



**Convention on the
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**WRITTEN REPLIES BY THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND TO THE LIST OF ISSUES
(CRC/C/GBR/Q/4) PREPARED BY THE COMMITTEE ON THE RIGHTS OF THE
CHILD IN CONNECTION WITH THE CONSIDERATION OF THE THIRD AND
FOURTH PERIODIC REPORT OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND (CRC/C/GBR/4)***

OVERSEAS TERRITORIES

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* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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Introduction

Overseas Territories

1. The Overseas Territories have their own constitutions and laws. Depending on their stage of constitutional development, Overseas Territories have a substantial measure of responsibility for the conduct of their internal affairs. Human rights in the Territories are a devolved matter. It is primarily the responsibility of Territory governments to ensure that they meet their international obligations under human rights conventions extended to them. However, the UK government attaches great importance to ensuring that the Overseas Territories abide by the same basic standards of human rights as British people expect of the British government and regularly reminds the Territories of their human rights obligations and the need to maintain high standards.
2. The UK Government continues to work in partnership with the governments of the Overseas Territories to encourage them, where appropriate, to put in place policies and legislation to ensure the necessary protection for children. The Department for International Development (DFID) is sponsoring a four-year programme designed to strengthen Overseas Territories' long term capacity to protect children and to help prevent child abuse. The key aims of the programme are: Increased commitment by Overseas Territories governments to a strengthened Child Protection agenda (including legislation and awareness of key issues); Strengthened inter-departmental collaboration in Child Protection issues in OT governments; Greater regional/international collaboration on Child Protection issues; and increased involvement and commitment by civil society organisations to protect children. The programme has formulated a National Child Protection Plan (NAP) for each participating Territory, with the exception of Anguilla, whose NAP will be circulated to Anguilla's government later this year.
3. The information contained within this document does not cover the whole of the overseas territories to which this Convention applies, but was the most complete response we were able to provide in the time given.

Crown Dependencies

4. The Isle of Man is not an Overseas Territory nor is it part of the United Kingdom. It is an internally self-governing "Dependency" of the Crown included in the term "British Islands". The Isle of Man has its own legislative assembly (Tynwald), its own administrative, fiscal and legal system and its own courts of law. The Isle of Man legislates for the territorial water adjacent to the Island and for the airspace over its territories. Royal Assent is required for all primary legislation where they have full domestic competence (ie; health, education, employment, crime, Human Rights, territorial waters and air space etc) and this power vests in The Queen in Council, but in most cases is exercised by the Lieutenant Governor under delegated authority.
5. The UK Government is responsible for the Isle of Man's defence and international relations for which the Island's government makes an annual financial contribution to the UK. The Crown is ultimately responsible for the Isle of Man's good government. The Crown acts in this through the Privy Council, on the recommendation of UK government ministers, in their capacity as Privy Counsellors. The UK government therefore, in effect, exercises the Crown's powers in respect of the Island.
6. The UK government also has a residual power to legislate for the Isle of Man. The UK

respects the Island's rights to autonomy in their domestic affairs and ordinarily it would be contrary to constitutional convention to exercise the power to legislate for the Island in those areas for which they have domestic competence. However, the UK Government retains the power to do so in order to protect both its own and the Isle of Man's domestic and international interests.

7. The UK Ministry of Justice provides the main channel of communication between the Isle of Man and the UK Government. The Ministry acts on the Island's behalf by liaising with other UK Government Departments on Isle of Man interests over a wide range of issues, including the Island's delivery on key UK and international matters, and vice versa.

ANGUILLA

Part I

Please indicate the processes and mechanisms that exist to ensure an efficient coordination of policy and strategy development with regard to programmes, services and laws for the implementation of the Convention in each devolved administration as well as in the Overseas Territories.

8. An informal integrated approach currently exists in the management of child protection issues in Anguilla. There are no formalized standards across institutions by which operations or responses to child protection issues are guided. Laws, regulations, enforcement, education, prevention, and intervention strategies must be governed by mechanisms of coordination and cooperation.

9. Existing Processes and Mechanisms:

- . - Child Protection Steering Committee
- . - Family Law Bill Review Committee
- . - Juvenile Rehabilitation Centre Steering Committee
- . - Poor Law Board

10. The first link in the chain of national formalization of child protection systems appears to be the outcome of the efforts of Child Protection Programme for the British overseas Territories through the local Child Protection Steering Committee. The latter is a multi-agency body whose initial goals are the development of a National Action Plan for Child Protection followed by the Development of Child Protection Protocols.

11. The Child Protection Steering Committee is chaired by the Department of Social Development and co-opted members include NGOs (ANGLEC), The Department of Probation, The Judiciary, The Education Department, The Health Authority of Anguilla, The Ministry of Social Development, The Department of Youth and Culture, The Royal Anguilla Police Force, and The Attorney General's Chambers.

12. The Child Protection National Action Plan (NAP) is underway. On July 2nd and 3rd, 2008 a stakeholder workshop was held. The objectives were to review the 2008 -2012 priorities identified in the 'zero draft'; to encourage frank discussion on the financial, budgetary and other resource implications for the successful implementation of Anguilla's NAP – as an important part of this country's development agenda; to support inter-agency collaboration and programme creativity, in meeting the needs of Anguilla's children and young people. Apart from the production of a first draft NAP, the outcomes of the workshop included promoting youth development; the need for child friendly budgeting and resource allocation; increased inter-agency commitment for children's services and youth development; and support to ensure that the necessary legislative and institutional frameworks affecting children and their families are being addressed.

13. In terms of the review of the family law bills out of the Organisation of Eastern

Caribbean States (OECS) Family Law Reform a collaborative effort has been made through the establishment of a Family Law Bill Review Committee. The latter is headed by the AGs Chambers with members from the Department of Social Development, the Ministry of Social Development, Department of Probation, Department of Education, and the Judiciary. However, there have been some gaps in the review process due to staff shortages at the AGs Chambers coupled with the demands at the Ministry of Social Development. Once the review is complete the bills will be customized to Anguilla's situation providing a more solid legal grounding in Child Protection matters.

14. In the case of the Juvenile Rehabilitation Centre Steering Committee the members are from several departments – The Royal Anguilla Police Force, The Department of Probation, The Department of Social Development, Her Majesty's Prison, The Ministry of Infrastructure, Communications, Utilities, Housing, Agriculture and Fisheries (MICUHAF). The Department of Probation and the Ministry of Social Development have been the drivers in this effort. This multidisciplinary team have met extensively in order to finalize and review the legislative aspect, architectural aspects, operational aspects, and soon the residential programming aspects of the Juvenile Rehabilitation Centre. Compliance with the CRC across all the aforementioned aspects has been foremost on the agenda.

15. The Ministry of Social Development has also contracted out to NCH (formerly National Children Homes) for guidance. Their consultant has been working with and through the Department of Probation on the development of the Juvenile Rehabilitation Centre. All the consultant's work has been reviewed at the Department of Probation level, the Ministry of Social Development level, and the Juvenile Rehabilitation Centre Steering Committee level. Therefore all documents that have been produced have benefited from adjustment and local customization.

16. The Poor Law Board is a mechanism out of the Department of Social Development. Their remit is the review of Public Assistance applications. By default many applications are made on behalf of children who are dependant and vulnerable. The board recognizes this fact. Once a child is granted Public Assistance monies this is a means of poverty reduction and security for the child.

Please inform the Committee on the measures taken to prevent and combat violence, including domestic violence, throughout the country and notably in the Overseas Territories.

17. With regard to measures to combat violence, there has been increased police surveillance and intelligence gathering. Special task forces have been created to focus on different aspects of crime. The Government of Anguilla in partnership with the private sector held a National Rally Against Violence in August 2007. The Department of Social Development in an effort to reduce the incidence of domestic violence conducts mediation sessions and refers out for specialized intensive counselling for families in crisis.

Please inform the Committee on the measures taken to protect the rights of children affected by migration in the overseas Territories, (both national left behind by their parents migrating abroad and foreign children of migration workers in the British Overseas Territories).

18. The new Labour and Immigration Policy 2008, now in wide circulation makes provision for Children of Work Permit holders who have attended schools in Anguilla for seven or more years and have attained the age of seventeen years to be eligible for a one-off grant of Permanent residence, Part D, Section 3.3.

Part II

The State party is invited to briefly update the information provided in its report with regard to:

- New bills or enacted legislation;**
- New institutions;**
- Newly implemented policies; and**
- Newly implemented programmes and projects and their scope.**

19. The Probation Bill 2008 is due to be enacted by the end of July 2008. This Act will make provisions for the manner in which children are to be treated with regard to probation. The Act protects children from excessively severe punishment and stipulates that probation orders must include developmental and rehabilitative programmes as part of their sentencing. The new Probation Act makes a clear distinction between the treatment of children and adults under the law.

20. The Government of Anguilla identified the Development of a Probation Service as a key component of juvenile care programmes, having recognized an emerging criminal culture among the youth and the over use, in some cases, of custodial sentences. During the last quarter of 2008 the Juvenile Rehabilitation Centre is due to open. Senior staff has already been recruited. The Juvenile Residential Centre was developed to offer a high level of structure in a closely supervised home-like setting for up to seven (7) chronic and persistent adolescent offenders, ages ranging from twelve (12) to seventeen (17). The Centre will provide an organized regime for the residents that includes activity-based programmes designed for rehabilitative purposes. The residents will have daily schedules that promote individual responsibility as well as team co-operation. A draft policies and procedures manual has been developed for the Centre which outlines how the facility will be managed.

21. The Department of Social Development (DSD) has recently embarked upon a project to promote stronger and more positive relationships between fathers and sons. Under the theme, "Bridging the Gap: A Bonding Experience," fathers and sons are engaged in a series of educational and fun-filled sessions geared to toward enhancing relationships between fathers and sons. The project aims to help fathers and sons better appreciate their roles in the family, engage participants in activities to help build their relationships, challenge fathers to rethink their level of involvement in and the mode of discipline used with their children, and to create an environment in which a bonding relationship can be facilitated.

22. DSD has recently reviewed the outdated Hospital and Poor Relief Act which guides the provision of assistance to poor families and children. Recommendations to bring that legislation in line with the present needs of families and children will be presented to Executive Council.

23. The Child Maintenance Unit of the DSD is now fully staffed. The unit has been able to assist parents in successfully negotiating several child maintenance agreements without the intervention of the courts.

24. The Daycare Act was passed in 2005. The regulations that allow for the act's implementation are currently being finalized. The DSD has formed a multi-disciplinary team to review and develop these regulations. It is anticipated that the regulations will come into effect by the end of this year.

25. The Department of Education opened the Career Development Unit on March 10th 2008. This unit was created to provide:

- Career Information which is necessary to plan for, obtain and keep employment. It includes, but is not limited to information on occupations, skills, career paths, labour market trends and conditions, educational programmes and training institutions as well as job opportunities.
- Career Counselling which will help individuals clarify their aims and aspirations, understand their own identity, make informed decisions, and manage career transitions whether these are planned or unplanned.
- Employment Counselling to assist individuals in clarifying their immediate employment goals, understand and access job and skill training opportunities and learn the skills needed to look for and maintain employment (e.g CV or resume writing, interview skills).
- Job placement which includes the Summer 6 week Work Experience Programme for secondary school students

26. The Three Main Goals of the Service are:

- (a) Combating early school leaving and ensuring an adequate knowledge and skills base
- (b) Promoting adequate linkages between education, training and the world of work
- (c) Promoting reintegration of marginalized and at risk groups into education, training and employment, and the mainstreaming of excluded groups into general training programmes and labour market services.

Part III

In the light of article 4 of the Convention, please provide updated data for 2006, 2007, and 2008, on budget allocations (including trends analysis) regarding the implementation of the Convention throughout the country in the areas of education and health.

27. Children in Anguilla are provided with free dental services. While no data exists on the amount of monies allocated to children's dental services specifically, there has been a steady increase in the amount of monies allocated to public dental services in general since 2006. Likewise, public primary health care services include Child Health Clinics, Prenatal Clinics and health promotion services targeting young people but there are no data on what portion of the

primary health care budget is dedicated to children's services. Primary Health Care Services have also seen increased allocations over the past three years. The Ministry of Health through the Health Authority of Anguilla provides children with a free immunization programme. The chart below provides a breakdown of the allocations over the past three years in East Caribbean Dollars.

	2006	2007	2008
Dental Services	1,170,348	1,358,720	3,560,963
Primary Health Care Services	2,513,355	2,922,850	4071,363

Please provide data covering the last three years on the number of persons below 18 who have been tried as adults. Please also inform the Committee on the number of reported cases of abuse or ill-treatment of children occurred during their arrest and/or detention as well as on the follow-up given to these cases.

28. With regard to juvenile justice, under the criminal code and other legislation, anyone below age 16 is tried as a juvenile in Juvenile Court except where charged with an adult. If the juvenile is being tried with an adult, the matter is tried in Magistrate's Court. To date no data is kept on the ages of persons between ages 16 and 18 and above as they are automatically tried as adults in the Magistrate's Court.

Please provide data covering the last three years on the number of children involved in sexual exploitation, including prostitution, pornography and trafficking, and then number of those children who were provided access to recovery and social reintegration services.

29. No data is available with regard to the number of children involved in sexual exploitation.

CAYMAN ISLANDS

PART I

Please indicate whether the Convention on the Rights of the Child has been invoked or referred to directly in domestic courts, and if so, please provide examples of such cases.

30. In the Court of Appeal decision in *Grant v J.A. Cumber Primary School and ors* [2001 CILR 78] the appellants appealed the Grand Court decision which upheld the exclusion of their son from school so long as he wore his in dreadlocks in accordance with his religious beliefs as a Rastafarian. Both the Grand Court and the Court of Appeal referred to the Convention on the Rights of the Child as well as a number of other international conventions. However, in both instances it was emphasized that unless these conventions were translated into the domestic law of the Islands either by a Law of the legislature or the enactment of a bill of rights in the written constitution, no relief could be entertained by the courts for any alleged breaches of these or any other international conventions.

31. The Court of Appeal concurred with the finding of the Grand Court that notwithstanding the fact that the CRC had not been incorporated into the domestic law of the Islands, it could be relied on indirectly as a background standard by which to assess the reasonableness of the decision to expel the child from school.

Please provide brief information on the ten-year Children Plan which was adopted in 2007 after the submission of the State party's report.

32. This Plan does not apply in the Islands.

Please indicate the processes and mechanisms that exist to ensure an efficient coordination of policy and strategy development with regard to programmes, services and laws for the implementation of the Convention in each devolved Administration as well as in the Overseas Territories.

33. Within the Islands, the agencies charged with responsibility for children or issues affecting children receive clear mandates from the Government and take the necessary action to implement and coordinate that government policy. These stakeholders are often brought together at various seminars and conferences where pertinent issues are raised for discussion with a view to identifying the challenges that must be addressed and the most effective means of doing so.

34. By way of example, in February 2008 the Attorney General and the Ministry of Health and Human Services hosted the opening session of the National Children and Youth Symposium to which all agencies that impact child development, as well as the general public, were invited. The Symposium was held with the aim of creating a national policy framework to facilitate measures for the growth and development of children and youth.

35. The reporting requirements in the various international conventions on human rights have played a significant role in the increasing awareness in the Islands of not only the substantive provisions of the conventions, but also in the identification by the relevant agencies of the steps that they themselves must take in order to ensure overall compliance with the convention obligations. In this regard, a number of institutions – both governmental and NGOs – have become more astute in assessing the effectiveness of the mechanisms in place, whether in the form of legislation, policies or projects, and this in turn has allowed for reform in areas where it is required. This may be considered in the context of the Islands' contribution to the last periodic report in which there was substantial input from a wide range of government bodies and NGOs on their involvement in children's issues.

36. The Human Rights Committee continues to play a significant role in the promotion of human rights in the Islands by generating awareness through public discussions and other campaigns as well as submitting recommendations to the government from time to time on various human rights issues, including those relating to children.

Please indicate whether there is any development with respect to the State party's reservations and declarations to the Convention, in particular regarding articles 22 and 37(c). Furthermore, please inform the Committee on whether article 32 is now fully applicable in all the State party's dependent territories.

37. With respect to article 32 of the Convention, at present Part VII of the Penal Code (2007 Revision) provides for offences involving children. Section 228 prohibits the employment of children under the age of 10 years and imposes restrictions on the employment of children of school age as defined by the Education Law (that is, above the age of 4 years and 9 months and below the age of 16 years). Such children for example, shall not be employed during school hours on any day on which they are required to attend school. However, this section does not apply to any young person receiving instructions in any form of work in any school as defined in the Education Law or any rehabilitation school.

38. The Labour Law in its present form does not specifically address the employment of children.

Please update the Committee on any developments concerning the State party's ratification of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography

39. Although this Optional Protocol to the Convention has not been extended to the Cayman Islands, the Legislative Drafting Department is currently preparing legislation to specifically address the issue of child pornography.

Please inform the Committee on the measures taken to prevent and combat violence, including domestic violence, throughout the country and notably in the Overseas Territories.

40. By virtue of the Summary Jurisdiction (Domestic Violence) Law (1998 Revision), either party to a marriage may apply to a magistrate for an order that the respondent shall not use, or threaten to use, violence against the applicant or a child of the family. The magistrate is empowered to make an order requiring the respondent to leave the matrimonial home, prohibiting the respondent from entering the matrimonial home or both, where the respondent has:

- 1.(a) Used violence against the applicant or a child of the family;
 - (b) Threatened to use violence against the applicant or a child of the family and has used violence against some other person; or
 - (c) In contravention of any of the orders previously referred to, threatened to use violence against the applicant or a child of the family; and
2. The applicant or a child of the family is in danger of being physically injured by the respondent (or would be in such danger if the applicant or child were to enter the matrimonial home).

41. The Law also provides for the making of interim matrimonial orders where the magistrate is satisfied that there is imminent danger of physical injury to the applicant or a child of the family. Further, the Law confers on police officers the power to arrest without warrant where he has reasonable cause for suspecting a respondent to be in breach of any order made against him.

Please provide further information on the measures taken to implement the International Code of Marketing of Breast Milk Substitutes

42. The measures taken to implement the International Code of Marketing of Breast Milk Substitutes are as follows:

- The National Breastfeeding policy includes provisions of exclusive breastfeeding up to six months.
- The Code of Marketing of Breast Milk Substitutes is observed at all the three hospitals in the Islands.
- Breastfeeding Awareness Week is annually observed in the Islands beginning August 1 and the International Code of Marketing of Breast Milk Substitutes is promoted during this period.
- All mothers are encouraged and taught to breastfeed through parent craft classes.
- A Caymanian dietician was sent overseas for training in Public Health Nutrition in 2007. This will assist in development of capacity in further implementing code of marketing of Breast Milk Substitutes.

Please inform the Committee on whether there has been any assessment on the specialist guidance on prejudice-driven bullying: “Bullying around Race, Religion and Culture” produced in 2006. Please also indicate briefly any other new program or activity to prevent bullying in schools. Is there a systematic approach towards teaching in schools issues such as a culture of tolerance, acceptance of those who are different and civic education?

43. Whilst there has been no specific assessment on the specialist guidance on prejudice-driven bullying, this has not currently been found to pose a significant problem in the schools of the Cayman Islands. Whilst there are certainly incidents of this nature, they tend to be spontaneous and isolated and are quickly addressed by the schools in question in line with the policy of the Department of Education Services (DoES).

44. In addition the new national curriculum specifically addresses issues of cultural diversity, respect for other traditions, religions and cultures and the importance of tolerance and understanding. This curriculum applies in all local schools.

Please explain how the right of the child to rest, leisure and engage in play and age appropriate recreational activities is enshrined in legislation and ensured in practice.

45. In keeping with Government’s education policy, all children in government schools are guaranteed regular physical activity, generous recreational and play times during the school day and the instructional time in the school day is set at five hours. These hours of instructional time are in keeping with the Education Law which requires all schools to provide at least twenty-two hours of secular instruction each week to each pupil of school age.

46. At present, the issues of rest, leisure and recreation for children in schools are not governed by legislation. However, it is envisaged that they will be specifically addressed by the revised Education Law.

Please inform the Committee on the measures taken to protect the rights of children affected by migration in the Overseas Territories, (both nationals left behind by their parents migrating abroad and foreign children of migrant workers in the British Overseas Territories).

47. In the Cayman Islands, there has been no documented report of children being left behind after the migration of their parents abroad.

48. With respect to foreign children of migrant workers in the Islands, they are afforded access to the same health and educational facilities as those born to nationals. For example, under the Health Insurance Law (2005 Revision), every person resident in the Islands is required to be covered by a contract of insurance in respect of himself, his unemployed spouse and children. This requirement applies irrespective of the nationality of the employee and his children.

49. However, in other instances although children of non-nationals are afforded access to certain facilities, they may be subject to other considerations in order to enjoy those facilities. For example, the Education Law (1999 Revision) provides that in all government schools children who possess Caymanian status shall be admitted free of payment of any tuition fees but those who do not possess Caymanian status are required to pay fees in the amounts set out in the Law.

Please indicate the issues affecting children that the State party considers to be priorities, requiring the most urgent attention with regard to the implementation of the Convention.

50. At present, the Eagle House Juvenile and Young Offenders Rehabilitation Center is being used to accommodate male juveniles between the ages of 14 and 17 and young offenders between the ages of 18 and 21. However, this establishment has not been classified and registered as a youth detention facility under any existing law.

51. The Government is keenly aware of the importance of ensuring that juvenile and youth offenders are detained separately from adult offenders. Given constraints in terms of the infrastructure of Eagle House (for example, the lack of adequate kitchen and dining facilities and limited capacity for detainees), minimal facilities such as computers and a library for educational purposes as well as financial resources, one of the Government's main priorities is therefore the creation of a dedicated juvenile detention facility with an in-house substance abuse unit and approval for this project has been granted. It is intended that the new facility will provide all the necessary support services that will be required in areas of health, education and counselling, for example.

52. The Ministry of Health and Human Services is currently establishing a multi-agency steering committee to oversee the project. Although a site for construction of the facility has been identified, the project is still in the stage of plan development and it is expected that during the 2008/09 budget year, plans will be finalized and construction will commence. The estimated completion date at this time is December 2009.

PART II

The State party is invited to briefly update the information provided in its report with regard to:

- New bills or enacted legislation;**
- New institutions;**
- Newly implemented policies; and**
- Newly implemented programmes and projects and their scope.**

New bills or enacted legislation

53. The Children Law, 2003 provides for the following matters:

- Government services for children and others in need;
- Children’s homes, community homes, voluntary homes and voluntary organizations;
- Fostering, child minding and day care for young children adoption; connected purposes.

54. This Law is not yet in force. The delay in this respect is attributable to the preparation of the regulations that will give effect to the provisions of the Law itself. Those regulations have been completed in draft and will be submitted to Cabinet for approval within the near future. In anticipation of the coming into effect of the Law, the Government established the Department of Children and Family Services which in addition to its other functions, is responsible for the provision of services to children in need and their families.

55. The Children (Amendment) Bill, 2008 has been sent to the Legislative Assembly and will be tabled as a White Paper during the next sitting of the House. The proposed amendments have far-reaching implications for all persons working and caring for children. It has therefore been recommended that the Bill be circulated as a consultation document for three weeks to allow the public the opportunity to become acquainted with it and comment on the proposed amendments. The Bill provides for mandatory reporting of cases of child abuse or neglect, as well as the granting of parental responsibility to step-parents and unmarried fathers.

56. A comprehensive review of the Adoption of Children Law (2003 Revision) has been done to allow for recommendations for legislative reform. Once the amendments have been enacted, the Law will be aligned with the Children Law

Newly implemented policies

Education

57. In the educational field, the Department of Education Services (“DoES”) has implemented a policy of Early Childhood Services in respect of young children.

58. There is extensive policy development within the DoES to ensure appropriate educational provision for children with disabilities. The Ministry of Education has also established a sub-committee to instruct the Legislative Drafting Department for the purpose of creating a comprehensive disability law for the Islands. The Ministry has entered into a Memorandum of

Understanding with a range of stakeholder groups including the Department of Children and Family Services to improve reporting and intervention of cases of child abuse and neglect. This collaborative effort is intended to produce a document entitled “Revised Child Abuse Procedures” which will outline the reporting and investigation of suspected incidents of child abuse.

59. A new national curriculum has been developed to improve education opportunities, including vocational options for children. In this respect, the DoES will be introducing a wide range of “tech-voc” courses in schools and Year 12. These include courses in tourism and health as well as traditional and emerging areas such as auto-mechanics, computer-aided design and computer technicians training. In addition a new programme “Better Pathways” has identified a number of routes that students may follow.

60. Finally, the DoES has indicated that there has been a significant increase in the number of students being funded for tertiary education, both locally and abroad.

Health

61. Although no new legislation was implemented in relation to children’s health during the period 2006 – 2008, steps have been taken to ensure that all children have access to health care and that the necessary funding mechanisms are in place. As stated previously, the Health Insurance Law makes it mandatory for all persons resident in the Islands to have health insurance coverage for themselves, unemployed spouses and children. Thus children of working parents have either public or private sector health insurance. Any service that is not covered by insurance due to deductibles or co-payment is funded by the Government.

62. The Child Health Service also ensures that children are fully immunized to protect them from serious infectious disease. Resident children are immunized against communicable diseases, namely tuberculosis, diphtheria, tetanus, whooping cough; poliomyelitis, Haemophilus influenza b infections, hepatitis B and chicken pox are given in the first year of life and measles, mumps and rubella vaccine in the second year. A policy decision has been taken to introduce three new vaccines in 2008 - HPV; Pneumococcal and Rotavirus. These vaccines have been ordered and it is proposed that they will be administered before the end of the year. The immunization programme for these vaccines is funded by the Government and the vaccines are available to all children in the Islands.

63. Finally, a full time paediatrician was employed in 2007 to provide medical services in Cayman Brac and Little Cayman.

Newly implemented programmes and projects and their scope

64. One of the most significant programmes presently underway in the Islands is the 2007 Constitutional Modernization Initiative Programme. This was launched with the intention of renewing the constitutional modernization efforts that commenced in 2001. The Constitutional Modernization Secretariat is charged with responsibility for facilitating public consultation and enhancing awareness on constitutional issues; reporting on public feedback on these issues and providing technical assistance to the Government in its negotiations with the UK as to the

content of the new Constitution.

65. The Government has accepted that the revised Constitution will contain an enshrined Bill of Rights and the current constitutional reform proposals are in full support of this proposition. In terms of the scope of the actual rights that will be included, the proposals already refer to the inclusion of the rights of children. At this stage, however, no final determination has been made as to all the rights that will eventually be included.

66. The Government hopes to commence discussions with the Foreign and Commonwealth Office, the arm of the UK Government responsible for the Overseas Territories by September 2008 with a view to having a draft constitution available for public discussion by the end of the year or early January 2009. The Government also proposes to hold a referendum on that draft document on or around May 2009.

67. In terms of educational facilities, the Government recently commenced construction of three new secondary campuses to replace the two high schools on Grand Cayman. The new schools are intended to replace very overcrowded existing facilities that are seriously inadequate for the curriculum now in effect in the Island. No new high schools have been built for 30 years despite a massive population increase.

68. Each of the three campuses will have the potential to house 1,000 students although at the present time, there are not that many students in the system. Notwithstanding that fact, this is a deliberate plan to ensure adequate spaces for a growing population over the next few years. The design of these new buildings is 'cutting edge 21st century' to support the widest possible range of teaching and learning styles. The buildings are not being constructed to existing square classroom "box" designs. For recreational purposes, each campus will have an indoor gym (a double gym in the case of the John Gray High School campus). The campuses in West Bay and Frank Sound will also have 25m six lane swimming pools. Students at the John Gray Campus will use the existing Aquatic Centre located opposite.

69. Other projects include the construction of one new primary school in Grand Cayman to replace the current George Town Primary School which is currently housed in inadequate crumbling buildings and supported by several temporary modular classrooms. The new school will also cater for an increased school population of up to 500 students (years 1 – 6) and is scheduled to be opened in September 2010.

PART III

In light of article 4 of the Convention, please provide updated data for 2006, 2007 and 2008 on budget allocations (including trends analysis) regarding the implementation of the Convention throughout the country in the areas of education and health.

Health

70. For the basic health services of children not covered by insurance and child health

programmes such as growth and development assessments, immunization, health promotion and school health service, the following budgets had been provided by the Government for the stated periods. However, it should be noted that expenditure for treatment to children continued to exceed the budgeted amount for the past 3 years:

Budget Year	CIS
2005/2006	\$3,088,349.00
2006/2007	\$3,250,017.00
2007/2008	\$3,242,681.00

Education

Education Budget Assessment for the Cayman Islands	2006/07 Actual Budget Allocations	2007/08 Actual Budget Allocations
Education Department	52,523,904.00	59,427,417.27
Early Childhood Unit	337,635.00	577,213.00
Education Standards and Assessment Unit	1,085,063.00	1,041,476.00
Private Schools	900,000.00	2,000,000.00
Pre-Schools	633,197.00	1,183,100.00
Caribbean Examination Council	9,701.00	9,995.00
University of the West Indies	169,973.00	104,614.00
Educational Scholarships	4,450,000.00	6,159,033.00
University College of the Cayman Islands	2,236,000.00	3,803,000.00
International College of the Cayman Islands	70,000.00	70,000.00
Total	62,415,473.00	74,375,848.27

Please provide information on the number of Anti-Social Behaviour Orders (ASBOs) imposed on children since the entry into force of this legislation, disaggregated by year, age, sex and nature of the anti-social behaviour. Please also indicate the percentage of these children who were subsequently treated under the criminal justice system.

71. These Orders do not apply in the Cayman Islands.

Please provide data covering the last three years on the number of persons below 18 who have been tried as adults. Please also inform the Committee on the number of reported cases of abuse or ill-treatment of children occurred during their arrest and/or detention as well as on the follow-up given to these cases.

72. Persons below the age of 18 are not tried as adults but in accordance with the Youth Justice Law. The Law provides for youth courts, the trial of indictable offences and offences triable either way, the conduct of proceedings involving your persons and the punishment of offences.

73. With respect to issues relating to the protection of welfare of young persons in criminal courts, the Law states that such proceedings shall not be open to the public. Further, where young persons are detained in a police station or conveyed to or from any criminal court, wherever practicable arrangements should be made to have them kept separate and apart from adults.

74. In terms of the punishment of offences, section 20 empowers the courts to make orders including the following-

- An order absolutely or conditionally discharging the young person;
- A community service order;
- A probation order;
- An order requiring the young person to attend a rehabilitation school;
- A custodial sentence imposed in accordance with the Schedule to the Law.

75. In addition to these orders, the court may also make additional orders or orders in lieu of those referred to above, including:

- An order confiscating any property used in the commission of the offence;
- An order for the payment of a fine or compensation; or
- In respect of an offence involving the use of a motor vehicle, an order disqualifying him from obtaining a driver's licence for a period not exceeding 7 years, as the court deems fit.

76. The applicability of the Law to youth offenders was highlighted in the Court of Appeal decision of *Hydes v. R* [2007 CILR 152] in which the appellant, a 15-year-old, was charged in the Grand Court with manslaughter. He was convicted and sentenced to be detained under the Law "until the pleasure of His Excellency the Governor be known" with a recommendation that he serve at least 6 years in custody before release on licence.

77. On hearing of the appellant's appeal against his sentence, the Court of Appeal held that the custodial sentence was appropriate given the seriousness of the offence and had been lawfully imposed. The only breach of the Constitution was that the appellant had been sentenced to detention during Her Majesty's pleasure and this would be rectified by ordering instead that he be detained during the court's pleasure.

78. The court, in commenting on its inherent jurisdiction to sentence the appellant to a period of detention until it was satisfied that he had served sufficient time to ensure both punishment and rehabilitation, noted that "this allowed the court time to comply with the spirit of the legislation which was designed to address the special circumstances of young offenders and to treat them differently from adults who committed similar serious offences".

79. The reliance on this Law in the criminal justice system for youth offenders was recently reiterated by the Attorney General in the context of mandatory minimum sentences for certain firearms possession offences. He stated during the Legislative Assembly that, "There need be no fear that any ten- or twelve-year old will be given ten years for an air gun or for gang membership. The authorities in the Cayman Islands have never imprisoned anyone in that age group to life or to any mandatory minimum and we are not about to start doing so..... The government not only supports, it promotes human rights. Therefore, all necessary steps are being

taken to safeguard persons' human rights in these Islands".

Please provide data covering the last three years on the number of children involved in sexual exploitation, including prostitution, pornography and trafficking, and the number of those children who were provided access to recovery and social reintegration services.

80. There are no official data available containing reports of any such sexual exploitation.

FALKLAND ISLANDS

Part I

Please indicate the processes and mechanisms that exist to ensure an efficient coordination of policy and strategy development with regard to programmes, services and laws for the implementation of the Convention in each devolved administration as well as in the Overseas Territories.

81. As advised in the previous report, a Children and Young People's Strategy Group (CYPSG) has been formed to champion and be an advocate for the rights of children in compliance with the Convention.

82. A Convention Action Plan was devised following an assessment by National Children's Homes. This has been developed by the CYPSG into a detailed programme containing 22 separate objectives. The Action Plan identifies and prioritises the actions and milestones necessary to achieve each objective.

83. The CYPSG has staged two Youth Awareness Weeks, in November 2006 and February 2008, with the aims of raising public awareness of the Convention and facilitating communication between the generations.

84. The CYPSG in its initial stages met on a monthly basis in order to develop and refine the proposed action plan. That initial purpose having been achieved, meetings are now quarterly in order that the progress made can be evidenced more clearly.

85. The previous report omitted to mention the Child Protection Committee. This is the central forum for developing, coordinating and monitoring inter-departmental and multi-disciplinary child protection procedures and policies to ensure effective joint working. Information on the Child Protection Committee is set out in Appendix One to the Child Protection Procedures (which formed Appendix 17 to the previous report).

Please inform the Committee on the measures taken to prevent and combat violence, including domestic violence, throughout the country and notably in the Overseas Territories

86. The Falkland Islands Government (FIG) has adopted Child Protection Procedures (2001)

and Domestic Violence Policy (2002) which aim to follow UK best practice.

The Attorney General's Chambers as the prosecuting authority in the Falkland Islands follows the Criminal Prosecution Service guidelines in England & Wales on the prosecution of crime, including domestic violence.

87. The Multi Agency Public Protection Group, modelled on the MAPPA arrangements in England and Wales, aims to follow best practice in the risk assessment and monitoring of violent and sexual offenders in the community. This group is chaired by the Chief Medical Officer and its membership comprises Chief Police Officer, Community Psychiatric Nurse, Senior Crown Counsel, Social Work Team Leader and Probation Officer with twice-yearly input from a visiting consultant psychiatrist with significant experience in this field. Offenders are encouraged to work with the Group through voluntary agreements. Sexual Offender Protection Orders are sought from the court where appropriate.

88. The Drug Awareness and Resistance Programme (DARE) in the Infant and Junior School (full details given in the previous report) empowers children to deal with bullying and peer pressure, and the strategies they learn should help them cope with and report other forms of violence.

89. In October 2008 The Mental Health Strategy Group, a local charity who aim to raise awareness of mental health issues and promote good mental health within the Islands community, chose to tackle bullying as their World Mental Health Day campaign theme. Two leaflets were prepared, one aimed at adults about bullying in the workplace and within families, and the second aimed at children outlining the UK Childline's Top 10 tips for dealing with bullies. Posters with the slogan 'No place for Bullies in the Falkland Islands' were placed around the Islands and within the local schools. Leaflets were also translated into Spanish. The campaign was supported by the Health & Social Services, the Education Department and the Royal Falkland Islands Police.

90. Both schools in Stanley have anti-bullying policies. Both policies were reviewed in 2005 and are scheduled for a further review in the next academic year (2008/9). The policies give guidance on what constitutes bullying, how it is reported and the consequences of such actions. The scheduled review will encompass issues such as text bullying, mobile phone only having been available to your people for eighteen months, but now almost universal in their use.

Please inform the Committee on the measures taken to protect the rights of children affected by migration in the Overseas Territories, (both nationals left behind by their parents migrating abroad and foreign children of migrant workers in the British Overseas Territories).

91. Due to the small size of the local population there are very few cases of children left behind in the Falkland Islands by parents migrating abroad; where this happens the children are rapidly identified by health and education services, so that support can be offered to the children and their carers through the social work department.

92. Where migrant workers to the Falkland Islands are accompanied by children, the children

are entitled to free education on the same basis as the local population. Where necessary, extra support in school is provided to children for whom English is a second language.

Part II

Under this section, the State party is invited to briefly (3 pages maximum) update the information provided in its report with regard to:

- **New bills or enacted legislation;**
- **New institutions;**
- **Newly implemented policies; and**
- **Newly implemented programmes and projects, and their scope.**

93. The Employment of Women, Young Persons and Children Ordinance 1967 prohibits the employment of children (defined in the Ordinance as a person under the age of 16) and regulates the employment of young persons (defined in the Ordinance as a person aged 16 or 17), in industrial undertakings. The Ordinance was amended in 2006 to prohibit the employment of any child in any work (a) which exposes the child to physical, sexual or psychological abuse; (b) underground, underwater, at dangerous heights or in confined spaces; (c) with dangerous machinery, equipment or tools, without adequate training and, where necessary, adequate supervision.

94. The Children and Young Persons (Tobacco) Ordinance 2007 strengthened the existing law prohibiting the consumption of tobacco by persons under the age of 16. The Children and Young Persons (Tobacco) (Amendment) Ordinance 2007 enables the Governor, by order, to introduce, in annual stages, an increase in the age below which smoking etc, is not permitted, with the aim of eventually raising the minimum age at which tobacco can be consumed from 16 to 18.

95. The Education (Amendment) Ordinance 2008 changed the upper limit of compulsory education age. A child is now required to remain at school until the end of the third term of the academic year in which they become sixteen, but they may leave school sooner if they have attended a transition programme. A transition programme is a week long programme of education, approved by the Director of Education, designed to assist a child to prepare to enter a new phase of life; whether that be further education or work. A child will usually attend a transition programme in the academic year in which the child becomes sixteen. However, because of the change to the structure of the academic year introduced in 2002, some children will attend the transition programme in the academic year before they become sixteen.

96. The Family Law Bill (details of which appear in the previous report) has not been enacted due to the backlog of legislative drafting.

97. The Attorney General's Chambers will recruit a legislative drafter for 2 years to help to reduce the backlog of legislative drafting that has built up over recent years. This should provide the capacity to draft outstanding legislation covering such areas as updating adoption law, regulating foster care, addressing the financial responsibilities of parents of children in alternative care, introducing statutory obligations to investigate matters of children in need and

significant harm to children, regulating child care, updating sentencing options for young offenders, addressing truancy in schools, and improving educational provision for children with special educational needs and children living in remote areas.

98. The 'After School Club' is a newly-formed community initiative which from September 2008 will offer childcare for children aged 8 to 11 (school years three to six) before and after school and during lunchtimes in response to the increasing pressure caused by an expanding workforce on the existing community childcare facility which has been forced to impose an upper age limit of seven (school year two).

99. During 2008 a new management structure within the Falkland Islands Community School has been approved by Executive Council with appropriate funding being made available. Included within the posts of responsibility are two positions which focus on the Pastoral Care of students. The focus of these roles is to organise and manage the provision of pastoral support for students inclusive of their physical and mental well being. Close liaison with post-holders with responsibility for academic standards of attainment is expected so that there is holistic support for the educational achievements and attainments of students.

100. The Royal Falkland Islands Police in promoting a community policing policy has designated two constables to act as School Liaison Officers. The purpose of these positions is to promote a positive attitude towards maintaining a law abiding community. Linked with the primary and secondary schools, this proactive approach from an early age is designed to support the continuance of respect for the law amongst new generations of Islanders.

101. Sponsorship for Further and Higher Education studies in the UK by the Falkland Islands Government remains, currently at no cost to the family or student. Newly formulated policies on the provision have been approved by Executive Council in June 2008. These now include additional criteria which relates to 'commitment to study'. This addresses issues such as attendance, behaviour and effort. The purpose of these additions is to provide another tool to support the raising of standards in the Falkland Islands Community School. The two most recent inspections have indicated a level of underachievement amongst students which is deemed unsatisfactory.

102. A new Health & Social Services policy adopted in July 2007, the Management of Mentally Unwell Patients on the Ward, set out to enhance the care and treatment of people suffering from mental disorders within the Islands. One aim of this policy is to standardise the prescription of psychiatric medication within the Islands. A Psychiatric Formulary providing best practice guidelines was devised by Dr Tim McNerny, Consultant Psychiatrist. This Formulary describes what medication can be prescribed for children and adolescents with psychiatric problems and what criteria should be followed by prescribers.

103. The Health Visitor is working with parents to promote a responsible attitude towards the use of 'babysitters' and has published a leaflet giving legal and practical advice. A working party has been set up to review and propose improvements to mental health legislation in the Falkland Islands, including as it affects children and young people.

104. The Mental Health Strategy Group (also known as Team Tranquil) became a registered

charity in 2007. The group was originally established by volunteers with an interest in mental health who were invited by the Health & Social Services Department to take on the task of devising a Mental Health Strategy for the Falkland Islands. The group then realised that in order to make the strategy work, continuous effort needed to be made and that the community had a role to play. With funds raised Team Tranquil hope to establish a counselling Helpline later in the year.

105. The Parents Association of the Infant & Junior School/Camp Education came into being in 2006. This highly successful group works closely with the school organising various social and cultural fund raising events throughout the year. These events are open to the whole community and therefore are instrumental in furthering contact between children, young people and adults as well as supporting the school to secure additional learning and recreational resources which are outside of the mainstream provision available from the Falkland Islands Government. Outdoor seating and games and the provision of a climbing wall are examples of the additional resources provided so far.

106. In September 2008, a new pilot programme e2e (Entry to Employment Programme) will be launched for school leavers. Mirroring the provision which exists in the UK this programme is designed to support those who in the past may have been left behind and outside of the system when they reached the end of statutory schooling. Where children have designated special educational needs their post-school needs have been met through a “Customised Trainee’s” programme. However, that scheme did not support all of the young people who may have been experiencing difficulties for a variety of reasons; slow maturation, needing longer to assimilate and learn information, domestic difficulties. These young people will now be supported through the e2e programme. Each programme will last for 12 months during which time it is anticipated that young people will be supported to find full time employment, gain additional accreditation in order to progress to further education or undertake an apprenticeship. A maintenance grant of £30 per week is payable to each participant for full attendance on the training course.

107. Also available in September 2008 in the Falkland Islands Community School are alternative pathways for accredited learning. Vocational based courses and Key Skills will be made available as alternative pathways to the more traditional GCSE examinations for 14+ learners. This curriculum change is designed to meet more appropriately the learning needs of all students on a more personalised and individual basis.

108. Also supporting a more individualised approach to learning is the review of Personal, Social and Health Education (PSHE) programmes in schools. Locally devised schemes of work will address in a developmental approach issues such as sex education, morality and relationships, nutrition, healthy living and drugs education as well as encompassing citizenship as it relates to the Falkland Islands, Falkland Islands history and the meaning of self determination.

109. In common with all other countries, there are young people who exhibit challenging behaviour, most markedly during their teenage years. The Education Department has undertaken a comprehensive training programme involving ‘Team Teach’. This approach promotes de-escalation techniques to minimise confrontation between adults and children and focuses on listening to children and young people – that is allowing children and young people to ‘have a

voice'. Over 80 per cent of teaching and non-teaching staff have now been trained in these techniques. All new recruits to the Education Department will undergo training as part of their induction course. This will be provided by a team of local trainers who have been accredited by the Team Teach parent group. This is designed to provide coherence and consistency in the way that children and young people are dealt with. The training provided also involved health professionals and the Royal Falkland Islands Police. Therefore the consistency of approach afforded to children and young people should be more widespread than the education service.

110. The permanent exclusion of young people from school is a very rare occurrence. In 2007, it was necessary to permanently exclude one pupil. This brought into focus the requirement to formulate an approved Education Department policy for exclusions, both temporary and permanent. This is necessary as there is no alternative provision for schooling in the Islands other than the two mainstream schools. This issue is being dealt with by the setting up of an inclusive cross phase leaning support unit to meet the needs of those pupils who are experiencing difficulties within the mainstream setting.

111. Regulation regarding the wearing of seatbelts and child restraints in vehicles is now in place. All adults (which for this purpose includes young people aged 14 and above) are required to wear seatbelts at all times irrespective as to which seat in a motor vehicle they are sitting in (with prescribed exceptions). Infants and small children are required to wear appropriate child restraints at all times. Large children (defined as a child aged 12 or 13, or a younger child who is over 1.5 metres in height) must wear either an adult seatbelt or an appropriate child restraint. Guidance on types of child restraints suitable for different age groups has been issued by the Royal Falklands Islands Police.

112. In line with the Falkland Islands Plan, the Vulnerable Peoples Strategy is to be developed to ensure a high standard of equitable care and service provision for vulnerable people, especially children, in the community. It will reflect the five outcomes outlined in the Every Child Matters Green Paper:

- Be healthy
- Stay Safe
- Enjoy and achieve
- Make a positive contribution
- Achieve economic well-being

113. All new employees of the Falkland Islands Government are required to participate in an induction programme. The inclusion of guidance in relation to the responsibility of all employees and referral procedures which relate to child protection will be included in all such programmes. This will be a particular focus for new school based staff, both teaching and non-teaching, for whom CRB (Criminal Records Bureau) clearance is already a prescribed requirement.

Part III

In the light of article 4 of the Convention, please provide updated data for 2006, 2007 and 2008, on budget allocations (including trends analysis) regarding the implementation of the Convention throughout the country in the areas of education and health.

114. Between 1 July 2005 and 1 July 2008 the overall budget for the Education Department has increased by £542,730. In the main spending on education resources has remained relatively stable. The increase reflects the general but slow increase in overall pupil numbers, the slow increase in the numbers of students accessing further education in the UK, the increase in the number of apprenticeship places (to a maximum of 15 apprenticeship years per annum) and the cost of living increases afforded to all Education Department employees. (See Appendices 3 - 6).

115. The provision of education for children who live in remote areas (Camp) has been maintained although it remains an expensive provision. The education of 20 Camp children now requires £305,960 i.e. £15,300 per child as opposed to £16,488 per child in 2005. Numbers of children in Camp fluctuate considerable and the service must retain flexibility at all times. Efficiencies in provision with increases in the quality of services are being sought through the recent amalgamation of the management of the Infant and Junior School and Camp Education and enhanced liaison with the Falkland Islands Community School.

116. There has also been an increase in the funding for the Community Leisure Centre. This has however been accompanied by an improvement in facilities and services. Junior sporting leagues have been established and a gym has been established comprising cardio-vascular and weight training equipment. These are available to young people over the age of 16.

117. It is difficult to fully quantify the financial expenditure for children out of the overall Health and Social Services Budget as posts, training support etc. within the Falkland Islands are "General Specialists" and some are multi-rolled. There is funding for maternity services, school dental services, Health Visitor, Speech and Language Therapists, child protection, special aids, specialist/consultancy visits and support,

Please provide data covering the last three years on the number of persons below 18 who have been tried as adults. Please also inform the Committee on the number of reported cases of abuse or ill-treatment of children occurred during their arrest and/or detention as well as on the follow-up given to these cases.

118. No persons below the age of 18 were tried as adults during 2005, 2006 or 2007. There was one complaint in August 2007 regarding the arrest and detention of a 14-year-old girl (who was subsequently convicted of an alcohol related offence). The complaint was formally recorded and dealt with by informal resolution. It resulted in three police officers receiving development advice from the newly-appointed Chief Police Officer.

Please provide data covering the last three years on the number of children involved in sexual exploitation, including prostitution, pornography and trafficking, and the number of those children who were provided access to recovery and social reintegration services.

119. No children are known to have been involved in commercial sexual exploitation in the Falkland Islands during the years 2005, 2006 or 2007.

120. During this period a total of five men and one youth were convicted of sexual offences against a total of seven girl children aged between 12 and 15. Each child was provided full access to recovery and social reintegration services, involving therapy sessions with the community psychiatric nurse, counselling and other support sessions to the child and their family

by members of the Social Work Department. Also during this period one man was convicted of downloading child pornography onto his computer from the Internet.

.MONTSERRAT

Part I

Please inform the Committee on the measures taken to prevent and combat violence, including domestic violence, throughout the country and notably in the Overseas Territories?

121. The Family (Protection against Domestic Violence) Act (Cap. 5.05) allows the court to make protection and occupancy orders in relation to and for the protection of a child. Applications for such orders can be made by a number of persons to include, a parent or guardian of the child, a community service officer, a police officer, or a person qualified in social work.

122. In an effort to combat domestic violence, the Royal Montserrat Police Force has developed a Domestic Violence Hotline, through which reports can be made directly to the Police. A Family Centre has also been established where a Community Beat Police Officer and a Community Development Officer from the Community Services Department, Ministry of Health provide assistance to the victims of Domestic Violence. However due to severe staffing constraints, these mechanisms have not been functioning as they should.

123. The Ministry of Education through its Pupil Support Unit, provides an environment in which students who are the victims of violence, including domestic violence are made to feel comfortable enough to make reports. The Ministry recognizes that the ideal position would be to have Child Protection Coordinators, but due to financial and resource constraints that cannot be done. Presently victims of domestic violence can make reports to the school guidance counsellors and these reports are referred to the appropriate Government authorities at the Community Services Department for further action.

124. Children who are victims of Domestic violence are also given counselling, through the Community Services Department.

Please inform the Committee on the measures taken to protect the rights of children affected by migration in the Overseas Territories, (both nationals left behind by their parents migrating abroad and foreign children of migrant workers in the British Overseas Territories).

125. There is no data available on the children affected by Migration.

Part II

Under this section, the State party is invited to briefly (3 pages maximum) update the information provided in its report with regard to:

- **New bills or enacted legislation;**
- **New institutions;**
- **Newly implemented policies; and**
- **Newly implemented programmes and projects, and their scope.**

126. The Caribbean Community (CARICOM) as part of its initiative to harmonise legislation throughout the Community has drafted a Juveniles Bill, and a Domestic Violence Bill. These bills are currently being finalized and will soon be ready for the Parliament of each member state to adopt.

127. The Organization of Eastern Caribbean States (OECS) as part of its Family Law Reform initiative is aiming to enact regionally harmonised family legislation in keeping with basic human and child rights. As part of this initiative a Maintenance of Children Bill and Regulations have been drafted. The revised draft of this bill is now being circulated through the member states for approval.

128. In early 2008, the Ministry of Education established a Pupil Support Unit which is designed to give care and support to all students within the school system. Students are given emotional support and support for learning. A child's welfare issues are addressed so that that child's academic performance is not affected by these issues.

129. The Unit provides programmes geared at personal, social and moral education and as part of the curriculum students are informed of their rights and responsibilities and are given the opportunity to discuss these issues. The programmes emphasise self development, and students learn about citizenship, and democracy. The students are given the opportunity to formulate programmes for the unit, and they are given the opportunity to voice their opinions and views.

130. Students with mental ill health are not exposed to treatment in the General Clinics, the psychiatrist visits the Student Support Unit and the children receive treatment in a child friendly environment.

Part III

In the light of article 4 of the Convention, please provide updated data for 2006, 2007 and 2008, on budget allocations (including trends analysis) regarding the implementation of the Convention throughout the country in the areas of education and health.

131. There is no statistical data on budgetary allocations and trend analysis regarding the implementation of the Convention in the areas of education and health during the 2006-2008 periods. This is due mainly to the fact that budgetary allocations are made for health, education, and cultural programmes generally and not specifically for implementation of the Convention.

132. The Community Services Department has a budget of about EC\$150,000.00 dedicated to child related programmes but this does not include amounts spent on children for one-off grants

and medicals. These issues are handled from budgetary heads which relate to other general family issues.

133. The Student Support Unit has been given a budget of approximately EC\$40,000.00, to support its programmes.

Please provide data covering the last three years on the number of persons below 18 who have been tried as adults. Please also inform the Committee on the number of reported cases of abuse or ill-treatment of children occurred during their arrest and/or detention as well as on the follow-up given to these cases.

134. During the period 2006-2007 there have been no instances in which children under the age of 18 years have been tried as adults. However, there are two cases currently listed for trial before the High Court this July 2008 in which children under the age of 18 years are being tried as adults. One matter involves a charge of Burglary and the other matter involves a charge of Possession of Cannabis Sativa.

Please provide data covering the last three years on the number of children involved in sexual exploitation, including prostitution, pornography and trafficking, and the number of those children who were provided access to recovery and social reintegration services.

135. No reports have been made to the Police, or the Community Services Department on any children being involved in sexual exploitation, including prostitution, pornography and trafficking. There is, as a result, no data on this issue.

PITCAIRN ISLANDS

Part I

Please indicate the processes and mechanisms that exist to ensure an efficient coordination of policy and strategy development with regard to programmes, services and laws for the implementation of the Convention in each devolved Administration as well as in the Overseas Territories.

136. The existing processes and mechanisms are as follows:

- The establishment of a Children's Officer in Pitcairn legislation.
- The creation of a Child Protection group to meet on a monthly basis to monitor all children's progress and issues regarding their safety and well-being.
- The appointment of a Family and Community Advisor to the island.
- The development of a Social Welfare Policy on the island with special emphasis on the safeguarding of children.
- Appointment since February 2007 of a full-time professional community police officer with remit which specifically includes child protection (for population of around 50 including 8 children)

Please inform the Committee on the measures taken to prevent and combat violence, including domestic violence, throughout the country and notably in the Overseas Territories?

137. This will be addressed by the Social Welfare policy and procedures currently being developed.

138. A Community Police Officer has been appointed since February 2007 with remit which specifically includes domestic violence.

Please provide further information on the measures taken to implement the International Code of Marketing of Breast milk Substitutes.

139. None that we are aware of there has only been one child born on the island in the last three years.

Please inform the Committee on whether there has been any assessment on the specialist guidance on prejudice-driven bullying: “Bullying around Race, Religion and Culture” produced in 2006. Please also indicate briefly any other new program or activity to prevent bullying in schools. Is there a systematic approach towards teaching in schools issues such as a culture of tolerance, acceptance of those who are different and civic education?

140. The teacher has covered this theme with the children.

Please explain how the right of the child to rest, leisure and engage in play and age appropriate recreational activities is enshrined in legislation and ensured in practice.

141. There is nothing in legislation. The teacher and community ensure the children have appropriate recreational activities. The Social Welfare policy will also address this.

Please inform the Committee on the measures taken to protect the rights of children affected by migration in the Overseas Territories, (both nationals left behind by their parents migrating abroad and foreign children of migrant workers in the British Overseas Territories).

142. Not currently applicable.

Please indicate the issues affecting children that the State party considers to be priorities, requiring the most urgent attention with regard to the implementation of the Convention.

143. On Pitcairn the priorities are the safeguarding of children, and their education.

Part II

Under this section, the State party is invited to briefly (3 pages maximum) update the information provided in its report with regard to:

- new bills or enacted legislation;
- new institutions;

- newly implemented policies; and
- newly implemented programmes and projects, and their scope.

144. Nothing since Children's Ordinance 2003. However there has been the establishment of a children's officer in the above ordinance. Health and Education policies are in the process of being adopted and there has been the appointment of a family and community adviser, social welfare review, creation of the Child Protection Group and appointment of a Children's Officer.

Part III

In the light of article 4 of the Convention, please provide updated data for 2006, 2007 and 2008, on budget allocations (including trends analysis) regarding the implementation of the Convention throughout the country in the areas of education and health.

145. Spending on both health and education is increasing. Education and health care are both free up to the age of 16.

Please provide data covering the last three years on the number of persons below 18 who have been tried as adults. Please also inform the Committee on the number of reported cases of abuse or ill-treatment of children occurred during their arrest and/or detention as well as on the follow-up given to these cases.

146. None.

Please provide data covering the last three years on the number of children involved in sexual exploitation, including prostitution, pornography and trafficking, and the number of those children who were provided access to recovery and social reintegration services.

147. None.

BERMUDA

Preface

148. This is Bermuda's update to the fourth periodic report to the Committee on the Rights of the Child. This report highlights Bermuda's relevant developments in law, policy and practice since its previous report submitted in 2005. This brief provides a response to requested information in Parts I, II, III and IV of the correspondence dated June 16, 2008.

Part I: Bermuda has been asked to respond to Questions 3, 6 and 10 of Part I)

Question 3 Ensuring efficient coordination of policy and strategy development with regard to programmes, services and laws for the implementation of the Convention

149. Presently the Department of Child and Family Services is responsible for monitoring and coordinating the implementation of the CRC. This represents a change since the last reporting

period when the National Committee on the Rights of the Child was charged with these responsibilities

150. On an annual basis the Department of Child and Family Services identifies initiatives to guide and coordinate its services and response to children through programmes delivered or funded by them. The Accreditation Initiative which seeks to accredit programmes¹ funded by the Department is an example of an initiative which support the purpose and intention of the Convention.

151. The Department also furthers its efforts related to children through collaboration with government and non-government organizations. It works with the Departments of Education, Health and Youth, Sports and Recreation to ensure the harmony of government's response to children. Through its grants and its relationships with NGOs like the Inter Agency Committee (IAC), it promotes the articles of the Convention through various initiatives

152. This reporting process on the Convention has allowed the Department to review its approach of monitoring and coordinating the implementation of the Convention in order to improve on the outcomes. The Department sees the importance of coordinating efforts across all segments of service providers and the value of the involvement in the process of various stakeholders including children themselves.

153. The Department of Child and Family Services will establish a multi-disciplinary committee and various sub-committees with the intention of establishing a National Plan for Children in accordance with the Convention and a means to monitor and coordinate the implementation of the Plan.

Question 6: Measures taken to prevent and combat violence including domestic violence

154. The Department of Child and Family Services has a traditional response to violence, which includes prevention and early intervention which is spelled out in the last report. The Department has augmented this response by partnering with the Departments of Youth, Sport and Recreation, and Court Services to look at providing services to meet the developmental needs of children by focusing on risk and protective factors. Training which focuses on developmental assets has been provided to helping professionals, within government and the community. The training focuses on reducing the incidence of negative and anti-social behaviour by increasing the protective factors and decreasing the risk factors.² It is hoped that this approach will reduce the likelihood of social isolation, gang activity and foster positive development in our young people.

155. The Department of National Drug Control has been conducting research for many years using the Communities that Care Youth Survey which reports the risk and protective factors that young people face as a predictor for their actions and reactions in the community. Based on Bermuda Police Service statistics, there were 309 incidents of violent crime in 2005 and 17 incidents involving bladed and sharply pointed articles in 2006. Additionally, in 2006, recorded

¹ Residential Treatment Services has been accredited through the Council on Accreditation and Family Services and Happy Valley Child Care Centre are in process

² Communities That Care Youth Survey Report, Bermuda Students October 2003

violent crime in Bermuda was at its lowest in five years, and there was strong evidence that the majority of crime was committed by a relatively small group of persistent offenders. Nevertheless, approximately 10 per cent of all recorded crime was violent crime, and 17 per cent of adolescents report that they had been involved in an attack on someone with intent to harm.

156. With the joining of efforts and collaboration of all of these approaches, Bermuda will have a prevention strategy that focuses on positive development of our youth and a means to evaluate the impact of this approach over time.

157. Bermuda's intervention response to various types of violence includes Child and Adolescent Services for adolescents; Police (sexual abuse, domestic violence, community violence); Women's Resource Centre and Physical Abuse Centre (response to domestic violence and sexual abuse -adult women and their children).

158. In the wake of escalating youth on youth violence in the community the Premiere of Bermuda announced several new initiatives to commence immediately. The initiatives, inter alia, are as follows:

- Increased access for parents to various management techniques like life skills training and effective parenting
- Partnership with the faith community to develop innovative ways to stand the tide of anti-social behavior
- Review of government's prevention and intervention response to ensure they are properly resourced
- The expansion of programmes that have demonstrated success with youth at risk

Question 10: Measures taken to protect the rights of children affected by migration

159. Bermuda is a small close-knit community with extended family still active in the life of child. If a family member migrates overseas, generally children will accompany the parent. However, if the child remains in Bermuda it is usually with an extended family member such as the grandmother. Under these circumstances the child remains in the same school setting. The health support and records would not change because the school health system is free and island wide. To assist extended family members there is free child care subsidy, financial assistance or fees for kinship care, free counselling within schools and the community and all other supports to meet the child and extended family needs. Under these circumstances the child is not unduly disadvantaged or discriminated against based on the migration of the parent.

Part II

New bills or enacted legislation

160. The Ministry of Education has enacted several pieces of legislation:

- The Education Amendment Act 2008 addresses concerns about the public school system

- The Bermuda Educators Council Act 2002 addresses standards and quality of teaching
 - Proposed Amendments to the Bermuda College Act 1974 intends to develop a highly skilled and well-educated populace in Bermuda
 - Bermuda Government Scholarships Act adjust the funding for annual scholarships provided through government
161. The Ministry of Culture and Social Rehabilitation³ has enacted the following legislation:
- Adoption of Children Act 2006 addresses parental rights particularly in cases of foster care and family reunification
 - Children Amendments Act 2002 focuses on parental responsibility as well as eliminating the differentiation of children born inside or outside of marriage
 - Financial Assistance Amendment Regulations 2008 updated the overall fee schedule and provide for foster children who have attained the age of 18 years
 - The Bill for Child Care Allowance will provide subsidized child care for those who qualify
162. The Bermuda Police Service has developed the following Bill:
- Child Online Protection Bill makes protects children from online exploitation.

Newly implemented policies

163. New Policies related to Legislation follow:
- Recognize schools for their achievement of high standards and provide additional support in reaching performance goals to schools with lower achievement ratings
 - Increase the school leaving age to 18 years
 - Enhance the quality of teaching through the registration and licensing of educators
 - Provide free tuition, for persons meeting established criteria, to attend the Bermuda College
 - Provide full tuition, board and round trip airfare for recipients of the Bermuda Government Scholarship
 - Increase the Teaching Training Scholarship by \$5,000
 - Allow parental rights to be terminated under specific conditions in order to facilitate adoption
 - Allow for parent and child to search for identifying information and make contact on the attainment of adulthood of the adoptee
 - Update the financial assistance fee schedule to reflect the current financial needs of applicants
 - Continue to provide financial support for foster children beyond childhood
 - Provide subsidized day care in a licensed day care for children of families who qualify as a result of income

³ Includes Child and Family Services, Community and Cultural Affairs, Court Services, Human Affairs which includes Human Rights, National Drug Control, and Financial Assistance

- Ensure that all children are treated equally whether or not they are born in or out of wedlock
- Establish best practice standards for fighting online crime and exploitation/abuse of children

164. Policies implemented by the Ministry of Culture and Social Rehabilitation related to the Convention are:

- The Department of Child and Family Services, in efforts to bring policies and services in line with best practice standards is seeking accreditation for the services funded by the Department.
- Increased parental participation in the therapeutic response for children in the Psycho Educational Programme
- The Psycho Educational programme has been restructured to meet best practice standards and to include maintenance of a register of overseas facilities and the services they provide. This allows for a better match between the child's needs and the services offered by the facility.
- The Department of Community and Cultural Affairs has committed to making programmes more youth focused in an effort to increase the level of appreciation for Bermuda culture and tradition.
- Protocols and standards have been established for the Sexual Response Team. Additionally, data collection and analysis guidelines have been developed.
- A National Drug Control Master Plan 2007-2011 was completed to include prevention and public education initiatives related to demand reduction and reflect policies that impact on youth.

165. Policies actioned by the Ministry of Health related to the Convention are:

- Reincorporate child and adolescent unit into the site of the Mid Atlantic Wellness Institute
- Through Memorandums of Understanding established with the Ministry of Education, all concerns of self harm related to youth must be referred to Child and Adolescent Services for assessment.
- Child and Adolescent Services developed a tool for assessing and referring cases of self harm. Additionally, a collaborative approach to prevention and reduction of inappropriate referrals was established with the Ministry of Education.
- The Bermuda Hospital Board agreed to allow CAS to provide academic instruction to children and adolescents who have psychiatric or mental health issues on site while they are having these psychiatric issues addressed.

166. Policies implemented by the Ministry of Environment and Sports

- Youth, Sport and Recreation has adopted a proactive approach to the provision of programmes and is focusing on positive development of youth by focusing on developmental assets.
- To utilize Sports Authorities in the overall development of children academically, socially and athletically and encourage youth organizations to apply for grants to fund programmes that have a youth development component. Youth, Sport and Recreation has established a grant vetting and accountability process to ensure that the programmes meet the needs of individuals and are evaluated

- The Department of Youth, Sport and Recreation has a zero tolerance to violence policy in their programmes. They have a code of conduct for both summer day camp and after school programmes. Serious infractions are referred for assessment and intervention.

167. Policies actioned by the Ministry of Justice to include the Judicial Department:

- Use of CMIT⁴ which is a valued cross-ministry initiative assisting the court with a holistic approach to delivery of service.
- To focus less on incarceration and use skills enhancement, treatment orders and money management to impact on delinquent non-custodial parents.

168. Policies implemented by the Police Service:

- The Domestic Violence Policy was enacted which utilizes a Domestic Violence Officer to assist victims of violence thereby creating a liaison between victims, shareholders and the court process.
- The Department of E-Commerce is also partnering with the ISP's and cell phone carriers and has just developed an industry code of best practice that will harmonize their efforts in the fight against online crime and the exploitation and abuse of children.

Newly implemented programmes/projects

169. The Parent/Business Partnership working committee was established in 2007 with the goal of engaging both parents and businesses in the education of children. A Business Partnership Plan was developed to include a work shadowing and mentoring programme.

170. The BTEC project, provides a computer science and technology curriculum for students in the public school system.

171. Bermuda Career Centre provides a variety of resources related to higher education, career paths and career preparation⁵.

172. The Literacy Collaborative framework prescribes the manner in which literacy instruction should occur in schools, with the anticipated end result that all students improve in reading and writing.

173. Mirrors Programme engages and supports *at risk 15-18 year-olds in Bermuda so that they can take responsibility for themselves and make appropriate choices that will result in the achievement of personal and professional goals*". The three tiered programme utilizes the risk and protective factor approach to view and support youth development.

174. Fathers Programme a six week, inter and intra department initiative offered through Happy Valley Child Care Centre which teaches parenting skills

⁴ Cross Ministry Initiative

⁵ <http://www.bdacareers.bm/cgi-bin/htmos.cgi/011706.10.127270745110312481/apps/bdacareers/index.html>

175. Cross Ministry Initiative Team (CMIT) provides adolescents and parents with a variety of skills to maximize functioning and to strengthen families.
176. Codependency Group, facilitated by BYCS, provide, support to families and clients with substance abuse.
177. Budgeting Seminars provide parents with budgeting skills so that they can reduce financial risk.
178. Nurturing Parent provide parents with age appropriate parenting techniques.
179. Child Abuse Register records the name of individual convicted of child abuse. Employers wishing to hire a person to work with children utilize the Register in their hiring decision.
180. 7 Habits for Successful Families a cross-ministry initiative help families develop healthy relationships and strengthening ties in the family environment.
181. Transition Programme in Residential Treatment Services provides transition services to children and therapy to families in order to maximize the probability of reuniting children who have been in care with their families.
182. Recognition Awards are bestowed outstanding youth in the community as well foster parents and foster adoptive parents.
183. On-site Instruction at Child & Adolescent Services provides onsite instruction for children and adolescents who are receiving treatment for mental health or psychiatric issues, CAS committed to provide the teacher and Education committed to do the grading and marking to ensure consistency.
184. Team for High Risk Interagency Clients (THRIC) is a cross-ministry collaboration, established in 2007, aimed at managing high risk children.
185. Summer Day Programme provides a summer option for children with behaviour issues and ADHD.
186. Psychiatric Nurse Training Programme, accredited by the Royal College of Nursing provides training for staff as psychiatric nurses.
187. Developmental Assets Training Workshop was provided for helping professionals on developmental assets and using them to maximize the protective and minimize the risk factors in children.
188. Alternatives to Traditional Education is a cross ministry initiative aimed at providing alternatives to traditional education for young people at risk in the education system.
189. Online Protection Website www.cybertips.bm provides support to parents, children and educators to help them guard against online predators and other inappropriate online content.

Part III: Bermuda has been asked to respond to Questions 1, 3 and 4 of Part III)

Question 1

190. The chart below represents the budget for the key Departments who deliver services to children. The budget figures provided for each Department, as far as possible, relate to services to children.

Budget Allocation	2005/2006	2006/2007	2007/2008
Department of Education	107,287,000	114,769,000	117,313,000
Health Department	12,331,000	14,295,000	14,407,000
Child and Family Services	10,182,000	12,487,000	13,769,000
Hospital Youth Subsidy	2,919,575	2,722,597	2,507,964
TOTAL BY YEAR	145,528,575	157,329,597	164,074,964

NOTES: 2007/2008 are all revised estimates for CFS, Health Department and Education

191. Since the focus of this section is on Education and Health the following comments:

- In the Ministry of Education the budget for 2006/07 increased by 6 per cent over the previous year. The increase was primarily related to additional funding for “Support to Diverse Learners”, additional financial support for Middle and Senior Schools and Financial and Corporate Services, which is the cost centre responsible for the grants awarded by the Department. The budget for 2007/08 increased over the previous year by 2 per cent primarily due to the additional support provided to Primary and Middle Schools.
- In the Department of Health, the budget figures above represent Personal Health, Oral Health and Health Administration which is also responsible for grants awarded by the Department of Health. In the Department of Health the budget for 2006/07 increased by 15 per cent over the previous year. This additional funding relates to a 6 per cent increase in the budget for Personal and Oral Health and a 9 per cent increase in Administration, primarily relating to an increase in the grant for medical services for children going for treatment overseas. In 2007/08 the increase in the budget for these three areas was less than 1 per cent and relates to increased funding in oral health

Question 3: Persons below 18 tried as adults, and reported cases of abuse

192. There were no reported cases of abuse or ill-treatment of children during their arrest and/or detention during the years 2006, 2007 or 2008.

Question 4: Children involved in sexual exploitation

193. Bermuda has not had a reported incidence of child prostitution or trafficking. There have been two (2) reported cases of child pornography that occurred in 2008. Bermuda statistics historically have not been broken down in a way to identify prostitution, pornography and trafficking because the incidence of this problem did not seem to merit it. However, given the importance of this issue, the Department of Child and Family Services intends to expand the terms of reference of the Multi-agency Protection Committee to include prostitution, pornography and trafficking. The Multi-agency Protection Committee, at present, flags high risk offenders and children at risk. They provide coordination and best practice protocols to reduce the risk of repeat offending, victimization and community risk. In addition the Police Service has begun to provide training to staff and improved tracking measures to report on above such cases.

194. On 7 May 2008, The Criminal Code 2007 became operative. The Code aims to protect children from sexual exploitation and abuse. All children who are victims of abuse, regardless of the nature, are assessed by the Department of Child and Family Services and individual service plans are drawn up. These plans detail the client needs for recovery and social integration and the intervention for meeting those needs. The Case Manager is responsible for ensuring that the needs are met by the intervention and taking corrective action if this has not occurred.

Part IV

Potential points of dialogue

Status of the Convention in the State party's legal system:

195. Since the implementation of the Children Act, all new legislation and amendments to legislation enacted have been guided by the Convention on the Rights of the Child.

Protection from discrimination with regard to:

Children belonging to ethnic minorities

196. Pamphlets have been developed to target the Portuguese population, which is the main minority group. These pamphlets relate to drugs, child abuse, appearing in court, and health issues. Translators are also available and used as needed. Additionally, Youth, Sport and Recreation makes every effort to facilitate entry of children who have been relocated to Bermuda into their programmes.

Children living in poverty

197. Bermuda has a plethora of programmes to support children and families in need. Financial Assistance, free education and health care, minimizes the likelihood of children being identified as living in poverty and therefore minimizes the chance of facing discrimination.

Children with disabilities

198. In accordance with the precepts expressed in the UN Convention on the Rights of Persons with Disabilities (2007) NOSPC/Disability⁶ concurs with the Convention on the Rights of the Child “that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children”. The National Accessibility Advisory Council (NAAC) is charged with implementing an Accessibility Plan for Bermuda which increases independence, promotes societal participation and maximizes quality of life for all persons with disabilities in Bermuda.

Children in alternative care

199. – The Department of Child and Family Services does not identify or allow the identification of children who are in foster care. Pictures of foster children cannot be used in promotional or media events. It is also the department’s policy to ensure that children in care are provided with the same resources and services so that they cannot be distinguished from other children by the lack of these resources.

Children in conflict with the law

200. The Judiciary does not identify or allow the identification of children who are in conflict with the law. Family and juvenile courts are closed to the public, attendance is approved by the Magistrate, and records of proceedings are confidential.

Strengthening the Convention’s overall implementation of the following:

Non-discrimination

201. Children residents in Bermuda are afforded all the protections of the Human Rights Act, 1981 (as amended). These include, but are not limited to, protection from discrimination on the grounds of race, place of origin, colour or ethnic or national origins, sex (gender), disability, whether he or she was born in lawful wedlock, or likely to have a child, religion, or beliefs or political opinions.

Best interest of the child

202. In addition to ensuring that standards are maintained for programmes delivered or funded by the Department of Child and Family Services, Bermuda celebrates the Universal Day of the Child, Child Abuse month, and Foster Care month. Staff also works with community organizations throughout the year and thereby keeps issues of children on the front burner of the community and highlights the needs of children.

⁶ NOSPS – National Office for Seniors and Physically challenged

Survival and development

203. The Ministry of Youth, Development, Sport and Recreation plays a critical role in strengthening the Convention's overall implementation of development. They are not only responsible for providing grants to youth organizations in Bermuda for programme delivery, but also for providing after school programmes and summer day camps to school age children throughout Bermuda .

204. The Happy Valley Child Care Centre remains the only Government operated centre and provides child care for a 44 children. The fiscal estimate for 2008/2009 is \$976,000 for operation of Happy Valley Child Care Centre and its programmes.

205. The Bermuda National Library provides library services to meet the needs of Bermuda's diverse community and contribute to positive growth and development of youth.

206. The Child Development Programme (CDP) works in partnership with families to enhance the development of children from birth to four years of age. CDP conducts developmental assessments helps families to enhances parenting skills.

CDP screenings

	2005/2006	2006/2007	2007/2008
Total 2- year-olds eligible for screening	843	857	
Total screenings completed	586	579	589
Percentage	69%	67%	
Children referred for assessments/Parent interviews	293	237	179
Percentage	50%	40%	30%

Right of the child to express his/her views and be heard

207. In addition to the "Learn a Lot" and student councils, youth in Bermuda will have a significant opportunity to engage in challenging, fun and informative diversity awareness and empowerment workshops at the 2009 Youth Forum, hosted by the Bermuda 400th Anniversary Committee.

Children in alternative care

208. See figure 1 and figure 2 of annex I for statistics in alternate care.

Domestic violence, including corporal punishment and sexual abuse

209. See figure 3 and figure 4 of annex I for statistics.

Children with disabilities and their access to:

Education

210. The philosophy of the Ministry of Education is to meet the diverse needs of students; ensure the individual growth of students; ensure the success of students; and value diversity through a unified system. Addressing special needs of children is accomplished through the curriculum, student support services and programme supervision.

Cultural and recreational activities

211. The Department of Youth, Sport and Recreation has a special needs unit in their after school and summer day camp. This ensures that all children, regardless of ability level have access to sport, development and recreation activities. In response to the demand for services for children who have behaviour issues and ADHD, CAS initiated a summer day programme in 2007 for children between the ages of 5 and 14

Children at risk of experiencing poverty, including the progress to achieve the long term target to eradicate child poverty by 2020

212. The Low Income Thresholds Report was prepared in March of 2008 by the Department of Statistics. Three low income measures were chosen as appropriate methodologies for determining the economically disadvantaged in Bermuda and they are Relative Low Income Threshold (RLIT); Low Income Cut-Off (LICO); and Low Income Threshold (LIT). The results will be given much thought and policy attention in order to reflect the outcome in support programmes.

213. The Bermuda Government has already committed to subsidized child care services for qualified families, free public transportation, the implementation of an affordable and accessible health care system, and free tuition for attendance at the Bermuda College. All of these have a positive impact on the economically disadvantaged households.

Basic health and welfare, access to health services, adolescent health (suicide, teen pregnancy), mental health

214. "Well Bermuda: A National Health Promotion Strategy 2006", indicates that Bermuda has a population of 62,059, of which 52 per cent is female and 48 per cent male. It has a growth rate 0.7 per cent, with 6% of the population aged less than 5 years and 11% aged 65 years or older.

215. In 2005 the Department of Health, in collaboration with the Pan-American Health Organization, conducted an assessment of the performance of Bermuda's essential public health functions. In response to the 2005 assessment, Bermuda developed a National Health Promotion Strategy. The Strategy outlined in Well Bermuda provides a unifying vision for a healthier Bermuda, and an agreed set of health promotion priorities for the country. The National Health

Promotion Strategy⁷ focuses on various key issues and provides health promotion strategies for children and adolescents.

Healthy weight

216. The 2006 Health Survey found that 36 per cent of 5-10-year-olds were overweight or obese, and in 2001 25 per cent of adolescents aged 11 – 17 were found to be overweight. The 2001 Teen Survey reported 29 per cent of adolescents doing vigorous physical activity 5 times per week and 31 per cent skipping breakfast regularly. Additionally, according to the 2006 budget book, 71 per cent of schools had implemented the Nutrition Policy which ensures that all food consumed on the school premises contributes to the health of the child.

Parenting

217. In 2005, 85 per cent of new mothers were visited within 14 days of delivery by a Health Visitor. In 2006, the Parent Education Network provided 13 opportunities for parent enrichment. Additionally, according to the 2006 Budget Book the incidence of child abuse and neglect was 3 per cent and according to the 2006 Health Survey the incidence of adult domestic violence was 9 per cent. In Bermuda the proportion of births to adolescent mothers aged 13-19 has decreased in recent years, from 9 per cent in 1999 to 5.5 per cent in 2005.

Healthy Childhood

218. The 2006 Health Survey found generally low levels of parent-reported health and developmental problems for children aged 0-10 years, with 93 per cent reporting that their immunisations were up to date, 84 per cent had had one or no visits to the emergency room in the previous year, 82 per cent had had a well-child check-up in the previous year and 56 per cent had visited a dentist in the previous year with 40 per cent of children having never visited a dentist. The most prevalent health problems reported were asthma (19 per cent), eczema (17 per cent), ear infections (three or more, 16 per cent), respiratory allergies (9 per cent). Overweight/obesity was also very high for 5-10- year-olds (36 per cent).

Disabilities

219. For children, the 2006 Health Survey found that up to 3 per cent of 0-10- year-olds had been diagnosed with a disability such as developmental delay, and/or impairment that required the use of special equipment or limited mobility.

Smoke and Drug

220. In 2007, The National Drug Commission conducted a follow up to the 2003 survey. The results will be reported in the next report on the UN Convention on the Rights of the Child.

Injuries

7

http://www.gov.bm/portal/server.pt/gateway/PTARGS_0_2_7307_504_1987_43/http%3B/ptpublisher.gov.bm%3B7087/publishedcontent/publish/ministry_of_health_and_family_services/new_health/reports___publications/articles/well_bermuda_a_national_health_promotion_strategy_2006_0.pdf

221. According to the 2006 Health Survey, 88 per cent of children and 6 per cent of teens used an age appropriate car seat or seatbelt when travelling in a car. According to the 2001 Teen Survey, 16 per cent of adolescents reported riding in a vehicle driven by people affected by alcohol.

222. Additionally, the following statistics regarding the basic health and welfare of children in Bermuda were reported in the Health Survey of Adults and Children in Bermuda 2006:

- 95 per cent of children eat breakfast every day
- 44 per cent of children watched more than 1 hour of television daily
- 76 per cent of children had no visits to the emergency room, 17 per cent had only one and 6 per cent had 2 or more visits
- The four (4) most prevalent medical problems reported in children were asthma (22 per cent); eczema (17 per cent); ear infections (16 per cent) and respiratory allergies (9 per cent)

HIV/AIDS

223. Most persons with HIV were diagnosed between ages 25-44. There has not been a diagnosis of HIV in a person under 25 years of age since 2004 nor has there been a pediatric case (ages 0-14 years) since 1996. There were no new HIV/AIDS cases or deaths from persons exposed through blood or blood products or through mother-to-child transmission.

Output measures related to children – Department of Health

224. See figure 6 of annex I.

225. Child and Adolescent Services provides three programmes for their target population of children and adolescents: Inpatient; Day programme (therapeutic intervention and academic instruction); and Outpatient (assessment and intervention services). Child and Adolescent Services does not see children under 4 years old unless they have mental health issues that require medication.

226. Recent Trends reported by Child and Adolescent Services staff include:

- A significant number of children with diagnosed depression living in a household with a parent who is also diagnosed with depression.
- An increase in referrals for grief and trauma counseling due to domestic and community violence.
- An increase in referrals for conduct disorders. This is an identified gap in the services provided through CAS.
- The prevalence of referrals for eating disorders. Although the numbers are small, new cases appear every year. In the years 2005 through 2008, there were 1, 2, 1, 1 cases of eating disorders reported respectively.
- There have been no reported suicides in the child/adolescent population

Provision of services through CAS to children and adolescents

227. See figure 7 of annex I.

Teen pregnancy

228. See figure 8 of annex I.

Addressing issues regarding children and their educational experience in the following areas:

Bullying in School

229. Schools adopt a zero tolerance for bullying behavior. Addressing Bullying in the school setting is done in two ways:

- Prevention – School Counselors deliver classroom guidance lessons that cover what bullying/teasing is and how to appropriately deal with being bullied/teased.
- Intervention – School Counselors offer Mediation. School Counselors address bullying during individual and/or group counseling sessions. School Administrators deliver consequences when bullying behavior is reported and confirmed

230. In further attempts to address bullying in schools, the Department of Human Rights has promotes various initiatives to foster a ‘culture of tolerance’ and ‘acceptance of those who are different’. These initiative include:

- Race relations awareness forums through the CURE Youth Forums. As follow-up to the youth forums CURE produced a variety of printed materials to be used as educational resources for youth and those serving youth.
- 7 Habits for Effective Young People workshop was designed to address some of the hard questions young people face in Bermuda and give them strategies for shaping their lives.

Right of the child to express his/her views and be heard

231. Student Councils: Within the Bermuda education system, students are given voice through student councils which are in place in middle and senior schools. The councils meet regularly and ensure that student concerns are passed on to school administration.

Human Rights Education

232. The Human Rights Commission is currently developing an initiative to enhance the delivery of human rights education in the Island’s schools. The programme is scheduled to begin tentatively in October 2008 with regular presentations in selected schools. Additionally, the Human Rights Commission, in collaboration with the Commission for Unity and Racial Equality, is exploring the future development of a Strategy for Equality and Human Rights in Education.

233. Initiatives for Human Rights Education include the following:

- Primary School Publication on Race Relations
- Equality and Human Rights Education and Curriculum/Module Development: CURE, together with the Human Rights Commission (HRC) is proposing to work with the Ministry of Education to introduce an Equality and Human Rights Education Curriculum into Bermuda's public and private schools. The vision is to create an opportunity for students of all ages, in public and private school, to be exposed to an equality and human rights curriculum.
- Piloting for Diversity Strategy in Schools: CURE is currently working with a private institution to develop a contextualized inclusion/diversity strategy aimed at addressing issues of diversity, bullying and respect within the school system and structure.

Programmes provided to children in relation to leisure and play:

234. Youth, Sport and Recreation provides grants to organizations and sporting clubs providing services for the younger age groups as well as leadership training and coaching courses. They also deliver after school, school break and summer day programmes. Their focus is on developing youth through sports as well as age appropriate development.

Alcohol and substance abuse

235. The primary function of the Department of National Drug Control's Prevention Unit is deterring substance use before it starts. The DNDC, in collaboration with partnering agencies, provides both universal and special indicated prevention and interventions activities that seek to educate young people on avoiding high risk behaviour and rejecting drug use.

236. In 2007, in response to the upsurge in the prevalence of illicit drug use and drug-related criminal activities, the Government of Bermuda initiated a battery of measures to combat the problem on the demand and supply reduction side. These measures are outlined in the National Strategic Framework which, in relation to youth, provides a conceptual framework for Bermuda's Drug Prevention Policy.

Administration of juvenile justice

237. The age of criminal responsibility, although under review, remains at 8 years old although, at times, children who are between 16 and 18 years old, may be tried in Magistrates Court and not in Family Court. There has been an increased number of juveniles committing adult offences such as murder and serious theft. In 2008 alone, six (6) teens will be charged with murder. The Family and Juvenile Court powers to sanction on conviction are limited in these serious cases. There is no "stand alone" detention facility for children. It is incorporated in a larger facility that provides for young adults and female adults. Many of the concerns that the system presently has will be resolved with the Amendment to the Young Offenders Act which is proposed for 2008/2009.

Juvenile delinquency in Bermuda

238. Similar to every other country Bermuda has a comparable level of Juvenile Delinquency.

- Two thirds of all sexual exploitation investigations are juveniles under the age of 16.
- Delinquency between the ages of 16 – 17 yrs is alarming and the Government of Bermuda has initiated the Mirrors Programme to address this.

Other Anti-Social Behavior

239. In Bermuda's public and private schools the following antisocial behaviours are most prevalent:

- Attacking Someone with Intent to Harm - the most prevalent anti social behaviour, with 16.8 per cent of students reporting involvement in the past year
- Getting Suspended is the second most prevalent antisocial behavior, with 12.6 per cent of students reporting having been suspended in the past year.

Children belonging to a minority or indigenous group

240. In an effort to improve race relations in the community, the Department of Human Affairs is supporting a National Strategy on Race Reform. The National Race Relations Reform Strategy will coordinate community approaches to achieve better race relations in Bermuda, and promote harmony among diverse groups in Bermuda. Support and progress of this initiative will ensure a more harmonious level of interaction for children not only today but in the future.

Appreciation of culture and traditions

241. The Department of Community and Cultural Affairs supports several initiatives to advance Bermudian youth and to facilitate an appreciation for Bermuda's culture and traditions. Grants are provided to youth for performance during Heritage Month.

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Part I

Please indicate the processes and mechanisms that exist to ensure an efficient coordination of policy and strategy development with regard to programmes, services and laws for the implementation of the Convention in each devolved Administration as well as in the Overseas Territories.

242. The Social Services Division which presently deals with many children's issues has a Children and Families Management Team. Sub Teams specialise in working with Children with Disabilities, Children who are Looked After and a Referral and Assessment Team which assesses new referrals where concerns are expressed. All "Looked After" Children have regular reviews chaired by an Independent Reviewing Officer and the Child/Young Person is able to represent their views either directly by attendance or by written submission. Management Information is collected and there are Key Performance Indicators in place that are reported onwards.

243. For “Looked After” Children there is a Registration and Inspection system which independently reviews their care and there is a Children’s Advocate in place who looks specifically at Children with Disabilities but is extending their remit to all Looked After Children. There is a Business Plan in place for Service Redevelopment, key elements of which relate to Development of the Fostering Service, Residential Care Strategy, After Care Strategy, Review of Secure Care Home, the promotion of a Youth Justice Team and an Audit Policy.

244. In the latest Periodic Report the Isle of Man Government provided extensive information on the Children and Young People’s Strategy 2005–10 and the Commission of Inquiry into the Care of Young People. Since that Report the work on the implementation of the processes and mechanisms to coordinate policy with regard to programmes, services and laws has been through the progression of the recommendations of the Commission of Inquiry and through the Integration of Children’s Services.

245. In May 2007 Tynwald endorsed the Council of Ministers actions amongst which are to:-

- Externally inspect children’s services in 2009
- Jointly commission children’s services where possible
- Introduce a Common Assessment Framework
- The establishment of a statutory Island Child protection Committee or Local Safeguarding Board
- Statutorily establish a Children’s Commissioner
- Create a Minister for Education and Children and a Department for Education and Children with a statutory responsibility to cooperate between officers
- Integrate children’s services to improve the 5 outcomes for Children.

246. Two project managers have been given responsibility for the implementation of the integration of Children’s Services. A Senior Political Group chaired by the designate Minister for Education and Children and comprising the Ministers for Health and Social Security and for Home Affairs has been established to oversee Children’s policy. An Officer and NGO Children’s Partnership reporting into the Political Group oversees the strategy development and operational groups of Government and NGOs are taking through the implementation. Consultation on a Children’s Plan will commence in August 2008. The consultation will explore children and young people’s understanding and aspirations for the 5 outcomes.

Please inform the Committee on the measures taken to prevent and combat violence, including domestic violence, throughout the country and notably in the Overseas Territories.

247. A proposed addition to the Children’s Bill is to extend the definition of “harm” to include ‘that which is witnessed by a child or young person’ - this has particular relevance when considering Domestic Abuse. Policing plans have measures to address violent crime as a priority area of work and there is a dedicated Domestic Violence Officer in the Police.

248. There is additional funding for both the Probation Service and Victim Support specifically for dealing with domestic violence. There exist community and prison based programmes to address domestic abuse with perpetrators (currently using the Northern Ireland

Model).

249. Reduction of violence is a target in the annual Policing Plan. 2007-8 saw a small reduction in stranger violence and a larger reduction in recorded domestic violence. Recorded levels of violence in the Island are less than half the UK levels. A Domestic Violence Forum is in existence to allow cross-agency approach to the issue. Extensive use is being made of MAPPA (multi agency public protection processes) to protect vulnerable people and identify and manage offenders. Neighbourhood policing is built around a VOL (Victim/vulnerable – offender-location) approach, with early identification of those at risk. The Police approach to domestic violence is based on protecting the victim and taking robust enforcement activity if *any* grounds to do so exist, without such course being sanctioned by the victim; this means arrests and prosecutions will be made unless there is a reason for not doing so. Funding has been obtained for a police domestic violence co-ordinator whose work involves providing a multi-agency response to the issue, identifying and protecting those most at risk and ensuring that the domestic violence forum works properly. Neighbourhood police officers are in place to offer support and advice to victims.

250. All schools provided and maintained by the Department of Education are required to have a written anti-bullying policy setting out the arrangements made by the school to prevent and follow up any incidences of bullying. This requirement was contained in new articles of government for provided and maintained schools, made by the Department in 2007.

Please inform the Committee on the measures taken to protect the rights of children affected by migration in the Overseas Territories, (both nationals left behind by their parents migrating in abroad and foreign children of migrant workers in the British Overseas Territories).

251. Equal opportunity is afforded to all ethnic minority children within the education system. All children have the right to free education in a school either provided or maintained by the Department of Education, provided their immigration status on entering the Island or the United Kingdom is not that of a visitor. Nationals left behind by their parents migrating abroad continue to be eligible to free education in a provided or maintained school.

Part II

Under this section, the State party is invited to briefly update the information provided in its report with regard to:

- New bills or enacted legislation;**
- New institutions;**
- Newly implemented policies; and**
- Newly implemented programmes and projects, and their scope.**

New bills or enacted legislation

Children's Bill, Social Services Bill and Regulation of Care Bill are scheduled for introduction in 2008/09

New institutions

Children's Safeguarding Board

Newly implemented policies
Integrated Children's Services

Newly implemented programmes and projects
Joint Commissioning for Children & Young People
Children's Plan and Outcomes Framework

Part III

In the light of article 4 of the Convention, please provide updated data for 2006, 2007, and 2008, on budget allocations (including trends analysis) regarding the implementation of the Convention throughout the country in the areas of education and health.

252. Neither the Department of Education nor the Department of Health and Social Security are able to identify from their overall budgets those elements that are specifically related to the implementation of provisions of the convention. It is however known that there has been an upward trend in the gross budget on health over the last three years.

Please provide data covering the last three years on the number of persons below 18 who have been tried as adults. Please also inform the Committee on the number of reported cases of abuses or ill-treatment of children occurred during their arrest and/or detention as well as on the follow up given to these cases.

253. The data has only been collated from July 2007. In respect of 17- year-olds, they appear before the Adult Court. For the period from July 2007-July 2008, eleven 17- year-olds have been remanded and twenty six 17-year-olds have been sentenced to custody. There is obviously an overlap between these two groups. All would have the support of a dedicated Probation Officer based within the Youth Justice Team.

254. There is no information available on 17-year-olds appearing before the Adult Courts when there was no involvement from the Probation Service/Youth Justice Team. These would include 17-year-olds appearing for offences receiving sentences of Fines, Compensation Orders, Driving Bans, Bans from Licensed Premises and Consuming Alcohol, Conditional Discharges.

255. There have been no reported cases of abuse or ill-treatment of children during their arrest and/or detention. There is always an appropriate adult supporting children and young people up to and including 16-year-olds. When 17-year-olds are interviewed on-Island they do not have an appropriate adult as routine.

Please provide data covering the last three years on the number of children involved in sexual exploitation, including prostitution, pornography and trafficking, and the number of those children who were provided access to recovering and social reintegration services.

256. No data is available as no records are kept in respect of these issues. The Child Protection Statistics provide the most relevant information in respect of children involved in sexual abuse and the figures for the period from July 2005 to July 2008 show a total of 19 children were

placed on the Child Protection Register under the category of Sexual Abuse. These children would all be offered appropriate support with a Child Protection Plan.

Annex Bermuda's report

Annex I Additional Points of Dialogue (Part IV)

Figure 1: Children in Foster Care

Year	Total	Left Foster Care	End of Year
2005	135	43	92
2006	136	36	100
2007	142	36	105

Figure 2: Children in Residential Treatment Services

Year	2004/2005	2005/2006	2006/2007
Average number of children in programme	38	38	40
Average cost per child	\$51.83/day	\$65.73/day	\$70.02/day
Number of children permanently placed (foster care)	18	43	36

Figure 3: Physical Abuse Intakes

Year	2005	2006	2007
Substantiated	29	43	33
Unsubstantiated	27	23	14
Suspected	11	17	8
Pending	1	10	23
Unclassified	5	0	0

Figure 4: Sexual Abuse Intakes

Year	2005	2006	2007
Substantiated	25	17	15
Unsubstantiated	21	28	17
Suspected	10	15	22
Pending	4	25	24
Unclassified	2	0	0

Figure 5: Accidents/Violence as Third Leading Cause of Death

Underlying Cause	Number of Deaths			% of Total Deaths			Death Rates (per 1,000 population)		
	M	F	All	M	F	All	M	F	All
Accidents/Violence	28	7	35	6.1	1.5	7.6	0.91	0.21	0.55

Figure 6: Output Measures Related to Children – Department of Health

YEAR	2004/2005	2005/2006	2006/2007
Percentage of infants and children aged 0-24 months appropriately immunized for age	85%	87%	85%
Percentage of primary 1 students screened according to established protocols	71%	67%	68%
Percentage of students assessed as needing therapy who are receiving therapy	95%	100%	100%
Number of schools implementing nutrition policy	71%	88%	88%
Number of special needs trainees with individualized training plans developed on time (Orange Valley Centre)	14(95%)	95%	99%
Number of clients registered (Opportunity Workshop)	39	40	38

Figure 7: Provision of Services through CAS to children and adolescents

	2005	2006	2007	2008*
Children (5 and under) referred	7	9	7	3
Children (preschoolers) receiving day programme Services			2	3
Clients receiving termination of pregnancy services	12	9	7	3
Number of new admissions			43	
Number of follow up appointments with other professionals			983	
Number of new patients seen by other professionals			18	

*Denotes year to date; Fiscal year beginning April 2008

Figure 8: Teen Pregnancy

Teen Deliveries	12 Years	13 Years	14 Years	15 Years	16 Years	17 Years
1996/1997	0	1	1	8	5	13
1997/1998	0	0	1	6	8	12
1998/1999	0	0	1	2	3	17
1999/2000	0	0	0	4	8	12
2000/2001	0	0	0	1	4	16
2001/2002	0	0	0	0	3	9
2002/2003	0	0	2	2	6	14
2003/2004	0	1	0	1	4	6
2004/2005	0	0	1	2	5	7
2005/2006	0	0	0	2	4	11
2006/2007	0	0	0	0	0	11
2007/2008	0	0	0	0	5	9
TOTAL	0	2	6	28	55	137

Year is defined as April - March
