to strengthening it, especially the provisions on the period of statute of limitations for illicit sexual intercourse and for minor victims of sexual offences.

19. **The Chairperson**, noting that the texts in question were model laws drawn up at the OECS level, which each member State needed to adapt to its own legal framework and national realities, asked whether the general public and the political parties were prepared to accept the provisions of those texts, which had been discussed in detail at the technical level.

20. **Mr. Filali** expressed his doubts that the four bills, which had been under consideration since 2000, could be adopted before the end of 2010, and asked whether Grenada had the necessary financial resources to enforce them.

21. **Mr. Quarless** (Grenada) said that the political parties had supported the legislative reform initiative from the outset and would certainly endorse its results. The bills on the status of children and on childcare and adoption should be considered within the next two months.

22. **Ms. Daniel** (Grenada) said that the adoption laws involved no major changes to the country's legislation and were principally intended to strengthen and specify how existing child protection laws would be enforced.

23. **Mr. Quarless** (Grenada) said that the approval of the new Grenadian child protection legislation had implications for the ratification of various relevant international instruments. The Grenada Adoption Board had examined the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and had recommended that Grenada should accede by the end of 2010; it had also been recommended that Grenada should ratify the Convention on the Rights of Persons with Disabilities. The Optional Protocols to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, along with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, would be examined in 2011.

24. The Office of Ombudsman had been established in 2010 and a former cabinet member had been appointed Ombudsman: it was part of his duties to consider complaints. It had been recommended that a "child advocate" should be appointed to provide additional support for the Office of the Ombudsman. The establishment of the Office was still in its early stages, and staff were still being recruited. It was too early to say whether a special children's affairs section would be set up or when the Office would be fully operational.

25. Approximately 16 per cent of the national budget allocation for 2010 had been devoted to education, and the Government intended to continue that trend in future years.

26. The national parenting programme organized by the Ministry of Social Development was intended to help parents and parents-to-be to improve their parenting skills and enjoy a better family life. The programme consisted of five components: community parenting education; parenting guidance centres for parents-to-be; training in parenting for students; training of parenting facilitators; and certification and training workshops for stakeholders. The following areas were covered in a series of 10–15 classes and short community workshops on parenting skills: communication, discipline, stress and conflict management, money management and moral values. To date, 150 parents had received training. Various course modules and facilitator training courses were planned in the area of parent-child interaction, particularly in collaboration with the University of the West Indies and the Jamaican National Council on Technical and Vocational Education and Training. Those initiatives all emphasized the responsibility of the father in a child's upbringing.

27. **Ms. Daniel** (Grenada) said that, because of the scarcity of human and financial resources, those responsible for developing policies affecting children also had to implement those policies and provide the services, and thus had three different functions.

The Government had adopted a youth policy in 2009; had drawn up a draft policy for gender equality, which had been submitted to the United Nations Development Fund for Women and was currently being reformulated; and it was preparing a social welfare policy. All three of those texts would have implications for children's issues.

28. **Ms. Herczog** (Country Rapporteur) welcomed the creation of a parenting programme, which should bring about rapid changes in attitudes. She asked how the Government organized training for persons taking on the three functions to which the delegation had referred, and how they were supervised and supported.

29. **Ms. Daniel** (Grenada) said that the Government, which received support in policy development from international and regional partners, did have some problems with training and data collection, since the work of the Central Statistical Office was progressing slowly because of a lack of staff and resources.

30. **Ms. El-Ashmawy** requested further information about the National Gender Policy, which appeared to cover only discrimination against girls, not against boys.

31. **Ms. Daniel** (Grenada) said that more attention should indeed be paid to boys and greater emphasis placed on their poor school results, which meant, among other things, that a number of traditionally male areas of employment were increasingly being occupied by women.

32. The Government drew up its various national policies in collaboration with the relevant ministries and in coordination with NGOs, as it was currently doing with its policy on juvenile delinquency.

33. **The Chairperson** asked how the Government organized its collaboration with civil society and whether it sought to make specific use of the latter's unique skills, for example in its juvenile delinquency programme.

34. **Ms. Daniel** (Grenada) replied that the Government generally worked in collaboration with the private sector and civil society. Various NGOs, including the Legal Aid and Counselling Clinic, had set up a programme in recent months for young people in conflict with the law, which was integrated into the Government's programme. The Government constantly brought in NGOs or private operators working in other areas of concern, involving them in all stages of projects, from the design stage onwards.

35. The Ministry of Social Development and other government bodies ensured that children's views were heard in court, having regard to their age, which was the main criterion taken into consideration. In courts of first instance, which generally considered cases involving children, the latter were usually represented by a probation officer, a social worker or a staff member of the Legal Aid and Counselling Clinic, and could testify in person if they were capable of self-expression, i.e. if they were over the age of six years; a court case could be postponed until it was possible to obtain the views of the child, or those of his/her mother if he/she was too young to testify and a representative had been appointed instead. The same conditions applied to cases brought before the High Court, particularly those involving adoption, where the guardian appointed by the court ascertained the child's views and included them in a report to the court, and the judge then heard the child's testimony if that was considered necessary.

36. The law set the age of criminal responsibility at 7 years, but in practice children received special treatment, appropriate to their age, in courts of first instance until they were 16. The new legislation in preparation would raise the age of criminal responsibility.

37. **Mr. Filali** noted with concern that the law did not prohibit corporal punishment in schools or places of detention and asked whether there were any plans to prohibit it in the family, the school and the judicial system.

38. **Mr. Quarless** (Grenada) said that the Education Act of 2002 discouraged the use of corporal punishment in schools and stated that it could be administered only by the principal or deputy principal or a teacher specifically designated by the principal. Corporal punishment was not widely used, and the draft policy on parenting sought to propose alternatives to corporal punishment. In addition, behavioural counsellors worked in all secondary schools in order to preclude the need to resort to corporal punishment which, it was hoped, would eventually be abolished altogether. There were also plans to appoint counsellors in primary schools.

39. **Mr. Filali** was concerned at the fact that it was still lawful for whipping to be used as a punishment for boys in the justice system.

40. **Ms. Herczog** (Country Rapporteur) added that legislation was an instrument of guidance which exerted a great influence in society.

41. **Ms. Daniel** (Grenada), speaking on the subject of civil status, said that almost all births took place in hospital and were thus recorded by medical staff. Parents usually named their baby immediately after birth, but if they did not do so the baby was named at approximately three months of age, at the time of baptism. Since children had to be vaccinated, for which a birth certificate was required, before they could attend school, it was very rare for births not to be registered.

42. If the father's name was to be included on the birth certificate, he must accompany the mother to the registry office, which explained why, in over 50 per cent of cases, the father's name did not appear on the certificate. Also, over 70 per cent of children were born out of wedlock. The new law on the status of the child would change the existing provisions in many ways, and public education and awareness campaigns were planned, but the prevailing cultural practices were deeply entrenched, and over 50 per cent of households were headed by women. The role of men in the upbringing of children remained a real problem.

43. **The Chairperson** asked for more details on the problem of discrimination, particularly against children born out of wedlock and children with disabilities; education for teenage mothers; and boys who had committed offences.

44. **Ms. Daniel** (Grenada) said that, under the social welfare system, most people with disabilities received at least one type of benefit, a transport allowance for example, depending on their needs. If possible, children with disabilities were integrated into a mainstream school; that was the case for all blind children. There were special schools for children with disabilities with needs which a mainstream school could not meet.

45. The Ministry of Education encouraged teenage mothers to resume their education after the birth of their child, and had launched an education programme, although it required further development, since at present it benefited only a very small number of girls. The policy had encountered considerable resistance from the general public and, in particular, from denominational schools. Most teenage pregnancies occurred towards the end of a girl's school career, so that it was relatively easy for her to cover the few terms needed to complete her secondary education by taking evening classes.

46. Children born out of wedlock were not discriminated against, and they could hardly be called a minority, since they were actually more numerous than children whose parents were married.

47. **Ms. Varmah** asked about equality of inheritance rights for children born out of wedlock.

48. **Ms. Daniel** (Grenada) said that such children enjoyed equal inheritance rights under the law, but that in practice it was culturally accepted that a person who had not been

supported by his/her father during the father's lifetime should not expect to inherit on his death.

49. **Ms. Herczog** (Country Rapporteur) asked for more information on sex education, access to information about contraception and on measures to prevent sexual violence, which appeared to be widespread. Conversely, the number of calls received by the two emergency hotlines appeared to be very low, which made her wonder whether many children and young people were aware of their existence.

50. Discrimination against homosexuals was another subject of concern that required action, in particular to increase awareness among the general public.

51. Given that maternity leave was only 12 weeks, or 8 weeks in some jobs, she wished to learn how long women were able to breastfeed and with whom they left their babies when they returned to work.

52. She was surprised at the low number of preschool care facilities, and noted the lack of progress on the system for placing children deprived of a family environment in foster homes rather than institutions, a situation which called for further explanation.

53. **Mr. Koompraphant** asked what was done to assist single mothers. However indulgent society might be towards the fathers, the State party was still obliged to ensure that fathers paid maintenance for children born out of wedlock, as they should for all other children.

54. The delegation might explain why the State party had so few social workers. Did it intend to adjust the relevant budget allocations in view of that alarming shortage? The delegation might also indicate how the international community could help Grenada to set up a more satisfactory system.

55. He would further like the delegation to say what the State party was doing to protect children at risk of sexual assault and exploitation, whether it had adopted a law against child prostitution and child pornography and, if not, how it implemented articles 34–36 of the Convention.

56. **Ms. El-Ashmawy** asked whether an early screening mechanism had been set up as part of pre-marriage medical tests for a genetic strain of anaemia common in the country, and whether any studies had been conducted to assess adolescent health, including the incidence of HIV/AIDS and access to reproductive health services.

57. While acknowledging the measures taken by Grenada with a view to ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, she regretted that the State party had not yet adopted a comprehensive law on that issue, and called upon it to endeavour, in particular, to stop sexual tourism.

58. She noted with satisfaction that primary education was provided free of charge, but regretted that the same was not true of secondary education. Had the State party considered establishing a system for lending out school textbooks or other ways of reducing the expenses incurred by families?

59. **Mr. Filali** considered that the age of criminal responsibility, currently set at 7 years, was far too low. A juvenile justice bill was currently in the process of adoption, but he would like to know how cases would be dealt with in the meantime, and particularly whether transitional provisions had been adopted and whether the bill provided for the creation of alternatives to deprivation of liberty, for detention of minors separately from adults or for the abolition of the penalty of whipping and any other type of corporal punishment.

60. He further called upon the delegation to explain the workings of the system of licences granted by the Ministry of Labour, which authorized children below the age of 15 years to work.

61. **Ms. Maurás Pérez** noted that the rate of exclusive breastfeeding for babies aged over three months remained very low, and stressed that the promotion of breastfeeding should be a public health goal. She called upon the State party to encourage, or even legally oblige, employers to give young mothers the time off they required to breastfeed, and would like to know whether that aspect of women's lives had been taken into consideration in the Government's policy on women, which was currently undergoing review.

62. **Mr. Krappmann** said that the high school dropout rate might be partly attributable to the failure of schools to meet the needs of the population. The introduction of some elements of vocational training was commendable, but more action was needed. Lessons should be more interactive, which would require better teacher training, including in-service training, and it was essential to put a stop to corporal punishment and sexual harassment in schools.

63. He would like more information about the 2002 Education Act, particularly whether curricula had been reformed and whether there were now greater opportunities for counselling and guidance.

The meeting rose at 12.50 p.m.