

IT REALLY TAKES A VILLAGE TO PROVIDE A SECURE BASE FOR CHILDREN, OUR SACRED TRUST

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I would like to thank the organizers for inviting me to deliver a keynote address on the occasion of their Seventh Annual Conference on Separation and Reunion. The keynote address sets the tone for the conference, so it is a tremendous responsibility. To think that I could possibly do justice to this role, is an act of faith on their part. My own faith was more akin to that of doubting Thomas. Having visited their website, read the impressive work of their organization and seen the outstanding array of previous speakers, I realized that I had a hard act to follow and consequently, had to much more than "put my finger in the wound." I had to immerse my whole self in His grace and seek His guidance.

Having trusted in His divine inspiration, I invite you now to join me on a voyage of discovery, as step by step, we examine the concept: "It Really Takes A Village To Provide A Secure Base For Children, Our Sacred Trust." Beginning at the end, we start our expedition with trust, a sacred trust. Relentlessly we seek, as if searching for the Holy Grail, this secure base for our children. Having found it, we realize that it was there all along within our village, but we did not recognize at first, this pearl of great price, embedded within the collective abilities of our villagers and awaiting our discovery.

A TRUST

How are our children a trust? Are not our children, our children? Kahil Gibran answered the question in 'The Prophet,' thus: "Your children are not your children. They are the sons and daughters of Life's longing for itself." "Life's longing for itself," sounds a bit enigmatic. What does it mean? When we think of longing, we think of a yearning, a deep desire for the fulfillment of a need, a need for connection. The question is connection to what or whom? Could it be to the essence of our being, or to some Supreme Being? Gibran continues: "They come through you but not from you, and though they are with you, yet they belong not to you." To whom do they belong then? Who has entrusted them to us? What is this sacred trust?

SACRED

Sacred is defined in the Concise Oxford Dictionary as "connected with a deity and so deserving veneration; holy" Could sacred trust mean that we hold our children in trust for a Supreme Being, to whom they belong? I hold no qualifications in philosophy or theology. Law and teaching are my twin disciplines, but I do believe that there is a higher being, called by many different names, including, Yahweh, Jesus, Allah, God, Jehovah, Bhagwan, Jah, the Creator. We are His creation, His children, and our children are His.

Fr.Urtega in his book, God and Children, terms this relationship with our Creator, divine filiation. ¹The children of this Sacred Being are our sacred trust. What an awesome

IUrtega J. God and Children. Scepter Publishers Ltd. 1965Dublin

Children as perpetrators of serious crimes in various countries have raised questions of the causes for youth crime and have generated a media frenzy which frequently distorts the picture of youth offending and evoke political responses that are sometimes inappropriate and frequently, ineffective.

In 1999, the killing of twelve school children and two teachers at the Columbine High School in the United States by two students, who themselves committed suicide, resulted in political and social action. The then President Clinton called for a national campaign against youth violence.

Officials from different sectors of the society turned on searchlights, looking for the root causes of youth violence, even in the glare of the numerous available studies which point to the multifaceted causes of this worldwide problem.

In addition to the direct violence, committed on children and perpetrated by children, the systemic neglect of children who are dying every day from malnutrition and other causes must give us pause. According to UNICEF, eleven million young children die each year of preventable and treatable diseases.³ The fact that this trend continues on a daily basis seems to me to indicate that the magnitude of the consequences for the future of our societies is not fully appreciated. Children who are abused or neglected and children who are the perpetrators of serious offences, are children who have not been given a secure base on which they can thrive and become adults who can play a useful role in the society. Attention must be given to them as a matter of priority. All the evidence points to the importance of focusing on the plight of children, yet the rhetoric, of which there is plenty, is out of step with the reality of action, which is always too little, and never, too soon. Child suffering is no joke.

The story is told of the popular entertainer who on a visit to Ireland attempted to illustrate the seriousness and urgency of the issue of children's vulnerability. He asked the audience for absolute quiet and began to clap his hands slowly. He paused in his clapping and said that each time he clapped his hands a child in Africa had died. A member of the audience shattered the stunned silence by uttering an expletive and shouting: "Why you don't stop clapping, then?"

Mallow's Hierarchy of Needs

How do we build this secure base for our children, our sacred trust? What must comprise the foundation? Psychology, sociology, education and other disciplines teach Abraham Mallow's Hierarchy of Needs. Mallow's theory is that to realize their greatest potential, human beings must have their needs satisfied, that they have five basic needs which are at different levels and are graduated from the lowest to the highest, each in turn necessitating fulfillment of the lower before graduation to the higher. Maslow's theory of needs is generally shown as a pyramid.

The most basic or lower order needs are placed at the bottom of the pyramid, yet are the most urgent and occupy the largest segment of the pyramid. These are the biological needs,

³Annual Report 2004 -
UNICEF

responsibility! Are we equal to the task? We have to be. There is no turning back now. The children are here present at this banquet of life and we have the collective responsibility of serving them. What is the nature of the service that they need? Perhaps the answer lies in this secure base that we are called upon to provide for these children who do not belong to us, but who are our sacred trust. Let us begin our quest for this secure base before we attain our ultimate goal, the village.

A SECURE BASE FOR CHILDREN

The "child is father of the Man."

Before examining this secure base that must be provided for our children, our sacred trust, it may be useful to explain why we should focus on the children when the theme of the conference is, "Troubled Relationships: Causes, Consequences, Strategies for Change," and in circumstances, when the forum has as its centre of interest, separation and reunion. When we think of troubled relationships, we generally think of adult relationships; adults with other adults or adults with children. Why then are we talking about children? The answer lies in the words of the poet, William Wordsworth: "The child is father of the Man."² Whatever happens to a child in its formative years influences what that child becomes. Every child is the product of its nature and nurture. What we do to a child and for a child and with a child and what we fail to do, shape the adult he/she will become. Childhood is fleeting, so we have to act with a sense of urgency. "The child cannot wait." This sense of immediacy in our actions for children is what must have prompted the first Latin American Noble Prize laureate for literature, Gabriella Mistral of Chile, to write:

*Many things can wait; the child cannot. Now is the
time his bones are being formed, His blood being
made,
his mind is being developed,
To him, we cannot say, tomorrow His
name is today.*

Paradise lost.

The absence of a secure base is what causes, "troubled relationships" and the "consequences" of such relationships. Providing a secure base for our children must be our "strategy for change." If we provide a secure base for our children, we will be providing the foundation for the children to grow into confident adults who are able to take their rightful place in the society. On their shoulders rests the responsibility of reconstructing this global village, which we, the adults, have demolished. We have transformed it from a veritable Garden of Eden, where the flowers of our nation should thrive by divine horticulture, into a world where their very existence is threatened by a horrible culture of emotional, physical and sexual abuse and even death. The promised land of Paradise is now characterized by man's inhumanity to man. Do I exaggerate? There are horrible stories reported in the media of children being killed by parents, other adults and sometimes by peers.

²William Wordsworth:

The Biological Needs. referred to as the physiological needs, the need for air, water, food and other sustenance for life. Lack of these basic needs is easily identifiable and may be easily addressed once the financial resources are available. When the biological needs are satisfied, the individual can experience the next level of needs, namely for safety and security.

Need for safety and security

The individual, particularly, a child, needs to feel safe, protected and secure. Being continually subjected to violence may cause a child to remain trapped at this level for sometime. An individual who suffers non-fulfillment of these needs may make wrong choices in an effort to satisfy these needs. These needs having been realized, the individual moves to the next level needs for belonging, acceptance and love.

Need for belonging, acceptance and love

These needs may manifest themselves in feelings of loneliness and alienation. Trained personnel may be required to intervene to recognize and address those needs, which may be manifested in passive or aggressive behaviour. It will accord with the personality or experiences of the child.

A recent study of the impact of parental migration on children in Trinidad and Tobago revealed that "children separated from parents because of migration were more than twice as likely as other children to have emotional problems although their economic status was improved. One -third had serious levels of depression or interpersonal difficulties affecting schooling and leading in some cases to suicidal ideation." ⁴

Once those needs are satisfied, the next level needs come to the fore, those for esteem, respect, approval and recognition.

Need for self -esteem, respect, approval and recognition

These needs must be attended to if a person is to feel valued. The individual needs to feel a sense of achievement. Frustration will result if the individual does not achieve some degree of competence in his sphere of influence. If his needs are not satisfied by legitimate means, the individual may resort to illegal activities for fulfillment in these areas.

A colleague told me the story of a youth who early one morning, excitedly approached her. He said: "Miss, you read the papers, today? The teacher, puzzled answered that she had. With great pride, he revealed, "Miss, you see the headline about the daring robbery? That is my brother you know."

⁴Jones, Adele, Jacqueline Sharpe and Michele Sogren. Children's Experiences of Separation from Parents as a Consequence of Migration the Caribbean Journal of Social

Children trapped in a stage of the Maslow's Pyramid of Needs

When one examines and applies Maslow's theory to children, one can readily appreciate that children, like adults, are trapped at various stages on this pyramid of needs. As mentioned earlier, while it may be relatively simple to recognize the child who is malnourished and thus, his needs can be addressed, the need of the hyper vigilant child for safety and security is not so easily identified by the untrained professional. Similarly, the child who is a loner and feels alienated from the group and the child who revels in attention-seeking behaviour may have their needs ignored by caregivers.

A cry for help

I recall a pretty child in my English Language and Literature class that I taught for a brief while at a senior comprehensive school. She was very withdrawn and always looked so unhappy. One day I asked her to remain behind at the end of class. I asked the reason for her seeming unhappiness. With tears in her eyes, she told me: "Miss, my Daddy say I not his child. Whenever he brings home anything he shares it for my other brothers and sisters and does not give me any." I asked her what her mother thought of what was happening. She said that her mother insisted that that was her father and had explained that the reason she had lighter- coloured skin than her siblings was that she was a throwback. Her father refused to accept that. This child was going through a great deal of pain when she had all the other issues of growing up to deal with. I felt powerless to assist her and suggested that perhaps her Mum could get somebody to talk to her Dad.

Maslow's pyramid and Urtega's divine filiation

I see a parallel between Maslow's self actualization and Urtega's definition of divine filiation. Fr. Urtega speaks of developing faith to the fullest, of growing in interior life and developing natural gifts, with the help of grace. He speaks of developing human virtues, mastery over oneself and dominion over external things.⁶ Psychology and faith both leading to the same conclusion, that self actualization is made manifest in a confident, capable individual who is in charge of himself, his destiny and his world.

Maslow's pyramid not a panacea

⁵Simons, Janet A, Donald B. Irwin and Beverley A. Drinnien, West Publishing Company , New York, 1987 Maslow's Hierarchy Of Needs from Psychology- the Search for Understanding

I must hasten to disabuse you of any misconception that I am holding out Maslow's theory as being the panacea for problems of our youth. Indeed, I am wary of any exclusive focus on needs as that would belie the fact that children have rights which should not depend on the benevolence of adults. The formulation of a case for alleviating the lot of children on the basis of their needs, takes us back to the former reliance on the purely welfare principle, which has so often been, not the boon, but the bane of children's lives.

The United Nations Convention on the Rights of the Child ("the CRC")

So, where do we go from here, you may well ask. Where do we find this elusive dream of a secure base? It lies within our grasp. It is no stranger to us, but a familiar friend. It had a ten-year gestation period, before it emerged from the womb of nations to be embraced by almost all the world. It is our guide, our beacon shining into the dark corners of the world's shame. It has been described as the Magna Carta⁷ for children. I speak of the United Nations Convention on the Rights of the Child, hereafter called, "the CRC."

Necessity for the CRC

You must forgive me if I do not enter the philosophical debate on the appropriateness of children as the bearer of rights. All human beings, of which children are undoubtedly members, have rights. If we value children, we must recognize their entitlement and facilitate their enjoyment of human rights. If we appreciate their particular circumstances, we must promote the view that children have rights that are distinctive because of their vulnerability. The CRC spells out and mandates the promulgation and implementation of children's rights. States have a responsibility to "make the principles and provisions of the CRC widely known, by appropriate and active means, to adults and children alike."⁸

Was Hillary Rodham Clinton right about children's rights?

Hillary Rodham, now Senator Clinton described children's rights as "a slogan in need of a definition."⁹ Perhaps, since that was sometime ago, she may no longer agree with her own self and may now view the CRC as a wide-ranging statement of children's rights. I am fortified in my view by her commitment to children's rights, as expressed in her address, by video-link, to the World Congress on Family Law and Children's Rights in San Francisco in 1997. It is my sincere hope that the United States would soon no longer enjoy the dubious distinction of being the only nation state in the world that has failed to ratify the CRC.

⁷James P. Grant, Executive Director of UNICEF

⁸Article 42 of the CRC

⁹Hillary Rodham, "Children under the Law, "Harvard Educational Review 43 (1973): 487 quoted in Guggenheim Martin. What's Wrong with Children's Rights. Harvard University Press Cambridge, Massachusetts and London England 2005

The dual aspects of children's rights

The CRC was adopted by the United Nations General Assembly on November 20, 1989. It is the most rapidly and widely ratified human rights treaty. It defines a child as "every human being below the age of eighteen years"¹⁰ and applies to all children. Marta Santos Pais views the CRC as highlighting "two aspects of children's rights, the child as the holder of fundamental rights and freedoms and the child as the recipient of special protection."¹¹

The CRC a comprehensive Convention

The CRC is a very comprehensive human rights treaty as it encompasses not only civil and political rights, such as non-discrimination, freedom of speech, freedom of association and peaceful assembly, the right to due process and the right to a name and to acquire a nationality, but also, economic, social and cultural rights, for example, the right to health care, education, protection from physical and mental violence, drugs, child labour, sexual exploitation and other types of abuse.

The CRC, a matter of concern for all

The CRC not only sets down the acceptable and agreed international human rights standards to which nations must aspire, but also seeks to ensure that commitment to these norms is translated into the States Parties' domestic laws, policies and practices.¹² It cannot be overemphasized that the implementation of the CRC is not a matter only for the legislature or the courts of law. It concerns all who are involved with children, parents, teachers, administrative bodies, public, private and social welfare institutions.

The implementation of the CRC is monitored by the United Nations Committee on the Rights of the Child, ("the Child Rights Committee") the body established under the CRC and which comprises child rights experts from around the world.¹³ States must report to the Child Rights Committee on "the measures they have adopted which give effect" to the CRC, "progress they have made on the enjoyment of those rights" and "indicate any factors and difficulties affecting the degree of fulfillment of their obligations" under the CRC. Reports must be submitted every five years, following the initial report, which must be submitted within two years of ratification of the CRC.¹⁴

Umbrella principles of the CRC

¹⁰Article 1 of the CRC

¹¹Santos Pais Marta. The United Nations convention on the Rights of the Child in Bulletin of Human Rights 91/2 United Nations, New York, 1992:75

¹²Thompson- Ahye Hazel. Analysis of States Reports: Barbados, Belize, St. Kitts and Nevis, Trinidad and Tobago in: From Ratification To Implementation Reporting on Child Rights in the Caribbean. UNICEF Caribbean Area Office, Barbados. 2000

¹³Article 42 of the CRC

¹⁴

The Child Rights Committee has identified four umbrella principles of the CRC, namely:

1. non-discrimination - article
2. best interests of the child - article 3;
3. the child's right to life, survival and development - article 6; and 4. respect for the views of the child- article 12.

Non-discrimination - Article 2

The State is obliged to ensure that every child within its jurisdiction enjoys all the rights set out in the CRC without discrimination of any kind on account of the child or his or her parents' race, colour, sex, language, religion political or other opinion, national ethnic or social origin, property disability, birth or other status. The State must therefore care for refugee children illegal immigrants, homeless children, children of migrant workers and children suffering from HIV/ Aids who are in its jurisdiction whether or not they are citizens of the State.

Best interests of the child - Article 3

The CRC mandates that the principle of best interests of the child shall be a primary consideration in all actions concerning children whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies. Although it is an umbrella or overriding principle of the CRC, the best interest principle is also specifically mentioned in several other areas of the CRC. It must be taken into consideration when children are to be separated from their parents;¹⁵ must be a basic concern of parents who have the primary responsibility for the development and upbringing of their child;¹⁶ must be a consideration of the State in its decision to provide special protection and assistance to a child temporarily or permanently deprived of his or her family environment and who cannot be , cannot be allowed to remain in that environment; 17 It must also be a concern when a decision must be made concerning the adoption of a child; 18 or when a determination must be made on whether a child in detention should be separated from adults ¹⁹ and also whether parents should be involved in providing appropriate assistance to children in conflict with the law.²⁰

In order to ensure that the best interests is a primary concern in all actions affecting children, the State must not only put laws in place, but ensure their compliance by implementing proper monitoring of policies and practices of institutions which cater to children's needs. There must be education of all personnel concerned. Proper records must be kept by all institutions and inspections carried out regularly and thoroughly by responsible persons or agencies.

Child's right to life, survival and development- Article 6

¹⁵Article 18

¹⁶Article 9 Ibid.

¹⁷Article 20 of the
CRC ¹⁸Article 27

¹⁹Article 37

²⁰Article 37

Numerous articles of the CRC impact on this umbrella principle. States Parties are obliged to take specific measures to guarantee the child's right to life and to create an environment conducive to ensuring to the maximum extent possible the survival and development of the child. The child must be allowed to develop physically, mentally, spiritually, morally, psychologically and socially to be prepared for life in a free society. The child must enjoy the highest attainable standard of health²¹ and be provided with facilities for the treatment of illness and rehabilitation. This includes the mentally or physically disabled child who receives special mention under the CRC. Such child "should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community."

Even before the child's birth, the State must care for the child by providing ante-natal care for the mother and immediately after birth, post -natal care. The CRC protects the child's right to education²³ as well as to rest and leisure.²⁴

The child also has the right to special measures of protection such as:

the recognition of legal personality by protecting the right to registration right after birth, to a name, to acquire a nationality and to know and be cared for by parents²⁵, the right to have his or her identity, including nationality, name, and family relations preserved without unlawful interference,²⁶ the right not to be separated from parents against their will, unless it is necessary in the child's best interest as determined by competent authorities,²⁷ the right to family reunification,²⁸ the right to be protected from all forms of abuse,²⁹ the right to alternative care, such as foster placement³⁰ to local and inter- country adoption when deprived of that family environment³¹, the right to be protected from child labor,³² the right to be protected from drug abuse.³³ the right to be protected from sexual exploitation,³⁴ the right to be protected from sale, trafficking and abduction,³⁵ the right to be protected from all other forms of exploitation,³⁶ the right to be protected from torture or other cruel, inhuman or degrading treatment, life imprisonment without possibility of release and unlawful and arbitrary arrest,³⁷ the right to be protected from participation in armed conflict before age 15,³⁸ the right to rehabilitative care... to aid recovery and social integration,³⁹

²¹ Article 24

²² Article 23

²³ Articles 28 and

29 ²⁴ Article 31

²⁵ Article 7

²⁶ Article 8

²⁷ Article 9

²⁸ Article 10

²⁹ Article 19

³⁰ Article 20

³¹ Article 21

³² Article 32

³³ Article 33

³⁴ Article 34

³⁵ Article 35

³⁶ Article 36

³⁷ Article 37

the right, if alleged as, accused of, or recognized as having infringed penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth⁴⁰

Respect for the Child's Views - article 12

The right of the child to be heard and to have his or her views taken into account recognizes the child's right not to self determination, but to involvement in decision- making. It is a recognition of the "child's evolving capacity." Closely akin to this right is the right to freedom of expression,⁴¹ freedom of thought, conscience and religion⁴² and freedom of association.⁴³

Other related rights are rights of participation in relation to proceedings involving separation from parents,⁴⁴ the right to be heard in adoption proceedings,⁴⁵ the right to be heard in matters involving challenge of legality of deprivation of liberty,⁴⁶ and in juvenile justice proceedings.⁴⁷

This right of the child is perhaps the most controversial. It is the one that is most resisted as it seems to challenge parental control and authority. Traditionally children are not regarded as being free to express their opinion, and this is one glaring example of the lack of respect for children whose views are frequently ignored and who are very often not consulted in matters directly affecting them. The CRC challenges States Parties to " assure to the child who is capable of forming his or her own views the right to express those views in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child." ⁴⁸

The CRC, encourages the holistic development of the child and seeks to ensure the involvement of the key players who must all interact to provide this secure base, which can be found within the four corners of the CRC. These key players constitute our village, for it really takes a village to provide a secure base for children, our sacred trust.

Who are these villagers who must provide this secure base for children? All of us whose lives have our various roles to play which should be guided by the CRC and related instruments. We are the villagers.

Role of Parents, the Family, Community and the State

⁴⁰ Article 40

⁴¹ Article 13 ⁴² Article

14 ⁴³ Article 15.

⁴⁴ Article 9(2)

⁴⁵ Article 21 ⁴⁶ Article

37

⁴⁷ Article 40

⁴⁸ Article 12 of the CRC.

The CRC recognizes that parents have the "responsibilities, rights and duties" "to provide in a manner consistent with the evolving capacity of the child, appropriate direction and guidance in the existence by the child of the rights recognized in the CRC."⁴⁹ To this end, the CRC takes cognizance of the role of members of the extended family, the community, legal guardians or other persons legally responsible for the child.⁵⁰ The CRC urges States "to ensure recognition of the principle that "both parents have common responsibilities for the upbringing and development of the child," but mandates that States must "render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities" and "ensure the development of institutions, facilities and services for children."⁵¹

While the CRC enjoins States to take cognizance of the "rights and duties of parents, legal guardians or other individuals legally responsible for the child to ensure the child protection and care," it mandates the State to facilitate this by taking "all appropriate legislative and administrative measures." The State must also ensure that the "institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health in the number and suitability of their staff, as well as competent supervision."⁵² When the State fails in its duties in this regard, it places the child at greater risk of harm within what should be the safe walls of children's institutions.

In discharging its responsibility of providing assistance to parents, the State is expected to ensure to every child the right to benefit from social security.⁵³

The CRC recognizes parents or others responsible for the child as having "the primary responsibility to secure within their abilities and financial capacities, the conditions of living necessary for the child's development." Yet it requires States to recognize that every child has "the right to a standard of living adequate for the child's physical, mental, sed, by providing material assistance and support, particularly with regard to nutrition, housing, clothing and housing."⁵⁴

I cannot overemphasize the importance of the community in its role of socialization, its responsibility to care for and protect children. The United Nations Guidelines for the Prevention of Juvenile Delinquency ("the Riyadh Guidelines") advocate the development or strengthening of community-based support measures for young people and the provision of special programmes to assist young people at risk of drug abuse, who are homeless or may otherwise need counseling and other forms of therapy."⁵⁵

⁴⁹Article 5 of the CRC
soibid.

StArticle 18 CRC

⁵²Article 3 of the
CRC ⁵³Article 26

⁵⁴Article 27

⁵⁵Article 17, 20, 22, 23, 24, 25

Many times child abuse and neglect continue because members of the community refuse to get involved. But we are our brother's keeper and must get involved. Like the Good Samaritan, we are neighbours in this village. I will be eternally grateful to some good Samaritans, without whom, a story involving my daughter would have had a different ending.

One Saturday morning, I left home to attend a board meeting. My husband was at home and my children were playing outside with the other children in the neighbourhood. My younger daughter, who, though not yet three years of age, was already quite adventurous, decided to follow me, although I had driven off some moments before.

Unobserved, she wandered out of the cul-de-sac where we live and towards the busy highway. Shortly after, she was missed, and a neighbourhood search ensued. She was no where to be found. Another disturbing element was that she was late in learning to talk so she could not explain to anyone what her name was or where she lived. My husband was driving around the neighbourhood, when he observed her in a vehicle. In the car was a couple who told him that they were driving around with her in the hope that she would point them in the direction where she lived. Every time I read of a missing child, I recall how our story could have had such a different ending. In case you are wondering, my daughter did learn to speak, is extremely articulate and is currently pursuing a degree in international studies and last weekend represented her university as a delegate at the Model United Nations in Atlanta.

The Role of Education Personnel

Article 28 of the CRC speaks to the child's right to education, and enjoins States to "make primary education compulsory and available free to all." States are urged to "[e]ncourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need." This is echoed in the Riyadh -Guidelines which speak of governments' obligation to make public education accessible to all and which, inter alia, advocate inclusion in education of information on rights, responsibilities and the dangers of drug and alcohol abuse and the provision of counselling services to children with special needs.⁵⁶

The aims of education

Article 29 lays down the aims of education which must be directed to the "development of the child's personality, talents and mental and physical abilities to their fullest potential;" to the "development of respect for human rights and fundamental freedoms." Education should also be aimed at "the preparation of the child for responsible life in a free society," should foster "respect for the child's parents, his or her own cultural identity, language and values" and for the cultural background and values of others. These principles govern not only those in State Schools but others who "establish and direct educational institutions" as

⁵⁶Article

they are also charged with the responsibility of "observance of the principles "set forth in the CRC and are expected to "conform to such minimum standards as may be laid down by the State."

Special needs of children with learning disabilities

Several studies of children in conflict with the law reveal that many of those children have learning disabilities. The Alternatives to Custody Group, discovered that a number of children on remand were illiterate and innumerate and undertook the responsibility of addressing this need. Many children still leave school unable to master these basic skills and as a result have low self esteem and are unable to play a responsible role in the society. They are stuck in the fourth level of Maslow's hierarchical pyramid of needs, unable to gain the respect of their peers. As a teacher I remember a child in my class who could not read, yet I was expected to prepare her for her Common Entrance Examination. It was a well-nigh impossible task. In all her time at the school, there was only one occasion that I saw her earn the respect of her classmates. One year, I planned a Mothers' Day concert for the teachers at my school who were mothers. I devised a scenario which the children were to prepare as an improvisation. I chose this girl who could not read to be the mother. She did not have to learn any lines or read any script, but draw on her experiences of everyday life. This girl, whom everyone looked down upon and called a dunce, gave an amazing performance. She was confident and articulate and revelled in the applause and praise she received. Her story did not have a happy ending for years later I was to learn that she had committed suicide.

The Education Ministry or other technocrats whose responsibility it is to design and implement an education plan must ensure that such plan caters for the needs, interests abilities of all the students.

Article 23 of the CRC mandates that the child who is "mentally or physically disabled must receive special care" and States must, subject to available resources, render whatever assistance is appropriate to such child.

Even when the syllabus does not facilitate it, teachers need to find innovative ways to make classes interesting so that their students want to come to school. When my primary school students told me that they found religious instructions boring, I began to use drama in my religion classes and they began to look forward to that hour with great enthusiasm even though that class came immediately before lunch.

Teachers need to have as wide an education as possible. They need to be trained to recognize evidence of sexual and physical abuse, so I would encourage multidisciplinary seminars where they can interact with health personnel. A colleague of mine was severely traumatized and forced to take early retirement when, after scolding a five-year old for returning to school after lunch in a very dirty state, she discovered that the child had been raped that day. Further investigation revealed that the teacher had also taught the child's mother some years before and had not recognized that she, too, had also been regularly raped by her father and that the grandfather, who was also the child's father, had begun to rape his child/grandchild as well.

The responsibility placed on the shoulders of educators is a heavy one. I believe that teachers play a vital role in the society and should be adequately compensated in keeping with the importance of the duties which they must discharge. The fact that they are universally underpaid, however, does not justify their being in dereliction of their duty.

A headmaster informed a teacher that the parish priest was coming to examine the children the following day. The teacher, realizing that the children were not prepared, decided on a quick fix. He directed his seven-year-old charges to learn one question each and when the priest asked the question the one who had prepared the answer to that particular question was to respond. Boy Number one was to learn: Who made you? Response: God made me. Boy Number Two: Why did God make you? God made me to know him, love him and serve him in this world and to be happy with him forever in the next. All the questions having been allocated, the teacher felt satisfied with his problem-solving skills. The next day, as the priest was about to enter, Boy Number one received an urgent call of nature and asked to be excused. The teacher, seeing the intensity of his wriggling, had no choice but to excuse him. The priest, entered the classroom, greeted the class and began the business of the day. Turning to Boy Number Two, he asked: Who made you? Boy Number Two promptly responded: "Father, the boy who God make, he gone outside."

The teachers in our village must not cut corners. Your job is not easy, but by God's grace, you must do it if you are to play your part in creating a secure base for children by ensuring they are well-prepared by their education to take their rightful place in the society.

The Role of Health Personnel

Article 24 of the CRC deals with the right of the child to the "enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation," "diminish infant and child mortality, to provide necessary medical assistance and health care to all children with emphasis on primary health care, to combat disease and malnutrition, provide adequate nutritious food and clean drinking water and to ensure appropriate pre-natal and post-natal healthcare for mothers." States are to provide "public health education so that parents and children will have basic education on health, nutrition, breast feeding, hygiene and environmental sanitation and prevention of accidents." States are also charged with the responsibility under this article to develop preventive health care, guidance for parents and family planning education and services."

Recognizing that all States will not have the resources to be fully comply with their duties under this article, the CRC mandates States Parties to "undertake to promote and encourage international cooperation with a view to achieving progressively the full realization of the right (to health) and asks that "in this regard, particular account shall be taken of the needs of developing countries."⁵⁷

⁵⁷Article 24. 4

The World Declaration on the Survival Protection and Development of Children, in 1990, devised a Plan of Action for Implementation which addresses all of these health issues and provides for follow-up actions at both the national and international level.

The irony of this is that it is not only the developing countries that have health care issues. The problem may not be the lack of resources but the allocation of resources. This is most likely the reason why the United States has the highest infant mortality rate in the industrialized world.

Nurses and doctors receive training at very high level and are aided in the practice of their profession by many new technological equipment and devices. There is still need in certain quarters for other types of training in legal issues and gender issues. Some years ago, Hofstra University in New York started a multidisciplinary programme of training in which both law students and medical students were involved and which demonstrated the complementarity of the roles they played in the treatment of children, particularly child abuse.

There is need for continuous education of medical personnel in a wide variety of disciplines. They need to know and understand that under the CRC the evolving capacity of the child is recognized, that the child has a right to information and to be heard even in the course of medical intervention so doctors and nurses ought to be trained so that they can appreciate the right of the child to informed consent to medical treatment and counseling.

After delivering a lecture to medical social workers some years ago, a very experienced social worker shared with me, her concern about the attitude of a doctor to a young female patient. The teenage girl had been raped by a supervisor at a training institution. She was severely traumatized and was referred to the psychiatrist. The doctor was very impatient and unsympathetic and later said to the nurse. "I do not know why that girl getting on so, she acting like if she never had sex before." Obviously he needed to be educated to the fact that there was a difference between sex and rape. This is not the type of medical personnel we would wish in our village as they cannot provide a secure base for children.

Role of Social workers

Social workers, whether you are in the area of social welfare, mental health, school guidance counsellors, or in the medical field, or in the field of juvenile justice, have an important role to play in providing a secure base for the children of our village. Unfortunately, you are frequently called upon to play a curative, rather than a preventative role. Your challenge is to educate others to assist you to play your role more effectively by recognizing the need for your intervention at the earliest possible opportunity. You are called upon to play many roles. The State may call upon you to assist in its responsibility to "take all appropriate measures to promote physical and psychological recovery and social integration of a child victim of any form of neglect, exploitation, or abuse, torture or any other form of cruel, inhuman or degrading treatment or punishment or armed conflict." ⁵⁸

You must ensure that such "recovery and reintegration takes place in an environment which fosters the health, self respect and dignity of the child."⁵⁹

Probation officers are charged with a serious responsibility and sometimes hold in their hands the future of a child. Legal authority provides that the court should not lightly ignore the recommendations made by social workers, so their responsibility is a serious one. They must ensure that their duties, particularly their recommendations, accord with the umbrella principles of the CRC.

When I was the Director of the Legal Aid Clinic at the Hugh Wooding Law School in the Republic of Trinidad and Tobago (a position I held for fourteen years), the Clinic developed a partnership with the UWI Social Work Faculty. We facilitated the Clinic being used as a placement agency for social work students to do their practicum. The relationship was mutually beneficial to the law students and students of social work who developed a new respect and appreciation of the fact that each had a vital role to play in the justice system. Role of Justice personnel.

Children come to the justice system in both its dependency Jurisdiction and its delinquency jurisdiction. They are either victims of neglect or crime or perpetrators of offences. The juvenile justice system involves magistrates or, family court judges, probation officers and other social workers, police officers, lawyers, prison officers, parents and other court personnel. The CRC, together with the Beijing Rules, that is the United Nations Standard Minimum Rules for the Administration of Juvenile Justice and the JDL Rules, that is, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty set minimum standards for the juvenile justice system. As mentioned before, the Riyadh Guidelines set out the many preventative measures States can employ and encourage others to institute to avoid juveniles coming into contact with the justice system. It places emphasis on the cooperative role of socialization agencies especially the family, the community, education, mass media, social policy legislation and those involved in the administration of juvenile justice. Those who toil in the vineyard of juvenile justice, including magistrates and judges must use the CRC and related instruments as their working tools to guide them as they administer juvenile justice.

The main article of the CRC on juvenile justice is article 40. it sets out "the right of every child alleged as, accused of or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society."

The CRC , the Beijing Rules and the Riyadh Guidelines require States to establish a separate legal system for juveniles, a minimum age of criminal responsibility, alternative ways of dealing with juveniles outside the legal system and a variety of dispositions, such as care, guidance, and supervision orders, counseling, probation, foster care, education and vocational training programmes and other alternatives to institutional care to ensure that

⁵⁸Article 39 s⁹Ibid

children are dealt with in a manner appropriate to their well-being and proportionate to their circumstances and the offence. Under Article 40 of the CRC, States are directed to abolish status offences, and to ensure that the child receives due process including the presumption of innocence, the right to be informed of charges and to have legal or other appropriate assistance in the case, the right to silence, to be able to confront witnesses, to appeal and to have his or her privacy respected at all stages of the proceedings.

Article 37 of the CRC also impacts on the juvenile justice system. It commands States to ensure that no child is "subjected to torture or other cruel, inhuman or degrading treatment or punishment." It forbids sentences of "capital punishment, or life imprisonment without possibility of release," being imposed for offences committed by persons below eighteen years of age." It calls for their "arrests, detention or imprisonment to be in conformity with the law" and demands that "children deprived of liberty be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of person of his or her age." It requires that children be "separated from adults unless it is not in their best interests not to do so and calls for the right to maintain contact with their family through correspondence and visits, save in exceptional circumstances." It speaks to the "right to prompt access to legal and other appropriate assistance, the right to challenge before a court or other tribunal the legality of the detention and the right to a prompt decision on any such action."

The CRC, the Beijing Rules, Riyadh Guidelines and JDL Rules all call for institutionalization to be a matter of last resort,⁶⁰ that is, when all other ways of dealing with the juvenile have failed.

The umbrella principles of the CRC apply to juvenile justice. The juvenile justice system must provide for non-discrimination and the right to be heard, with the child's views being given due weight in accordance with the child's age and maturity and it must have regard to the best interests of the child as a paramount consideration and must be cognizant of the child's right to life, survival and development. The Beijing Rules require juvenile justice to be seen as an "integral part of the national development process of each country"⁶¹. Juvenile justice must receive "sufficient resources so that it can be organized in accordance with international principles."

The JDL Rules provide a comprehensive set of guidelines for personnel in charge of children in institutions. They give workable guidelines on the conditions of detention, the management of juvenile facilities, including the admission process, record-keeping, the physical environment and the right to education, vocational training and remunerated labour, recreation, religion and medical care. The JDL Rules provide guidance in disciplinary measures and recommend ways to aid reintegration. The Rules require that personnel in all the institutions be qualified, have appropriate training and be sufficient in number and areas of expertise to adequately serve the needs of the detainees.⁶²

⁶⁰Article 37(b) of the CRC; article 19 of the Beijing Rules; article 46 of the Riyadh Guidelines; article 1 of the JDL Rules

⁶¹See articles 19 - 83 of the JDL rules

⁶²Articles 40- 44 of Riyadh Guidelines.

In 2000, I was commissioned by UNICEF, Caribbean Area Office, to conduct a study of juvenile justice in Trinidad and Tobago and to coordinate a study in the Caribbean region. The revelations of the study justified the concern of the Child Rights Committee for this area of children rights. It is an area that is sadly neglected by most government and is in need of urgent reform. The link between children in need of care and attention, children who later become juvenile offenders and adults in the criminal courts is documented in various studies, yet policy makers are slow to expend resources on prevention, but spend millions on prosecution and incarceration of offenders.

The children of our village must not continue to suffer from this lack of vision. It requires a programme of advocacy and education in which all of us must be willing to participate, using our particular area of expertise, within our sphere of influence and within the wider community. Over the years respective governments have vacillated between regarding the child offender as a subject of welfare and a holder of rights, between imposing laws which emphasize just deserts, rather than enacting legislation to foster rehabilitation and reintegration of the child offender. They move as the politics move them, aided and abetted by the media.

The media has a key role to play under the CRC. Under article 17 of the CRC they are charged with the responsibility to "provide the child with access to information that is not injurious to his or her well-being." We need to be watchdogs as well as caretakers of the media to make sure they play their responsible role in the society. The sensationalism that the media give to youth offending distorts the reality of the prevalence of these offences. The ordinary person will not interpret the fact that a crime makes headlines, not because it is common place but precisely because there is something unusual about it. Heinous crimes committed by children are not everyday occurrences.

The Riyadh Guidelines charge the mass media, inter alia, with the mission to ensure that young people have access to information and material from a diversity of national and international sources, to portray the positive contribution of young persons in society and to disseminate information on the existence of services, facilities and opportunities for young persons in the society. It also demands that the mass media minimize the level of pornography, drugs and violence portrayed and to avoid demeaning and degrading presentations, especially of women and interpersonal relations and to promote egalitarian principles and roles. The media are reminded of its extensive social role and responsibility as well as its influence in communications relating to youth drug and alcohol abuse and urged to use its power for drug abuse prevention by relaying consistent messages through a balanced approach.

The media must, however, be commended for opening up their pages to the views of children, lending their microphones to the voices of youth and focusing their cameras on them so that they become visible members of the society. They play an important role in disseminating information, educating and informing children about a variety of issues which touch and concern them. They frequently shine the spotlight on child abuse and neglect and influence positive changes in policies and laws affecting children. For all those

wonderful things that they do we are grateful to them as fellow villagers in our village providing a secure base for our children, our sacred trust.

We are at the end of our journey that we began with trust, seeking a secure base for children, our sacred trust. I have offered to you as a secure base, faith in a Supreme Being who has entrusted to us His children as a sacred trust. The child's need for belief in a Supreme Being receives powerful support from Maya Angelou, the popular American poet and writer.

I have spoken of Maslow, who has provided us with an explanation of human behaviour and motivation by constructing his theory of hierarchy of needs

I have held out to you, as your guiding star, the CRC, the Bill of Rights to which all children without exception are entitled. I urge you now to pledge to work together recognizing a common a common responsibility, to ensure that all children achieve self actualization.

We must do it together, as parents, members of the extended family, members of the community, teachers, nurses, doctors, police, lawyers and judges, clergy and the religious, social workers, prison officers and all other professionals. We must all cooperate in this effort. You see it really takes a village to provide a secure base for children, our sacred trust. I thank you for your attention.