

**THE PARADOX OF CHILDREN'S RIGHTS IN TRINIDAD:
TRANSLATING INTERNATIONAL LAW
INTO DOMESTIC REALITY**

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Charrise L. Clarke
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APPROVAL

Name: Charrise L. Clarke
Degree: Master of Arts
Title of Thesis: The Paradox of Children's Rights in Trinidad:
Translating International Law into Domestic Reality

Examining Committee:

Chair: Bryan Kinney
Assistant Professor

David MacAlister
Senior Supervisor
Assistant Professor

Sheri Fabian
Supervisor
Lecturer

Fiona Kelly
External Examiner
Assistant Professor
University of British Columbia

Date Defended/Approved:

July 2nd 2008



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ABSTRACT

The *UN Convention on the Rights of the Child* has been criticised for its ambiguous language and lack of applicability to developing countries. This qualitative thesis explores diverse perspectives of children's rights in Trinidad through interviews with teachers, child-care providers, children, and parents. Participants revealed a number of structural, ideological, and cultural challenges to the recognition of children's rights in Trinidad. Structural challenges included shortcomings in the social development system, education system and government initiatives, while ideological challenges were identified as flowing from respondents' fear of rights, their view of rights as privileges, and the disjuncture between policy and practice. Finally, cultural challenges stem from the conception of children as property, the tolerance of infringements on privacy, and the ongoing use of corporal punishment. The future of children's rights in Trinidad will depend on increased international funding to alleviate poverty and enhanced public awareness and acceptance of children's rights.

Keywords: children's rights; Trinidad; child rearing; Convention on the Rights of the Child; culture; poverty; corporal punishment

Subject Terms: Children's rights—Caribbean area; Child Welfare—Caribbean area; Children—Caribbean area—Social conditions; Human Rights

*For the often forgotten children of developing nations who are our
future*

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CHAPTER 1: INTRODUCTION

Since the inception of the *UN Convention on the Rights of the Child (CRC)* (GA Res. 44/25) in 1990, children's rights have increasingly been the subject of dialogue and debate. This thesis examines children's rights from a Caribbean perspective, using the Republic of Trinidad and Tobago as an exemplar.¹ Before looking at literature specific to international human rights and children's rights, this chapter seeks to set the stage with consideration of the role of the researcher in the research process and provides a discussion of the background of Trinidad and Tobago. Historical, economic and political backgrounds of the country are necessary to contextualize the discussion of children's rights, since these factors have hampered their development and implementation within Trinidad and Tobago.

The examination of this topic is challenging to a researcher such as myself, who was born in Canada, raised in Trinidad, and returned to complete post-secondary education in Canada. Dilemmas emerged at every turn of the research, from the beginning until the end. How does one do justice to her role as a researcher, thus respecting the voices of participants, while at the same time, critiquing their culture from within a Western setting? The task at hand was to produce a piece of work that would be both useful in, and accepted by, Trinidadian circles, but that would also be viewed by North American academics as sufficiently critical with serious academic merit. This predicament lay in my status as both an insider to Trinidadian culture, having spent 15

¹ Due to financial, as well as time constraints, the research took place solely in the island of Trinidad.

years there, and my outsider status as a Canadian academic surrounded mostly by North American literature. Similarly, Liebling and Stanko (2001: 422) discuss researchers' dilemmas over their allegiance to research participants. In my case, introspection formed a part of determining my allegiance to participants and to their (and my) own country. Self-evaluation revealed a responsibility to fairly and accurately represent the Trinidadian perspective, but also an equal accountability to critique from an academic standpoint that was not necessarily Western, but one that could be appreciated by all cultures. To this end, it was important not to engage in cultural imperialism by measuring Trinidadian culture to a Canadian or North American measuring stick. To do so would have resulted in an injustice and dismissal of an entire culture. Since a goal of this research is to spark discussion regarding children's rights in Trinidad, it would be remiss to ignore cultural aspects of the research. It was with that in mind that an entire chapter has been dedicated to the culture in Trinidad and available Caribbean research used to contextualize findings. In addition, to further readers in their own understanding of the culture, a short history of Trinidad and Tobago follows that will hopefully allow readers, who are unfamiliar with the setting, to understand the lens through which the data were viewed.

Trinidad: Historical, Socio-economic & Political Context

The Republic of Trinidad and Tobago, the two most southern islands of the Caribbean, was once a part of the South American continent (Government of Trinidad and Tobago, 2008). Together, the islands span 5128 square kilometres with a population of 1, 047, 366 people (CIA World Factbook, 2008). Known for their tropical weather, with an average daily temperature of approximately 32 degrees Celsius (Government of Trinidad & Tobago, 2008), the islands sometimes form part of tourist destinations. The

official language of the republic is English and some Trinbagonians² still speak “patois,” a dialect of French left from early French colonial settlers.

Trinidad and Tobago exports a variety of commodities including petroleum and petroleum products, liquefied natural gas, methanol, ammonia, urea, steel products as well as several food items such as sugar, coffee, fruits, and vegetables (CIA World Factbook, 2008). The country is the leading Caribbean producer of oil and gas, which accounts for 40% of its GDP and 80% of its exports (CIA World Factbook, 2008).

The history of Trinidad and Tobago is quite colourful, comprising a diverse blend of ethnicities and cultures. Before it was *rediscovered* by Columbus in 1498, two groups of Amerindians, Arawaks and Caribs, inhabited the two islands. However, the Spanish soon had little use for Trinidad since the Amerindian population was disseminated by war and disease (Ragoonath, 1997: 2) and the remainder were sent to the other Caribbean islands as a source of labour (Yelvington, 1993: 4). The Spanish neglected Trinidad for over 300 years. Finally, in the late eighteenth century, the Spaniards invited the French to Trinidad (4). The French were in need of new land having suffered in other Caribbean colonies from exhausted soil and infestations of bugs (4). They brought their slaves with them and stayed in Trinidad until the British conquered it in 1797 (4). British planters and their slaves also came from other West Indian islands as the sugar industry began to take off (5).

By the beginning of the 19th century, the population of Trinidad was already becoming varied, complex, and riddled with conflict (Yelvington, 1993: 5). The slave population itself had become quite diverse since many slaves were from the West coast of Africa, coming from a variety of different “ethnic, cultural, linguistic and religious groups”

² Local term used to describe both Trinidadians and Tobagonians.

(Yelvington, 1993: 5). The ethnic strife in Trinidad was further complicated by rivalry between British and French elite living on the island. In addition, the planters were short on cheap labour when slavery was abolished in 1834, and the apprenticeship system's³ end in 1838 (6) led to former slaves' eligibility for paid labour. As a result, workers were sought from a variety of countries, including other Caribbean islands, North America, and West Africa. Finding these options unsatisfactory, planters attempted to recruit Chinese and Portuguese workers; however, they were unsuited for estate work and became involved in grocery and dry good trades (Ragoonath, 1997: 2; Yelvington, 1993: 6). Next, Syrian/Lebanese immigrants moved to Trinidad, after the First World War, to work in trade (Yelvington, 1993:6; Ragoonath, 1997: 2). Trinidad's population was soon to change again between 1845 and 1917 when 144, 000 indentured labourers arrived from India (6). While the Blacks settled in urban areas of Trinidad, the Indians remained in Central and South Trinidad (8). This geographical isolation accounts for some of the animosity that eventually developed between these two groups (8). However, Yelvington (1993) asserts that some of the stereotypes, which eventually developed, were first introduced by the ruling class elite and then expanded on by "subordinate" Blacks and Indians (9). Ragoonath (1997: 3) explains that bitterness between the two groups was exacerbated by resentment that the Indians came as indentured labourers, thereby taking away jobs that previously belonged to the Blacks.

These feelings of ill will have been infused into Trinidadian politics. Premdas (1993) states that ethnic politics in the country were not as violent as in many other third world countries,

³ After the abolition of slavery, the former slaves were apprenticed by their ex-masters for four years to give plantation owners and slaves a chance to adapt to the new system.

Creole ascendancy and dominance were executed through free and fair elections in a democratic framework. All the same, it left in its wake a deeply divided society in which ethnic exclusion bred enduring resentment and a crippled public will. (136)

The political parties in Trinidad and Tobago have been divided between the Creoles⁴ and Indians almost since the country's independence from Britain in 1962. According to Premdas (1993: 140), current political problems in Trinidad began with the formation of the People's National Movement (PNM) a predominantly Creole based party in 1956. The East Indians were already organized into the People's Democratic Party (PDP) and the French Creoles (including many off-whites and middle-class coloureds) formed the group Party of Political Progress Groups (POPPG). The PNM governed Trinidad for 30 consecutive years while internal strife racked the Indian-based party (Ragoonath, 1997: 10; Premdas, 1993: 142). According to Premdas (1993: 142), the PNM perpetuated the on-going conflict with Hindus by not appointing any Hindus to Cabinet in the party's time in office. Capitalizing on feelings of ill will between Muslims and Hindus, Muslims were over-represented in Cabinet and other public positions (142). The PNM were eventually forced out of office in 1986 when the country fell into debt following a severe drop in oil prices (143). Premdas (1993: 143) claims that the recession, coupled with racism and corruption exhibited by the party, led to its eventual demise.

During the last five years of the PNM's rule, a party representing Indians and Creoles was formed, the National Alliance for Reconstruction (NAR), headed by A.N.R. Robinson (Premdas, 1993: 145-6). In addition, French Creoles, whose own party had

⁴ Segal (1993) explains that the word Creole has several meanings in Trinidad and Tobago. The word used as a noun refers to people; however, used as an adjective, it refers to descriptions of people, dress, food, and culture (87). A Creole person generally referred to someone who was coloured (people with Black and White ancestors) or people who were either Black or White. The term was only applied to a small group of Whites to distinguish between local Whites and those who were expatriates. Local Whites were more commonly referred to as "French Creoles" regardless of whether they were British or French Whites (87-88).

long since fizzled out, provided the NAR with much-needed financial support. When this party won the elections, it appeared that the ethnic groups in Trinidad were prepared to unite. However, the NAR was challenged by inheriting a country in the midst of a recession. Premdas (1993) alleges,

They assumed a deficit of TT\$ 2.8 billion left by the PNM, an empty treasury, a debt service obligation that required TT\$ 1.7 billion annually, or 39 per cent of all anticipated revenues, and the exhaustion of the legal limits of borrowing [...] The PNM had engaged in an orgy of overspending to save themselves from defeat at the polls. (148)

Furthermore, conflict developed between Robinson and Basdeo Panday, the leader of the Indian party, who had joined forces with the Creoles to form the united party. Tension was present from the start, as the initial Cabinet consisted of five seats assigned to Indians and 11 to Creoles, two to whites, and one to a mixed person (147). Problems came to a head when Robinson restructured the Cabinet in 1987, firing some and transferring various other representatives of the French Creoles and Indians. Three more ministries were created and assigned solely to Creoles, and finally, when Panday attempted to negotiate the building of an Indian Cultural Centre, he and other Indian members of the party were expelled from Parliament; thereby causing racial tensions to explode once again (Premdas, 1993: 148-9).

While the battle continued between the Creoles, headed by Robinson, and the Indians led by Panday, a band of Muslims (mostly Creole), the Jamaat-al-Muslimeen, staged a coup in 1990. Although, the Muslimeen eventually surrendered, Panday, who eventually formed the United National Congress (UNC), did not condemn the actions of

the Muslimeen, and these men were never brought to justice for their actions.⁵ Unable to recover from these blows, the UNC won 13 seats in the next election, and in 1995, the vote split the available seats 17-17 between PNM and UNC (Ragoonath, 1997: 12). The NAR were ousted from Parliament with the racial divide in Trinidadian politics possibly never more apparent.

To date, the racial strife continues in the political system with the country's rule oscillating back and forth between the PNM and UNC parties. Thus, the opposition consists of one ethnicity, while the other acts as the ruling party. The obvious result of this history is that it is difficult for bills to pass through Parliament since almost every debate becomes a racial issue. This brief overview of the political and cultural makeup of the country sets the stage for the upcoming discussion of children's rights issues and helps the reader to understand the perspectives of some of the participants.

However, before delving into the discussion of children's rights in Trinidad, it is important to realise that this type of research is rare in any country. Therefore, it is difficult to know where Trinidad lies in relation to other countries' compliance with the CRC. It is entirely possible that research from Canada or other developed countries could yield similar or different results.⁶ The CRC reflects an aspirational social movement and is an ideal which no country has perfectly attained.⁷ As will be discussed, compliance with international human rights documents in general has been problematic and Trinidad is not

⁵ Prime Minister Robinson, who had been shot in the leg, promised the Muslimeen amnesty to surrender. They were arrested when they surrendered and eventually claimed that their constitutional rights were violated and filed a writ of habeas corpus, leading to their eventual pardon by the Court of Appeal and Privy Council (Human Rights Committee, 2000).

⁶ For example, the Committee on the Rights of the Child has asked Canada to devote more resources to poor children, particularly Aboriginal children (Toohey, 1996: 38).

⁷ In 2004, 224 State reports owed to the Committee on the Rights of the Child were overdue (Gershutz & Karns, 2005: 36). The Committee itself is behind on its report reviews, making implementation even harder to assess (36).

alone in facing challenges. However, this research is useful in highlighting some of these issues and may aid other countries in exploring whether their citizens and governments have met with similar difficulties.

Chapter Two, a literature review, details a short history of international human rights and provides a discussion of international children's rights, as addressed by the United Nations. It ends with a brief discussion of the current laws in Trinidad directly pertaining to children's issues.

Chapter Three looks at the theoretical framework and perspectives upon which this thesis is based. These include radical criminology, structural Marxism and peacemaking criminology.

Chapter Four contains a discussion of the qualitative approach to the topic and discusses the methodology, including sampling, data collection and analysis, and ethical issues. Throughout the chapter various challenges and limitations to the methodology are discussed.

Chapter Five, as mentioned earlier, looks at "Structural Challenges to Children's Rights in Trinidad." These are divided into three categories: *Social Development Services*, *Education System*, and *Government Initiatives*. Within each category, three or four themes are offered which represent participant views on the topic.

Chapter Six contains a discussion of "Ideological Challenges to Children's Rights in Trinidad," and is divided into *Fear of Rights*, *Rights are Privileges, not Entitlements* and *Rights look good on paper, but in practice....* Similarly, three or four themes are given as evidence of participants' perspectives.

Chapter Seven, “Cultural Challenges to Children’s Rights in Trinidad,” is the last chapter of results and addresses three topics: *Views of Children as Property*, *Privacy is an Illusion*, and *Corporal Punishment is ingrained in the Culture*.

Finally, Chapter Eight, the conclusion, recaps recommendations made throughout and discusses the overall methodology of the thesis. Suggestions for future research are summarized in this section.

CHAPTER 2: LITERATURE REVIEW

Section I: International Human Rights Law

A discourse of entitlement to rights has been at the forefront of international discussions for at least the last few decades. A commitment in the international arena to helping everyone realize these rights led to the development of numerous human rights treaties and documents, and to the establishment of the International Criminal Court in The Hague and other tribunals. However, many would argue, the mere establishment of these documents and judicial arenas to deal with violations has not led to changes in the reality of the lives of many people, particularly those in the “third world.” The disjuncture between the human rights discourse and realization of those rights has caused human rights to be labelled “a very fashionable Western linguistic commodity” (Bagaric & Dimopoulos, 2005: 3). While literature on the subject is continually mounting, and universities are devoting separate departments to the study of human rights, there is one main problem with the discourse in this domain—it is ineffectual (Bagaric & Dimopoulos, 2005: 3).

International Law - A history

International law has been defined by Williams and de Mestral (1987) as “the system of law containing principles, customs, standards and rules by which relations between states and other international persons are governed” (1). Hugo Grotius, writing in 1625, found that the main source of international law was founded upon the law of nature, based on reason, as opposed to God (5). Two schools of thought developed to

explain the source of international law: natural law and positive law. Natural law thinkers felt that law was based upon rules that automatically emerged from a society recognizing that laws would be needed if society itself was to be preserved (5). The positive law school of thought developed in the early 1700's, saw the "actual behaviour and practice by states as the basis of international law" and therefore, state-will was still "attributed complete sovereignty and supremacy" (5).

By the nineteenth century, international law began to expand due to a number of factors, including the rise of new states, expansion of colonies, an increase in capability and speed of transport, and the increased capacity of destructive weapons (5). During 1899-1907, the Hague conferences established the Permanent Court of Arbitration (6). In addition, the League of Nations was established in 1919, pursuant to a treaty created at the Paris Peace Conference following the end of the First World War (Freeman & Van Ert, 2004: 15). The Permanent Court of International Justice followed in 1921, and was succeeded by the present International Court of Justice in 1946, which played a key role in minority protection at the international level (Williams & de Mestral, 1987: 6; Freeman & Van Ert, 2004: 15).⁸

At the end of the Second World War, there was general consensus that the League of Nations needed to be replaced with a permanent international organization (Freeman & Van Ert, 2004: 19); hence, the *United Nations (UN) Charter* was signed by fifty states on June 26th, 1945. The UN Charter would become the most widely ratified international

⁸ With many states calling for the establishment of a court that dealt primarily with war crimes, genocide, and crimes against humanity (Hopfel & Angermaier, 2005: 311), the International Criminal Court (ICC) was established in 1998 through the Rome Statute of the International Court (Freeman & Van Ert, 2004: 477). It entered into force in July 2002 (Schmallegger, MacAlister & McKenna, 2004, 489).

treaty,⁹ differing from the League of Nations, which was mostly comprised of European nations (Freeman & Van Ert, 2004: 19-20). Some have noted that modern human rights law developed at the time of the developing welfare state, socialism, and collectivism, and needed to be adaptable to the differing ideologies and state systems around the world (Williams & de Mestral, 1987: 307). Therefore, while current definitions are based on a modern philosophy of equal treatment and elimination of discrimination, the *UN Charter* also acknowledges that Western models of democracy are not the only acceptable forms of state (307).

In 1946, the International Bill of Rights was split into a general declaration of Human Rights and one or more conventions (Williams & de Mestral, 1987: 308), including the *Convention on the Prevention and Punishment of the Crime of Genocide* (Schmallegger, MacAlister & McKenna, 2004: 490). Unanimously adopted on December 10th 1948, the *Universal Declaration of Human Rights* (GA Res. 217 (III)) proclaimed basic rights and freedoms for all people (308). Originally, the UN Declaration was not drafted as a treaty, but as a resolution of the General Assembly of the UN.¹⁰ As such, it is not binding upon member states “unless it is or later becomes declaratory of customary values or peremptory norms of international law” (309). In other words, states have no obligation to ensure that the rights in the declaration are realised by their citizens. Since the formulation of the resolution, a number of problems emerged in relation to international human rights. These are broken into four main points discussed in the

⁹ The UN Charter has been ratified by 191 state parties, excluding only Taiwan and Vatican City (Freeman & Van Ert, 2004: 20).

¹⁰ Williams & de Mestral (1987) explain that a resolution is “a statement of principles and like other resolutions of the General Assembly is evidence of the opinion of those states voting in favour and may aid in formulating state practice” (309).

following section: vague wording of documents, enforcement and compliance issues, the concept of state sovereignty, and denial strategies.

Dysfunction of Treaties

Human rights treaties and the entire human rights discourse have been criticized for the absence of a solid foundation of rights. For example, Bagaric and Dimopoulos (2005) argue that there is a serious need to differentiate “real from illusory rights” (10). This requirement arises because they contend that there are a multitude of rights which exist on a continuum in various human rights treaties, ranging from basic necessities to what the authors say are rights “that are probably best placed on a wish list” (2005: 10) such as

The right to rest and leisure (UDHR, article 24 and ICESCR, article 7 (d), and the right to a standard of living adequate for the health and well being of oneself and his or her family, including food, clothing, housing and medical care and necessary social services (UDHR, article 25 and ICESCR, article 11). (As cited in Bagaric & Dimopoulos, 2005: 10)

They argue that there is no “coherent foundation for rights” and suggest that “attempts to ground concrete rights in virtues such as dignity, integrity, concern, or respect are unsound” because these concepts are ambiguous and can lead to various forms of discrimination (Bagaric as cited in Bagaric & Dimopoulos, 2005: 11). On the other hand, they do not dispute the need for, and the accomplishments of, the human rights regime over the last half-century; however, they claim that a utilitarian foundation of rights would be more useful. Thus, they argue for “hedonistic act utilitarianism, which provides that the morally right action is that which produces the greatest amount of happiness or pleasure and the least amount of pain or unhappiness” (2005: 12). However, the concepts of pleasure and pain are also quite arbitrary and are difficult to apply in any positive way. For example, a concept of utilitarianism is based on the

“greater good,” but one could question who defines “greater good” and what is their agenda for doing so?

Cohen (1996b) has argued that early attempts to link state crime to human rights violations “failed because they were too woolly and polemical” (6). He considered early ideas ambiguous because they position racism and sexism with genocide under the umbrella of state crime. In the present legal system, murder is viewed as more severe than theft as demonstrated through the issuance of different sentences; however, this does not change the fact that both are viewed as crime. Cohen’s (1996b: 6) second point, which refers to the arguments being too controversial, is certainly true of earlier discussions of human rights. Yet, most attempts to define crime contain a moral element. Nearly all laws are controversial at some period in time, but this should not stop us from advocating both for new legislation and evolving definitions of crime. Thus, over time we saw the development of human rights declarations and expanding notions of holding the state responsible for such. These ideas have been advanced by Marxist and radical criminologists.

Williams and de Mestral (1987) allege that the protection of human rights is “the most original and far-reaching contribution made by international law to legal science during this century” (299). However, attention to definitions of human rights has proceeded much more quickly than implementation and enforcement (299). Unfortunately, states holding poor human rights records seem to ratify human rights treaties merely as a “symbolic gesture of good will,” while continuing to maintain their record of human rights violations (Neumayer, 2005: 926). Neumayer (2005: 926) alleges that this dysfunction persists when countries that are more powerful fail to take a serious interest in the effectiveness of human rights regimes since there is no market

incentive for them to do so. Many state parties are short-sighted in that they neglect to secure long-term human rights benefits for their people. Instead, they favour short-term image maintenance commitments that will raise their popularity in the next election. Ratification of human rights documents can thus operate to conceal true human rights issues, particularly when methods of holding member states accountable are lax (Neumayer, 2005: 950; see also Hafner-Burton & Tsutsui, 2005).

In fact, one of the greatest limitations of international law is that it is not readily enforceable. Bagaric and Dimopoulos (2005) succinctly state, “international ‘law’ is simply a poor vehicle for guiding conduct” (8). They point out that there is neither a standing body of enforcement officers, nor a legislative body that operates solely for the international arena.¹¹ There is also inconsistency in the way that international law enforcement mechanisms are applied. Thus, harsher sanctions tend to be strongly felt by the less powerful or as Bagaric and Dimopoulos (2005) put it: “...the weak, the poor and the pariah...” (9). Thus, Hafner-Burton and Tsutsui (2005: 1378) allege that international human rights treaties offer strong incentives for states to join treaties more as a matter of window dressing rather than signifying a serious commitment to human rights. Furthermore, this ratification can act as a shield since repressive governments sign treaties and then intensify their repressive tactics under “a human rights legitimacy” conferred on them by their ratification (2005: 1378).

¹¹ Haberfeld & McDonald (2005: 286) examine INTERPOL and Europol, which they consider to be the “two most prominent organizations embodying cooperation in international policing.” They argue that while both bodies have impressive membership across the globe, they act as clearinghouses exchanging information and are largely “nonoperational” (306). A number of problems exist with using these organizations to support other operational bodies worldwide, including conflict that arises between feuding countries, the sharing of information with corrupt police forces and the reconciliation of statistics compiled by different countries in different ways (Haberfeld & McDonald, 2005: 306-307). INTERPOL does not have its own investigators (Schmallegger, MacAlister & McKenna, 2004: 489) and cannot arrest anyone or “undertake judicial enquiries on its own behalf” (Sheptycki, 2004: 116).

Enforcement of compliance is especially difficult in the international environment. Sanctions make little difference to those who are threatened with them especially when they are not enforced (Neumayer, 2005: 926; Hafner-Burton & Tsutsui, 2005: 1378). Neumayer (2005:926) argues that powerful states are not concerned about their own compliance, nor do they care about the human rights abuses of other countries unless one of their own citizens is affected. Thus, he argues, “powerful countries rarely employ sanctions—political, economic, military, or otherwise—to coerce other countries into improving their human rights record” (926). In the absence of a true enforcement agency, self-enforcement is necessary. Self-enforcement, however, is difficult to achieve since it requires actual incentives for powerful countries to participate in sanctioning uncooperative nations and themselves: an almost impossible goal (Neumayer, 2005: 297).

Bagaric and Dimopoulos (2005: 4) suggest that the failure of human rights documents is actually a systemic issue: an underlying lack of commitment to human rights philosophy. This is especially relevant to the improvement of “living conditions of people beyond national borders” (4). They term this phenomenon “the doorstep principle” (5). In other words, they explain, “wealthy states avoid responsibility for human suffering in many parts of the world” (5). This principle is based on “a pervasive aspect of human nature—that we are more inclined to cure suffering that is proximate to us than anonymous distant suffering” (5). Since many states lack the resources to fulfill their obligations under these treaties, Bagaric and Dimopoulos (2005: 16) suggest that the

key is to get wealthier nations to assist them in meeting these goals. However, oftentimes this does not occur.¹²

In addition, state sovereignty is a barrier to international law enforcement. The enforcement of international law remains decentralized to such an extent that individual states are relied upon to prosecute international crimes and enforce punishment (Hopfel & Angermaier, 2005: 311). Moreover, the International Criminal Court (ICC) is largely ineffective because it is not recognized by some countries (such as the United States and Iraq), and therefore they cannot be taken in front of the court since this requires their consent (Bagaric & Dimopoulos, 2005: 8). Unfortunately, the concept of state sovereignty, while it remains a fundamental concept of international law, carries with it a danger. An overly strict interpretation of the state sovereignty concept grants states immunities from being required to conform to international standards of conduct which “can take precedence over any concept of duties of states either to the international community or its citizens” (Williams & de Mestral, 1987: 301). While there is an ongoing change in the notion of state sovereignty,¹³ it has been slow to occur. As Bagaric and Dimopoulos (2005: 9) explain, smaller states fear a type of neo-colonialism by the more powerful states and those with power are in no hurry to relinquish it. One of the main sources of U.S. opposition to the ICC resulted when it was suggested that an independent prosecutor be introduced who would have authority to trigger an investigation into any state’s domestic realm without having to consult any other source. As Leonard articulates,

¹² For example, the United Nations has set a target that 0.7% of nation’s gross national income should be devoted to aid for poorer countries but only a few countries have met the target (with the exception of Australia who donates 0.25% exceeding the target). The US contributes 0.14% “punching well below its weight division” (Bagaric & Dimopoulos, 2005: 16).

¹³ Simonovic (as quoted in Bagaric and Dimopoulos, 2005: 9) asserts that state sovereignty has changed to “popular” sovereignty, “...a supremacy of people above states.”

the United States found this idea “ludicrous” viewing it as a threat to state sovereignty and a foundation for a politicized court (as cited by Bagaric & Dimopoulos, 2005: 5).

Making use of the various forms of denial of human rights violations, states are often able to avoid scrutiny by pretending nothing is happening, labelling the violation as something else or even justifying their behaviour (Cohen, 1996a: 522-23).¹⁴ Using what Bagaric and Dimopoulos (2005) have identified as “the acts and omissions doctrine” blame is also avoided by first-world countries who justify their lack of assistance to poorer countries in meeting their commitments (5). States that violate human rights treaties can often deflect blame away from themselves in a number of different ways. Bagaric and Dimopoulos (2005) argue that due to the “overly optimistic nature of human rights instruments” moral condemnation of those who do not comply is usually ineffective since no state has complied with all human rights obligations and there is nothing in place to force them to do so (9). Therefore, it is easy to deflect blame by highlighting other countries that are also violating human rights (2005: 9). Another denial tactic used is to claim that the state must place different emphasis on fulfilling other areas of the instrument first.

In conclusion, one may well ask, what is the value of international human rights treaties if they are not realised by a majority of people globally? In fact, Hafner-Burton & Tsutsui (2005: 1383) suggest that human rights treaties may actually have an effect quite opposite to what was intended. They have termed this “radical decoupling” whereby “human rights treaties lack the mechanisms of enforcement that provide governments with the incentives not to defect from their policy commitments” (1383). Thus, treaty ratification has led to a negative relationship between policies and practices; in other

¹⁴ Cohen (1996a) describes these as literal, interpretive and implicatory denial (522-23).

words, as ratification increases, compliance decreases. Governments ratify an increasing number of treaties, granting them legitimacy in the international arena, but at the same time continue to commit a number of human rights abuses which they are “now free to hide...behind the veil of international law” (Hafner-Burton & Tsutsui, 2005: 1384). On the other hand, not all hope is lost. Neumayer (2005: 931) asserts that attention will eventually turn to offending countries, as their human rights violations become worse, and the network of more powerful countries starts to apply pressure on them to comply, involving a process of international shaming and mobilization of public opinion against the country. Neumayer’s (2005) study found that the more democratic a country was, the more human rights compliance improved (950). In addition, when a country’s civil society is strong this also benefits ratification of human rights treaties, as non-governmental organizations (NGOs) put internal pressure on governments to comply with the treaties that they have signed (Neumayer, 2005: 950; see also Hafner-Burton & Tsutsui, 2005). With these issues, in mind, the next section looks specifically at the *UN Convention on the Rights of the Child (CRC)* an international human rights treaty.

Section II: A Look at the Convention on the Rights of the Child

Origin of the Convention

The *CRC*, which has been described as “the core document of the international children’s rights regime,” was adopted and opened for signature, ratification, and accession¹⁵ on 20 November 1989, and entered into force 2 September 1990 (Pupavac,

¹⁵ Signing of a treaty does not bind a state; however, it means that the state will give “good faith consideration to ratification.” Pending ratification or non-ratification, “the state is under obligation not to take steps calculated to defeat the objectives of the treaty” (Williams & de Mestral, 1987: 352). Ratification, then, signifies that the state agrees to be bound by the treaty. Accession occurs when a state assumes the obligations of a treaty which they did not originally sign (Williams & de Mestral, 1987: 352).

2002: 59). United Nations specialized agencies, such as the *United Nations Children's Fund (UNICEF)*, and northern-based non-governmental organizations (NGOs) such as *Amnesty International* and *Save the Children*, played a crucial role in drafting the document (Pupavac, 2002: 59). The *CRC* has been praised for representing the global convergence of policy formation, indicated by "the universality of the norms under the Convention, which is regarded as embodying universal humanist principles and as representing the culmination of the struggle for recognition of universal human rights" (Pupavac, 2002: 60). Executive Director of UNICEF, Carol Bellamy says of the *CRC*, "a century that began with children having virtually no rights is ending with children having the most powerful legal instrument that not only recognizes but protects their rights" (The Freechild Project, 2005).

Indeed, one of the reasons that the *CRC* is considered so significant is the fact that it was drafted through the collaboration of a number of different countries. Beigbeder (2001: 146) details the history of the *CRC*, noting that its roots lie in the *Declaration of the Rights of the Child*, adopted by the UN General Assembly on 20 November 1959. The rationale used to justify the issuance of a separate declaration for children's rights, at that time, was the same as has been cited in regard to the *CRC* today, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth" (as quoted in Beigbeder, 2001: 146). Included in the *Declaration* were several non-binding principles: general principles of protection (enjoyment of rights set forth without discrimination on the basis of race, colour, sex, language, etc.), legal rights (right to name and nationality, social security benefits) and rights of survival and development (Beigbeder, 2001: 147).

In 1979, the International Year of the Child, a Polish Delegation felt that governments needed to be held legally accountable to the international community for adhering to the principles in the Declaration, thus the delegation proposed a drafting of the *CRC* (Beigbeder, 2001: 147). Initially, UNICEF was reluctant to join this initiative that would include a discourse about child protection, a subject with which the agency might find itself at odds with a number of governments, thereby tarnishing its reputation of impartiality (Beigbeder, 2001: 147). Beigbeder (2001) notes that an official within UNICEF acknowledged that the agency “treated the Working Group on the Convention with ‘benign neglect’ for several years” (148). However, NGOs and staff members within UNICEF were finally able to convince the Executive Board of the importance of supporting the *CRC*. This was aided by UNICEF’s interest in a new category of issues, referred to as “Children in Especially Difficult Circumstances” (CEDC), and by 1987 UNICEF was fully involved in drafting the *CRC* in New York (Beigbeder, 2001: 148). When the Convention was finally approved, sixty-one countries signed it on the very first day that it was opened. By 2002, the *CRC* had universal ratification, with the exception of Somalia and the United States (Pupavac, 2002: 59).

Main Content of the Convention

Some of the objectives of the *CRC*, as noted in the preamble of the document, include:

- The reaffirmation of faith in human rights, affording children the opportunity to have “the necessary protection and assistance so that [they] can fully assume [their] responsibilities within the community”;
- Helping to ensure that children “grow up in a family environment, in an atmosphere of happiness, love and understanding”;

- Preparing children to live “an individual life in society, and [to be] brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity”;
- Recognition by each state that “the child, by reason, of [his or her] physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”;
- Acknowledging that in some countries, children live in exceptionally difficult conditions and as such need special consideration; and finally
- Obtaining international co-operation for improving the living conditions of children in every country, and particularly in developing countries.

The *CRC* consists of 54 articles that detail the conditions of the agreement. It significantly adds to the 1959 Declaration by including a range of human rights including civil, political, economic, and social and cultural rights (Beigbeder, 2001: 148). One of the most controversial innovations of the *CRC* is the establishment of the right of the child “to be an actor in his or her own life, and a right of participation in all decisions affecting him or her” (Beigbeder, 2001: 149). Additionally, this is the first time that a universal definition of the child has been adopted, defined as “every human being below the age of eighteen.” However, this designation is constrained by the practical impact of a law in any country that says that the age of majority is reached earlier (149).

A summary of the main concepts in the Articles follows. Public or private social welfare institutions, courts of law, and administrative authorities or legislative bodies are mandated to act in the best interests of the child (Article 3.1). The state itself has been allotted an enormous amount of responsibility under the Convention. This includes the

duty to ensure protection and care of the child, which is necessary for his or her well-being (Article 3.2); providing appropriate assistance and protection if the identity of the child is illegally taken away (Article 8.2); taking measures to “combat the illicit transfer and non-return of children abroad” (Article 11.1); ensuring that the child who is capable of forming his or her own views has the freedom to express those views freely in all decisions pertaining to him or her (Article 12.1); respecting the right of the child to “freedom of association and to freedom of peaceful assembly”(Article 15), with no restrictions except those required in a democratic society (Article 15). The state is also responsible for providing appropriate assistance to parents and legal guardians “in the performance of their child-rearing responsibilities” as well as ensuring that working parents “have the right to benefit from child-care services and facilities for which they are eligible” (Article 18).

Furthermore, the state is mandated to take all necessary procedures including social and educational, legislative and administrative measures to protect the child from any form of violence, abuse, neglect, or exploitation while in the care of a parent, or legal guardian. The protective measures should include (as appropriate) establishment of social programs necessary for supporting the child and judicial follow-up on instances of maltreatment when necessary (Article 19). The state is required to ensure and enable the child’s right to “enjoyment of the highest attainable standard of health and access to facilities for the treatment of illness and rehabilitation of health” (Article 24).

Article 32 requires the state to ensure that children are protected from economic exploitation and from performing work that is hazardous to, or will interfere with, the child’s education or that will be physically, mentally, spiritually, or morally harmful to the child’s development. The state has a responsibility to take appropriate measures to

ensure that children are protected from the “illicit use of narcotic drugs and psychotropic substances” and from the production and trafficking of such substances (Article 33). Article 37 refers to the prohibition of subjecting children to “torture or other cruel, inhuman, or degrading treatment or punishment.” Steps must also be taken by the state to help any child who has experienced any type of harm. Hence, by ratifying this agreement, the state has also agreed to:

Take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel inhuman or degrading treatment or punishment; armed conflicts. (Article 39)

Finally, Article 40 recognizes the right of a child who either has been accused of, or has been found guilty of, breaking the penal law, to be treated in a dignified and fair manner, and in such a way, that reinforces the child’s respect for human rights and the fundamental freedoms of others. Consequently, the state must ensure that every child accused of breaking the law: be assured the presumption of innocence, be informed promptly of the charges against him or her, have the matter determined without delay, not be compelled to give testimony or confess; and have any decisions and measures taken against him, which are imposed as a consequence, be reviewed by a higher, independent and impartial authority or judicial body (Article 40).

Commendations

Many states have taken steps to incorporate the *CRC* into their national legislation and to establish separate reporting institutions for children’s rights. In fact, in at least 50 of the 62 countries studied by Santos-Pais and Bissell (2006: 689), some type of legislative reform took place including amendments to domestic constitutions. Areas of law reform have included the right to health which means that amendments have been made to areas

such as breastfeeding, vaccinations and care of children with disabilities (Santos-Pais & Bissell, 2006: 689). In addition, a number of national independent human rights institutions for children have been established since the advent of the *CRC*. There are now at least 60 of these institutions in 38 countries around the world (689). Child data collection systems have also been strengthened, and in some areas health monitoring systems have been expanded (690). All countries in the study took steps to promote the *CRC* through education about issues such as female genital mutilation and children with HIV/AIDS (690).

Limitations

Freeman (2000: 277-8) acknowledges that there was a need for a Convention which recognized child autonomy and the importance of listening to children's voices and encouraging their empowerment. The *CRC* was not easy to establish; there were many battles to be fought due to clashes of religion, freedom of thought, rights of unborn children, and traditions such as female genital mutilation to name a few. However, countries eventually compromised on these and other problematic issues, which led to the drafting of the final document. Almost every author who refers to the Convention begins by saying that no other document has been ratified by so many countries of the world—191 to be exact; the US and Somalia being the only two countries not to ratify it.¹⁶ However, Freeman (2000) points out, the “plight of children world-wide has not got better, but worse” (278). While the establishment of the Convention was a big step, there are some serious limitations which need to be considered so that amendments can be made. As articulated by Freeman (2000), “we must not assume that a Convention

¹⁶ Somalia has no government and therefore cannot ratify the document. The United States has not ratified the agreement but it has ratified the Optional protocol documents that have since been released.

formulated in the last third of the twentieth century will fit the needs of children in the new millennium. There is a need for revision, reform and innovation” (282). However, White (2002) warns against allowing children to buy “into a fantasy of adult freedom and autonomy” (731). In other words, we must be careful not to lull children into the false expectation that they will enjoy the same sense of agency and freedom when they are adults, because this is often not the case. As will be discussed later, adults often do not have the sense of entitlement to human rights that we are trying to impress upon children.

Over the years, there has been a change in emphasis from a “needs” to a “rights” discourse. White (2002) briefly traces the transformation from what she describes as “the negotiable ground of welfare or needs based approaches to the assertion of universal rights that must be honoured” (725-26). In Bengali, Bangladesh, this approach is problematic because the issues of disadvantaged children are ascribed to the absence of rights as opposed to their political and economic context (726). The solutions sought then, are those grounded in raising awareness for child rights. In other words, White states, “the problems of disadvantaged children are thus not attributed to their exploitation as poor, but to their non-recognition of children” (2002: 726). Thus, the real issue at heart, the well-being of the children is being undercut by the rhetoric of rights. Poverty is the main reason that children are barred from realizing their rights. To ignore this context means that programs aimed at raising children’s rights are destined to be largely ineffectual as they miss the crucial socio-economic factors in children’s situations.

Many countries simply lack the resources to fulfill their obligations under the *CRC*. Authors note that although changes in domestic legislation have taken place, the resources

to make these changes are not always available (Onyango & Lynch, 2006: 693). This has been the case in Kenya where the money for child welfare is directed by donors and varies from year to year (Onyango & Lynch, 2006: 693). Onyango and Lynch (2006) note that there are many difficulties to overcome in Kenya with regard to implementing the CRC, including the AIDS pandemic, 58% of the population living below the poverty line due to a poor economy, a million children not in school (even though free primary school education was introduced in 2003), 2 million working and 1.1 million orphaned (694). As pointed out by the authors, the CRC is just one of many obligations taken on by African governments, whose efforts to comply are undermined by donor-driven issues and processes (2006: 694). In the Caribbean, McDowell (2000) notes that the islands often have more pressing issues to deal with such as rising crime rates, unemployment and natural disasters; therefore, "there is a risk that optimism might easily turn into frustration" (232). Linking this to the earlier discussion of the "doorstep principle," we can recall the *lack* of financial aid that wealthy countries allocate to poorer countries to assist them in complying with their commitments to the CRC and other human rights treaties.

Article 43 establishes a Committee on the Rights of the Child to which states are required to submit a report two years after ratification and then every five years thereafter. Freeman (2000: 290) points out several problems with the Committee. First, the Committee is not full time and is overwhelmed by the amount of work that is generated by the CRC. In fact, they would be more besieged, if most states were not behind in the submission of their reports in the first place. Second, the reports themselves are insufficient, especially with regard to economic and social issues (290). In any event, pure reliance on a reporting mechanism is probably not an effective way to ensure

compliance. Instead, Fottrell (2000: 7) suggests that reporting should be combined with a quasi-judicial process, which allows individual petitions and inter-state cases to be heard within the jurisdiction of state parties. She notes, however, that this option was expressly rejected during the drafting of the *CRC*, “suggesting that states continue to have conceptual and operational difficulties with the rights of the child” (Fottrell, 2000: 7).

White (2002: 726) asserts that there is an assumption in the *CRC* that all children share a common experience of childhood, interests and sense of entitlements. However, the dominant notion of childhood in the *CRC* is one that draws on Western culture (726). There is a need to look for similarities in children across the board if we are going to have an effective international document that deals with their rights; however, in her interviews with agency staff working with children, White (2002) noticed a disturbing “narrative of class difference” (730). She asserts that instructions on grooming and hygiene took on a symbolic dimension, “situated in the context of a broader discursive opposition in which ‘these people’ (dirty, uneducated, self-interested) are ‘not like us’ (the clean and enlightened)” (2002: 731). We must, therefore, be careful that the standards established in the *CRC* do not cut across cultural identities or impose a standard that is more indicative of class and hegemonic ideologies than it is of rights. In White’s (2002) study she found considerable evidence to dispute the assumption “that children form a unitary group with common rights and interests” (733). Among these factors were differences in class that “structured thought, action and observation,” lack of resources by the NGOs (thereby excluding some children), and differences between rich and poor children (2002: 733). She suggests, “The critical issue is not ‘childhood’, but poverty. And poverty does not disappear when childhood is past” (White, 2002: 734). Again, the impact of poverty, lightly glossed over in the *CRC*, must be given more attention in such

an important document. In addition, an international document such as the *CRC* should be more balanced rather than based on Western perceptions and experiences.

Parental ideology is also challenged by the *CRC*, especially in some cultures. Freeman argues that the *CRC* could be clearer about the right of children to be free from violence. Its vagueness has allowed states to distinguish between corporal punishment and “an ordinary safe smack” (Freeman, 2000: 287). According to Freeman,

Nothing is a clearer statement of the position that children occupy in society, a clearer badge of childhood and what we associate with it, than the fact that children alone of all people in society can be hit with impunity. (2000: 287)

He further argues that nothing would be better than for the *CRC* to outlaw physical punishment of children, as has been the case in Sweden since 1979. The Swedish legislation coupled physical punishment with “other humiliating treatment” and Freeman (2000) argues that a new convention would do well to adopt this approach (287). On the other hand, Brown (2001) explains that in Caribbean culture “discipline and punishment are seen as central and sacred duties of parents” (32). She continues,

When high parental stress related to conditions of poverty, unemployment, single parenthood, spousal violence and/or community violence are combined with this sanctioned authority to discipline physically, it is not surprising that Jamaica sees high incidences of child abuse. (Brown, 2001: 32)

These are serious cultural dilemmas created in the *CRC* and compliance remains dependent on some degree of mutual cultural agreement. If this is to change, then efforts must be made to do so through community education. However, the question remains, at what point does this become cultural imperialism?

Another problem area of the *CRC* lies in Article 5, which recognizes the need to promote children’s rights. Freeman (2000: 288) argues that this places most of the onus on parents to do so, and responsibility is placed on the state to respect the role of

parents. He raises the point that this may be a conflict of interest since parents may benefit from children not exercising their rights. White (2002) asserts, “since the child rights framework owes more to global development discourse than Bangladeshi social reality, there is a real danger that initiatives to raise awareness may be misdirected, as they fail to engage with the ways people are actually thinking” (734). Thus, non-Western societies, where children have responsibilities and duties to their parents (Panter-Brick, 2002: 155), are not addressed in the *CRC*, which may conflict with the parents’ belief in promoting children’s rights. This oversight in the *CRC* has been labelled a “cultural bias” by McDowell (2002: 243), who argues that it ignores cultural values inherent to African and Indian cultures in the Commonwealth Caribbean.

Exclusion of Certain Groups of Children

Freeman (2000) argues that “the lives of too many children are glossed over in the Convention” (282). In particular, he looks at children with disabilities, gay, female, and street children. Children with disabilities are mentioned in the non-discrimination section, (Article 2 and Article 23(1) state that these children should “enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance, and facilitate the child’s active participation in the community”). However, Freeman argues that the positioning of the rights of disabled children in a non-discrimination section approaches their issues through a model of disability (282), which may in fact promote discrimination due to its lack of focus on inclusion. He contends that non-discrimination can sometimes lead to segregation, if we do not concentrate on inclusion. Therefore, it legitimates segregation (283). More importantly, female children who are disabled are frequently victims of sexual abuse and this is managed by sterilization to protect disabled children from the consequences of abuse (283). This technique is not only invasive, but also

further serves to hide sexual abuse because the abusers are less likely to be caught. Freeman (2000: 283) argues that the *CRC* is too vague in this regard and that it must explicitly disapprove of this practice within a provision on the right to health care.

No specific reference is made to gay children and sexual orientation is not mentioned within the non-discrimination clause (Article 2). Again, in the health provision, there is reference to “equality of sexes,” but nothing regarding sexual orientation. In 1998 a Committee on the Rights of the Child forum about the impact of AIDS/HIV on children worldwide included no discussion of the impact on homosexual youth (Freeman, 2000: 283-4). Similarly, girls are also neglected in the Convention in some important areas. Looking specifically at issues that affect female children, Freeman (2000: 284) first notes that the right to sex education is not recognized in the *CRC*. Second, the *CRC* is vague on recognizing a minimum age for marriage. This is especially relevant where family members may consent to marriage for a child, who under the law is too young to consent. Freeman (2000) acknowledges that if the rights of girls are to be improved then the rights of women must also be improved. In addition, the *CRC* should provide clear provisions on female genital mutilation, sex education and an acceptable minimum age of marriage (284).

Street children are another group of children whose rights are not expressly recognized by the *CRC*. According to Panter-Brick (2002), the emphasis of the *CRC* centres on three main areas, “rights to protection, provision, and participation” (156). However, adults may be tempted to focus on the first two, “being reluctant to let street children grasp participatory rights—other than by accident” (Ennew as cited in Panter-Brick, 2002: 156). She alleges that adults will have to recognise children as having agency and the ability to shape their own lives (Panter-Brick, 2002: 156). Although initial

interest in street children developed alongside the rights of the child, “street children were not able to fully benefit from the development of children’s rights and have actually ended up in oblivion” (Pare, 2003:1). Pare (2003: 1) alleges the reason for the absence of street children from rights talk, is the fact that they have yet to be designated as a vulnerable group in human rights law. She argues that the special needs of street children cannot be recognized in international law unless their situation is recognized as special (1). According to Pare (2003), “while programmes addressing street children’s needs exist, these are adopted and carried out on a voluntary basis. They are therefore without guarantees and are often short-lived due to difficulties in funding and monitoring” (1).

Pare (2003) acknowledges that the term “vulnerable group” is not found in international legal instruments, nevertheless, “it seems to be the most appropriate way to designate groups of people who are treated separately by human rights law because of their vulnerable position in society that can restrict their enjoyment of human rights” (6). She argues that certain individuals are categorized into groups in international human rights law “to give them separate rights that respond to their specific condition and activities better than general human rights instruments” (6). Thus, she argues that human rights law is “interested in groups that find themselves in a weaker position than the rest of society and need enhanced protection because of this vulnerability” (6). It is in this context that street children would fall under a definition of a vulnerable group. She argues that recognition of street children’s differences from other “children in difficult circumstances” would acknowledge not only that they need to work, but also “the special importance of their peer group and the role of people who work in street children’s projects such as street educators” (Pare, 2003: 10). However, Pare (2003: 16) argues that

the adoption of the *CRC* has led to many street children being killed by death squads in Latin America. Thus,

Street children have to pay the price for their rights with the perception of them as a threat. They are now seen less as a threat to the welfare of society...and more as these 'outcast, vicious reckless' children who will 'come to know their power and use it'. The real problem is, however, completely opposite. Those children have no power, lack self-confidence and are unaware of their own potentialities and life choices. (Pare, 2003: 16).

Street children could potentially benefit from many of the *CRC* provisions such as "the right to non-discrimination, the freedom of expression, the right to health or rights related to arrest and detention" (Pare, 2003: 17). However, the first barrier to the recognition of these rights is that the *CRC* relies on the legal guardians of the child, "the State having only a supplementary and subsidizing role in providing for the child, often through support to the legal guardians (articles 5, 18, 27)" (Pare, 2003: 17). This is the same concern regarding parental rights, expressed earlier by Freeman (2000: 288); only in this case, street children are often not in close contact with their legal guardians. Furthermore, this ignores the street child's sense of autonomy and agency, which differs from that of other children.

The *CRC* suffers from the same barriers to enforcement as other international human rights instruments. This is perhaps an indication that new enforcement mechanisms should be put in place. However, more important than enforcement, is that the *CRC* needs serious revisions which deal specifically with cultural imperialism, the socio-economic conditions of children, and excluded groups of children. An international document should not exclude groups of people at any level. Given the differences in culture around the world, drafting a truly multi-cultural document will be a challenge; however, it is through research such as this thesis that some of the pressing issues will emerge.

Section III: Child Laws in Trinidad & Tobago

The statutory laws regarding children in Trinidad and Tobago are scattered throughout various acts of Parliament. This section of the literature review undertakes a brief summary of one such act, the *Children Act*, 1925, C-46. Other recent acts, such as the *Children's Authority Act* (No 64 of 2000) and the *Children's Community Foster Homes and Nurseries Act* (No 65 of 2000), have been passed but are not yet in effect (Ministry of Legal Affairs, List of Omitted Acts, 2004) and were unattainable in electronic format.

The *Children Act* is divided into six parts. Part I, "Prevention of Cruelty to Children and Young Persons," protects children from assault, abuse, neglect, and abandonment (3.1). Under Section 3.1, children are also assured the right to adequate food, shelter, clothing, and medical aid. "Other Offences in relation to Children and Young Persons" includes prohibiting those in charge of children from using them for begging or receiving alms (5.1) and from their use for the purposes of prostitution (8 & 9). "Arrest of Offenders and Provision for Safety of Children" deals with the arrest of persons who have committed acts detailed in the previous two sections and the placement of child victims in a "place of safety" until they can be brought before a Magistrate, as well as their treatment by appointed guardians at this time (10-16). The next section, "Evidence and Procedure," sets guidelines for treatment of children in court and the protection of children who are to give evidence in court proceedings (16-21). Finally, Section 22 seeks to protect the rights of those in authority to administer reasonable punishment to a child, and has recently been amended to prohibit teachers from the

administration of corporal punishment (*Children (Amendment) Act 2000*, No. 68 of 2000 located in *Children Act*, C-46, Appendix).¹⁷

Part II of the *Children Act*, deals strictly with juvenile smoking and prohibits the sale of tobacco to individuals under the age of eighteen. This section allows a constable to seize tobacco products from children under sixteen and to search a boy found smoking but not a girl in the same circumstances (25). Part III, allows children to be brought before a Magistrate without a warrant if found begging in the street, wandering on the streets without a home and having no visible guardianship, or if deemed destitute because either both parents, or one surviving parent, is imprisoned (Section 44.1). Children can also be brought before the magistrate if they are found in the company of a reputed thief or prostitute, or living in a house used for prostitution (Section 44.1). This legislation does not apply if the only prostitute whose company a child frequents is his or her mother's, provided that she takes steps to "exercise proper guardianship and due care to protect the child from contamination" (Section 44.2). Finally, if a child has no parent, guardian, or other person who is able or willing "to provide for or control" him or her, he or she may be brought before a Magistrate, who may order that the child be placed into a community residence. A parent can also request that the courts send a child to a Children's Home if the parent can prove that he or she cannot control the child (Section 44.4). The remainder of this section concerns the treatment of children in community residences or children's homes including a child's right to religion, and consequences to be applied should a youthful offender run away from one of these institutions before the court appointed time has been served. Section 65 suggests that if parents are financially

¹⁷ The *Children (Amendment) Act 2000*, No 68 of 2000 has received assent, but as of 2006 was not yet proclaimed in force (Ministry of Legal Affairs, 2006).

able to do so, they should contribute to the maintenance of their child in one of these homes (Section 65).

Part IV of the *Children Act* deals with the treatment of juvenile offenders. This section sets guidelines with respect to bail for a child who has been arrested and sets forth a prohibition on children being detained with adults (Section 78). Timely notification of parents is also required where a child has been arrested, unless the child was previously removed from their care (Section 75). Section 83 provides options for the treatment of children found guilty of an offence including probation, dismissal of charges, sending the child to a children's home, community residence or rehabilitation centre and ordering parents or guardians to pay fines, damages, or costs. Section 87 also prohibits the publication of a child's name, address, school, or photograph unless permission is granted by the court.

Part V deals with employment of young persons and states that a child under 12 cannot be employed (Section 94). Children between the ages of 12 and 14 can be employed in a family business only if family members are the sole employees (Section 91). The last part of the Act, Part VI deals with children's presence during court proceedings and their participation in such. Situations such as in-camera hearings, evidence from children, and the prohibition of children from attending proceedings in which they are not a defendant (Sections 97-100) are discussed. If children are witnesses, they are called into court when their presence is required (Section 98).

The *Children (Amendment) Act 2000* (No. 68 of 2000 located in the *Children Act*, C-46, Appendix) added a schedule to the original *Children Act*, which discusses parental rights. Part A of the schedule recognises parental rights to choose the names of their children, pass on their own nationality, not be separated from their children unless

determined by the state, and the right to send children to public or private schools. It also acknowledges parents' right to "provide religious direction and guidance" to their children (A.4). Finally, parents have the right to request assistance from the government if they are unable to provide for their children. Part B states parents' responsibilities to their children, including the responsibility to register births, to send children to school, and to ensure that children under 12 years of age are not employed. This section also declares that parents have a responsibility to "guide and direct the child without any use of cruel, inhuman, or humiliating punishment" (B.4). Acknowledgment of other children's rights under the *CRC* is made here, including a child's right to privacy, right to leisure and rest, and the right to be protected from physical violence and all forms of abuse. Parents are also charged with the responsibility of ensuring that children are supervised in their absence and that parents "secure the conditions of living adequate for the child's physical, mental, spiritual and moral development"(B.2). Part C makes note of other rights mentioned in the *CRC* including the right to live, survive and grow, the right to citizenship and freedom from discrimination, the right to know and to be taken care of by their parents, the right not to be separated from parents unless decreed by a Court, and the right to an education. Other rights mentioned here include freedom of expression, freedom of religion, freedom of association and peaceful assembly, the right to be free from violence by family, teacher, public officer or other persons, and the right not to work in dangerous occupations or those that will hamper education. For children who have broken the law, they have a right not to be detained with adults, a right to be free from the death penalty or life imprisonment without possibility of parole, and the right not to be subjected to degrading, cruel, or inhumane punishment. Finally, and interestingly, Part D focuses on children's responsibilities under the law. This includes respect for the law, parent's guidance, property of others, the environment, culture, and

one's own religious beliefs as well as those of others. Children also have a responsibility to attend school until age 12, to learn about human rights, and to express their own views on matters that concern them.

This thesis examines the realization of these rights and those stated under the *CRC* within a Trinidadian context. While the amendments to the *Children Act* are summarised here, it is important to remember that the act is not yet in effect (Douglas, 2008). Along with other children's legislation, it has been drafted, but awaits commencement by Parliament.

CHAPTER 3: THEORETICAL FRAMEWORK

For me, the violence which occurs in the world is not just what we see in [the train-line suburb of] Plataforma, it's the lack of education of these people who don't have basic instruction, don't have anything. The person is born into that situation, with no job, no house, no money – Joaquim: 56, a black evangelical preacher living in the slums in Brazil (As quoted in Paes-Machado & Noronha, 2002: 57)

In order to understand the development of the *CRC* we must think about the human rights discourse within criminology and the integration of human rights as a part of international law. Critical criminology provides a useful framework for understanding human rights discourses; and indeed, for understanding the experience of children. While a consensus does not exist with regard to which schools of thought belong to critical criminology, a combination of radical criminology, structural Marxism, and peacemaking criminology are used to form the lens through which to evaluate the experience of children.¹⁸ There is a great deal of crossover between radical, peacemaking and Marxist criminology, which have, one might argue, all come together to express the concept of human rights. Indeed, in the past, authors such as Richard Quinney have been characterized first as a radical criminologist, then as a Marxist criminologist, and finally as a peacemaking criminologist (Friedrichs, 1991: 102).

In this chapter, several key concepts and theories in criminology are briefly discussed, including definitions of crime, Marxist struggles for the rights of the lower classes, and the call of peacemaking criminologists to avoid harm and suffering.

¹⁸ Einstadter and Henry (1995) categorize structural Marxism, radical criminology and feminism as critical criminology, and MacLean & Milovanovic (1991) include peacemaking criminology as a critical criminology theory, yet do not make specific mention of structural Marxism except to discuss how it has informed other critical criminology theories.

Understanding that there are various definitions of crime within criminology is essential to this study. In so doing, one will begin to see how the failure to provide children with the necessities of life and the creation of unbearable home conditions through various economic and social policies could be considered, in this context, a crime against children and a violation of their basic rights.

Radical Criminology

Sociologists/criminologists Herman and Julia Schwendinger have been viewed as the pioneers of radical criminology (Platt, 1991: 227), a branch of the discipline which has its roots in Marxism. These theorists call for a redefinition of crime. In fact, the Schwendingers' article *Defenders of Order or Guardians of Human Rights?* (1975) was labelled by Platt (1991) as "the intellectual bedrock of radical criminology" (227). The Schwendingers (1975: 113) criticized using legal definitions of crime and the criminal as the ultimate standards for deciding what is criminological. They argued, "because of this [legal definitions], the contention that imperialist war and racism are crimes is not only considered an unjustifiable imposition of values, but also an incompetent use of the notion of crime" (1975: 113). Legalistic definitions of crime have long dominated the field of criminology, and often characterized any behaviour or action, which did not fall into this category, as a foolhardy expansion of the concept of crime. However, failure to classify behaviour which falls out of the scope of legal definitions as criminal has led to the perpetuation of human rights violations, including racism, sexism, and more generally, exploitation of those who are disenfranchised (for example, sweatshop workers in developing countries).

The Schwendingers also endorsed the earlier work of Thomas Sellin who, in 1937 highlighted the importance for criminologists to "rid [themselves] of the shackles forged

by criminal law” (as cited in Schwendinger & Schwendinger, 1975: 114). Sellin noted that such definitions refer to “external similarities” of the act rather than “natural properties” of criminal behaviour and as such “do not arise from the ‘intrinsic nature’ of the subject matter at hand” (as cited in Schwendinger & Schwendinger, 1975: 114). Accordingly, legal definitions of crime do not get to the heart of the meaning of crime; instead, they merely describe the obvious features that the acts have in common.

The Schwendingers also examined the work of William Bonger, who referred to crime as “a serious anti-social act to which the state reacts consciously by inflicting pain,” and Edwin Sutherland, who suggested that “social scientists define crime on the basis of the more abstract notions of ‘social injury’ and ‘legal sanction’” (as quoted in Schwendinger & Schwendinger, 1975: 115). These legal sanctions were to include those stated in both criminal and civil law. The use of social injury to describe crime has been criticized for being a moral standard; however, the Schwendingers (1975) point out that there is no way to escape the use of moral standards when talking about definitions of crime. In fact, they argue that the “explicit use of sanctions or the implicit use of other defining criteria” in the formulation of laws has a moral basis (132). Therefore, to argue that “value judgements have no place in the formulation of the definition of crime is without foundation” (Schwendinger & Schwendinger, 1975: 132).

An alternative definition of crime should openly face the moral dilemmas presented through this issue by referencing the “historically determined rights of individuals” (Schwendinger & Schwendinger, 1975, 132). The Schwendingers (1975: 132-133) criticized the liberalist rhetoric of equality, accusing that approach of justifying, and further perpetuating, social inequality by its stress on equal opportunity. The concept of

equal opportunity has repeatedly proven false,¹⁹ as the realities of discrimination through race, class, and gender show that not everyone has equal access to resources. Hence, they accuse liberalism of being “a highly elitist ideology” (Schwendinger & Schwendinger, 1975: 133). In fact, the ideology of meritocracy governs the rhetoric of equal opportunities, thus reinforcing the belief that those who work hard will achieve their goals, and those who do not are lazy or undeserving.

From the Schwendingers’ perspective, it is better to replace the rhetoric of equality with a discourse on human rights. Yet, it is important to recognise that from their perspective, some rights are more important than others are. For example, the Schwendingers (1975) point out that a threat to one’s health or life could threaten all other claims, thus, “a dead man can hardly realize *any* of his human potentialities” (137). Therefore, they argue that any social system or relationship that violates the right to sexual, racial, and economic equality should be considered criminal because of the limitations that are placed upon the other aspects of an individual’s life. The absence of these rights results in serious consequences, as those for whom they are not recognized, suffer a decreased quality of life; accordingly, what they can achieve is quite limited. They argue, if imperialism, racism, sexism, and poverty are representations of social relationships and social structures that cause systemic violations of basic human rights, “then imperialism, racism, sexism and poverty can be called crimes according to our logic” (Schwendinger & Schwendinger, 1975:137).

The deconstruction of legalistic definitions of crime was, and remains, very important to the development of a human rights discourse, since the amount of social

¹⁹ One has only to look at the work of feminists, strain theorists, and cultural criminologists to see examples of unequal opportunity. For example, see Beirne & Messerschmidt, 2000; Harman, 1992.

injury caused by social inequalities may be far greater than that caused by the individual acts of harm characterized as crime by the state. This discussion is equally relevant to a discussion of children in reference to their rights. If we use the definition of crime as stated by the Schwendingers, then the *creation* of the conditions of poverty and suffering endured by children should be regarded as crimes as well.

Structural Marxism—fight for rights of the disadvantaged

Einstadter & Henry (1995: 227) characterize Marxist criminology as a type of critical criminology, which does not accept state definitions of crime, and consequently prefers to define crime as “social harm and/or as violations of human rights.” As mentioned in the previous section, this definition is central to discussions of human rights. Structural Marxism, specifically, has influenced the development of human rights, and thus the *CRC*, particularly because this perspective views the law and criminal justice system as maintaining the capitalist system in Western societies. Therefore, those who threaten this system need to be controlled. From the structural Marxist perspective, threats to capitalism can reside within any social class, and therefore could be from “the very individuals and corporations that hold power...[or] from the resistance and protests of the powerless” (Einstadter & Henry, 1995: 231). The implication of this perspective is that international human rights laws could be drawn up in order to control those whose abuse of human rights would thereby produce a threat to capitalism. Thus, if those who hold power threaten the capitalist system, the law, regardless of their powerful influence, can rein them in.

One of the key arguments of structural Marxists is that the state is not just “a pawn of the dominant elite,” but rather, has the ability to curb the behaviours of the elite when the capitalist structure is at risk in the long run. Thus, argues Carson (as quoted in

Einstadter & Henry, 1995: 240), whether these controls are real or not (for example environmental laws, labour laws, human rights laws), they contain within them “built-in barriers to effective enforcement.” Thus, structural Marxists believe that “contradictions of capitalist society, which include the pronounced tendency for economic inequality to generate suffering for those in the lowest social classes, create a force of disturbance that needs to be contained” (Einstadter & Henry, 1995: 242). Therefore, we see Marxists fighting for the lower classes and those who are marginalized by capitalism, so that they may have their basic human rights fulfilled. Box (as cited in Einstadter & Henry, 1995: 242) acknowledges that there are times when the law will benefit the lower classes, especially when there have been “organized efforts to bring this about; however, these efforts are usually short-lived.”

This is the paradox inherent to Marxism; the Marxists fight for regulations such as international human rights treaties to protect those who are marginalized, but when these laws are established, Marxists acknowledge that they may not last too long or that they may not be effectively implemented. As previously implied, this is apparent with regard to the *CRC* whereby the guidelines set out in the instrument have been sidestepped and undercut by state signatories.

Peacemaking as a Way to Avoid Harm

There are many different aspects of peacemaking criminology, which have been influenced by religious humanism and feminism (Beirne & Messerschmidt, 2000: 232). A focus on harm reduction is clearly articulated, within the *CRC*, in Articles 33 and 37, which mandate the state to take all measures possible to ensure that children are not tortured, involved in the illicit use of drugs, and if they come into any harm, all efforts must be made to help them recover. According to Beirne and Messerschmidt (2002:

232), this has been one of the facets of peacemaking criminology—an attempt to humanize the criminal justice system. Pepinsky and Quinney (1991: ix) explain that peacemaking criminology is one which seeks to “alleviate suffering and thereby reduce crime.” Cohen (1986) succinctly sums up the arguments for the advancement of peacemaking criminology:

It still makes sense to say that mutual aid, good neighbourliness and real community are preferable to the solutions of bureaucracies, professionals and the centralized state...[I]t should not be impossible to imagine a way of stopping the relentless categorization of deviants. (131)

Similarly, Article 40 of the *CRC* suggests that whenever appropriate, attempts should be made not to deal with the infractions of children through the criminal justice system, but instead through counselling, foster care, educational vocational training programs, and other alternatives that will help preserve their well-being. This embodies the heart of peacemaking criminology, as Cohen (1986) says, not creating a class of deviants, but rather providing some community support and plain old-fashioned love to heal the pain of these hurt and often displaced children.

Quinney (1991) asserts that “crime is suffering and ...the ending of crime is possible only with the ending of suffering” (11). Elias (1991: 252) argues that in order to have effective crime control or criminology as peacemaking we need to have positive peace. He argues that typical crime policy has failed because it ignores this notion of positive peace. Positive peace is not about what the government should prevent, but rather about what it should provide, and that is justice. Thus, Elias (1991) maintains,

Most crime results from political, economic and social injustices that the government or society has failed or refused to prevent. In some circles, that injustice is called 'repression': a violation of human rights. Thus promoting peace is a matter of the government not merely refraining from its own violence and war (and crime) but providing the conditions to persuade others against launching their own violence and war (and crime). Crime control can be successful only by taking human rights enforcement seriously. (252).

Therefore, if we take the definition of crime to include violations of human rights then, as Elias (1991: 253) declares, it becomes clear that crime is caused by adverse social, economic, and political conditions. Peacemaking criminology lays the blame for crime on neither the offender nor the victim, but instead on the system that produces it, for example, economic inequality and thereby poverty (Elias, 1991:253). Thus, peacemaking criminologists are fighting for equality in the truest sense of the word and not merely in its symbolic form; hence, the development of the *UN Commission on Human Rights*. While the *CRC* attempts to recognise that children, especially in developing countries, may live in particularly difficult conditions and calls on other states to give these children special consideration and aid, this sentiment is captured in one line of the entire document, and is not fully developed. A number of problems remain within the *CRC*, as previously outlined, making it a largely symbolic document. The peacemaking perspective, which recognises that crime is caused by larger structural systems and that any form of social injustice is a crime, provides a useful lens through which one can look at the experience of children and what the *CRC* may or may not mean to their social realities.

CHAPTER 4: METHODODOLOGY

The aim of this research project was to understand the varying perspectives on children's rights in Trinidad, and to examine how these perceptions fit with the rights articulated in the *CRC*. The primary focus was on the ways in which culture and tradition have affected the realization of rights for children in Trinidad. Most importantly, the research project allowed some children in Trinidad to voice their opinions on children's rights and to make suggestions which may be beneficial to both children in developing nations and to those who are socially displaced. The research questions were informed by a brief literature review and a close examination of the *CRC*. The questions were refined throughout the research process in order to keep the research aligned, as suggested by Chenail (1997). The final research questions were:

- What are the perceptions of children's rights in Trinidad?
- Are children aware of their rights? Are parents aware of children's rights?
- Do culture and tradition hinder the applicability of the *CRC*?
- Has the Trinidadian government been able to meet its *CRC* obligations towards socially displaced children?
- Does the Trinidadian discourse surrounding "the child" support the principles of the *CRC*?

Gathering Participants

A qualitative approach was appropriate for the topic at hand. Perceptions and opinions of children's rights are best addressed through in-depth interviews which are

inherently qualitative in nature. Qualitative research attempts to “capture the richness of people’s experiences in their own terms” (Labuschagne, 2003: 101). Hence, a qualitative approach to this topic was useful for achieving a comprehensive examination of people’s perspectives on children’s rights, especially since their ideas are based on their life experiences. According to Ritchie (2003: 32), one must look at the objectives of the research in order to determine whether a qualitative approach is suitable. She explains that “it is the nature of the information or evidence required that will lead to a choice of a qualitative approach” (Ritchie, 2003: 32). Since this research is also exploratory, or what Ritchie (2003) identifies as “contextual,” it “offers the opportunity to ‘unpack issues,’ to see what they are about or what lies inside, and to explore how they are understood by those connected with them” (27). Moving beyond contextual research, a quantitative study would be helpful in examining the prevalence of these perceptions within the general population.

The study utilised a non-probability sample, common to qualitative studies, obtained using a combination of sampling strategies. In an attempt to collect a diverse sample, a combination of snowball sampling and convenience sampling was used to gather parents with children of varying ages, teachers, children from ages 12-17, and child-care providers who work in homes for socially displaced children. Atkinson and Flint (2001) give a simple definition of snowball sampling, “identifying respondents who are then used to refer researchers on to other respondents.” One of the limitations of snowball sampling is the possibility of creating a sample that is very similar in nature (Ritchie, Lewis and Elam, 2003: 94). To avoid this problem, several starting points were used in the sampling chain. For example, teachers were obtained from a variety of sources, instead of asking one teacher to provide all the references. The original intention

was to include police officers and social workers in the sample; however, given the time constraints of doing fieldwork in a foreign country, it was not possible to access these populations. The perspectives of these workers, as well as health care providers, would serve to strengthen the study.

The sample for analysis, identified with pseudonyms, consisted of thirteen single interviews, one focus group with fourteen boys²⁰ from a home for socially displaced boys; one interview with two female participants, and two interviews with male street children²¹ from the original project.²² The individual interviews took place with the following: three teachers (all female),²³ four child-care providers (three females, one male),²⁴ five children (four females, one male),²⁵ and three parents (two females and one male).²⁶ The four child-care providers worked at two group homes for socially displaced children in Port of Spain. Most participants were from Port of Spain, the capital of Trinidad. There was some overlap in that one child lived in East Trinidad, but attended school in Port of Spain; one child lived in East Trinidad with her mother and at times, in Port of Spain (West Trinidad) with her father; and one teacher lived in East Trinidad, but taught in Central Trinidad.

While participants were purposely selected for their specific roles, some participants also based their responses on experience drawn from multiple roles. For example, two of the child-care providers and two of the teachers were also parents of

²⁰ Transcript excerpts identify the focus groups speakers as “participants.”

²¹ Clive and Anthony.

²² This thesis initially began as an exploration of street children in Trinidad; however, due to unforeseen challenges of access, it was discontinued and the topic of children’s rights in Trinidad arose.

²³ Ann Marie, Sarah (a retired teacher), and Maria.

²⁴ Bernadette, Elsa, Linda, and Martin. Bernadette and Elsa were interviewed at the same time.

²⁵ Anna, Jeanine, Renee, John, and Jacqueline.

²⁶ Stan, Amelia, and Julia.

grown children; and therefore, sometimes answered questions referring to both their professional role and their parental role. Stan and Julia were parents of children ages seven and 18 months respectively. Since their children were so young it was difficult for them to answer some of the questions that did not apply to children in that age group; however, they explained in a hypothetical sense what they thought would happen.

The two group homes, assigned the pseudonyms, House of Hope and Golden House, were privately funded institutions that received government assistance. The government gives them 15% of the costs to run the home and the remaining monies are raised through funding from private institutions. Children come to the homes from a variety of sources, including placement by the courts, and requests from parents and social workers because the children are “out of control.” In the case of House of Hope, Martin, a child-care worker, performs street walks every few weeks to try to convince children living on the streets to use the homes’ services. He explained that they try to take “hard-core street children” and not just those who have run away because they do not want to follow the rules at home. Once the children agree to stay, someone at the home must contact each child’s original home, getting his or her parents or relatives to consent before the child can be permanently placed there.

Each home can facilitate less than 20 boys at a time, and the turn over at Golden House is very slow. The boys stay there until they are employed, and can move out on their own. Unfortunately, Bernadette said that children often stay longer than their court appointed time; they may come for a few months and end up staying for years. In contrast, House of Hope has an affiliated transitional home where the boys are transferred when they finish school; the transition home assists with re-integration into society with staff teaching the boys the skills they need to live on their own.

Data Collection and its Challenges

Two methods of data collection took place between August 22nd and September 3rd 2007: semi-structured interviews and one focus group session. Lewis (2003) states that the decision to use either of these approaches is based on the type of information sought (58). In-depth interviews focus on the details of individual perceptions; whereas, focus group sessions are useful because “the interaction between participants, will itself illuminate the research issue” (Lewis, 2003: 58). Since the purpose of this project was to examine perspectives on children’s rights, a semi-structured interview offered the opportunity to explore these viewpoints, allowing for a deeper understanding of their origins.

The semi-structured interviews were comprised of two parts. The first area centered on a number of issues, which are directly linked to articles in the *CRC*, including: home life; discipline, punishment, and religion, in the family and at school; freedom of expression; freedom of association and peaceful assembly; freedom from attacks on honour; right to privacy; economic exploitation; and awareness of rights (See Appendix A). During this section of the interview, if children did not have any knowledge of children’s rights, a definition was provided (Appendix D).²⁷ In the second part of the interview, the participants were given some statements adapted from the *CRC* and were asked to comment on each (See Appendix B). Both *CRC* statements and the definition of children’s rights were given to participants on paper and read aloud to them, while they followed along on their copy. A slightly different interview guide was used for each sub-

²⁷ I did not anticipate that there would be adults who did not know what children’s rights were, and in the first interview with Julia, I did not bring the definition with me and she was not clear on what they were. The definition was used in subsequent interviews with both Stan and Amelia, the other two parents.

group in the sample.²⁸ Children, for example, were not asked to comment on government obligations, child-care providers were asked precise questions about the running of the homes and the children therein, and teachers were asked to comment on articles from the *CRC* related to education.

The semi-structured interview guide arranged research questions by topic, but also allowed for flexibility in the order of delivery (Bailey, 2007: 100); these characteristics proved useful. Participant responses guided the flow of the interview. In other words, when participants raised a topic, all related questions were asked regardless of their location in the guide to demonstrate respect for participants through the elimination of repetition. The flexibility of semi-structured interviews and the qualitative approach also allowed the researcher to revise questions after the first few interviews. In this case, no questions were removed; however, following the children's interview with John, the schedule was revised. Listening to the first interviews proved beneficial since it encouraged me to be reflexive about my role as a researcher. After the first two interviews, it was clear that more time needed to be spent listening to participants and less time focusing on the next question on the list. Rushing through questions tends to be a frequent mistake made by novice researchers during the research process (Berg, 2007: 129). As the interviews progressed and experience increased, additional skills were developed, resulting in the expanded use of probing techniques to explore participants' responses. Legard, Keegan, and Ward (2003: 156) remind qualitative interviewers that listening is a key part of the interview, and encourage researchers to remember that it is

²⁸ These interview guides were put through extensive and continuous reviews in order to ensure they were effectively and appropriately worded. In particular, the children's interview guides were reviewed to make sure the wording of questions was clear and not intimidating. Double-barrelled questions were also removed from initial guides, as they had the potential to confuse both participants and the analysis process (Berg, 2007: 104). Committee members provided helpful feedback to achieve these goals.

not the time for them to showcase their knowledge. The participants and their perceptions must remain the focus of the interview.

Active listening was not the only challenge found in conducting interviews. Participants cancelled and rescheduled appointments, and arrived late for interviews. Access to some interviewees was also extremely challenging due to the timing of the interviews; they took place at the end of the August holidays. Teachers were difficult to contact because they were either taking advantage of their last weeks of vacation or they were preparing for school. Once school started in September, a few participants cancelled because they were unable to spare an hour or more for interviews during the school day, their only available time. Traffic jams, now the norm in Trinidad, were also a hindrance, and on more than one occasion, participants were late for their interview having been stuck in traffic. In addition, three participants were unable to complete the second portion of the interview, after the first hour of the interview ended, as they had prior engagements. Due to the need for probing, at the end of the first hour, all sections of the interview guide were not yet explored. When the agreed upon duration of the interview is exceeded, one must renegotiate the need for extra time (Legard, Keegan, & Ward, 2003: 146). As a novice researcher, the instructions of Legard et al. (2003: 164) were followed. They suggest that dominant participants may attempt to control the interview by placing restrictions on time. As recommended by these authors, the interviews were restructured to meet the needs of participants, in part because of respect for the voluntary nature of their participation. Re-scheduling interviews was not an

option because the two-week time period²⁹ limited scheduling flexibility; in three instances, the second portion of the interview examining *CRC* statements was eliminated.

Interviewees were sometimes very nervous at the beginning of their interviews and rapport building was important. Berg (2007) defines rapport as “the positive feelings that develop between the interviewer and the subject” (116). The children were particularly nervous, so in the initial stages of children’s interviews they were asked to discuss the hobbies they enjoyed, in an effort to put them at ease. Attempts were made to reassure all participants that there were no wrong or rights answers, and that learning about their point of view was the primary research goal. The first interviewee was an acquaintance, and it was surprising to find that we were both nervous. Once this nervousness was acknowledged she seemed more at ease and the interview flowed very smoothly. Some feminist researchers suggest that self-disclosure, as a form of reciprocity, can enhance rapport between participants and researchers (Berg, 2007: 117; Lewis, 2003: 65). In this case, disclosing my own nervousness helped Julia to feel at ease.

The focus group session was comprised of a group of socially displaced children,³⁰ including some street children. One of the workers in a home facilitated this opportunity, and after observing some of their regular chat sessions, the focus group questions were formulated to match the session format. The focus group was ideal for the research, as it resembled meetings that were familiar to the boys and provided a forum where they were more likely to be comfortable than individual interviews. At the beginning of the session, the boys were told that participation was voluntary and they could leave at any

²⁹ Time in Trinidad was limited and ethics approval for the revised research delayed the ability to begin interviewing earlier.

³⁰ Children removed from their parental home or that of their guardians due to extenuating circumstances. This term can also include children who are found delinquent or uncontrollable by the courts and in need of special care and accommodation.

point. In addition, they were informed that they would not get into trouble with anyone in the home if they did not want to take part. Finally, they were asked to talk one at a time. The session began with small group discussions about a cartoon related to children's rights. The small groups were asked to share their thoughts with the others regarding the cartoon, and then the focus group guide found in Appendix C was followed.

Similar to the individual interviews, the focus group was also challenging in that the boys were shy and not used to talking to strangers. The familiarity with the other boys seemed to alleviate some of these concerns. When discussions diminished, a second image was provided to the boys for discussion in small groups, followed by discussion among the group as a whole. This proved to be a good way to revive discussion. However, at times the boys were too rowdy and talked at the same time. In retrospect, I would use a tactic like a talking stick to get participants to talk in turn in a more structured way. Another challenge in the focus group occurred because two workers from the home were present for the focus group session, and during a discussion of bullying, they interrupted to give a lecture about the ills of bullying. Since this action compromised the comfort of the boys, in future, if gatekeepers need to be present, this concern would be voiced prior to the start of the session.

All interviews were digitally recorded and transcribed verbatim at a later date.

Data Analysis

In total, the data resulted in 396 pages of transcripts representing approximately 21.48 hours of recorded interviews. The transcripts were analyzed using open coding in order to determine what categories were present and which themes emerged from the

data. In qualitative research, coding categories are built as one moves along the analysis process unlike the preset categories used in quantitative research (Shank, 2006: 147-48). Instead, “we let important and intriguing items within our data lead us to crafting and creating these codes” (Shank, 2006: 148). Ritchie, Spencer, and O’Connor (2003) endorse notions of the creative process involved in data analysis: “Analysis is a challenging and exciting stage of the qualitative research process. It requires a mix of creativity and systematic searching, a blend of inspiration and diligent detection” (199). Indeed, they stress, data analysis is an ongoing process beginning at the start of the study and ending with the writing of the results (199).

Initially, four interviews considered rich in data were chosen for line-by-line analysis. Strauss and Corbin (1998) define this as involving “close examination of data, phrase by phrase and sometimes word by word” (119). Colour coding was initially used to identify emerging themes. However, this process proved both time consuming and tedious, as large numbers of themes emerged quickly. As such, once the data from these four participants were reviewed for recurring themes or ideas, a conceptual framework was devised (Ritchie, Spencer & O’Connor, 2003: 221) using Microsoft Excel. This framework drew on both recurrent themes and issues raised in the interview guides. Next, a thematic chart, as described by Ritchie et al. (2003: 228-235) was constructed using the spreadsheets. With systematic coding at the forefront of the analysis process, three Excel sheets were created: “Emerging Themes,” “Fact Book” (for basic “facts” presented by participants) and “Typologies of the Child.”

During this data reduction process, Ritchie, Spencer, and O’Connor (2003) suggest that key terms and phrases be retained from the data and that interpretation should, at this point, be kept to a minimum “so that there is always an opportunity to revisit the

original 'expression' as the more refined levels of analysis occur" (229). They warn against dismissing material that is not immediately clear or that seems to neither make sense nor fit with other themes as it may eventually become clearer towards later stages of analysis (Ritchie et al., 2003: 229). During this process, the research questions and objectives were continually reviewed paying particular attention to the data which related to the above ensuring that the research remained aligned (Chenail, 1997). As suggested by Strauss and Corbin (1998: 120), the second and third stages of coding involved looking at sentences and paragraphs, and ultimately the whole transcript for emerging themes.

At the end of this stage of the process, axial coding was used to link the themes by categories. This involved setting up a new Excel document where each sheet represented a category comprised of several themes. For example, the sheet "Fear of Rights" contained all themes that illustrated this phenomenon and the format was kept for data presentation in the results chapters. Strauss and Corbin (1998) note that the goal of axial coding is to "systematically develop and relate categories" thereby adding "depth and structure" to each category (142). This process continued until data saturation occurred. The concept of data saturation is relative, as Strauss and Corbin point out that if one looks deep enough, "new" can always emerge; however, they assert it is has more to do with the fact that the "new" no longer adds to the existing.

The themes that emerged from the interviews were divided into categories falling under three overarching areas: structural, ideological, and cultural challenges to children's rights in Trinidad. Each area forms a chapter, which contains sub-categories, comprised of several themes.

Ethics

This study received university research ethics approval on August 17th 2007, prior to the first interview on August 22nd 2007. This process involved filling out Research Ethics Board (REB) applications and forms. These forms dealt with issues such as informed consent, information to be provided to participants, and explanation of the methodology. At the start of the interview, participants received an information sheet, prepared for the REB application, describing the study. Participants were told about the initial goals of the study, the types of other participants taking part, and they were provided with an explanation as to what their participation would entail. They were also told that there were no foreseeable risks to their participation. Once completed, they were asked to sign the informed consent form, which all agreed to. Parental consent was obtained for interviews with children under age 18. Although all participants were informed that involvement was voluntary, this was made especially clear to child participants. The study was described and verbal consent obtained before continuing; specific permission was sought to record interviews. Informed consent differed slightly for the focus group because it included agreement that the information would be kept confidential by all members of the group session. In other words, they explicitly agreed not to discuss the session with anyone who was not directly involved.

All participants were promised confidentiality through anonymity and secure data storage. Participants had the option of choosing their own pseudonym and were told that a pseudonym would still be assigned if they did not want to select one. Pseudonyms were assigned to the group homes for socially displaced children. Confidentiality is also concerned with the removal of all identifiers; as such, the interviews were transcribed carefully changing names, places, and events that might reveal a participants' identity

(Berg, 2007: 79; Israel, 2004: 719). Given that Trinidad is a relatively small island, there was potential for some participants to identify one another; further, the use of snowball sampling made this even more of a concern. Therefore, special care was taken to withhold identifying information in that regard.

The preceding paragraphs deal with some of what Guillemin and Gillam (2004) term “procedural ethics” which includes seeking ethics approval from the Research Ethics Board. Applications to the ethics board usually require the researcher to disclose how he or she will handle issues of confidentiality, anonymity, data storage, and informed consent. In addition, to the procedural ethics previously discussed, Guillemin and Gillam (2004) also draw our attention to what they call “ethics in practice,” which “pertain to the day-to-day ethical issues that arise in doing research” and the “ethically important moments,” where decisions made by the researcher can have an impact on overall ethics (264-265). There were certainly “ethically important moments” during interviews. For example, one participant, Amelia, burst into tears on more than one occasion during the interview, especially when faced with hypothetical questions or discussions about the future of her children. Each time this occurred, she was gently given the opportunity to stop; once the recorder was turned off for a few moments, while other times she wanted to continue. Legard, Keegan, and Ward (2003: 162) suggest that it is important to be sensitive to a participant’s body language and to let him or her guide the interview.

Other ethical issues arose during data analysis and presentation. Reflexivity is a familiar term to most qualitative researchers, and is a useful tool for reflection on the researcher’s role in the research process. Schwandt (2007) acknowledges a few varied meanings of reflexivity and suggests that one explanation refers to “the process of critical self-reflection on one’s biases, theoretical dispositions, preferences and so forth” (260).

However, Guillemin and Gillam (2004: 273) take reflexivity a step further and suggest viewing it as a tool for building ethical research. In applying this approach to the current research project, a few ethical dilemmas occurred with respect to representation of voices. To remain true to participant voices, quotes were used in their original form as much as possible. Chenail (1995) refers to this concept as “making the data star.” Borland (1991: 173) encourages us to balance the participant’s voice with our own obligations as researchers to present an analysis of the data. However, this technique was not without problems. In its oral form, the Trinidadian dialect is often difficult for non-Caribbean people to understand, but it is far more difficult to write. It was hard not to lose the dialect in the effort to make the text comprehensive to those whose native tongue was not Trinidadian, and to whom it was unfamiliar. In addition, there are parts of the dialect that cannot be easily reproduced, and it was difficult to know how to articulate them. For example, repetition of phrases is often used to place emphasis on an important issue. Yet, to a reader outside of the culture, one cannot help but be distracted by the repetition when it appears to be insignificant. The removal of repeated phrases could be interpreted as silencing participants by removing the emphasis they wished to add.

The decision to remove many participant pauses and nuances was also a difficult one; nevertheless, it was necessary given the potential challenges to readers without Caribbean backgrounds. Pauses (indicated by ...) were not removed when indicating the thought process enhanced the understanding of what followed. However, removing the majority of pauses improved the readability of transcript excerpts and they, along with any dialogue removed from the transcript were replaced with the symbol [...]. Most of the dialect was kept in its original form, and a conscious decision was made not to use [sic] in transcript excerpts to respect the Trinidadian dialect. Finally, it was important to

represent the voice of Trinidad and to give a fair analysis of what participants said within the context of the culture to which they belong. To ensure accurate and fair representation, an attempt was made to use as much Caribbean literature as possible to contextualize the data.

In particular, attention was paid to the children's voices, since it is not often that children are involved in the research process or allowed to have a voice in issues that concern their lives (Grover, 2004: 82-3). For this study, it was imperative to capture children's perspectives on children's rights within the Trinidadian context. Of the four groups of participants, the children's group was the largest, consisting of five single participants and the focus group of 14 boys. While children did not have much to say about the government's role in children's rights, care was taken to ensure the use of children's voices in the chapters that follow, and their names are underlined to highlight voice. One limitation to this process was the inability to verify my interpretation of the data with the child participants. Grover (2004) points out that children should have the right to "challenge perceived misrepresentations arising out of data interpretations that they do not feel accurately reflect their own experience or understanding of who they are or how they function" (82). To this end, the study could have been strengthened by the use of respondent validation. This approach is especially important for children because of the increased power differential between the researcher and child participants. However, due to the limitations of conducting interviews abroad, resources did not permit returning to the country upon the completion of data analysis. Fabian (in press) states that research does not have to be verified by participants to make it ethical and acknowledges that verification is not always possible. That said, she stresses the role of voice in the reflexive process as a means of ensuring the authenticity of the data (Fabian,

in press). However, should resources permit, future research with children would be well advised to consider this validation process.

Another ethical concern arose from my insider-outsider status, as previously noted in the introduction. During the interviews, participants were aware that I was studying at a Canadian university; however, they were not informed of my Canadian citizenship. There was no deliberate attempt to deceive participants, they simply were not informed because personally, I identify more with Trinidadian culture, and hence view myself as Trinidadian. I also speak with a Trinidadian accent, so it would be natural for participants to identify me as Trinidadian. However, when North American contexts were raised in the first few interviews, I speculated on whether these comments were directed towards me. When comparisons with North American contexts continued to be drawn in several of the interviews, without any prompting, it was clear that they were being raised in regard to children's rights.

Analysis of the data was another area where insider-outsider status arose. Initially, upon looking at the data, only negative aspects of participant's views on children's rights in Trinidad seemed to emerge. Knowing that participants did not seem to perceive children's rights in Trinidad as beyond hope, this seemed to be an unfair interpretation of the results. Therefore, the data were re-analyzed, specifically looking for positive aspects of participants' perceptions. Finding themes in this area made me feel more comfortable that the findings were not being held up to a Western ideal, but were in fact indicative of Trinidadian participants' perceptions.

CHAPTER 5: STRUCTURAL CHALLENGES TO CHILDREN'S RIGHTS IN TRINIDAD

We in the Caribbean are a people whose behaviours and responses to problems are conditioned by our past ways of solving social problems, where there is an over-indulgence, a saturation, if you will, of debating the problem 'while Rome burns'. Part of this behaviour has to do with a lack of confidence in ourselves, our values and systems, our ability to find our own solutions to our problems— Dr. Ronald Marshall (2003: 9)

Introduction

Participants raised a number of issues pertinent to social structures in Trinidad. Concerns were expressed regarding social development services, education, government assistance, and poverty-related matters as they pertain to both society and more specifically to street children. Similar to other Caribbean countries, remnants of the influences of colonization and exploitation remain present in current education, economic and political systems in Trinidad and Tobago, and its family structures (Roopnarine, 1997: 307). As the Trinidadian government attempts to formulate solutions to the problems inherent to some of their key social systems, children's rights have been negatively affected, while as Dr. Marshall declared, "Rome burns."

This chapter examines the shortcomings of the education and social development systems identified by participants, which lack the necessary resources for Trinidad to fulfill its obligations under the *CRC*. In addition, adult participants' perceptions of government initiatives regarding children's rights in Trinidad are explored.

Social Development Services

Child-care providers felt dissatisfaction towards the government. There is a shortage of homes for socially displaced children, and government contact with those homes in operation is, at best, irregular. Child-care providers felt that a closer relationship with government officials would lead to improvements in funding and better facilities for the children. However, child-care providers at the homes encourage autonomy and self-actualization of rights in a variety of ways, including facilitating discussion, providing avenues for other forms of self-expression and helping the children to exercise freedom of religion. The following themes related to social development emerged primarily from the interviews with the child-care providers.

Government falls short of CRC obligations

“You are not out there ... you are not protecting them” ... “ we are more or less doing the government’s job”

The government issues subventions³¹ to House of Hope and Golden House, yet, three of the child-care providers said their group homes were rarely inspected by government officials and were despondent about this absence. Bernadette expressed concern over other such homes for socially displaced children that were in operation and speculated about the safety of some of them:

... there are lots of areas there that we should look into and change our whole method of doing things and looking at things ... because [...] I think the government should pay a little more attention to what is going on in a lot of these homes ... right? ... Because a lot of them are not run properly ... the children are not even safe [...] there is legislation to [...] pass for the homes ... because a lot of the homes are not even legal ...

³¹ Subsidy

When asked if government visits were occurring at the home, Martin said that the last check on their home occurred six years ago. He admitted that, while it might be a nuisance to have someone coming to inspect all the time, checks would be welcome.

Martin: No it's not happening right now, I remember when I was young ... must be about six years ago, and prior to that about three years before that, two representatives from Social Development came and they asked what our qualifications were and they looked around and so on and that was it ... but between three years and three years after that ... and then from six years to now, nobody ain't come and visit, not a health inspector ... nothing. If these people and them³² was to come to these institutions, it have a lot of institutions I'm sure have to buck up on things ... because your kitchens have to be clean, their surroundings have to be clean and I mean it's good, [...] and so ... the thing about it is, we don't need to see nobody once every six years ... we need to see somebody once every three months or something like that ... I mean to say, nobody does like anybody to be on their heels ... so I might be saying that and I might say, "Oh God, them again," but the fact is that you know somebody is checking because they care ... about the program you running, that it is efficient and effective for the children ... I might say, "Oh God, you again!" but it is important...

Bernadette also expressed similar concerns about the absence of government authorities:

This is it ... you are not out there, you are not protecting them because you have a right to be sending people, social workers or the authorities, social services because there is a lot of money in the Ministry of Social Services [...] and you're not sending anybody to look, you know, you would probably have a social worker send [...] a child here and say ok I will follow up with it and ...[he or she] never ... never shows up ...

The infrequency of government inspections in these homes indicates a lack of concern for the children on the part of the authorities, and more so, the absence of a much-needed relationship between the government agency responsible for children, and the children's homes themselves. Bernadette indicated that sometimes social workers send a child to the home and never return to check on them. Children are dumped in the home, and then abandoned by the system that put them there in the first place. The implications for both the safety and overall well-being of children at these homes could

³² "and them" is part of Trinidadian dialect and can be added to most nouns

be quite severe. Although interviews did not reveal any such concerns, the government *should* monitor the homes to ensure that they provide a healthy environment. In so doing, they would be more in touch with the needs of the children and better able to ensure that obligations flowing from children's rights are met. Building better working relationships with the agencies providing children's services would also be in the best interests of all involved.

Since government visits are rare, there is little appreciation for some of the challenges that the homes face. The child-care providers suggested that they were helping the government and therefore they should receive more attention and funding.

Bernadette: ... we are helping ... we are more or less doing the government's job ...

Martin explained that with rising food and clothing costs, it was not easy to fund a home for growing boys:

... when people open institutions [it's not] for themselves but they are helping the government. They are helping the government in one way or another because we reach homeless people who umm ... is under poverty line and the government needs to put things in place and it hasn't put things in place. So ... you have to be really mindful that yes we are running a program, and yes if it is we accountable for X, then you all need to buck up and support in whatever way that you can ... because when you check it out with the food prices and things it's a good thing a lot of people volunteer ... and volunteer to give little donations because a lot of times we could run short on plenty things and ... umm ... sneakers for the boys and them to play football, sometimes you buy a jersey for them, two, three washes, it wash out ... you understand, and so it's a lot of things that we are taking care of to run an institution ... so I think umm ... if the government say that they also have to ensure that, that the institutions and them for the care of children supposed to be taken care of ... then they need to ... other than just helping, come and see, see what we doing here, hear what going on ...

Martin's call for government officials to visit seems to suggest an invitation for the development of a working relationship between the two parties, which at present is sadly lacking. If the government officials made regular visits to the homes, they would be

better informed regarding the challenges faced, such as providing equipment for extra-curricular activities, and would be better able to address them. Bernadette and Martin were very clear that they were helping the government since there are few, if any, of these homes run by the public sector. At the very least, workers would like acknowledgment of the assistance they provide. By not inspecting these homes regularly, the government falls short of its obligation under Article 3.3 to:

...ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision. (CRC)

In addition, child-care providers at the homes were dissatisfied with their resources for handling problems exhibited by some of the children in these homes. For example, Martin referred to children who make inappropriate sexual advances towards other children in the home and how they are handled. The child-care providers try to send these boys to counselling, but if that does not work, in the end, these children are returned to their family. This unfortunate scenario occurred at one home where a boy arrived with trauma from sexual abuse. He repeatedly exposed himself to the other boys while they were taking what was supposed to be a private shower. He went to counselling,³³ but it did not work:

Martin: ... if it is that the problem umm ... isn't changing, we have to send them back home by their parents where it have no ... where it had no younger children to take advantage [of], because some of them got advantaged on the streets and thing about it is that we try to work on the problem but the thing about it, even though that we try to work on the problem we cannot put another person's child at risk ...

Rather than letting this child slip through the system, access to trained professionals who specialize in these types of problems is needed. In addition, resources

³³ He was sent to a program at another private institution. Martin did not disclose the length of the program.

are required to develop programs to help children deal with the sexual abuse they experienced either at home or on the streets. Sending them back to their original home is a utilitarian approach that only protects those who are in the home, but does not benefit the child with the problems. Bernadette expressed similar issues in her home:

You see, because the amount of money it takes for us to have a social worker on board, or to see a psychologist, some of them might even need to see a psychiatrist and have medication, need to be assessed and all of this takes money, and this is where the government could come in ... cause if we could manage to get the children, you know, [to] reach this far ... at least help us, help the children, so that at least whatever situation they would [be able to] get out of ...

Children's inadequate access to mental health services is not unique to these homes, but is in fact widespread. Worrell (2006) asserts that the state of mental health services in Trinidad is problematic; furthermore, "Trinidad and Tobago has no assessment procedures or legal mandates to identify basic mental health problems (e.g.) depression in children and youth" (159). It is extremely difficult for low-income homes to access psychiatric care since, according to Worrell (2006: 159), a basic psychoeducational evaluation costs more than \$3000 TTD. Here the state fails to ensure the rights assured to children under Article 24 of the CRC, which include "the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health."

Insufficient homes for abused children

According to Robinson (2006), children are affected by violence within the family and "no other violation of their rights is as difficult for children to voice and denounce as violence within the family" (158). The shortage of foster homes in Trinidad hinders the child's right to freedom from abuse while in the home (Article 19.1). In addition, the government fails to provide social programmes to help children deal with these situations,

as required under Article 19.2. Four of the ten adult participants expressed concern over the lack of proper foster care for abused children. Bernadette and Elsa explained that their home is filled to capacity and there are demands for more of these homes in Trinidad.

Elsa: Because we have beds only for twelve boys ... and that doesn't mean that the phone doesn't ring twice a week, sometimes police right there in ***** asking us to take in a child who was abused ...

Bernadette: Yeah ... we turn away children all the time, so there is a need for more homes like these in Trinidad...

Amelia speculated on whether there were enough foster homes for children who have to be removed from the home. Linda's statement concerning the needs of abused children confirms Amelia's suspicions:

Linda: We need decanting centres where children who have to be taken out of situations of abuse, incest, physical abuse ... children who have to be taken out of untenable situations, we need to have centres where these children [...] can be placed and while they are there they can be assessed mentally, psychologically, physically, [...] and from there now, you would know the best home environment or institution to put them in. We don't have that, so Amy³⁴ had to die and Sean Luke³⁵ had to die because these children couldn't be taken out of their situation to be put anywhere...I mean they were babies...St Dominic's not taking them and St Mary's not taking them and those are the two orphanages we have in Trinidad. So, we need centres like this where children could be taken out of these situations and cared for, processed so to speak, processed and then placed in foster care or whatever, I mean we need to put those kinda things in place.

In a session of Parliament, Dr Tim Gopeesingh (Parliamentary Debates, 2006), a member of the opposition, and also an obstetrician, issued a scathing critique of the

³⁴ Amy Annamunthodo was four years old when she was beaten to death on May 15th 2006. Autopsy reports later revealed that she was raped and sodomized (Gumbs-Sandiford, 2007a). Her stepfather was charged for murder and her mother was charged with six counts of child neglect (her mother's charges were later dismissed) (Gumbs-Sandiford, 2007b).

³⁵ Sean-Luke Lumfai was a six-year-old boy whose body was found in a Couva canefield on March 2006. He was brutally sodomized and drowned (Boodan, 2006).

government's response to children's issues in Trinidad and used Amy and Sean Luke's cases as evidence of such disregard:

What these issues brought to bear was the stark realization that the Government has spent the past four years ignoring children in this country and now we are seeing the damaging effects of it. As these reports point out, Government has no clear stated policy on children and this is why it has not done anything on the Children's Authority Act. It does nothing to implement or finance any of its initiatives already put in place. It does not seem to care. (39-40)

Referring to Amy's situation, Linda said:

Linda: I mean you would not believe the abuse that that child suffered, social workers knew, the hospital knew, you understand? And people in the street knew, I mean and [...] you have to give the police the power [...] and other social agents the power to go into a situation and [...] take out a child, but in order to take a child out of a situation, you must have the facilities in place but many times the police can't do anything because the police are not willing to take the child ...

News reports confirm Linda's statements and suggest that Amy Annamunthodo received treatment at the hospital on several occasions after severe beatings. The case was referred to medical social workers at the hospital and Amy was placed in a safe house, but she was eventually returned to her mother's custody. None of the social workers involved notified the National Family Services Unit of the Ministry of Social Development about Amy's case ("Counselling for baby Emily's Family," 2006). Furthermore, Dr. Gopeesingh (Parliamentary Debates, 2006: 40) claims that at least 10 out of every 15 patients he sees in public institutions are pregnant young women under the age of 16, and when he asks to consult with a medical social worker, there is no one available.

The issues raised by the participants, and Dr. Gopeesingh's contributions to Parliament, speak to the recurring issue of inadequate resources for social development services in Trinidad. In addition, there is a lack of contact between relevant authorities

and reluctance on the part of police and courts to remove children from the home. These two concerns may be linked to the absence of institutions to take these children. Even within secondary schools, Worrell (2006) discusses the absence of guidance counsellors, stating that “35 guidance counsellors [are] assigned to over 100 secondary schools, and a smaller group assigned to elementary schools with the highest rates of academic failure” (159). In addition, these guidance counsellors come from a variety of disciplines and “consequently their knowledge in areas like diagnosis, assessment, and intervention is limited” (Worrell, 2006: 159). In fact, no one works in the school system who is trained in school psychology (Worrell, 2006: 173).³⁶ The deficiency in the numbers of guidance counsellors, social workers, and foster care facilities presents a serious drawback to the realization of children’s rights. The government needs to provide an avenue through which abuse at home, in school, or otherwise can be addressed by the appropriate authorities. Unfortunately, at present, even when child welfare providers are involved, limited resources tie the hands of these authorities.

Attempts at recognizing children’s rights in the group homes

On a more positive note, child-care providers at the two group homes appeared to be more aware of children’s rights than other participants, and they worked hard to ensure that they respect these rights. For example, Article 12.1 allows children to express their views in matters that concern them and Article 13.1 guarantees them the right to freedom of expression. The children in the homes are allowed to exercise both of these

³⁶ Worrell (2006: 174) says that the lack of trained professionals in this area can be resolved if the government provided scholarships for professionals to receive doctorates in the field and then eventually set up a program at the University of the West Indies. However, he claims that the government is unable to commit to this plan because their commitment only extends to the next election date.

rights to some extent. They are included in decision making in the home because, as Linda aptly put it,

It is disrespectful not to involve them and [...] it is saying to them that they don't have an opinion and your opinion don't matter and you don't matter ... because [...] I am here, people are making all these decisions for me without any consultation. So I think it is disrespectful [...] not to involve them and not that they will see it as disrespect, or they don't understand it as disrespect, but [...] they've been ignored and treated badly for most of their lives.

The boys at House of Hope have the opportunity to express themselves at house meetings:

Linda: House meeting is where the boys sit and talk about their issues, they bring up what they want to talk about, they discuss it and they come up with the solutions to it...things that they want to see happen, things that they want to see changed, [...] that kinda thing, things that, issues that affect them that's what we talk about in house meeting. We now take a note of it to follow up where it is possible, but we are careful to let them know that some of the demands they have are not always possible (laughs) or realistic, you know? But those that we can do something about we try to do it.

The child-care providers understand that these children have not had any autonomy over the years and attempt to rectify this problem. For example, Bernadette explained,

You see we try to run here as a sort of a more family kind of thing ... we don't want them to feel that they are in an institution and they have no control over anything in their lives so they have no rights ... so [...] ok you need to go get a haircut, here's a twenty dollars, you know ... we could just bring somebody in to cut everybody's hair, but no, they go and they get it cut however they want it, as long as it's not outrageous or ridiculous ...

Both homes allow the children to express themselves through art and media. In fact, at House of Hope, the children not only expressed themselves through art, but they also discussed it as well. Martin talked about the process in terms of art therapy:

Yeah we have art therapy, we have an art therapist [...] ... she normally used to come on Saturday mornings and do it [...] ... and they always drawing, they love drawing, they love painting umm [...] We have a blackboard there when it

not in use, the boys and them go up there and draw all kinda thing, [...] and we discuss them too ... it have a youngster who always drawing his family and it have youngsters who always drawing them small, small so and their parents big, big so and so it tells a lot [...] and a lot about what they does think...

In Golden House and House of Hope, all four child-care providers expressed the desire to respect the religious beliefs of the children. In both homes, the children who were practising their religion were allowed to go to their place of worship if accompanied by an adult:

Martin: ... if, you come to us, because the boys and them go to church at **** and before we used to go to ***** church right there. If, if you come to us and say you are a Muslim or a Seven Day Adventist, Pentecostal something like [that] ... [...] ... we respect that [...] if you have a family member who can come and take you to church ...

Bernadette: We teach spirituality and they are allowed to umm ... practice whatever religion or to remain in whatever religion, we don't force them...a lot of the ... umm ... well because we have a volunteer who comes to take them to the Catholic Church, they tend to go to the Catholic Church right? But uh we wouldn't force them to leave their religion and join ...

Boys subscribing to a faith other than Catholicism customarily attended Catholic churches if they were not practising their own religion.³⁷ There are limits to allowing children to attend other religious institutions because family members of children are not always available to accompany them to church. Martin explained that they implemented that policy after one boy said that he was going to Mosque for a few months, but was instead found downtown playing video games. Similarly, it is difficult for boys from Bernadette's home to attend other religious places of worship because the only volunteer comes from the Catholic Church; there are no volunteers from other denominations. At

³⁷ There are a few problems with this approach; however, they are not unique to the situation in the homes and are discussed in Chapter 6.

the very least, the child-care providers are doing what they can to respect religious beliefs given their resources.³⁸

This application of children's rights, in a very practical sense, suggests the potential for the realization of children's rights for children in other segments of society. The level of awareness and understanding of children's rights, as well as the acceptance of children's rights, has led to their integration in the daily running of these facilities. The education of these workers through various meetings and workshops about children's rights has much to do with these adjustments. As illustrated in the following chapters, the apparent knowledge and value of children's rights exhibited by child-care providers is not yet evident within the general public.

Education System

In Trinidad, children's education begins at age five at the primary school level. They remain there until age eleven or twelve when they write the Secondary Entrance Assessment (SEA), which partially determines what high school they will attend. Approximately 20,000 students per year write this exam and four criteria determine their placement: performance on the exam, parent's choices,³⁹ place of residence, and gender⁴⁰ (Division of Educational Research and Evaluation (DERE), 2004: 5).

The high school system is tiered based on achievement in the SEA, ranging from three-year schools at the lowest end to seven-year schools at the highest end. The three-

³⁸ Unfortunately, efforts to respect religious beliefs are undermined by the present lack of staff and volunteers.

³⁹ Parents are allowed to give four schools that they would like their child to attend in order of preference.

⁴⁰ Many schools in Trinidad are exclusive to one gender.

year schools are Junior Secondary Schools⁴¹ and at the end of the third year, students can write an exam to enter a five-year school: Senior Comprehensive Schools, which provide education for children ages 12-20 (*Education Act 1966, C-39, Section 12.1*). At the end of their fifth year of high school, students write the Caribbean Examination Council (CXC) examinations at either the higher General Proficiency Level or the lower Basic Proficiency Level. At this time, if students wish to complete the full seven years of high school, they must apply for Sixth Form at a seven-year school. Upon completion of Sixth Form, which spans two school years, students then write the Caribbean Advanced Proficiency Examinations (CAPE).⁴²

Similar to the social development system, the education system in Trinidad faces many challenges. Participants described a number of ways that children get lost in the current system and were critical of the pedagogical style of teachers. Teachers, themselves, pointed out that they lacked the resources to deal with some of their daily challenges. The literature shows that teachers, similar to guidance counsellors in the education system in Trinidad, oftentimes lacked the training to handle some of these trials (Worrell, 2006: 159).

“The child can just slip through the cracks—fall out of the system”

Participants highlighted a number of challenges within the education system which are directly linked to children’s rights. Gaps in legislation, as well as structural problems

⁴¹ Harris-Martin (1997) explains that there were few government high schools in the 1950s because “the denominational church boards built most of the secondary schools and were in control of secondary education.” They were privately run and the poor could not afford the school fees to attend them. Hence, the government built Junior Secondary Schools “to fill this void and provide free education for the age group 12 to 14” (163-4).

⁴² NB. The Ministry of Education is in the ongoing stages of changing their secondary school system. However, this description applies to the school system in place at the time of the interviews.

such as poverty, have restricted children's education rights. The first problem, as noted by Ann Marie, is that education is only compulsory until age 12:⁴³

They don't have to come to school because it's not compulsory ... education is only compulsory to age 12 ... so you're breaking no laws to tell the kid, "Get lost don't come back to school" (she says laughingly) ... "I don't want you in my classroom" and [...] there's no law that can say ... that make that teacher, as far as I know, be in trouble for telling a child don't come back to my class [...] and because education isn't compulsory the child can just slip through the cracks—fall out of the system and nobody would miss him ... and then you might see him/her in the newspaper killing somebody or something like that ... so the issue of rights of the child are not being addressed in the sense that ... education should be compulsory as long as a child is a child.

It does not make sense that the compulsory age of education ends at age 12 (*Education Act 1966*, C-39, Sec. 76.1), since the *Children's Act* does not permit children between the ages 12 to 14 to work unless they are in a family business.⁴⁴ School should be compulsory until at least age 15 or 16 if Trinidad is to avoid a situation where many youth are no longer in school but unable to legally go to work. However, raising the age of compulsory education would mean building more schools to accommodate these children and it is questionable whether the government has either the resources or the will to do so. Both are needed. In recent years, there has been a growing emphasis on providing access to school for all children; however, this has not occurred (Worrell, 2006: 160). Access to school is important if a child is to have access to equal opportunities later in life, and the mere idea that a child could be absent from school without anyone following up is appalling. It is worth mentioning that the *Education Act* (81.4) suggests that someone monitors these situations, but clearly, this does not coincide with participant perceptions. Furthermore, Ann Marie's comment that there is no law which

⁴³ The Committee on the Rights of the Child (2006) also expressed concern over "the unsatisfactory length of compulsory schooling" (12).

⁴⁴ It is unlikely that this Act is enforced since participants discussed children of school age seen working on the streets, as discussed in the next section, *Government Initiatives*.

forbids teachers from expelling students from their class, seems to contradict the requirement of the *Education Act* (44 & 45) that calls on principals to notify the Minister of Education when children are expelled or suspended. Martin discussed a situation which supports Ann Marie's concern:

... we had a youngster who used to go ***. He used to sell papers on the road and, and actually he was a youngster who was thrown out of *** [another school] in Form One for fighting and, he thought he woulda never go back to school and if you see the little thing, skinny like that, you could imagine how you on the street selling papers and how come those teachers didn't look at your size ... you coulda never be no threat to nobody and ... when we took him in, the boy was brilliant, I mean to say ... he told us that he was [...] at the age to be in Form 3 when we got him enrolled and when we give him a little umm practice test, the boy get everything right and it was like, what you doing on the road?

The entrance to high school is largely determined by performance on national examinations, the SEA. It is not as easy as one might expect for children to move from one school to another if expelled since they are assigned to a particular school by performance based on the exam. Parents must apply at the Ministry of Education for transfers to occur, and if they are neither interested nor willing to do so, it is unlikely that the expelled child will return to school. This is especially true if there is no follow up of expelled students from the Ministry. In the case Martin described, the young boy would not have had the opportunity to return to school had he not gone to House of Hope.

Another ongoing problem in Trinidad is that some children's births are not registered (Committee on the Rights of the Child, 2006: 16). According to the Committee, the absence of registration infringes on children's right to nationality. Furthermore, as Martin explained, some children can also lose out on their right to an education:

... some of them parents was slack too, some of them never even get to set Common Entrance cause they never even had their birth paper

In other words, these children are unable to write the high school entrance exam, the SEA,⁴⁵ since their birth certificate must be provided to the school at the time of registration for the exam. Martin recounted a situation where a young boy who was on and off the streets was unable to write his exam because his mother would not provide his birth certificate:

... when it was time for Common Entrance, he came across by us and begged us for her to go and sign up [...] for him to do Common Entrance because you need to go with birth paper and fill out all the forms for the choices of schools ... she never went—she never went, so he never got to set Common Entrance. Well that like it throw him back so far he just start [...] to give trouble, until he started snatching people's chains, started stealing, started going with gangs and thing, now he dead, he got shot and killed ...

This event is even more tragic because two months before this young man was killed, he had asked Martin to find a place for him at Servol;⁴⁶ they were unable to admit him because he was too young. If, for some reason (such as not having a birth certificate), children are unable to write the exam and thus attend high school, there should be easily accessible vocational schools or education alternatives that they could attend until they are of age to attend Servol. Children should not lose their right to education because a parent refuses to provide or obtain a birth certificate.

Participants identified another serious problem with the education system in Trinidad. Students leave the school system unable to read properly,⁴⁷ which restricts

⁴⁵ The SEA exam replaced the Common Entrance exam (referred to by Martin) several years ago when the Social studies and Science components of the exam were removed, due to a lack of skills and resources on the part of the teachers (DERE, 2004: 4).

⁴⁶ Life centre in Trinidad which runs a number of child development programs as well as adolescent skill and vocational training. See also <http://www.un.org/Pubs/chronicle/2004/issue1/0104p42.asp>

⁴⁷ Participants were not asked to define “read properly” but as discussed below, the literature suggests that a large number of children in Trinidad are not “functionally literate” (Worrell, 2006: 159).

their chances of continuing their education. In high school, Martin explained that teachers sometimes embarrass the boys by asking them to read aloud:

Martin: ... these youngsters and them who coming into the school system, (says softly) half of them can't read, had about five boys in my class when the teachers and them give us thing to do, we had to actually read it out for them and I don't know how the teachers and them didn't know that.

Linda emphasized the inappropriateness of existing vocational programs, which cater to those who are low academic achievers:

Linda: ... you have the same children who you say you are catering for, these same children who cannot read. These same children who are going to the MuST⁴⁸ program, and who you say the MuST program is catering for, are these same children who drop out of Junior Sec because they couldn't read.

With the mounting frustration and the embarrassment of not being able to read, it is no wonder that these children eventually drop out of school. Vocational programs like MuST and YTEP (Youth Training and Employment) were modelled after Servol, which has been very successful; however, these programs lack the resources to “give children with low academic skills functional job skills to allow them to become contributing citizens” (Worrell, 2006: 165).

Sarah explained that the public judges primary schools by student performance on the SEA exam; and therefore, these schools place emphasis on achieving the highest number of “passes.”

Sarah: When you have schools where you are looking at the SEA exam in primary schools, [...] they push towards that ... and the [...] low-key ones stay behind all the time ... they are forgotten ... that is why there are so many children who fail the exam and some of them believe it or not, leave without being able to read or write properly ...

⁴⁸ Linda explained what the MuST program is: “It is Multi-skill Sector Training so you have all different skills, so they training you in different skills, but you must be able to read.” In order to enter the program you must also be between the ages of 18 and 50 (Government of the Republic of Trinidad & Tobago, www.gov.tt/default.aspx.)

Sarah's assertion that children who cannot keep up with the rest of the class are "forgotten" reinforces the theme of children falling out of the public school system. At the very least, children should be able to leave primary school having mastered basic reading skills. When this is not the case, one could certainly argue that children's right to education is not being fully realised. Worrell (2006) calls for a closer look at literacy rates (not only for Trinidad and Tobago, but for all countries) because they do not "really indicate the percentage of the population that are functionally literate" (159).

Linda was the only participant who identified the Junior Secondary School system as an area where children could slip through the cracks. Although none of the other participants touched on this specific issue, Linda certainly made a strong argument in relation to its effect on working class youth:

I mean a dis-service was done to our youths in this country ... a serious dis-service was done to our young people in this country and I'll tell you why— with the advent of the Junior Secondary School, anybody doing sociology would be able to trace where the breakdown and [...] where the youth in this country went off on a different tangent. They'll be able to trace it because what the Junior Secondary Schools did, was take children from the same socio-economic bracket and lump all of them together ... in a school. Now you tell me, if we have the same value system and we suffering and experiencing the same poverty, who is going to aspire?

Unfortunately, while this school system provided working class children with "the opportunity to attend secondary school" and "delayed entrance into the workplace" (Harris-Martin, 1997: 165); at the same time, it perpetuated the class-based school system. When all children who receive high marks are amalgamated into the top schools, and those with the lowest marks are placed into Junior Secondary Schools, a message about their self-worth is sent to the young people attending these schools. In addition, the mere name of a school carries with it a number of positive or negative connotations which are then internalized by the child. As Harris-Martin (1997) aptly states,

It also reinforces and signals to all observers that the average Junior Secondary and Senior Comprehensive School is below the standard of the other schools so the best students cannot go there. Students attending the Junior Secondary and Senior Comprehensive Schools are labelled by society as not being as good as other students. (176)

In addition, the shift system⁴⁹ of Junior Secondary Schools leaves students with a large amount of free and unsupervised time; 11-14 year olds are out of school for half the day, which in itself is a concern (Worrell, 2006: 160). If children are able to pass the exam at age 14 to enter into a Senior Comprehensive School, they are suddenly thrust into a full day of school where they are then “placed in an area of specialization—traditional academic, pre-technician or specialized craft” (Harris-Martin, 1997: 164). Although most students would like to do a craft, there is not enough room for them in these classes and some of the students are forced to enter other areas that they are not equipped to handle. Thus, asserts Harris-Martin (1997),

Many students are left discontented for their two-year stay at these institutions if not placed in their course of choice [...]. This situation creates frustrating situations for both students and teacher alike in these classes of generally 38 to 40 students. (165)

The Junior Secondary School system raises poverty and class issues. The streaming of students in this way perpetuates class differences, which are clearly related to poverty issues. It is unfair in the first instance to allow working class students to compete against higher income students for secondary school places (Harris-Martin, 1997: 168). Therefore as Linda stated,

... if I get up this morning and I come and I'm hungry, I can't hear you and if my father sexually molested me last night, I can't hear you and if two fellas got shot last night in my area ...

⁴⁹ Although the Ministry of Education is trying to change this, at present there are still some Junior Secondary schools that have two shifts of students: a morning shift and an afternoon shift with separate groups of students attending each (Worrell, 2006: 160).

In other words, if children are hungry, abused or in a dysfunctional situation, they will not be able to study at their optimum level. The combination of poverty and class issues creates a vicious cycle from which children are unlikely to escape. Evans and Davies (1997) assert, “children who come to school at a disadvantage are now even more at a disadvantage, and increasingly young people from the lower socioeconomic groups are failing or dropping out of school” (Evans & Davies, 1997: 12). Given the social and economic challenges that working class families face, “making the opportunity for education equal to all does not really regulate the system in an inequitable world” (Harris-Martin, 1997: 169); therefore, attempts need to be made to level the playing field for students.

The highest academic achievers in the Junior Secondary schools are still at an advantage over the lower achievers since at the end of their three years they are more likely to finish up at a five-year school (Harris-Martin, 1997: 175). Thus, Harris-Martin (1997) argues, “the Junior Secondary School System has been likened to ‘academic colonialism’ as it appears to entrench the educational inequalities it was formulated to eradicate” (176). Worrell (2006) also asserts that “as students are assigned to school tiers on the basis of test scores, one can argue that from a student input standpoint, the Tier 1 schools start off with an advantage” (162). Teachers in Trinidad are able to teach without an education degree or appropriate teacher training, due to a lack of credentialed teachers. He explains that the Tier 1 and Tier 2 schools, which have the students with the highest exam scores, also have the highest percentages of teachers with university degrees (Worrell, 2006: 162). Therefore, “the students who have the lowest academic skills receive teachers with the poorest knowledge base in the various subject areas” and continue to be at a disadvantage (Worrell, 2006: 163).

Implementation of structural adjustment programs has meant that less money is being spent on education and on social services in general (Evans & Davies, 1997: 12). However, it is clear that significant funding needs to be allocated to Trinidad's education system once a comprehensive plan has been developed to halt the destruction of the nation's youth through a class-based system of schooling. To its credit, the Ministry of Education in Trinidad has attempted to de-shift⁵⁰ Junior Secondary Schools, and make them five-year programs. In addition, there are plans to change all Senior Secondary schools to seven-year programs. However, the pressure of inadequate resources remains a challenge, as there are still not enough qualified teachers or enough room at some of these schools to accommodate children from both shifts simultaneously (Singh, 2007).

While the education system in Trinidad is different due to its overtly class-based school system, Kozal (1991) notes similar problems in the United States. Children from poverty-stricken backgrounds have access to low-levels of education and he states these children need the highest quality of teachers but instead get the worst (85). Those children who come from poor backgrounds are rarely able to achieve high-level academic scores at school (Kosters & Mast, 2003: 2-3). It is clear that this problem is not experienced solely in Trinidad. While the CRC promises children "the right to an education," we must ask ourselves, what kind of an education are they getting? All children should have the right to the highest possible standard of education. In order to achieve this goal, poverty must be addressed and governments must ensure that all schools have access to adequate resources and that children have adequately trained teachers.

⁵⁰ De-shift refers to removing the morning and afternoon shifts from Junior Secondary Schools.

“Teachers lack work ethic: don’t care, don’t supervise, don’t teach”

Some of the qualities exhibited by teachers disturbed Sarah, Martin, and Amelia. During a discussion of corporal punishment in schools, Amelia expressed the concern that some teachers might not like a child, leading to unfair treatment of that child:

... they have teachers who just don’t like children. When I say doh⁵¹ like children, in the sense that they may like teaching, don’t get me wrong, but they may not have a certain vibe and we know that from growing up and dealing with people ... umm human beings then, I might not get a vibe with you and I just doh like you and I want to beat you. Now no, it can’t work like that.

Martin, however, expressed even stronger sentiment, and said that “teachers don’t care,” “don’t supervise” and “don’t teach.” When Martin talked about the boys in his class who were embarrassed by the teachers because they could not read, he speculated about the behaviour of the teachers,

I don't know how the teachers and them didn't know that. The teacher and them knew that. The teacher and them didn't care about that , now if you spend time with the youngsters and them and tell them, 'ok you have problems reading you all will work on a different level and so we will deal with this' ...

He continued to explain that teachers did not care what students did in the classroom and did not motivate them to learn,

...but if teachers really and truly say 'If allyuh⁵² ain't want to learn, you don't want to learn. You could sit down at the back of the class and talk.' Well that's not showing interest in their development ...

Looking at statistics, Worrell (2006) points out that the pass rates of students taking the Basic Proficiency⁵³ exams showed an academic decline over their five years of

⁵¹ Doh = don’t

⁵² Allyuh = all of you

⁵³ As previously noted, CXC (Caribbean Examination Council) Examinations at the end of Form Five can be taken at the higher General Proficiency level or at the lower Basic Proficiency level. Students are usually around 15 to 17 years at this stage.

school⁵⁴ and asserts that this “makes it clear that these students are not being educated in their schools” (164). He places blame on any number of problems including inadequate teaching, absence of both teachers and students or simply a school environment that is lacking (164). Whatever the problem, he argues, the fact remains: “no learning is taking place” (Worrell, 2006: 164).

Sarah supported these accusations with her own observations of why children leave school unable to read,

... because umm ... the teachers are not showing that interest and everybody I meet ... all my old friends will tell you the same thing ... the young people [young teachers] are not giving their hundred percent at all ... they not even giving forty-five [percent] according to the woman who is [the] acting [principal] in my school ...

Both Martin and Sarah felt that teachers do not supervise children properly. Martin explained that children got into trouble in school during “free periods” when there was no supervision,

The time that they have, because it have periods in school, [...] many times when you find children up to mischief is when they have free periods and when you have free periods what do other teachers or deans do? They just allow them to stay in the class by themselves? So then they have no supervision again ...

There is no substitute teacher system in the country and when teachers are away “no teaching occurs in their classrooms” (Worrell, 2006: 164). Furthermore, “many teachers insist on taking *their* 28 [sick] days” (emphasis in original) (Worrell, 2006: 164). Sarah observed the same type of disinterested attitude in a group of young teachers escorting children on a field trip:

I can't understand the way young people are teaching these days [...] last term I saw two schools going up the main road, young people with them ... and all the young teachers are talking at the back and the hundreds of children

⁵⁴ These five years of school represent the time between passing SEA and completion of CXC.

are walking up the main road ... it is a Common Entrance child, two, three of them in the front, who stopped them at the roads for them to cross ...

Sarah observed that teachers lacked interest, both in their job and their students.

Teaching, in the true sense of the word, did not seem to be their objective, and Sarah explained the difference between her dedication and that of the younger teachers:

So even though I was young at the time, because of my upbringing and everything, you were able to see certain things, do certain things, but now from what I see ... these young people [young teachers], they don't have it. If they have it, they not interested in giving out ... they more interested in the holidays, the salaries and that is it. Like when we had books to correct, [do] you think we stay after school? You bring it home ... up to the other day [when] I was talking to a young girl, she say, 'Carry home what? You mad? I will take a little half an hour and I will correct the books' and that is wrong ... that is the time for you to see what mistakes they made and you do it over the next day ...

Sarah and Martin both speak to the lack of interest in students and the lack of passion by the teachers at school. If teachers are not invested in the teaching process and to facilitating learning, children's rights are even less likely to be upheld in schools. For example, when Sarah read Article 29.1e (CRC) about directing education towards respect for the natural environment, she replied:

Sarah: You see Charrise, with the young people you have teaching now ... you are not going to get some of these things you know

Charrise: Why do you say that?

Sarah: Look at a simple thing...last year or year before, I went into my school, and they had the lines of children in front of you and they had five young teachers there. And so I am talking behind to one of the teachers, they are going to sing the National Anthem, one is eating corn curls, one is combing her hair, and they start the National Anthem and the next one is turning around to talk ... and they not even interested to teach them [students] the right thing, so when you singing the National Anthem you have to have respect for it ... so there was nothing like that ...

Sarah later revealed her perception that younger teachers did not even teach the children to keep their classroom clean, and therefore she felt it was unlikely that they would teach students respect for the natural environment. Worrell (2006) explained the

same concept to teachers at a workshop, “you cannot insist that your students are punctual if you are not in class to greet them when you arrive” (170). Similarly, Harris-Martin (1997) found that “many teachers are unpunctual and totally uninterested in their charges” (172).

Findings pertaining to teachers in Junior Secondary Schools confirmed similar attitudes. Harris-Martin (1997: 171) notes that teachers do not understand the importance or the relevance of their students’ social backgrounds. Furthermore, teachers see their role as a limited one, as they see themselves as “instructors and not [...] facilitators of social and character training of the students” (171-2).

On the other hand, Maria, Sarah, and Ann Marie showed a great deal of passion for teaching during their interviews. They talked with enthusiasm about helping their students learn, protecting them from abuse, and about helping students to have a voice in the classroom. Ann Marie shared her love for teaching and when asked what she liked most about teaching, she replied,

Learning from the kids (laughs a little) ... that's interesting learning from them ... sharing with them ... sharing their view of the world and their hopes and dreams and being a part of ... being a part of them ...

When asked the same question, Maria’s response was similarly moving,

...that you are able to show some love and compassion to children because most times they ... sometimes they have never experienced it before at home especially ...

Sarah recalled a situation where she went out of her way to talk to a parent about a problem she noticed in school with his son. At the time, she was a young teacher and the parent did not want to come in to see her:

I remember I was teaching his son and I noticed something was wrong ... and I was a young teacher then eh, and I sent to call John Michaels and he wouldn't come and one day we were walking up by Pat Maraj [restaurant]

there and he passed and he stopped and I said, 'Mr. Michaels, so long I sent to call you to tell you I find something wrong with the child eyes and he need to be taken to[the eye doctor]' [And he said,] 'Miss, look, you too young yes, you don't know anything about [that]' But two weeks later, the child was wearing glasses, something *was* wrong with his eyes.

These do not sound like teachers who do not care, supervise, or teach. Harris-Martin (1997) notes that not all teachers in the Junior Secondary School are inadequate: "there are those who show a genuine attachment and concern regarding their classroom charges" (172). In other words, there are still teachers out there who care about students. This shows the potential both for teachers in Trinidad to excel and for improvements to the current situation.

Teachers lack resources

Teachers also complained of challenges that they faced at school. When given some of the rights to read in the CRC, Maria said,

This sounds very good in writing but when you have 24 children with about 13 subjects to teach it's, it's very difficult ... when you say child's personality, talents, that would mean that you have to take them individually to teach them ... it's impossible. It sounds good as I say but in reality it can't work. *Maybe if we had assistant teachers and smaller numbers we'd be able to maximize each child to their fullest potential but as it is now we are not equipped to do that.*

The problems of both overcrowding and the need for teaching assistants are nothing new. In some of the Junior Secondary schools, there are forty students to one teacher (Harris-Martin, 1997: 171). Moreover, Ann Marie stated that she is not sure whether all schools have guidance counsellors yet,

Well they're just beginning to get guidance counsellors on any scale because before you would have one guidance counsellor serving a whole community and things like that, and I think that's some schools, I don't think *every* school has a guidance counsellor or anything like that ... [italics added]

In addition, teachers are unable to discipline children when parents do not want to come in when called. Recall Sarah's earlier account where she had to meet a father on the street by accident to talk to him about issues regarding his son's health. Maria echoes similar experiences, "Quite often even if you call parents in, they don't come." This poses a considerable problem to teachers especially if they do not have guidance counsellors at the school to help them.

Although, Martin was very disapproving of teachers' pedagogical styles in the classroom, he acknowledged that curriculum demands make it very difficult for teachers to work through students' personal problems without assistance. Similarly, Linda acknowledged that teachers have a difficult time inspiring students to learn when they are experiencing problems at home such as hunger, abuse and other factors associated with coming from more socially deprived and depressed areas:

... because the teachers are so burdened with the social problems of the children, it very difficult to teach and to motivate and to encourage in that environment so the teachers most of the time do what they have to do ... they teach, but then hardly any learning takes place ...

Student problems can manifest themselves in a variety of ways, all of which can be challenging to a teacher. These can include "student resistance, aggression, hostility, distrust, anger, hopelessness, inattentiveness, day dreaming, low motivation, unwillingness to delay satisfaction and overall restlessness" (Chessum, as cited in Harris-Martin, 1997: 169). According to Harris-Martin (1997), "learning appears to lack relevance to the students" (169) making it difficult for teachers to motivate them.

At the same time, teacher expectations may be linked to student motivation. Studies in Jamaican schools show that teachers do not expect students from the lower socioeconomic groups to be able to cope with the demands of the curriculum (Evans &

Davies, 1997: 18). They go on to explain that “the home environment, the children’s perceived low intelligence, and lack of interest in learning are used to justify these views” and this type of thinking may well impact the teachers’ own motivation to achieve learning in the classroom (Evans & Davies, 1997: 18). Thus, if teachers perceive that students are unable to succeed due to these factors, they may not strive to motivate students. This may lead to a self-fulfilling prophecy: “[the] teacher gets less because she expects less” (Rosenthal & Jacobson, 1997: 443).

Government Initiatives (Children’s rights in Trinidad are lackadaisical)

“Rights are on a shelf somewhere”

Martin was very critical of the government, and his perception was that the implementation of children’s rights was taking an unnecessary length of time. When asked to describe the situation of children’s rights in Trinidad, he replied:

I find [children’s rights] lackadaisical [...] I find our program plans and our government is very lackadaisi- ... and not only government [...] within the home situation [...] and those are the things that we lacking they don’t implement nothing here! Rights of the child? They have that on a shelf! When I went to a meeting about a year or two years ... they were still waiting for certain things to implement, for the ministers and them in parliament to [...] sign it off and say ok, this piece of legislation is now validated and start working on that. It’s difficult ... they spend too many hours, too many years in fact trying to ponder, all right leh we⁵⁵ see if this working, and in the meantime, society go so (points downwards with his thumb) ... down the drain so once we start implementing it we’ll see things taking place ...

This sentiment is similar to reactions from other participants when excerpts from Article 18.2 of the CRC were read to them.⁵⁶ A few of the adult participants laughed when

⁵⁵ Leh we = let’s

⁵⁶States parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities, and services for the care of children.

they considered these statements. Amelia said,

Well that's lovely, I've never heard that in my life, but ok if you say the government is supposed to do that, [then] the government is supposed to do that, but I've never heard that, never, never, never ...

Similarly, when Linda read the statement she snorted a bit of a laugh and asked sarcastically, "How?" Maria also laughed when she heard the statements:

Maria: This actually happens? (Laughs)

Charrise: Well that's what I was going to ask you [...] Are you aware of ... ?

Maria: This I never heard before ... so this states that [...] there are programs in place that teach child-rearing responsibilities?

Charrise: Well, the government is supposed to ensure that there are ...

Maria: Well to my knowledge, no.

Charrise: No? Do you know of any parenting classes or ... ?

Maria: No ... nothing that I've heard ...

Bernadette and Elsa shared similar views about the state of children's rights in the country,

Bernadette: You know and where children have a right to an education and children have a right to religion and you know, proper healthcare and all this sort of thing ... a lot of those things are not ... you know are not [...] we are not following all those ...

Elsa: They are not implemented anywhere ...

Bernadette: No they are not ... not at all, because when you read the book about all that children are entitled to and how they should be treated, it's not happening in Trinidad ... it's not happening in Trinidad.

The laughter by the participants suggests incredulity that the government has made an effort to provide these programs and assistance to parents. In truth, for a country with few social service resources, these changes will be difficult to implement. In addition, a number of requirements in the CRC require changes to the legislation as well as to existing ministries and programs.

Changing domestic laws are a necessary part of implementing the rights of the child; however, as Gerschutz and Karns (2005) point out, in reality, "governmental implementation of the CRC generally involves lengthy political debates" (37). For

example, introduced into the House of Representatives in September 2007, the *Children Bill 2007* eventually lapsed upon dissolution of Parliament on September 28th 2007. This bill was meant to replace the *Children Act*. In the future, the bill will have to be re-introduced and it is anticipated that it will be passed, but not until a later session of Parliament (Parliament of Trinidad & Tobago, 2008).

During the writing of this thesis, an eight-year-old girl, Hope Arismandez, was raped, sodomized, stabbed, and left in a canefield in Trinidad (Dowlath, 2008). This tragedy has sparked wide debate in Trinidad over the length of time taken by the government to pass children's legislation. The *Children's Authority Act* was passed by Parliament in 2000, but eight years later, it is still not proclaimed in force. Responding to public outcries, the Minister of Social Development has suggested that the next order in Parliament will be children's legislation (Hassanali, 2008; Matroo; 2008). At the same time, it is interesting that this event led to a discussion of parental responsibility, which minimizes government obligations to children; the Minister is quoted as saying,

You bring a child into this world, the responsibility is yours to ensure that child's safety and protection. You should not bring a child into this world if you are unable to provide nurturing and caring for that [child]. (Matroo, 2008)

Simultaneously, Diana Mahabir-Wyatt, founder of the *Coalition against Domestic Violence*, drew attention to adults who take advantage of children, but also referred to poverty issues and the problems facing working, single mothers who lack financial resources, lack child support, and sometimes have to work two jobs as in the case of Hope's mother (Mokool, 2008). While it is disheartening to see the government shirking its responsibility by casting aspersions on parental responsibilities, it is hoped that the children's legislation will finally be placed before Parliament in mid 2008 and swiftly

brought into force. In addition, the public must put pressure on the government to act on its obligations to address children's rights.

Parents: "There is a powerlessness, a hopelessness...and parents just can't cope"

Adult participants raised the issue of parents needing varied support from the government. They welcomed the idea of parenting programs and suggested that it would be a good opportunity for parents who needed a boost of hope and required some advice on child-rearing techniques. Despite the laughter and scepticism over government assistance, participants were excited about the notion and were able to point out a number of advantages to government support. When asked if she thought that parents would voluntarily attend these types of programs, Linda replied with certainty that it would be a positive experience for parents given the negative environment in which some of these families live:

Of course they would, of course they would, especially in the economic times that we livin' in ... the socio-economic times that we are living in, parents are powerless and they feel powerless, th-there is a hopeless, powerlessness in the community. [...]There is a powerlessness, a hopelessness that things would get better and they just can't cope you know, so it's there.

Minimum wage in Trinidad is very low (approximately \$10TTD per hour or \$1.66USD) and increases have been small in comparison to the rising cost of living and the skyrocketing real estate market. Thus, Marshall (2003) asserts, "a person working for minimum wage is close to the poverty line in real terms" (62). As such, government assistance through financial support, as well as other programs, would provide some relief for struggling parents.

Similarly, Julia felt that young parents were most in need of assistance:

I guess umm consultation or ... I guess actually that would be the most important or the biggest thing ... for parents ... I mean we have so many young parents out there not ready to have children and they have them and they are just lost. I think especially for them there should be adequate counselling.

Not only were parenting programs seen as a way to motivate parents, they were also seen as an opportunity to learn from other parents about different parenting styles.

Maria and Amelia stressed that parenting is not necessarily an innate skill.

Maria: ... this is what I've been saying all along that they need to be taught how to do it and to do it properly. It just doesn't come automatically and if we get this right, it will shape where we are heading and change things...

Amelia: Of course, any assistance like this will help, [...] there are people who come from broken homes and stuff like that who want to make a difference in their children's lives so this would be an avenue you know, to help them cause they may not have everything down pat, everything is a learning experience as well. I mean I can't tell you I have all the right answers in terms of rearing children, but from my past experiences, from socializing with people who have children, and speaking with them you learn things as well ... so this would be a forum as well, not only government providing, but if you have this sort of forum there is a sharing of information, whereas sometimes people really don't know and they going about it blindly, so it is a good idea, very positive.

According to Grosman (1996: 29), parental duty includes nurturing and educating children, but parents require assistance from the state to achieve this. Indeed, if children are to realise their rights within the home, then parents must be given the resources to help them accomplish this goal when they cannot afford to do so. Grosman (1996) contends, "parents are often criticized for the inadequate care of a child, forgetting that the cause is their poverty, alienation through poor living conditions and lack of education" (29). Likewise, Toope (1996) also argues, "the Convention treats income support programmes and state provisions of basic needs as rights" (38); hence, there is a need for governments to step up to this task. Although Sarah raised the issue of a lack of

parental guidance for children, she recognized that this was due to the need for both parents to work:

Well, one thing I can tell you about young people right now is they don't have that parental guidance they are supposed to have. One it's because parents are working and when they reach home in the afternoons, at least that is from my own school, they have no time to really ... sit down and talk with you and also they have their work to do. And also because of the working parents the young people these days have too much time on their hands, so that is why they get [...] involved in drugs and stealing and you know the youngest one with a gun now because the parents are not there to guide them ... right ...

Marshall concurs. He explains that modern day realities of an increasingly capitalist society require “new policies [...] from the government and employers such as paid leave, time-off to look after sick family members, day-care centres at workplaces, flexitime to name a few” (Coontz, as cited in Marshall, 2003: 27) in order to help families function at optimal levels.

Participants expressed concern for single parents.⁵⁷ In particular, they felt that single mothers need government assistance. The issues arising in regard to single mothers emerged in different contexts during the adult interviews. Martin compared his perceptions of single mothers in Trinidad with those in developed countries:

... with respect to assistance ... you know, you see single parents, real struggling ... sometime you see single parents really, really struggling. Unlike some places, like England, where you get public assistance for families, where [...] a family despite they are a single parent home, they never run short of food, you know ... because the government have means of putting things in place that that family is being taken care of.

Martin complained about the bureaucratic red tape that entangles single parents in Trinidad when they attempt to get government assistance:

⁵⁷ Deosaran and Chadee (1997) caution against using the term “broken homes” in a Caribbean context. They argue, “the concept of a ‘broken home’ may very well carry a connotation that has no real meaning to either a single mother or her child in Trinidad” (72). This so because the mother may have always been single and the single parent home was “the only parenting structure known all along” (72).

I think the government could do more, despite it have some assistance here for single parents [...] when you have little disability grants and so on ... but it's too much a things you have to go through before you get these things, by the time that happen a child could dead! You know, so I think the government could do more to take care of single parents to umm ... raise their hope you know, so a mother who have to go out to work and she ain't have no food for the child and she can't buy shoes, she can't buy books, she can't buy this, she can't buy that, she can't send him with a proper sandwich in his lunch kit and some snacks ... it's a mess and so ... we could disagree with that for a little bit. We need some assistance.

Linda and Maria talked about mothers who had several children and who were overwhelmed with their situations. During a home visit, Linda attended the former residence of a child who was living on the streets:

... the home environment we went to was conducive to a good living, you know, a good upbringing, and the mother, her own value system [...] was appropriate. What we found is that she was very much overwhelmed by her situation, as a single parent of six children having to work and provide everything.

Maria talked about a single mother with a large number of children to care for on her own:

You can't have one unemployed woman making ten children for different men and there is no father figure in the home, which there is a case like that in a class I had before. And she is just trying to etch out a living from however and the children are left unattended and unsupervised; and, as a result of that you end up with delinquency of course.

Linda highlighted the importance of a support system for single mothers to assist them in supervising and supporting their children:

... maybe I'm [from] a single parent home and when my mother come home she tired and so she can't supervise homework [...] and then single parent household didn't help much because it's very difficult if I have four children and I'm the sole bread-winner and I have to go to work, when I come home I am tired and I cannot supervise homework and I cannot make my children understand how important homework is unless I have a very strong support system in place, so that their aunt lives nearby so that when they come from school in the evening they can go by their aunt and do homework and eat so that by the time I come from work in the evening it's just for them to come over and bathe and go to sleep ... but I have a support system in place...

Linda also talked about the links between children of single parents and the problems of teaching these children when they are at school, especially in the Junior Secondary Schools. She explained that it is difficult to teach these children and motivate them when their parents do not have the time to teach them about the value of education. Support from the community would help to provide these parents with the resources of people who have time to talk to their children in the absence of working parents. These systems of social support are common to Caribbean cultures. In regards to family support systems in Jamaica, Brown (2001) explains that these networks stretch “back through slavery to patterns of matrifocality from Africa” (31-32). She explains that it is difficult for single mothers to pay for child-care services and hence single mothers really rely on free outside assistance.

In the Caribbean, as many as 30% of children grow up with only their mothers and are thereby born into challenging economic situations (Powell, as cited by Evans & Davies, 1997: 4). In fact, Evans and Davies (1997) note, “most children in the Caribbean are born into conditions of poverty” (4). Despite this disadvantage, children in the Caribbean are seen as desirable and the status and value placed on the role of the mother leads many men and women into “early childbearing long before they are economically, emotionally, or developmentally ready for parental responsibilities” (Evans & Davies, 1997: 4). Early teen pregnancy often “traps the young person into a cycle of children rearing, low paying jobs, and poverty (Durant-Gonzales as cited in Evans & Davies, 1997: 5). Furthermore, these young parents are sometimes “ignorant about what is required for the optimal development of the child” (Evans & Davies, 1997: 6). With this in mind, it is important for the government not only to provide financial assistance, but also to play a

role in developing community programs that foster social support networks for young parents.

“Children’s rights? ... In terms of T & T, no I’ve never heard that here...”

The low awareness of children’s rights amongst participants who were not professionals in the field is further evidence of the limited governmental role in children’s rights in Trinidad. When participants were asked to indicate their knowledge (if any) about children’s rights, the responses, especially those of parents, showed little knowledge of the topic. The term was unfamiliar to Julia:

Charrise: Have you heard of children’s rights?

Julia: No. I’ve never come across it really. It’s never been an issue before, like nothing televised or anything like that ...

Amelia recognized the term, but could not explain it in a Trinidadian context:

Charrise: [...] Have you heard of children’s rights?

Amelia: Yes

Charrise: Could you tell me what you know about them?

Amelia: Umm ... basically from the ... basically from America in the sense that people abroad talk about it in that ... umm ... they not supposed to be hit and you know they could, they could, you know, when I say do things in terms of like file ... I don’t know if injunctions is the right word but things against their parents if they feel like they being unlawfully treated etc ... but in terms of Trinidad and Tobago, no, I’ve *never* heard that here.

Even Amelia’s explanation of the “American” context of children’s rights is inaccurate and looks to extreme cases. Similarly, Stan explained that he was familiar with the term, but did not necessarily understand what it meant. When asked what he knew about it, he said:

Umm ... not a lot ... in fact nothing specific ... I think I maybe heard the term children’s rights but in terms of actually understanding what children’s rights mean ... and from a legal perspective what that involves or from any other perspective what that involves then not particularly no ...

Interestingly, level of education did not appear to make a difference in terms of knowledge of children's rights. Julia completed high school (A levels) and both Amelia and Stan had university degrees at the Bachelor's level. Likewise, age did not seem to affect their knowledge as Julia was under 30 and Amelia and Stan were both over 35. While these results cannot be generalised to the whole population, it does suggest that not enough is being done to spread awareness of children's rights in Trinidad. Amelia and Julia both read the newspapers daily and specifically noted that they had never read anything about it. At the end of the interviews, both participants remarked that they learnt a lot about children's rights from the interview.

The children seemed slightly more aware of rights because they discussed it in social studies in Standard Five (the seventh year of primary school). Most of the students could not remember discussing it and had vague recollections of what children's rights entailed. For example,

Charrise: ... have you heard of children's rights?

Jeanine: Yes

Charrise: What do you know about them?

Jeanine: I know that in Trinidad children have rights to the things that they need, like a right to shelter, clothing and food and the basic necessities, they have a right to fun, to care and love and protection, umm ... and yeah that's all I remember from primary school ...

Charrise: So do you think children are aware of their rights?

Jeanine: Not really ... I think they just view it as something that they have to learn for social studies ... umm ... I don't think they know that they have rights, I don't think they even know what is rights ...

Charrise: ... have you heard of children's rights?

Jacqueline: ... I think so ...

Charrise: Could you tell me what you know about them?

Jacqueline: ... I think I just heard of the name ... I never really heard of... anything about it, I just ... like ... you know like when you watching TV, at the end of it, they's put like children's rights? That's pretty much....I don't really know much about it ...

Anna, who completed Standard Five almost five months before the interview, was unable to explain what they were:

Charrise: Have you ever heard of children's rights?

Anna: Yeah

Charrise: Could you tell me what you know about them?

Anna: Well I heard of them ... but I don't really remember anything about that ...

When asked if she thought children were aware of their rights in Trinidad, Linda was adamant that they were not:

Linda (shakes her head no): Nmm-mm, who tellin' them? (Makes a comic face, we both laugh). American children are aware of their rights, children outside are aware of their rights, I mean like North American countries and England, they are aware of their rights and the more developed countries, but in Trinidad? *Steups* [sucks her teeth]⁵⁸ ... please.

Charrise: Why do you think that is though?

Linda: Cause nobody's telling them ... I mean think about it—the government doesn't even have policies in place for children's rights, you understand? The government doesn't have policies in place I mean acknowledging the rights of children and implementing agencies that will, you know, stand up for the rights of children and that kinda thing, so how the children, how the child will know that?

There is some contradiction here because Linda stated that children are unaware of their rights, yet children in the interviews said that they have heard about rights. However, it is more important to note that children are often unable to remember the meaning of rights, rather than simply failing to remember that such rights exist. This suggests that the child rights concept bears little meaning to their social reality. Likewise, if parents have never heard about children's rights, how can they impart those rights to their children? According to Gerschutz and Karns (2005) this lack of awareness of rights occurs in many states and they explain that "NGOs continue to pressure national and local governments to raise awareness of the *CRC* among children and adults" (38). In most states, it is not even part of the school curricula. In the case of Trinidad, since the

⁵⁸ Steups = a derogatory noise made by sucking your teeth (Trinidad and Tobago dictionary)

children in the study remember talking about rights in Standard Five, it is apparent that it needs to be introduced at an earlier stage and be repeated through the various standards. In fact, discussions of children's rights should continue throughout high school. This would ensure that children are suitably informed of their rights and that rights remain at the forefront rather than forgotten. At present, children's rights are tucked away in some remote part of their memory as if they were some sort of trivia or historical fact. If children were able to translate their rights to their everyday lives then rights would have more meaning. Similarly, parents need to be educated about their children's rights through the media. In addition, parent meetings at schools are also a good place to disseminate information about children's rights and provide parents with a forum to discuss them.

"You might see them on the roadside selling chives and stuff"

Discussions of children's rights are inextricably linked to discussions of poverty.⁵⁹ Although issues specific to street children did not form part of a dominant theme in this thesis, it was important to engage in a discussion of their lives within the context of children's rights. Street children are a marginalized population and the Committee on the Rights of the Child suggests a need for more research on the phenomenon and increased support for their needs (2006: 14). Children sometimes find themselves living on the streets due to poverty and other issues in their homes. Paes-Machado and Noronha (2002: 59) discuss a number of poverty-related conflicts that can arise in family life such as unemployment, cramped housing, alcohol abuse, and contradictions to traditional gender roles.

⁵⁹ Although poverty is a structural challenge, there is some overlap with the ideological challenges as discussed in the following chapter. In that chapter, poverty issues as they relate specifically to street children are discussed.

Linda explained how some of the children at House of Hope came to live on the streets:

[They] would have come out of situations like physical abuse, at times sexual abuse ... abject poverty. It would be a situation where there's a new step-father in the picture and he doesn't want a 12 or 13 year old boy. It's always interesting how the girls could stay, but never the boys. So that a boy may find that his situation, his home situation is no longer tenable and he would move out. Umm, I know of one situation where the boy left home because there wasn't enough to eat so he reasoned in his mind that if he left home his sisters would have enough to eat, so he left home, you know?

Poverty is indeed one of the reasons that children leave home. Reflecting on the home situation of street children, Marshall (2003) points out, "these children are caught up in the economic vagaries visited upon them by dysfunctional households and the direct and indirect impact of external economic environment on their households" (4).

During their interviews, both Clive and Anthony, two street children, expressed a desire to have an opportunity to improve their lives:

Clive: Miss, ah woulda like to learn a trade ... so ah could betta up my life...

Anthony: Work ... go back to school ... learn my education back ... an make myself more better

When Anthony was asked what he thought could be done to help children like him on the streets, he promptly answered, "Build more homes like House of Hope." Martin explained that although he was doing street-walks, House of Hope was full and all that he could offer the street children right now was a place to shower and have a meal. Marshall asserts that street children are "being denied the opportunity considered to the right of every child" since they do not always have the opportunity to attend school (2003: 14). Talking about street children in Argentina, Grosman (1996: 11) argues that they do not enjoy any of the rights stated in the CRC. She explains that street children have "no family life" because they are "abandoned street children, runaways from home,

abused and violated by their parents, or sold and this denied their history and links with their origins” (Grosman, 1996: 11). Marshall (2003) points out that homeless youth are at a disadvantage all over the world,

Children’s rights are ignored and they are physically, emotionally and sexually abused. This places them in a state of emotional and psychological vulnerability, which tends to compromise their intellectual and emotional development. (3)

Other participants also showed concern about children they saw on the streets:

Amelia: ...it’s something very serious because you are seeing it more and more. More and more you’ll stop by a light and it’s young children looking to wash your, wash your umm window and you say to yourself, but these children should be in school, why they are not in school? But then, who do you report it to? Do we have a social welfare, a social worker system then, where if you call in and report [it] a social worker will go to the corner and say, “Listen where are your parents, how do I contact them?” And investigate the matter further I don’t think we have something like that, I honestly don’t and if we have a system it will probably fall on deaf ears, there’s nobody to follow up then who really care for these children and will take it further and investiquire [sic] the matter you know, and if need be if they have to take away the children, take [them] away, but then if you have to take away the children and put them in a home do we have sufficient homes to care for these children and people to care for them? I don’t think we do either ... they only have one place I know of and that place recently burned down and I’m not too sure where they are being housed now.

Amelia draws attention to the unavailability of social workers in Trinidad and stresses that even if people wanted to report street children (or even child abuse), members of the public do not even know whom to call. When talking about children who should be in school, Ann Marie expressed exasperation that people do not know what to do about the problem and continue to buy products from children on the streets:

Ann Marie: You might see them on the roadside selling chives and stuff like that and people will stop and buy stuff from the child! So we’re definitely not developed world yet ...

Martin relayed a situation where a young boy, thrown out of school,⁶⁰ had to sell newspapers on the streets:

And then we realised that his mother was smoking and there were a lot of men and the father wasn't around, I think he knew the father but he was just living with his mother and he decided he had to make it on his own ...

Maria tells of a boy who had to leave school to help support his family:

Maria: umm I know of one boy in particular who dropped out of Standard three and went to work ... in a chicken depot, so ... but other than him I'm not sure of anyone.

Charrise: Do you have any idea why he decided to go and work?

Maria: Umm the parents were elderly and I think they were probably unable to work to help support the home [and] they sent him, his sister, however, is still in school...

While this child was not living on the street, Marshall (2003: 137) found that this dilemma often befalls street children, some of whom occasionally work during the morning and attend school in the afternoon. He claims that “sooner or later, [the street child] has to make a conscious effort to abandon school because the call of the street is greater, and the demands of both work and school are too heavy a burden to bear” (Marshall, 2003: 137). Brown (2001) also asserts, “decisions about which children are to be encouraged to stay in school while others are allowed to drop out are often ruled by parents’ economic concerns” (30). In addition, street children’s home environment is usually unpleasant and “with that stark reality facing them, children would rather work on the streets and then return home” (Marshall, 2003: 45). Indeed, comparing the dangers of the street to home, both street children explained that they preferred to work on the street selling CDs or even drugs rather than return to their homes.

⁶⁰ This is the same boy referred to earlier who was thrown out of school at thirteen for fighting.

Conclusion

The structural challenges that the Trinidadian government is facing are not unique to their situation. Other developing countries with high debt loads find that economic situations challenge the state's ability to implement children's rights (Ensalaco, 2005: 25). Children's development is limited by global economic inequalities which can perpetuate undesirable situations and dangerous situations for children (Beigbeder, 2001: 70; Majka & Ensalaco, 2005: 2). Trinidad and Tobago owes money to The World Bank (2008) making monthly payments of several hundred thousand US dollars a month. These kinds of economic obligations leave less money for government initiatives that would promote children's rights and decrease their exposure to harmful situations (Majka & Ensalaco, 2005: 2). Therefore, "it is impossible to give a better life to all children without promoting their economic, social and cultural rights, as well as protecting their civil and political rights" (Majka & Ensalaco, 2005: 3). Poverty reduction is needed to achieve this level of equality (2).

Ensalaco (2005) points out the *CRC* requires good faith on the part of the states that have signed it to uphold the legal doctrine; however, "the good faith of the poorest states is practically meaningless without the commitment of substantial resources by the wealthiest" (9). If the less developed states are to fulfill their obligations, Ensalaco (2005) calls for transfer of resources from the wealthier to the poorer nations (9). He also intimates that international cooperation includes, "improved terms of trade, trade liberalization, and measures for debt relief" because "poor states acting in good faith and to the maximum of their available resources simply cannot fulfill their obligations under the *CRC*" (Ensalaco, 2005: 25). According to Ensalaco (2005: 17), there are indications from the Committee on the Rights of the Child that the obligation of states to implement

the CRC, prevails not only within individual countries, but also through cooperation on an international level. The obligations under the CRC are framed within the discourse of international cooperation and international development assistance (Ensalaco, 2005: 17). However, as discussed in Chapter Two, the lack of commitment on behalf of powerful states to help those with lesser resources relates not only to children's rights but to broader human rights as well.

At the same time, each country must have the political will to enforce children's rights. Worrell (2006) asserts, "Health, education, and crime concerns about children and youth in Trinidad and Tobago reflect a lack of commitment in the midst of plenty" (169). Furthermore, Worrell (2006) points out that "absenteeism and tardiness are chronic in the public sector, including the health system, the police force, the teaching service, and the public service" (170). All of these services are integral to the protection of children's rights and therefore training needs to take place in the public sector to raise awareness about their potential impact on children's rights.

Finally, Worrell (2006) argues, "there needs to be a commitment to national development that goes beyond winning the next election" (174). Trinidad and Tobago's political front, as discussed in the introduction, makes structural changes even more difficult to achieve. Until there is political unity, it is unlikely that these challenges will get easier. This chapter ends with a poignant quote from Linda on her view of politics in Trinidad:

I have a serious problem with politicians on the whole and particularly at election time, cause if I in my house and I see a politician coming and walking in the area I goin' inside and I closin' mi door because you see after the election, the people don't matter to them and the issues are not the issues—it doesn't matter to them—and I have a serious problem with that. So I don't want no politician kissing my baby and if my dog go out I bringin' my dog back inside (laughs) I dislike the politicians (laughs, but quickly gets serious

again)...because I mean we are here and we know what is going on, we've been doing this for a long time and we know what has to be done, well then use the expertise of the people here, you understand? And come up with...use the, the experience and the information that we can give you...and all, all the stakeholders out there the social workers, the nurses in health centres—nurses in health centres could give some horror stories that you would not believe because they are in the community, go to the village counsels, the community activists and get the stories and the information from them and the needs of the people from them as far as children are concerned and then based on all the information that you have...and the thing about it is, it is not hard to do but it is just the political will that they don't have because children can't vote. It is as simple as that, children can't vote, children don't have any power. So until they do that, I don't want to hear about government, I don't want to hear them, so that for me would say yes government is serious about the rights of children when they are ready to go into communities and, and, and be the voice of children.

CHAPTER 6: IDEOLOGICAL CHALLENGES TO CHILDREN'S RIGHTS

So!—In the world, in the *real*/world there is no laissez faire, no equal, equality of all, in the real world, there are leaders, followers, dominance and the submission...there's principal and subordinate in the real world...like we are still very much under the white world, we know that, [...] because they had economic dominance and umm...and of course they had military dominance and all these other things and so they tap that and you even have people in Japan and all these places trying to be as white as they can, taking the fold out of their eyelid and trying to narrow the noses and those sort of things, [...] (asks sharply) now why? Because they are trying, because they recognize that the world is so controlled by the European even though they are the third largest number of people, third largest group after China, India—Europeans...they dominate. So that, it's foolhardy of us I think to make...to pretend that umm...children are equal to adults and therefore I cannot talk to you as my subordinate, you are not my equal, if I tell you go there and sit down there now....then you do it because I said so....and if you say you don't want to, you'll earn that right when you become an adult but for now I say sit down there and sit down there *now*...there has to be some kind of control, somebody has to be in charge – Ann Marie

According to Beirne and Messerschmidt (2000), ideology has three different meanings: constructed beliefs, values and concepts; false or mistaken beliefs; and “beliefs that both reflect social reality and simultaneously distort it” (104). This chapter addresses participants’ ideological beliefs about children’s rights that fall into at least one of the above categories.⁶¹ Participants’ perceptions and beliefs regarding children’s rights are pertinent to the possibility of implementation of these rights in the Trinidadian context since this directly influences whether or not rights are practiced in the home and other social settings. Ideological resistance to rights provides considerable evidence regarding the challenges that lie ahead to enforcing children’s rights. Although some of these themes have roots in Caribbean culture, the literature shows that some of these ideological challenges to rights exist in Western cultures as well (Purdy, 1996; Toope,

⁶¹ Recalling the earlier discussion of structural Marxism, the concept of children’s rights could also be viewed by some as an ideology in itself due to its built in barriers. The discourse of children’s rights could be said to simultaneously reflect and distort reality because it promises rights that often go unrecognized. However, that discussion lies beyond the scope of this paper.

1996). However, as Ann Marie notes above, the history of colonialism and domination continues to play a large role in parental attitudes towards children's rights, and is exemplified by parental resistance to children's rights found in the interviews.

Fear of Rights

This category begins with the first theme which represents fears that parents revealed when discussing children's rights. Their scepticism regarding rights was expressed through a broad resistance to rights, which they characterized as something "Western." The narrow range of reasons that parents advanced of their fear that if they acknowledged children's rights they would have no control over their children, is explored next. Finally, the finding that children are afraid to talk with their parents is discussed.

Rights are seen as "American"

A surprising theme, which arose from ten of these interviews, is that children's rights were perceived as specifically linked to America⁶² or the developed world. This position was at times positive in the sense that parents and children in Western countries were described as having better access to institutions, foster care, and financial aid; however, more often than not, these references were negative. They were associated with a lack of parental control, leniency, and children's rights were seen as being

⁶² In Trinidad, "American" is used as a term can refer to "abroad" or "foreign." In general, it can refer to North America, but on occasion, it can be used to describe situations in the UK or other developed countries. Referring to Jamaican parental resistance, Brown (2001) suggested that children's rights might be seen as foreign in three different ways: "foreign as a direct import from North America (mostly via cable/satellite television, and therefore a suspect form of cultural imperialism); or foreign to traditional Jamaican/ Caribbean child-rearing practices and beliefs; or foreign, therefore fashionable to adopt as an adornment (like name brand clothes) without really changing what is below the surface" (29).

excessive.⁶³ Two participants mentioned the idea of children filing injunctions against their parents even though this is not a regular event in North America. In fact, according to Guggenheim (2005), parents' rights "have come to be regarded in American constitutional law as among the most protected and cherished of all constitutional rights" (23). Nonetheless, Elsa (interviewed with Bernadette) explained the difference between "American" and Trinidadian culture:

Charrise: Do you think that the concept of children's rights fits into a Trinidadian culture?

Bernadette: ... I doubt yes ...

Elsa: Because each culture is different right? Let's look at the Americans who will give their daughter a birth control pill and say ok that is vitamin. We wouldn't do that here, you know, we wouldn't do that at all ... I don't know what is your thoughts on it [...]

Bernadette: Where? Not away?

Elsa: No here ... no I am talking about our society ... we still have some control here, like in Canada fifteen years you could divorce your parents, you know but in Trinidad, 'hey at fifteen years I could put you over my lap' ... so I guess it's the culture ... it's the culture and our society ...

Linda referred to Trinidadian parents who migrate to the United States (US) and cannot adapt to the new culture⁶⁴:

Linda: [...] because it happens, it happens with Trinidadians who have migrated to the States where you can't hit your children because they'll call the cops for you and they will still take their children down to the basement, break their tail and then tell them call the police, mm-hmm, you know, so you can't do that.

When asked how she would feel if spanking were banned in the home, Julia said that she had no problem with that and then added with some trepidation, "... but like in the States?"

⁶³ Most of these references were linked to discussions of corporal punishment, which is discussed in a later section. However, it is raised here because it is one of the reasons for resistance to the concept of children's rights in Trinidad and other neighbouring countries. See Brown (2001).

⁶⁴ The culture is new in the sense that a "spanking" in the North American context is different to a "beating" in the Caribbean context, with the latter carried out with more force and possibly of a longer duration. In fact, parents in Trinidad will rarely refer to spanking their children, but will talk of "beating," "cutting or bussin' yuh tail," or "breaking yuh ass."

However, Amelia showed the most resistance to the idea of children's rights in America.⁶⁵ She described children's rights in America:

... umm they not supposed to be hit and you know they could, they could you know when I say do things in terms of like file...I don't know if injunctions is the right word but things against their parents if they feel like they being unlawfully treated.

Amelia also told me about a friend of hers "somewhere in America":

Amelia: Well I've heard a lot from people abroad, and when I say people, you know like friends or umm ... somebody was telling me a story the other day ... oh a friend of mine is abroad right now and I called her ... umm her daughter was born there and ever so often ... well sorry I should say for summer, her daughter goes up for check-ups, now the daughter is small, Caleigh is about 4 and she was in a department store whether it's Walmart or one of these, somewhere in America and umm ... she slapped her daughter ... cause her daughter [...] was umm, constantly nagging her about getting this particular item and that particular ... she kept saying umm, 'Caleigh no, you cannot get everything, Caleigh no' ... and she just kept going and going and going so she slapped her and her cousin was with her, [...] and said, 'Girl, you can't do that you know, they'll call police for you right now' and she said 'Well they could call police, but this is my child and I have a right to correct her.'

Amelia agreed with her friend's sentiments and like Julia and Linda, linked the ban of corporal punishment in the home to the US. Even Jeanine, one of the children, when asked for her final thoughts on children's rights answered:

I just found that [...] in New York they were too slack on it because the children believe that they could do whatever they want and if the parents slap them they could call the police and I find that really was too slack ... with that ... I mean they was going a little overboard with it ...

An interesting point to note is that the US has not signed the Convention on the Rights of the Child. In fact, the US and Somalia are the only two countries in the world who have not ratified the CRC. Furthermore, the US and Canada are among countries

⁶⁵ Amelia was the same parent who said that the only thing she knew about children's rights was in the American sense.

who allow legalized parental corporal punishment of children (Bitensky, 2006: 261).⁶⁶ Participants defined children's rights by focusing on extreme cases in the media where children have filed injunctions against parents or called the police. However, the experiences of friends and family who have migrated from Trinidad to developed countries also seemed to factor strongly in perceptions of children's rights with specific regard to corporal punishment. While the discussion of corporal punishment from a cultural context continues in the next chapter, participant references to children's rights as "Western" and the link to corporal punishment are important here. Similar to the word "feminism," the term "children's rights" carries negative connotations, largely fuelled by misconceptions about the real meaning of rights.⁶⁷ These mistaken beliefs relate to earlier discussions of the lack of awareness for children's rights and the meagre presentation of children's rights in the media. The association of children's rights with "Western" ideologies is a relationship that must be broken by placing emphasis on children's rights as a global initiative rather than as a North American construct.

Parents fear that rights for children mean a loss of parental control

Parents have also dichotomized children's rights and parental control. In their mind, they can only exist in isolation, but not in conjunction with one another. Parents want to make sure that there are certain decisions over which they retain control. This is not a new phenomenon, nor is it specific to Trinidadian culture, and Robinson (2006)

⁶⁶ The Supreme Court of Canada upheld a judgment ruling that Section 43 of the Canadian Charter of rights, the justifying the use of reasonable force by parents and teachers was not a violation of children's safety stating that the limitations of such were clearly stated in the law: Canadian Foundation for Children, Youth and the Law v. Canada (Attorney General), [2004] 1 S.C.R. 76, 2004 SCC 4.

⁶⁷ There is normally some resistance to the word feminism due to media misrepresentations that all feminists were "radical" feminists, while feminism is perhaps more accurately linked to the struggle for equality between the two sexes. It has been painted as a man-hating bra-burning movement. These mistaken beliefs detract from the actual purpose of feminism.

urges us to “work hard to explain to parents and communities everywhere that recognizing the human rights of children does not amount to denying rights to parents” (158). For example, Julia was uncomfortable with Article 14, the right to freedom of thought, conscience, and religion. While she was reluctant to attribute her discomfort to feeling a lack of control, this is in fact what she disclosed:

You know, as parents you think you are there for certain things [...]. I just think that it takes away some of the umm, I don't want to say control as in you wanna control your child, but it takes away some of the parenting roles from you, you know, when the government says that [...] they [children] could do whatever and say whatever and think whatever, to a certain point, you know?

Julia explained that there must be some control over expression of self (Article 13, right to freedom of expression):

I mean they're gonna talk no matter how old they are and tell you what they wanna do but it's not to say that you let them do it because they are just expressing themselves ... because you have to try and control ... there's a cut-off...

In the same way, also referring to Article 13, Linda revealed that children should not make all the decisions despite the fact that she respected their right to express themselves:

I agree to some extent [...] I, for the most part agree with this ... but ... children also have to understand that they don't have all the information so that there are some decisions that have to be made for them you know [...] cause they don't have all the information and [...] they can't see the bigger picture so that some decisions will have to be made for them, but I respect the right to give their views ...

The inherent contradiction in Linda's statement suggested that children can express their views but adults have all the information and so will make any necessary decisions. This idea reflects a certain amount of futility in self-expression by children if their views are merely heard but not respected, and it is little wonder that children are reluctant to express themselves, as discussed in the following section. Sarah's response coincided with Linda's feeling that children may not be making all the right decisions:

... you see the thing is like when the children go to universities and thing and they form this clique, that clique is so bonded ... they are so bonded and that is where the rights come in ... because they might figure what they are doing is right ... it is my right to do that now Mum ... or that is my ... but it isn't necessarily so ...

Sarah did not recognise that by the time most “children” are in university, they are no longer legally a child and therefore children’s rights do not apply to them. In addition, she seemed to fear that peer influences will cause children to assert their rights, usurping her authority as a parent. According to Martin, not all parents are comfortable with children’s rights:

Some parents not comfortable ... no ... because umm once it not working in their favour ... they are not comfortable ...

When asked what decisions they would want to have the last say in, Amelia and Sarah specifically referred to choice of high schools for the SEA exam⁶⁸:

Amelia: Well my last say would be what school they go to actually ... because they have to sit this SEA exam in Standard 5 and really and truly I choose the schools. I mean I talk to them about what schools they would like to go to but ultimately I am the one who goes and writes it down on a list and puts first and second choice etc. And I feel in that way I have the last say because I'm not gonna let them put down any old school ...

Sarah: in the decision to go to the Secondary schools, we had to sort of make that decision for them because we had to think of transport, easy access and everything for them and umm ... the type of school we would of wanted them to go to, we had to use our judgement for that ...

Given the discussion in the previous chapter about the Trinidadian education system, it is not surprising that parents want to ensure their children go to “good” schools. Amelia said that she felt her children would not “put down any old school” because they were very aware of the implications of their choices and of which are the

⁶⁸ Parents have to go to the elementary school before children write their SEA exam and fill out a form ranking their preferred choices for high schools. The choices usually follow the tiers for the schools, with the seven and five-year schools placed as first and second choices.

“good schools.” Again, worried about peer influence, Sarah felt that children would want to choose schools based on their friends’ choices and may not strive for the best:

... they might not choose the best so they will not aim high enough, they will think mediocre is ok, so you have to show them that you have to work, you working hard all the time you need to go to the best school to continue your education properly ...

The literature reflects the ongoing debate as to whether children are competent to make their own decisions, a determination which is often based on the amount of agency those advancing the argument accord to children. According to Purdy (1996), children are not given the same rights as adults because of their differences in “morally relevant ways” (3). Cohen (1980) claims that it is unfair to have different categories of rights for children and adults, and suggests that “the differences between adults and children, such that they are, have been way overstated by those who support the double standard” (45). He claims that the double standard assumes that children are “weak, passive, mindless, and unthinking; [while] adults are presumed to be rational, highly motivated, and efficient” (45). The debate over whether children differ from adults in this way underlies the ongoing discussion of children’s rights (Purdy, 1996: 4).

Ann Marie discussed the issue of parental control in Trinidad from a teacher’s perspective,

I don’t understand that kind of thinking ... but in this society, parents try to get down into their children’s guts and their underwear and their head, they control ... they want to control them completely.

Parental control can be linked to Guggenheim’s (2005: 21) discussion of the doctrine of parents’ rights in the United States and his explanation that this ideology ties into the concept of natural law. In other words, “the theory advances that certain rights are God-given and exist beyond the institution of the state” (Guggenheim, 2005: 21), maintaining that since individuals existed before the state did, “individuals bring with

them certain rights that are beyond the control of state officials” (2005: 21). This reasoning is used to explain why the state should not interfere in family issues. As Guggenheim (2005: 21-22) points out, the trouble with this kind of reasoning is that it cannot be proven, and a number of writers have rejected its application to the sphere of family life.

Purdy (1996) puts forth another explanation for parental control and asserts, “children’s subordinate social place is reflected in both their moral and legal positions,” and this allows the potential for many aspects of their lives to be controlled (2). Ann Marie’s quote at the beginning of the chapter refers to children’s roles as subordinate and adults as dominant. In this way, parental fear of children’s rights reflects a perceived challenge to parental dominance. Parents fear that they can no longer guide their children and they see children’s rights as infringing on their parental role (Grosman, 1996: 22). However, one does not necessarily follow from the other and there is no indication that having respect for children means leaving them to their own devices without parental input (Grosman, 1996: 23). Grosman (1996) asserts that it is “necessary to find a balance between the parents’ freedom to educate, their right to train the child, and the respect due to the child as a person” (23). There needs to be less emphasis on control and more stress placed on the importance of teaching children how to make decisions, which in itself should be a parental responsibility.

Children are afraid to talk to their parents/adults

Given that adults want to maintain control over children’s decisions, regardless of whether children express themselves or not, it is not surprising that children are reluctant to do so. Children may think that there is little point in expressing their point of view out of concern that their parents will ignore them or they will get into trouble. In particular,

Martin says that children are afraid to tell their parents about rights because of their perception of how it will be received:

...some children are aware of their rights ... til they are afraid to tell their parents the rights because they are afraid they get box⁶⁹ in their mouth or something like that ... but children are aware because they do go to school and they do hear their friends talk about certain things, they get teaching in school about what is their rights ... all right umm ... they must feel a way within in them ... in themselves if it is they know that umm ... certain things is always a problem ... so if my mother have to buy a pants for meh or a shoes for meh she always, like, 'I don't know where I getting money from to buy that for you yuh know,' you know but then if I go down the road and I go hustle some money, you might beat meh because you always making a fuss about I ... how you always want a shoes and you don't take care of your things and so forth , but you supposed to do that right now ... I am only eight years, nine years ... so children do know their rights but they can't say nothing ...

Ann Marie explained that parents in Trinidad are not used to talking with their children. Again, this problem relates to the issue of subordination; children are not viewed as having agency and are not expected to have their own point of view. There is a perceived hierarchy and children are expected to defer to authority, thus as Ann Marie stated earlier, "You do it because I said so." For this reason, parents may be uncomfortable with rights. In particular, Ann Marie, referring to solving the problem of corporal punishment said,

And the answer is of course that the parents have to learn to talk to their children but the parents can't or don't want to because they aren't comfortable so the children have to find out things outside through other means because their parents are embarrassed to talk to them or don't have the time or don't feel capable or qualified to talk to them about things in a way which is ... sharing so that the child and parents feels comfortable.

Children are not comfortable expressing their opinions, as they fear ridicule from adults. Referring to Article 13, freedom of expression through media, Anna, the youngest participant showed her reluctance to express herself through television or radio even if she had the opportunity to do so:

⁶⁹ Punched

... cause I don't know sitting down on television telling people what I think about some things ... that might be a little ... and then people, if you are on television ... people will know who you are ... see you, like if you think something bad or thing, they will come and yell at you ... so I don't think I really want to do that...

Anna also explained that some children would have a hard time expressing their rights to adults because the adults would not think that the child is old enough to do so:

Because some children like ... if their parents tell them that they find they are too young they wouldn't try and stand up for themselves then, wouldn't talk to them about it and they will just agree one time ... I think they should talk to them ...

Renee felt that some adults would not want to listen to children:

Some adults feel that children under 18 shouldn't have anything to say, you know? Be under your parents roof, so live a normal life until you reach 18 and you are on your own and you could handle some of the situations of life ...

These children did not feel that parents and other adults would be receptive to their self-expression. Hence, they could not see themselves claiming that right even if the opportunity arose.

Rights are Privileges, not Entitlements

Rights are okay, but too much of anything is a bad thing

According to the adult participants, children's rights need limits. In this way, adult participants defined children's rights more as privileges with conditions attached than as entitlements. Three participants specifically expressed this idea; Martin talked about the need for children to handle their rights responsibly:

...children have rights but they need to be responsible, because in the past when they start teaching about umm ... you will hear children say, we have rights to do X, Y and Z, right, but ... they not being responsible for certain things, yes I am responsible for you to do this, to achieve this, to have this, but then you need to play a role too and your role is to be grateful, to be thankful and sometimes if they not doing that, umm ... they make you think different ... despite the rights don't go away eh ... it's your right.

Linda talked about her grandson, whom she felt had “too much information” and therefore “too much power”:

Because I'm from the old school and I don't think children should have ... too much information. [...] So the right to information is what the child is ready for, good? Because ... a child comes to you and ask you where babies come from, babies come from inside mommy's stomach and that child gone. That is all he wanted to know, but then somebody else might want to give them a who-ooole biology lesson on how the baby got in the child's mother stomach in the first place. When he wants to know that he will come back and ask you, so how the baby got there? You understand? You see what I am saying? [...] Good, so as the child needs to know, I think the information can be sought.

In Linda's eyes, information should be given on a need to know basis and children should not have access to “all kinds of information” (Article 13).⁷⁰ Stan concurred:

Shouldn't there be a umm ... shouldn't be there some sort of control ... I suppose for the first one as well, in terms of what kind of I think the only concern about some of these things is that ... there are certain things that I think should be restricted ... in terms of if something is encouraging violence or something is encouraging ... I don't know ... umm ... something that is going to harm someone else ... there should be some sort of control on something like that ... I don't think you should be allowed to express any views or any ... what's the word, seek, receive impart information ...

Similarly, Julia and Martin were concerned about children expressing themselves through the media. Martin, in particular, felt that children needed some form of protection.

Martin: ... you are not taking away their rights eh ... what you are doing is um ... is just ... umm ... not ... what is the word I want to find ... you are protecting your child so to speak because sometimes you go to, to ... because you know this is your rights and so on , you make decisions and you do this and you do that and you expose yourself to a lot of things and so it's a matter of in the event of all this ... we have rights, we still need to take care of [...] our children.

Julia: I think it's a bit much. I think at a certain age if she feels strongly about something and she wants to express it like that, I think she could ... I

⁷⁰ The child shall have the right to freedom of expression. This will include the freedom to seek, receive and impart information and ideas of all kinds through art, orally, in writing or any other media of the child's choice (Article 13)

think it should be enough to umm ... for her to bring it to us, her parents or her teachers, that kinda of thing as long as it's not something that's gonna ... like if we don't allow her to put it in the papers say ... once it's not gonna affect people in a bad way. I mean she doesn't have to choose to do that, that kinda of thing ...

The idea of her daughter joining a peaceful protest at fourteen made Julia uncomfortable:

Oh definitely not ... to me fourteen is yuh know ... to me fourteen is still a child and you don't need to [...] you don't need to be getting involved in that kinda thing [...] Yeah ... because I just think that oh gosh, fourteen you're still a child and because of adolescence and all that stuff you might feel so strongly that you need to express yourself in this way but to me a peaceful protest yes it's peaceful but you still going against ... some ... what? ... not police or anything like that but ... it's just a little too much of expression for that age I think...

Likewise, Martin also felt that children needed some boundaries. During a similar study in Jamaica, Brown (2001) found that “within limits” was a phrase that Jamaican parents “often added to any concession of children’s rights” (29). Since many of the parents were not officially aware of children’s rights, it seems that they negotiated them without being conscious of what they were doing.

Here the debate returns to differences between children and adults. Protectionist attitudes towards children were underpinned by Locke’s argument that the authority of parents over children came from the parents’ responsibility for the welfare of the child and the trust that parents were truly concerned for the well-being of the child (Purdy, 1996: 5). Toope (1996) also comments on Article 13 (1) of the Convention, the right to freedom of expression and the “freedom to seek, receive and impart information and ideas of all kinds,” as he points out “it is not specifically conditioned by a parent’s right to filter expression or information” (42). Like my participants, he questions whether a parent can censor television or reading material, supervise lessons a child receives at school, or be allowed to establish what a child can borrow from the library or view on the internet (Toope, 1996: 43). Thus, Toope (1996: 43) claims, definitions of scope are

absent and therefore it is likely debate and dialogue are required; however, resolution is possible. These obscurities in the *CRC* make parents feel alarmed about their loss of control over their children because their parental role has not been clearly defined. Furthermore, these types of rights are difficult to enforce, for who is going to ensure that parents balance their parental responsibilities with the rights of their children when it comes to issues such as respect, autonomy and privacy? Moreover, how will we monitor this balancing of interests when they fall out of alignment? One could argue that if these issues are not properly defined, it would be impossible to know if, when and how they were breached. These are huge responsibilities for a government already struggling to meet some of the more tangible rights under the *CRC*.

When there is no food to eat, rights don't seem important

Only three adults raised the issue of poverty, but it is an important one. Linda explained that for working class parents, children's rights require time, a privilege they do not have:

I think they are afraid of it, you see because for them it would mean work, for them it would mean work because as I said for the average house in Trinidad, if I have to survive and I have to focus on survival, this rights for children you telling me bout I ain't have no time for dat⁷¹, in the first place I am not even trying to understand it and what it entails and what it would mean for children. I look like I have time to understand that? I have to feed this child and clothe this child, yuh know, you understand? ... and send this child to school. So when you come telling me about rights of the child now, that would be the typical reaction ...

In this type of poverty even basic rights, become privileges. For example, the right to food becomes a privilege in a household where food is not readily available. In the same way, the right to education can become a privilege to a young person whose family needs him or her to help bring money into the household. Sarah, when asked if

⁷¹ Dat = that

she thought it was possible to stop the beating of children at home, further illustrates this concept as she explained that corporal punishment might be the easiest solution for working parents:

...if the parents are going to be out whole day working and ting⁷² ... they have no patience when they reach home in the night, when they still have to cook and clean and everything ... so the quickest thing is to take up a belt and beat two o' dem⁷³ ... you understand?

Linda felt the same and said that children's rights would mean a lot of work for some parents:

Linda: Work. Yes!! Because when the cost of living is so high and I have to concentrate on making a living and I'm just getting by (chuckles) you are looking for me to come now and sit down and negotiate with children and discuss consequences? Hell no, two belt and they good with that. You understand? That's the thinking, that's the Trinidadian thinking. Yeah, so that's the reality of what we are dealing with, you know.

The Caribbean literature supports Sarah and Linda's statements and confirms that parents in poverty are usually tired at the end of the day and worried about how they are going to make ends meet (Evans & Davies, 1997: 6). They may also be ignorant of other forms of punishment⁷⁴ (Brown, 2001: 32; Evans & Davies, 1997: 6). However, in her discussion of corporal punishment in low-income homes, Leo-Rhynie (1997) explained that privileges are not prevalent, there are, she quotes "very few privileges to withhold, no time to reason with the child, and no love to withhold from the child" (Grant as quoted in Leo-Rhynie, 1997: 44).⁷⁵ Maria expressed it another way:

⁷² Ting = thing

⁷³ Dem = them

⁷⁴ While the Caribbean literature still refers to "punishment," it is important to recognise that there are alternatives to this approach through the use of behaviour modification techniques. However, as discussed in the following chapter, participants expressed concerns that the absence of corporal punishment would translate to no punishment, suggesting that it is too soon to abandon the term "punishment" altogether.

⁷⁵ Corporal punishment is addressed more thoroughly in the following chapter.

...when their goal at the end of the day is just to get something to eat and they are so deep in poverty that nothing else matters, things like umm information and art really doesn't seem important...

Toope (1996) suggests that children have a right to poverty alleviation, which they may well ask for (38). Researching in Jamaica, Brown (2001) found that “lower-income parents appeared to be more caught up in the day-to-day struggle of meeting basic needs and more worried about forces over which they felt they had little control” (32). Thus, Toope (1996) suggests that

It has become harder to identify those rights which are meant to have practical force immediately and those that need not even be addressed until a 'higher' stage of development is achieved. Within the Convention, many provisions are framed clearly as 'oughts', whether they relate to civil or to economic and social rights. (35)

The effect of poverty on children's rights is further complicated by the absence of human rights for parents. According to Ann Marie,

It's very hard for people to think that children have rights when they don't think they have rights themselves. If everyone feels like a victim they can't perceive anyone else as having rights ... certainly not those subordinate to themselves.

Brown's (2001) research in Jamaica supports both Ann Marie and Maria's statements:

If those who are the primary socializers of children do not feel entitled to rights of free expression and free association, or to the right to protection from harm, how can they convey these rights to their children, or even conceive that their children should have entitlements that they do not? (33)

Brown's research reveals that parents living in poverty do not have a sense of entitlement of their own human rights. Thus, she argues, “the realization of children's rights is inextricably linked to the experience of rights for the significant adults' in their lives” (33). For example, Brown (2001: 33) explains that it was difficult for women in Jamaica to envision their children calling the police for child abuse when those very women did not feel like they could do the same when subjected to spousal abuse. Similar

findings emerged in White's (2002) study in Bangladesh, as one of the parents noted "Never mind child rights, human rights is a question in Bangladesh!" (730). It is unfair to ask parents, whose human rights are also documented in numerous human rights instruments (yet most of which are not realised in the "third world") to ensure that children's rights are adhered to. Moreover, the gap between children's rights and those of adults may lead to frustration amongst young adults who grow up only to realise that, in reality, children's rights do not translate into adult human rights.

Clearly, there is a need to help developing nations achieve human rights for their citizens before children's rights can be fully realised. Since its inception in 1989, the CRC "has had no real impact on the lives of children who endure poverty, exploitation, and abuse on a daily basis" (Kilkelly: 2005: 53). Thus, poverty alleviation is one of the first steps towards securing children's rights, since many of their problems stem from economic constraints on the family. Approaching the concept of rights from both an adult and child rights perspective might promote a better understanding of what children's rights specifically entail.

Only some children need rights

Parents seemed to draw a line between the rights to basic necessities such as food, shelter, and other rights, which were seen as privileges. When asked to describe children's rights, adults mainly spoke of the absence of abuse, presence of food, and shelter and only Maria mentioned the right to freedom of expression:⁷⁶

*Maria: Well the right to an education and speech just like we enjoy.
Freedom of expression which we enjoy also ... not being beaten or abused in
any way and being able to voice your opinions that's what I think it means ...*

⁷⁶ Ann Marie, Linda, and Martin also mentioned rights outside of basic rights; however, other participants did not.

When Amelia was asked how she felt about children's rights she explained that they do not apply in her home:

Amelia: Again, it has to be, it has to be used in its correct context or parameters in terms [...] of children who are [...] being abused or treated unfairly I could understand that but in *my* situation I don't feel that applies. Charrise (asks for clarification): You don't feel children's rights apply in your home?

Amelia: In *my* home, but generally it applies because again it has to be within certain parameters—children being abused they would have rights or being treated unlawfully or umm in those ... you know very difficult situations that children should not have to face at this stage in life. They should be in a loving, fun-loving, safe environment, if they are not in that environment that's where I could understand children's rights come about but not in an environment like *I* think we encourage ... not I think I know we encourage.

In Amelia's mind, children's rights seem to apply in extraordinary or abnormal situations; and hence, the reason her children do not need rights. Stan seemed to feel similarly:

Stan: Umm ... I don't think that children's rights are particularly any different to anyone else's rights, I guess the only exception is umm ... because they're more ... if you like ... vulnerable, they need to be enforced or as you said some sort of special protection, but in terms of a general right to life, a right to an education, basically the other items you mentioned there are things that everyone is entitled to not just a child.

Charrise: What do you think some of the more important rights for children are?

Stan: I think [...] the important ones are the ones they can't do for themselves so for example protection against child labour, protection against sexual abuse, umm ... they're all important aren't they?

According to Sarah, if children were raised "properly"⁷⁷ they would not need rights:

... but if they have a strong upbringing ... that's how I look at it ... I think ... a strong upbringing ... the rights mightn't be so heavy ...

These findings are supported by Brown (2001) who explained that in Jamaica,

⁷⁷ The theme of neoliberal parenting arose in these interviews but that discussion lies beyond the scope of this paper. In brief, adults felt that parents needed to be more responsible for their children and should be held accountable for children's behaviour and actions. In Sarah's case, she felt that if parents raised their children "properly" they would not need rights.

Some CRC entitlements are unquestioned – the right to life, to a name and nationality, to education, to general protection from disease and harm. But there is strong cultural discomfort with seeing many rights on the CRC list as entitlements of all children ‘just so’ (unconditionally). (29)

Some of these questioned rights included the right to privacy, self-expression, right to association, and freedom from abuse (29). As stated by Ann Marie, at the beginning of this chapter, children earn the right to say they do not want to do something when they are adults.

Rights Look Good on Paper, but in Practice...

The on-going disjuncture between policy and practice is evident in the participants’ descriptions of interaction with/as children. When asked to comment on excerpts from the CRC, participants’ responses often conflicted with their earlier statements regarding child-rearing practices. Adults acknowledged that children needed these rights, albeit with limitations, but at times, contradicted the need for rights in their accounts of what was happening or would happen in their homes. Practically speaking, parents found it difficult to fully allow children to exercise freedom of religion, freedom of association, freedom of expression and freedom to information.

I respect everybody’s religion ... now let’s say the Our Father

Parents and adults tended to agree that children should be able to choose their own religion and most of the adult interviewees reflected this sentiment in their responses. When Sarah’s daughter decided that she wanted to convert to Catholicism at around age seventeen, Sarah felt that it was not a problem:

It was her choice, if you want to umm ... go over to the Catholic ... it is the same God that you praying to and everything right? And if after five years, no it was not five, it was seven years, you had that religious thing and you want to go ... you go ahead ... I have no problems with that...

When her boys felt restless in church at age twelve, she also let them choose whether they wanted to attend church:

I find that I had to push them too much to go to church ... one is very restless ... not taking it on ... and it went on for one or two years ... and when they reached the ripe age of twelve ... I just stopped it ... let them choose what they want ...

Similarly, Amelia was open to the idea of any of her children converting to another religion provided that they were properly informed, although she did not think she would like it:

... if they did come and wanted to participate in another religion, I'd want to of course find out why and then move from there. You know, if it was a reason that, you know, they hold quite serious and they were serious about it, I would go with them, I would encourage them, I might not like it personally, but again I don't believe that you should force your religion on [...] your children or anybody else. They have to find themselves [...] ... there's a saying where ... you, you can teach them, you don't make their minds, they have to eventually choose for themselves so I might not like it ... I'll pray about it ...

Maria also said that she believes in the importance of respecting a child's choice in religion. When asked what would happen in school if a child did not believe in any religion, she re-affirmed her belief:

... if that's the case then he shouldn't be forced into any classroom that is teaching a religion because I think we need to respect the rights of everybody especially where religion is concerned...

However, it is difficult for adults to respect these choices in practice. For example, Martin explained that he tried to respect every child's religion and did not want to force religion on the children unlike other adults in the home. Yet, contradictions appeared in the following statement:

Martin: ... we normally say a prayer to start off the day and even if it's just the "Our Father"⁷⁸ and so umm [...] and so it's basic things like that rather

⁷⁸ Usually referred to as the "Lord's Prayer," in North America; in Trinidad it is more common to call this prayer the "Our Father."

than putting your religion on people, people who are Catholic would come and say Hail Mary's and all this kind of thing, I ... I wouldn't do that ... I respect everybody's religion ...

The "Our Father" is a Christian prayer and is universally accepted by both Roman Catholic and other Christian religions as opposed to the "Hail Mary" or the Rosary.⁷⁹ However, its use in children's homes is not respectful (in the sense of respect as used by Martin) to Hindu or Muslim religions and a number of other religious denominations in Trinidad. Similarly, at both homes, staff stated that they respected the children's religions, but this only applied if the children were practicing some form of mainstream religion at that time. If not, "they have to go to our [Catholic] church if they are not practicing" (Martin), and in the other home, Bernadette and Elsa explained that the children were allowed to:

... practice whatever religion or to remain in whatever religion, we don't force them...a lot of the ... umm ... well because we have a volunteer who comes to take them to the Catholic church, they tend to go to the Catholic Church ...

Therefore, the children do not really have a choice because if they do not want to go to, or are unable to attend their own place of worship, they "have to" or "tend to" go to the Roman Catholic church assigned to them by the home. As previously discussed in Chapter 5, volunteers from other religions are rare and children do not have the option of not attending a place of worship.

Similarly, while the adults agreed that children should have freedom of religion when they read Article 14.1, they were uncomfortable with the idea of a child believing "nothing."⁸⁰ In other words, they respected the right to religion, as long as the children believed in something viewed as mainstream. Children have no freedom *from* religion.

⁷⁹ Not all Christian faiths believe in praying to Mary the mother of Jesus, but most agree regarding the "Our Father."

⁸⁰ The term "atheist" was not used in the interview questions and did not come up in interviews; it is not a common word in Trinidadian contexts.

Linda articulated this inherent contradiction clearly, when asked what would happen at the home if a child did not believe in anything:

That has never happened ... but you know, I can't say, I honestly can't say, cause you know the instinctual thing to do would be to want to change that, [...] because you must believe in something ... that's our, our philosophy, you must believe in something ... you also have a right to not believe in anything, you know, but I think as a child, for a child ... I think as an adult you make your own decisions, but I think as a child you still need the information, when you get older and logic steps in and as they say practicality steps in you can make your own decisions but I think as a child you still need to get the information ...

Adults expressed concern over children not believing in anything and seemed to take it as a personal attack. The thought was so distressing to Amelia that she began to cry. Sarah also became very miserable:

I would be very sad ... because ... umm ... even though the family did not go to church or anything, at least we tried to show them what was right and what is wrong and if you are right you are following God's footsteps right? If you are going to tell me that you don't believe in God, something is definitely wrong ... then I think you have evil thoughts in your head ...

Children revealed that they would not be comfortable telling their parents if they did not believe in anything because they would not receive a favourable response. For example, Renee felt that her parents would be disappointed, and John felt that his parents would not agree with his decision:

Renee: I think my parents would feel a little disappointed because you know them pushin' me to go to church and ting and them want me to you know, live my life different to other people, yeah. You know? Be a nice young lady ...

Charrise: Do you think you'd feel comfortable to tell your parents if you didn't have the same beliefs they did ... the same religious beliefs?

John: no

Charrise: Why not?

John: Because they probably wouldn't agree ...

Supporting Sarah's statement that she would think there was something evil in children who do not believe in anything, Anna and Jacqueline also both suggested their parents would act the same way:

Anna: Well I think they'd be shocked because I am Catholic ... I don't really know what they would do ... (laughs) they might take me to church right after that ...

Jacqueline: ... my mother, no ... and that's because she ... my grandmother, oh my gosh, my grandmother is into this Catholic thing like crazy and if she hear anybody say they don't believe in God, she's just trip off and if I tell my mother something like that my grandmother is definitely going to know because my mother is gonna tell her and then the two of them will be down my throat and then they'll start, 'She's a heathen!' and 'She don't like God!' and 'She have the devil in her!' and I'll just be like (sighs) 'Gosh, why'd I say that boy?'

The statements by both adults and children suggest that it is very difficult to respect a child's right to freedom of religion.⁸¹ Article 14.2, which commands the state to respect parents' right to "provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child," further complicates matters. The line between guiding children in religious beliefs and allowing them freedom to evolve and make their own choices about their religion and spirituality is a blurry one; furthermore, it is a distinction which is impossible to monitor in every home. Similarly, Jamaican parents saw the right to freedom of religion, self-expression and the right to privacy as linked to children's maturity (Brown, 2001: 29). These findings also highlight the difficulty in determining the "evolving capacity" of a child and in determining maturity since children mature at different ages and levels. The maturity argument provides an easy excuse for parents to dominate children's lives beyond the scope of what is reasonable.

⁸¹ Participants revealed that this right is even more restricted in schools.

“Show me who your friends are, I’ll tell you who you are”

Parents and other adult participants recognized that children tend to make friends and choose their own friends at a very early age and appeared to be comfortable with that process. Parents also recognized that if they did not like their child’s friends they would talk to them and explain the reasons for disliking them. Yet, they felt that they should be able to tell their children not to associate with people they did not like until they were adults. Julia said that she would want to do this until age 16 or 17:

Julia: Umm, maybe sixteen, seventeen ... because I mean you have to be so worried in this day and age that the children are growing up too fast and they know everything, they know stuff from the internet, they know more than you and you know, they get into all sorts of trouble so I feel the older the better. Yeah, maybe seventeen would be good.

Maria felt the same,

Charrise: Do you think there’s a ... what age do you think they would be old enough to choose their own friends?

Maria: ... without parent intervention? Eighteen (laughs a little)

Charrise: Why do you think so?

Maria: That’s when you are legally an adult and can make your own choices ... but from age ... from two years old or whatever you are choosing your friends so ...

The children reinforced the idea that their parents would tell them not to “hang out” with a particular person:

Charrise: What do you think your parents would do if they didn’t like one or some of your friends?

John: They would tell me not to hang out with them

Jeanine: ... they would talk to me about what they don’t like, why [we] shouldn’t hang out together ...

Renee: ... they would try and try to talk to me and say umm, ‘Renee, try and break off from that girl because she is not teaching you the right thing, she going the wrong way, friends will lead you and do not bring you back’ and you know a lot of conversation to tell me slack off from that friend ...

Brown (2001) alleges that there is a “strong cultural discomfort” with viewing some of the rights in the *CRC* as those that children are entitled to unconditionally (2001: 29). She explains that Caribbean parents often view their children as an economic investment that is expected to pay off (30). In addition, parents living in poverty express that they feel increasingly out of control of their children as they grow older. It is in this context, that the “right to association” is not fully accepted by parents who worry about the high rate of sex amongst teenage girls and the general materialism of the society which generates pressure from peers. Thus, parents are concerned about their children “hanging out” with a “bad crowd” (Brown, 2001: 30). As previously noted, the *CRC* says nothing of the right of parents to discipline and control their children (McDowell, 2000: 242). These are just some of the implications of separating children’s rights from their familial context.

Once again, there is a need to balance children’s rights with parental concerns. Although Article 5 of the *CRC* says that the state must respect the “responsibilities, rights and duties of the parents,” the concern remains: who will decide how these rights are balanced? Furthermore, how will the balance of rights be monitored? As discussed in the previous chapter, the state is under enough pressure to provide social workers and other trained officials to monitor more serious children’s issues, so it is reasonable to say monitoring the right to freedom of association is one that will receive little government attention.

Keep the door open ... but remember to shut it on your way out

Adult participants stressed the importance of keeping the lines of communication with their children open. When asked how they would handle various hypothetical situations they responded that they would first talk to their child:

Martin: ... you must open up avenues that the children supposed to know they could talk to you as, as a parent ... because many times too much of family, mother and father feel that if they talk certain things to their kids, that [...] that child will go out and "I want to try it, I want to do this ... " but you educating the child so that the child feels comfortable in talking to you, if you don't give that child no information at all, then they get their information elsewhere ...

Julia: Oh definitely, I hate secrets ... I really do. It's best, even if she's doing something wrong, I would want her to feel comfortable enough to let either myself or her father know why she's doing it so at least we can talk about it instead of her having to you know sneak around or get in trouble or anything like that. I would like her to have as open a relationship as you possibly could with your parents.

Amelia: I mean sit down with her and talk to her and give her, you know, give her the reasons why you feel and let her be able to express her side of it as well because she may have a you know, a positive side or may not have even seen your side your side of it as well.

Yet, the children did not seem to feel as if adults listened to them and at times expressed the desire that parents would talk to them:

Charrise: Do you have any suggestions for parents?

Anna: Maybe just talking to your children about what happened ... not really punish them all the time, but like talk to them ...

Participant (from focus group): Talk to them ... not every time you should hit the child ...

Another Participant: Miss them feel ... because we small ... we can't say nothing important ... and they don't listen to we ... and that gets us vex (laughs) ... so that's why we need rights ...

Jeanine: Hmm ... sometimes I wish my daddy would listen to me more ... sometimes I's feel like he don't try to listen he's just be like ... asking a whole set a questions and not answering my questions so ... yeah so I find that he should listen more ...

Jacqueline talked about the difference in communication styles between her parents who are separated:

... my dad and I have a closer relationship ... my mother tries, but if she's upset about something ... like her personal something she tends to be like very tense and if I say, "Ay!" you know it's like "oh gosh!" and she starts on my case and because of that it pushes me away from coming close to her and

then like if I tell her something, she tends to throw it back in my face [...] (lowers her voice and says slowly) I just can't stand it ... and my dad he will sit down and let's just talk about this and if we like fall out for something, he will say 'Come, we need to talk because we can't stay vex forever' ... my mother ... she gone (claps her hands) ... she ain't care, she, she don't wanna talk ... so it's different in that sense ...

The fact that parents recognise the need for dialogue, yet do not seem to carry through on it, supports Ann Marie's earlier claim that parents do not know how to engage in this practice. Similarly, researching children's participation in Jamaican homes, Brown and Johnson (2008) find that "children reported that their parents were not interested in hearing their thoughts or feelings" (35). Their findings indicate that children do not share their thoughts with their parents "because they didn't believe it would make any difference (She wouldn't do anything, so I don't tell her), or would lead to long lectures of punishment" (Brown and Johnson, 2008: 35). Renee's reluctance to tell her parents about boyfriends also fits with these findings:

Renee: ... (inhales sharply) ... If I have a boyfriend ... I would not tell them that I have a boyfriend now cause they would go on a whole long conversation, a whole lecture about it, so if I know I have a boyfriend. I would not feel comfortable telling an adult I have a boyfriend ...

Similarly, Anna and Jeanine also said that they would not want to tell their parents about their boyfriends for fear of long lectures. Along the same lines, a participant from the focus group explained why some children do not want to tell their parents when they are victims of bullying:

Some parents is say it good fuh⁸² yuh and start to beat you on top of it ...

Children are clearly worried about getting into trouble and are reluctant to express their thoughts. Emphasis placed on courtesy and respect by adults also restricts children's willingness to express themselves freely. As Ann Marie explained,

⁸² Fuh = for

... they are not allowed to [...] be able to express their opinions that sort of stuff, sometimes parents think it's rude and disrespectful because they don't want them to grow up and have opinions and challenge some of the traditional ways of thinking and stuff like that ... and asking questions.

In this way, recognition of children's rights is tied to respect:

Martin: ... the people who try to ... reason ... with children and so forth ... umm ... they would respect that this is the law on rights of children [...] ... a lot of people would love children if it is they would discuss those rights with their parents ... and their family ... if they discuss it respectfully ... [...] ... and so I think a lot of parents [who] know about these rights, could respect children's rights ... but if you being assertive with certain rights then you know that you need to be respectful ...

Speaking about the students in her former classes, Sarah explained:

Yes ... well they had times when they were allowed to speak their minds, but not to the extent that they would be rude to you. You say your mind, what you think and then you have to take that criticism that that teacher or whoever is going to give you, you spoke your mind yes, but that is a wrong attitude, a wrong thing to say or whatever ...

Self-expression, therefore, is not necessarily seen as a good characteristic and must be tempered with the right amount of courtesy in order for it to be respected. Children are not really expected to question adults and in the rare event that parents expect them to do so, if their response is seen as “answering back”⁸³ they often face unpleasant consequences. For example, Amelia explains that the action of slapping her children for “answering back” is instinctual:

... it just comes, like if you answer me back ... right? That is it, all hell break loose. I'll give you one ... as it come out, it's going right back in.

She explained that this was how she was raised and that it would teach her children not to make the same mistake again. According to Kerr (as cited in Barrow, 1996) in the Caribbean, being rude can range from “cursing your parents, not doing what you are told, not hearing when you are called, making slight gestures, showing you don't

⁸³ “Answering back” is similar to “talking back” and does not correspond with being asked a question. In fact, it suggests that children have “answered” when they were *not* asked to do so.

want to do something which you have been told to do, to forbidden sexual play or intercourse” (400). Brown (2001: 31) explains that Jamaican parents also place a lot of emphasis on obedience and respect, with traits such as assertiveness and independence seen as important only in higher socioeconomic and educational brackets. Thus, “enforcing obedience and good manners in children is often done in ways that deny a child’s right to question parental authority or voice opinions that may differ from those of their parents” (Brown, 2001: 31).

Knowledge is power ... but it is on a need to know basis

To some extent, this issue was covered in the earlier discussion of rights needing limits, but this section focuses on the disjuncture between what parents know their children need and what actually happens in practice. Recall Linda’s belief that children need limits to information; she says, “...as the child needs to know, information can be sought.” In contrast to this idea, adults stressed the child’s need for information in order to make informed decisions:

Amelia: Nothing is wrong with that either, I always believe that the knowledge that you have no one can take away. Knowledge is power. Go right ahead because that’s the only way you could make informed decisions, when you have all the facts, so that’s fine...

Linda: I think as an adult you make your own decisions, but I think as a child you still need the information, when you get older and logic steps in and as they say practicality steps in you can make your own decisions but I think as a child you still need to get the information ...

When asked if the children would be allowed to take part in a peaceful protest, Martin was very enthusiastic about the idea and discussed his plan to hold an information session for the boys:

I will get information on it and I will have a session on it ... to, to see if they understand what it is that they talking about, to see if they want information on what it is that they asking about ... something like that ... umm

... they need to have ... the proper information ... why you want to do this?
Tell me why you want to participate in that? I will ask everybody else if it is
that they understand what it is that this is about ...

Adults recognise that children need access to information if they are to make safe decisions; however, parental fears of the ills of too much information cause them to try to restrict the child's access to information.

Similarly, parents and adults also recognized that children need to be involved in decisions about their lives:

Amelia: I don't think I force anything on them, [...] you know we try to discuss matters and most times [...] they have to put their own input you know, it's affecting their lives whether it is they want to a particular sport and why or they want to choose a particular ... subject ultimately it's affecting them so they have to be involved in the decision-making as much as possible...

Stan: I think as he gets older he may well, I'm sure there'll be ... as well as religion, there'll be other things that he picks up that he takes an interest in ... ok I'll try to dissuade him but at the end of the day it's his decision.

Charrise: [...] When you were in the classroom, did you involve students in decision making in the classroom?

Sarah: Yes ... you had to ... it couldn't be a all giving, it had to be a two-way situation all the time ...

Yet, the concepts of allowing children to be involved in decision-making and to have access to information seemed to have certain limitations in the children's social reality. Hence, parental concern that too much information would be dangerous was in direct contrast to involving children in decision-making processes. If children need information to make informed decisions then it should follow that they need full access to information. Eekelaar (2006) explores this dilemma in his discussion of how courts handle children and parents whose decisions are at odds with one another. He acknowledges that it is difficult to know when a child is competent to make decisions; regardless of this fact, "if the right claimed is not socially recognized, the child does not

have it” (Eekelaar, 2006: 158). He further explains that when such a right is withheld from a child it is because the child’s decision is considered contrary to his/her best interests. It makes more sense to empower children and to teach them how to determine what information is appropriate so that they can make decisions that are in their own best interests. This is where parenting classes would be helpful to show parents the value of these practices.

Conclusion

Part of the dilemma faced by parents is the age-old argument between liberationists and protectionists in their approach to children’s rights.⁸⁴ The desire to provide children with independence and equip them with life-skills contradicts the desire to protect children who are seen as innocent and in need of guarding (Purdy, 1996: 27). Those who argue for equal rights for children assert that the protectionist view “unjustly limits children’s freedom” (Purdy, 1996: 27). On the other hand, Purdy (1996) argues that there are very young children “who ought not yet [...] be running their own lives” (27). She calls for a “systematic utility enhancing project” or a rational life plan and asserts that this would involve being able to make “solid judgements” about both short-term and long-term plans (1996: 27). The problem is that determining when a child is ready to make those decisions is very subjective. Furthermore, who will make that decision? Nevertheless, Purdy (1996) argues that it is reasonable to withhold from children some of the rights that adults have so that we can provide them “with a protected period in which they can learn to manage their own life intelligently” (28). At the same time, parents have a responsibility to teach their children how to manage their decisions.

⁸⁴ See Purdy (1996) for an overview of these arguments.

While Purdy might be correct, within the Trinidadian context, resistance to rights because children need protection is tempered with resistance because rights are suspicious. Scepticism regarding rights must be addressed before we can balance the need for children's protection into the equation with resulting limitations attached to rights. These findings reinforce the need to educate the public about children's rights as identified in the previous chapter. Education will help to dispel suspicions about rights if parents come to understand the reasons behind the entitlements and if they are provided with practical ways to impart these rights. Education will also give parents an opportunity to discuss solutions to some of these kinds of problems and help them to realise that self-expression is not synonymous with disrespect. It is interesting to note that Trinidad and Tobago's government has attempted to address this dilemma by amending the legislation with a section that details parent's rights and responsibilities as well as children's responsibilities to express their rights (*Children (Amendment) Act 2000*, Schedules A-D). However, this addition has done little to resolve the predicament faced by parents and children, and further complicates matters by endorsing the notion that children have a responsibility to respect the guidance of their parents unless contradicted by law (Schedule, D.4).

There is no doubt that the ambiguity of the *CRC* creates challenges that may be impossible to meet. With regard to these ideological challenges, Toope (1996) asserts that they may lead to "inevitable theoretical incoherence" since "children may need protection in a paternalistic manner, but they may also wish to claim rights in their own behalf" (47). He points out, "the overall thrust of the Convention is to declare that 'best interests' of children may not be what parents think they are" (48). He notes that the provisions concerning privacy (Article 16), freedom of expression (Article 13), and freedom of thought, conscience and religion (Article 14) all undercut any notion that the

parent may dictate what is 'best' for a child (48). Since these ideological contradictions are inherent to the *CRC*, the document requires revision. Consulting with parents and children about their perceptions regarding problems with the *CRC* may be an appropriate starting point to get to the perceived roots of these problems.

CHAPTER 7: CULTURAL CHALLENGES TO CHILDREN'S RIGHTS

I don't think a woman like Laura could ever have too many children. She loved all her children, though you wouldn't have believed it from the language she used when she spoke to them. Some of Laura's shouts and curses were the richest things I have ever heard, and I shall never forget them. [...]

Laura used to shout, 'Alwyn, you broad-mouth brute, come here.'

And, 'Gavin, if you don't come here this minute, I make you fart fire, you hear.'

And, 'Lorna, you black bow-leg bitch, why you can't look what you doing?'

-Excerpt from *Miguel Street*, V.S. Naipaul (1960: 108)

The above excerpt from Trinidadian author and Nobel Prize winner V. S. Naipaul comes from a work of fiction, which contains an element of comedy (possibly only appreciated by similar cultures in the Caribbean), but also reflects common approaches to parenting in Trinidad. Trinidadian language is theatrical and expressive; at times, outsiders may even view it as excessive. Therefore, children are often spoken to in ways that other cultures would deem unacceptable, and are treated with a “tough love”⁸⁵ approach. The history of colonialism, slavery and indentured labourers has created a unique blend of ethnicities and traditions that is unusual to other cultures. While it may differ from some forms of parenting in North American culture, hooks' (2005: 24) discussion of Black parents in the southern United States seems to resemble that of Caribbean culture. She explains that mothers speak to their children harshly to illustrate that they are good parents. Thus, hooks (2005) says, “being a good parent is synonymous with the extent to which one is able to exercise control over a child's

⁸⁵ This concept is expressed in Naipaul's excerpt where the harsh statements by Laura are prefaced by reinforcing her love for her children. Thus, he illustrates that harshness of speech is not indicative of the absence of love.

behaviour” (24). Parents are protective of the “ownership” of their children and reluctant to take advice from strangers, possibly because this casts doubt on their parenting abilities. The desire to ensure control of their children emerged from participants’ discussions about children’s autonomy, privacy and the corporal punishment of children. In the end, participants were doubtful that children’s rights would fit into current Trinidadian culture. Since the children had much to say about privacy issues and corporal punishment and rarely raised attention to structural issues, care was taken to ensure fair representation of their voices in this chapter.

Views of Children as Property

Parents own their children

The issue of implementing children’s rights is a difficult one in Trinidad, not least because of the perceived threat to parental control. In addition, parents feel that they own their children, and therefore no one can tell them how to raise them. Later in this chapter, a situation is relayed by Martin, in which he shared his observation of a woman beating her child in the streets. She was rebuked for her actions by someone passing by and her response to that person indicated this idea of ownership:

... mind yuh so and so⁸⁶ business, you was there when I was going through pain making he?

Martin relayed another frequently heard phrase that parents in Trinidad tell their children,

'If I only ketch⁸⁷ you in dat⁸⁸! Listen! Is I make you, I go kill yuh!'

⁸⁶ So and so = means that an expletive was used

⁸⁷ Ketch = catch

⁸⁸ Dat = that

This reflects the common sentiment that because the parents “made” their children, they are entitled to do whatever they want to them even if that means killing them. The philosophy is one that suggests, “I gave you life, and I can take it back.” Of course, whether parents really mean this in the literal sense is debateable, but what *is* clear is that parents seem to think that ownership of the child allows them to treat the child in whatever way they see fit. Historically, many cultures have viewed children as property belonging to the parents (Toope, 1996: 41), and Marshall (2003) explains that this view is typical in developing countries, possibly stemming from “the contributions children make to farming and traditional family business” (22). Brown (2001: 29) also sees a relationship between this sentiment and slavery, through noting that children were viewed as economic property of plantation owners. Thus, she explains, “from this historical perspective, children as property of their parents were no more entitled to ‘rights’ than were their parents as the property of slave owners or as subsistence lease holders” (Brown, 2001: 29-30). Elsa’s statement about some Trinidadian parents reinforced the idea of ownership:

Well I know some parents who say, they made their children and nobody can tell them how to punish them or how to correct them, you know, so they feel that they should have that freedom to punish as they see fit ...

Amelia echoed a similar rhetoric:

I have a right to correct my child [...]. So if I take out any of my sons or daughters and they are misbehaving, if I want to slap them, I’ll slap them ...

Parents also want children to understand that parents are in charge and in some cases do not see rights as starting when the child is under their roof:

Sarah: ... you let her know who is boss [...] I really don’t take it on as such because I don’t want to hear about children’s rights, I am telling you what is right and wrong in my household, right?

Renee: Some adults think [that children] shouldn't have anything to do with children's rights until they reach like 18, 19 so until they leave their parents house you know?

Similarly, Jamaican parents suggested that children's rights should start at "14, 15, 16, over 18 or 'when out from under my roof'" (Brown, 2001: 29). Recall Sarah's statement about children who go to university and then "feel" that they have rights, when in most cases children's rights would no longer apply to university students. Ann Marie explained that in Trinidad, this assertion of power over children even occurred with adults who still lived with their parents, regardless of their age. Talking about a middle-aged male acquaintance of hers, she says of his mother,

... you know once it's her roof and you're there, she's in control and when I look at how his mother is with him, it's shocking and unbelievable that a mother still behaves like that with her son ... he's a man ...

While Toope (1996) states that "conceiving of children's 'rights' separate from those of the parent requires significant changes in social attitudes in almost all nations of the world, including Canada" (42) we cannot ignore historical context. Within a Trinidadian context, the idea of children as property is linked to the history of slavery, not only in the sense that parents were not entitled to rights as slaves, but also reflects the fact that adult slaves "were denied the most basic human right to raise their children as their own" (Davis, as cited in Guggenheim, 2005: 33). Thus, it is not surprising that Trinidadian parents feel very strongly about the ownership of their children and object to outside interference with what they see as their right to parent. In fact, some have claimed that "the parent-child relationship contains many of the same forms of oppression found in slavery and patriarchal power" (Guggenheim, 2005: 34; Sharpe, 1997: 266).⁸⁹ hooks (2005) presents a critical view of the Black parent-child relationship,

⁸⁹ Bitensky (2006: 7) also draws parallels to the relationship between the treatment of children as property and slavery.

The parent-child relationship in a culture of domination like this one is based on the assumption that the adult has the right to rule the child. It is a model of parenting that mirrors the master-slave relationship. Black parents' obsession with exercising control over children, making certain that they are 'obedient' is an expression of this distorted view of family relations. (25)

It would be interesting to examine child-rearing strategies within the different ethnicities in Trinidad to see if any cultural differences arise. Ann Marie pointed out that Indian families tend to include the extended family living under one roof, whereas Black families tend to be raised by single-mothers; a phenomenon that is not unusual to the culture since African families tended to be centered around the mother.

Children are not seen as having autonomy

Children are sometimes viewed as incapable of making decisions on their own, and as discussed earlier, oftentimes they do not feel as if they have a voice. Earlier quotes from Jeanine and Jacqueline about the absence of dialogue in their home were reiterated in the focus group session:

Participant: ... big people only want to talk to big people and they will tell small people to talk by their self and don't come in big people talk when you ask them to say something ...

Participant: Adults find children is playful and silly and so they wouldn't respect the views of children ... that's what I think ...

Martin explained that some parents do not want to receive advice from children:

... some parents believe that children not supposed to give them advice because they feel that they are parents, they know it all ...

Ann Marie saw a deep-rooted problem in Trinidadian parents:

Well in Trinidad I think that one of the major problems that, that comes around is umm parents who haven't yet ... been able to separate from their children ... they won't allow them to grow up ... too many parents see their children as just extensions of themselves, that's a serious problem ... they ... they don't see their children as ... separate people ...

However, she continued, there are few households where you find children treated respectfully:

... so there's this disconnect that I have found is quite widespread, there's the exceptional child you'll find who has a relationship with a parent where the parent actually respects their child as a person and not just their ... their child ... but this is just, my, my own feelings about it ...

The debate about child autonomy is not necessarily a cultural one. Toope (1996) explains that “the provisions which seek to enhance the autonomy of the child are the weakest of the Convention” (Hammarberg, as cited in Toope, 1996: 41). These provisions suggest that parents may not know what is best for the child and challenges traditional parenting roles (Toope, 1996: 41). Traditional ways of thinking suggest that “parents know best” and children’s views are invalidated because they are “too small” to know better. For example, when asked what they would do with a child who did not believe in God, Bernadette said that the child was “probably going through a phase” and Elsa said that the child was “probably just too young.” However, it is clear that this problem becomes cultural when linked to the concept of children as property. Abandoning the notion of parental ownership would go a long way toward increasing the understanding of children’s autonomy. Relating this discussion to that of the previous chapter, one could argue that parents realise teaching their children to have agency might lead children to confront the concept of parental ownership.

These ideas about children’s lack of autonomy translated into disrespect of children in the work place. Incidents were raised in both individual interviews and the focus group session. With the exception of two children, the others explained that they did not feel respected in the work place. Children in the focus group expressed dissatisfaction with the work scene:

Charrise: Do you think that your employers will treat you fairly?

A few participants respond: No ... no ... no

Participant: They will try and advantage yuh ...

Participant: Because the same thing ... they feel they smarter than a child ...

Participant: They will want to underpay yuh and all kinda ting ...

Participant: They want you to work overtime and not pay yuh ... they want yuh to work Saturday and Sunday and they don't want to pay you for them two days ... and if you take a day off they calling right though ... and sometimes you doin' the same amount of work as the next employee but you gettin less ... because you younger ...

Martin also said that many young people from the home were treated disrespectfully by their employers and eventually left their jobs in search of another, only to meet the same treatment. In addition, Jacqueline explained that she felt unfairly treated by her employer. First, she worked a nine-hour day with only a half-an-hour lunch break; second, when she came back from lunch five minutes late, her manager berated her in front of staff and other customers. She then decided to leave the job:

I left because that was embarrassing, I'm not gonna work somewhere that I'm gonna feel embarrassed by right?

This example, as well as the following themes, provides considerable evidence that the dominant view that children lack agency and are personal property perpetuates other violations of rights such as infringements on privacy and the use of corporal punishment.

Privacy is an Illusion

Article 16 of the *CRC* protects a child from “arbitrary or unlawful interference with his or her privacy, family, home or correspondence.” However, perceptions of privacy vary when the culture is one which is rooted in a perception of child ownership and lack of autonomy ascribed to children. During the interviews, both adults and children were asked about privacy issues, including whether children need privacy, privacy of

belongings in their bedroom, school bag, and privacy of diaries and journals. The following themes emerged.

Parents want to know “everything”

Of interest, was the fact that most adults seemed to agree that children needed privacy:

Julia: She can have a certain level of privacy I don't mind, you know people need to have their private moments.

Charrise: Do you think that children need to have privacy?

Maria: Yeah, I think we all do.

Sarah: Well [...] in most instances they had their own privacy if they wanted it ... but you know when they got to an age, teenager and thing and you want your privacy and you lock your door and you do this and that, you allow it to happen ...

Parents were torn between the fact that they knew children needed privacy and their own desire to know what their children were up to. While Amelia acknowledged that her older girls and boy needed privacy, she later told me:

I want them to tell me everything, I want to see everything ... I want to be in the know ...

Similarly, Sarah also admitted that her older boys needed privacy but explained,

... you can't lock your room at all times; we have to know what is going on whatever it is ...

Ann Marie was shocked at the lack of privacy given to children:

... you know I have four children and I can't imagine making their lives like that, [...] if my children are on the phone, I don't ... I put it down if I answer right away, I don't read their mail, I don't go into their rooms and I don't dig up in their drawers and such, I don't understand that kind of thinking ... but in this society, parents try to get down into their children's guts and their underwear and their head, they control [...]

Charrise: Do you think that they read journals and diaries, that type of thing?

Ann-Marie: Of course, anything they can get their hands on, of course they do ... they totally intrude on their lives!

This description of Trinidadian parents was reinforced by Jacqueline's complaint that her mother does not let her have enough privacy:

Charrise: When you say, let you have your own privacy, what do you mean?

Jacqueline: Like [...] if I'm not home, she'll go dig up my room like I don't know what she looking for, like I don't know little love notes or something and ... like if I on the phone, 'Who you talking to?' [...] and it's like, 'oh gosh, this is so embarrassing' or if it's a girl, 'What allyuh talking about so long?' ... but mostly it's like digging up, looking up all in my book bag, see what it have in there and stuff like that [...] ... I think up to last night she was in my room because some of the things I had end up going the other direction ... so

It was clear that parents struggled between the privacy they knew their children needed and the privacy they actually afforded them. They created a number of ways to justify their intrusions to privacy, explored in the next two themes.

It's okay to infringe on privacy if you ask

A major theme emerging from the interviews was that invasion of privacy was rationalized by asking for permission. Infringements of privacy by asking to see phones, diaries, looking into locked cupboards, and the like, seemed to be mitigated in the minds of adults because they sought prior approval. Whether children could actually withhold permission is unlikely. Therefore, it seems that the illusion of privacy is created by extending the courtesy of asking permission:

Martin: We have access to the cupboards umm ... despite ... the only time we would go and check it is along with them [...], if we need to check cupboards to see if it's tidy we do it along with them [...] we see how your place is organized and if your cupboard is sorted out properly and if your drawer is ...

Charrise: Do the staff search their rooms for example?

Linda: Well we have to ... we have to and we let them know we are going to do that. When they come into our situation we let them know that at any given time we can and we will search the room.

Charrise: Would you ask to see it [diary] if you wanted to read it?

Amelia: I would ask yes ... I prefer to ask than to take it unknowingly and dishonestly ... I prefer not to do that.

While it is reasonable to expect that searches will occur in homes for children in state care due to safety reasons (i.e. checking for weapons), it seems that this may be a slippery slope, as parents at home can claim the need to search their children's rooms for the same reasons. Brown (2001) argues, in the Caribbean, parents feel that they have a duty to discipline and punish their children. As a result,

This sanctioned authority over children extends, for many, to the denial of their right to basic privacy as parents often defend their right to read their children's diaries and search their rooms in order to be certain they are not into negative or dangerous activities. (32)

The illusion of privacy is also rationalized by the adults saying that they are checking for tidiness. In Martin's quote above, one can see that he talks with the children about checking the cupboards for tidiness. Julia also spoke about looking around while she was cleaning.

Julia: I wouldn't turn it upside down but ... in cleaning it, in tidying it, you know, I would just tidy, you know, just rummage, just so I know that she's all right and she's not hiding any weapons of mass destruction (laughs). Drugs or anything like that cause you never know where these children can get these things from so ... I'm not gonna search down her room, or pat her down or get a metal detector or anything like that.

Julia tried to stress that it would be a very informal search in seeking to justify the intrusion. Likewise, Amelia explained that she inspects the rooms for tidiness. She stressed that she was not checking for other items, and like Julia, explained that it was not a formal search:

When I say inspect, I don't mean as in military or whatever ...

Initially, Amelia appeared sincere in saying that she was simply inspecting for cleanliness, but when asked if she searches her daughter's cell phone, some disjuncture in what she was saying became apparent. Again, she tried to make the search appear very casual:

Amelia: Yes ... when the occasion comes up and the opportunity arises. For example, it might be here (points to the table in front of us) and the phone rings for her and I'll answer it and it might be Jennifer and I'll answer it or it might be sitting down with a message and I'll see what the last message was ... I'd do it yeah ... (adds hastily) but, but not a planned thing to say that 'ok today I'm going to check her phone.' No. It has to be [that] it's just there casually, it has to be a casual thing.

The intrusion to privacy is justified by labelling the searches as "routine" or "casual." Interestingly, two of the participants talked specifically of the need to provide this illusion of privacy:

Charrise: Do you think children need to have a measure of privacy?

Jeanine: They need to feel so ... They mightn't need to have it, like I mightn't need to have it but I need to feel like [I do].

Bernadette: ... they are allowed a certain amount of privacy you know and to have private stuff, because you have to give them a little independence too you know and make them feel that, you know, they could be trusted and so on

In other words, once children feel like they have privacy, whether they actually do or do not is irrelevant. Again, this illustrates the constant need to balance protection of children with their rights. Therefore, these intrusions on privacy can be justified because of the "best interests of the child." Accordingly, one may claim that these rights have to be violated for the child's own good instead of recognising the need to build communication between parents and children, and learning how to respect their private thoughts as any other person is entitled to receive.

Privacy? For children?

Parents and adults agree that children need privacy, but as illustrated above, the reality is that privacy is conditional. There are certain circumstances where the right to

privacy can be overridden. Privacy was dependent on trust; for example, Amelia claimed that she did not search her children's room because she trusted them. However, in the case of the group homes, extra searches occurred if the boys had not yet earned trust:

Martin: ... our rule is no drugs and whatnot...if we saw or know we took in a guy and know he has a problem with smoking, we would be more ... more ... looking at his side to see and make him know that we are on him if it is that we have to search to see if it is we could trust him ... umm if we don't have nothing to worry about in that sense, we don't really do it.

It was also reasonable to violate privacy if a child's behaviour was suspicious or if he/she gave the adult no choice:

Martin: ...if somebody is missing something, we do it, we lock down the place and we search but we don't make it an issue to come and search your belongings because I mean to say everybody needs privacy, but in the main event that you give us **no choice** but to search your things because it have missing things and nobody is owning up ... then you give us no choice but to do that ...

Charrise: Do you think that children need to have privacy?

Maria: Yeah, I think we all do.

Charrise: How would you feel about a parent who wanted to read a child's journal?

Maria: Umm ... (long pause) it **depends** on why they want to read it. Generally I think it would be out of bounds but if they are seeing behaviours that concern them maybe they could look at it in that case ... if it means self-preservation for the child ...

Charrise: If he had a journal do you think you would read that?

Stan: **Not unless** again I thought there was something particularly ... that would ... if he was doing something that would damage someone else or hurt someone else or hurt himself ... but other than that I don't think so ... I wouldn't read it just for the sake of reading ... no ... obviously it's his personal thoughts and ...

Julia: **Once it's not** something that's going to affect her mentally or physically, I mean that's fine. If she has a little boyfriend she could write it in her journal whatever, but if it's not like a big issue that's affecting her.

Charrise: Would you read the journal?

Julia: If I don't have reason to read it, I won't read it. If she starts acting funny say and you know I think like ... there's something that I'm doing wrong that I don't know why she's acting differently towards me or something like that I might be inclined to want to find out what she's thinking or what's

going through her head, but otherwise if she's fine, if she's normal, happy ...
I wouldn't bother.

The words in bold indicate the conditions that are attached to a child's privacy. Adults explained that a change in behaviour or anything that gives parents a reason to suspect something is wrong justifies reading the diary. In this way, privacy becomes conditional, and based on the following example from Julia, it is doubtful that parents would wait until they had a valid reason to invade. Julia claimed that if her daughter had a boyfriend she could write that in the journal; however, later, when asked what age would she allow Emily to keep the diary private, she was reluctant in answering:

... maybe about 16, maybe 16, Yeah because I'm so afraid, I'm so afraid that umm, that's why I want to keep the you know, communication open, try and instil that in her, because I'm just afraid that she's gonna start having sex and we're not gonna be any wiser to it and she's gonna get herself in trouble, I mean there are all these diseases, she'll get pregnant and ... I don't know how I would deal with that ...

At first, Julia says that she would need to see a change in behaviour, but her later rationalization is that Emily might be having sex and she would not know (and therefore she might have to read it to prevent that from happening). When asked the same question, Amelia had a similar response,

Umm ... for me thinking about it ... (Laughs) ... private, I want to say 18 ...

Privacy appears to be based on age and the child's maturity. Sarah explained that it was difficult to determine when a child should have full privacy because it depends on the maturity of the child. As discussed above, in some cases, parents have decided that children are not mature until they are legally adults.

It appears that children's right to privacy conflicts with parental duty to protect children. According to Robinson (2006), the need to balance rights is a regular practice,

There is nothing new about the constant need to reconcile the different rights of several parties in any given situation and setting limits to the exercise of rights when they conflict with the rights of others. This everyday process of balancing or harmonizing rights does not amount to denying rights. (158)

The dilemma of ensuring children's rights to privacy raises many challenges. For example, Toope (1996) questions how the state will enforce it: "Will the state be authorized to intervene in families where the right is not adequately respected? How can the state, practically speaking, abide by an obligation to legally 'protect' the privacy of children?" (55). Parents and guardians not only control children's privacy, but there are also economic constraints to privacy that must be considered. Children's homes often have shared rooms and the same is true of private dwellings. As Freeman (1996) states,

The physical privacy that parents can offer is also largely related to their income and other resources. The poor have never had much privacy: their lives have always been more public than that of more affluent people. (104)

Thus, amongst other issues, the right to privacy is inherently tied to the right to an adequate standard of living (Freeman, 1996: 104). For example, Martin talked about a family who all lived in one bedroom and when the parents had sex, the children were in the same room. As discussed in the previous chapter, in situations like these, where parents are unable to exercise their own rights, their children are unlikely to have their own rights enabled. When it comes down to resources, the right to privacy is a privilege that cannot always be accommodated.

Intrusion on privacy is seen as rude and hurtful

Children were disgruntled when parents invaded their privacy. This was especially true if they did not ask permission. They also wanted to feel like their property was respected, not tossed and turned over. Children expressed a desire for privacy in

different forms. Jeanine explained that she had no door to her bedroom⁹⁰ and that she would like one, and children in the group home said that they would like to have their own room, privacy from the other boys, and privacy for their journals. When their diaries and phones were invaded, the girls were not happy about it:

Anna: Yeah, I don't mind if they ask first to see it, like sometimes they ask but sometimes when I'm sleeping or whatever Daddy will just go in the phone and look at it ... and I just think ... cause we not allowed to look up on their phone so I don't really like that.

Charrise: Do you keep a diary or a journal?

Jeanine: (laughs) Uh ... I don't like those things, they get me in trouble.

Charrise: Have you had one before?

Jeanine: Yes and I wrote plenty things and then mummy ended up seeing and boy that was real trouble ...

Jacqueline: I had one [diary] by my dad, that was just there cause he wouldn't read it, the one by my mother has a lock on it and somehow she *opened* the lock and she read it ... and ... that, that really made me upset because you shouldn't be doing that, I know you're my mother and thing and you wanna know eh, but ... I don't know, I didn't really have anything in it but it was kinda embarrassing ... cause if you read something like that right? You don't come and tell me, 'So that incident that happened in school ...dah duh dah duh' you keep it to yourself and say 'well at least I know what going on' but she will go and talk to my grandmother and say, 'Ay, you know I read Jacqueline diary and it said, XYZ' and then granny will say 'Ohhhh.'

The stories from the girls about their parents' invasion of their diaries and phones fit with Ann Marie's observation that parents want to know everything and will "intrude on their children's lives." It appeared that the children did not feel like they had a right to total privacy and accepted the concept of the illusion of privacy. For example, in the above excerpts where Anna said it was all right to look at her phone if her Dad asked and in Jacqueline's case where she felt that her mother should have at least kept the diary to

⁹⁰ Her family recently moved to the house and could not afford to put in doors yet. This provides another example of how poverty limits the right to privacy.

herself. Jeanine also told me that her parents “own” her and therefore they have a right to inspect her belongings as long as they do it respectfully.

Corporal Punishment is Ingrained in Trinidadian Culture

The UN Committee on the Rights of the Child defines corporal punishment as

Any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting (‘smacking’, ‘slapping’, ‘spanking’) children, with the hand or with an implement—a whip, stick, belt, shoe, wooden spoon etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example washing children’s mouths out with soap or forcing them to swallow hot spices). In the view of the Committee, corporal punishment is invariably degrading. In addition, there are other non-physical forms of punishment which are also cruel and degrading and thus incompatible with the convention. These include for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child. (Committee on the Rights of the Child, 2007: Section III.11)

Although corporal punishment is not expressly prohibited in the *CRC*, The Committee on the Rights of the Child has declared it inconsistent with the *UN Convention on the Rights of the Child*:

In the framework of its mandate, the Committee has paid particular attention to the child’s right to physical integrity. In the same spirit, it has stressed that corporal punishment of children is incompatible with the Convention and has often proposed the revision of existing legislation, as well as the development of awareness and education campaigns, to prevent child abuse and the physical punishment of children. (Report on the seventh session, *CRC/C/34*, 8 November 1994, page 63, and *CRC/C/SR.166*, 3 October 1994, para. 13)⁹¹

However, corporal punishment is very much a part of West Indian culture, ingrained through “Biblical admonitions” which support its use (Brown, 2001: 32; Evans & Davies, 1997: 5). Brown (2001) asserts, “discipline and punishment are seen as central

⁹¹ As cited by Global Initiative to End All Corporal Punishment of Children http://www.endcorporalpunishment.org/pages/hrlaw/CRC_session.html. See also Bitensky (1996: 53).

and sacred duties of parents” (32). It is not surprising that the removal of corporal punishment from schools failed to gain support amongst most adults. A government study in 2003 recommended the re-institution of corporal punishment in schools after consulting with teachers, parents, and students who strongly supported this mode of punishment (Richards, 2003). Discussions with participants endorsed corporal punishments in different forms, although they were often not aware of it since they explained they did not believe in “beating” children but often talked about “slapping” children, making a distinction between the two. Participants tried to suggest that corporal punishment (a beating) was different from “a slap” or “pinching.” For example, Julia said that she did not believe in corporal punishment, but admitted that she gives her daughter “a little slap here and there.” However, we see from the CRC’s definition that all the forms of physical punishment fall under the umbrella of corporal punishment.

Spare the rod, spoil the child

Both children and adults resisted the removal of corporal punishment from either schools or homes or both. Martin explained that members of the public were sometimes dissatisfied with the absence of corporal punishment in homes for socially displaced children:

... what [...] I have been seeing [...] and hearing is that because they don't have corporal punishment in the homes and these kinds of homes that they feeling that umm, children are not being raised effectively...[...] People, a lot of people, because down to some parents or guardians come and say, "If he give trouble, beat him you know! Beat him!"

Similarly, the absence of corporal punishment in schools was not viewed as a good thing. Rather, the absence of corporal punishment was thought to be synonymous with a lack of discipline:

Elsa: ... oh right it's banned in schools ... umm ... I don't know ... it seems like since it has happened ... I mean the whole system has gotten worse (Elsa laughs) ... umm ... I don't know ... I don't agree with ... total disbandment of ... some sort of punishment

Linda: I would want to look at when corporal punishment was used what happened in schools then as opposed to when it was banned what is happening in schools now. I think—I think, the thing about it is that it is there for everybody to see ... the comparison is there, you know umm ... corporal punishment ... brought about discipline in the school, it really did.

Sarah: Well it has its good points and its bad because since they stopped corporal punishment, the discipline in schools have gone way out of hand ... you see the children know that you cannot hit them ...

Robinson (2006) asserts that “discipline is still invoked as the justification for treating children in ways that we would consider absolutely unacceptable if applied to adults” (157). Similarly, control over children was often exercised through strict parenting by Black parents in the southern US (hooks, 2005: 24). Bitensky explains that Black children in the United States “are recipients of a disproportionate amount of school corporal punishment” (2006: 13). She cites that “roughly 97% of the 27, 918 paddlings last year [2003] were given to the district’s black children, while only 2 percent were given to white children” (Kumar, 2004 as quoted in Bitensky, 2006: 13).

Three participants suggested that the removal of corporal punishment would result in reduced options for punishment or as Elsa said earlier, “total disbandment of punishment”:

Stan: ... well I think this ... by banning it you're effectively restricting the mechanisms that people have for punishing children ...

Ann Marie: ... but of course if we get rid of corporal punishment we'll also have to get rid of capital punishment completely and we'll have to get rid of jail ... because that's punishment [...]. So, if you carry it to it's logical conclusion, corporal punishment would equate, corporal punishment at our level ... it is a continuum which then the ultimate continuum is capital punishment—all should be eliminated if we are going to pretend that

punishment should not exist at the ... first level where children are now being formed and groomed in their values and so forth ...

Furthermore, both adults and children seemed to assume that children would try to take advantage of adults if corporal punishment was no longer an option:

Stan: ... but I don't know I think by banning it ... you're just taking another ... you're taking something away from teachers in terms of the options that they have to punish somebody and I think there's probably an element that children take advantage of knowing that they can't be punished ... umm ... as I said I'm not particularly a fan of corporal punishment, but you have to have some method of punishing children in schools ...

Sarah: I think that is why discipline is so bad now, cause the children know that they can push you how hard it is ...

Maria: ... it changed the attitude of the children. Right? Even before, now they look at you like 'you can't touch me' and 'you can't tell me nothing' they feel, they have rights yes, but now they feel you have no rights over them to tell them anything or correct them.

Elsa: I think that the children thrive on that eh, the fact that you can't hit them, you can't lash them you know, they would work on you like salts ...

Jeanine: now the children are taking advantage of that so you cannot totally abolish it I believe, is for certain ... you need to first maybe ... first you give licks and then you explain why, why they should do this, why they should do that ...

While corporal punishment has been used in many cultures around the world, one of the perceived roots of its use in the Caribbean has been identified as slavery (Arnold as cited in Barrow, 1992: 402; Kane, 2005: 5). The links to slavery, in conjunction with the belief in biblical admonitions, has entrenched a firm belief in the value of corporal punishment. The following theme illustrates some of the value that participants felt corporal punishment held.

Licks act as deterrent

Some participants suggested that there are benefits to corporal punishment, and that children could learn from it, or could be helped by it, and in some cases it is justified or required.

Martin: and umm like some people might just lash a child and feel that they learn from it ...

Stan: ... I don't particularly like to use it but I do use it and I think in some instances ... it's ... what's the word ... justified

Linda: I don't want to use threat, but even the idea of getting corporal punishment kept you in line, made you behave you know and umm it made a difference, it made a difference in the school environment. It made a difference in the environment, the, the community and by extension the wider society, it made a difference. I know all the experts and the [...] learned people would say all kinds of different things, but for those of us who have been living in the trenches, we know different, we really know different ... mmmhmm ...

Bernadette: ... sometimes it, it could work, you know I think for the little ones, you know if it's just to scare them to know that, you know if you do it you're gonna go in there and get licks or whatever, but umm ... so I don't know, to a certain extent I think they probably could have still kept it in the schools ...

Benefits of corporal punishment could be short term as Bernadette's quote suggests or long term as Amelia suggested when she recalled its use by one of her old teachers:

Amelia: ... you know you didn't like it as a child and you said this woman was horrible, [but] in retrospect when you have your own children now and I look at it [...] in meeting those same people now after, they actually say she helped, you know she helped mold them to who they are today [...]. You know the function of punishment is to teach this particular child and I suppose others by seeing you know the right way to be, the right way to get on etc.

Ann Marie said that children ask for, and sometimes prefer, corporal punishment:

Ann Marie: I am not keen on hitting children but I have found that some children seem to respond to that [...] and prefer that [...]. It depends on the child's background and what they have been exposed to [...] some Trinidadians will say some children just simply harden and that means that they have had a kind of a rough coming up and they also have learnt survival

skills [...] where they have learnt that [...] if they just sit out what somebody has to say to them long enough, they'll soon eventually shut up and they can go back to doing what they were doing (laughs) and they just have to have patience for the person to get tired. And you can talk until you're purple with some kids it doesn't make any difference, they are deaf to what you have to say, they don't trust people in any case ... and strangely enough ... for reasons that I'm probably sure psychologists and people like that can understand ... they actually prefer for you to give them a spank ... because for them it's as if it represents a certain ... that if you ... don't assert that authority then they don't respect you [...]. I suppose it comes down to fear in a sort of way ... fear and respect [...] ... this whole concept of fear and respect has generated a lot of discussion but [...] I have certainly met many children who will actually ask for a spank ... strangely enough, because they will tell you that they think [...] that's what would stop them ... and I'll say " ... but you know ... the right thing, so why don't you just do it?"

Ann Marie continued, explaining that during spelling tests, she told her students if they received less than 75% they would receive a smack on the hand. She continued to raise the bar until they were all achieving over 95% and then told them that the contract was off and they all protested:

'No! Don't do that!' And I'll say 'what do you mean?' They'll say, 'We can't stop we have to keep the contract! Because if you don't our marks will drop!' and I'll say 'Well why?' They say, 'Because we'll stay out and watch TV and play all the time and we won't go inside and we won't be able to study!' And I'll say, 'But why?' and that's how the story came about, 'We are children!...and that's what children do, we're not supposed to be good and all that, children are supposed to [...] play and get into mischief and then your parents give you a spank or they put you in the corner or they tell you, you can't play...that's what supposed to happen.' I was amazed...so then [...] the time came, the next test and you know, I don't know if it was deliberate or not—their marks all dropped...cause I told them we're not doing it and they said, 'You see Miss...you have to bring back the contract...'

Children in the focus group confirmed the “need” for corporal punishment:

Participant: ... if you keep talkin' to him right through and ting and he ain't understand' you might have to put a little cut tail⁹² on him ... so he could understand [...]

Participant: I find sometimes I does need licks, cause sometimes I does still go back and do the same ting ...

⁹² Cut tail = beating on the bottom, sometimes referred to as “cut arse”

Although Jeanine recognized that the threat of corporal punishment should not be what encourages learning, she still felt that there were some benefits:

Jeanine: Hmm ... well it good to a certain extent, it is good, but ... somehow like the corporal punishment used to make you think 'oh I goin' and get licks so I'm going to learn my spelling' but that's not really the attitude that you supposed to have, you supposed to have the attitude that you goin' and learn your spelling because it will benefit you ...

Based on these participants, it seems that children have grown dependent on corporal punishment and cannot conceptualize that other consequences could be as effective. Children perceive that they are born bad and evil and that “it is the God-given right of their parents ‘to straighten them out’ to drive out these evil tendencies from children and to make them God-fearing and obedient children” (Pantin, as quoted in Leo-Rhynie, 1997: 46). Ann Marie’s assertion that some children prefer corporal punishment is supported by Brown and Johnson’s (2008) recent study where their findings indicate a small number of children report “a preference for beatings because of their short duration (‘it wears off in a little bit’) or because beatings were necessary for children to learn” (34). Although some participants later acknowledged its harmful effects, all participants drew attention to the deterrence aspect of corporal punishment, which seems to suggest that corporal punishment serves a function (in the Durkheimian sense) in this society. One should not be too quick to dismiss this aspect of functionality as it relates to culture, since this will play a key role in successfully ending the use of corporal punishment in Trinidad. We must understand where these beliefs come from in order to effect change.

Corporal punishment continues in schools

Despite the ban on corporal punishment in schools, two children confirmed that it was still occurring in their schools and one teacher validated these claims:⁹³

Child: Well ... they have this teacher that used to use a ruler ... I used to be in her class ... I never got licks, but they used to ... yeah ... some teachers do that and a class I was in too used to pinch ... pinch them but I never really got into that kinda trouble or whatever ... but I they ... in our school ... they hit ... with a ruler and one of the teachers pinch if you do anything wrong or anything like that [...] Well I've heard that they're not supposed to do that so I don't know why they do that ... I don't think that should be allowed ... cause if the children go home to tell their parents stories, you know, they'll believe the children and the teachers will get punished eventually if they do that ...

Child: Sometimes the teachers used to ... well ***** is a girls school and sometimes the teachers used to pinch the girls, cause they couldn't hit, they couldn't hit because I think in Form 1 that's when they made this law in Trinidad about no more beating in school, so I remember in Form 1 this teacher came and she was like umm ... 'I can't even hit allyuh again ... ' and she was like, 'You know what? I going to pinch allyuh' and then like, if you do something the teachers used to come and pinch you [...]The guys ... well ***** is next to a boy's school ***** , they used to get licks, like they had these whips (laughs almost in disbelief) and like if they do something, you just hear 'Whap!' and yeah that was, that was scary and they had to do push ups and things, right in front the girls, they would bring them on the girls side and we would have like assembly and they would put them up on the stage to do push-ups and squats and then they would get a slap, 'Whap!'

Charrise: Were they still getting licks after corporal punishment was banned in schools?

Child: Yeah...

One of the teachers confirmed this was happening and explained that it was expected since teachers were not given a replacement for corporal punishment:

I know the reason the Ministry did it was that [...] there were a couple of instances where parents sued the Ministry so to exonerate themselves completely from the concept of corporal punishment and the possibility of being sued, they just needed a governmental policy but they knew that teachers would continue to give spanks but the teacher then would have to personally sued and not the system so umm ... the Ministry did not expect

⁹³ I have chosen not to identify the children or teachers in this section to further protect their identity.

that teachers would completely stop spanking children because they knew that there was nothing put in its place and they knew that they couldn't handle a classroom of rowdy little, mischievous little boys and survive or keep their own sanity without some form of punishment or management of their behaviour ...

This teacher's quote speaks again to the perceived functionality of corporal punishment. Similarly, Evans & Davies (1997) explain that Jamaican teachers use corporal punishment to control children in the classroom and to facilitate learning; hence, they state "corporal punishment appears to be part of the pedagogical strategy" (18). Unfortunately, Bitensky (2006: 23) asserts, "nobody on either side of the debate wants to deprive children of salutary discipline or turn families, schools, and other environments catering to children into dens of iniquity and chaos" and furthermore "scientific research has shown only one advantage to corporal punishment—immediate temporary compliance" (Gershoff, as cited in Bitensky, 2006: 23). Thus, part of the problem lies in the fact that teachers have not been shown other teaching strategies that can be more effective than ruling a classroom by instilling fear in students.

Alternative methods of maintaining order in the classroom have not been effectively implemented. One teacher claimed that a matrix system was supposed to replace corporal punishment, but it was rarely used:

Teacher: ...because the normal and accepted punishment at that time was corporal punishment so it left the principal and teachers with nothing to do. Now the ministry said make a matrix and that would be, replace corporal punishment but the matrix system wasn't really working.

Charrise: What is the matrix system?

Teacher: Umm it's like after first offence, second or third you have different steps to take. You talk to the teacher, inform the principal, like going depending on the stages, calling the parents, stuff like that ... or talk to the guidance counsellor or social worker in the school.

Charrise: So the matrix system ... did it go in smoothly?

Teacher: Umm, I think most principals just did it because the ministry said to do it and it wasn't really enforced and when we tried to enforce it, it wasn't really working. Quite often even if you call parents in, they don't

come.

Charrise: So is it still being used now?

Teacher: I haven't seen one up for the longest while ...

When explained by these teachers, it seems clear that removing corporal punishment from schools was more symbolic than real. In order to create a violence free atmosphere in schools, children need to be involved in creating awareness of other approaches to conflict resolution (Robinson, 2006: 157). Parents, teachers and children can work together to develop more meaningful and peaceful strategies of discipline in schools.

However, the opposite has occurred in Trinidad, and UNICEF reports concern about violence by authority figures in schools, noting that most countries in the region have not prohibited its occurrence in schools (Kane, 2005: 9). They point out, "in Trinidad and Tobago, where there were recently moves to abolish corporal punishment in schools, parents, teachers and students came together to call on Parliament to reinstate it" (Kane, 2005: 9). An editorial in a local newspaper, laid blame on the Ministry of Education for not working to establish alternate forms of punishment for teachers to use,

In removing the ready solution of corporal punishment, the Ministry of Education has failed to engineer alternative schedules of correction that are relevant and resonant, leaving the problem of punishment in the hands of teachers and principals, exactly the people who have no time to ponder the issue. (*Spare the rod*, 2006)

Corporal punishment is okay within limits

Some participants seemed to agree that corporal punishment is acceptable within certain limits. These limits include letting authority figures be responsible for its use in schools, using small utensils for beating children, not hitting in anger and the addition of reasoning to the process.

Bernadette continues: You see it should be ... yes ... or if it's gonna, if their gonna punish them it should be done by let us say the principal or something you know it should be controlled, you know not every teacher should be able to give a child, you know two straps or whatever it is, you know he should be sent to the principal who you know is not going to be an abusive kind of something ... it should be two in the hand or something like that.

Charrise: Do you think that teachers should be able to give licks?

Participants: Yes ... yes ... yes.

Participant: No I ain't tink not with big wood an ting ...

Linda: I think there are times, there are times when a spanking is all right (hits the desk as she says each word), yes, never in anger, the child must understand clearly why this is happening...

Jeanine: you need to first maybe ... first you give licks and then you explain why, why they should do this, why they should do that ...

Julia: ... you're not there when yuh know these teachers are beating your child so you don't know how far they go. Because I have seen in school, even when I was in school, they mark up the children ... their legs and that kinda thing ... so I prefer if they didn't do it because I don't know what's going on there ...

Amelia: I don't have a problem with it but they must, it must be within certain parameters because they have teachers who just don't like children [...] I wouldn't want my child to get hit though, but then I think you have to know your child and the parents have to be involved in it [...] however, if the situation arise and my child did do naughtiness that they deserve the slap I would've, I would say yes...

As Bitensky (2006) points out, "if there is a reasonable chance that corporal punishment will harm some children, although we cannot forecast which ones, and if there are alternative effective means of educating children, why would we ever want to imperil our progeny by using this form of punishment?" (9). Brown & Johnson (2008) found that parents in their study defended their use of corporal punishment and in some cases described the addition of reasoning to the punishment process, "they warn or discuss, then use physical punishment that can be either severe or mild"(36). It is clear that there is a need to educate the public, not only about the unacceptability of corporal

punishment, but also about other more appropriate forms of discipline that can be effective.

Nobody can tell me not to beat my child

Martin: ... so this little boy, like he asking [his mother] to do something and he started to cry probably about three years old and she started to cut that boy tail, when I tell you cut ... 'I will kick you in your so and so face, I will knock you down,' somebody passed and politely said, 'Nah man you don't have to treat the child so', 'mind yuh so and so business, you was there when I was going through pain making he?'

Amelia: ... because I have a right to correct my child, now if I am ... it's a difference if I am beating my child for no good reason eh ... but I have to be able to correct my child. So if I take out any of my sons or daughters and they are misbehaving if I want to slap them I'll slap them cause sometimes that's the only way children understand...

Linda: You will get the hue and the cry ... which is expected and then you will get ... that will die down and people will ... go ahead as, you know, and they will tell you, 'you know the people say I cah hit' ... because it happens, it happens with Trinidadians who have migrated to the States where you can't hit your children because they'll call the cops for you and they will still take their children down to the basement, break their tail and then tell them call the police, mm-hmm, you know, so you can't do that.

According to Sharpe (1997) "the sociocultural norm 'the right to beat the child' embraced by parents, teachers, and parent surrogates does lead with instances of abuse and neglect, and to repeated cases of abuse and the accompanying psychological damage" (267). As hooks (2005: 25) reviews the history of parenting issues amongst Blacks in the southern U.S., she uses the work of an author of West Indian background, Audre Lorde, to illustrate her point. She discusses that Black parents felt the need "to prepare black children for life in a hostile white society" (hooks, 2005: 25). Drawing reference to the similarities between Blacks in the U.S. and the West Indies, hooks says, "and the blows continued. Though Lorde's background is West Indian, northern, and urban, those of us growing up in the south confronted the same craziness in our parents"

(hooks, 2005: 25). According to Leo-Rhynie (1997: 45), parents expect children to know that they are beaten because they are loved and cared for. She explains that this is a “control-love dimension” where control alternates with “indulgence and protectiveness” (45). This routine is confirmed by hooks (2005), who says, “after maternal rage had subsided, we might be given a bit of tenderness, behaviour that further reinforced the notion that somehow this fierce humiliating critique was for our own good” (26). Leo-Rhynie (1997) discusses the fact that when the control is exerted with hostility the result can be an angry young person.⁹⁴ She details the sad story of a Trinidadian boy whose mother thought she could “beat the badness” out of him. He eventually committed a violent act and received the death penalty (Leo-Rhynie, 1997: 45). This event, again draws attention to the need for teaching children peaceful conflict resolution methods with the aim of reducing societal violence.

UNICEF research supports this sentiment amongst parents in the Caribbean as they state there is widespread support for physical punishment in the region, “even among children themselves, and people believe that parents have a right to beat their children as long as it does not cause severe injuries” (Kane, 2005: 6). The cycle of violence continues, as illustrated by a recent newspaper report in Trinidad, detailing the story of an eight-year old girl who beat a six-year old girl with a piece of wood. The victim was covered in bruises and welts when she was eventually found in a field, after a two-hour search (Charan, 2008). Although, the perpetrator was remorseful over the act, she could not explain why she beat her little friend over a disagreement.

⁹⁴ See also Bitensky (2006: 19) for a brief overview of adult disorders that may result from “repressed childhood animosity.”

Corporal punishment is abusive

Not everyone agreed that corporal punishment was useful, and even those who felt it could be useful acknowledged that some children could be seriously harmed by it:

Martin: ... I was one of those people that you doh umm 'spare the rod and spoil the child' but then I realised you had to take it at a different angle whereas these youngsters really and truly needed round the clock supervision ...

Julia: ... you're not there when yuh know these teachers are beating your child so you don't know how far they go. Because I have seen in school, even when I was in school, they mark up the children ... their legs and that kinda thing ...

Sarah: Now ... I think corporal punishment in some ways, it was too extreme ... the beatings and thing, you know ... the marking, the whealing⁹⁵ and ting ... but on the other hand, you see maybe that is why they had said that only principals to do corporal punishment, but umm ... I think that in a way, it was wrong ...

Ann Marie: So ... taking away corporal punishment ... umm officially on the face of it is good in terms of removing the possibility of the abuse of the practice being umm ... being apparently accommodated by the actual, clinical directorate, so that gets rid of that problem ...

Crawford-Brown (as cited in Leo-Rhynie, 1997) observed that “in some homes, there is little difference between discipline and abuse” (44) and Brown (2001) asserts that “there is no public or private consensus on where discipline ends and abuse begins” (32). Corporal punishment of children does not have any useful long-term effects on behaviour, but simply makes adults feel as if they have disciplined the child (Bitensky, 2006: 2). There are alternative, and more effective, ways of disciplining a child that are nonviolent and teach peaceful methods of conflict resolution (Bitensky, 2006: 2).

Children felt that corporal punishment imposed a double standard, was embarrassing, ineffective, and damaging:

⁹⁵ Whealing = causing welts

Participant: ...sometimes the child could get body wheales⁹⁶ on the skin ... talk to the child and get a [inaudible] ... I find they find they should be punished and take away certain privileges.

Participant: Cause big people is do wrong ting and don't get licks ...

Participant: I don't find so ... big people is do wrong ting ... they doh get licks ... they does break traffic light ... they doh get licks ... cuss⁹⁷ a set a people dey don't get licks ...

Anna: Sometimes I don't think it's good, cause I know for little children...cause a time in school they had like infants, like Ariel's age and thing that they say got licks in front of the school, in front of like everybody and thing ... that's very embarrassing, I don't think parents should beat children like [that, because] some friends of mine say that their parents is really hit them hard, they do something wrong ... cause I know a friend of mine got licks already with a belt and she got a whole set of black and blues on her hand and thing ... from her father ...

Jacqueline: you know what it is for a seventeen year old to get hit by his parents or her parents, that is embarrassing ... it's very embarrassing, cause if you do something, ... getting lash, especially at my age, getting lash is not going to solve the problem, what you gonna do, say "next time I do it I gonna get hit?" So what? You take the hit, you get your blue marks that's it. [...] ... "Yeah mi mother hit meh, so what?" and it don't make sense [...] 'cause these days they don't lash again eh, they's cuff now ... your father do so (makes motion with her hand), he cuff you, your mother do so (makes motion again) she cuff yuh (laughs) ... not me and that ...

Bitensky (2006: 5) argues that corporal punishment blurs the lines between right and wrong because children are subjected to violence that is unacceptable against adults. She asserts, "in most societies it is not defensible to allow adults to go around clobbering each other with impunity" (Bitensky, 2006: 6). In Brown and Johnson's study (2008), they found that "many of the children in the groups described anger and hurt at physical punishments, and recommended discussion and withdrawal of privileges as various forms of alternatives" (34). Similarly, Deosaran and Chadee (1997) found that seventy percent of youth they talked to in a home for juvenile delinquents said that "the best way to deal with someone who did something as wrong as they did is 'to talk with the person' as a

⁹⁶ Wheales = Welts

⁹⁷ Cuss = curse

corrective device rather than ‘physical punishment’” (74). As discussed in the previous chapter, children in this study also expressed a desire for more dialogue with their parents.

Conclusion

Tying culture together: Old time sayings, new fangled notions

Participants had mixed feelings about how children’s rights could fit into Trinidadian culture. Trinidadians were described as being “set in their ways” (Linda and Julia). Martin added that Trinidadians do not necessarily work within constraints and rules very well; he used a Trinidadian saying to explain that “however things come they come, if Monday fall on a Sunday ... that is how we live life.” The resistance to children’s rights because of its association with the Western world is also inherently cultural. Julia explains that establishing some of the rules in the *CRC* would be difficult,

I don't know ... the ignorance ... no, Trinis are ignorant and if you have somebody from outside ... some complete stranger coming to tell you how to raise your child, and you can't do this and you can't do that ...

Trinidadian culture has roots in a number of old sayings, and the concept of children’s rights is synonymous with something new and foreign. Unfortunately, due to the history of colonialism, anything Western is treated with suspicion; therefore, in order to realise children’s rights in Trinidad, the negative connotations will need to be removed.

According to Evans and Davies (1997) “the biblical injunction not to ‘spare the rod and spoil the child’ and the idea that children ‘should be seen and not heard’ are adhered to by many Caribbean parents” (5). In this thesis, parents stressed that their children needed to be respectful and also tied closely to the old adage, “children should be seen and not heard.” Evans and Davies (1997) state that “middle-class parents also

complain that children talk too much or ask too many questions ignoring the value of such interchange for the development of language and the understanding of concepts” (6). As quoted earlier, Ann Marie explained that when children express themselves it is often viewed as rude and disrespectful by parents. Linda confirmed Ann Marie’s feelings on children’s rights in Trinidad,

... you see because our children are to be seen and not heard, all your life you grow up you heard that, so I mean that alone should tell you, you ain’t have no damn rights, you know?

Brown & Johnson’s (2008) findings also confirm that “‘talking back’ to parents and attempts to negotiate are generally defined as disrespect or rudeness” (39). During a discussion of her childhood, hooks (1997) similarly explains, “‘back talk’ and ‘talking back’ meant speaking as an equal to an authority. It meant daring to disagree and sometimes it just meant having an opinion” (546).

In the same way, the use of corporal punishment is viewed as traditional and linked to cultural norms:

Linda (talking about banning corporal punishment in the home): ... it’s like trying to tell Trinidadians winin⁹⁸ is illegal, we’ll make winin illegal. You can’t, it’s a cultural thing and I don’t think you can legislate people’s behaviour in the home. You can’t, you know, you can’t [...] And people are set in their ways, I don’t think they are willing to ... because what you are talking about calls for a lot of work.

Julia: I think it’s gonna be hard (lowers her voice)

Charrise: Why do you say that?

Julia: Because of the culture ... I mean ... God, Trinis are so happy and set ... dead set in their ways ... I don’t know [...] I mean they’ll think, you know if it worked for me it will work for my child ... you know, my grandmother used to beat my father, my father used to beat me, I beat the child ... you know what I mean, but there is a certain level of ignorance to that ... to believing that is the right thing to do, I think...

⁹⁸ Winin’ = form of dancing, usually to Calypso music; associated with rotating the hips.

As previously stated, many Trinidadians hold true to “spare the rod, spoil the child.” This belief was demonstrated when participants explained that children would be undisciplined without corporal punishment. According to Ann Marie,

You tell that to North Americans they wouldn't understand what you're talking about ... but that's the *culture* and then part of the culture here too is that umm ... people don't really talk to children so that children know where they stand in relation to ... [...] ... to the society in terms of whether what they are doing is right or wrong by punishment or non-punishment. So the old-timers for example used to ring a child's ears and the child understood that meant disapproval ... or they would give them, a good, hard slap that meant disapproval, but praise wasn't the opposite of disapproval ... approval was ... *no disapproval* so they didn't get compliments, nobody told them how wonderful they were but if they didn't get their ears rung or they didn't get a slap then they knew they were ok, so they *demand* to know where they stand by ... because the punishment represents the dividing mark between approval and disapproval and when you understand that kids [...] and you understand that they want you to give them some kind of punishment because that has come to be the norm for them ... you understand that ...

Other studies in the Caribbean have confirmed Ann Marie's assertion of “approval as no disapproval” (Brown & Johnson, 2008: 34; Leo-Rhynie, 1997: 46). According to Evans and Davies (1997), Caribbean parents have a difficult time communicating with their children (6). In low income homes in particular, children do not have many chances to talk with their parents and Evans and Davies (1997) assert that “a majority of parents and guardians converse with children of school age only once or twice per week” (6). Patterson (1996: 262) discusses Jamaican mothers and the somewhat unconventional style of mothering where love was mixed “with a rigour bordering on ‘cruelty’.” He continues, saying “this combination of extreme cruelty and great love and affection for children is to be found among Negro mothers in Jamaica even today” (266). The key, according to Robinson (2006), is to educate the public and raise awareness that changes public perceptions about alternative forms of punishment (159). In this case, Ann Marie says that the answer is to get parents to communicate with their children, but she also

says they are uncomfortable with this approach. Indeed, Leo-Rhynie (1993, as quoted in Barrow, 1996) confirms this idea as she states,

There is a lack of verbal interaction in many family environments: adults do not talk to children; they exclude children from their talk; they complain that the children talk too much and ask too many questions; and they do not provide experiences for children about which they can talk. Many parents are unaware of the value of developing language to be used as an instrument of thought, description and analysis and unaware also of its importance in encouraging initiative and creativity. In many homes, language is used almost exclusively to express anger and disappointment and to reprimand: children 'shut up' because parents are tired or busy, and the silence and lack of communication among family members is masked by the noise of the television set or the radio. (402)

Therefore, we need to find a way to improve communication within the home as well as change perceptions about alternative forms of punishment eventually moving to the concept of behaviour modification. Programs in schools and the community as well as the use of public service announcements can help to familiarize the public with possible modes of communicating with children.

Writing about corporal punishment in Jamaican schools, Evans and Davies (1997: 19) assert that the trend of continuing this type of pervasive punishment in schools is disconcerting in a society that has high levels of violence since it teaches children to resolve issues with violence or abuse. This is something worth thinking about since a few participants mentioned their perception of increasing crime rates in Trinidad.⁹⁹ Linking the use of corporal punishment to issues of parental control of children, participants Sarah and Maria stressed the need for parental control of their children and the importance of adequate supervision. Sarah, in particular, stressed that lack of parental supervision has

⁹⁹ A report in the Trinidad Guardian claimed that a young boy stabbed to death brought the murder toll to 171 persons for the year (Clarke, 2008, May 16). Less than one month later, the murder toll in Trinidad stood at 220 people on June 6th (Kowlessar, 2008, June 6th). The National Security Minister, predicting a drop in the crime rate over the next six years, noted a 66 percent increase in the homicide rate as compared to the same time period last year (Milne, 2008, June 6th)

led to increased opportunities for children to be involved in crime. Marshall (2003) argues,

There are two extreme positions taking place in homes within the Caribbean region today. One is total control over the child, the other is lack of control bordering on social abandonment where the child is left to himself to chart his own course towards his own development. This is a recipe for the development of street children and other socially unacceptable phenomena. (32)

The last cultural problem, seeing children as property, is a particularly difficult concept to address. Its implications are closely tied to a number of children's rights. For example, the right to privacy and respect, along with freedom from corporal punishment are easily violated when parents feel entitled to treat their children as they please.

Ann Marie thought that the constant need to control children, discussed earlier, was inherent to Trinidadian culture. hooks (2005) has argued that

We would do well to connect this obsession with control to the strategies of domination white people have used, and still use, to maintain authority over us. We need to understand how black folks who feel relatively powerless to control their destiny exercise negative power over one another in hierarchal settings. (24)

Ann Marie's suggestion that children are subordinate to adults is indicative of such a hierarchy. We need to work on empowering parents as well as children so that parents do not feel helpless and resentful towards children's rights.

Although adult participants felt that there were a number of challenges to children's rights in Trinidad, for the most part, they felt that a change was possible and that there is a need to try:

Maria: ... even if it doesn't seem possible we certainly need to try because in years to come the same society will be suffering.

Linda: Of course, they can, they can be implemented anywhere children exist. The political will has to be there and, and then the social will, you

know the political and social will has to be there and then people have to see themselves as being responsible for implementing and honouring those rights.

Martin: ... so once we start implementing it we'll see things taking place.

Charrise: Do you think that we can implement all of those rights here?

Martin: Uh ... we can you know, but I'll tell you something, I'll tell you something though ... the longer we take to implement those rights, the longer we take to do a lot of things that need to be done, is the longer you'll see the changing of society taking place so we might be dead and gone ... and a lot of people coming after us, before ... you see the changes take place ...

Not everyone was positive:

Amelia: So I wouldn't say that it would not help to get it umm regularized or the Convention itself heightened in terms of children's rights in these circumstances, I mean simple medical situations, we pay health surcharge and that and we can't even get access to those simple things let alone children ... children's rights. I can't see it, I can't see it being changed, not in the next five years ... but that's just my opinion. Everybody is too caught up in their own umm, money making business ...

According to Eekelaar (1992 as quoted in Eekelaar, 2006), "no society will have begun to perceive its children as right holders until adults' attitudes and social structures are seriously adjusted towards making it possible for children to express views, and towards addressing them with respect" (159). Brown's (2001) recommendations for Jamaica can be applied in Trinidad as well, "parents should be empowered to become strong advocates for their children's rights empowered by affordable child-care, parenting education and support groups, counselling services, continuing education opportunities and accessible training for the world of work" (33). While it is easy to draw parallels with other cultures where corporal punishment, has moved from being socially acceptable to not, one must be careful not to be dismissive of the role that history and culture play in the use of corporal punishment in Trinidad. Recalling Columbus' and other explorers' condemnations of newly discovered cultures as barbaric and uncivilised, we must not follow in their footsteps. To do so risks a form of cultural imperialism and suggests the

use of strategies that may not be effective in this particular context; instead, Caribbean nations must work together to find their own culturally appropriate solutions which address their colonial history and its influences.

CHAPTER 8: FUTURE OF CHILDREN'S RIGHTS IN TRINIDAD

An overall review of the study reveals that one of its strengths lies in its qualitative approach. Semi-structured interviews served to reveal participants' views on children's rights. The diversity of the sample also provided the opportunity to explore several different perspectives at the same time. However, in order to perform an appropriate self-evaluation of one's research, authors such as Lincoln and Guba (2000) and Golafshani (2003) suggest the application of the concepts of validity and reliability from a qualitative perspective. Examining the work of several qualitative researchers, Golafshani (2003: 601) advocates the use of a variety of criteria to assess the quality of a study, including credibility, confirmability, dependability, and trustworthiness.¹⁰⁰ The credibility of this study was solidified through the use of as many direct quotes from the participants as possible. Shank (2006: 114) explains that credibility increases when several participants tell the researcher the same thing. As such, the fact that several participants from the various groups espoused many of the themes also added credibility to the research. Furthermore, the presentation of the process behind the formulation of the interview guides, and details provided about data analysis, enhanced the confirmability and dependability of the study. This information will enable the creation of similar studies

¹⁰⁰ See Lincoln & Guba, 2000, who are both responsible for the appropriation of these terms.

and allows the reader to clearly comprehend the methodology of the study (Shank, 2006: 115).¹⁰¹

Although triangulation was not present in this project, future studies could triangulate by using a combination of qualitative and quantitative approaches. This research is not generalizable to the whole population of Trinidad, but it is transferable to other settings. Lewis and Ritchie (2003: 267) refer to this as inferential generalizability meaning that a similar population, bearing the same characteristics as this one, should reveal like results. Inferential generalizability is improved by the use of thick rich description and the transparency of the research (Lewis & Ritchie, 2003: 268). That said, a future quantitative study could explore the prevalence of some of these themes within the larger population. Future research comprised of a larger sample and more diverse population might include not only health workers and police officers as previously mentioned, but also the views of government officials and other policy makers.

In addition, a number of themes emerged from this project that beg further exploration. For example, the deeper investigation of the views of street children and their experiences would yield data that are likely to be relevant to their special needs in relation to children's rights. Another theme, which arose during the project, but was not discussed due to length constraints, was child-to-child violence. Bullying featured heavily in discussions with all participants and drew attention to the fact that children sometimes require protection from other children. It is difficult to teach children to respect one another when other members of society do not respect children themselves.

¹⁰¹ Lincoln and Guba's (2000: 180) authenticity criteria, which are fairness, ontological, educative, catalytic, and tactical authenticities, refer more to participatory action research, which was not the goal of this study. However, the research encompasses features of fairness, in the efforts to represent all perspectives of the participants and components of ontological authenticity in the fact that some participants expressed gratitude for drawing their attention to children's rights issues.

The recommendations that emerged from this thesis have already been discussed; however, they are briefly summarized here:

- Poverty alleviation is necessary to ensure that human rights are met before children's rights can be realised. Poverty is a large barrier to the recognition of rights in the home, as it gives rise to many adverse situations. For example, where families live in one-room shacks, conflict can arise from financial strains resulting in children's exposure to domestic violence and abuse. In these environments, children may be inappropriately exposed to the sexual relations of their parent(s) since there is no privacy or alternative room in which to go.
- There is a need for the speedy passage of legislation to promote social development and better education. As illustrated earlier, a number of relevant statutes have been passed in Trinidad, but are not yet proclaimed in force, which inhibits the implementation of children's rights. However, enabling legislation is not enough. For example, corporal punishment has been banned in schools, yet by accounts from participants, it persists. Thus, there is a need to introduce these laws, and also to provide mechanisms through which the policy underlying the laws may be implemented if there is to be any hope of achieving the goals of children's rights. Alternative measures and programs must be put in place to ensure that these rights can be realised.
- Another key area requiring attention is the need for education about children's rights. Teachers, parents, children, and the general public need to become aware of these rights and be shown practical ways to implement them, whilst at the same time developing a deeper appreciation for, and understanding of, children's rights. Education about rights is a key factor in enabling awareness and understanding of the need for children's rights. Finally, increased

education about rights can eventually lead to a greater acceptance of rights. Discussions of rights are needed throughout the school system, and not simply at the primary school level. Parent meetings are also a good place for discussions of rights and an area to find solutions to problems of implementation as they arise. The media has a role to play in educating the public about children's rights, potentially reaching those parents who are bound by the inflexibility of being working parents, who are unable to attend parent meetings.

- Community programs designed by community members are also necessary. In these modern times, the sense of community is quickly being eroded by growing technology and the need for parents to work two or three jobs which has been brought about by consumerism and rising inflation rates. There is little time for meeting neighbours or developing the bonds needed to support one another. Parents and children should have a say in the formation of these programs, and communities at large should have a say in what will affect them in the future.
- While the Trinidadian government can be commended for the changes that are being made to the education system, they must continue. Much change is needed to reverse the damage done by the Junior Secondary School system. Moreover, consideration might be given to reducing the weight of examination throughout the school system and increasing the attention given to developing non-academic talents that children possess.
- There is a need for increased numbers of *trained* teachers, social workers, and school counsellors. The government should take steps to provide incentives to

join these fields. In addition, we must ensure that teachers are properly trained, qualified, and given adequate resources to meet their students' needs.

- Policy makers need to understand the importance of having children involved in the children's rights process. One of the rights in the *CRC* is that children should have a say in matters that concern them. Certainly, they should have a say in how these rights are interpreted and how they are best implemented. Just because children cannot vote does not mean that politicians should ignore them.
- Finally, it is time to revise the *CRC*. A number of issues need to be addressed, such as the cultural implications of the document since it appears to fail to accommodate cultural differences found in some developing countries. Consultation with children, parents, and other adults directly involved with children's rights can put forth some feasible solutions to these problems and provide guidance for their implementation. For example, there is a need to balance parental responsibilities with children's rights. Eighteen years after the document was drawn up, the time has come to revisit and re-shape it into a truly universal document.

This research reveals problems with the implementation of children's rights in Trinidad; yet at the same time, it shows there is hope. If child-care providers in the field can recognise and implement children's rights in community residences then this can translate to the public arena as well. If teachers can show love and respect for their students, other teachers can also learn the value of doing the same. Finally, if the government can draw up legislation in support of children's rights, it can put it into action

as well. It is time to move children's rights from rhetoric to realised rights, from symbolic gestures to social realities.

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APPENDICES

Appendix A: Interview Guides

1. Interview Guide for Children

Home Life (Articles 9, 10 & 31)

1. How old are you?
2. Who do you live with?
3. (If living with one parent or guardian(s)), who decided who you live with?
4. Have you always lived there?
5. Are you in contact with your parent(s) who are not living in the same home?
6. Is that the way you want it?
7. Could you tell me more about how you feel about that?
8. What are things like at home?
9. What do you do for fun at home?
10. Do you have any hobbies?
11. Tell me about ... (hobby stated).
12. Is there any other activity that you would like to take part in?

Discipline/Punishment in the Family and at School (Article 19 & 28)

13. What happens if you do something your parent(s)/guardian(s) feel is wrong?
14. a) Do you remember a specific occasion like this?
b) Could you describe it?
15. What does the word punishment mean to you?
16. What forms of punishment are used at home?
17. Can you think of other ways your parents might deal with those situations?
18. Do you think your friends are punished in the same way you are?
19. Do you think girls/boys are punished the same way you are?
20. Why do you think that is?
21. What forms of punishment are used at school?
22. How do you feel about punishment in general?
23. How would you describe "discipline"?
24. Do you think it differs from punishment?
25. Could you explain further?

Religion in the Family and at School (Article 14)

26. What religion is your family?
27. Do you take part in it?
28. (If yes) Could you describe a religious activity that you take part in?
29. How do you feel about taking part in it?
30. What do you think would happen if you did not want to take part?
31. Are you allowed to practice your religion at school? (probe to find out how)
32. Could you tell your parents if you didn't share their beliefs?
33. How do you think they would react if you told them that your beliefs were different?
34. Do you want to take part in religious activities at school?
35. Are you able to tell your teachers if you don't want to?
36. How do your/would your teachers react if you said that you had different beliefs?

Freedom of Expression (Articles 12 &13)

37. Are you comfortable speaking to adults?
38. Do you think you are honest when you speak with adults?
39. What does "honesty" mean to you?
40. Can you give me an example of what you would feel comfortable being honest about?
41. Could you think of anything that you would not feel comfortable being honest about?
42. What decisions about your life would you consider most important?
43. Do you think adults take you seriously when you talk about these issues?
44. Do you think you get to participate in decisions about your life?
45. Do you have a chance to write in newspapers?
46. Does the school have a newspaper?
47. Do you draw?
48. Do you paint?
49. Do your teachers like your art?
50. What do they say about it?
51. Do you participate in drama/theatre?
52. Other possible probes (dance, opportunities on radio or TV stations)

Freedom of Association and Peaceful Assembly (Article 15)

53. Do your parents like your friends?
54. What do they do if they do not like one or some of your friends?
55. Could you describe a situation that you remember?
56. Do you know what a protest is?

- 57. Have you ever seen one?
- 58. Have you ever participated in one?
- 59. How did your parents feel about that?

Freedom from Attacks on Honour and Reputation and Right to Privacy (Article 16)

- 60. Can you tell me what “bullying” means to you?
- 61. Could you describe an occasion when someone else was bullied?
- 62. Could you describe an occasion when you were bullied?
- 63. How did your parents react?
- 64. How did the teachers react?
- 65. Did other adults get involved?
- 66. How did they react? (probes- feelings)
- 67. Do you keep a diary or journal?
- 68. Do you hide it from your parents?
- 69. Do you hide anything else from your parents?
- 70. Why do you feel the need to hide things?
- 71. Do you think that your parents should have access to your belongings?
- 72. Do they have access now?

Protection from Economic Exploitation (Article 32)

- 73. Do you work outside of school?
- 74. Could you tell me about the work you do?
- 75. How did you start?
- 76. How many hours a day do you work?
- 77. How long have you been working at this job?
- 78. Have you had other jobs?

Awareness of Rights

- 79. Have you heard of “children’s rights”?
- 80. Could you tell me what you know about them?
- 81. What age do you think children’s rights should start at?
- 82. What kinds of rights do children have?
- 83. (If they never heard the term) What types of rights do you think youth under 18 should have?
- 84. How do you think adults perceive children’s rights?

II. Interview Guide for Parents

Home Life (Articles 9, 10 & 31)

1. How many children do you have?
2. How old are they?
3. Do they all live in the same home with you?
4. (If no), Are you in contact with the child(ren) who are not in the home?
5. Did your child have any say in this decision?
6. How would you describe your home environment?
7. What do your children do for fun?
8. Do they take part in extra-curricular activities?
9. Was this their choice?
10. Did you decide what activities they participate in?
11. At what age do you think children are capable of deciding what to do for fun?

Discipline in the Home (Articles 19 & 28)

12. What does “discipline” mean to you?
13. What does “punishment” mean to you?
14. Do you see a difference between the two?
15. What do you do when your child does something wrong?
16. How do you feel about corporal punishment having been banned in schools?
17. How would you feel if it was banned at home as well?
18. What other methods of discipline do you use?
19. What methods of discipline do you use on your male children? (Will be adapted if there are no male children)
20. Does that differ from how you discipline your girls?
21. Why?

Religion (Article 14)

22. What religion is your family?
23. Are you active in that religion (e.g. attend mosque/church/hold prayers) ?
24. Do your children take part as well?
25. Do they have a choice in whether they participate or not?
26. How would you feel if they did not share your beliefs?
27. What would you do in that case?
28. Are your children allowed to practice their religion at school? (Continue probing)
29. Are the teachers at the school receptive to different beliefs?

Freedom of Expression (Articles 12 & 13)

30. What kind of relationship do you have with your children?
31. Do you think that your children are comfortable speaking with you?
32. Do you think they are honest with you?
33. Do you encourage your children to say what is on their mind?
34. What type of person do you want your children to grow up to be?
35. Which characteristics do you consider to be important?
36. Do you involve your children in decisions about their life?
37. What are some of the decisions that they might be involved in?
38. What are some of the decisions that you would not let them be involved in?
39. Why?
40. Do your children have the opportunity to express themselves through the media?
41. What forms of media can they express themselves through?
42. Do your children take part in dance?
43. Do they take part in art?
44. What other cultural mediums can they express themselves through?
45. Is there any reason why they might not be able to do so?

Freedom of Association and Peaceful Assembly (Article 15)

46. Do you like your children's friends?
47. What do you do if you do not like them?
48. Could you describe a situation where that happened?
49. How do your children choose their friends?
50. At what age do you think they are old enough to choose their own friends?
51. Has your child ever participated in a peaceful protest?
52. How would you feel if they wanted to take part in one?

Freedom from Attacks on Honour and Reputation and Right to Privacy (Article 16)

53. What does "bullying" mean to you?
54. Is it different from "teasing"/"heckling"?
55. Has your child ever been bullied?
56. Can you describe the situation?
57. What did you do?
58. Were other adults involved?
59. What were their reactions?
60. What happened to the perpetrator?
61. How did your child react?
62. Do you know how the teachers deal with bullying at the school?
63. Do you allow your child privacy?

64. Could you describe how?
65. Do you search your child's room?
66. Do you look through their schoolbags?
67. Does your child have a journal/diary?
68. Do you read it?
69. What age do you think that your child should be allowed to keep his/her diary private?

Protection from Economic Exploitation (Article 32)

70. Do any of your children work?
71. How old were they when they started to work?
72. Did you want them to start?
73. Why?
74. What kind of work do they do?
75. Do you think their rights are recognized on the job?

Awareness of Rights

76. Have you heard of children's rights?
77. Could you tell me what you know about them?
78. How do you feel about the concept of children's rights?
79. What do you think are some of the most important rights for children?
80. Why?
81. What age do you think children's rights should start at?
82. Do you think that your children are aware of their rights?
83. Do you think that other children are aware of their rights?
84. Why?
85. Are you aware that Trinidad has signed the Convention on the Rights of the Child?
86. Are you familiar with any of these rights?
87. Do you think it is possible to implement these rights in Trinidad?
88. Why?
89. Do you think children's rights fit into Trinidadian culture?

III. Interview Guide for Teachers

General Info

1. How long have you been teaching?
2. How many children do you have in your class?
3. How did you get into this field of work?
4. What do you like most about teaching?
5. What do you dislike?
6. What is your general perception of youth in Trinidad at the present time?

Discipline in School (Article 19 & 28)

7. What does “discipline” mean to you?
8. What does “punishment” mean to you?
9. Do you see a difference between the two?
10. What kind of behaviours would you consider to be wrong?
11. What do you do when a student does something wrong?
12. What are your views on corporal punishment?
13. How do you feel about it having been banned in schools?
14. Was it a difficult transition for the school to make?
15. What other methods of discipline do you use?
16. How do you discipline girls?
17. How do you discipline the boys?
18. Do you think that it would be possible to ban the practice of beating children at home as well?
19. Do you think it is necessary to do that?

Religion (Article 14)

20. Is your school affiliated with any specific religion?
21. Does the school take in children who are not of this religion?
22. Are they allowed to say their own prayers?
23. Does the school celebrate other religious events (for example Divali or Eid)?
24. What happens if a child does not want to take part in a particular religious activity?
25. What happens if a child expresses no belief (atheist)?
26. Have you had children who have different beliefs from their parents?
27. How do their parents react to that?
28. Do you think children want to take part in religious activities at school?
29. Are they allowed to do so?

Freedom of Expression (Articles 12, 13 & 31)

30. What are some of the most important characteristics that you try to cultivate in your students?
31. Why do you think these are important?
32. Do you encourage them to speak their mind?
33. Do think they are honest when they speak with you?
34. Are the children involved in decision-making in the classroom?
35. Could you describe some of the decisions that they are involved in?
36. Are there any decisions you don't feel they should they should be involved in?
37. Are there opportunities for the students to express themselves through media?
38. Probes (art, dance, newspapers, theatre)
39. What other cultural mediums might the students express themselves through?
40. Are there any barriers to accessing these mediums?

Freedom of Association and Peaceful Assembly (Article 15)

41. What do you do if you think a student is "hanging out with a bad crowd"?
42. Could you describe a situation where that happened?
43. What do you think parents should do if they don't like their child's friends?
44. At what age do you think they are old enough to choose their own friends?
45. Do the students ever stage peaceful protests?
46. Would they be allowed to do so if they wanted to?
47. How would / do you feel about children taking part in a peaceful protest?

Freedom from Attacks on Honour and Reputation and Right to Privacy (Article 16)

48. What does "bullying" mean to you?
49. Is it different from teasing?
50. Have you seen instances of bullying in your class?
51. Could you describe one of those situations?
52. What did you do?
53. Were any other adults involved?
54. What happened to the bully after the incident?
55. What happened to the victim after the incident?
56. Is there any school policy on how to deal with bullying?
57. What measure of privacy would you say the students have?

- 58. Are their belongings subject to search at school?
- 59. Do you think that children need to have privacy?
- 60. Why?

Protection from Economic Exploitation (Article 32)

- 61. Do any of your students work?
- 62. Do you know what kind of work they do?
- 63. Do you know why they work?
- 64. Do you think it interferes with their schoolwork?

Awareness of Rights

- 65. Have you heard of “children’s rights?”
- 66. Could you tell me what you know about them?
- 67. How do you feel about the concept of children’s rights?
- 68. What age do you think children’s rights should start at?
- 69. What do you think are some of the most important rights for children?
- 70. Why?
- 71. Do you think that your students are aware of their rights?
- 72. Why?
- 73. Are you aware that Trinidad has signed the Convention on the Rights of the Child?
- 74. Are you familiar with any of these rights?
- 75. Do you think it is possible to implement these rights in Trinidad?
- 76. Why?
- 77. Do you think children’s rights fit into Trinidadian culture?

IV. Interview Guide for Social Workers, Police and Workers in Homes for Socially Displaced Children

General Info

1. What is your job title?
2. Could you describe your duties in your job?
3. How long have you been working in this field?
4. In what types of situations do you interact with children in your job?
5. What is your general perception of youth in Trinidad at the present time?

Home Life of Children (Articles 9, 10 & 31)

5. Who do most children live with at home?
6. (If children are separated from one or more parents) is it likely that they will have any say in the decision?
7. Why do you think this is the case?
8. Are children usually in contact with the estranged parent?
9. In the case where children are up for adoption, is adoption by people in other countries a possibility?
10. How would you describe the home environment of the children?
11. Is it likely that they are free to play as they want?
12. Do children generally take part in extra-curricular activities?
13. What types?

Discipline/Punishment in the Family/Group Homes (Articles 19 & 28)

14. What are your views on corporal punishment?
15. How do you feel about it having been banned in schools?
16. How are most children disciplined at home?
17. How would you define "discipline"?
18. How would you define "punishment"?
19. Do you see a difference between the two?
20. Do you think it is necessary to stop beating children at home?
21. Could you tell me more?
22. Do you think that beating children in the home could be effectively outlawed in Trinidad?
23. What other discipline methods have you seen used besides "licks"?
24. Do you think that boys and girls are disciplined differently?
25. Why do you think that is?

Religion (Article 14)

26. Are you aware of any children who do not want to follow the same religion as their family?
27. How do parents react if children do not want to follow the same religion as the family?
28. Have you seen a home in which this has been a source of conflict?
29. Could you describe the situation as you remember it?
30. Have you seen this handled differently in another home?
31. (For workers in group homes) Do you take in children who are not of the religion of the home?
32. Are they allowed to practice their own religion?
33. How are they accommodated?
34. How do you see religion interacting with child rights in Trinidad?

Freedom of Expression (Articles 12 & 13)

35. What does "honesty" mean to you?
36. Do you think that children are honest when they express themselves to adults?
37. Why?
38. Can you give me an example of when this might happen?
39. What decisions regarding their lives do you think children would want to be involved in?
40. Do you think they should be involved in these decisions?
41. Do you think that adults take them seriously when they talk about these issues?
42. (For group homes), Do the children express themselves through artwork?
43. Are there any opportunities for them take part in radio or television events?
44. Could you describe how?
45. Through what other mediums could the express themselves?
46. Do you think most children have access to media?

Freedom of Association and Peaceful Assembly (Article 15)

47. Should children be able to make decisions about who their friends are?
48. At what age do you think they are old enough to do so?
49. Have you seen children participating in peaceful protests?
50. How do you feel about this? OR
51. How would you feel if they did?
52. How do you think most parents would feel about that?
53. (For police) Do you think that the Commissioner of Police would give permission for children to hold a peaceful protest?

Freedom from Attacks on Honour and Reputation and Right to Privacy (Article 16)

54. What does “bullying” mean to you?
55. Is it different from “teasing” or “heckling”?
56. Have you seen “bullying” in schools here?
57. What usually happens to the perpetrator?
58. What usually happens to the victim?
59. How do teachers react?
60. How do parents react?
61. (For group homes) Does bullying occur within the home?
62. How do you react to these situations?
63. How does your staff react?
64. (For group homes), are the children allowed to keep anything privately?
65. Do you search their rooms?
66. Do you search their belongings?
67. (For police & social workers), Do you think that children should be allowed to have privacy in their rooms?
68. (Same) Should children’s belongings be subject to search by adults?
69. What age do you think this should start at?
70. What age do you think this should end at?

Protection from Economic Exploitation (Article 32)

71. Do you come across working children in your field?
72. What age do they generally start working at?
73. How many hours a day do they work?
74. Do they attend school regularly?
75. What kinds of jobs do they get?
76. How do their employers treat them?
77. Do you think that their rights are recognized on the job?

For Police Officers (possibly social workers also?) (Article 37)

78. Do children have access to legal representation when they are arrested?
79. When does this occur?
80. What other services are available to them after arrest?
81. Where are children detained?
82. Is imprisonment often used as a last resort?
83. What other types of consequences are imposed on children for breaking the law (besides jail/prison)?
84. Are there adult offenders at any of these facilities?
85. Are the children allowed to see their families when they are there?
86. Do parents come to visit them?
87. How often?

Awareness of Rights

88. How would you describe children's rights in Trinidad?
89. What age do you think children's rights should start at?
90. What do you think are some of the most important rights for children?
91. Do you think that children are aware of their rights here?
92. Why?
93. Are you aware that Trinidad has signed the Convention on the Rights of the child
94. Do you think that these rights can be implemented in Trinidad?
95. Is there discussion of the Convention in your field?
96. Do children's rights fit into Trinidadian culture?
97. How do you think parents feel about the concept of children's rights?
98. What do you think are the most important characteristics to develop in children?

Appendix B: CRC Statements

The following statements (adapted from Articles in the CRC) will be read to participants at the end of the interview and they will be asked to comment on them.

- Children are to be assured the right to express their own views freely in all matters that concern them as long as they are capable of forming his or her own views (Article 12).
- The child shall have the right to freedom of expression. This will include the freedom to seek, receive and impart information and ideas of all kinds through art, orally, in writing or any other media of the child's choice (13)
- Children should have the right to freedom of thought, conscience and religion (14)
- Children have the right to freedom of association and freedom of peaceful assembly (15)
- The government is to provide appropriate assistance to parents and legal guardians in the performance of child-rearing responsibilities (18)
- The government is also to ensure the development of institutions, facilities and services for the care of children (18)
- Children should have the right to rest and leisure and to engage in play and recreational activities (31)
- Children should not be subjected to capital punishment nor life imprisonment without possibility of release if they are below the age of 18 at the time of the offence (37)

For teachers only

- Education should be directed to the development of the child's personality, talents and physical abilities to their fullest potential (29)
- Education should also be directed to respect for human rights and fundamental freedoms (29)
- Education should be directed to respect for the natural environment (29)

Appendix C: Focus Group Guide

1. Tell me what you know about “children’s rights”
2. Do you think that children in Trinidad have rights?
3. What do you think it means to be treated fairly?
4. Should you be allowed to work?
5. Why?
6. Do you think employers will treat you fairly?
7. Why?
8. Do you think adults respect what you have to say?
9. Do you think that you are included in decisions about your lives?
10. Do you think children who live on the streets have rights?
11. Do you think that parents should be allowed to give their children “licks” (a spanking)?
12. Should teachers be allowed to give “licks”?
13. Should you have a right to privacy?
14. What does bullying mean to you?
15. Tell me about some of the instances of bullying that you have seen?
16. (Probe) How did the adults react?
17. Should you be allowed to choose their own friends?

Appendix D: Definition of Children's Rights

Children's Rights can be seen as basic claims that children are entitled to in order to be safe and to live a decent quality of life. They are intended to protect children and therefore to prevent other groups from taking advantage of the children.

A child is defined as any person below the age of 18 unless otherwise stated by the laws of a country. A special document, the UN Convention of the Rights of the Child (CRC) was created in 1989 was created to protect children's rights and to hold governments responsible for ensuring that they are enforced.

Children's Rights are usually broken down into four main areas:

- Survival Rights (e.g. right to life, right to shelter)
- Development Rights (e.g. right to education, access to information)
- Participation Rights (e.g. right to express opinions, join associations)
- Protection Rights (e.g. protection against child labour, torture)

Adapted from:

<http://www.hrea.org/learn/guides/children.html>, Human Rights Learning Education Associates (2003)

<http://www.usask.ca/education/ideas/tplan/sslpl/chilrigh.htm>, Children's Rights, Jodine Coates.