

The Key to Translation: An Examination of Children’s Human Rights Under Government Care and Protection in Manchester and Santa Cruz, Jamaica

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ABSTRACT

According to the Care and Protection Act of Jamaica (2004), protection and provisional rights have historically taken precedence over the participation rights of children – that is, the right to freely express views and maintain a voice in decisions that affect them. To fulfill the participation rights of children, as outlined by the United Nations Convention on the Rights of the Child (CRC), government organizations are encouraged to develop practices that optimize the individual freedom, autonomy, and views of children. I conducted an ethnographic study of the practices used to address the human rights and social needs of abused and neglected children placed under government care and protection in Manchester, Jamaica. My ethnographic research reveals how government staff and caretakers prioritized children’s participation rights, giving them input into their standard of care. As such, it illustrates the process of “vernacularization,” which refers to the translation of global human rights ideas to socially relevant norms in communities.

Keywords: children’s rights; human rights; participation rights; child protection; vernacularization

outlined the “civil, political, economic, social, health, and cultural rights” of children regardless of ethnic or national identity (Cohen 1997, 74). Representatives from 194 countries came together to sign the treaty on 20 November 1989 (Cohen 1997, 74), thereby defending the rights of any persons under the age of 18, and setting a precedent to humanize and validate the individual and collective experiences of children (Cohen 1997, 74). Protecting the world’s most vulnerable members of society is only possible through systems of accountability that obligate participating states to report nationwide strategies for upholding children’s rights. The United Nations sought to replace “accusatory” critiques against member states for their modes of child protection with constructive dialogue to develop these fundamental rights (Cohen 1997, 74). The primary domains of “survival, development, protection” created by the CRC maximized all forms of social welfare, placed an emphasis on quality and policies of non-discrimination and respect for children’s views, which are topics still salient to modern human rights discourse (Article 6, Part 1). These overarching guidelines are often contextualized as protection, provisional, and participation rights of children (Cohen 1997, 74), which contributes to our modern understanding of child development. To implement human rights ideology in common practice, it is helpful to view such efforts through the lens of “vernacularization.” Vernacularization encompasses how global human rights language and policy is translated by local institutions to maintain relevance and specificity to the cultural, social, and national climates (Merry 2006, 39). This phenomenon relies on “translators” to redefine human rights discourse in specific contexts (Merry 2006, 39). The aim of my ethnographic research was to examine the implementation of the UN CRC in Manchester, Jamaica and evaluate specialized efforts that uphold each domain of human rights, but specifically areas that receive less recognition, such as participation or opportunities to express personal and independent views.

Care and Protection in Jamaica

The Care and Protection Act (2004) of Jamaica is an application of the UN CRC for the protection

This paper examines the vernacularization of children’s rights in Manchester, Jamaica, through the work of children’s officers, families, and community members. Vernacularization is a social process of molding the global framework of human rights to fit local contexts to address community-specific needs (Merry 2006). My assessment of vernacularization is based on ethnographic accounts of the government spaces, community organizations, and solution-based practices that signify a commitment to uplifting the dignity of children in Manchester, Jamaica. By examining the nuances of advocacy for children’s rights in Manchester, this study places a special emphasis on the development and usage of participation rights, which is a specific branch of human rights policy that underscores children’s freedom to express views in matters that affect their personal wellbeing. I begin by providing background on the legal proceedings of children’s rights in Jamaica and trends in youth experiences before discussing the methodology, including the location of fieldwork and demographics of those who chose to participate. Following that, I give a qualitative account and analysis of the approaches that the Children’s Rights Bureau (CRB) and Crossing Waters Youth Home in Manchester, Jamaica, take to address rights violations while providing nurturing residence and centering the notion of participation.

Background: The Protection of Children in Jamaica

From Global to Local: Vernacularizing the UN Convention on the Rights of the Child (CRC)

As one of the most widely signed and ratified treaties in history, the United Nations Convention on the Rights of the Child (CRC)

of children, or individuals under the age of 18, from abuse and neglect (Prelim). With the purpose of “enforcing the rights” of a child, this legal declaration utilizes children’s advocates, officers, and courts to uphold basic dignities (Prelim). Designated advocates and courts restore justice when a child’s wellbeing is compromised to the extent that legal action is required to ensure safety (2004). Finding adequate representation is difficult and ensuring appropriate legal action, such as removal from homes, visits to homes, schools, or offices, family counseling or other forms of intervention, is under discretion of locally appointed officials (Gordon 2015).

According to pamphlets provided by the Child Rights Bureau (CRB), the child protection office where I conducted my fieldwork in Manchester, Jamaica, the Care and Protection Act (2004) is categorized by protection rights, provision rights, and participation rights, reflecting the major domains of United Nations CRC (2004). Protection rights shelter children from physical, emotional, mental, sexual abuse, neglect, and brutalization (Chambers 2007). Provision rights allude to resources required to achieve developmental milestones, which include but are not limited to food, proper nourishment, water, healthcare, and education. Participation rights endorse the voice of the child in decision-making (Gordon, 2015). Participation rights are a dimension of the Care and Protection Act (2004) that receive substantially less attention in children's rights discourse and still requires extensive development and solution-based practice to enhance quality of life. Scholars critique the implementation and efficacy of participation rights, suggesting that more safe spaces that encourage self-expression would help combat the stigma of children’s views as “uninformed and dangerous” to themselves (Alderson 2000, 442).

Participation rights ensure every child can “express his/her views in all matters affecting him or her” to maintain “freedom of expression” (Article 12, UN CRC). This includes forming opinions and sharing thoughts on issues concerning their wellbeing, which in turn provides insight for legal officials working on their behalf (Gordon 2015). For example, during

civil disputes between parents/guardians, a child’s testimony should be considered in the final decision with appropriate consideration for state of mind, age, and maturity. Emphasis on participation rights preserves agency, while ensuring individual perspectives are valued in legal proceedings.

Participation rights receive less attention in comparison to other types of rights in children’s lives, despite their relevance to cognitive and social development (Gordon, 2015). This neglect has been attributed not only to minimal resources for implementing solution-based practices of participation rights in day-to-day lives for children, but also to “cultural restraints” that potentially stigmatize the relevance of children’s perspectives in legal matters (Gordon 2015). Although the argument of “cultural restraints” is used in academic discussion of children’s rights, it is equally necessary to consider elements of cultural tradition, specifically in Jamaica, that benefit children through community bonds and strong social ties. Narrow understanding and limited acceptance of participation rights amongst children and adults has contributed to a conflict between “culture and idealism” on how to put participation into practice in Jamaica (Gordon, 2015). Subsequently, participation rights for children are often rejected due to traditions that prioritize the decision-making of adults, rather than the autonomy of children. Efforts to re-center children’s narratives in advocacy to benefit children in Jamaica are thus ongoing.

Homelife and Violence and Youth in Jamaica

Longitudinal studies are some of the best ways of measuring long-term development, health, and behavioral outcomes of children in Jamaica and the implications of human rights protection. In a birth cohort study conducted between 1986 and 2003, Samms-Vaughan (2009) identified disparities in academic performance between children of lower and higher socioeconomic status, particularly in the absence of program recommendations and policy development for academic enrichment (Samms-Vaughan 2009). Regarding family structures, 70-80% of children living with single-mothers reported higher rates of parenting stress (Samms-Vaughan 2009). High rates of

stress partnered with low levels of parental education and limited engagement with children due to long work hours, correlated with adverse cognitive function, aggression, and low academic achievement (Samms-Vaughan 2009). However, children who reported participating in social and community-based activities, such as attending church (83%) or reading books for pleasure, sustained better outcomes in academic performance, especially in adolescence (Samms-Vaughan 2009).

Violence is an ongoing issue in Jamaica and children may be exposed to it while in their home, school, or surrounding community (Fernald and Meeks-Gardner 2003). Schools in the city of Spanish Town, Jamaica have disproportionately high exposure to violence, which includes gang activity and death of civilians due to gun crossfire (Bourne and McLymont 2020). Similarly, a cohort study conducted in Kingston, the capital and largest city of Jamaica, followed 123 primary school children and their exposure to violence. 91% of children reported experiencing or witnessing a form of violence within the home or academic setting, or through interpersonal interactions such as bullying from peers (Fernald and Meeks-Gardner 2003). In addition, many children admitted witnessing rape, murder, and shootings (Fernald and Meeks-Gardner 2003). Recent studies suggest school environments in Jamaica can be more violent when situated in neighborhoods with high crime rates, especially if boundaries between schools and surrounding urban areas are not fully secure (Fernald and Meeks-Gardner 2003). Social learning theories proposed by Albert Bandura suggest that children can learn to exhibit aggressive behaviors and visceral emotional reactions from social observation (Leff 2009). Based on these theories, if schools lack social boundaries, children are more inclined to imitate violent activities through games and other forms of play, which are patterns of violence and socialization reflected in both developed and developing nations (Fernald and Meeks-Gardner 2003). Thus, globally, exposure to violence in early years and participation in such activities can contribute to futile cycles of brutalization and increase the likelihood of developing depression, post-traumatic stress,

and antisocial disorders later in life (Fernald and Meeks-Gardner 2003).

In addition, 30% of children reported experiencing violence when interacting with teachers and principals through corporal punishment, by being reprimanded with “licks” (a type of beating) if disobedient (Fernald and Meeks-Gardner 2003). Other moderate punishments such as collecting trash from the school yard during free time were also used. Although corporal punishment is common in Caribbean and Latin American schools, children exposed to higher rates of corporal punishment exhibit similarly high rates of maladaptive and antisocial behavior (Fernald and Meeks-Gardner 2003). Thus, it is necessary to consider the ways in which these hierarchies and forms of punishment could strain relationships between children, parents, and academic authority. In addition, students living in urban areas who are exposed to community violence demonstrated lower academic performance (Bourne and McLymont 2020).

The intersections of community violence, domestic stress, and development of maladaptive behaviors have considerable effects on children. Such trends indicate the need for government institutions equipped to mitigate adverse childhood events by providing care, refuge, and protective services, especially during human rights violations. Thus, I chose to examine how institutions preserve participation rights through specialized efforts, relationships, and means to convert global human rights theory into local and contextualized practice.

Methodology

This research took place in Manchester, Jamaica, the sixth largest parish of Jamaica in the West-Central region. My objective was to examine the direct practices used to address the social needs of abused and neglected children placed under government care and protection in the parish. I conducted ethnographic fieldwork, including interviews and participant observation, at the Children’s Rights Bureau (CRB) and Crossing Waters Youth Home (both pseudonyms) for six weeks in the summer of 2017. The project was approved by the Institutional Review Board for Human Subjects Research of Wake Forest University in

April 2017. All but one of the participants in my interviews and observational studies were women in their mid-thirties to early fifties. Of the six staff members at the CRB, women occupied the primary positions, including a team leader, social worker, and investigator; there was one male intern in his mid-twenties. The team leader of the CRB had extensive experience in children's advocacy and worked with the CRB for 15 years. Although the other staff members and children's officers did not have the same experience, the social worker and primary investigator were familiar with the surrounding community, where they regularly visited children and families, as well as primary schools where they conducted human rights education workshops with parents. The demographics of staff at Crossing Waters were similar, as all the caretakers were thirty- to fifty-year-old women. The owner of Crossing Waters was non-native of Jamaica and opened the home in her early adulthood. She recruited caretakers from both the surrounding town and other nearby neighborhoods throughout her years owning the home.

I spent approximately 35 hours each week interviewing and conducting participant observation at each site. Through participant observation, I paid particular attention to daily interactions between children, caretakers, and children's rights officers, while also documenting the behavior of children and adults, the daily routines and strategies, conditions of the residential facility, and the local surroundings of the CRB and Crossing Waters Youth Home. Engaging in participant observation shaped my awareness of the spaces where legal proceedings took place and resident facilities for children. By communicating their experience and extensive knowledge as specialists, participants involved in the rehabilitation of at-risk youth provided a deep description of the practices sustaining the provision, protection, and participation rights of children. In addition, the methodology highlighted direct implications of the diverse practices that tend to the social needs and basic rights of children residing under care of the state. Ultimately, I identified clear patterns of interaction between staff and children or parents through participant observation, which highlighted not only the baseline standard of

care provided, but also emphasized supplementary resources that promote better outcomes for youth stripped of basic social rights.

I also reviewed literature provided locally by the Children's Rights Bureau, detailing legal practices and strategies used to address the needs of children in Jamaica. This helped achieve the overall goal of this research, which was to explore positive social and developmental outcomes for abused, neglected, and brutalized children, while humanizing their experiences through ethnographic analysis of processes used for their care and protection.

The Child Rights Bureau, Jamaica

Countless manilla folders scattered across the room, each one varying in thickness and weight, lining the floor and desk of Shona's office in the CRB. During my first interview with Shona, the team leader, I learned the significance of these stacks. She stated that each folder held the faces of children across the region – names, ages, descriptions, pictures, backgrounds, and the individual stories of children under the protection and watchful eye of Jamaica's government. As we flipped through the first few folders, it was clear this small office of six staff members – a team leader, social worker, two clerks, investigator, and guidance counselor/foster care and adoption manager – had more than enough children to care for.

Shona, the team leader at the CRB explained the jurisdiction of the CRB as an executive agency of the Jamaican government that intervenes when the rights or needs of a child are compromised, as outlined by the Care and Protection Act (2004). The office served as an extension of the regional CRB headquarters that oversaw satellite offices throughout the Southern Region of Jamaica. The weight of this responsibility was clear from Shona's tone alone. Addressing a range children's rights issues, including mental, emotional, physical, and sexual abuse, was taxing as the CRB received limited external support. Because of

the cruelty that many children experienced, maladaptive behavioral issues were common, and often resulted in emotional scars difficult to repair.

To fully understand preparation for a case, it was useful to document the condition of the office. Although in the early mornings it seemed abandoned, especially in the waiting rooms (Figure 1), the depth of work behind the pale walls was only evident to those responsible for it. The CRB was a relatively small space located in a mall plaza at the beginning of the city center and couldn't hold more than 15 people comfortably at a time. Through the brown door (Figure 1) was the main office area with three small cubicles, where the team leader, social worker, and one other staff member worked during the day. Cubicles were adjacent to each other and used mostly for intake sessions, with each containing a desk and two chairs.

A separate office through the waiting room had two cubicles, where two additional staff

members completed their daily tasks (Figures 3, 4, and 5). This office space was also used for intake sessions, but mostly functioned as a space to file paperwork. In addition, this second space was used for family counseling. It had a toy area, where young children visiting the office could play, especially if the legal proceedings of the day were taxing.

Both office spaces were simply laid out, with predominantly yellow walls and white tile



Figure 3. Playspace for children waiting for sessions with CRB staff. 2017. Source: Author.

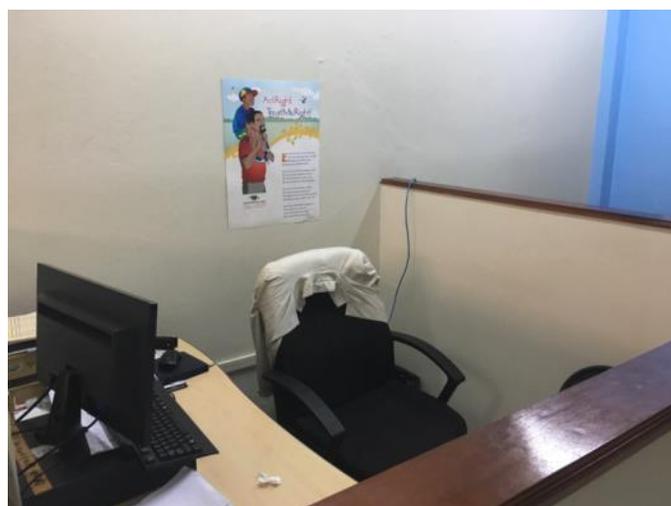


Figure 4. Additional office space for CRB staff. 2017. Source: Author.

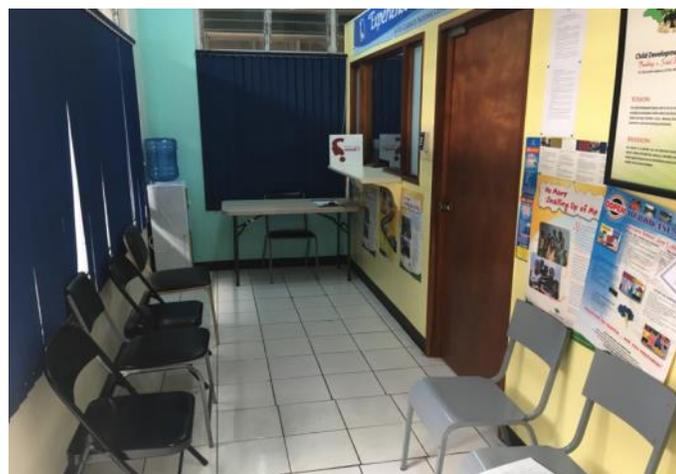


Figure 1. The main entry into CRB. 2017. Source: Author.



Figure 2. Main entry of the CRB with posters and animations on human rights education. 2017. Source: Author.

floors. Comic-style posters lined the corridors with messages encouraging parents and children to learn more about children's rights (Figure 2). Colorful and friendly images functioned both to subtly promote human rights and to alleviate children's anxiety before meeting with CRB staff. Although I personally

never asked children or parents if they found these resources helpful, I frequently observed parents placing their attention on the posters as they patiently waited for their turn with the social worker.

Despite the staff's attempts to make the CRB



Figure 5. Another angle of the additional office space. 2017. Source: Author.

more comfortable, the social worker still expressed dissatisfaction with the general office infrastructure. Because the CRB had thin walls and lacked doors between cubicles, conversations often carried through the hallways. She worried the office layout jeopardized the CRB's ability to function as an effective safe space for parents, children, and community members to report delicate cases. Because community members often made anonymous reports, the CRB wanted the office space to reflect their organizational commitment to privacy and protection of vulnerable groups.

One of the foundational methods for vernacularization – that is, implementing relevant human rights practices based on community-specific needs – in Manchester was the “intake” process at the CRB, which occurred when an “informant” reported children's rights violations. Informants could report a case over the phone or in person at the CRB office, where details were transcribed into a five-page packet. Informants were usually relatives or friends. At times, some children served as informants and directly reported details of their personal experience of abuse, neglect, or maltreatment.

Cases like this helped the CRB incorporate the child's perspective and understanding of events into the CRB's official documentation. By observing approximately ten intake sessions, I acquired a deep understanding of an informant's responsibility during these initial steps, the depth of detail reported, and the range of cases that require attention from the CRB.

I observed an intake session at the beginning of my time with the CRB that involved an 11-year-old girl, Namira, who was missing for 36 hours and then spontaneously returned home. Namira's mother, Yasmin, hoped that reporting the incident to the CRB could help identify the man who fled with her daughter. As the young girl and her mother stepped into the social worker's small cubicle, there was an underlying tension between the two. With an exhausted look, in business casual attire from that day's work, the middle-aged mother answered questions about their home, schooling, ages, and health, which provided necessary background for the CRB. Once that segment of the intake process concluded, the social worker allowed Yasmin to report details of Namira's disappearance without any prompting questions. Yasmin's demeanor was uncertain – her eyes frantically bounced between the social worker and me, as if Yasmin looked to us for answers concerning her daughter's disappearance for those 36 hours.

As the social worker redirected questions to Namira, the young girl spoke both candidly and vaguely of her disappearance. She explained that she “spent the night” with an unidentified man. However, slowly Namira's answers became riddled with incomplete sentences and the details were difficult to decipher. For example, when asked “Where did you sleep?” she responded “In a bed ... after we got ice cream.” The social worker then inquired, “And where did the man sleep?” and Namira with a hesitant look stated, “In the bed... with

me” Retelling events of this nature, especially for a child, brings on an unprecedented emotional burden, making it difficult for fluent recall of potentially traumatic events, which the social worker listened to carefully. She was intentional and sensitive with her questioning to acquire pertinent details, while also creating moments of mutual trust with the two ladies. Despite her efforts, from the intake session, there was very little the CRB could do to un-write the wrongs of those 36 hours, due to minimal information. By the end of the session, Yasmin’s face was stained with terror when considering the events that potentially transpired with her daughter, and an aura of helplessness filled the room.

Based on my observations of several sessions, the general intake process required the informant to have a thorough understanding of the child’s or children’s general home life, education, medical and family history and to convey the preceding human rights violation effectively and accurately. Reporting cases of abuse or neglect requires detail that is only available if witnesses are willing to come forward, even if it has no direct consequences for them. However, because there was not a concrete timeline of events, the CRB lacked the adequate evidence to launch an investigation as a children’s rights organization directly for Namira. Although incorporating informant(s) into formal intake sessions is necessary for rights violations, it was at times difficult to predict whether the process would restore the rights of a child in a compromising state, as seen with Namira.

According to the leading children’s officer, this CRB branch received approximately 70 new intake cases within a three-month period. It was open from 8am-5pm on weekdays, where the staff was responsible for the wellbeing of hundreds of children in the greater Manchester area. Emergent cases were sent directly to the police on the weekends. Although some desktop and laptop computers were available to the staff, case information was documented in paper packets and manilla folders, where the first page typically had a stapled photo for child

identification. In a single day, I noted six staff who managed new cases, followed up on previous ones, and executed court orders, such as visiting homes and schools. Throughout my interviews, local staff members expressed their concern about the staff shortage in the regional office, which created an overwhelming work environment. Both the social worker and team leader found the synchronous management of new cases with old ones to be a major obstacle to creating an efficient work environment and preventing human rights violations in a timely manner. The staff had trouble estimating the amount of time that typically elapsed before “action” was taken on newly reported cases, since the process relied primarily on the severity. If a new case was categorized as “urgent” at the intake session, some form of action was required to occur within 48 hours of the session, such as court-ordered house-visits, counseling sessions, appearances before the court, or immediate removal of a child from a household. However, in Namira’s case, since she was physically safe in the CRB with no immediate danger, the social worker declared her case as non-urgent leading to a referral to a different branch of law enforcement. By the end of the intake session, the mother’s disappointment was apparent, and although the office hoped to provide more, the CRB was required to continue their work with the other families in need of more immediate attention, such as a 13-year-old girl in a nearby town with ongoing behavioral issues.

CRB utilized house visits to investigate violations of children’s rights. I accompanied staff members on a series of house visits, observing the investigator work with parents and children to identify issues in child protection. These cases typically included mistreatment, neglect from parents, teen pregnancy, drug abuse, or behavioral problems. House visits were typically sanctioned after an intake session, if the staff members and principal investigator at the CRB believed there was an immediate threat to a child’s safety or if the case could benefit from further evaluation. Such threats included instances where there was no parental or guardian supervision (neglect), suspicion/evidence of abuse, or strained relations between family members, among many possible scenarios.

During one of the house visits, the investigator and I traveled 50 minutes away to a green and brown brick home surrounded by barren land and dried mud. A young woman named Kendyall, in her 40s, owned the home and lived there with her six kids and several grandchildren. Her youngest daughter of 15 years, named Chevelle, was pregnant at the time. When we arrived, several apparently unrelated men were there, smoking on the patio. As we introduced ourselves and the purpose of the visit, I saw Chevelle peer around the corner with a tummy that extended far beyond her slender build. We came to speak directly with her. A nearby informant made a call to CRB with suspicions of sexual abuse, neglect and drug possession, after witnessing several unidentified adult men regularly enter the house both in Kendyall's presence and absence. Because Chevelle was a minor, these events created suspicion of sexual abuse that possibly resulted in Chevelle's pregnancy. With her mother present, the investigator asked a series of questions to encourage the 15-year-old girl to speak on her own behalf, despite her mother's interjections. The questions included "How are you feeling?", "Do you feel safe?" "Are you seeing a doctor?". Based on their responses, the local investigator provided a series of resources for both ladies to continue their personal health care. As Chevelle often avoided eye-contact, giggled to herself, and kicked the dried mud on the ground, it seemed as if she was either frightened by or unaware of the event's potential severity, being that cases of this nature typically resulted in removal of children from their guardians. Although the investigator initiated a conversation with empathy, she left the scene with even more questions than she began with.

Based on conversations with the local investigator, house visits reflected the process of vernacularization that provided children the

opportunity to express their concerns and opinions and participate in decision-making. The local investigator began by stating the purpose of the visit, revisiting the pertinent issue with the parents/guardians and child (if present) in detail to develop an integrated perspective of interfamilial relationships. Practical solutions could then be proposed to maximize benefits for at-risk children. Upon visiting Kendyall and Chevelle, the investigator recommended they both begin visiting the local health clinic regularly to obtain prenatal care and to inquire about contraception. In addition, the investigator cautioned the mother against unfamiliar guests in the home during her absence. Although this may seem like a fleeting suggestion, the recommendation was well received and established a rapport on home security between the local investigator, mother, and daughter.

Although the CRB worked to incorporate children's views and opinions during house visits, it seemed that the visit with Chevelle lacked an opportunity for participation. In a separate case, the investigator visited the home of a 13-year-old girl with severe behavioral issues, where strained relationships with her stepfather and mother escalated to a violent altercation involving a weapon. The CRB chose to regularly follow up with the girl and her family and utilized a combination of both group and individualized counseling sessions to better evaluate dynamics in the home and offer opportunities for self-expression. Because this was an on-going case with the CRB, the investigator had a pre-established rapport with the family. During the visit, the investigator spoke with the young girl alone for 45 minutes with me present and then later invited the parents to join. The individual portion of the visit allowed the young girl to share recent updates in her life and express frustration with school, friends, and parents, and how she believed it related to certain emotional outbursts and inappropriate behavior on her part. The investigator believed it was necessary to create opportunities during visits where children could be vulnerable without input from parents or guardians. A house visit of this nature was different from the one with Chevelle, where she lacked the chance to speak with the investigator alone. Some cases were

premature, while others were habitual check-ins which led to families undergoing current supervision by CRB. The investigator often journeyed to rural districts of Manchester to conduct visits and stayed with families for 45 minutes to an hour. This method helped the CRB gain a comprehensive view of each child's social conditions, which governed future decisions on whether family counseling, weekly office visits, or court appearances would be most appropriate and best benefit the child.

The CRB can also temporarily or permanently remove children from their home, which occurred usually after formal investigation and appearance in court before a presiding judge who determines the best alternative. Typically, cases of suspected abuse or neglect result in immediate removal and faster response rates from the CRB. Residential care facilities (that is, children's homes) are under the jurisdiction of both the national government and regional CRB offices. Some children's homes are independently owned and receive a small government subsidy alongside external funding. Facilities with multiple sources of financial support were considered more stable and successful in comparison to children's homes that relied solely on government funding. Upon changes to custody, the court first considers placing a child with relatives or nearby community members to prioritize familiarity and normative family environments. The CRB would then follow up with regular check-ins and help the child reintegrate with original guardians if appropriate.

Crossing Waters Youth Home, Manchester, Jamaica

Crossing Waters Youth Home is an independently owned residential facility established for children under government care and protection in Manchester, Jamaica. Situated approximately 45 minutes' drive from the CRB, Crossing Waters was intentionally located by the owner in a quaint neighborhood of single and multi-family homes, to reflect relatively traditional family conditions and increase a sense of belonging and comfort. Under the direct supervision of the CRB, Crossing Waters housed 23 children between the ages of 0-8

years. According to the staff, other government facilities suited for older groups (9 years+) were located nearby. Although the age cut-offs may seem arbitrary, they had logistical significance since children were similar heights and weights making sharing clothes, high-chairs, and tables possible. Infants could crawl on the tile floors or lay outside on blankets without the risk of larger children not seeing them amid play. Housing children within a narrow age-range was crucial for the goals, comfort, and logistics of both individual children and the collective group.



Figure 6. Outside of the Crossing Waters home, 2017. Source: Author.

Children at Crossing Waters ate three meals and a snack every day, which consisted of various meats, grains, and fruits in the early mornings, evenings, and afternoons and multivitamins during snack time, particularly for children who left meals unfinished. Mealtimes were not only for nutrition, but helped the caregivers create formative moments of communal gathering and self-expression for the children. Meals were often times for energetic conversations, when kids discussed their food preferences while also listening to important teachings from the caretakers on finishing meals, maintaining good manners, and expressing gratitude through prayer. Together, the children recited the same prayer before each meal, holding hands. Caretakers encouraged children to remain active in mealtime prayers and discussions about their food because it created a comfortable atmosphere and allowed the caregivers to gain a deeper appreciation for each child's



Figure 7. Main street leading up to Crossing Waters, 2017. Source: Author.

mannerisms. For example, one caretaker noted how easily they could predict which kids would accept or reject new foods introduced at mealtime.

Providing meals that reflected natural products grown in Jamaica was an intentional effort of Crossing Waters' manager, who believed it was possible to cultivate affordable and healthy meals through dynamic activities. Nearby farmers invited the children to participate in harvesting from the trees that produced Otaheite apples, allowing each child to pick a few. Upon returning from the session, children enthusiastically snacked on their freshly picked fruits and proudly narrated to their caregivers the lesson they received from harvesters on how to appropriately pick the apples, the best temperatures for growth, and more. The children were provided with small brown bags to harvest extra apples that were served the following day during breakfast.

Crossing Waters adopted individualized approaches to their care practices by fostering spaces where children bonded with each other and their caretakers, in the context of hygienic needs and sleeping conditions. Every child received a daily bath from one of the caretakers



Figure 8. Crossing Waters dining room, 2017. Source: Author.

after lunch or in the evening. Hair-washing took place every other day for boys, while girls followed a different hair maintenance schedule. Caregivers braided young girls' hair every two weeks into dynamic protective styles specific to individual needs and hair texture. As one caregiver braided one child's hair at a time, all the young girls crowded the area – sitting together on benches and the floor nearby, talking, laughing, rummaging through books, sharing stories and exclaiming their style preferences. After each hairstyle was completed, the girls stared at their reflection in hand-held mirrors as their peers excitedly caressed each other's new styles. This streamlined process was more than just for hygiene: the caregivers believed these sessions allowed children to establish a baseline of self-expression through an appreciation for their hair by offering them the choice of styles. Caregivers formed these sessions with the intention of creating intimacy and kinship with and among the young girls, providing collective moments for bonding. As hair braiding is often shared between mothers and daughters in normative family conditions, caregivers did not want the children at Crossing Waters to lack proximity to parental figures or elements of traditional childhood experiences they believed were culturally salient, which could also strengthen communication and relationships between children and staff.

The central living spaces, bedrooms, and kitchen at Crossing Waters were cleaned by the caretakers daily to keep the home at a baseline standard of cleanliness for activities such as

naptime. During naptime, children slept in their individual cribs or beds (Figures 9 and 10) that were either stacked or placed adjacently. I often observed the kids giggling with one another and jumping between mattresses during designated naptime. Although the placement of the cribs made it difficult for children to settle down after an afternoon of activities, these sleeping arrangements expanded the opportunities for interaction and engagement between children. The light-hearted conversations and belly-aching laughter that filled the corridors cultivated a space where voices of children were centered, serving as a testament to the grassroots mission of the home.

Children's health and medical needs were provided for in ways that reinforced participation. The manager of Crossing Waters regularly brought medical professionals and



Figure 9. One of the common set-ups for sleeping. 2017. Source: Author.

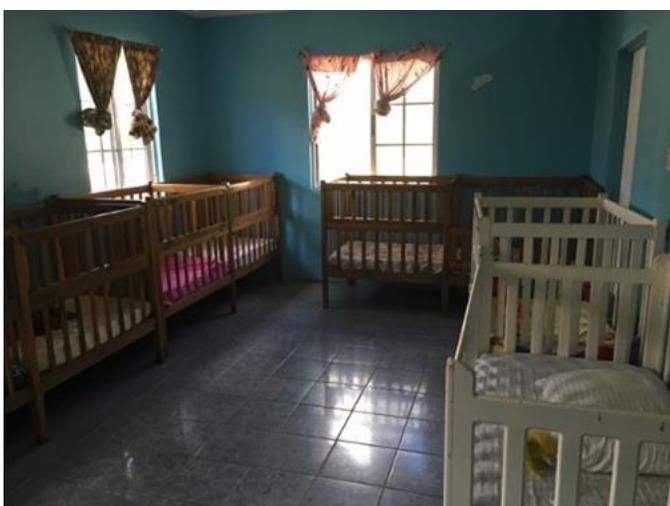


Figure 10. Another example of the common sleeping arrangements. 2017. Source: Author.

staff directly to the home for health visits. I witnessed one afternoon when two health providers arrived at Crossing Waters with large first-aid kits. They unpacked sterile medical equipment to create a make-shift station in the center of the living room to vaccinate all 23 children. As the children were summoned to the station from the back corridor, some were intrigued by the contents on the table, others fearful, and a few unfazed by the strangers until seated. Each child was asked whether they preferred to sit in the chair alone or in a caregiver's lap, facing away from the medical equipment. Some confidently chose to take the seat alone, while others basked in the familiarity and protection of a guardian. I observed the caretakers at Crossing Waters hold, caress, and distract children from the pain of vaccines, alleviating fears and offering the sort of reassurance that all children inalienably deserve, especially during simple yet formative moments of childhood like doctor's visits. The ones who chose to sit alone endured the painful vaccination, but quickly turned to the solace of Crossing Waters staff. These small actions cultivated a space where the global and fundamental doctrines of human rights healthcare were united with the socially relevant goals of Crossing Waters. The background of each child varied, some lacking exposure to medical services. The manager suggested conducting appointments in a comfortable and familiar space so children did not have to confront fear and uncertainty alone, and instead could actively choose how to face such moments with designated support.

By 8:55 AM, children were scattered around the living room talking, pretending to read books, and entertaining themselves before the day fully started. The main caretaker for the day simply yelled "Outside!" and all 23 children cheered because they knew the exact meaning. One older child struggled to drag a large green and grey rucksack, nearly double her size, across the floor into the middle of the living room and began to unleash its contents: shoes. Pink, yellow, red, burgundy, green, shoes of several types - flip-flops, sneakers, sandals, crocs, and more. Some nicer

looking than others, but most worn with creases and dirt stains, were strewn across the floor. As the caretaker began helping to empty the bag, the children ran over with excitement, playfully pushing and shoving one another to grab a hold of their pair. Although no assigned names or initials were written on the shoes, everyone knew which pair belonged to whom, and often helped each other by stating "I found yours!" or "Here you go!" before even locating their own. The children knew this routine and proceeded to open the gate for playtime in the outside courtyard. Toys outside included coloring books, cars, swings, miniature playground sets, bubbles, and baby-dolls, and many of the kids gravitated towards the same activities each morning, singing along to a CD playing Christian tunes like "Jesus Loves You" on a loop as they colored in their books or ran around the courtyard.

As this field note suggests, morning activities were familiar, structured, and almost predictable. Although some children fought and cried over similar games, others peacefully enjoyed their time with new ones that caught their attention. Implementing and maintaining structure for 23 children is what the staff of Crossing Waters believed was necessary to uphold basic rights of children brought into their care and protection. Creating a consistent eating, sleeping, and playing schedule in the home required the staff to have a deep understanding of balancing basic needs. For example, meals were administered daily at 8AM (breakfast), 10AM (snack), and 11:30AM (lunch). Prior to eating, children stood in single file outside the bathroom and waited for their turn to wash their hands and then proceeded to the dining table. Once seated, all the children said a short prayer over the food in unison with their eyes closed, hands folded, and elbows off the table.

As caretakers were most influential for implementing practical structure into the home, they also believed it was vital to incorporate consistent strategies to encourage participation, particularly through discipline

while eating and playing. For example, if children engaged in disruptive or inappropriate behavior, such as leaving the line to wash hands, discarding food to the floor, or excessively arguing over toys, caretakers reprimanded children in a manner that encouraged reflection and age-appropriate discussion. Reprimands often included placing the children in "time-out," where they were sent to their respective beds or common spaces for the remainder of a recreational activity. During those periods, caretakers occasionally revisited the child, and asked questions like "Do you understand why you are in trouble?" or "Why are you ready to leave time-out?" These conversations were usually with the children 4 years and older, and often staggered throughout the "punishment" period. Caretakers admitted that it was particularly difficult to hold such discussions with the children; however, once kids were able to achieve their "calmness" by responding to the inquiries, reintegration to the afternoon activities was permitted. Amid tears, temper tantrums, and flailing bodies to the floor, structuring these punishments was not simply to regulate behavior, but also to bridge connections between caretakers and children. Ultimately, the goal was that by the end of punishment, each child should demonstrate, either verbally or through gestures, why they were ready to continue with the day's normal activities. Caregivers approached modes of punishment with a similar framework but adapted the conversations to fit the temperament and needs of the individual – some kids were more readily able to explain their frustrations providing testaments such as "X hit me and I was sad," while others sat in silence until the punishment was over despite questioning. If a child's behavior was not necessarily due to a rule violation, but due to excessive frustration during games or snack time, caretakers provided consolation by either holding the child or rocking them to ease.

Outside of maintaining structure through disciplinary measures, the caretakers prioritized recreational activity as means for child participation. There was an intentional effort by the staff to structure playtime and recreation throughout certain points of the day and outside the normative schedules. For example,

beach days and water games were some of the children's favorite activities, alongside building sandcastles and playing in inflatable pools, where they gathered amongst themselves and with caregivers. Other activities involved Vacation Bible School, special days for painting nails, and large inflatable bouncy houses that the manager rented on occasions. Vacation Bible school was considered one of the most important recreational activities to the Crossing Water staff – it encouraged the children to learn various biblical stories, which was reinforced with prayer times before meals and biblical CD tracks played during daily activities in the courtyard. Children enjoyed retelling their versions of bible stories and hearing the same songs on the audio during play time. The staff attempted to create a sanctuary for the children, making activities predictable but also engaging, to promote creativity, interaction, and leisure. Within a four-week period, caregivers, managers, and facilitators of the Crossing Waters demonstrated their commitments and understanding of physical activity and a wide range of play is an inalienable right referenced in Article 31 of the UN Convention on the Rights of the Child (UNICEF): Children at various stages of development at Crossing Waters, and in any context, should be provided with the opportunity to enable carefree, positive interaction with caregivers, peers, and other facilitators of their wellbeing. In addition, activities that deviated from the scheduled “playtime” allowed the children to engage in more diverse movement and action appropriate for their ages and enact their very basic right of experiencing the joy and pleasure of childhood.

Structuring discipline, recreation, and basic provisional needs, according to staff, was foundational for children under their protection. Because children at Crossing Waters lived in atypical conditions, sharing rooms and meals with over 20 other children, the structure set a precedent for behavior. It enabled children to develop an understanding of appropriate boundaries, differences between right and wrong, especially when interacting with other children at their age. In interviews, the manager expressed awareness of how much change each child had undergone both

before and upon arrival to the Crossing Waters. This included moving houses, removal from the custody of parents or guardians, restricted family visits, and witnessing their peers who resided in the home depart unexpectedly for family reintegration. Thus, her hope was to limit the impact of instability and emotionally distressing events by providing certainty and security through consistent relationships with caretakers and offering diverse activities throughout the day to reinforce elements of childhood experience that she believed were likely absent from previous living conditions. These provisions could then result in improved communication and relationships between children and staff to facilitate opportunities for participation.

Unpacking the Final Key

It is a complex matter to address the social needs and rights of children under government care and protection while taking account of community-specific needs and translating universal rights into locally relevant practices. My ethnographic methodology, featuring observations and in-depth interviews, evaluated practices used by the Children’s Rights Bureau and Crossing Waters children’s home to address abuse, neglect, and mistreatment of children systematically and empathetically in Manchester, Jamaica, while encompassing the fundamental goals of the United Nations CRC. Human rights in practice reflects vernacularization, a process of translating global human rights theory by local institutions to remain both practical and socially relevant to national and community contexts (Merry 2006).

The CRB emphasized the importance of participation rights into the facility itself by strategically situating posters in the local office and by allowing children to testify during intake processes. House visits conducted by social workers, field investigators, and children’s officers allowed children to incorporate their views concerning personal and family conditions while in their own home. This promoted constructive conversation not only between government officials, but also between parents and their children to increase transparency where it was lacking. Providing opportunities for young people to participate in

legal proceedings and disclose personal views was meant to reduce exclusion from matters that typically centered adults, counteract anxiety and distress from adverse childhood experiences, and increase willingness to personally and independently report cases of maltreatment to justice programs, especially if parents/guardians were the source of brutalization. The CRB demonstrated a commitment to understanding children's participation and the ways it was affected by parents, by organizing community outreach presentations, workshops, and projects in local schools that contextualized the role of human rights practice in daily life. During workshop sessions, some parents admitted having trouble communicating with their children and initiating discipline that was constructive, rather than destructive to the relationship with their middle-school aged children. CRB offered suggestions, such as engaging with children during their favorite activities to mend fractured relationships, reinforcing positive behaviors in children through verbal affirmation, or committing to open communication to encourage dialogue amid power dynamics. These were strategies many parents found were absent from their daily routines but were willing to try to promote healthy relationships and to ensure children felt prioritized.

Examining the CRB's role within intake sessions, workshops, and investigatory measures, it was clear the organization paid close attention to the role of parents in the participation of their children. Current challenges and tensions in participation rights theory suggest that if parents are unwilling to acknowledge power dynamics or to create shared spaces of authority with children (McMellon and Tidsall 2020), opportunities for participation will cease and adult agendas will remain at the forefront of child care and development. Often, it is easy to confine parenting and guardianship to "providing and protecting," and thus, child rights become coupled to conventional belief systems that characterize children as vulnerable or submissive in exchange for these resources. Thus, the CRB narrated clearly to parents that participation should exist as an integral part of care, in order to decrease rates of human rights negligence. Regularly engaging with the

community helped expand social conceptualizations and understandings of a child's role in the home, while providing supportive resources to diversify human rights strategies for care and modes in parenthood that uplift children.

Vernacularizing human rights in government based residential facilities required a distinct approach, as these institutions provided sanctuary and safety for childhood victims of abuse and abandonment. Because many children in the youth home experienced brutalization, Crossing Waters established a suburban residence with little to no exposure to the main city. Drawing on social learning theories, this intentional barrier could be interpreted as an effort for resocialization – to create physical boundaries between the surrounding environment to decrease the likelihood of developing maladaptive behaviors as a result of emotionally distressing vectors (Leff 2009). The staff at Crossing Waters maintained provisional rights of children, which included but were not limited to food, nutrition, hygiene, and healthcare. By implementing a structured environment within a home of 20+ children, especially through meals, leisure, and surprise activities, caretakers, managers, and employees of the facility demonstrated their ability to protect and provide – a similar role and function occupied by traditional guardians as we commonly see in human rights narrative.

However, vernacularizing participation within the foundations of human rights is only possible through "those who translate the discourses" of international human rights into sustainable norms that directly impact the community (Merry 2006, 39). In Manchester, Jamaica, translating these macro-level principles of human rights to micro-level processes relied on both caretakers, who developed rich and sincere relationships with the children at Crossing Waters, and staff members at the CRB staff with extensive experience in the development of children's human rights policy. Because caretakers knew the daily behaviors and temperaments of children – such as preferred foods, favorite games and hairstyles – their attention to detail optimized the provided care and general wellbeing of children in the home. Caretakers functioned as translators for

participation rights by facilitating structured time for leisure, recreation, and creativity in the groups. For example, when caretakers braided hair styles that were chosen by each child and complemented individual hair length and texture, they nurtured a space for young girls to develop confidence in their appearance. In addition, encouraging children to select shoes and assist one another, offering support during medical visits, and creating dialogue during discipline reflected opportunities to execute autonomy even in the most ordinary moments.

Because the Crossing Waters staff nurtured rich relationships with the children through the administration of both protective and provisional rights, these heartfelt and sincere dynamics improved communication and strengthened opportunities for children to execute participatory rights in an age-appropriate manner. Human rights staff and caretakers were cognizant and sensitive to the backgrounds of each child, being that most came from homes of low socioeconomic status. Current challenges in participation rights suggest that children who have experienced poverty typically have fewer resources and unequal opportunities to embrace participation (Leff 2009). Thus, caretakers utilized their understanding of the social context and childhood realities in Manchester to establish a home where foundational elements of participation rights, which were possibly missing from previous conditions, instead were fostered under the care and protection of the state. I argue that from immersive opportunities to participate in legal proceedings to simple discussion that encouraged play time and leisure, the “translators” of Crossing Waters and the CRB worked to subtly equip children who were victims of brutalization with skills of independence, self-advocacy, and understandings of self-esteem that would help them on the path toward a bright future.

Conclusion

The United Nations Convention on the Rights of the Child framework to preserve the protection, provision, and participation rights of children remains foundational. Expanding the discourse on participation rights helps deconstruct our conventional perceptions that paint children as

incompetent or inferior. More specifically, vernacularizing participation rights for a subset of children who have endured maltreatment, abuse, and harm is only made possible through the work of those committed to child advocacy within their own context. Thus, as human rights guidelines continue to transform into culturally competent practices, it is important to recognize and honor the actors and initiatives that contribute to individualized care. This ethnographic study demonstrates how key institutions uphold children’s rights through their labor, diligence, and relationship-building. Their work remains the key to vernacular translation.

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References

- Alderson, Patricia. 2000. "UN Convention on the Rights of the Child: Some Common Criticisms and Suggested Responses." *Child Abuse Review* 9(6): 439-43.
- Bourne, Paul Andrew and Enid McLymont. 2020. "The Social Psychology of Violence on Children in an Urban School in Jamaica." *Insights of Anthropology* 4(1): 239-266.
- Chambers, Tania. 2007. *Act Right, Treat Me Right: A Guide to the Care and Protection Act*. Kingston, Jamaica: Child Development Agency. Available at <https://jis.gov.jm/media/CDA.pdf> (accessed February 9, 2022).
- Cohen, Cynthia Price, Rebeca Rios-Kohn, Stuart N. Hart, Barbara J. McKenzie, and Asoka De Z. Gunawardana. 1997. "The United Nations Convention on the Rights of the Child." *Proceedings of the Annual Meeting (American Society of International Law)* 91: 74-88.
- Convention on the Rights of the Child. 1991. New York: United Nations.
- Fernald, Lia C., and Julie Meeks-Gardner. 2003. "Jamaican Children's Reports of Violence at School and Home." *Social and Economic Studies* 52(4): 121-140.
- Gordon, Leonie Natalie. 2015. "Child Participation in Jamaica: Cultural Reality versus Idealism." *Social and Economic Studies* 64(1): 49-74.
- Leff, Stephen S., Calista Tulleners, and Jill C. Posner. 2009. "Aggression, Violence, and Delinquency." In *Developmental-Behavioral Pediatrics* (Fourth Edition), edited by William B. Carey et al., 389-96. Philadelphia: W.B. Saunders.
- McMellon, Christina, and E. Kay M. Tisdall. 2020. "Children and Young People's Participation Rights: Looking Backwards and Moving Forwards." *The International Journal of Children's Rights* 28(1): 157-82.
- Merry, Sally Engle. 2006. "Transnational Human Rights and Local Activism: Mapping the Middle." *American Anthropologist* 108(1): 38-51.

Samms-Vaughan, Maureen. 2009. "Comprehensive Longitudinal Studies of Child Health, Development, and Behavior in Jamaica: Findings and Policy Impact." *The West Indian Medical Journal* 57(6): 639-644.



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