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Committee on the Rights of the Child**Concluding observations on the combined second and third periodic reports of Saint Vincent and the Grenadines*****I. Introduction**

1. The Committee considered the combined second and third periodic reports of Saint Vincent and the Grenadines (CRC/C/VCT/2-3) at its 2181st and 2182nd meetings (see CRC/C/SR.2181 and 2182), held on 26 and 27 January 2017, and adopted the present concluding observations at its 2193rd meeting, held on 3 February 2017.

2. The Committee welcomes the submission of the combined second and third periodic reports of the State party, which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the the high-level delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of or accession to international instruments, in particular the accession of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2005 and the Optional Protocol on the involvement of children in armed conflict in 2011, as well as the adoption and amendment of a number of new legislative acts and institutional and policy measures related to children's rights since its last review, including the proclamation of the Status of Children Act (2011) and the Children (Care and Adoption) Act (2010). It also welcomes the establishment of the National Child Rights Committee as well as the improved birth registration system which now allows timely and universal birth registration. It commends the fact that the State party has maintained its level of basic services and reduced poverty despite the impact of the global economic crisis and a series of natural disasters.

* Adopted by the Committee at its seventy-fourth session (16 January - 3 February 2017).

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

The Committee's previous recommendations

4. **The Committee recommends that the State party take all measures necessary to address its previous recommendations of 2002 (CRC/C/15/Add.184) which have not been implemented or not sufficiently implemented and, in particular, those related to implementation, independent monitoring (para 9 (c)), data collection (para 14), definition of the child (para 18), discrimination (para 20), best interests of the child (para 23), respect for the views of the child (para 25), ill-treatment and other forms of violence (para 29), abuse and neglect (para 39), family environment (para 31), adolescent health (para 41), economic exploitation (para 45), the illicit use of drugs and substance (para 51), and administration of juvenile justice (para. 53).**

Legislation

5. The Committee notes that some progress has been made to harmonize the State party's legislation with the Convention, including the proclamation of the Children (Care and Adoption) Act (2010) in 2015. However, it is concerned that the process has been slow and several pieces of key legislation relevant to children are not yet fully in line with the Convention, including the Status of Children Act (2011).

6. **The Committee recommends that the State party expedite the process of full harmonization of its legislation with the Convention, through close consultation with children and civil society organizations, and seek technical assistance from UNICEF and OHCHR in this regard.**

Comprehensive policy and strategy

7. The Committee welcomes the adoption of the National Policy Framework for Child Protection in 2016. However, the Committee is concerned that the Framework focuses on child protection but does not cover the promotion of the rights of the child.

8. **The Committee recommends that the State party expedite the development of national policy on the promotion of the rights of the child.**

Coordination

9. The Committee notes that the National Child Rights Committee was reformed in 2016 as a body to provide regulatory oversight of the implementation of the Convention. However, it is not clear whether this body has a clear mandate and sufficient authority to coordinate the implementation of the Convention across different government ministries.

10. **The Committee recommends that the State party strengthen the coordination of its efforts to implement the Convention, including through a coordination body with a clear mandate and sufficient technical, human and financial resources for effective operation.**

Allocation of resources

11. The Committee notes that the State party has adopted a Performance Budgeting Structure since 2015 with disaggregated budgetary allocations for child development and protection. Nevertheless, it is concerned at:

(a) Insufficient disaggregation of budget lines within the area of child development and protection;

(b) The lack of measures to safeguard budget allocation for the development and protection of children in vulnerable situations even in situation of crisis.

12. **With reference to its general comment No. 19 (2016) on public budgeting for the realization of children’s rights, the Committee recommends that the State party set up a budgeting process that includes a child-rights perspective, that specifies clear allocations to children in all relevant sectors and agencies, and that includes specific indicators and a tracking system to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated for implementation of the Convention, including by:**

(a) **Setting performance targets linking child-related programme goals to budget allocations and actual expenditures, to allow monitoring of the outcomes and of the impacts on children, including those in vulnerable situations;**

(b) **Developing detailed budget lines and codes for all planned, enacted, revised and actual expenditures that directly affect children;**

(c) **Ensure transparent and participatory budgeting through public dialogue, especially with children;**

(d) **Define budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and protect those budgetary lines even in situations of economic crisis, natural disasters or other emergencies;**

(e) **Seek technical assistance from UNICEF in this regard.**

Data collection

13. **The Committee reiterates its previous concluding observations (CRC/C/15/Add.184 , para. 14) and urges the State party to:**

(a) **Establish an effective mechanism for the systematic collection of disaggregated quantitative and qualitative data incorporating all the areas covered by the Convention and covering all children below the age of 18 years;**

(b) **Make use of indicators and data in the formulation of policies and programmes for the effective implementation of the Convention;**

(c) **Seek technical assistance from, inter alia, UNICEF.**

Independent monitoring

14. The Committee notes that the National Child Rights Committee can receive complaints from children with regard to the violations of their rights. Nevertheless, it is concerned that the structure of the National Child Rights Committee does not guarantee its independence for monitoring.

15. **The Committee recommends that the State party establish an independent structure, according to its general comment no. 2 and in line with the Principles relating to the Status of National Institutions (Paris Principles), to monitor children’s rights, to receive complaints of violations of children’s rights and to address them in a child-sensitive manner.**

Children’s rights and the business sector

16. The Committee is concerned at the lack of regulations and procedures to protect children from exploitation in the tourism sector.

17. **In the light of its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, the Committee recommends that the State party examine and adapt its legislative framework to ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from the State party's territory, especially in the tourism sector, in relation to sale, trafficking and sexual and labour exploitation of children.**

B. Definition of the child (art. 1)

18. The Committee is seriously concerned that the age of marriage under the Marriage Act (1926) is 15 for girls and 16 for boys.

19. **The Committee urges the State party to expeditiously take measures to amend the Marriage Act (1926) to raise the minimum age of marriage to 18 years for girls and boys within the ongoing national harmonization process.**

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

20. The Committee notes that the Children Act (2011) eliminated the discrimination against children born out of wedlock in relation to inheritance. However, it is concerned that the legislation of the State party does not fully reflect the provisions of article 2 of the Convention. It is also concerned that there is reportedly discrimination against the following groups of children:

- (a) Children with disabilities, including children with intellectual and psycho-social disabilities;
- (b) Children living with or affected by HIV/AIDS.

21. **The Committee recommends that the State party:**

(a) **Amend its legislation to ensure that it fully corresponds with the provisions of article 2 of the Convention and to ensure the full implementation of non-discrimination provisions;**

(b) **Adopt legislation providing for services necessary for the realization of substantive equality for and the protection of the rights of children with all types of disabilities, such as physical, sensory, intellectual and psycho-social disabilities, including the provision of reasonable accommodation for their autonomous life in the community and inclusive education;**

(c) **Conduct awareness campaigns, targeting children and adolescents, the general public, and professionals working with children, to provide accurate knowledge on HIV/AIDS and to eliminate stigma and discrimination against children living with or affected by HIV/AIDS.**

22. The Committee is also concerned at *de jure* and *de facto* discrimination against lesbian, gay and bisexual children, in particular at the criminalization of consensual same-sex conduct between men under the Criminal Code (1990) which may penalize boys above 16 years of age for same-sex sexual activity; and at the perception reflected in policies and practices that lesbian, gay and bisexual children have a psycho-social disorder.

23. **The Committee recommends that the State party: repeal the legal provisions criminalizing same sex conduct between males above 16; raise public awareness of**

equality and non-discrimination against lesbian, gay and bisexual people; and fully respect the diversity of children's sexual orientation.

Best interests of the child

24. The Committee welcomes the explicit recognition in the Children (Care and Adoption) Act (2010) of the right of the child to have his or her best interests taken as a primary consideration and the commitment made by the delegation during the dialogue to harmonize all national legislation with the Convention during 2017 in this regard. However, it is still concerned that the term used in other pieces of legislation is "welfare of the child", which does not fully correspond with the best interests of the child, and that this right is not fully implemented in decisions relevant to children, including with regard to education and health.

25. In the light of its general comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:

(a) Expedite the inclusion of this right in all relevant legislation in the ongoing harmonization process;

(b) Consistently interpret and apply this right in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children, including in the areas of education and health;

(c) Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving them due weight as a primary consideration.

Right to life, survival and development

26. The Committee is deeply concerned that legislation allows children of 16 and 17 years of age be sentenced to death.

27. The Committee urges the State party to amend the Criminal Code to explicitly prohibit sentencing of death penalty for a crime committed by a person under 18 years of age.

Respect for the views of the child

28. The Committee notes with appreciation that the Children (Care and Adoption) Act (2010) explicitly includes the right of a child to express his or her views. The Committee also notes the reference made by the delegation during the dialogue that the National Youth Parliament programme will be implemented. However, it is concerned that:

(a) Procedures or protocols are not in place to ensure the respect for the views of the child in administrative and judicial proceedings;

(b) A structure or programme for regular and systematic consultation with children in public decision-making has been lacking at national level.

29. With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) Fully inform all children of their rights under the Convention prior for them to express their views in order to facilitate their informed decision-making;

(b) Ensure that children's views are given due consideration in courts, schools, relevant administrative and other processes concerning children and in the

home through, inter alia, the adoption of appropriate legislation, the training of professionals working with and for children, and developing operational procedures or protocols for such professionals to ensure the respect for the views of the child in administrative and judicial proceedings;

(c) Allocate sufficient technical, human and financial resources to the effective functioning of the National Youth Parliament programme and ensure that the outcome of the Youth Parliament be systematically fed into public decision-making;

(d) Ensure inclusive participation in the National Youth Parliament, including participation of children living outside of Saint Vincent, children with disabilities and children affected by HIV/AIDs.

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

Torture and other cruel or degrading treatment or punishment

30. The Committee remains concerned at complaints by children of their being subjected to police brutality.

31. With reference to the Committee's general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals on ending all forms of violence against children, the Committee urges the State party to:

(a) Prohibit the use of cruel, inhuman or degrading punishment and treatment by the police against children;

(b) Ensure the availability of complaint mechanisms;

(c) Prosecute the alleged perpetrators and punish those convicted;

(d) Provide effective remedies and necessary support to the child victims.

Corporal punishment

32. The Committee remains deeply concerned that corporal punishment is legally permitted and widely practised in all the settings.

33. With reference to its general comment No. 8 (2006) on corporal punishment, the Committee urges the State party to:

(a) Explicitly prohibit through legislative and administrative provisions the use of corporal punishment in all settings, namely in schools, child care institutions, including early childhood care institutions, alternative care settings, in the home and in the administration of justice;

(b) Sensitize parents, professionals working with children and the public in general to the harm caused by corporal punishment and promote positive, non-violent and participatory forms of child-rearing and discipline;

(c) Seek technical assistance from UNICEF in this regard, including on the Child Friendly School programming.

Abuse and neglect

34. The Committee is concerned at:

(a) The persistent high prevalence of child abuse, including neglect and physical, sexual and emotional abuse and incest in the State party;

(b) The low rate of prosecution and conviction for the crime of sexual abuse of children, including incest.

35. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals on ending abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party:**

(a) **Expedite the adoption of the Child Abuse Protocols which deal with the reporting, response and treatment of situations of child abuse and neglect;**

(b) **Continue awareness-raising and education programmes — including campaigns – and encourage community-based programmes aimed at preventing and addressing domestic violence, child abuse and neglect, including by involving former victims, volunteers and community members, and providing them with training and support;**

(c) **Ensure the availability and accessibility of complaints mechanisms;**

(d) **Proactively investigate cases of violence against children, in particular sexual abuse of children, including incest, prosecute perpetrators and if convicted, punish them with appropriate sanctions;**

(e) **Ensure the allocation of adequate human, technical and financial resources to the Directorate of Family Service and the Family Court necessary for the effective implementation and adjudication of the laws relevant to the prevention of and protection from child abuse and neglect, in particular the Children (Care and Adoption) Act (2010) ;**

(f) **Ensure that all professionals and staff working with and for children are provided with the necessary training, and provide systematic training to judges, prosecutors, the police and other law enforcement officers on how to prevent and monitor domestic violence, child abuse and neglect, and to receive, investigate and prosecute complaints about such violence in a child and gender-sensitive manner;**

(g) **Provide child victims of violence, abuse and neglect with effective remedies and necessary support, including recovery and social reintegration assistance for child victims and their families;**

(h) **Continue seeking technical assistance from UNICEF in this regard.**

Sexual exploitation

36. The Committee is concerned that:

(a) Child prostitution is frequently justified by families and child victims themselves as a coping mechanism against poverty;

(b) Standards and procedures to operationalize the prohibition of child pornography are lacking;

(c) Legal defence based on the belief that the victim was older than 15 years of age results in impunity of perpetrators of sexual offences.

37. **The Committee recommends that the State party:**

(a) **Develop an effective and comprehensive policy for the prevention of the sexual exploitation of children, including child pornography, and recovery and social**

reintegration of child victims, taking into consideration the root-causes that place children at risk of such exploitation;

(b) Abolish the provision under the Criminal Code which allows legal defence based on the belief that the victim is older than 15 years of age;

(c) Conduct awareness-raising and education programmes, including campaigns, aimed at preventing and responding to sexual exploitation of children, targeting parents, children and community members.

E. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20-21, 25 and 27 (4))

Family environment

38. The Committee is concerned that:

(a) A large number of families are headed by female single parents, fathers often fail to provide maintenance and other support and there is no effective mechanism for recovery of child maintenance beyond the CARICOM region;

(b) The Maintenance Act obliges parents to provide maintenance for their child only up to 16 years of age;

(c) Many children are left behind by parent(s) migrating abroad in the care of extended family or other persons.

39. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to secure child maintenance payments in adequate amounts and extend the obligation of parents to provide maintenance to children up to the age of 18;**

(b) **Undertake a comprehensive study on all aspects of migration's impact on children in the country and the role of child protection and social protection systems in providing services for children affected by migration;**

(c) **Take all necessary measures to ensure the recovery of maintenance from abroad, including the countries outside of the CARICOM region, by entering into bilateral agreements with the major States of employment of Vincentian migrant workers;**

(d) **Consider ratifying the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations and the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.**

Children deprived of a family environment

40. The Committee is concerned that the current number of social workers and other human resources are insufficient for the implementation of the newly proclaimed Children (Care and Adoption) Act (2010).

41. **The Committee recommends that the State party take measures to secure the sufficient number of social workers and other personnel for the full and effective implementation of the Children (Care and Adoption) Act (2010).**

Adoption

42. **The Committee recommends that the State party consider ratifying the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption.**

F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)

Children with disabilities

43. The Committee is concerned that:

(a) Available information and data on children with disabilities are limited and the general public has inadequate awareness and recognition of the existence of children with disabilities and their rights, which may be resulting in undermining early identification of disabilities and timely and effective intervention;

(b) Children with disabilities are not included, as a matter of policy, into regular classes of regular schools, many of them remain out of school, and an insufficient number of teachers have skills to provide inclusive education;

(c) Children with disabilities do not have access to public transport and public buildings due to the physical barriers;

(d) The Immigration Restriction Act uses derogatory terminology on persons with disabilities, and foreign children with disabilities may be denied entry into the country State party on the ground of their disabilities, including in case of family reunification.

44. **With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities, including those with physical, sensory, intellectual and psycho-social disabilities, and:**

(a) **Collect disaggregated data on children with disabilities;**

(b) **Develop an efficient system for detecting disability at an early stage, in order to provide support and services necessary for the fullest possible social integration and individual development of children with disabilities;**

(c) **Ensure that laws, policies and programmes, including the Education Development Plan, prioritize inclusive education over the placement of children in specialized institutions and classes;**

(d) **Sensitise and train all teachers and other professionals on inclusive education and encourage assigning teachers with disabilities;**

(e) **Ensure access for children with disabilities to public transportation and public buildings, including all schools and hospitals;**

(f) **Revise the Immigration Restriction Act to eliminate derogatory terminology on persons with disabilities and abolish the denial of entry into the State party on the ground of disability;**

(g) **Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children.**

Adolescent health

45. The Committee is concerned at:

- (a) The high rate of pregnancy and HIV/AIDS infection among adolescents;
- (b) Limited access to contraceptives by adolescents due to the social attitudes and cultural norms;
- (c) Restrictive laws and practices on abortion which lead adolescent girls to resort to unsafe clandestine abortion leading to increased morbidity.

46. **With reference to its general comments No. 4 (2003) on adolescent health as well as No.20 (2016) on the implementation of the rights of the child during adolescence, the Committee recommends that the State party:**

- (a) Adopt a comprehensive gender-sensitive sexual and reproductive health policy for adolescents, emphasizing that unequal access by adolescents to such information, commodities and services amounts to discrimination;**
- (b) Provide free, confidential, adolescent-responsive and non-discriminatory sexual and reproductive health services, information and education, available both online and in person, with special attention to preventing early pregnancy and sexually transmitted infections;**
- (c) Ensure that sexual and reproductive health education is part of the mandatory school curriculum and is targeted towards adolescent girls and boys;**
- (d) Provide adolescents with easy access to contraceptives;**
- (e) Ensure adolescents' access to confidential HIV testing and counselling services and to evidence-based HIV prevention and treatment programmes provided by trained personnel who fully respect the rights of adolescents to privacy and non-discrimination;**
- (f) Continue its efforts to sensitize health professionals on the right to health of adolescents and build their capacity to deliver adolescent-responsive and non-discriminatory health services;**
- (g) Decriminalize abortion to ensure that girls have access to safe abortion and post-abortion services, review legislation with a view to guaranteeing the best interests of pregnant adolescents and ensure that their views are always heard and given due consideration in abortion-related decisions.**

Drug and substance abuse

47. The Committee is concerned that drug and substance abuse and related violence remain a problem in the society. It is further concerned that:

- (a) There is insufficient support for children who abuse substance;
- (b) Children who use illicit drugs and substances are subject to excessively punitive and repressive measures.

48. **With reference to its general comments No. 4 (2003) on adolescent health and No. 20 on the implementation of the rights of the child during adolescence, the Committee recommends that the State party:**

- (a) Intensify its programmes on child substance abuse to ensure children's access to adequate support for prevention, treatment, consultation, rehabilitation and social reintegration;**

(b) Consider alternatives to punitive or repressive drug control policies in relation to adolescents.

Nutrition

49. The Committee notes that child undernutrition in the State party is declining. However, it is concerned that a large number of children in the State party face food insecurity. It is also concerned about the high rate of child obesity and the lack of information on breast-feeding.

50. **The Committee recommends that the State party:**

(a) Continue its efforts to reduce child malnutrition, including child overnutrition, and child food insecurity, including through its Zero Hunger Initiative;

(b) Collect information on breast-feeding; develop a national program for the protection, promotion and support of exclusive breastfeeding for a minimum of six months; fully implement the International Code of Marketing of Breastmilk Substitutes; provide appropriate support to mothers and babies through counselling in hospitals, clinics and community; implement the Baby-Friendly Hospital Initiative throughout the country; and raise awareness on the importance of breast-feeding among families and the general public and on the role they can play for supporting breast-feeding through comprehensive campaigns.

(c) Ensure active participation of children in developing, implementing and monitoring policies and plans on food and nutrition security;

(d) Seek technical assistance from UNICEF and the Food and Agriculture Organization of the United Nations (FAO) in this regard.

Impact of climate change on the rights of the child

51. Noting that the State party is prone to natural disasters, and drawing attention to target 1.5 of the Sustainable Development Goals on building resilience of the poor and those in vulnerable situations by 2030 to reduce their vulnerability to climate-related extreme events, economic, social and environmental shocks and disasters, the Committee recommends that the State party:

(a) Identify, including through collection of disaggregated data, the types of risk faced by children to the occurrence of a variety of disasters;

(b) Ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account in developing policies or programmes addressing the issues of climate change and disaster risk management;

(c) Seek bi-lateral, multi-lateral, regional and international cooperation in disaster risk reduction and mitigation and adaptation to the effects of climate change.

Standard of living

52. The Committee notes the reduction of poverty and the improved level of basic social services in the State party, despite the impact of the global economic crisis as well as a series of natural disasters. However, it is concerned that:

(a) Child poverty remains a major challenge in the State party, in particular in rural areas;

(b) Data necessary for understanding the situation and causes of child poverty remains scarce.

53. Drawing attention to target 1.2 of the Sustainable Development Goals By 2030, on reducing at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions, the Committee recommends that the State party:

(a) Collect comprehensive and disaggregated data on child poverty and actively utilize them in policy-making and monitoring of the implementation of policies and programmes relevant to poverty reduction;

(b) Actively consult with and involve children, including those living in and at risk of poverty and those living in rural areas and their families, in developing, evaluating and monitoring implementation of policies and programmes relevant to poverty reduction, social protection and development, in order to ensure that such policies and programmes effectively respond to the needs of children living in poverty;

(c) Consider developing a national strategy or action plan on poverty reduction and development, which specifically addresses the realization of the rights of all children, in particular those living in rural areas.

G. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

Education, including vocational training and guidance

54. The Committee welcomes the substantial efforts made under the “Education Revolution”, including the proclamation of the Education Act (2006) in 2015 which established universal access to primary and secondary education for children aged five to sixteen years, and provision of early childhood education and care to the majority of children of 3-5 years of age. However, the Committee is concerned that:

(a) Hidden costs of education, such as those for books and specialized services, are undermining access to education, including compulsory education, by children living in poverty;

(b) Girls drop out of school or divert to alternative education due to pregnancy;

(c) Many children are not equipped to access gainful work after the completion of education due to the low quality and the lack of adaptability of primary and secondary education as well as the low enrolment in the tertiary education.

55. In the light of its general comment No. 1 (2001) on the aims of education and taking note of targets 4.1 and 4.2 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Take measures to reduce the burdens on vulnerable families with respect to hidden costs for their children’s education;

(b) Strengthen efforts to retain pregnant girls in mainstream school and reintegrate pregnant girls and young mothers into mainstream school by providing support services, such as appropriate sexual and reproductive health services, counselling in parenting skills, and adequate childcare facilities;

(c) Improve the quality of education at all levels, including through review of curriculum and continued training of teaching staff, in order to make education relevant to the child’s social, cultural, environmental and economic context and to their present and future needs and to equip all children with essential life skills.

Rest, leisure, recreation and cultural and artistic activities

56. With reference to its general comment No 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party promote cultural activities through extra-curricular and other cultural programmes in the community for children, as well as occasions to enjoy cultural practices and arts of diverse ethnic groups, in particular those living outside of Saint Vincent, and make public places safe and available for all children to play.

H. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

Asylum-seeking and refugee children

57. The Committee notes the State party's cooperation with the UNHCR on temporary acceptance of asylum-seekers and refugees, as well as in Caribbean regional level collaboration on the responses to the mixed migration flow. The Committee also notes that there has been no official record of refugee children in the State party. However, it is concerned that the State party has not adopted national asylum and refugee legislation nor an effective refugee status determination mechanism and treats asylum-seekers and refugees as migrants.

58. **The Committee recommends that the State party adopt national legislation and procedures on asylum and refugee status in line with the 1951 Convention relating to the Status of Refugees which the State party ratified.**

Economic exploitation, including child labour

59. The Committee welcomes the ratification of the ILO Convention No. 138 concerning the Minimum Age for Admission to Employment by the State party on 25 July 2006. However, the Committee is concerned that:

- (a) There is a lack of data on child labour;
- (b) Legal minimum age for admission to employment is set at 14 years which is less than the age of completion of compulsory schooling (16 years);
- (c) Reportedly some children are engaged in hazardous work, including in the agricultural sector, commercial sexual industry and illicit trading of drugs;
- (d) There is no legal prohibition on the employment of children below 18 years in hazardous work, except for certain night work in industry.

60. **The Committee recommends that the State party:**

- (a) **Undertake a survey to assess the scope and nature of child labour in all sectors;**
- (b) **Through the harmonization process in 2017, raise the minimum age for employment or work to 16 years, in order to harmonize it with the age of completion of compulsory schooling;**
- (c) **Enact or amend legislation to prohibit the employment of children below 18 years of age in hazardous work and to determine the types of work that are hazardous and which are to be prohibited for children under 18 years of age;**
- (d) **Seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office in this regard.**

Children in street situations

61. **The Committee recommends that the State party:**

(a) **Update the study conducted in 2008 and regularly collect disaggregated data on children in street situations, and based on the study and data collected, develop a national strategy for recovery and reintegration measures as well as support to families and communities and for preventing children from living and working in the street;**

(b) **Take all necessary measures to ensure that children in street situations are provided with care, adequate food, clothing, health care and educational opportunities;**

(c) **Ensure that interventions made for and support provided to children in street situations, including reintegration with family or placement in alternative care, are provided with full respect for the child's best interests and giving due weight to their autonomous views in accordance with their age and maturity.**

Sale, trafficking and abduction

62. The Committee welcomes a national anti-trafficking action plan. However, it is concerned that:

(a) The State party remains a source, transit, and destination country for trafficking in persons, including children, for the purpose of sexual exploitation and forced labour, primarily in agriculture;

(b) The implementation of the Prevention of Trafficking in Persons Act (2011) and the corresponding national plan has been weak, resulting in a very low rate of identification of victims and of investigation, prosecution and conviction of perpetrators of trafficking;

(c) The provision of protection and specialized services for child victims of trafficking, anticipated in the above mentioned Act, has not been operationalized.

(d) Reportedly, the protection provided by the above-mentioned Act to foreign victims of trafficking against deportation to countries where they would face hardship or retribution has not been rigorously applied;

63. **The Committee recommends that the State party:**

(a) **Strengthen the effective implementation of the Prevention of Trafficking in Persons Act (2011), in particular by ensuring effective identification of victims and accountability of perpetrators;**

(b) **Operationalize referral and service provision to child victims, including by developing detailed guidelines specialized for protection of child victims, raising awareness and building capacity of immigration and law enforcement officials, social workers, labour inspectors, judiciary and civil society organizations;**

(c) **Apply the principle of *non-refoulement* to countries where they would face hardship or retribution, and provide opportunity to child victims of trafficking to apply for asylum and enjoy the corresponding rights and services.**

Administration of juvenile justice

64. The Committee notes that laws on administration of juvenile justice are recurrently under revision which is expected to be completed in 2018. The Committee is concerned that:

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- (a) The age of criminal responsibility, fixed at 8 years of age, remains extremely low and children aged 16 and 17 years are treated as adults in the criminal justice system;
- (b) Despite the clarification during the dialogue that it is not practiced any longer, children of 16 and 17 years of age can be sentenced to an indeterminate period of detention at “Her Majesty’s pleasure” under section 24 (2) of the current Criminal Code;
- (c) The Corporal Punishment of Juveniles Act has not been amended and allows the caning of children who have been found guilty of crime.;
- (d) There is no legal provision to guarantee that the deprivation of liberty of children should be used only as a measure of last resort and for the shortest possible period of time, and children are detained in the same detention facilities as adults in an inappropriate condition;
- (e) Children in conflict with law who are living outside of Saint Vincent have less access to the juvenile justice system than those in Saint Vincent, as the Juvenile Court, an entity of the Family Court, is based in Saint Vincent and only occasionally goes to other islands;
- (f) There is no public legal assistance for children in conflict with the law, leaving children from disadvantaged backgrounds without such support.
- (g) The restorative judicial measures for children have not been put in place;
- (h) Children in the protection system are in some cases accommodated in the same detention facilities as children in conflict with the law.

65. In the light of its general comment No. 10 (2007) on children’s rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards through the process of the ongoing harmonization process. In particular, the Committee urges the State party to:

- (a) **Facilitate the adoption by the Parliament of the Child Justice Bill (OECS Model Bill) which defines children as those under 18 years of age and sets the minimum age for criminal responsibility at 12 years of age;**
- (b) **Enact legislation explicitly prohibiting life imprisonment without release or parole and corporal punishment as a sentence for any offence committed while the offender was under 18 years of age and regularly review the sentences imposed upon children under 18 years of age for early release;**
- (c) **Ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it, and promote alternative measures to detention, such as diversion, probation, mediation, counselling, or community service, wherever possible;**
- (d) **In cases where detention is unavoidable, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services;**
- (e) **Improve access to juvenile justice outside of Saint Vincent, including through training magistrates in other islands on juvenile justice;**
- (f) **Provide qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings.**
- (g) **Introduce restorative justice measures for children;**

(h) Ensure the accommodations for children in the protection system are separated from the accommodations for children in conflict with the law.

J. Ratification of the Optional Protocol on a communications procedure

66. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

K. Ratification of international human rights instruments

67. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, the reports of which are both overdue as of January 2017.

L. Cooperation with regional bodies

68. The Committee recommends that the State party cooperate with the Organization of American States (OAS) and the Caribbean Community (CARICOM) on the implementation of the Convention and other human rights instruments, both in the State party and in other OAS and CARICOM member States.

V. Implementation and reporting

A. Follow-up and dissemination

69. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined second and third periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

B. Next report

70. The Committee invites the State party to submit its combined third, fourth, fifth and sixth periodic reports by 24 May 2022 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

71. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core

document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.
