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CARIBBEAN BASIN SECURITY INITIATIVE JUVENILE JUSTICE ASSESSMENT

FINAL REPORT

June 2011

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ACRONYMS AND ABBREVIATIONS

CARE	Center for Adolescent Renewal and Education (St. Lucia)
CARICOM	Caribbean Community
CariMAN	Caribbean Male Action Network (Trinidad and Tobago)
CBP	Community Based Policing
CBSI	Caribbean Basin Security Initiative
CCC	Civilian Conservation Corps (Trinidad and Tobago)
CCPA	Child Care and Protection Act (Jamaica)
COMET	Community Empowerment and Transformation Project
COTR	Contracting Officer's Technical Representative
CRC	Conventions of the Rights of the Child
CRP	Community Renewal Program (Jamaica)
CSJP	Citizen's Security and Justice Program (Jamaica)
CSO	Civil Society Organization
CSSB	Community Safety and Security Branch (Jamaica Constabulary Force)
CXC	Caribbean Examinations Council
CYPA	Children and Young Persons Protection Act
DARE	Drug Abuse Resistance Education
FOTA	From Offending to Achieving (Dominica)
GDA	Global Development Alliance (USAID)
IDB	Inter American Development Bank
JCF	Jamaica Constabulary Force
MILAT	Military-Led Academic Training (Trinidad and Tobago)
MNS	Ministry of National Security
MOE	Ministry of Education
MOJ	Ministry of Justice
MYPART	Military-Led Youth Program of Apprenticeship & Re-Orientation (Trinidad & Tobago)
NGO	Non Governmental Organization
NOC	New Opportunities Corps, Guyana
NSDC	National Skills Development Center (St. Lucia)
OCA	Office of the Children's Advocate (Jamaica)
OECS	Organization of Eastern Caribbean States
SERVOL	Service Volunteered for All (Trinidad and Tobago)
SOW	Scope of Work
SRO	School Resource Office (Jamaica)
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
UWIDEC	University of the West Indies Distance Education Center
YMCA	Young Men's Christian Association
YTC	Youth Training Center (Trinidad and Tobago)

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In every country visited, the Assessment Team encountered dedicated and passionate professionals, social advocates, and youths who are making great sacrifices and working tirelessly for a better future and greater security. We would like to acknowledge and thank, first and foremost, these inspiring individuals. It is our hope that this report will give voice to their vision.

The Team would also like to thank Mr. Mansfield Blackwood, USAID/Barbados, who served as the Contracting Officer Technical Representative for this assessment, for his thoughtfulness and helpful engagement throughout the activity.

The Caribbean Basin Security Initiative is to be strongly commended for commissioning this assessment, demonstrating its commitment to the region and its appreciation of the linkages between youth development and security.

EXECUTIVE SUMMARY

All Caribbean Community (CARICOM) member states have ratified the Conventions of the Rights of the Child (CRC), which are the global standards that uphold preventative, protective, and rehabilitative principles guaranteeing the rights of children to a safe environment. Though the existing juvenile justice systems in member states suffer from significant deficiencies, member state juvenile justice reform programs and efforts all model an effort to adopt or adhere to elements of this rights-based approach. To varying degrees, these countries have sought to:

- Upgrade laws from punitive, pre-independence models to a rights-based legislative framework that supports the best interests of the child;
- Integrate CRC-recommended age definitions by raising the age of criminal responsibility to 12 and standardizing the age of majority at 18;
- Decriminalize behavioral issues among youth by introducing child diversion programs and, in some jurisdictions, eliminating status offenses;
- Develop specialized courts, policing responses, sentencing options, and correctional methods for children to better investigate and address the wider social and developmental factors that trigger each child's offending;
- Upgrade correctional and remand facilities to provide a rehabilitative environment that supports the developmental and participatory rights of children; and
- Develop – directly and in partnership with civil society – programs that engage and support high-risk children and families and stem delinquency.

Nevertheless, the pace of reform efforts is staggered and at times in conflict with “tough on crime” approaches to rising rates of youth delinquency. Status offenses, low benchmarking of ages of criminal responsibility and majority, punitive approaches to law enforcement, and the underfunding of juvenile justice remain persistent. As a result, Caribbean lock-ups, correctional centers, and adult prisons retain a higher than desirable number of child inmates without addressing the root causes of juvenile crime and resulting high rates of recidivism.

The political impetus to change in the Caribbean is hampered by the low level of priority often afforded to children's programming combined with the desire of political actors to be seen as championing causes that are supported by a large population of voters. The Assessment team found that even in countries in which the national thrust for juvenile justice reform is strong, change is hindered by the high cost of implementation, slow pace of legislative reforms, and an often fragmented approach to the administration of juvenile justice.

KEY FINDINGS

Key findings from the assessment are divided into the following thematic areas:

1) Specialized Courts

- While the CRC and some national laws support dedicated courts for child offenders, the most common approach across countries is to set aside one or two days per month for hearing children's cases.

2) Human Resources and Specialized Skills

- Respondents in all countries spoke to the need for training of security and justice personnel to deal with the particular problems of children, and the need for specialists, especially child psychologists. Most respondents pointed to training as an opportunity for regional collaboration.

3) Centralized vs. Decentralized Juvenile Courts

- Placing courts in or near juvenile remand facilities, an approach being strongly considered in a number of jurisdictions, may be effective in smaller jurisdictions but in larger countries will likely create inefficiencies, a greater management burden, and increased difficulty both for families to access their child in remand and for witnesses from remote regions to attend court.

4) Replication of the Family Court Model

- If found effective, the establishment of Family Courts, in which proceedings tend to be less formal and less intimidating to children and where services such as mediation, counseling, and parenting programs can be made available, should be supported and replicated throughout the region.

5) Diversion by the Police

- Countries do not typically have policies or laws that promote diversion programs; however, being the first point of contact with juveniles, the police forces of several countries have successfully introduced diversion into their practices using standing orders and organizational policies.

6) Diversion in the Courts

- Though the law in Jamaica allows judges a wide range of diversionary orders as alternatives to custodial sentencing, Jamaica's commissioner of corrections noted that in practice judges tend to use correctional or probationary orders most frequently.
- Community service, mediation, and other forms of diversion that are permitted by law are rarely used for juveniles, with the result that juveniles do not benefit from the full range of rehabilitative options available.
- In Grenada, judges have the discretion to impose diversionary orders, but magistrates do not. Therefore, while alternative sentences can be imposed for more serious offenses, for lesser offenses tried before a magistrate's court an alternative program can only be introduced with the consent of both the juvenile and the complainant. Other countries also experience limitations in the legal framework for varying sentencing options. In Dominica, for example, Community Service Orders are only available for children over 16.
- St. Lucia's courts have piloted a case management-based diversion program that provides each offender with an individualized diversion plan. Similar programs can be developed in other countries, but require a review of the social enquiry investigation and reporting system, to ensure that information on each child is fully available to the court.

7) Institutional Barriers to Diversion

- Institutional barriers to diversion are caused by: dissonance between diversion policies and police practices; lack of resources; low political will to champion juvenile justice reforms; and the splintering of juvenile justice administration and services across several agencies.

8) Cultural Barriers to Diversion.

- Traditional punitive thinking regarding juvenile antisocial behavior persists among the general public and security and justice personnel, suggesting a need for greater public education.

9) Community Policing

- A number of countries have Community Based Policing (CBP) activities that target youth.
- There has been no effort to quantify the effect or impact of the DARE¹ (Drug Abuse Resistance Education) program, which has fluctuated according to the availability of financial resources, though the police in St. Vincent and the Grenadines and Grenada have spoken highly of it.

10) Status Offenses and the Criminalization of Antisocial Behavior

- Children and young people face social issues that affect them physically and psychologically and are expressed in age-specific ways.
- Through status offenses the criminal justice system is being used to criminalize children experiencing what are essentially social problems, which will not be solved through enforcement of these offenses.
- Using the criminal justice system to enforce social judgment puts young citizens in conflict with the state, legal system, and police.

11) The Nexus Between Parenting and Child Offending

- Respondents in all countries linked parenting problems and social development issues with juvenile delinquency and offending. Several countries use parenting interventions to target youth delinquency.
- Remedial work that focuses on the offender without addressing the household or the youth's family problems make little impact.
- Addressing offenders without addressing their social situations has been found in St. Vincent and the Grenadines to be the primary source of recidivism among youths.

12) Juvenile Facilities

- There is an across-the-board lack of juvenile remand and correctional facilities, and all the countries are grappling with housing children in lockups (In several countries, such as Jamaica and Grenada, children are also being held in adult prisons).
- Most juvenile facilities, where they exist, include a mixed population of nonviolent first time offenders and more serious violent offenders that interact freely (Juveniles in need of care and protection are also often housed together with young offenders).
- The lack of facilities is most stark in relation to females (in Trinidad and Tobago, Grenada, and St. Vincent and the Grenadines there are no dedicated correctional facilities for girls), which are either provided with probationary sentences or housed in overcrowded women's or adult prisons. Even where facilities do exist, overcrowding can result in the remand of girls to women's prisons.

¹ The respondents did not have any empirical data or evaluations about DARE and were not knowledgeable about comparable juvenile delinquency programs.

- Where child offenders were previously wards of the state, the absence of halfway houses or youth transitioning facilities often means they are homeless upon their return to society.
- With the exception of Dominica, the countries studied all have clear policies against mixing child offenders with adults, but few of them have sufficient facilities to implement the policy.

13) Rehabilitation Programming

- All countries reported inadequate rehabilitation programs for child offenders and troubled youth, and that while some commendable programs exist, the need far exceeds capacity.
- Respondents stressed the need to support and expand existing programs being run by government and civil society, rather than launch new pilot initiatives.

14) Linkages Within Countries

- Responsibility for juveniles in conflict with the law is often distributed among several security, justice, and social security agencies. In Guyana four different ministers (Minister of Labor, Minister of Human Services and Social Security, Minister of Culture Youth and Sports, and Minister of Home Affairs) and several agencies (e.g. the Child Care and Protection Agency and the New Opportunities Corps) share responsibility for juvenile programs. With no clear coordinating mechanism, responsibility is diffuse.
- Governments rely on NGOs to provide critical services to children in conflict with the law, but state strategies for supporting these agencies are not always clear, making NGOs dependent on international donors.

15) Linkages Across the Region

- In-country coordination is needed for effective regional programs but a regional framework and network can trigger and support in-country coordination.

16) Case Management System

- None of the countries studied has a comprehensive case management system. Guyana's Child Care and Protection Agency and Jamaica's Department of Corrections have begun to develop computerized case management systems. This presents an opportunity to develop a standard software package that can be tailored to each country. This would be cost effective and would also allow for the comparison of aggregated data across the region.

KEY RECOMMENDATIONS

Key programming recommendations from the Assessment fall into eight broad categories:

1. Integrated, evidence-based diversion framework is needed in all countries. This should include:

- Strengthened inter-agency planning and coordination mechanisms;
- Revisiting the utility of social enquiry reporting formats and investigative processes, to improve capacity to identify factors contributing to child offending;
- Introduction of integrated case management systems that can provide individualized information to facilitate treatment *and* aggregate data to facilitate proactive responses to factors contributing to delinquency;
- Development of sentencing guidelines and referral systems to promote court diversion;

- Development of police protocols and referral systems to promote pre-charge diversion; and
 - A multi-agency monitoring and evaluation framework.
- 2. More programs are needed that engage children as rights-holders, civic participants, and part of the solution to addressing youth delinquency. This will require:**
- Funding support for programs that positively engage and empower children and give voice to their issues; and
 - Clubs, after-school, and summer programs that provide structured options for children while they are out of school.
- 3. Expand family support services to facilitate a holistic response to child delinquency.**
- 4. Rehabilitative programs should be reviewed and strengthened. In particular:**
- The educational programs provided to children in remand, correctional and diversion programs should be evaluated;
 - Capacity to conduct medical and psychosocial assessments of children in conflict or contact with the law should be strengthened;
 - Community-based and nongovernmental initiatives should be reviewed and a network of effective programs developed and supported;
 - The framework for probation and after-care should be assessed and strengthened, with a view to reducing recidivism; and
 - Drug detoxification and rehabilitation and other special programs should be introduced or strengthened.
- 5. The state's capacity to address the impact of abuse, neglect, sexual exploitation, and exposure to crime and violence on children should be strengthened. This should include:**
- Mechanisms for developing, evaluating, and replicating psychosocial responses;
 - Expanding the cadre of child psychologists, clinical social workers, occupational therapists, and other specialists available in each country; and
 - Developing and replicating behavior modification programs.
- 6. A redemptive, restorative, rights-based ethos of child justice is critical, and should include:**
- Identification and mobilization of champions in each country;
 - Identifying, documenting, and publicizing positive case studies;
 - Positioning, through cost-benefit studies and social investment analysis, the importance of juvenile justice as an economic and social issue, and empowering stakeholders to use this information in advocacy and promotion; and
 - Retooling police, judges, prosecutors, probation officers, and other key personnel with transformative strategies and approaches, through wide scale training.
- 7. Upgrading the legislative and policy framework for child justice reform, through:**
- Review of existing laws and implementation mechanisms;

- Identifying and costing the implementation requirements for introducing legislative and policy changes (such as the OECS Model Legislation and other bills in each country); and
- Researching the effectiveness of current sentencing practices and their impact on recidivism.

8. Establish regional linkages among stakeholders to facilitate sharing information sharing.

For an expanded list of initiatives divided into near-term and medium-to-long term programming recommendations, please see the Recommendations and Programming Options section below.

INTRODUCTION

BACKGROUND

The United Nations Convention on the Rights of the Child (CRC) is the accepted international legal and normative standard on the administration of justice for children in conflict and contact with the law. Read together with other guidelines and recommendations developed by U.N. conferences and committees, this aims to standardize a rights-based approach to juvenile justice that:

- Proffers prevention and rehabilitation as the primary philosophic and strategic underpinnings of a state response to juvenile delinquency;
- Values the child offender as a rights-holder with particular vulnerabilities, whose capacity for transformation through appropriate attention to developmental needs is at its peak; and
- Supports a holistic perspective of juvenile justice that highlights the importance of the institutions of family and community in preventing delinquency and recidivism and seeks primarily to reintegrate the child offender in society.

Trinidad and Tobago, Guyana, Jamaica, and the six independent countries of the OECS (St. Kitts and Nevis, Antigua and Barbuda, Dominica, St. Lucia, St. Vincent and the Grenadines, and Grenada) became signatories to the U.N. Convention on the Rights of the Child (CRC) more than fifteen years ago. They are also signatories to other international pacts such as the Beijing Rules of 1985 and the Riyadh Guidelines of 1990, all of which provide the framework and guidelines for juvenile justice systems worldwide. These countries are therefore bound to implementing appropriate legislative and administrative actions and other measures to protect the rights of juveniles. Despite significant effort across the region, however, much remains to be done to ensure that acceptable measures, including restorative justice programs and diversion strategies that lift young people out of the traditional criminal justice system, are put in place.

The Caribbean Basin Security Initiative (CBSI) represents a new paradigm for United States cooperation with the Caribbean on issues of citizen safety and shared security. The CBSI brings to bear additional resources to the region for law enforcement activities and youth-focused crime prevention initiatives including gang prevention and community based policing, and therefore sees juvenile justice as a priority area.

PURPOSE OF THE CARIBBEAN JUVENILE JUSTICE ASSESSMENT

The Scope of Work (SOW) for the CBSI Juvenile Justice Assessment describes the purpose of the assessment as “to provide USAID with an analysis and prioritized recommendations for programming in the juvenile justice sector in each of the nine focus countries,” namely: St. Kitts and Nevis; Antigua and Barbuda; Dominica; St. Lucia; St. Vincent and the Grenadines; Grenada; Trinidad and Tobago; Guyana; and Jamaica. The two main tasks of the assessment team were:

- 1) To research the current status of the juvenile justice systems in each of the nine countries, including the challenges, gaps, and opportunities, as well as an assessment of the political will for justice sector reform.
- 2) Based on a careful analysis of the current status of the juvenile justice systems in the nine countries, provide a list of prioritized recommendations for each of the nine countries, which USAID may pursue as part of programming under the CBSI.

The SOW also requires the assessment team to conduct “a review of current juvenile justice laws, policies and practices, and assess their level of compliance and gap identification with international standards and norms in juvenile justice.”

The findings of the assessment will serve to inform programming for USAID/Barbados, USAID/Guyana, and USAID/Jamaica.

METHODOLOGY

To execute the Juvenile Justice Assessment, Democracy International assembled an Assessment Team comprising Caribbean specialists in fields including criminology, law, public administration, governance, and anthropology. The team was highly experienced with youth issues, national and regional security policy, corrections, community policing, and civil society development throughout the Caribbean region.

The first meeting of the Assessment Team was convened by Team Leader Bertrand Laurent in Kingston, Jamaica on Sunday, May 1, 2011, to discuss assessment methodology and prepare for a May 2 in-briefing session at USAID/Jamaica. The group prepared a list of questions and probes to provide some measure of consistency in data capture and to guide the interview process in the countries visited.

The In-Briefing was held at USAID/Jamaica on May 2, 2011, with COTR Mansfield Blackwood (USAID/Barbados) and Supervisory Program Officer Sean Osner (USAID/Jamaica), who hosted the meeting. The Assessment Team subsequently divided into two sub teams to facilitate coverage of the target countries in the limited timeframe available. Mr. Laurent led the first sub team, which conducted assessments in Jamaica, St. Vincent and the Grenadines, Guyana, and Grenada. The second sub team, led by Dr. Annmarie Barnes, conducted assessments in Antigua and Barbuda, Dominica, St. Kitts and Nevis, St. Lucia, and Trinidad and Tobago.

The Assessment Team sought to interview a wide cross-section of stakeholders involved in the juvenile justice system in all source countries using a convenience sampling method. A potential list of stakeholders was prepared from a variety of sources including suggested contacts in the Scope of Work, suggestions made by COTR Mansfield Blackwood and Sean Osner, and professional contacts known to members of the team. The group also developed additional contacts through referral from stakeholders in all countries visited.

The Team interviewed stakeholders from government Ministries and agencies with responsibility for juvenile justice; police departments; members of the judiciary or magistracy; prison officials; advocacy groups; NGOs; UNESCO; and the OECS. Individual and group interviews were conducted in person for all respondents listed in the appended list of contacts.²

In total, some 156 persons were contacted formally and in person by the assessment team.³ This includes 122 persons interviewed in individual or group interviews, and 34 persons who participated in focus group discussions. The total number of persons contacted in each country is as follows: Antigua and Barbuda (12); Dominica (11); Grenada (8); Guyana (12); Jamaica (12); St. Kitts and Nevis (17); St. Lucia (17); St. Vincent and the Grenadines (6); and Trinidad and Tobago (59).

Focus group discussions were held in St. Kitts and Nevis, St. Lucia, and Trinidad and Tobago. In keeping with the objective of giving voice to youth, one of our focus group discussions was held with one female and 16 male juveniles who are currently serving custodial sentences at the Youth Training Center in Trinidad and Tobago. All interviews were held in urban centers. It is also important to note that in all the twin

² A single exception was the team's telephone contact with the UNESCO Trinidad Representative, who was closing the local UNESCO office and could only be contacted by telephone.

³ This number does not include USAID/US Embassy officials who participated in the in-briefing and de-briefing sessions, and does not include the team's meeting with the Minister of National Security and his staff in Trinidad.

island nations included in our sample our team was able to make field visits only to the countries where the seat of government is located.

A final de-briefing session was convened by COTR Mansfield Blackwood at the USAID offices in Barbados on May 16, 2011, and included the Director of USAID/Barbados, other officers from the U.S. Mission in Barbados and, by telephone, Sean Osner from USAID/Jamaica.

REVIEW OF LITERATURE

BEST PRACTICES

Though what often works is at odds with “get tough on crime” public sentiment, the growing interest in best practices reflects increasing support among juvenile justice stakeholders for evidence-based approaches. Our observation, however, is that evidence-based programs are generally rare because agencies do not usually invest in developing data systems that permit them to monitor which programs are working and which are not; cash-strapped donor agencies are increasingly hesitant to fund assessments and studies; and the lack of evidence makes it easy for policy makers to choose politics over evidence. As a consequence, most agencies have no idea if they are spending their money wisely and many policymakers are often unaware of research evidence on the most effective and cost-effective programs and policies.

In determining the best practices for Caribbean juvenile justice, a review of each country was considered in relation to two aspects: a child rights based approach that offers children the best understanding of their own situation and allows for their participation in the rehabilitative process, and an approach that is congruent with international standards. The team also considered, in the review of existing programs, three programmatic strands central to treating children who come in conflict with the law:

- *Prevention* refers to the reduction of the likelihood of boys and girls coming into conflict with the law and limiting their contact with the formal criminal justice system.
- *Diversion* refers to the diversion of girls and boys away from the formal justice system and into community-based and restorative processes that will effectively address the root causes of their behavior and identify strategies to effectively prevent re-offending.
- *Protection* refers to providing safeguards for children who are already in conflict with the law from human rights violation, focusing on their development to deter them from re-offending and promoting their rehabilitation and reintegration into society.

The Team identified four programs that have a solid foundation in providing individualized care and that can be enhanced to effectively deliver service with the juvenile justice sector. Examples were selected from among the Caribbean countries visited to ensure relevance and promote regional collaboration.

- 1) **MILAT/ MYPART/CCC (Trinidad and Tobago)** are a series of interventions developed and implemented by the Military and supported by the Ministry of National Security. The Military-Led Academic Training (*MILAT*) and Military-Led Youth Program of Apprenticeship and Re-Orientation (*MYPART*) programs provide residential facilities for male youth between ages 16 and 20. The programs recruit at-risk youth with criminal propensities but without a history of violent offending, and combine military discipline with educational or vocational training, offering courses in leadership, conflict management, anger management, and stress management. Though these two programs generally exclude violent offenders, there have been some exceptions where the courts have referred violent offenders as an alternative to imprisonment, and such persons have been fully integrated into the program with no attempt at separation. In addition to the residential programs that can be accessed through *MILAT* and *MYPART*, the Military offers a non-residential program for youth aged 18-25, which provides training and development and temporary employment opportunities. The Civilian Conservation Corps (*CCC*) receives referrals from the courts, governmental networks, and NGO partners. The *CCC* recruits young persons from socially disadvantaged backgrounds, including youth who have a history of violent offending, and focuses on changing attitudes and behaviors and providing basic life skills training for recruits. It has a component that operates out of Tobago and which contains elements that cater to the specific realities of Tobago. Neither *MILAT* nor *MYPART* accommodates the needs of young girls.

- 2) **From Offending to Achieving (FOTA)** in Dominica is one of four programs run by the Social Center, a local nongovernment organization established in 1950 by the Catholic Church. The Center’s overall goal is to promote the family wellbeing and address the needs of the individual and family. FOTA caters principally to boys and men aged 14 to 17 years who are before the courts for minor offenses and young males who have been convicted or who the courts have placed on probation. The Center is also utilized as a preassessment phase prior to sentencing by the Dominican magistracy. The Center’s twin approach is to utilize both informal and judicial measures. The program was selected as a winner in the “*Keeping Boys Out of Risk*” complementation showcased at the Regional Caribbean conference on Keeping Boys Out of Risk in Jamaica and is also one of the initiatives supported by the UNICEF Barbados’s Eastern Caribbean office.
- 3) **Community Based Policing (CBP) Mentoring Initiative** in Jamaica is being run by the Jamaica Constabulary Force’s Community Safety and Security Branch and was developed with support from USAID/Jamaica’s Community Empowerment and Transformation (COMET) Project. Primarily preventative in nature, the initiative seeks to provide diversionary activities and mentorship through role modeling to youngsters who are at risk. Some examples of these activities includes police youth bands and athletic clubs, summer camps, the incorporation of Civic education and Community Security workshops into online Caribbean Examinations Council (CXC) preparatory courses, and neighborhood rap sessions between “corner crews” and police. Though these individual activities have been successfully tested in different communities by the Jamaica Constabulary Force and its CBP partners the Social Development Commission and the Ministry of Education, they are now delivered as a comprehensive program.
- 4) **A Ganar** is an economic empowerment program run by Partners of the Americas that combines sports ethics (based on football) with classroom activities, vocational training, internships, mentorships, and community service to help at-risk youth (ages 16-24) in Latin America and the Caribbean to develop market-driven job skills, become entrepreneurs or return to the formal education system. The program enhances the personal development of the youths, and provides a structured curriculum and a supportive environment. It combines skills building with citizens’ participation, enabling young people to become positive contributors to their community and society. USAID is providing support for *A Ganar* to expand to Jamaica, the Dominican Republic, St. Kitts and Nevis, and St. Vincent and the Grenadines. In St. Kitts and Nevis an important innovation in the program involves support for incarcerated youth described later in this report, which should be closely followed and evaluated for possible replication throughout the region.

Highlighting best practices from beyond the region would incur a risk of inappropriateness. Two excellent sources of best practices information and analyses, however, are recommended:

- The US Department of Justice / Office of Juvenile Justice and Delinquency Prevention’s Model Programs Guide (MPG) is designed to assist practitioners and communities in implementing evidence-based prevention and intervention programs. The MPG database of over 200 evidence-based programs covers the entire continuum of youth services from prevention through sanctions to reentry. The MPG can be used to assist juvenile justice practitioners, administrators, and researchers to enhance accountability, ensure public safety, and reduce recidivism. The MPG is an easy-to-use tool that offers a database of scientifically-proven programs that address a range of issues, including substance abuse, mental health, and education programs.
- *Best or Promising Practices in Juvenile Justice* is a library of cases and analyses available in the Knowledge & Information Service Office of the National Center for State Courts, Washington DC.

REGIONAL ANALYSIS⁴

Juvenile justice laws throughout the English speaking Caribbean have evolved from similar pre-independence colonial statutes and common law norms. The typology of this legal framework involves the use of status offenses to commit juveniles – traditionally defined as children between the ages of 8 and 16 – to correctional institutions or “reform schools” for behavior that is socially or morally sanctioned. Though what is clearly defined as a status offense in one jurisdiction may bear the cloak of a “care and protection” intervention in another, they share a common response of *criminalizing* perceived deviant behavior. Similarly, residential correctional institutions may have different designations, but often fail to facilitate consistently high levels of rehabilitation and reintegration of children under their care.

The mechanics of juvenile justice reform laws also bear similarities, as like means are devised by national institutions to bring old laws into conformity with United Nations standards. All countries studied have signed the Convention on the Rights of the Child and would have received similar recommendations (from the U.N. Committee on the Rights of the Child and regional institutions such as the OECS) and representations (through the United Nations Children’s Fund and local and international NGOs) for updating the legislative and judicial framework for treating with child offenders. The reform legislation proposed in several countries often aims to create a stronger judicial and institutional framework for treating children in need of care and protection, and to integrate diversionary options in police and judicial powers.

Several of the countries in the region are further grappling with increasing levels of major crimes⁵ committed by children. Initiatives to develop a stronger rights-based response mechanism to children in need of care and protection may then be seen to conflict with policing strategies for reducing violent crime, gang activities or trafficking in guns and drugs. Varied national approaches to the development and scope of child diversion programs reflect this tension.

UNICEF has conducted extensive reviews of juvenile justice laws in the Caribbean, in the 1990s and again in 2008. Similar reviews have been conducted at the OECS and national levels. Given the slow pace of legal reform in the Caribbean, several of the observations and recommendations remain current. This report will build on and update those efforts by assessing country laws against a number of international law and policy indicators.

COMPARING JUSTICE SYSTEMS: COMPLIANCE WITH INTERNATIONAL STANDARDS

The table below sets out selected indicators that track the compliance of the juvenile justice system in each country with the Convention on the Rights of the Child and other UN guidelines.

⁴ This legislative review was developed from stakeholder interviews, a review of available laws and by cross-referencing previous reports.

⁵ This includes murder, sexual offenses and gun crimes. In Jamaica, children of either gender may be high level functionaries, decision-makers and leaders in organized criminal enterprises. Gang activity is a key trigger for juvenile criminal activity in countries such as Jamaica and St. Lucia.

Table 1: Compliance with International Standards on Juvenile Justice –Selected Indicators

COMPLIANCE INDICATORS	ANT	DOM	GRN	GUY	JAM	ST.V	ST.L	ST.K	T&T
1. There are no status offenses or provisions applicable only to children that allow them to be incarcerated or institutionalized for criminally or morally sanctioned behavior that is not similarly sanctioned among adults.	n/k	n/k	n/k	N	N	C	n/k	N	N
2. The age of criminal responsibility is 12 or higher	N	N	N	N	C	N	C	N	N
3. The age of criminal majority is 18	N	C	C	N	C	N	N	C	N
4. Courts have wide disposition powers for cases in which the accused is a child.	C	C	N ⁶	N	C	C	C	C	N
5. Courts can apply diversionary orders or alternatives to custodial sentencing	C	C	C	C	C	C	C	C	C
6. Police have diversionary policies and there are established alternatives to arresting and charging a child offender.	C	N	C	C	N	C	N	N	N
7. There are special police units for dealing with child offenders	C	N	C	C	N	C	N	N	n/k
8. Children are separated from adults in remand and correctional centers	C	C	C	C	C	C	N	C	C
9. Children are not kept in adult jails or prisons.	N	N	N	N	N	N ⁷	N	N	N
10. Children in conflict with the law are housed in separate facilities from children in need of care and protection.	N	N	N	N	N	N	N	N	N
11. There are special courts or court days for trying child offenders	C	C	C	C	C	N	C	C	C
12. There are special court procedures for children	C	C	n/k	C	C	C	C	C	C
13. There are institutionalized mechanisms for providing children before the courts with legal representation or assistance	N	N	C	C	C	n/k	N	N	N
14. Children’s participation rights are facilitated in court by laws or regulations requiring children to be fully informed of proceedings in language that they can understand	n/k	n/k	n/k	C	C	n/k	N	C	n/k
15. Corporal punishment is not used as a sentence or disciplinary measure in any correctional institution	N	n/k	n/k	C	C	N ⁸	n/k	N	N
16. Educational programs are provided in remand and correctional facilities.	C	C	C	C	C	C	C	C	C

⁶ While alternative sentencing exists, magistrates do not have the wide discretionary powers enjoyed by judges.

⁷ In St. Vincent, this only applies to children over 16.

⁸ St. Vincent law allows corporal punishment, but respondents state that this provision has not been used recently.

COMPLIANCE INDICATORS	ANT	DOM	GRN	GUY	JAM	ST.V	ST.L	ST.K	T&T
17. Medical services are provided to child offenders	C	C	C	C	C	C	C	C	C
18. Psycho-social assessment and treatment is readily accessible to child offenders	N	N	N	N	N	N	N	N	N
19. Post-release and after-care programs facilitate effective reintegration of child offenders into communities	N	N	N	N	N	N	N	N	N
20. Family support and reintegration programs are tailored to child offenders	N	N	N	N	N	N	N	N	N

Sources: Respondent interviews; juvenile justice and child welfare laws for each country.

Key: C= Compliant

N=Non-compliant

n/k=not known

A comparative assessment of the compliance of juvenile justice laws and policies in the countries studied with those recommended in the CRC and other instruments reveals the following commonalities:

High-Levels of Compliance:

- Most countries studied have special courts, court days, or court procedures for child offenders. Disposition options available to the courts are likely to allow for a range of noncustodial options. However, respondents indicate that, due in some cases to the paucity of rehabilitative programs or to the limitations of formal referral systems there is a decided preference for probationary orders.
- Children are typically required to be kept separately from adult offenders, but the limited availability of remand and correctional facilities can mean that children are still housed in adult lock-ups and prisons.
- Medical services and educational programs are widely provided thereby fulfilling rights requirements under the CRC. Respondents question, however, the effectiveness of these programs, particularly for children having special health or education needs.
- Programming in these areas should focus on assessing and strengthening the impact of laws and policies, and evaluating the extent to which programs and practices fulfill the intent or requirements of the law.

Low-Levels of Compliance:

- The countries studied were least compliant in their age definitions. While there is no standard age of criminal responsibility in the CRC, the 12-year minimum has been recommended in several international and regional instruments.⁹ With the exception of Jamaica, the countries studied recognize children of ten years old or younger as responsible for their actions.
- With inadequate facilities throughout the security and child protection systems, adult and child populations, as well as child offenders and children in need of care and protection are often comingled. This can result in stigmatization and the contamination and vulnerability of less delinquent children.
- There is also a paucity of rehabilitative programs, including psycho-social treatment and family-oriented interventions. Several respondents cited these issues as leading to recidivism among

⁹ The OECS Model Legislation on Child Justice, for example, recommends 12 as the age of criminal responsibility.

youth offenders. Diversion options are available to the police in some jurisdictions, but are often not accompanied by adequate programs and expertise to ensure effective rehabilitation.

- Programming in these areas should dedicate sufficient resources to make an impact on transforming the system, and should not be limited to legislative interventions. Integrated, holistic approaches to reducing delinquency are needed.

Semantics and Misnomers:

- Changes in terminology may not necessarily result in the desired shifts in the ethos, intent, and impact of the criminal law. In some countries, imprisonment of children has been prohibited. Yet the courts are typically permitted to detain children in schools or institutions that may have the reputation of correctional institutions in the eyes of the public. Similarly, status offenses may be repealed and replaced with care and protection laws that allow “uncontrollable” children to be similarly detained and criminalized. Rather than being an exceptional provision, respondents suggest that in Guyana, Trinidad and Tobago, and Jamaica, “uncontrollable” children account for a large percentage of the population of residential institutions. This suggests that legislative compliance cannot be viewed in isolation from the impact of implementation mechanisms.

COUNTRY ASSESSMENTS: ANALYSIS OF FINDINGS

The following Country Assessments address first the OECS collectively and individually, offering recommendations for the group as well as each country. The Country Assessments then address Guyana, Jamaica, and Trinidad and Tobago, offering recommendations to be considered by the USAID Mission in each country.

For the sake of consistency, each of the Country Assessments follow the same structure: the Assessments begin with a description of the features of the juvenile justice system; then progress to the country's legal framework; the key points regarding diversion rehabilitation, and detention; the contribution of civil society; the government's capacity for reform; and a list of major gaps. These elements provide an understanding of the *implementation environment* and lead to the list of priority needs/recommendations for Mission consideration that closes each of the Country Assessments.

A COLLECTIVE REVIEW OF JUVENILE JUSTICE IN THE OECS

The OECS has provided specific support to its member states in the area of juvenile justice. According to OECS officials interviewed, some of their juvenile justice initiatives emanated from concerns about the facilities available in St. Lucia, where the OECS is headquartered, and from the apparent lack of standards that seemed pervasive throughout the region. The OECS has sought the agreement of Member States to implement a project that will establish regional standards, publish a procedural manual for the operation of facilities, and develop a quality assurance system. Having obtained the agreement of Member States, the OECS is now developing terms of reference for the appropriate consultancies.

The OECS has also launched a family law reform project and has developed model legislation for all countries that have ratified the U.N. Convention on the Rights of the Child. While all states have some form of legislation that impacts the rights of children, the OECS reports a wide variation throughout the region, with only Grenada having enacted the model legislation. Among reasons cited for the lack of implementation are the following:

- Some states believe that the provisions covered in the model legislation have already been addressed in their domestic policies;
- Some states do not wish to adopt the legislation because of the obligations that would be imposed upon them;
- There is widespread concern about the capacity of states to implement the legislation, for example, the subsidiary need to build safe places; and
- There is an absence of civil society advocacy for implementation of the legislation.

The OECS identifies several factors that inhibit juvenile justice reform in the region including historical attitudes and perceptions about youth that are defined by paternalistic and punitive approaches. In addition, current criminal justice responses to the crime problem tend to homogenize the idea of youth involvement in criminal activities and help to maintain a general perception of youth as a major social problem. Strong calls were made in Dominica, Grenada, and St. Vincent and the Grenadines for child psychologists to be available to residential facilities as well as court or community-based programs. In these and other countries, the treatment provided to children with psychiatric, psychosocial, and developmental problems is often insufficient.

The following are recommendations for USAID/Barbados regarding the OECS as a group:

- Facilitate inter-island networking, information sharing, and joint training for juvenile justice professionals across the board including court officials, law enforcement, social workers, psychologists, and teachers;
- Facilitate the preparation of case studies and best practices from within the OECS around which policy makers and managers can meet and find common ground (e.g. St. Lucia’s Court Diversion program);
- Provide technical and material support in cases where policy makers and managers wish to replicate or mainstream practices developed in neighboring islands;
- Support legislative changes and judicial education;
- Provide technical and material support for reform efforts and “bottom up” initiatives;
- Provide technical and material support to improve juvenile facilities and develop operational framework for delivery of a comprehensive rehabilitation program (such as the Harris Home in St. Kitts and Nevis); and
- Provide training for Magistrates to deal with family matters and to be sensitized to the needs of juveniles.

INDIVIDUAL ASSESSMENTS OF THE SIX OECS COUNTRIES VISITED

ANTIGUA AND BARBUDA

JUVENILE JUSTICE SYSTEM

Though personnel at all levels of the criminal justice system in Antigua and Barbuda are keenly aware of the need for major reform, there was unanimous agreement among the stakeholders interviewed by the Assessment Team that no active program of formal juvenile justice sector reform currently exists in Antigua and Barbuda. While there is some policy attention currently being given to an assessment of child protection policies, the juvenile justice framework in Antigua and Barbuda remains primarily punitive.¹⁰

Interviews with stakeholders suggest that there is insufficient emphasis on the social aspects of criminal justice, the resources being dedicated to juvenile justice being limited. According to one respondent, efforts to prevent young people from becoming involved in criminal activities are not considered a priority, and public attitudes are based on stereotypes like the widely shared notion that only boys are involved in crime.

The Juvenile Act establishes the need for a Juvenile Court, but Antigua and Barbuda does not have a distinct Juvenile Court facility. Instead, any Magistrate can convene a Juvenile Court as required, and Magistrates have the discretion to convene such Courts on particular days to avoid scheduling conflicts with adult court matters.

LEGAL FRAMEWORK

Legislative authority for the management of juvenile offenders in Antigua and Barbuda is derived primarily from the **Juvenile Act**, which establishes, *inter alia*, the need for a Juvenile Court to adjudicate cases

¹⁰ The Ministry of National Security is currently developing plans for the establishment of a Juvenile Rehabilitation Center, which is discussed in further detail under the heading Diversion, Rehabilitation and Detention.

involving juvenile offenders. The Act provides for the separate treatment of juvenile offenders and is supported by similar provisions within the **Magistrates Code of Procedure Act**. In addition, there are provisions related to the care and protection of young persons in need.

The age of criminal responsibility in Antigua and Barbuda is eight years old; an eight-year-old offender who has committed a serious crime in Antigua and Barbuda may be sentenced to prison.

The **Childcare Protection Act** (2003), granted royal assent in 2004, provides for “*the establishment and functions of a Childcare and Protection Agency, the licensing of childcare facilities, the maintenance of appropriate standards in respect of their operations and for other matters relating to the safety, care and protection of children.*” Although this Act is now part of the legal framework for Antigua and Barbuda, our assessment team was informed that its provisions have never been implemented.

The judiciary and magistracy have access to limited sentencing options with available options including reprimand, fine, absolute or conditional discharge, and imprisonment. Although the age of criminal responsibility is eight years old, our team was informed that custodial sentences are usually reserved for young persons who are fourteen years or older.

It has been noted that Judges and Magistrates have used their discretionary powers to order community service for some young offenders, but that there is no legal basis whereby such orders can be enforced. Similarly, law enforcement officials expressed the need for legislated powers that would allow for court diversion and realistic alternatives to custodial sentences.

DIVERSION, REHABILITATION AND DETENTION

The Assessment Team found law enforcement personnel to be among the most forward thinking of the stakeholders in Antigua and Barbuda. Many expressed serious concerns about the absence of diversionary alternatives, rehabilitation programs, and the extent to which young persons are allowed to interact with adult offenders. One official noted that juveniles often share lock-up space with adult criminal offenders who use every opportunity to draft youth into their criminal networks.

There is currently a single Boy’s Training School operating in Antigua and Barbuda, which is primarily intended to provide care and protection for those in need but also houses young males who have been guilty of minor offenses. There are currently fifteen residents at the School, thirteen of who have been ordered to the facility by the courts. While the Training Schools Act provides for the reformation and training of persons below age 18, the school functions primarily as a holding center and provides neither rehabilitative programming nor effective custody. There is no equivalent government-owned facility for girls but there are two privately operated homes for young girls in need of care and protection.

There are currently no official court diversion programs available in Antigua and Barbuda. The only formal youth diversion program that is currently operational is the Youth Intervention Unit (YIU) of the Royal Police Force of Antigua and Barbuda, established in November 2010 to divert young persons away from the formal criminal justice system and to sensitize the Force concerning juvenile justice issues.

The Ministry of National Security has developed a position paper outlining its intent to establish a Juvenile Rehabilitation Center, which will be a residential facility for 45-60 boys and girls.

CIVIL SOCIETY PARTICIPATION

Antigua and Barbuda has not benefited from independent funding for juvenile justice interventions. With the exception of some privately run homes, there is no evidence of domestic nongovernmental participation, and no reports of international development partner support. The availability of model legislation developed by the OECS was the only external source of support mentioned and some key stakeholders,

including the current Minister of National Security, had not been informed about the draft model legislation and had therefore never considered whether it might be applicable to Antigua and Barbuda.

GOVERNMENTAL CAPACITY FOR REFORM

Stakeholders generally agree that there is adequate capacity to develop and implement a program of juvenile justice reform. There was a consensus among those interviewed that government should provide leadership by demonstrating that this is an area of priority. Some stakeholders held the view that additional capacity can be drawn from the private sector and through collaboration with civil society.

Notwithstanding the above, our observations suggest that governmental capacity could be significantly enhanced through the provision of targeted technical assistance that could serve to support the efforts that are already underway or which are in early stages of development.

Antigua and Barbuda has a distinct advantage in the area of potential executive leadership, as it is the only country visited where the Prime Minister has actively engaged with this process and has expressly given his commitment to implement a program of reform and to support the work of USAID in this regard.

MAJOR GAPS

Several issues have been identified as the greatest areas of challenge and/or the most critical areas for governmental attention. Among the most significant is the status of laws and policies, which are not compliant with international standards and need to be updated to include provisions for effective rehabilitation. Specific areas for updating include the age of criminal responsibility; the inclusion of broader sentencing alternatives embodying a restorative justice approach; and options such as community service orders, suspended sentences, and skills training.

Another major challenge arises from public attitudes, which are largely punitive, and a lack of understanding of pathways to deviance. A public education strategy aimed at transforming societal attitudes towards young people is urgently needed.

Respondents identified insufficient financial resources as a serious constraint on reform. Appropriate detention facilities were identified as one of the most critical needs for Antigua and Barbuda.

A number of capacity issues were also identified, including the absence of an effective coordinating mechanism or a single entity responsible for the welfare of children and youth; lack of suitably trained professionals including social workers and counseling specialists to deliver rehabilitative programs; and the absence of effective parental training programs that can help to transform both parental attitudes and the social environments in which children and youth must exist.

PRIORITY NEEDS

The priorities for juvenile justice reform in Antigua and Barbuda include:

- Rehabilitation facilities to house both boys and girls;
- Support for the Youth Intervention Unit of the police force;
- Establishment of a Family Court with specially trained magistrates dedicated to the adjudication of juvenile matters;
- Public education to transform societal attitudes towards young people;
- Updated legislation to provide mandate for rehabilitation; and
- Single coordinating mechanism or entity responsible for youth welfare.

DOMINICA

JUVENILE JUSTICE SYSTEM

Stakeholders in Dominica generally shared the view that although there have been recent pronouncements about a program of rehabilitation for juvenile offenders, the existing system remains largely punitive. Efforts to reform the juvenile justice sector have not been sustained over time. One stakeholder suggested that there have been piecemeal efforts to introduce legislative reform and noted that there are current proposals to adopt the OECS model legislation and establish a rehabilitation facility.

Dominican law currently provides that no child under the age of 12 may be guilty of any offense. Only children 12 years of age and older, if deemed responsible for a criminal offense, may be sentenced to prison. Since Dominica does not have a separate institution for young offenders, juveniles are generally housed within the adult institution and are kept in a cell that is reserved for juveniles and first time young offenders under the age of 24.

Although the legislative framework is seen by many as being primarily punitive, Magistrates have apparently used discretionary powers to introduce a more rehabilitative response to juvenile offending. While the law provides for the establishment of a Juvenile Court, there is no dedicated juvenile court facility in Dominica. Instead, Magistrates usually select a particular day to sit as a Juvenile Court in Roseau.

LEGAL FRAMEWORK

The **Children and Young Persons Act** (1990) establishes the framework for the care, protection and supervision of children and young persons in Dominica. The Act defines children as persons under the age of fourteen, and a young person as someone who has attained the age of fourteen but is under eighteen years. The term juvenile refers to anyone under the age of eighteen years. Although the Act establishes the age of criminal responsibility at twelve years, children who are brought before the Court must be found capable of criminal intent before they can be subject to a trial.

The Children and Young Persons Act outlines a number of sentencing options that may be exercised by a court with respect to juveniles. These include a dismissal of the case; a probation order placing the offender under the supervision of a probation officer for a period not exceeding three years; committal to the care of a “fit person” willing to undertake such care; an order for the parent or guardian to enter into a recognizance for the good behavior of the juvenile; payment of a fine or compensation; detention in a government training school and committal to a course of instruction at a government training school for a specified period.

DIVERSION, REHABILITATION AND DETENTION

The absence of an institution for juvenile offenders has resulted in the incarceration of young offenders within the adult prison in Dominica. Prison officials are making efforts to separate juveniles from the adult population and have also initiated a rehabilitation program for juveniles and first time young offenders in which volunteer teachers provide basic literacy skills. The main objective of the program is to build the confidence of young offenders and to provide them with skills that will improve their ability to reintegrate into society once released. Parents are invited to meet with prison officials before juveniles are discharged into their care and officers sometimes visit schools to seek the re-enrollment of students who had dropped out of school prior to being incarcerated. This program provides an example of the innovative thinking of some criminal justice practitioners who, even in the absence of formal rehabilitative policies and programs, are constantly seeking new ways to improve conditions for the juveniles committed to their care.

In April 2011 the Government of Dominica opened CHANCES, a new facility for the care and protection of children at risk. An initiative of the Ministry of Social Services, CHANCES will house male and female juveniles up to the age of eighteen. Another government-sponsored initiative operated by a nongovernmental organization, is known as From Offending to Achieving (FOTA), which seeks to provide rehabilitative interventions to youth offenders.

CIVIL SOCIETY PARTICIPATION

Dominica does not have a wide range of NGO services, but where they exist, as in the case of FOTA, the relationship between the state and such organizations seems to be a collaborative one.

There were no reports of regional or international collaboration on matters related to juvenile justice.

GOVERNMENTAL CAPACITY FOR REFORM

Stakeholders in Dominica were fairly confident that there is sufficient capacity and political will to undertake a sustained program of juvenile justice reform. Stakeholders who felt there is inadequate capacity were mostly concerned about the availability of financial resources to undertake such reform.

Our observations suggest, however, that there is perhaps a greater need for enhanced capacity than stakeholders in Dominica were ready to concede. In particular, the extent to which knowledge reposes in individuals as opposed to within institutions is particularly problematic, and will require a systematic approach to the process of knowledge transfer that may be beyond the current capabilities of the public sector. We note for example, that with the absence of the Magistrate most experienced in the handling of juvenile matters, our team interviewed another Senior Magistrate who provided us with erroneous information about critical provisions of the law including the age of criminal responsibility and the sentencing options that are available to Magistrates in adjudicating juvenile matters.

MAJOR GAPS

The lack of financial resources for reform is the most significant obstacle to the development of a progressive juvenile justice system in Dominica. Budgetary constraints reduce the ability of governmental agencies to retain a suitably qualified cadre of professional staff in several disciplines. The absence of suitable facilities for the remand and detention of juvenile offenders is also an area of urgent need in Dominica.

PRIORITY NEEDS

The priority areas for juvenile justice reform in Dominica include:

- Trained skilled professionals such as psychologists, counselors, probation staff, court personnel;
- Development and implementation of a coordinated diversion and rehabilitation program;
- Transition center to provide post release programs for juvenile offenders; and
- Technical assistance to update legislation to bring in line with international standards.

GRENADA

JUVENILE JUSTICE SYSTEM

Grenada's juvenile justice system is in a state of change. Having made some recent changes to its Criminal Code to, *inter alia*, change the age of criminal responsibility and the age of majority, Grenada has been introducing legislative and practical reforms to its juvenile justice system. The full adoption of the

OECS Child Justice Bill is pending and is seen as a main thrust for further reform. In the absence of such legislation, the system lacks a consistent approach and is vulnerable to the discretion and preferences of police, magistrates and other decision-makers.

With its last juvenile correctional facility having been destroyed by a storm, the housing and rehabilitation of juveniles remains another significant component of Grenada's reform agenda. Currently, children are remanded to the island's prison. The current system has strong rehabilitative features that can be built on, primarily in the area of diversion, but a robust process to develop training and programs and policy development are necessary to complete the transformation.

LEGAL FRAMEWORK

Grenada's legislative framework for child justice is found in its Criminal Code, recently updated to raise the age of majority to 18. There are however, other age definitions that do not align with international recommendations. The age of criminal responsibility for Grenada remains among the youngest in the region at age seven. Between seven and 12, however, the offender must pass a test to determine whether he or she fully understands his or her actions.

The legislative framework for diversion is limited as magistrates lack the authority to apply alternative sentencing orders. Further, diversion programs lack recognition in law.

Grenada's law reform program is tied to the OECS Model Legislation on Child Justice, which aims to prioritize children's rights and rehabilitation of young offenders through diversion.

DIVERSION, REHABILITATION AND DETENTION

Police response to child justice in Grenada favors diversion both before and after an arrest or charge. Through its Community Relations Unit, the Grenada Police Force attempts to prevent child delinquency by working with community-based programs.

The police officers and prison officials interviewed by the Assessment Team see the island's nascent gang activity, coupled with parental neglect or lack of supervision, as growing contributors to child delinquency. Interventions such as police mediation of gang disputes, zero tolerance of gang paraphernalia and associations in the prison, and parenting programs have been successful approaches and are said to have an impact on reducing child offending.

Within Grenada's justice system, child offenders are most often tried in Magistrate's Courts. The diversion practices of police and police prosecutors often ensure that child offenders are charged with lesser offenses, thus avoiding the High Courts. Magistrates, however, lack the full scope of sentencing options available to High Court judges. This is a major hindrance to the implementation of a holistic diversion policy for child offenders. Grenada's Legal Aid Clinic is another key justice organization bringing a rehabilitative approach to child offenders. It operates a court diversion program that facilitates anger management, conflict resolution, counseling, personal development and other interventions for children in conflict with the law.

Grenada's transition to a rehabilitative system of justice is hampered by the lack of facilities for children. Child offenders are remanded in lock-ups or in the national prison. Separate facilities are provided, but there are insufficient resources for treatment, rehabilitation or preparation for re-entry into society. A single prison counselor bears responsibility for both adult and child populations, including those with mental disorders.

The response of state organizations to date appears to prioritize noncustodial sentences, or the use of children's homes and shelters as an alternative.

CIVIL SOCIETY PARTICIPATION

Father Mallaghan's Home for Boys is a privately run boy's home for children in need of care and protection. It has, in the absence of a child correctional facility, become a possible option for remanding children in conflict with the law. A private shelter for girls has also been utilized for the smaller number of female offenders given custodial orders. Other nonresidential NGO interventions such as the New Life Organization (NEWLO)¹¹ emphasize counseling, vocational training, and the engagement of youth-at-risk.

Stakeholders did not allude to civil society having an impact on justice reform policy or giving voice to children's participation rights. The scope for community-based rehabilitation or diversion programs was also seen as limited, although the police were quick to point out that, particularly in more rural areas, community members routinely got together to resolve conflicts and other issues involving children.

GOVERNMENTAL CAPACITY FOR REFORM

The state's capacity to reform its juvenile justice system is limited by human resources. One respondent spoke to low levels of entry-level training within the police and correctional services. It was more generally agreed that special training on child justice was necessary across the board, including among magistrates and judges. The absence of specialists in child psychology and behavior modification was seen as a hindrance across the board. Stakeholders saw the state's capacity to establish new juvenile facilities as being limited by financial constraints, but felt that there was a fair degree of commitment to finding a solution.

MAJOR GAPS

The major gaps for Grenada's reform program include the following:

- Absence of a coordinated, rights-centric, evidence-based approach to upgrading the juvenile justice system;
- Weak law and policy foundation for diversion and rehabilitation programs;
- Levels of expertise and training across the justice and security sectors are not sufficient to ground a child-centered approach to reform;
- Insufficiency of facilities – residential and nonresidential – to facilitate rehabilitative and diversionary programs; and
- Limited coordination between departments and an inability to track the progress or impact of diversion interventions at an inter-agency level.

PRIORITY NEEDS

The priority areas for juvenile justice reform in Grenada include:

- Technical assistance to formulate a coordinated juvenile justice reform plan, complete with a monitoring and evaluation mechanism for measuring the impact of state and non-state initiatives;
- A case management system that facilitates individualized treatment, as well as aggregation of data for evidence-based policy development;

¹¹ For further details see www.newlifeorganisation.com.

- Funding support to review, expand, improve and coordinate diversion programs run by the police and the Legal Aid and Counseling Clinic;
- Technical assistance to upgrade legislation and assess and address the changes in practices, training plans and budgetary allocations necessary to support legal reforms;
- Training programs and sentencing guidelines to standardize the judicial and magisterial response to child offenders; and
- Specialist skills to develop a range of psycho-social programs for children at high risk for delinquency, such as behavior modification programs, restorative justice interventions, and the use of art, music and other therapeutic engagements to balance the current emphasis on vocational training and counseling.

ST. KITTS AND NEVIS

JUVENILE JUSTICE SYSTEM

St. Kitts and Nevis has a punitive approach to juvenile justice, where the guilt and consequent punishment of the offender holds primacy. With the exception of one senior government official, stakeholders expressed the nearly unanimous view that there are no systems in place to ensure the rehabilitation of juvenile offenders and that the reform of the juvenile justice sector is absent from the government's policy agenda. While some stakeholders admitted that they have "heard speeches" concerning plans to improve juvenile justice, there were no reports of the deployment of formal measures to achieve reform.

With no facilities for the detention of juvenile offenders, some stakeholders have expressed concerns about the current conditions of confinement for young persons, while others have articulated the view that some juvenile offenders accused of serious violent crimes (including serial sexual offenses) are not being held accountable for their actions. Law enforcement officials provided confirmation that while some children are detained in relation to serious offenses, others are in fact allowed to return home without formal charges being brought against them. We were also informed that some children have been kept in police stations for fairly lengthy periods, and that the police have sometimes allowed children to remain in the police station instead of placing them in the cells with more hardened offenders.

The age of criminal responsibility is eight years old, however, children under the age of 14 cannot be sentenced to prison in St. Kitts and Nevis.

There is no formal separate Family or Juvenile Court system for the adjudication of cases involving juvenile offenders but there is legislation that provides for special court sittings to hear juvenile cases. "Juvenile court day" is usually held on the first and third Mondays of each month in Basseterre, and the Magistrate attempts to create an atmosphere conducive to the hearing of cases involving young offenders. Police officers are usually required to attend "juvenile court" in plain clothes instead of uniform, social welfare officers are allowed to make deputations, and efforts are made to protect the privacy of juveniles appearing before the court.

LEGAL FRAMEWORK

The management of juveniles in St. Kitts and Nevis is governed by the **Juvenile Act**, the **Magistrate's Code of Procedure Act**, and the **Alternative Sentencing Act**. These laws provide for the care and protection of children in need, and enact a framework for the establishment of separate facilities for juvenile offenders.

Several noncustodial sentencing options are available to the judiciary and magistracy, including mandatory counseling and community service orders for juvenile offenders. Magistrates may also require a social

enquiry report before sentencing a juvenile. This option currently has limited value due to the inadequacy of training that is provided to persons whose reports are expected to guide the decision of the court.

St. Kitts and Nevis's legislation is not generally compliant with international standards, and some stakeholders have expressed the view that the updating of legislation and the reform of the courts and other areas of juvenile justice are not seen as a priority. Others have suggested that a wide range of international standards have been imposed upon the region by international bodies, and that many are incompatible with the culture and social environment of Caribbean countries.

The key legal areas identified as being in need of updating include the age of criminal responsibility, the age at which juveniles may be imprisoned, parental responsibility for juveniles, and provisions for whipping.

DIVERSION, REHABILITATION AND DETENTION

A number of crime prevention initiatives have been launched by the police to help provide youth with alternatives to criminal pathways and to deter their involvement in deviant lifestyles. These include:

- *Operations Future* – police officers in schools where they build positive relationships with students.
- *School Liaison Officers* – assignment of particular officers to certain schools to provide early response to difficult situations and to interact between teachers, parents and students.
- *Boys Club* – for the development of positive attitudes and life skills for young males.

The police are also involved in a number of community-focused activities and have been working to revive interest in 4H Clubs.

The Coed Rehabilitation Center is a new facility being built with financing through the Caribbean Development Bank. Located on the site of the former Harris Home, which was destroyed by fire several years ago, the Center is expected to open later this year to provide a residential environment for both males and females. It is part of a wider child development initiative to develop a multi-agency rehabilitative approach to juvenile justice. Government officials informed our team that while the facility is expected to focus on the rehabilitation of “at-risk” children, specific details about who will be housed in the facility have not yet been finalized.

CIVIL SOCIETY PARTICIPATION

Participation of nongovernmental organizations in the juvenile justice sector in St. Kitts and Nevis is limited to a few religious groups such as Pastor Clive Saunders with the SOS and Operation Future, which is one of the two programs receiving grants funding from the United States Government. The second program that has received US funding is the *A Ganar* program, a diversionary, preventive program for at-risk youths implemented through a group comprising The Community Achievers Project, The Caribbean Healthy Lifestyle Program which supports incarcerated youth, and the St. Kitts and Nevis Football Association which has entered into a second cycle of programming. FIFA also partners with the St. Kitts and Nevis Probation department to allow juveniles who have been given Community Service Orders to serve the community in FIFA-sponsored activities such as tree planting.

GOVERNMENTAL CAPACITY FOR REFORM

There is little consensus on views concerning the capacity for sustained juvenile justice reform in St. Kitts and Nevis, with some stakeholders suggesting that there may be overall capacity, which needs to be reallocated and used more effectively, while others reported a general lack of capacity.

Our observations found evidence that there is an urgent need for capacity strengthening in several critical areas including the training of professional staff, the articulation of comprehensive policies to govern the management of juvenile justice, and the delivery of services to clients. Responsibilities are currently splintered across various agencies and programs are delivered in a largely ad hoc manner that does not allow for coherency and maximized efficiencies. The development of a comprehensive program of action and a coordinated approach to the delivery of juvenile justice services will be critical success factors in any effort to improve juvenile justice in St. Kitts and Nevis.

MAJOR GAPS

In addition to the lack of adequate facilities and programs that are geared towards the rehabilitation of juveniles, concerns about the level of discretion in the charging and detention of serious violent offenders should be addressed. A diversion and offender rehabilitation strategy needs to be developed to guide the management of juvenile justice, and should inform the planning, implementation and delivery of services at the new Rehabilitation Center.

Laws need to be updated to bring them in line with international standards, and effective support systems need to be provided for the courts. Magistrates need training to deal with family matters and to be sensitized to the needs of juveniles.

PRIORITY NEEDS

The priority areas for juvenile justice reform in St. Kitts and Nevis include:

- Technical assistance to operationalize the new Rehabilitation Center;
- Training for personnel across sector, including the judiciary; and
- Supporting the updating of the legislative framework.

ST. LUCIA

JUVENILE JUSTICE SYSTEM

Though St. Lucia's juvenile justice system is largely defined by traditionally punitive criminal justice responses, rehabilitation has begun to emerge as part of the institutional response to juvenile offending. Our assessment team spoke with some stakeholders who suggested that the system has become more focused on rehabilitation in the past decade, but others claimed that since the most recent elections juvenile justice reform has slowed due to "stalled political will." One stakeholder cited the government's slow response to a draft juvenile justice bill designed to reform the approach to juvenile justice as evidence of the absence of political will, noting that the bill requires additional resources and demands a level of financial investment that the government is not prepared to undertake.

There is a functioning Family Court in St. Lucia. Although normally all juvenile cases are generally tried in a Magistrate's Court, juveniles charged with indictable offenses may elect to have their cases heard before the High Court instead of the Family Court. Our team was informed that three such cases have been brought before the High Court for the trial of juveniles charged with murder. A Court Diversion program was started by the Ministry of Home Affairs and National Security in February 2011, and is currently being piloted in Castries. The age of criminal responsibility is 12 years old, and young offenders may be sentenced to the adult prison at age 16.

LEGAL FRAMEWORK

St. Lucia's **Criminal Code** and **Children and Young Person's Act** provide the legislative framework for the management of juvenile offenders and for children and youth in need of care and protection. Like similar codes across the OECS, these laws contain differing definitions of "child," "young person" and "juvenile," reflecting a lack of internal consistency and non-compliance with regionally and internationally recommended standards. For example, while the Children and Young Persons (1972) act stipulates that "it shall be conclusively presumed that no child under the age of twelve years can be guilty of any offense," the Criminal Code (2005) provides that "nothing is a crime which is done by a person under eight years of age." A range of alternative sentencing options are available under these laws, granting the courts the capacity to reprimand and dismiss, commit a child to a period of probation or supervision or make orders for a parent or guardian entering into a recognizance for good behavior. A stronger foundation for diversionary sentencing would, however, require a widening of sentencing options outside of the scope of traditional juvenile justice legal mechanisms.

Where custodial sentences are imposed, the industrial training school option provided for in law is open only to boys as there are no similar facilities for girls. Children that have attained the age of 16 are considered adults for the purposes of the criminal law, and are sentenced to adult prisons. There is a mixing of children in need of care and protection with child offenders in the facility designated by law as a juvenile correctional center for boys.

DIVERSION, REHABILITATION AND DETENTION

St. Lucia is one of the few Caribbean countries that have developed a court diversion program. Started in February 2011 by the Ministry of Home Affairs and National Security, the program is focused on diverting at-risk youth away from the formal justice system and providing them with life skills. The program recognizes the relationship between truancy and juvenile offending, and focuses its attention on at-risk youth including those with a history of chronic absenteeism, as well as school dropouts. Key elements of the program include remedial education, computer literacy, home and financial management, life skills, and theatre arts.

A number of facilities are available for the care and protection and/or the detention of juveniles in St. Lucia. The Boy's Training Center serves as both a safe place for those in need of care and protection, as well as a place of detention for young boys aged 15 and under who have been found guilty of an offense. The recent appointment of a social worker as head of the facility has seen the introduction of an improved rehabilitative thrust, and court officials informed our team that there are early signs of progress, based on the attitudes of juveniles who are no longer as desperate to leave the facility.

Our observations suggest that the Center's combined mandate creates real operational challenges for service delivery to the two groups of non-offending and offending residents, and that there is a need more effective measures to respond to the distinct needs of both groups. The operations of the Training Center should be informed by a clearly defined strategic policy that provides guidelines for the implementation of standardized procedures and best practices.

It is important to recognize that while there are facilities for both the detention and the care and protection of boys aged fifteen and under, a similar situation does not apply for girls. There is currently no residential facility in St. Lucia that specifically responds to the need of young girls who come into conflict with the law. The Upton Gardens Center has been in operation for more than thirty years and provides a day program for girls between the ages of 12 and 17. The project was started by an NGO, the National Council of Women, with the financial support of the government of St. Lucia. Current financial support is primarily based on government funding, with additional resources obtained from private sector grants. Initial plans included the establishment of a residential facility but the Center has always operated as a rehabilitation day program, with a maximum capacity of 25 persons. The program is targeted to meet the needs of

at-risk young girls with behavioral problems and provides vocational, educational, and life skills training. Young girls in conflict with the law are sometimes referred to the program by the Probation Services.

We note that there has been a positive development with the recent opening of a new residential facility, the Transit Home, for both boys and girls, which will provide care and protection for victims of sexual abuse and neglect. The facilities that currently exist have provided some access to rehabilitative programs for both juvenile offenders and for some children who are in need of care and protection.¹² They are, however, severely limited in terms of their capacity to respond to the demand for services and impact only a small percentage of those who are potentially in need. In addition, the facilities receive a very limited budget and lack the level of trained professional staff that is required.

CIVIL SOCIETY PARTICIPATION

Several initiatives have benefited from the support of international development partners and nongovernmental institutions. At the domestic level a number of nongovernmental agencies are developing interventions to improve access to rehabilitative services, while others are focused on advocacy, public awareness, and influencing the policy agenda of the government.

In several meetings with government officials, our team was informed that there are no structured NGOs addressing the issue of juvenile justice in St. Lucia and that those which exist are primarily reactive and do not serve a practical function. From a government perspective, NGOs were depicted as being almost entirely dependent on the state for support and were described as “wanting the government to provide resources to implement their agenda.” One organization, the Center for Adolescent Renewal and Education (CARE), was singled out as being supportive of the juvenile justice system by providing academic and vocational training and offering counseling to at-risk youth.

USAID is partnering through the International Youth Foundation with a consortium comprising the National Skills Development Center (NSDC), CARE and RISE Inc to support at risk youth including youth who are considered highly risky and in some cases have already had infractions with the law. The NSDC is a quasi-governmental organization that is funded by the state, but which receives some support for programs and projects from the private sector and international agencies. The NSDC offers services including a learning resource center, computer lab for training in information technology, career counseling, life skills and technical vocational skills training, and job training and placement. RISE is an advocacy group that seeks to raise public awareness of youth issues and to mobilize resources for youth-centered activities. CARE provides alternative education and personal development programming for youth, and receives some governmental funding support. All three groups acknowledged the existence of some level of collaboration with government, but suggested that that this was mostly at the level of consultation and planning, and that they were not usually included in the implementation of programs.

GOVERNMENTAL CAPACITY FOR REFORM

There is no doubt that there is some capacity within the state to implement a program of juvenile justice reform. Stakeholders have however identified a number of significant capacity concerns including the availability of trained, skill personnel at all levels of the justice sector, the absence of a coordinated approach, financial constraints, bureaucratic inertia, and the lack of political commitment to serious reform.

¹² It is also important to note that while there are separate facilities for boys 15 and under, there is still no provision for juveniles at the police lock-ups where young offenders routinely share space with adult offenders.

Our observations have led to the conclusion that the most significant factor inhibiting the process of reform is the level of fragmentation, and the duplication of efforts that arise from the absence of a coherent strategic direction for the juvenile justice sector. The current environment is defined by a lack of coordination and a sense that the various governmental agencies represent competing interests rather than having a shared responsibility approach to policy development.¹³ In interviews with two different Ministries, for example, we were informed about two different projects in the developmental stage, which shared similar objectives, but were being developed without consultation with a critical government partner. The development of effective coordination and a strategic framework to guide juvenile justice reform is clearly a priority need for St. Lucia.

MAJOR GAPS

St. Lucia needs to undertake a review of its juvenile justice system with a view to streamlining the functions of the various Ministries and agencies with responsibilities for various dimensions of juvenile justice. The establishment of effective coordination and the development of an overarching strategic framework are urgently required.

Additional gaps include:

- Appropriate facilities for the care and protection of children and youth and the management of juvenile offenders are needed, with urgent attention to the needs of young girls. The delivery of rehabilitative programs should be a focal consideration in the establishment of such facilities, and should be developed to address the multiple vulnerabilities of children.
- Legislation should be updated to bring St. Lucia in compliance with international standards and best practices.
- There is a critical need to provide training for personnel at all stages of the system and to ensure access to suitably skilled professionals.
- The Family Court and the Court Diversion program need to be adequately resourced to enable the fulfillment of their core functions.
- There needs to be enhanced support for the development and strengthening of NGOs.
- Support mechanisms for parents, including access to parental training programs and support networks need to be developed.

PRIORITY NEEDS

The priority areas for juvenile justice reform in St. Lucia include:

- Establishment of facility for young girls;
- Development of coordination mechanism and strategic framework; and
- Updating legislation.

¹³ There are at least five Ministries that hold responsibility for some dimension of juvenile justice: Ministry of Justice and the Attorney General; Ministry of Home Affairs and National Security; Ministry of Social Transformation; Ministry of Health and Human Services and the Ministry of Education.

ST. VINCENT AND THE GRENADINES

JUVENILE JUSTICE SYSTEM

St. Vincent and the Grenadines's juvenile justice system has strong redemptive features, due largely to the diversionary practices of police and courts. These are supported and in some cases precipitated by a statutory provision preventing children under 16 from being imprisoned. Rehabilitative programs are, however, limited in scope.

Due in part to St. Vincent and the Grenadines's low crime rate and low levels of gang violence, crime rates among youth and children are relatively low and revolve around minor crimes. There is some involvement of children in drug or gun crimes but this is not seen by the St. Vincent and the Grenadines Police Force as a significant issue. Most common among child offending are crimes of burglary and petty theft. While in remand, children are kept in police stations. Typically, children under 16 are not housed in cells and are thus separated from the adult population. Children over 16 are, however, treated as adults. This is in breach of CRC recommendations and in effect discriminates against older children.

St. Vincent and the Grenadines's justice reform strategy centers on the adoption of OECS model legislation, which would modify and update several anti-rights-friendly provisions in existing law. The National Commission on Crime Prevention is another focal point. It is a cross-sector committee guiding strategies to reduce youth crime and delinquency.

LEGAL FRAMEWORK

Under St. Vincent and the Grenadines law, those 16 and under are treated differently from adults and cannot be convicted of an offense or imprisoned, though they may be committed to an institution. Children older than 16 are treated as adults, and the age of criminal responsibility is eight. The law creates no separate court for children. Offenses are heard in Family Courts, which are overburdened. Sentencing options center on probation and counseling, particularly for those under 16. Plans are in place to reform the system through the adoption of the OECS Model Legislation on Child Justice. This would change the underlying ethos of the system to further support child rights, diversion and rehabilitation.

DIVERSION, REHABILITATION AND DETENTION

At the heart of St. Vincent and the Grenadines's juvenile justice response is the St. Vincent and the Grenadines Police Force. Its community-centered approach to child diversion allows for problem solving, conflict resolution, conciliation, restitution and counseling as alternatives to an arrest or charge. The range of child and youth-focused programs supported or operated by the police include Police Band summer camp; Pan Against Crime; Police Youth Clubs; Boy's Brigade, and the DARE¹⁴ program. These initiatives receive the support of other state and non-state entities and are backed by the National Commission Crime Prevention that aims, *inter alia*, to strategically target and reduce youth delinquency. The police force appears to be open to non-punitive approaches and is planning a youth-offender focused victim-offender mediation program as part of a wider thrust towards restorative justice.

Child offenders are tried in the Family Court, and the Department of Family Services is typically invited to provide social assessments and interventions to both children in conflict with the law and those needing care and protection. Counseling programs are also run by private NGOs. Sentencing options tend towards the rehabilitative, as St. Vincent and the Grenadines law does not support imprisonment of children under

¹⁴ It must be pointed out that evaluative data about the DARE program was not provided to respondents.

16. As a result, judicial orders primarily focus on probation and counseling. Children over 16 are treated as adults and can receive a correctional sentence to the island's prison.

CIVIL SOCIETY PARTICIPATION

As in many of the smaller islands of the Caribbean, civil society initiatives for juvenile justice are relatively limited. In addition to privately run children's homes, Marion House provides counseling and other interventions to child offenders before and after conviction. NGOs are also included in the National Commission on Crime Prevention and may thus have some opportunity for policy level impact on crime prevention strategies.

GOVERNMENTAL CAPACITY FOR REFORM

State support for the development of the juvenile justice system was not questioned by those interviewed. However, the factors affecting juvenile delinquency did not appear to be clearly understood by policy makers, suggesting a limited capacity on the part of the state to conduct research and evaluative activities. Specialists able to plan and implement diversionary and rehabilitative programs, child psychologists to conduct treatment programs are few. Some degree of coordination exists through the National Commission on Crime Prevention. There were also good relationships between the police, the courts and the Family Services Division, however these appeared to function at an operational, not a strategic level.

MAJOR GAPS

The major gaps for St. Vincent and the Grenadines's reform program include the following:

- The absence of remand or correctional facilities for children is a major challenge.
- Linked to the above were questions as to what rehabilitative programs would best be integrated into juvenile facilities, if they existed. Stakeholders most commonly mentioned vocational training but with limited information about the factors leading to delinquent or anti-social behavior, it is unclear whether such programs would be fully effective. Case management systems and improved social enquiry reporting would be necessary, not only for individual treatment, but for the evidence-based planning and development of facilities and programs.
- Existing family-support services and community programs will need to be strengthened and expanded to sustain a holistic response to youth delinquency.
- The legislative framework needed to ground the full transformation of St. Vincent and the Grenadines's juvenile justice system to a rights-based model is not reflected in current laws.
- Specialist skills (e.g. child psychologists) and wide scale training is severely needed.

PRIORITY NEEDS

The priority areas for juvenile justice reform in St. Vincent and the Grenadines include:

- Technical assistance and funding support to strengthen family and community-based diversion and rehabilitation programs;
- Establishment of facilities for juvenile rehabilitation, for both preventative and post-offending diversion;
- Technical assistance to improve the state's capacity to understand and respond to the factors contributing to juvenile offending, through research and an improved social enquiry system;
- A case management system;

- Legislative, policy and operational changes needed to support the introduction of a new Child Justice Law; and
- Training and the recruitment of child psychologists.

ASSESSMENTS OF THREE NON-OECS COUNTRIES VISITED

GUYANA

GUYANA'S JUVENILE JUSTICE SYSTEM

At the core of Guyana's juvenile justice system is an inherently punitive response to delinquency. A statutory provision allowing court intervention for children found "wandering" accounts for the majority of the police, court, and correctional workload. Wandering is a coverall offense for, *inter alia*, children who have run away from home or whose behavior is otherwise deemed uncontrollable. Thus while the system seeks to divert, rehabilitate, and de-stigmatize child offenders, in practice it often results in the criminalization of children who may not have committed an offense.

Planned amendments to Guyana's Juvenile Justice Act purport to shift the focus of the state's response to such children from the criminal justice system to social interventions. This is supported by the recent establishment of a Child Care and Development Agency, which is designed to centralize the provision of social support to children in need of care and protection. Stakeholders have noted, however, that while a number of child protection laws have been recently introduced, the Juvenile Justice Bill has been delayed for over five years. Another thrust of ongoing reforms in Guyana centers on the provision of dedicated juvenile remand facilities in a bid to end the practice of housing children in police lock-ups.

LEGAL FRAMEWORK

Guyana's **Juvenile Offenders Act** and its several amendments is the core of its legal framework for juvenile justice. They are supported by the **Childcare and Protection Agency Act** of 2009. Under the **Juvenile Offenders Act**, children are defined as persons under 14, and young persons are designed as those older than 14 and younger than 17. Practically, both groups appear to be treated alike. Children over 17 are treated as adults. The **Juvenile Offenders Act** exempts children¹⁵ from imprisonment, but allows them to be detained or institutionalized. Thus the juvenile justice system supports schools for young offenders rather than correctional centers. The current school, New Opportunities Corps, seeks to de-stigmatize offenders as it is a minimum-security establishment that focuses on training and refers to its wards as students. Some stakeholders were, however, critical of the extent to which these terminological distinctions were in and of themselves sufficient to ground a rehabilitative response to child offending. The Act further allows a child convicted of murder or manslaughter to be detained "*in such place... as the Minister may direct.*"¹⁶

While a conviction is not recorded when a child is found guilty of an offense, this does not automatically ensure that they remain free from stigmatization. A range of sentencing orders is provided for in the law, but they do not necessarily reflect a philosophy of rehabilitation. As an example, until 2010, the law provided for the whipping of a child offender. In the same way, while Guyanese law does not technically contain status offenses, it allows children found "wandering" to be detained.

¹⁵ Children here, and throughout this description of Guyanese law, should be taken to mean persons under the age of 17.

¹⁶ Juvenile Offenders Act, s.15.

A juvenile justice bill has been drafted and purports to shift the law's approach to wandering and related offenses to a child care and protection framework. Stakeholders have noted, however, that the process of amendment has been delayed.

DIVERSION, REHABILITATION AND DETENTION

The Guyanese Police Force embraces diversion of youth offenders and has working relationships with the education and social welfare system to identify alternative methods of treating with children in conflict with the law. This is intended to reduce the number of formal arrests and charges of children and to treat prosecution as a last resort. Once children appear before the courts, in lieu of a correctional order they can be reprimanded, ordered to participate in NGO programs, or be committed to the custody of their parents. A recently established Children's Holding Center is designed to be the focal point of diversion and rehabilitation for children appearing before the court. It should also facilitate the reintegration of children on correctional orders, as they are able to spend the last portion of their sentence in the Center prior to transitioning back into society.

Guyana's juvenile correctional facility is the New Opportunities Corps, a minimum-security school that houses both boys and girls. Agricultural and vocational training and remedial education and sports programs form the basis of its operations. Some children are integrated into the regular school system upon release and the school participates in national sporting competitions for schools. Though one stakeholder interviewed by the Assessment Team questioned NOC's effectiveness there have been no formal evaluations of NOC's impact in its century of existence. School representatives interviewed by the Team pointed to the good relationships existing between staff and current and former students, but noted the school's inadequacies in handling behavioral and mental disorders of its students. A passionate case was articulated by the NOC representatives for a child psychologist. The school houses twice the number of children for which it was built.

Post-corrections, older children can be integrated in several youth training programs run by the government. This includes residential centers for youth, community-based programs, and other interventions designed to give children skills needed in the job market.

CIVIL SOCIETY PARTICIPATION

Several non-government programs provide services to child offenders through partnerships with the state. A Children's Legal Aid Clinic is run privately with funding support from UNICEF and state subventions. The majority of the country's children's homes are privately owned, as is a domestic violence hotline and shelter. Several of these interventions attract state support. In addition to state subventions, programs such as the Citizen's Security Project facilitate public-private partnership and networking. Another NGO, Red Thread, targets indigenous children and others from the isolated communities in Guyana's interior. Besides experiencing the normal challenges of entering young adulthood, Guyana's indigenous youths are also impacted by cultural, social and economic isolation from the rest of the country. In the past five years the Amerindian percentage of the NOC student population has grown from almost zero to over 20%, indicating a serious and alarming problem in the country's interior among this most rapidly growing, and yet most isolated, segment of Guyana's youth population. Also, the trafficking of young women into mining communities for prostitution is a significant problem that has profound harmful effects not only for victims but also their fragile communities of origin.

GOVERNMENTAL CAPACITY FOR REFORM

Juvenile justice reform enjoys wide support among state agencies. However, the fragmentation of interventions across four ministries and several agencies has been identified as a limitation on the state's capacity to implement reforms. Stakeholders suggest that rising social and economic problems have resulted in poor parenting supervision, youth gangs, violence, and delinquency among children. This suggests that unless strong preventative and rehabilitative programs are introduced, the mere expansion of existing fa-

cilities will not be a sufficient response. State capacity to implement and evaluate such programs needs to be strengthened. There are plans in place to introduce case management, but the absence of a system that integrates treatment of children in contact with the law *as well as their families* remains a weakness.

Court capacity is in need of strengthening. There is no established children's court, although juvenile cases are heard *in camera*. Judicial training has been identified as a priority issue. Children's legal aid is available for criminal and civil matters, but its sustainability and sufficiency remains to be evaluated.

Guyana's geography presents further challenges to state capacity based on the difficulties of expanding social interventions to cover remote communities.

The success of any intervention will likely depend on its alignment with existing plans of the Government of Guyana. However, there is a wide range of initiatives being planned or operated through or in partnership with the state that can advance the transformation of the child justice system.

MAJOR GAPS

The major gaps for Guyana's reform program include the following:

- There is insufficient capacity within state and non-state entities to tailor interventions to children and families. Post-conviction and post-sentence diversion programs that target families holistically are needed.
- With insufficient child psychologists, existing programs (residential and non-residential) lack the capacity to identify and treat psychological and other behavioral disorders.
- Legislative changes should be accompanied by a comprehensive cultural shift to build within the police, courts and wider public a redemptive, rights-friendly perspective of anti-social and criminal behavior among children.
- A stronger evidentiary basis is needed for responding to juvenile delinquency, both on the individual and policy levels.

PRIORITY NEEDS

The priority areas for juvenile justice reform in Guyana include:

- Evaluation of the impact of existing programs is needed to identify the scope for expansion.
- A coordination mechanism is needed to plan and monitor state interventions, in collaboration with civil society and community organizations.
- Training programs targeting police, corrections and judicial staff are needed to equip the security and justice systems with insights into the developmental and social issues triggering child offending and to inform strategies for dealing with young delinquents.
- Technical assistance is needed to develop approaches and methodologies to ground existing diversion and correctional programs.
- Legislative changes are needed to support the institutionalization of rights-based, rehabilitative changes to the juvenile justice system.
- A full and comprehensive assessment of Amerindian youth issues is urgently needed.
- Civil society advocacy and coalition building programs are needed to create momentum in Government for higher quality action and for better coordination of its juvenile justice interventions.

JAMAICA

JUVENILE JUSTICE SYSTEM

The 2004 Child Care and Protection Act triggered a range of rights-based reforms to Jamaica's child justice system. This act established a range of agencies, strengthened laws for child protection and introduced the Best Interest principle as the focal point for state and judicial decision-making. The wide-ranging changes, however, that are required to upgrade state services, facilities, and programs to meet the requirements of the law have not yet been fulfilled.

As youths are overwhelmingly both the perpetrators and the victims of gang and violent crimes in Jamaica, child delinquency has become a major security concern. In 2008 and 2009, respectively, 444 and 359 children were arrested for violent crimes including murder and sexual offenses.¹⁷ In each of those years the number of new admissions to juvenile correctional facilities exceeded 200, and other children in conflict with the law were being housed in lock-ups and adult correctional facilities.

Several of the rights-based advances made by the Child Care and Protection Act have not sufficiently impacted the experiences of children in conflict with the law. Thus, while the Act provided for the introduction of Children's Courts and radical shifts in the ways in which children's rights are respected and fulfilled while they are before the courts, changes to the judicial system remain inconsistent. Respondents indicated that children's experiences in court were mixed and many did not fully comprehend why they were being brought before the court. This suggested weaknesses in the implementation of the law's requirement that children should be apprised of the reason they are being brought to court in language they can understand. The law provides for children before the courts to have access to legal services, either through the legal aid system or the Office of the Children's Advocate. Research suggests that only 68% of child offenders have access to an attorney, the majority of these being male offenders who receive legal aid assistance for charges of homicide or gun crimes.¹⁸ Judges were believed by some respondents to be inclined to use the mechanisms of the law to impose punitive sanctions on undesirable or anti-social behavior. It was noted, for example, that girls accused of promiscuity could be brought before the court and given correctional orders. While there were no clear statistics on sentencing trends, respondents felt that sentencing guidelines were necessary to shield children from the inequities arising from the range of moral, ethical and legal normative practices found among the judiciary.

While the foundation exists in law for diverting children from the judicial system, respondents indicated that mechanisms for implementation are weak and un-coordinated. The level of information that needs to be available to the judiciary to support a strong system of court-based diversion does not currently exist. In addition to the ongoing development of a Diversion Policy, reviews of the social enquiry reporting system would be needed. Respondents also recommended the implementation of a referral system that supports linkages between the courts and the state and non-state agencies providing child delinquents with treatment, education or diversion programs. Not surprisingly, the Department of Correctional Services indicated that the range of sentencing options provided under the Child Care and Protection Act were not being fully utilized by judges, as the majority of children found guilty of crimes received correctional or probational orders.

¹⁷ Source: statistical reports of the Jamaica Constabulary Force, as quoted in *A Study of the Profile of Children in Conflict with the Law in Jamaica*, OCA, 2011.

¹⁸ See *A Study of the Profile of Children in Conflict with the Law in Jamaica*, OCA, 2011.

The system continues to have strong punitive features, particularly as the law allows uncontrollable children to be remanded to juvenile and adult correctional facilities. There are plans in place to amend the child protection law to change this. A National Plan of Action on Child Justice is being completed and is intended to provide a consolidated approach to driving the implementation of reforms across the justice, security and social sectors.

The Office of the Children’s Advocate was established by the Child Care and Protection Act as an ombudsman for children and a watchdog agency to ensure that state agents and organizations fulfill the rights-based requirements placed on them by law. It monitors other state agencies to both promote and defend the rights of children in their care. It has investigative powers and can make agency-specific recommendations, lay reports before parliament or initiate legal proceedings against state agencies that have violated the law. However, the under-resourcing of the office has limited the extent to which it is able to contribute to the evolution of the wider child care system to reflect the rights-friendly paradigm of the law. There are also indications that the inter-relationships between the OCA and the rest of the juvenile justice system need to be strengthened. Research has identified wide-scale violations of the Act’s requirement for children in state care to have communication access to the Advocate.¹⁹ The office was seen by some respondents as being reactive to tragedies and news reports, rather than having the capacity to take a proactive, evidence-based and strategic approach to improving the child justice system.

LEGAL FRAMEWORK

Jamaica’s **Juveniles Act** was repealed in 2004 by the **Child Care and Protection Act (CCPA)**. The CCPA is designed to be a comprehensive rights-based law that sets the foundation for both child justice and child care and protection. It sets the age of criminal responsibility at 12 and the age of majority at 18. As a holdover to past law, however, the Act allows the court the discretion to detain or institutionalize uncontrollable children, including those under the age of criminal responsibility. Children 17 and over are also liable to be treated as adults, in the event that they commit a major crime such as murder or manslaughter.

The Act includes a range of sentencing options for judges, including mediation, community service and curfew orders. It creates a Children’s Courts and requires judges to consider the best interests of the child and to provide for the care and protection needs of child offenders. Stakeholders remain concerned, however, that the training and retooling needed to bring about a cultural shift in the justice and security systems have not been holistically done. Data on the sentences and orders used by the courts in relation to children did not appear to be routinely collated. This speaks to limitations in the information management capacity of courts. Anecdotally, respondents suggested that there has been some use of the CCPA to introduce alternative sentencing, but that this does not reflect common practice. An increase in the flow of information between the Department of Correctional Services and the judiciary was recommended, as it was felt that judicial awareness of the state and scope of existing remand and correctional centers would spur a quest for more diverse use of their sentencing powers. The further promotion and institutionalization of restorative justice would also be of wider benefit. The Ministry of Justice’s (draft) Restorative Justice Policy aims to achieve this, but will require support through the development of sentencing protocols within the judiciary and a network of state and non-state restorative programs and services. One recommendation suggests that integrating these services into courts would have the widest impact.

¹⁹ *A Study of the Profile of Children in Conflict with the Law in Jamaica*, OCA, 2011.

Children are affected by the delays and case backlogs that hamper the wider court system.²⁰ In some cases, the impact of delays on children may be exacerbated as Children's Courts are held less frequently than magistrates' courts, which provides more infrequent opportunities for children to be heard on bail or granted preliminary hearings. A recommendation to centralize court services for children in conflict with the law within new remand facilities has been made. The recently constructed Metcalfe Street facility for boys has been proposed, but questions remain as to the security of the location for judges and witnesses to travel there routinely. The issue of centralization faces further constraints regarding access to witnesses and the support of family members during hearings and trials. Respondents alternatively suggested that the expansion of the Family Court system could help to reduce delays in all cases involving children. Within the context of a wider review of the Child Care and Protection Act, the implementation of the Children's Court should also be reviewed to determine the extent to which the current system reflects the letter and spirit of the Act and the obligations and recommendations contained in international law and policy on the administration of justice for children in conflict with the law.

Correctional services and facilities have not traditionally been treated under the CCPA, though it makes stipulations regarding the duties of probation officers and the rights of children arrested or detained. Children are required to be separated from adult offenders while in detention, in court and while being transported to and from court.

Proposals have been made to review the CCPA and its implementation mechanisms. Specifically, calls have been made to review the provisions applicable to "uncontrollable" children and strengthen social enquiry reports as the basis for exercising judicial discretion.

DIVERSION, REHABILITATION AND DETENTION

The Ministry of Justice is in the advanced stages of developing a Diversion Policy targeting youth delinquency. This aims to put in place diversion protocols in the police force and the courts and link these to community-based rehabilitation, youth engagement, and restorative justice programs. Stakeholders reported, however, that the pro-arrest reflexes of the Jamaica Constabulary Force would inhibit the effective implementation of this policy. The Safe Schools Program is a joint effort between the Ministry of Education and the Jamaica Constabulary Force that sees police officers posted in schools to strengthen the response to crime and violence within schools. This program has improved safety and security in schools, but with the paucity of established alternatives for rehabilitation and behavior modification, punitive measures are seen as a first or only resort. Besides being assigned more hours in the schools, School Resource Officers should receive more training to identify and understand children's most prevalent psychosocial problems. The joint JCF/Ministry of Education Safe Schools Program should work with the Government of Jamaica's Child Development Agency and other social service agencies to address problems in the family environment of children in trouble with the law and families of those engaged in risky behavior. Here again, a case management system will facilitate integration of interventions across agencies.

Through the Community Safety and Security Branch, several innovative programs have been developed or adapted in communities across the island. Bands, clubs, sports competitions, and other youth-friendly initiatives are routinely launched in schools and communities by community police officers in order to engage troubled children proactively. These programs are intended to divert children from the increasing levels of gang activity, drug trafficking, gun crimes, extortion, and violence in high and primary schools and communities. These programs are receiving funding support from external donors and a monitoring

²⁰ The Jamaica Justice System Reform Task Force Report details the factors contributing to delays and backlogs across the courts.

and evaluation framework has been established to allow for impact assessment. Challenges remain in the need not only to expand these programs to meet the diversion needs continually arising island-wide but also to integrate family support services and psycho-social treatment and ensure a holistic approach to youth delinquency.

These programs typically address at-risk youth, but youths who come in conflict with the law have specific issues that these programs do not address. The rehabilitation of child offenders is inhibited by the limited number of child psychologists and clinical social workers in the employ of government, especially the Jamaica Constabulary Force. Case management systems are needed, as are the resources to assess and develop treatment options addressing the psychosocial needs of children in contact with the law. The Ministry of National Security has recently concluded an assessment of children in lock-ups island-wide. Similar assessments across the justice and child protection systems would enable the development of individualized treatment plans for child offenders.

A new juvenile remand facility is being completed and other facilities are slated for renovation or redeployment. It is intended that these facilities will end the practice of housing children in lock-ups and prisons and reduce the overcrowding currently being experienced in remand and correctional facilities. According to the Commissioner of Corrections, disciplinary measures, educational, and co-curricular activities are also to be developed. However, the scope and content of the rehabilitative programs to be launched in these new centers remains unclear and unless diversion programs are substantially increased and improved, the Assessment Team is concerned that new facilities can immediately face problems of overcrowding.

CIVIL SOCIETY PARTICIPATION

A significant number of non-government entities provide services to and for child offenders and troubled children, but lack the funding support to enable their sustainable development. Given the importance, for economic and social stability, of keeping juvenile offenders from becoming adult offenders, it would seem that partnerships between the business sector and Government to support such NGO services would be widely popular.

Among the programs available to children in conflict with the law are the following:

- The *Dispute Resolution* Foundation has youth programs that allow children who are suspended from school to undergo conflict management and other life skills training. The organization also offers mediation training and conflict resolution services, and has strong linkages with the courts.
- The *Young Men's Christian Association* runs a remedial education program for dropouts, including children referred by the courts or by the police. Their cohort has included children who live or work on the streets, probationers, and children who have completed correctional sentences.
- *Children First* conducts a number of youth training and empowerment initiatives for street and working children, dropouts, children from violent communities, and other high-risk groups.
- *Hope for Children* has vocational and educational programs for children in high violence communities, and uses drama programs, photography, and computer training to engage their attention.

Several clubs, community associations, faith-based organizations, and social intervention projects exist at the community level and offer alternatives to gang involvement and criminal activities. These include Peace and Justice Centers and state-supported sports programs. Community-based organizations are supported by the Social Development Commission, the JCF's Community Safety and Security Branch, the IDB-funded Citizen's Security and Justice Program (CSJP) and the Community Renewal Program. Stakeholders proposed that existing initiatives be assessed and expanded, as opposed to launching new pilots.

Stakeholders agreed that the knowledge and expertise to reform the child justice system is available. State capacity is seen as strongest in the areas of policy development and planning, as well as in the state's ability to mobilize and engage community groups. Limitations surround the availability of funding to provide the resources needed to effectively implement plans and programs. Exposure to the effectiveness of rights-based and redemptive options for treating with child offenders was seen as another critical need, as the full impact of the Child Care and Protection Act has not been realized and the justice system is not as child-centered as the Act envisages.

Through task forces and working groups, government coordination and linkages with civil society occurs intermittently. These efforts tend, however, to be issue-specific and can be reactive to political emphases.

MAJOR GAPS

The major gaps for Jamaica's reform program include the following:

- A social enquiry investigation system and an integrated case management system are needed to provide the police, courts, probations and child protection agencies with information to tailor responses to child offenders. Such a system could capture individualized information on the social, psychological, economical, and other factors contributing to the delinquent acts of a relevant child. This could then be used to inform sentencing and treatment options. Treatment plans, once developed, can be shared from the remand stage to correctional or probational case files. Aggregate data can inform policy development and proactive policing. Some components of this system already exist or are being developed. The social enquiry reporting format used in the courts has been earmarked by respondents as in need of review. There are plans in place to develop case management systems within the Child Development Agency and the Department of Corrections. These plans, however, have not been coordinated, and do not appear to be designed to facilitate inter-agency planning for the reduction of child offending. Further research would be needed in order to scope the requirements of these systems, as well as identify the agencies best suited to lead or provide oversight to the collection or management of this data.
- The evidentiary basis for grounding policy decisions and social interventions is inadequate.
- A holistic approach to diversion is yet to be implemented and will require an inventory and strengthening of rehabilitative programs at the community level.
- The Child Care and Protection Act is due for review, to identify provisions or implementation mechanisms that do not align with its declared rights-based intent. This includes the provisions for dealing with "uncontrollable" children. This will likely involve some amendments to the Act, as well as the development, amendment or re-orientation of regulations, implementation guidelines, and policy directives emanating from its provisions.
- There is no clear understanding of how the sentencing options available under the Child Care and Protection Act are being utilized and to what effect. Anecdotally, stakeholders indicated that several of the options available to the courts are not being utilized. Judicial use of curfew orders, mediation orders, community service orders, and parental recognizance orders appear to be limited. Sentencing guidelines and judicial training programs are needed, as well as referral systems that acquaint the courts with the range of services available for child diversion orders. These should include the examples given under "Civil Society Participation" above, and a routinely updated inventory of community-based, after-school, remedial education, psycho-social treatment and youth empowerment programs that can form the basis for conditions attached to probation, community service, and curfew orders

- The inadequacy of remand and correctional facilities remains an issue, as well as the types of disciplinary, rehabilitative, and educational programs available to their wards.

PRIORITY NEEDS

The priority areas for juvenile justice reform in Jamaica include:

- Technical assistance to review the CCPA and its implementation mechanisms to ensure consistency with its rights-based philosophies;
- Assessment of the sentencing practices of courts and the effectiveness and impact of the probationary system;
- A case management system;
- A revision of the social enquiry reporting system and the more effective utilization of social investigations to guide judicial sentencing;
- Funding to evaluate, expand, or roll out community-based and other rehabilitative and diversionary programs;
- A holistic coordination mechanism geared towards strategically reducing levels of juvenile delinquency and offending; and
- Funding for family support services.

TRINIDAD AND TOBAGO

JUVENILE JUSTICE SYSTEM

The juvenile justice sector in Trinidad and Tobago is undergoing active reform that is designed to transform the system from its current retributive focus to one that is juvenile focused and guided by the principles of restorative justice. While the current system remains steeped in traditional punitive norms, there is clear evidence that many initiatives on the ground are becoming more responsive to the criminogenic conditions that foster delinquency, and are beginning to focus greater attention on the rehabilitation and care of young offenders.

The age of criminal responsibility in Trinidad and Tobago is not specifically defined in law, but the Children's Act makes reference to children under the age of 10 being charged and brought before a Magistrate or the High Court. According to the UNICEF CRC Report (2004), the minimum age is seven years, which is consistent with the original common law position that children below the age of seven are considered incapable of forming criminal intent. Young males between the ages of 16 and 18 who come into conflict with the law may be sentenced to detention at the Youth Training Center, while girls in the same age category are detained at the adult female institution.

There is a functioning Family Court that deals with the adjudication of non-criminal cases that involve juveniles.²¹ There seems to be a great degree of confusion, however, concerning the role, function, and status of the Court, with several senior level government officials, sometimes within the same Ministry, offering divergent explanations. For example, we were informed by a senior official responsible for legislative reform in the Ministry of Justice that there are no special courts available for the adjudication of

²¹ Reference was made to plans to expand the mandate of the Court to include criminal cases for children under the age of 13, but the Team was unable to ascertain when this would become effective.

juvenile matters, but were later advised by another senior official in that Ministry that the Family Court adjudicates juvenile matters and is the only institution that is based on principles of restorative justice.

It is interesting to note that officials responsible for the administration of the Family Court were less than certain about the extent to which there is commitment to a reform agenda. They cited the fact that the Family Court is still a “pilot project” and that the Family Court Bill to legislate formal establishment of the Court has not yet been proclaimed into law as evidence of the slow pace of reform. Court officials also noted the absence of a diversion program, limited sentencing options, insufficient staffing complement, and inadequacy of facilities for juveniles as significant inhibitors to meaningful rehabilitation.

Sentencing options available when a case is heard before the Family Court include: probation orders; placement in a home or govern-run institution; referral for psychological interventions; and placement in the care of a responsible adult. There are no legislated provisions for separate courts in criminal cases involving juveniles. Such cases are dealt with in the normal criminal courts. Magistrates allegedly exercise their discretion in seeking to interpret the law in ways that are more rehabilitative than retributive but there are several serious limitations that negatively impact the outcome for juvenile offenders. One Magistrate informed our team that approximately fifty percent of juveniles who appear before the criminal court have neither legal representation nor support from a parent. Although the Court has the power to appoint legal counsel for juveniles, Magistrates have serious concerns about the consequent lengthy delays, which can cause children to be held on remand for excessively long periods while awaiting representation.

The Children’s Authority has recently been established to oversee all matters related to vulnerable and at risk children in Trinidad and Tobago, and to provide regulatory oversight for children’s homes and residences. A representative of the Authority informed our team that the current focus of the Authority is primarily concerned with administrative functions related to the proper establishment of the Authority and the establishment of standards for residences and nurseries. While the Authority was clear about its role in relation to children who have been victims of crime, there was less clarity concerning its proposed relationship to children who have come into conflict with the law. It is noteworthy that notwithstanding this more narrow interpretation of its role by the Authority, there is a pervasive sense among the stakeholders we interviewed that the role of the Authority will be extended to meet the needs of juvenile offenders.

LEGAL FRAMEWORK

Trinidad and Tobago’s child justice legal framework is contained in several different pieces of legislation. The **Children’s Act** creates a framework for treating children in conflict with the law. The Act defines children as those under 18, but makes some distinctions for older children. Children between 10 and 16 may be sent to Industrial Schools. Younger offenders, as well as those found wandering or destitute or deemed “beyond control,” may also be committed to certified orphanages. This effectively blurs distinctions between offending and the need for care and protection, and can result in the stigmatization of vulnerable children.

Not only can children be committed to Industrial Schools and other correctional institutions, but also the Act contains provisions criminalizing disobedience to the rules of these institutions. In fact, if a child over 16 commits a serious breach of school rules, that child can be committed to a prison for up to three months, and then returned to the Industrial School to complete the original sentence.

Special provisions are in place for juvenile detention centers and Juvenile Courts. There are a variety of sentencing options available, but as these include imprisonment and whipping, the law in this area could not be described as facilitating rehabilitation.

DIVERSION, REHABILITATION AND DETENTION

Persons are sent to the **Youth Training Center** on a wide variety of charges, ranging from boys deemed as being “beyond control” to more serious violent offenders. Notwithstanding the variation in clientele, there is no attempt to physically separate non-criminal offenders or younger boys from the general population, and the philosophy of the institution supports the integration of the various groups.

There is clearly a systematic effort within the YTC to maintain a rehabilitative environment that seeks to support the prospects for the reintegration of those committed to its care. There is a strong emphasis on education and training, and courses are offered in basic reading and numeracy skills. A family visitation program allows open visits between 8am and 4pm daily. There is also a focus on building partnerships with communities and the Center enjoys a collaborative relationship with several NGOs, government agencies, sporting associations, and religious groups.

Our team convened a focus group with sixteen juvenile residents of the YTC and sought their views on issues related to their physical environment, the impact of rehabilitative programming, challenges encountered in the institution, and specific proposals for reform. Their responses indicated that there is clearly a focus on rehabilitation within the institution, and that juvenile offenders are being provided with both life skills and training opportunities that will be supportive of their efforts to become reintegrated into the wider society. The respondents generally felt that the YTC was providing them with a generally positive transformative experience that helped them develop character and better manage their emotions. The respondents also valued the parenting classes provided at YTC.

St. Michael’s Home for Boys provides a residential environment for boys aged 10-15 who have been ordered into residential care by the Courts, approximately 98 percent of whom are classified as children who are “beyond control” while two percent have been sent to the Home because they are in need of care and protection.

St. Jude’s Home for Girls operates in a similar manner to St. Michael’s and also receives all its residents from the courts. Because of the absence of a facility for females aged 16-18 years, girls fifteen and under with chronic behavior patterns and who cannot be managed at St. Jude’s are sent to the adult female institution.

Administrators of the residential homes informed our team that whereas historically the residents were children and youth who had broken the law, the typical resident is now a juvenile who has not necessarily committed a criminal offense, but who has been brought before the courts by parents who have sought a criminal justice response to the social problems largely encountered in their homes. This raises the specter of the increasing criminalization of juveniles as a method of social control and begs serious questions about the role of parents in expanding the reach of the juvenile justice system.

In sum, although there are some important gaps (identified below) in the level of programming offered for the care and management of juveniles who have come into conflict with the law in Trinidad and Tobago, particularly with respect to facilities and services for females, there is nonetheless a wide array of services that are available, and there is a growing positive trend that focuses more on the rehabilitation of youth than on punitive responses to juvenile offending.

CIVIL SOCIETY PARTICIPATION

Several nongovernmental organizations are regular participants in the juvenile justice sector, providing direct services to juveniles or acting as advocacy groups. Examples include: SERVOL, Credo House, Sophia House, Rainbow Rescue, the YMCA, Childline, Lifeline, Vision on Mission, CARIMAN, and New Hope Prison Ministry. The juvenile justice sector has received support from international development partners including UNICEF, UNDP, the European Union, the Inter-American Development Bank, and the

United States Embassy. USAID has not yet provided any support but is in dialogue with the government of Trinidad and Tobago. The IDB-funded Citizens Security Program is one of the most sustained efforts that seek to engage communities in responding to the needs of juvenile offenders, and even in the absence of a central governmental mechanism, attempts to provide a coordinating role for civil society groups and various governmental institutions.

The NGOs characterized Trinidad and Tobago's juvenile justice system as essentially punitive in nature. An example was cited of flogging as a form of punishment at St. Michael's Industrial School for boys. Some participants argued however that in recent years the introduction of juvenile facilities within the Family Court structure signaled some improvement. There was consensus that the government facilities, St. Michael's and St. Jude's, which are essentially places of safety, were not built to deliver rehabilitative services to juveniles. Of the NGOs present, four (4) received a subvention from the Government of Trinidad and Tobago, but there was no monitoring framework or real interaction between them and the relevant Ministry. The NGO's noted that there was little coordination or overarching principles, and that their relationship with Government was mostly adversarial. The NGOs claim to receive about 50% of their costs from private support. One of the most important findings from this group was that they are concerned with the extent to which a Trinidad focus on juvenile justice programming is seen as isolated from the needs of the residents of Tobago. The group held a general perception that residents of Tobago were resistant to interventions from groups located in Trinidad and Tobago and that Tobagonians felt that solutions for the problems of Tobago should be developed from within Tobago. This has important implications for the delivery of services to Tobago and should be taken into consideration when determining the nature and scope of USAID to the twin-island nation. The NGOs identified crime, parental neglect, lack of responsive from school administrative personnel, and a general disconnectedness among the social service system as key inhibitors to the effective delivery of services to children and their families.

GOVERNMENTAL CAPACITY FOR REFORM

We found widely divergent views among stakeholders regarding the capacity of the state to engage in juvenile justice reform. There was a general sense that Trinidad and Tobago has adequate capacity in terms of economic and human resources. There were, however, widespread concerns about the effective use of resources and the extent to which political demands were given priority over real social needs. One stakeholder suggested that there is an absence of political will to transform the system because "children do not vote."

Our observations have confirmed the lack of coordination among agencies and suggest that there is an urgent need for a comprehensive juvenile justice policy and for a clear delineation of responsibilities for the management and care of juveniles who come into conflict with the law. Although there is a need for specialized professionals and improved training of personnel, there is clearly a wide range of capabilities at both the level of government and non-governmental agencies that can be successfully deployed to transform the juvenile justice sector in Trinidad and Tobago.

MAJOR GAPS

The major gaps for Trinidad and Tobago's reform program include the following:

- A coordinated policy establishing a proactive preventive approach to rehabilitation of juvenile offenders and seeking to divert at-risk youth away from the criminal justice system is needed.
- The establishment of a mechanism for the coordination of inter-governmental activities and the participation of NGOs is also critically important. We note that expectations about the potential role of the Children's Authority with respect to juvenile offenders require further clarification.

- There is an urgent need for the establishment of facilities for female juvenile offenders who are currently being housed either with children in need of care and protection or with adult female offenders.
- The development of juvenile justice interventions in Tobago should involve consultation with Tobagonians.
- Legislation should be updated to bring laws into compliance with international standards. In particular, the status of the Family Court and the expunging of criminal records of young offenders should be addressed as a matter of priority. Sentencing options should also be broadened to allow for alternatives to the incarceration of juveniles.
- There needs to be an audit of current interventions and an evaluation of programs currently being offered to ensure consistency with the goals of rehabilitation and maximization of efficiencies.
- Concerted efforts to build NGO capacity and civil society advocacy skills should be implemented.
- Efforts to build parental capacity and to establish family support mechanisms are needed. The use of the “beyond control” provision as a method of responding to family crises should be carefully reviewed and evaluated.
- The need for an after-care hostel that provides accommodation for children who lack appropriate familial support should be considered.
- Government institutions and NGOs offering services to juveniles should have improved access to trained, professional staff such as clinical psychologists and trained social workers.
- Facilities at all institutions should be improved to provide appropriate living conditions for children and young persons in need of care and protection and youth in conflict with the law.

PRIORITY NEEDS

The priority areas for juvenile justice reform in Trinidad and Tobago include:

- Establishment of mechanism for coordination;
- Provision of facilities for female juvenile offenders;
- Updating of legislation; and
- Capacity building for NGOs.

OVERALL PROGRAMMING RECOMMENDATIONS

Programming recommendations stemming from the Assessment have been divided in to near-term and medium-to-long-term categories to enable USAID to address initiatives immediately while longer term items are appropriately programmed.

RECOMMENDED NEAR TERM INITIATIVES

The Assessment team recommends the following short-term initiatives:

- Support Community Policing regionally to promote police officer discretion in implementing diversion programs for youth.
- Evaluate diversionary programs with a view to publicizing and replicating the successes.
- Encourage the use of community service, mediation, and other forms of diversion that are permitted by law for juvenile cases.
- The Team recommends that the CBSI join with the OECS and CARICOM to review the effectiveness of Member states' programs (e.g. St. Lucia's social enquiry investigation and reporting system and individually tailored diversion programs) for their possible value to other regional stakeholders.
- Evaluate the impact of juvenile delinquency prevention best practices or programs (including DARE) to determine which, if any, should be introduced as a series of (possibly interlinked) Global Development Alliance initiatives across the region.
- Encourage partnerships between police and social workers for community level youth diversion interventions such as family support interventions, after-school and summer programs for children, and programs that address youth delinquency through parenting interventions. This can be done through a small grants program.
- A child psychologist is urgently needed at the New Opportunities Center (NOC) in Guyana. This could be a Crisis Corps assignment.
- Make child psychologists available to residential facilities and court and community-based programs to meet the needs of children with psychiatric, psychosocial, and developmental problems.
- Fund the development of a basic comprehensive case management system that can be tailored to each country. Besides being needed for proper management and monitoring, this would allow for the comparison of aggregated data across the region. A comprehensive case management system would consolidate the records for each juvenile. All the interventions made for each juvenile would be visible to the specialists involved in each case, so that gaps in treatment or support can be avoided, interventions can be managed to enhance or complement each other, and progress can be measured and formally recorded.

RECOMMENDED MEDIUM-TO-LONG TERM INITIATIVES

The Assessment team recommends the following medium-to-long-term initiatives:

- Provide specialized training for judges and court personnel. The John D. and Catherine T. MacArthur Foundation's [Juvenile Court Training Curriculum](#) provides in-depth training materials for juvenile court judges, defense attorneys, prosecutors, and probation staff on the most up-to-date adolescent development research and its application to juvenile court practice. Examples from the

curriculum include: *Adolescent Development*, covering how teenagers develop their cognitive skills, moral framework, social relations, and identity, as well as how various factors, including brain development, disabilities and the external environment in which they live, affect their behavior and decision making. *Screening, Assessing, and Evaluating Youth*: covering forensic evaluations and screening and assessment instruments used in juvenile justice systems; *Legal Questions about Youth's Capacities*: covering the legal questions in delinquency cases and how to review evaluations.

- Determine which court models are less intimidating for youth.
- Advocate for magistrates to have the same discretion as judges to impose diversionary orders. Reduce the limitations for varying sentencing options that exist in the legal framework.
- Work with the region's governments to identify and eliminate institutional barriers to diversion for youth offenders.
- Encourage the governments to mandate a single agency to coordinate the implementation and administration of juvenile justice services.
- Support a review by juvenile justice policy makers, opinion shapers, and champions of the laws and practices that pertain to the antisocial behavior of juveniles with a view to establishing new norms, setting reform targets, and creating a broad framework for a coordinated regional public education strategy.
- Support the development and implementation of a comprehensive region-wide public education strategy to change outdated and harmful concepts about juvenile behavior, punitive responses, and criminalization of children for anti-social behavior.
- Work with the region's stakeholder agencies to develop procedures and build technical capacity to ensure that rehabilitation and social reinsertion of juveniles address the family and social environments that produce dysfunctional juvenile behavior (such as single parent, juvenile parent, absent father figure, parent with criminal record, family with pattern of domestic abuse, school bullying, etc.).
- Provide funding to build: juvenile remand and correctional facilities; dedicated correctional facilities for girls; and halfway houses or youth transitioning facilities for former wards of the state who are being returned to society.
- Advocate against the practices of: housing girls serving probationary sentences in adult prisons; housing juveniles needing care and protection together with offenders; and housing non-violent first time offenders with serious violent offenders.
- Support expansion of juvenile correctional facilities and develop educational and rehabilitation programming offered to their residents.
- Award technical and material support for the design and implementation of rehabilitation programs for child offenders and troubled youth. The most needed programs are literacy, numeracy, and remedial education programs; medical screening and specialized health care (e.g. for children with HIV/AIDS); drug detoxification and rehabilitation treatment; reproductive health and healthy lifestyle counseling and parenting education; and psycho-social assessment and treatment (particularly for children exposed to high levels of violence, sexual exploitation, neglect or abuse). Such awards can be made to stakeholder agencies and NGOs on a competitive basis to encourage creativity, attract private contributors, and ensure ownership of the programs.

- Support job skills training, mentorship, and employment assistance programs, particularly for older children. These could be funded through Global Development Alliance (GDA) partnerships and could employ former inmates.
- Rather than launch new pilot initiatives, support should be provided for existing programs being run by government and civil society.
- In-country coordination is needed for effective regional programs but a regional framework and network can trigger and support in-country coordination.
- Encourage programs such as the Commonwealth Youth Program to develop a standardized curriculum using UWIDEC and other centers to deliver certified training.
- Provide regular and ongoing support for professional networking opportunities and events, preferably through existing country level or regional agencies.

APPENDIX 1: ORGANIZATIONS MET

ANTIGUA AND BARBUDA

Vere Brown - *Commissioner of Police*

Corporal Claudina Nathaniel Morgan - *Corporal, Youth Intervention Unit/ Police Department*

Corporal Brown - *Police Corporal, Youth Intervention Unit/ Police Department*

Sharon Henry - *Permanent Secretary, Ministry of Legal Affairs*

Jose Laurent - *Director of Legal Aid and Advice Center, Ministry of Legal Affairs*

Justice Asquith Riviere - *Senior Magistrate*

The Honorable Baldwin Spencer - *Prime Minister of Antigua and Barbuda*

Senator the Honorable Dr. L. Errol Cort - *Minister of National Security and Labor*

Rebelto Isaac - *Permanent Secretary, Ministry of National Security and Labor*

John McKinnon - *Coordinator of Special Projects, Ministry of National Security and Labor*

Joan Moses - *Principal Secretary, Ministry of National Security and Labor*

Alvin Jarvis - *Probation Officer, Ministry of Social Transformation*

DOMINICA

Denis Blanc - *Deputy Superintendent of Prisons*

Kenrick Jean Jacques - *Principal Prison Officer, Prison Service*

Desmond Cassimir - *Principal Prison Officer (Chief supervisor), Prison Service*

Alvin Augustus - *Prison Officer, Prison Service*

Claudio Bello - *Permanent Secretary, Ministry of Tourism and Legal Affairs*

Evelina Baptiste - *Chief Magistrate, Ministry of Tourism and Legal Affairs*

Levi Peter - *Attorney General*

Esther Thomas - *Permanent Secretary, Ministry of Social Services, Community Development and Gender Affairs*

Martin Anthony - *Chief Welfare Officer, Ministry of Social Services, Community Development and Gender Affairs*

Nicholas Bruno - *Permanent Secretary, Ministry of National Security, Immigration and Labor*

Hobbes Jn' Baptiste - *Deputy Chief of Police, in charge of administration, Police Department*

GRENADA

Mr. Smith Roberts - *Assistant Commissioner, Royal Grenada Police Force*

Sgt. Roy Nelson - *Director of Community Relations, Royal Grenada Police Force*

Sgt. Val Hercules - *Prosecutor, Royal Grenada Police Force*

Sgt Simon Douglas - *Prosecutor, Royal Grenada Police Force*

Mr. Biggs - *Commissioner of Prisons*

Mr. Derek John - *Assistant Commissioner of Prisons*

Mr. Leon Cornwall - *Counselor, Prison Service*

Capt. Alec Telesford - *National Security Advisor to the Prime Minister*

ST. KITTS AND NEVIS

Troy Watson - *Pastor, Department of Gender Affairs, Ministry of Social Transformation*

Jacqueline Christopher - *Social Development Officer, Department of Gender Affairs, Ministry of Social Transformation*

Mavis Armstrong - *Guidance Counselor, Department of Gender Affairs, Ministry of Social Transformation*

Vanta Walters - *Early Childhood Coordinator (rtd), Department of Gender Affairs, Ministry of Social Transformation*

Cecilia Christopher - *Acting Director, Department of Gender Affairs, Ministry of Social Transformation*

Maurice Williams - *Director (rtd), Department of Probation and Child Services*

CP, Austin A. Williams - *Commissioner, Police Department*

Lenny Lakes - *Programme Director, FIFA Sporting Programme*

ACP Stafford Liburd - *Assistant Commissioner, Police Department*

ACP Ian M. Queeley - *Assistant Commissioner, Police Department*

ACP Joseph Richardson - *Assistant Commissioner, Police Department*

Inspector Franklyn Belgrove - *Inspector, Police Department*

Inspector Hilroy Brandy - *Inspector, Police Department*

Corporal Winston Thompson - *Corporal, Police Department*

RM Claudette Jenkins - *Resident Magistrate, Juvenile matters*

Sharon Rattan - *Permanent Secretary, Ministry of Community Development, Culture and Gender Affairs*

Franklin Dorset - *Superintendent of Prisons*

ST. LUCIA

Fortuna Bellrose - *Dep. Perm Secretary, Min of Home Affairs & National Sec.*

Darrel Montrope - *Head, Social Policy Unit Organization of Eastern Caribbean States (OECS)*

Dwight G. Calixte - *Program Officer III, Social Policy Unit, Organization of Eastern Caribbean States (OECS)*

Jacqueline Massiah - *Research Officer, Organization of Eastern Caribbean States*

Rumelia Dalphus King - *Director, Family Court*

Lucretia Wilkinson - *Intake Counselor and Social worker, Family Court*

Victor Reid - *Director of Youth and Sports, Ministry of Social Transformation, Youth and Sports*

Lucia Yarade - *Assistant Manager, Boys Training Center, Ministry of Social Transformation, Youth and Sports*

Joanna Raynold Arthurton - *Deputy Permanent Secretary, Ministry of Social Transformation, Youth and Sports*

L. Rudolph Francis - *Atty Gen'l & Minister of Justice, Ministry of Justice*

Justice Benjamin - *Judge, Ministry of Justice*

Sharon Gardener - *Resident Magistrates for Family Court, Ministry of Justice*

Glenda M. Polius - *Permanent Secretary, Ministry of Justice and Attorney General's Chambers*

Jema Moses - *Representative, R.I.S.E*

Karleen A. Mason - *Executive Director, Center for Adolescent Renewal and Education (C.A.R.E)*

Sherleon Leon - *Life Skills Counselor, National Skills Development Center*

Sherrian Amanadale - *Life Skills Counselor, National Skills Development Center*

ST. VINCENT AND THE GRENADINES

Mr. Godfrey Pompey - *Permanent Secretary, Ministry of National Security*

Mr. Cami Matthews - *Director of Family Services, Ministry of Social Welfare*

Mr. Keith Miller - *Commissioner of Police*

Asst Supt Jonathan Nichols - *Assistant Superintendent i/c public relations and human resources*

ASP Willisford Caesar - *In Charge of Criminal Investigation Department*

ASP Frankie Josephs - *Director, National Commission on Crime Prevention*

GUYANA

Glenyss James - *Director, Commonwealth Youth Program*

Alfred King – *Permanent Secretary, Ministry of Culture, Youth and Sports*

Manzoor Nadir - *Minister of Labor*

Dr. Heather Johnson - *Director, CARICOM Youth Program*

Patricia Gittens - *Development Officer for Youth, UNICEF/Guyana*

Angela Johnson – *Permanent Secretary, Ministry of Home Affairs*

ACP Seelall Persaud - *Assistant Commissioner of Police*

Floyd McDonald - *Former Commissioner; Technical Advisor to the Commissioner of Police*

Josephine Whitehead - *Director, Help & Shelter; Director, Guyana Legal Aid Clinic*

Carl Brandon - *Director of Youth, Min of Culture Youth and Sports*

Devanand Ramdatt - *Deputy Director of Youth (in charge of Facilities)*

Ms. Ann Greene - *Director, Child Protection Agency, Ministry of Labor, Human Services and Social Security*

Ms. Carol Horning - *Mission Director, USAID/Guyana*

JAMAICA

Sean Osner - *D&G Officer at USAID/Jamaica*

Mansfield Blackwood (by telephone) - *Barbados-based COTR for the Juvenile Justice Assessment*

Lt Col Sean Prendergast - *Commissioner of Corrections*

Dianne McIntosh - *Permanent Secretary, Ministry of National Security*

Senior Supt James Forbes - *SS i/c Community Safety and Security Branch, JCF*

Sarah Newland Martin - *Director, YMCA*

Mrs. Taylor - *Program Coordinator for Youth Development Program, YMCA*

Peter Parchment - *Director of Policy Planning and Research, MOJ*

Beverly Little - *Restorative Justice Program Manager, MOJ*

Audrey Budhi - *Director of Policy, Child Development Agency*

Training Manager - *Child Development Agency*

Laura Plunkett - *Director of Offender Management, MNS*

Donna Parchment - *Exec Director, Dispute Resolution Foundation*

Jeannette Cupidon-Quallo - *Development Officer/Child Protection, UNICEF/Jamaica*

TRINIDAD AND TOBAGO

Mrs. Nadia James-Reyes - *Director, Legal Division, Ministry of Justice*

Mr. Gregory Sloane-Seale - *Programme Coordinator, Citizen Security Programme*

Maj. David R. Benjamin - *Programme Director, Military Led Academic Training Programme (MILAT) and Military-led Youth Programme of Apprenticeship and Re-Orientation Training (MYPART)*

Maj. Michael Celestine - *Programme Director, Military Led Academic Training Programme (MILAT) and Military-led Youth Programme of Apprenticeship and Re-Orientation Training (MYPART)*

Mr. John Rougier - *Commissioner of Prisons*

Julie Danclair - *Director of Human Resource, Youth Training Center*

Karl Muckette - *Superintendents' Office, Youth Training Center*

Sterling Stewart - *Superintendent, Youth Training Center*

Charles Matthew - *Contract Teacher, Youth Training Center*

Patricia Batson - *Contract Teacher, Youth Training Center*

Eileen Smith - *Contract Teacher, Youth Training Center*

Beverly Merrin - *Contract Teacher, Youth Training Center*

Clifford Merrin - *Contract Teacher, Youth Training Center*

Sharma Rogers - *Contract Teacher, Youth Training Center*

Sitram Persad - *Director, Teaching Staff, Youth Training Center*

Denise Gonzalez - *Librarian, National Library Information System Authority (NALIS), Youth Training Center*

Stephanie Daley - *Deputy Chairman, Children's Authority*

Major Cheryl Richardson - *Programme Director, Civilian Conservation Corps.*

Ian Bouce - *Trainer, Civilian Conservation Corps.*

Rupert Celienta - *Director of Human Resources, Civilian Conservation Corps.*

Carlton Collins - *Deputy Manager, St. Michaels Boys Home*

Alison Salandy - *Manager, St. Michaels Boys Home*

Sister Alison Mitchell - *Assistant Manager, St. Jude's for Girls*

Sister Catarina Charles - *Manager, St. Jude's for Girls and Juan Carlos Hostel*

Minister and Staff - *Ministry of National Security*

Arleen Bruce - *Coordinator, National Plan of Action for Children, Ministry of Social Transformation*

Dianne Copper Mark - *Project Manager, Ministry of Social Transformation*

Mr. Dunlar - *Attorney at law, Ministry of Social Transformation*

Beverley Hari Emmanuel - *Executive Director, Community Mediation Programme, Ministry of Social Transformation*

Dennis Williams - *Chief Technical Director, Ministry of Social Transformation*

Donna Bouchand - *Manager, Family Court*

Justice Sherylann Blake - *Resident Magistrate, Family Court*

Gordon Husbands - *Director, Penal Reform and Transformation Unit, Ministry of Justice*

Halcyon Yorke-Young - *Magistrate, Criminal Court*

DCP Jack Ewanski - *Deputy Commissioner, Police Department*

Judy Wilson - *Representative, Rainbow Rescue*

Carlene Donald - *Representative, KIND*

Ayanna Martin - *Representative, LIFELINE*

Jocelyn Ransome - *Representative, Credo*

Svenn Miki Grant - *Representative, CARIMAN*

Cindyann Currency - *Representative, YMCA*

Ernest Nurse - *Representative, YMCA*

Mary Moonan - *Representative, Childline*

Milan Kidane - *Representative, UNESCO (telephone contact)*

Youth Focus Group - *16 boys and 1 girl, Youth Training Center*

APPENDIX 2: REFERENCES

Statutes

Antigua & Barbuda

Childcare Protection Act (2003)
Juvenile Act CAP. 229
Magistrate's Code of Procedure Act CAP. 255

Dominica

Age of Majority Act CAP 37:01
Children and Young Persons Act CAP 37:50
Criminal Justice Reform Act CAP 12:35
Government Training Schools Act CAP 12:34

Grenada

Criminal Code

Guyana

Childcare and Protection Agency Act (2009)
Juvenile Offenders Act CAP 10:03
Juvenile Offenders (Amendment) Act (2007)
Juvenile Offenders (Amendment) Act (2010)

Jamaica

Child Care and Protection Act (2004)
Corrections Act (1985)
Probation of Offenders Act (1985)

St. Kitts & Nevis

Alternative Sentencing Act (2004)
Juvenile Act CAP 4.15
Magistrate's Code of Procedure Act CAP 46
Probation and Child Welfare Board Act CAP 12.12

St. Lucia

Children and Young Persons Act (1972)
Civil Code (1988)
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St. Vincent & the Grenadines

Juvenile Act CAP 168

Trinidad & Tobago

Children Act CAP 46:01

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National Plan of Action for Child Justice (DRAFT), Ministry of Justice, Jamaica, 2011.

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