



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/28/Add.22  
9 December 2003

Original: ENGLISH

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Initial reports of States parties due in 1995**

**ANTIGUA AND BARBUDA**

[4 February 2003]

## CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1 - 7	7
I. GENERAL MEASURES OF IMPLEMENTATION .....	8 - 26	8
A. Measures taken to implement the Convention's provisions (art. 4) .....	8 - 14	8
1. Measures taken to harmonize national laws and policies with provisions of the Convention .....	8 - 10	8
2. National or local mechanisms for coordinating policies and for monitoring the Convention .....	11 - 14	9
B. Measures to promote public awareness of the Convention (art. 42) .....	15 - 19	10
C. Measures to publicly circulate the report (art. 44, para. 6) .....	20 - 24	10
D. Concluding comments .....	25 - 26	11
II. DEFINITION OF THE CHILD (art. 1) .....	27 - 43	12
A. Definition of the child under the law .....	27	12
B. Age of majority .....	28 - 29	12
C. Age of criminal and civil liability .....	30	12
D. Juveniles .....	31	12
E. Compulsory school age .....	32	12
F. Age of employment - part-time and full-time .....	33	12
G. Age for child maintenance .....	34	13
H. Maximum age for adoption .....	35	13
I. Age of sexual consent .....	36 - 37	13
J. Age of marriage .....	38	13

**CONTENTS (*continued*)**

	<i>Paragraphs</i>	<i>Page</i>
K. Age under the Domestic Violence Act .....	39	13
L. Age for some purposes of citizenship .....	40	13
M. Concluding comments .....	41 - 43	13
III. GENERAL PRINCIPLES .....	44 - 63	14
A. Non-discrimination (art. 2) .....	44 - 45	14
B. Best interests of the child (art. 3) .....	46 - 49	14
C. Right to life, survival and development (art. 6) .....	50 - 56	15
D. Respect for the views of the child (art. 12) .....	57 - 61	16
E. Concluding comments .....	62 - 63	17
IV. CIVIL RIGHTS AND FREEDOMS .....	64 - 95	18
A. Name and nationality (arts. 7 and 8) .....	64 - 68	18
B. Freedom of expression (art. 13) .....	69 - 72	18
C. Access to appropriate information (art. 17) .....	73 - 77	19
D. Freedom of thought, conscience and religion (art. 14) .....	78 - 80	20
E. Freedom of association and of peaceful assembly (art. 15)...	81 - 82	20
F. Protection of privacy (art. 16) .....	83 - 84	20
G. Protection from inhuman treatment, torture or degrading punishment (art. 37 (a)) .....	85 - 92	21
H. Concluding comments .....	93 - 95	22
V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE .....	96 - 156	23
A. Parental guidance and responsibilities (arts. 5 and 18) .....	96 - 100	23
B. Separation from parents (art. 9) .....	101 - 103	23
C. Family reunification (art. 10) .....	104	24
D. Recovery of maintenance for the child (art. 27, para. 4) .....	105 - 112	24

# **CONTENTS (*continued*)**

	<i>Paragraphs</i>	<i>Page</i>
E. Children deprived of a family environment (art. 20) .....	113 - 127	25
F. Adoption (art. 21) .....	128 - 141	27
G. Illicit transfer and non-return (art. 11) .....	142 - 143	29
H. Abuse and neglect (art. 19) .....	144 - 149	29
I. Periodic review of placement (art. 25) .....	150	30
J. Concluding comments .....	151 - 156	31
VI. BASIC HEALTH AND WELFARE .....	157 - 214	31
A. Right to life, survival and development (art. 6) .....	157 - 159	31
B. Disabled children (art. 23) .....	160 - 174	33
C. Health and health services (art. 24) .....	175 - 192	35
1. Legislative provisions for health and health services .....	175	35
2. Primary health care/maternal and child health .....	176 - 184	36
3. Nutrition .....	185 - 186	37
4. Diarrhoeal disorders and malnutrition .....	187 - 190	37
5. Family planning .....	191 - 192	38
D. Social security and childcare services and facilities (arts. 26 and 18, para. 3) .....	193 - 207	38
E. Concluding comments .....	208 - 214	40
VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES .....	215 - 276	41
A. Education, including vocational training and guidance (art. 28) .....	215 - 226	41
1. Legislation .....	215 - 224	41
2. Administration and management of education .....	225 - 226	43

# **CONTENTS (*continued*)**

	<i>Paragraphs</i>	<i>Page</i>
B. The philosophy and aims of education (art. 29) .....	227 - 229	43
C. Institutional infrastructure .....	230 - 249	44
1. Pre-schools .....	230 - 234	44
2. Primary schools .....	235 - 238	45
3. Post-primary or all-age schools .....	239	45
4. Secondary schools .....	240 - 242	45
5. Tertiary level institutions .....	243 - 249	46
D. Technical and vocational education and training .....	250 - 260	47
E. Guidance and counselling programmes .....	261 - 264	49
F. Leisure, recreation and cultural activities (art. 31) .....	265 - 271	49
G. Concluding comments .....	272 - 276	50
VIII. SPECIAL PROTECTION MEASURES .....	277 - 304	51
A. Children in emergency situations (arts. 22, 38 and 39) .....	277 - 280	51
B. Children in conflict with the law (arts. 37, 39 and 40) .....	281 - 289	52
C. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37, paras. (b), (c) and (d)) .....	290 - 293	53
D. The sentencing of juveniles (art. 37 (a)) .....	294	54
E. Physical and psychological recovery and social integration (art. 39) .....	295 - 301	54
F. Concluding comments .....	302 - 304	55
IX. CHILDREN IN SITUATIONS OF EXPLOITATION .....	305 - 330	56
A. Economic exploitation (art. 32) .....	305 - 310	56
B. Drug abuse (art. 33) .....	311 - 321	57

**CONTENTS (*continued*)**

	<i>Paragraphs</i>	<i>Page</i>
C. Sexual exploitation (art. 34) .....	323	58
D. Sale, trafficking and abduction (art. 35) .....	324	59
E. Other forms of exploitation (art. 36) .....	325	59
F. Concluding comments .....	326 - 331	59
X. CHILDREN OF MINORITY OR INDIGENOUS GROUPS .....	332 - 339	60
XI. CONCLUDING COMMENTS AND REFORM PRIORITIES .....	340 - 352	61

Annexes\*

- I. Bibliography
- II. Laws and Acts referred to in the present report (short titles)

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\* Available for consultation in the files of the secretariat.

## Introduction

1. Antigua and Barbuda signed the Convention on the Rights of the Child (hereafter referred to as “the Convention”) in 1993. This initial report has been written to fulfil the mandate to indicate as far as possible the degree to which the nation has complied with the principles and provisions of the Convention. It covers the reporting period beginning in 1995 up to the preparation of this report in August 2001.
2. Antigua and Barbuda attained full independence on 1 November 1981. It is clear from our Constitution promulgated at that time that the Government and people of Antigua and Barbuda have given a high priority to the welfare of the nation’s children. The Constitution declares in chapter VIII that, for purposes of citizenship, the term “child” “includes a child born out of wedlock and not legitimated”. The authors of our Constitution knew from our nation’s history that children born out of wedlock tended to be discriminated against both socially and legally. They, therefore, took the laudable step to enshrine in our Constitution the basic right of the child to be legally protected against any discrimination that could result from the circumstances of his or her birth.
3. The Status of Children Act of 1987 complements this principle enshrined in the Constitution and ensures that all children have equal status in law. The main aim of this Act, as highlighted in its preamble, is “to remove the legal disabilities of children born out of wedlock”. Section 3 (a) of the Act states succinctly, “the status and the rights, privileges and obligations of a child born out of wedlock are identical in all respects to those of a child born in wedlock”.
4. Antigua and Barbuda is a small nation of two islands. The larger island of Antigua has a land area of 280 square kilometres and Barbuda that of 160 square kilometres. According to the census of 1991, the enumerated resident population of the two islands combined was 60,840: 29,638 males and 31,202 females. The preliminary census report on the recent census held in May 2001 puts the enumerated, resident population of the nation at 70,737. Of the current population, 33,643 persons are male and 37,094 are female. The data pertaining to the enumerated, resident populations of 1991 and 2001 show that there has been an increase of approximately 15.2 per cent in population size during the intercensal period.
5. Table 1 below shows the estimated population, by age group and sex, for the census year 1991.

**Table 1**  
**The estimated population of Antigua and Barbuda, 1991**

Age group	Male	Female	Total	Percentage
0-4	3 080	3 072	6 152	10.36
5-9	3 035	3 084	6 119	10.31
10-14	2 926	2 880	5 806	9.78
15-19	2 635	2 628	5 263	8.87

**Table 1 (continued)**

Age group	Male	Female	Total	Percentage
20-24	2 798	2 904	5 702	9.61
25-29	2 620	2 899	5 519	9.30
30-34	2 354	2 625	4 979	8.39
35+	9 164	10 651	19 815	33.38
Total	28 612	30 743	59 355*	100.00

*Source:* 1991 Census, Government of Antigua and Barbuda, Department of Statistics.

\* The enumerated population for which age and sex distribution data are available.

6. The statistics presented above indicate that in 1991, Antigua and Barbuda had a relatively young population. The 1991 census figures (the most recent available) recorded 18,077 children as being under the age of 15 years. It can be deduced, then, that the age group 0-14 years constituted 30.45 per cent of the population. Of significance also is the fact that young people under the age of 24 years accounted for 48.93 per cent of the population.

7. The trend of a relatively young population continues for the nation, as indeed for the Caribbean Region as a whole. The Government is fully cognizant of this population trend and is determined to provide adequately for its youthful, dependent population. It is committed to ensuring that the children of the nation, from the time of their birth, have every opportunity to fulfil their full potential - economically, politically, socially, culturally and spiritually.

## **I. GENERAL MEASURES OF IMPLEMENTATION**

### **A. Measures taken to implement the Convention's provisions (art. 4)**

#### **1. Measures to harmonize national laws and policies with the provisions of the Convention**

8. In 1992, under the auspices of the UWI/USAID Justice Improvement Project, a prominent female attorney-at-law conducted research to ascertain to what extent the existing local laws in Antigua and Barbuda complied with the requirements of the Convention. The study, which was prepared for the United Nations Children's Fund (UNICEF), is entitled "Implementation and Promotion of the Convention on the Rights of the Child - A Comparison of the Laws of Antigua and Barbuda with the UN Convention" (Murdoch, 1992). Through a rigorous analysis, the study compares the articles of the Convention with provisions in the local laws that address the issues raised in the Convention. The author also points out areas in the local laws that are deficient in protecting the rights of the child.

9. Copies of the Convention, together with the 1992 study by Murdoch, were widely circulated to the relevant government ministries, departments and agencies as well as to NGOs. The Government recognized then that it needed to bring several of its laws in line with the



requirements of the Convention. With this in mind, over the years a number of existing laws have been revised and updated and new ones brought into being that offer further protection to children.

10. Three notable legal measures that have been taken to implement the provisions of the Convention are:

(a) The Sexual Offences Act of 1995. This is new legislation that addresses, among others, the issue of incest - an issue that was neglected in earlier laws. The law now offers children adequate protection against incestuous relationships. This Act will be discussed in more detail later on in the present report;

(b) The Domestic Violence (Summary Proceedings) Act of 1999. Women's organizations, led by the Directorate of Gender Affairs, campaigned long and hard to get domestic violence recognized as a serious and legitimate concern, worthy of legislation to deal with the perpetrators. This Act constitutes a landmark legislation in protecting the rights of both children and women - the main victims of domestic violence. The Act protects not only the biological children of householders, but also any child who resides in a household on a regular basis or a child of whom either the man or the woman is guardian;

(c) The Magistrates Code of Procedure (Amendment) Act of 1993. This latest revision of the laws governing the maintenance of children has sought to increase the minimum amount of money paid as child maintenance by delinquent fathers. It also introduced a "means test" whereby the court has discretionary powers to order fathers to pay more than the minimum in child support according to their level of income.

## **2. National or local mechanisms for coordinating policies and for monitoring the Convention**

11. In its planning and allocation of resources, the Government is aware of the importance of focusing on the youth and children of the nation. There is currently in existence a Ministry of Youth Empowerment, Sports, Carnival, Culture and Community Development that oversees all aspects of the development of the youth of the nation.

12. In 2000, the Cabinet of Antigua and Barbuda mandated the Ministry of Planning, Implementation and Public Service Affairs to produce a four-year development plan for the nation. A broad-based, consultative committee was inaugurated which formulated a National Strategic Development Plan for the period 2001-2004. One of the key areas of concern recognized by the planners was the need "to create a single comprehensive policy, designed to promote youth access to the competencies and character development required to be fully prepared adults, effective citizens and well-equipped leaders".

13. The Ministry of Youth Empowerment, Sports, Carnival, Culture and Community Development has indeed produced a draft National Youth Policy that is currently being reviewed for enactment into law.

14. Ten critical issues were identified as the initial components of a National Youth Policy. All 10 issues relate directly to the need to recognize and implement the rights of children and youth. These national guidelines for youth empowerment closely resemble the provisions of the Convention in many respects and will be mentioned from time to time throughout the present report.

**B. Measures to promote public awareness of the Convention  
(art. 42)**

15. The Murdoch study mentioned above formed the basis of the work of an informal committee that started meeting in 1993 to study the provisions of the Convention and to formulate strategies for its implementation.

16. The committee agreed that parents constitute a critical interest group that most certainly would be concerned with the rights of the child. The committee focused on a group of parents whose children were involved in the Christian Children's Fund (CCF) - an international agency that offers financial support for needy families as well as practical programmes for poverty alleviation among the poorest sections of the society. CCF is no longer operating in the nation today, but it was very active for several years in the promotion of the rights of the child.

17. In 1993, CCF held several workshops with members of the families that were a part of its aid programme. These workshops discussed the articles of the Convention and showed families how, at the personal, individual level, they could act always in the best interests of the child. Local practices such as the widespread use of corporal punishment were held up to scrutiny. Positive measures to curb this practice were presented, together with suggestions of alternative forms of discipline.

18. A local Committee on the Rights of the Child was formally inaugurated in 2000 to monitor the implementation of the Convention and to further promote and enhance awareness thereof. This Committee is determined to further the work of the earlier committee that had conducted several workshops for parents, mainly under the auspices of CCF. This local committee has a further mandate to assist in the preparation of the initial report of Antigua and Barbuda to the Committee on the Rights of the Child and to circulate the report to as wide an audience as possible.

19. The local committee comes under the auspices of the Ministry of Health and Social Improvement and is comprised of members drawn from a wide cross-section of agencies and organizations - both governmental and non-governmental. The membership includes health workers, social workers, economic planners and representatives of associations for the disabled, the teaching profession, the legal profession, the police, the churches and several other NGOs that are concerned with the status and welfare of children.

**C. Measures to publicly circulate the report (art. 44, para. 6)**

20. The local committee on the Rights of the Child is fully committed to publicizing the report to all sectors of the society. On completion of the report, as a first step, the draft was circulated in October 2001 and discussed at a consultative forum of all the stakeholders,

particularly young people and the members of the organizations and agencies represented on the committee. Their comments and input, which were vital to the accuracy of the report and its successful implementation, have been taken into consideration in the final version of the report.

21. The Government, through the local committee, has further plans to circulate the final report. Copies of the report will also be placed in the Public Library and other libraries such as the University Centre Library. The committee also plans to insert an advertisement in the local papers notifying persons of the publication of the report and its availability in libraries.

22. As a second step, the local committee has put together a programme of a week of activities to celebrate children and to focus on their rights. Places of faith (which are mainly churches in Antigua and Barbuda) will be asked to start off the week of activities by setting aside some time in their weekly programmes to zero in on issues affecting children. The highlight of the week will be a second public forum - a multisectoral consultative workshop involving all the relevant governmental agencies and NGOs that are concerned with the welfare of children. Children, themselves drawn from various schools and youth organizations, will be a critical part of the review process. They will be invited to participate fully in the workshop on an equal footing with adults.

23. The main aim of such a workshop is, first, to examine to what extent the nation of Antigua and Barbuda has complied with the provisions of the Convention as set out in the report. An equally important secondary aim is to put forward strategies for the implementation of those that are not yet in place. It will be made clear to all the participants that they can make additional copies of the report for further circulation, if they so wish. There is evidence that the format of a workshop (or seminar) that brings together participants from many disparate groups - all with a common focus - has great validity. Such a forum was highly successful in publicizing the Beijing Report that was prepared for the Fourth World Conference on Women, held in Beijing in 1995.

24. The local Committee sees the media as being crucial to the widespread dissemination of information contained in the report. Panel discussions on the local television stations and popular radio programmes are envisioned to take place. Again, the committee is aware that the radio and television audiences appreciate such programmes. They tend to attract large audiences all across the nation and in the neighbouring islands in the Eastern Caribbean.

#### **D. Concluding comments**

25. The Government has already taken steps to bring local laws and policies in compliance with the requirements of the Convention. There is need, however, for sustained effort to bring about full compliance. It is clear that some groups and individuals in the society have some knowledge of the rights of the child that are enshrined in the Convention. However, a more systematic initiative must be undertaken to ensure that the majority of persons (if not all persons) in Antigua and Barbuda know of the Convention and the Government's role in implementing its provisions.

26. The work of the local Committee on the Rights of the Child, as outlined above, is crucial in further enhancing public awareness of the Convention on the Rights of the Child.

## **II. DEFINITION OF THE CHILD (art. 1)**

### **A. Definition of the child under the law**

27. There is no single, uniform definition of the child that holds true for all circumstances. Under the Status of Children Act of 1987 which deals with a wide range of issues affecting children, the term “child” includes a person who has attained the age of 16 years. However, for a number of different purposes, activities and responsibilities, the law uses various terms such as “child”, “infant”, “minor”, “juvenile” and “young person” to define persons below the age of 18 years. The most salient of these definitions are discussed below.

### **B. Age of majority**

28. The Age of Majority Act of 1984 states that for purposes of the law in question and unless otherwise stated in this particular law, the age of attainment of majority is 18 years. This Act does not use the term “child”, but speaks of “infants” and “minors” as persons being under the age of 18 years.

29. The age of majority is the age when a person has the right to vote. It is also the legal age for obtaining a driver’s licence. However, a permit to learn to drive, accompanied always by an adult driver, may be obtained at age 16.

### **C. Age of criminal and civil liability**

30. Under the Magistrates Code of Procedure, Cap. 255, a “child” for the purpose of criminal liability means a person, who, in the opinion of the magistrate before whom he is brought, is under the age of 14 years and of sufficient age and capacity to commit a crime. For the purposes of quasi criminal and civil liability, a “child” means a person under the apparent age of 16 years. In addition, by an amendment to this Act, No. 17 of 1973, a “young person”, for the purpose of criminal liability, means a person who, in the opinion of the magistrate before whom he is brought, is between 14 and 16 years of age.

### **D. Juveniles**

31. The Juvenile Act, Cap. 42, of 1951 defines a “juvenile” as any person under the age of 16 years. The Act also states that a person under the age of 8 years cannot commit a crime.

### **E. Compulsory school age**

32. The Education Act of 1973 stipulates that all children between the ages of 5 and 16 years are to stay in school. Thus, the compulsory school age is 16 years.

### **F. Age of employment: part-time and full-time**

33. Under the Antigua and Barbuda Labour Code of 1975, a “child” is defined as a person under 14 years. Division E of the law provides that no child can be employed in a public or private industrial undertaking, or on any ship. A child can only be employed in a family venture on a part-time basis, that is, after school hours. There can be no full-time employment of any person under 16 years since the compulsory age for remaining in school is 16 years.

### **G. Age for child maintenance**

34. The Maintenance of Children Act, Cap. 49, defines a “child” as a person under the age of 16 years. Maintenance that is ordered by the court ceases when the child attains the age of 16 years.

### **H. Maximum age for adoption**

35. The Adoption of Children Act, Cap. 343, defines an “infant” as a person under the age of 18 years. No one over the age of 18 years can be legally adopted.

### **I. Age of sexual consent**

36. According to section 5 of the Sexual Offences Act of 1995, no female person under the age of 14 years can legally give her consent to an act of sexual intercourse. Thus the age for the “statutory rape” of a female is 14 years. But section 6 of the Act still makes it an offence for a male person to have sexual intercourse with a female person if she is between 14 and 16 years, even if she gave her consent. (In the latter case, the offence carries a lesser penalty than if she were less than 14 years of age.) Section 7 of the same act similarly infers that no male child under the age of 16 years can give his consent to sexual intercourse. Thus the age of sexual consent for both females and males is 16 years.

37. The law specifically protects certain categories of minors (persons under the age of 18 years) from sexual abuse. Those who are adopted, stepchildren, foster children, wards and also those who are employed are mentioned in particular. Any adult who has sexual intercourse with any of these minors is guilty of an offence whether the minor consented or not. The exceptions to these provisions are persons who are spouses.

### **J. Age of marriage**

38. The Marriage Act, Cap. 347, places a restriction on marriage in cases of “minority”. The Act defines a “minor” as a person under the age of 18 years. In cases where a minor wishes to be married, the consent of a parent must be given.

### **K. Age under the Domestic Violence Act**

39. Under the Domestic Violence (Summary Proceedings) Act of 1999, a “child” is defined as any person under the age of 18 years.

### **L. Age for some purposes of citizenship**

40. The Antigua and Barbuda Citizenship Act of 1982 defines a “minor” as a person under the age of 18 years.

### **M. Concluding comments**

41. It can be seen from the foregoing that the definition of the child has to be taken in context. However, despite the various definitions that exist in the local law for persons under the age of 18 years, it is clear that for the purposes of his own criminal liability, a child is a

person 14 years or over. For the purpose of his own civil responsibility, the law recognizes the status of a young person who is between 14 and 16 years. However, in several instances, the law makes no specific mention of how to treat persons who fall within the age range of 16 to 18 years. In practice, unless otherwise indicated, such persons are regarded as having full responsibility for their actions whether in criminal or civil matters.

42. When a child who is an offender comes before a magistrate or juvenile court, he is treated as a “juvenile”. It will be remembered that a juvenile is defined as a person under the age of 16 years. Special provisions are set up to deal with such persons who are afforded some measure of protection because of their age. (Some of these provisions will be dealt with later on in section VIII below.)

43. For purposes of the prevention of cruelty to children and in those circumstances where they need care and protection, the relevant age for defining a child is under 16 years of age. It will be noted that these are situations where some other person has responsibility towards the child. But, for purposes of adoption, marriage or citizenship, the law uses the terms “infant” or “minor” to refer to persons under the age of 18 years.

### **III. GENERAL PRINCIPLES**

#### **A. Non-discrimination (art. 2)**

44. Chapter II of the Constitution sets out the fundamental rights and freedoms of individuals. These are covered in sections 3-21 of the Constitution. The Constitution protects all persons from being treated in a discriminatory manner. In chapter II, section 14, “discriminatory” means “affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions or affiliations, colour, creed or sex ...”.

45. Children are not mentioned specifically, but as citizens or persons living in the State, they are entitled to the same fundamental rights and freedoms as anyone else.

#### **B. Best interests of the child (art. 3)**

46. Provisions relating to the best interests of the child occur in several statutes and laws. Of particular importance are the laws that relate to the best interests of the child in situations where the child’s life, liberty or happiness may be jeopardized. Some examples of the relevant laws are presented below.

47. The Adoption of Children Act, Cap. 343, section 4, provides that “the court before making an adoption order shall be satisfied that the order if made will be for the welfare of the infant, due consideration being given for this purpose to the wishes of the infant having regard for the age and understanding of the infant”. (It will be remembered that an infant in this Act is defined as any person under the age of 18 years.)

48. The Guardianship of Infants Act, Cap. 345, section 3, states that “where in any proceedings before any court the custody or upbringing of an infant or the administration of any property belonging to the infant is in question, the court in dealing with the question shall regard

the welfare of the infant as the first and paramount consideration". The Act does not define "infant", but for purposes of guardianship matters, an "infant", according to the Age of Majority Act of 1984, is a person under 18 years of age.

49. The Juvenile Act, Cap. 42, section 4, under the heading "General Consideration for Guidance of the Court" states that "every court in dealing with a juvenile who is brought before it as being in need of care or protection or as an offender or otherwise shall have regard to the welfare of the juvenile and shall, if it deems it necessary, take steps for removing the juvenile from undesirable surroundings".

### **C. Right to life, survival and development (art. 6)**

50. One of the fundamental rights and freedoms enshrined in chapter II of the Constitution is the right to "life, liberty, security of the person, the enjoyment of property and the protection of the law". The Constitution also provides in section IV that "no person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of a crime of treason, murder, of which he has been convicted".

51. Under section 50 of the Interpretation Act of 1982, "persons" are defined as legal or natural persons. Children are covered by this definition and are thus guaranteed this (and other rights) under the Constitution.

52. The Offences Against the Person Act, Cap. 58, deals with the penalties imposed when the life of any child is wilfully taken. This Act refers to offences against the life of a child such as infanticide, child concealment and child destruction. Thus it can be argued that this law recognizes the inherent right of the child to life.

53. Children not only have a fundamental right to survive, but they also have a right to develop their full potential. Of crucial importance in this regard is their right to a healthy life in a healthy environment where they can learn and grow. The Government of Antigua and Barbuda has made provisions to ensure that children survive and develop as fully as possible. The Government spends the greatest proportion of its budget on health and education, two areas of life that are crucial to the development of the whole child. The only area of allocation of resources that, over the years, has exceeded both health and education is the repayment of the public debt which takes on average 18-20 per cent of government expenditure every year.

**Table 2**

#### **Government expenditures on health and education for selected years and estimates for 2001 (in millions of EC dollars)**

Area of allocation	1993	%	1995	%	2000	%	2001	%
Ministry of Education	39.6 m	14.5	40.2 m	12.5	53.3 m	9.9	59.8 m	11.69
Ministry of Health	37.1 m	13.5	44.1 m	13.7	64.4 m	12.0	67.0 m	13.09
Total expenditure	274.3 m	100.0	322.5 m	100.0	536.5 m	100.0	511.8 m	100.0

*Source:* Antigua and Barbuda Estimates of Recurrent Revenue and Expenditure.

54. From the statistics presented in the table above, it can be seen that up to 1995 the Government of Antigua and Barbuda spent at least 25 per cent of its budget on health and education - the two basic social sectors. It will be observed that the table shows a percentage decrease in total government expenditure in the education sector from 14.47 per cent in 1993 to 12.47 per cent in 1995 to only 9.9 per cent in 2000. This decrease can be partially accounted for by the fact that the Government passed the Board of Education Act in 1994, by which the Board of Education has the authority to collect an education levy from working persons. The sums of money thus accruing to the Board are used in the education sector, together with the usual budgetary allocations.

55. According to statistics presented by Fabio Sabatini in a paper entitled "National Budgets and the Rights of the Child", in the period 1991-1994, the Government of Antigua and Barbuda had a social allocation ratio of 37.2 per cent of its total expenditure (Sabatini, 1995). It must be noted that, despite the high level of participation of the Government in the economy of the nation, this allocation to basic social services fell short of the 40 per cent social allocation ratio, recommended by UNICEF.

56. Details on the health and education status of the nation's children are discussed in subsequent sections.

#### **D. Respect for the views of the child (art. 12)**

57. There are no local laws that address this issue directly. Under the Constitution of Antigua and Barbuda, every person has the fundamental right to freedom of expression as well as freedom of thought, conscience and religion. Children, as citizens of the State, are obviously intended to enjoy these fundamental freedoms. However, as will be discussed later in the section on freedom of expression, there are local initiatives that seek to give children an opportunity to express their views without prejudice.

58. The right of the child "to be heard in any judicial and administrative proceedings affecting the child", as stated in article 12 of the Convention, is duly regarded and is clearly respected in the provisions of the Adoption of Children Act, Cap. 343, section 4 (b). As was mentioned earlier on, according to this Act, the court, before making an adoption order, shall be satisfied that the wishes of the infant (a person under the age of 18 years) are taken into account, having regard to the infant's age and understanding.

59. Section 15 of the Constitution of Antigua and Barbuda gives every person the right to a "fair hearing" when charged with a criminal offence. This right applies to children as well as adults. Persons so charged are also entitled, if they so wish, to defend themselves before the court or to use the services of a legal practitioner of their choice. However, if the case before the court is an administrative matter and not a judicial one, the law does not speak specifically of the issue of the child's right to be heard, except such a right is subsumed under the "*audi alteram partem*" rule. ("Let the other side be heard" rule.)

60. It must be noted here as well that the issue of respect for the views of the child is coming increasingly to the fore in public and private debate. Several family-oriented agencies and



organizations continue to hold “parenting workshops” where, more and more, the principle that children have rights is aired and discussed. Four such organizations that over the past 10 years or so have been conducting seminars and workshops for parents and their children are:

- The Christian Children Fund (CCF) - an NGO;
- The Directorate of Gender Affairs - a government agency;
- The Family and Guidance Centre of the Collaborative Committee for the Promotion of Emotional Health in Children (CCOPE) - an NGO;
- The Health Education Unit of the Ministry of Health and Social Improvement.

61. More will be said about the aims and objectives of CCOPE later on. However, the excellent work of the Health Education Unit in educating both parents and children on their mutual rights and obligations must be documented. With funds from a special PAHO project, the Health Education Unit established a number of very active, very focused, peer counselling groups in the early to mid-1990s which met regularly after school hours to discuss issues that the teenage members themselves were interested in. Although trained counsellors were there to guide them, the teenagers generally set their own agendas and were encouraged to speak freely. The parents of the teenagers also came together in regular sessions, sometimes with their children and sometimes by themselves. The programme of peer counselling has since come to an end, but parenting workshops still continue.

### **E. Concluding comments**

62. The right of the child to be heard is clearly a fundamental right that is guaranteed in the Constitution of Antigua and Barbuda. Whether or not the views of children are respected is often deeply embedded in cultural norms that set the standards for what is considered appropriate behaviour for children. Clearly, children in Antigua and Barbuda are given opportunities to air their views. However, it would be remiss not to mention here that culturally, in the Caribbean, children (in this context, school-age children) do not generally feel free to air their opinions on many subjects in front of adults except when called upon specifically to do so. But as discussed above, there is a growing awareness among our people that children should be given more opportunities to speak out on all issues.

63. The growth in pre-school education has caused a concomitant increase in the exposure of young children to influences other than those of their immediate families. In most instances this has been a healthy development. It has meant more freedom for very young children to express themselves and to meet other children - children who may be quite different from them. The social interactions thus engendered outside a family setting tend to encourage growth and tolerance in young minds. The Government is pleased at the marked increase in early childhood education and has taken positive steps to monitor and regulate all aspects of the operation of the nation's pre-schools.

#### **IV. CIVIL RIGHTS AND FREEDOMS**

##### **A. Name and nationality (arts. 7 and 8)**

64. The laws of Antigua and Barbuda are in keeping with articles 7 and 8 of the Convention. Chapter VIII of the Constitution defends the basic right of all citizens of Antigua and Barbuda to a name and nationality. Provisions for these are also made in the laws pertaining to the registration of births and deaths. Such general principles apply automatically to children.

65. Section 17 of the Births and Deaths (Registration) Act, Cap. 344, requires notice of the birth of a child to be given within 30 days of the birth. However, according to section 23, it is still within the law to register a birth up to six months after the child is born. Section 30 allows registration after six months only with the written authority of the registrar. Where a newborn child is found, the notice must be given within seven days.

66. Today, most of the births in the nation occur in hospitals; therefore these establishments generally take the responsibility of registering such births. At the General Register Office, the following particulars about the child must be stipulated: the date of birth, the sex, the name or proposed baptismal name and the name of the mother and father if the child is legitimate.

67. A child's surname establishes his or her identity to one or both parents. Up until the passing of the Status of Children Act, in 1987, if the parents of a child were not married, the child's right to a surname was restricted to using that of his or her mother. Now, under this Act, with his or her father's consent upon application of his or her mother, a child born out of wedlock is entitled to have his or her father's name registered on the occasion of his or her birth. As a consequence, if the parties so desire, such a child can now carry his or her father's name. On adoption, a child usually assumes the surname of the adoptive parent(s).

68. The Constitution of Antigua and Barbuda provides that a person shall not be deprived of his or her nationality except in certain prescribed situations. The Constitution also guarantees the right of citizenship of all children born in Antigua and Barbuda. This right holds true for the children of immigrants as well. The right to citizenship is also guaranteed to persons born outside the State under certain circumstances. According to chapter VIII, section 112, a person has the right to become a citizen of Antigua and Barbuda "if either of his parents or any one of his grandparents was born therein or was registered or naturalized while resident in Antigua".

##### **B. Freedom of expression (art. 13)**

69. The right of the child to freedom of expression as required by the Convention is guaranteed for all in the Constitution. The issue of freedom of expression is not addressed specifically with respect to children, but as citizens, they are entitled to such rights. Chapter II, section 12, states that "except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression". It continues thus: "For the purposes of this section, the said freedom includes the freedom to hold opinions without interference, freedom to disseminate information and ideas without interference (whether the dissemination be to the public generally or to any person or class of persons) and freedom from interference with his

correspondence or other means of communication. For the purposes of this section expression may be oral or written or by codes, signals, signs or symbols and include recordings, broadcasts (whether on radio or television), printed publications, photographs (whether still or moving), drawings, carvings and sculptures or any other means of artistic expression.”

70. There is no known instance in Antigua and Barbuda of a child having been legally deprived of his or her right to freedom of expression.

71. In 1993, the Government founded an organization called “The Alliance For Social Well-Being” with a focus on youth. (The objectives of this organization will be discussed more fully later on in the section on education - section VII-C.) Among other activities, the Alliance holds an annual “Youth Symposium”, which seeks to provide a forum for children and youth to share information and exchange views. They express themselves publicly on current affairs and issues such as HIV/AIDS, drug awareness, cultural consciousness and civic pride. Delegates - ranging in age from 11 to 18 years - are invited from all the major primary and secondary schools in the country for two days of discussions and deliberations. Delegates to the symposium generally number about 250. Adult facilitators introduce the topics, but the children themselves lead the group discussions and make presentations at plenary sessions.

72. The draft National Youth Policy also has as one of its key areas of concern the issue of youth participation in decision-making.

### **C. Access to appropriate information (art. 17)**

73. There is no local legislation that directly addresses the issue of the function of the mass media in providing information or access to information for children. As discussed above, the Constitution guarantees the freedom of expression for every individual. This, quite rightly, applies to all children.

74. From time to time, there are local television and radio broadcasts that are aimed specifically at children. The local newspapers sometimes carry pages that are designed specially for children.

75. Most television programming is imported from the United States of America via satellite. Whereas it must be acknowledged that there are excellent programmes for children on the major television networks, there is also cause for alarm at the growing images of violence and explicit sex that are being shown on cable television. Some of these images are shown at times when children are likely to be viewing. The same comment could be made for the Internet. Access to the Internet is becoming increasingly available to persons at all levels of the society. To date, the Government does not have any formal mechanisms for censoring either television programmes or access to material on the Internet.

76. The Ministry of Education monitors all the books that are used in all primary and secondary schools. The Board of Education (set up in 1994 through the Board of Education Act) manages a Textbooks Scheme that provides the majority of textbooks to be used in all of the public and private schools. The exceptions are those few, specific texts - usually of a religious nature - that are used in private church-run schools.

77. Apart from the appropriate, age-specific information that is provided in the curricula of schools, the Public Library has a children's section that stocks both fiction and non-fiction books for children. Access to the Public Library is free and available to all. Most of the nation's schools also have school libraries with age-specific books to which the children have access.

#### **D. Freedom of thought, conscience and religion (art. 14)**

78. The laws of the nation are consistent with this right of the Convention. The Constitution states in chapter II, section 11, that: "Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this section the said freedom includes freedom of thought and religion, freedom to change his religion or belief, and freedom, either alone or in community with others, both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance."

79. Section 11 of chapter II of the Constitution protects the rights of persons under the age of 18 years who are attending a place of education not to be required to receive any "religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his own". In order for him to do so, the consent of his parent or guardian has to be given.

80. About five years ago, there was some controversy in the educational system as to whether or not the children of the Rastafarian faith had to cut off their locks if they wanted to attend government schools. This issue was resolved very quickly in favour of the constitutional right of Rastafari children to attend school wearing their hair in locks according to their religious beliefs. Today, many Rastafari children attend both public and private schools wearing their hair in locks and no one has the right to pressure them to cut off their locks.

#### **E. Freedom of association and of peaceful assembly (art. 15)**

81. This right is guaranteed under the Constitution for all, including children. Chapter II, section 13, states that "except with his own consent, no person shall be hindered in the enjoyment of his freedom of peaceful assembly and association, that is to say, his right peacefully to assemble freely and associate with other persons and in particular to form or belong to trade unions or other associations for the promotion and protection of his interests".

82. Children and youth in the nation are free to organize clubs, associations and any type of assembly without any interference from the law. Indeed, there are numerous youth organizations that operate out of schools, churches and NGOs that address the concerns of children and youth specifically.

#### **F. Protection of privacy (art. 16)**

83. The Constitution acknowledges the right to privacy of individuals. Chapter II, section 3, states that a person has "protection for his family life, his personal privacy, the privacy of his home and other property and from deprivation of property without fair compensation". This section of the Constitution is consistent with the Convention in protecting a child's family life as

well as his or her personal privacy and home. However, the Constitution does not expressly protect the child's right to privacy of his or her correspondence, but the Post Office Offences Act, Cap. 60, gives some degree of protection. The Act makes it an offence to detain or wilfully secrete letters from an addressee, or open or cause to be opened a letter which ought to be delivered to another addressee or a child addressee.

84. Section 10 of the Act also makes it an offence for any other person who is not a post office employee to open or interfere with or withhold the correspondence of a person to whom a letter is addressed. However, the Act provides for certain exceptions relating to parents or guardians of addressees. Parents or guardians are not criminally liable if they tamper with the correspondence of their children or children in their care. Thus, the local law falls short of the Convention requirements that place no limitations on the protection of the child's right to non-interference with his or her correspondence.

**G. Protection from inhuman treatment, torture or degrading punishment (art. 37, para. (a))**

85. Chapter II, section 6, of the Constitution protects persons from being held in slavery or servitude and from forced labour. Section 7 continues further to address the other issues in article 37 thus:

No person shall be subjected to torture or to inhuman or degrading punishment or other such treatment (sect. 7 (1));

Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorizes the infliction of any punishment that was lawful in Antigua on 31 October 1981 (sect. 7 (2)).

86. This section of the Constitution applies to the child who is subsumed under the definition of person.

87. There are existing laws in Antigua and Barbuda that today, by some international standards, may be considered as authorizing forms of cruel and degrading punishment or torture. It is pertinent to state here that the death sentence is still enforced in Antigua and Barbuda for two criminal offences - murder and treason. Section 3 of the Offences Against the Person Act, Cap. 58, states that "whosoever is convicted of murder shall suffer death as a felon". However, no person under the age of 18 years can be sentenced to death for any crime. The Act provides that the "sentence of death shall not be pronounced on or recorded against a person convicted of an offence if it appears to the Court that at the time when the offence was committed he was under the age of 18 years".

88. But a child under 18 years of age can be sent to prison for murder. Since the law does not stipulate for how long, it can be inferred that it is possible for a sentence of life imprisonment to be imposed on someone who is under 18 years of age.

89. The Treason Act, No. 17 of 1984, makes no mention of the age in reference to capital punishment for an act of treason. However, as discussed above, no one under 18 years of age can be sentenced to death. But the court can impose a life sentence on any offender who is convicted of treason.

90. Another local law that may be seen to contravene article 37 of the Convention is the Corporal Punishment Act, Cap.106, of the Laws of Antigua and Barbuda. This Act provides for the whipping of males, but according to section 15, the Act does not apply to females.

91. Section 11 of the Act makes a distinction between whipping and flogging. A person under the age of 18 years - considered a juvenile according to the Juvenile Act of 1951 - cannot be flogged. However, a juvenile can be sentenced to a whipping. Section 8 provides that the person(s) to be whipped must be examined by a doctor and pronounced fit enough to endure the punishment. Whipping is carried out with a light rod or cane or bunch of tamarind or other flexible twigs (sect. 10). The maximum number of strokes for a juvenile is 12 (sect. 3 (1)). No flogging or whipping has been carried out for many years on juveniles or adult males.

92. But corporal punishment is still administered - irrespective of the gender of the child - in the majority of schools in the country. The Education Act of 1973 expressly forbids "degrading and injurious punishment" in administering discipline in schools. However, the Act allows corporal punishment to be administered by the head teacher or his or her deputy. An ordinary teacher can only administer such punishment in the presence of the head, under his or her direction. The Act also states that it is preferable for a female teacher to carry out corporal punishment on a female child but such punishment should not be administered in public. Most all-girl schools have tended to abolish this practice, but it is still prevalent in all-boy schools (both public and private) and in the government-run primary and secondary schools.

## **H. Concluding comments**

93. Children in Antigua and Barbuda enjoy all of the rights and freedoms that the Convention requires in the articles under consideration. But they do not have unlimited restrictions to their right to privacy of their correspondence.

94. With respect to the issue of "cruel and inhuman punishment", it is clear from the local law that no person under the age of 18 can be sentenced to death for the offence of murder, but such a person can be sentenced to life imprisonment. With respect to the offence of treason, he can also be sentenced to life imprisonment.

95. Unlike the restrictions that are placed in some countries on the right of the child to seek medical advice or treatment without parental consent, the local law is silent on this issue. There is no law in Antigua and Barbuda which stipulates that a child has to be accompanied by a parent when visiting a doctor or seeking contraceptive information. Thus, if a child needs to see a doctor privately or wishes to attend a primary health-care clinic or a family planning clinic, he or she may do so unaccompanied. It is at the discretion of the medical practitioner or health worker to agree to see an unaccompanied child.

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **A. Parental guidance and responsibilities (arts. 5 and 18)**

96. There are few local laws that directly address the issue of how parents should guide their children's lives or what responsibilities they have towards their children. But common law does recognize that parents have a duty to see that their children receive due care and attention. (The specific issue of maintenance of children is dealt with in section D below.)

97. There are a number of old laws in the books, based on British law, that seek to punish parents who fail to provide for their children. Under the Small Charges Act, Cap. 77, section 24, it is an offence for a man or a woman to neglect their children when they are able to maintain them. This law applies whether the children are born in wedlock or out of wedlock. The law addresses the penalties that a man faces if he does so, but makes no reference to a woman. The assumption is that it is a man's duty to take care of his family. The law states that if a man refuses to maintain his family he is deemed to be "idle and disorderly" and shall be liable to imprisonment for a term not exceeding one month. And also, if a man deserts or runs away from his wife and children he is deemed to be "a rogue and a vagabond" and liable to be imprisoned for a period of up to three months.

98. In the case where a juvenile is taken into custody, the law makes some provisions for the upkeep of the child by its parents or guardians. Section 34 of the Juvenile Act, Cap. 42, empowers the court to order, where a juvenile is taken into "the care and custody of a fit person" that certain persons have a duty to contribute towards the maintenance of the child. Such persons are the father, the stepfather, the adoptive father or any other person, who at the date of such an order, was cohabiting with the mother, whether or not such a person is the father of the child.

99. The Education Act of 1973 does point out, to some extent, parental responsibility for ensuring that children make use of the free education that is available. The Act states that parents have a responsibility to ensure that their children attend school up to the compulsory age of 16 years.

100. There are no laws in Antigua and Barbuda that enjoin the State to assist parents or legal guardians in raising their children. However, as will be discussed later in the sections on health and education, the State does take a major responsibility in providing free health services and free education to all children.

### **B. Separation from parents (art. 9)**

101. In local law, the right of the child to live with his or her parent or guardian is recognized except in situations where the child, for his or her own safety, has to be removed by the court. According to section 7 of the Juvenile Act, Cap. 42, the removal of a child from his parents or family can take place only when it is proved that the child is suffering unnecessarily from assault, ill-treatment or neglect. Information on such practices is taken on oath from any person acting in the interest of the juvenile - the latter defined as a person under the age of 16 years. Under the rules of natural justice, the right to be heard is enjoyed by all the interested parties in such cases.

102. Under the Adoption of Children's Act, Cap. 343, the consent of all relevant parties to the adoption has to be obtained. However, the judge has the discretionary power to dispense with such consent if there are good and sufficient reasons for so doing.

103. In cases of separation or adoption, the law makes no provision for the natural parents to maintain any personal contact with the child, nor is the court compelled to provide them with any information as to the whereabouts of the child. If there are adverse consequences of State action in the separation of a child from his or her family environment, there are no provisions protecting persons who apply for such information.

#### **C. Family reunification (art. 10)**

104. There are no laws in Antigua and Barbuda that address the issue of family reunification in cases where family members are separated from each other either within the State or across national borders.

#### **D. Recovery of maintenance for the child (art. 27, para. 4)**

105. There are excellent statutes and procedures in the laws of Antigua and Barbuda that deal with the very critical issue of the recovery of maintenance for children. These are brought into service very often because a high proportion of children (41.5 per cent according to the 1991 census, but 58 per cent according to an independent study done by Ward-Osborne in the same year) are raised in households headed by women, most of whom are single parents. Culturally, it has been observed that there is a tendency for unmarried fathers to resist responsibility for raising their children.

106. The Magistrate's Code of Procedure, chapter 255, gives mothers the right to bring putative and actual fathers to court for maintenance of children, and, in the case of married women, maintenance for themselves. The provisions of the Magistrate's Code do not recognize any custodial rights for unmarried fathers. The unmarried mother alone is recognized and acknowledged. Thus, in cases where unmarried fathers may wish to play a positive role in the upbringing of their children, they may be prevented from so doing if the mothers of the children are hostile to the idea. This is an area of concern that needs to be addressed in law.

107. The law also makes provision for mothers to apply for maintenance during their pregnancy. This can help with doctors' fees, medical tests and treatment.

108. An anomaly is contained in the law to the effect that if the father has never supported or given the child anything during the first 12 months of its life, proceedings cannot be brought against the father. In practice, however, this is hardly ever an issue. The putative fathers are summoned to come to court at least six clear days before the hearing.

109. Both mother and putative father are required to come before the court. The court will then conduct a means inquiry into the income and expenditure of both parties. Once the inquiry is concluded, the court will make an award of maintenance based on the information that has been elicited during the means inquiry.



110. Once a court order is made against a father in favour of a mother of a child, the father has a legal obligation to the court not the mother. If, then, the father fails to pay the maintenance, the Magistrate Court Collecting Officer will issue a warrant for the arrest of the offending father, who will be brought before the court to explain why he has not been paying the maintenance. The order will remain in force until the child attains the age of 16 years. It is very important to note that the recovery process for the arrears of maintenance is initiated by the court and not by the mother. The mother has no part in this process.

111. The court has the option of imprisoning the defendant or giving him time to pay the arrears of maintenance. If the Magistrate is satisfied that the father is not in gainful employment and has made reasonable efforts to gain employment, but has been unsuccessful, then the Magistrate can decide not to send the defaulting father to prison.

112. Under section 121, Cap. 255, married couples can obtain a separation or non-cohabitation order. (However, the section sets out some very specific grounds on which separation can be ordered such as cruelty, adultery and habitual drunkenness.) With respect to the welfare of children in such circumstances, the court has the power to make an award of maintenance against the husband in favour of the wife and children as the court sees fit.

#### **E. Children deprived of a family environment (art. 20)**

113. The welfare of each child is of paramount importance to the State. There are several cases of disadvantaged children who fit into the category of those who are physically, emotionally or sexually abused or abandoned. Such children may be temporarily or permanently deprived of their family environment. Antigua and Barbuda has a number of laws that address the need of providing alternative care for such children.

114. Under section 7 of the Juvenile Act of 1951, Cap. 42, any person can provide information on oath concerning cases where the best interests of a child are being jeopardized. According to section 12 of this Act, children in need of alternative care can be removed from harm and placed in the care and custody of a fit person.

115. Section 8 (1) of the same Act states that any police officer or other authorized person (such as a probation officer or any person appointed by the Governor-General) may bring before a juvenile court a juvenile in need of "care and protection". Social welfare officers in the employ of the Government as well as a number of other agencies are empowered to make recommendations concerning the plight of children. The role and functions of some of these agencies (other than those discussed in this section) will be treated later in the section on social security and childcare services and facilities (sect. VI-D).

116. There are two institutions that seek to provide a secure environment for those girls who are removed from their families for reasons of their personal safety or those whose parents are not fulfilling their parental obligations and responsibilities adequately. These are the Sunshine Home for Girls and the Good Shepherd Home run by the Salvation Army and the Roman Catholic's Saint Vincent de Paul Society, respectively.

117. The Salvation Army founded the Sunshine Home for Girls in 1992. The Home provides a safe and secure environment for girls who come into conflict with the law. Although the Sunshine Home is managed by an NGO, the Government gives it an annual grant that goes a long way to defray the expenses of running the facility.

118. At present, there are eight girls in residence, aged 13 to 16 years. The facility is a comfortable one. Each girl has her own bed and personal space. Staff at the Home consists of two resident females, one of whom is also the administrator. Some girls are “home schooled” by a teacher who is an employee of the Government. Others attend the school that they had been attending before they entered the Home. They have regular counselling sessions with trained personnel of the Salvation Army.

119. During a girl’s stay in the Home, she is also involved in a number of training and rehabilitative exercises that are designed to prepare her for her return home. Parents have visitation rights and depending on her behaviour and family environment, a girl may be allowed to go home occasionally.

120. The Good Shepherd Home was started by the Society of Saint Vincent de Paul in 1983 as a residential facility for girls between the ages of 5 and 18 years. The aim of this Home is to provide temporary or permanent shelter for girls who fall into the category of the homeless, the abused or the neglected. Each girl has her own bed and shares in household tasks such as cooking, cleaning and gardening. For performing these tasks, the girls are given a small allowance that they may choose to spend on clothing and other personal needs. They also receive yearly medical and dental check-ups.

121. The children are referred to the Home through social workers. The number of girls who currently reside in the Home is 13. The girls come from different backgrounds and they belong to different religious denominations. As this is a faith-based institution, each child is encouraged to go to a place of worship of her particular denomination. Except where it is in the best interests of the child, each girl continues to attend the school at which she was placed before coming to the Home. The children also attend evening classes to get help with their homework and in subject areas where they are weak. Several of the girls are becoming computer literate and two have received certificates in basic computer literacy. Extra-curricular activities such as outings, sports and games are organized on a regular basis for the girls.

122. Unlike what obtains for girls, there are no safe houses or places of alternative care for boys who suffer from parental neglect or who need to be removed from their family environment. Generally, boys in situations of such need are placed in the Boys’ Training School, a Government-run institution for boys who come in conflict with the law. (This institution will be discussed later in section VIII-E below.)

123. A number of children are in foster care, although there are no specific local laws that deal with fostering. As discussed above, section 12 of the Juvenile Act, Cap. 42, allows children who are in need of alternative care to be placed into the care and custody of a fit person.

124. The Citizens’ Welfare Division of the Ministry of Labour, Home Affairs and Co-operatives keeps a record of all children who are officially in foster care. The table below summarizes some vital statistics of foster children culled from this register.

**Table 3**  
**Children in foster care, by age group and sex, in Antigua and Barbuda,**  
**August 2001**

Age group	Male	Female	Total	%
Under 1 year	0	2	2	1.85
1-5 years	13	11	24	22.22
6-10 years	14	12	26	24.07
11-15 years	13	17	30	27.78
16-18 years	4	11	15	13.89
18+ but not yet 20	1	2	0	2.78
Age not specified	4	4	8	7.41
Total	49	59	108	100.00

*Source:* Foster Care Register, Social Welfare Division, 2001.

125. From the table above it can be seen that there are, at present, 108 children who are officially in foster care. Of that total, 12 are in informal care. By this is meant that the court has not placed such children in foster care, but the Citizen's Welfare Division has come to the rescue of these children in need and has found foster homes for them.

126. There is some gender disparity between the numbers of males and females in foster care: 59, or 55 per cent girls compared with 49, or 45 per cent boys. As would be expected, there are fewer older children in foster care. The age group with the largest percentage of children in care is that of 11-15 years. However, it will be observed from the table that 48.14 per cent of those in foster care are under the age of 10 years.

127. When a foster child attains the age of 18 years, the foster parent ceases to get financial help for such a foster child and all the obligations of the Government to such a child also cease. However, as indicated in the table above, there are three children who are at least 18 years old, yet are still living with foster parents.

#### **F. Adoption (art. 21)**

128. Not many adoptions take place in the State. Culturally, there are informal practices whereby a mother may place her child with a relative or even close friend to be raised as that person's child. The culturally accepted practice is that the biological mother does not relinquish her legal rights to the child and usually retains some emotional link to it, albeit in some circumstances, a very tenuous one. Generally, the parties involved do not regard such an arrangement as an adoption. But in reality, this kind of arrangement is tantamount to a de facto adoption. This has raised some serious problems in the past relating to the rights of the "parent(s)" who have such children in their custody. It is a relatively common occurrence for the biological mother to "reclaim" her child, often at an age when the child can be of some help to her in the household. But, as shall be seen, this issue is addressed in the current Adoption Laws discussed below.

129. Also, conventionally, the rights of children to inherit property from the persons who raised them in such circumstances are not defined. However, there are well-defined laws governing legal adoptions that protect the rights of both the children and the adoptive parents.

130. The legal provisions governing adoptions are to be found mainly in the Adoption of Children Act, Cap. 343. The law makes it very clear that, in matters relating to adoption, the best interests of the child are of paramount importance. The more salient points of this Act are presented here.

131. All matters relating to adoptions are heard in the High Court. The Magistrate's Court has no jurisdiction to hear adoption matters.

132. Section 2 of the Act states that only unmarried persons - "infants" - who are under the age of 18 years can be adopted. The consent of the parent or guardian of the infant in respect of whom the application is made or has actual custody is normally required. However, the court can dispense with such consent if the surrounding circumstances and other matters warrant a dispensation of consent.

133. Before making an adoption order, the court must be satisfied that the order it will make will be for the welfare of the child. The wishes of the child can be taken into consideration depending on the age and understanding of the child. The court can also impose terms and conditions as it thinks fit, such as requiring the adopter by bond or otherwise, to make provision for the adopted child.

134. However, there are restrictions on the making of adoption orders. The applicant (that is, the person wishing to adopt) must not be under the age of 25 or less than 21 years older than the child in respect of whom the order is being sought.

135. Section 3 states that normally no order will be made where the sole applicant is male and the infant in respect of whom the application is made is female, unless the court feels that there are special circumstances which justify making the order.

136. The court can make interim orders in the same manner and on the same terms as in final orders. Thus in keeping with section 7, the court has power to appoint a person to act as guardian of the child upon the hearing of the application with the duty of safeguarding the interests of the child before the court.

137. According to section 11, the court can sanction existing de facto adoption arrangements as those described above. In instances where a child is in the custody of, and is being brought up, maintained and educated by, any person or two spouses jointly under any de facto adoption and has for a period of at least two years, the court may upon the application of such a person or spouse make an order even if the applicant is male and the child is a female.

138. An adoption order gives the adopter full parental rights over the child as though the adopted child was a child born to the adopter in lawful wedlock. Thus the rights of inheritance of a child, as set out in the law for children born to married couples, apply as well to adopted children. But the law also protects the rights of the adopted (such as the right to keep property) that he or she may have had prior to being adopted.

139. The Act also ensures that an adopted child is not saddled with encumbrances of his or her adopted parent(s). It states in section 6 (2) that no right or interest in property will be conferred upon the adopted child of the adopter where used in any disposition whether made before or after the adoption order, unless a contrary intention appears.

140. The law mandates that a register called the “Adoption Children Register” must be kept by the Registrar-General. The Register will contain the date of birth and identity of the child and date of adoption. Also, a note of the adoption will be in the Register of Births.

141. Finally, the local law does not recognize, indeed expressly forbids, adoptions from one country to another. Section 3 (5) of the Adoption of Children Act, Cap. 343, provides that an applicant who is not resident or domiciled in the State of Antigua and Barbuda cannot adopt an Antiguan or Barbudan child. The rationale for these provisions in the law could be that the courts are reluctant to grant orders that they are unable to supervise. Also, the court has no jurisdiction over any child who is not a citizen of Antigua and Barbuda or is not resident in the State.

#### **G. Illicit transfer and non-return (art. 11)**

142. Antigua and Barbuda is signatory to three international treaties that relate to the illicit transfer and non-return of children. They are the International Convention for the Suppression of the Traffic in Women and Children of 30 September 1921 and its Protocol of 1947 and the Inter-American Convention on the International Return of Children of 1989. This latter Convention was ratified in 1994.

143. Over the years, very few cases of kidnapping of children and removal of them to another country have come to the attention of the courts. There have been some allegations of the kidnapping of children in Antigua and the children taken to other Caribbean islands and vice versa, but such cases have not been adjudicated in the courts.

#### **H. Abuse and neglect (art. 19)**

144. The rights of the child in emergency situations such as neglect and abuse are protected broadly in three main statutes: the Offences Against the Person Act, Cap. 58, the Juvenile Act of 1951 and the Sexual Offences Act of 1995. (The Juvenile Offences Act will be discussed in more detail in section VIII-B.)

145. Several sections of the Offences against the Person Act protect children from a variety of abuses, including aggravated assault, rape (females only), indecent assault, sodomy, infanticide, concealment of birth, kidnapping and exposing a child whereby life is endangered. It is also an offence to abduct an unmarried girl under 16 years against the will of her father and mother. Child stealing is also an offence, but neither the mother nor the father of a child can be charged with this offence.

146. In 1995, the Sexual Offences Act was passed to address many sexual offences that were not treated adequately under the old Offences Against the Person Act. The newer Act also takes into consideration certain sexual offences that, though they have always existed, have come to the fore of public debate in recent times. For instance, the old Offences Against the Person Act

was silent on the issue of sexual abuse of children by their parents or other relatives. The newer Sexual Offences Act defends the right of the child to be protected from incestuous relationships. This Act states in section 8 that “a person commits the offence of incest knowing that another person is, by blood relationship, his or her parent, child, brother, sister, grandparent, grandchild, uncle, niece, aunt or nephew, as the case may be, and has sexual intercourse with that person”. Under section 8 (3) of the Act, there are various punishments for persons convicted of incest. The punishments are:

- (a) Life imprisonment, if committed by an adult with a person under 14 years of age;
- (b) Fifteen years’ imprisonment, if committed by an adult with a person aged 14 years or more;
- (c) Two years’ imprisonment, if committed between minors aged 14 years or more.

147. There are no local laws that deal with the issue of protecting children against mental violence in particular. However, today, there is considerable awareness in all sections of society that verbal and/or emotional abuse is just as harmful as physical abuse. Currently, this issue is being consistently addressed in the “parenting workshops” mentioned earlier on.

148. For legal action to be taken, instances of neglect, abuse or any other form of violence against any child must be brought to the attention of the police or a government social worker. When such a case is known, chapter 229, section 7, of the Juvenile Act provides for a Magistrate to issue a warrant authorizing any police officer to search for the juvenile. If indeed the juvenile is found being neglected, abused, assaulted or violated in any way, the officer can remove the juvenile and detain him in a place of safety until he or she can be brought before a juvenile court.

149. To date, there are no officially designated places of safety in Antigua and Barbuda to hold children until their cases are heard by a magistrate. Therefore, in most instances, the children are held at the police station and brought before a magistrate as soon as possible. Once the magistrate rules on what is to be done with the children, there are a number of agencies, institutions and initiatives that offer counselling, rehabilitation and a safe haven. The majority of these are non-governmental. (Some of these initiatives were discussed above in section E “Children deprived of family environment”.)

### **I. Periodic review of placement (art. 25)**

150. There is no local law that makes provision specifically for a periodic review of the treatment provided for a child who “has been placed by competent authorities for the purposes of care, protection, or treatment of his or her physical or mental health”. The Juvenile Act, Cap. 42, section 9 (2) of 1951, does state, however, that an order made by a juvenile court may from time to time be reviewed, varied or revoked by the Court on its own motion or on the application of any person.

## **J. Concluding comments**

151. Most children in Antigua and Barbuda grow up in relatively safe family environments. However, the problem of street children is just beginning to rear its ugly head. It is fast becoming a cause for serious concern to the nation. To date, no studies have been done to ascertain the number of children who are so deprived of any parental care and protection that they have nowhere proper to live. But officials in the Ministry of Health and Social Improvement have expressed concern for the welfare of such children and have instituted an ongoing programme to monitor the activities of such children and to ensure that they attend school regularly.

152. The issue of maintenance of children is one that has been dealt with fairly recently in law. In 1993, the laws governing the maintenance of children were revised to upgrade the minimum payment a father should make towards the upkeep of his child. Many persons who deal with the welfare of children hold that, given the current high cost of living, the current minimum figure is still too low. However, the most recent amendment to the law also allows for a means test to be instituted that would compel working fathers to pay as much in child maintenance as they can afford.

153. It is pertinent to make the observation here that many of the fathers who fail to maintain their children tend to come from the lower income brackets. Thus, the fact that, in some cases, they fail to maintain their children adequately can perhaps be attributed more to their financial inability to do so than a deliberate act of irresponsibility. But this observation does not in any way absolve fathers from doing the best they can to contribute to their children's welfare.

154. It was pointed out earlier that children may be taken from their family environment by the court and placed with persons whom the court regard as fit persons to look after their welfare, or they may be placed in institutions that cater for their rehabilitation. It can be argued that the power to vary an order as stated above in the Juvenile Act can be seen to function as an indirect method of ensuring that periodic reviews take place. However, the local law falls short of the Convention's specific requirements on this issue.

155. Although the fostering of children is done quite efficiently, using guidelines set under the Juvenile Act that allow children who need alternate care and protection to be placed with "fit persons", there is a need for specific laws that would put such practices on a surer legal footing.

156. It must be admitted that the best interests of boys who are neglected or abused are not being served by current practices. It is generally recognized that placing boys who need care and protection in the Boys' Training School - A Borstal-type of institution - is by no means a satisfactory arrangement for them. A separate facility, similar to those that have been established for girls, must be built for boys who are not necessarily delinquent.

## **VI. BASIC HEALTH AND WELFARE**

### **A. Right to life, survival and development (art. 6)**

157. A child's inherent right to life is ensured under section 4 of the Constitution which says that "no person shall be deprived of his life intentionally save in execution of the sentence of a

court in respect of a crime of treason or murder, of which he has been convicted". It was demonstrated in the previous section that under the Offences Against the Person Act, the right of the child not to be abused or neglected is protected in law.

158. The right of the child to survival and development is clearly recognized by the Government's commitment to providing adequate health care for all its citizens and residents in Antigua and Barbuda. To this end, the Government has established nine primary health centres and 17 satellite clinics throughout the island of Antigua - in the city of St. John and all the major villages as well as one in the sister island of Barbuda. Thus, free primary health care is available to all. The 26 primary health-care centres located throughout the nation have permanent staff in attendance including nurse practitioners, a public health nurse, a trained nurse/midwife and other ancillary staff. A doctor is attached to each clinic and is in attendance one day a week. Consultation and treatment are free for specified age groups. Serious or difficult cases are referred to the Government's general hospital, known as "Holberton Hospital" for further treatment or admission. Holberton Hospital is centrally located in the city of St. John. There is a children's ward at this hospital. The Government is currently building a new hospital with modern facilities and equipment. This new hospital is located not far from the present hospital. Treatment and prescribed medication at the Holberton Hospital is free for all children under 16 years of age, the elderly and also for persons who contribute to the Medical Benefits Scheme. However, the increasing influx of migrants mainly from other Caribbean countries is putting a tremendous strain on social services, particularly health services.

159. Some current, statistical indicators that are relevant to the survival and development of children include the following:

- (a) A crude birth rate of 14.04 (per 1,000 of the population) in the year 2000;
- (b) A crude death rate of 4.45 (per 1,000 of the population) in the year 2000;
- (c) An under-5 years old mortality rate of 20 (per 1,000 live births) in the year 1999. According to the UNICEF document entitled "The State of the World's Children - Early Childhood (2001)", for this indicator, Antigua and Barbuda has a high rank of 133 in the world (the highest possible rank is 187);
- (d) An infant mortality rate of 17 (per 1,000 live births) in the year 1999. There were only 19 neonatal deaths (under 28 days old) in 1999;
- (e) An excellent maternal mortality rate of 0 per 10,000 over the last 10 years. This is mainly due to the fact that 100 per cent of all births take place in either the government hospital or in a private medical centre;
- (f) A current fertility rate of 2.31 births per woman;
- (g) The current estimated life expectancy at birth is 68.45 years for males and 73.14 for females;
- (h) The number of infants with low birth weights (>2,500 grams) fell from 67 in 1999 to 48 in the year 2000;



(i) In the year 1999, 96 per cent of the population (rural and urban combined) were using adequate sanitation facilities;

(j) In the year 1999, 91 per cent of the population (rural and urban combined) were using improved drinking water sources;

(k) A current estimated adult literacy rate of 88 per cent for males and females combined.

## **B. Disabled children (art. 23)**

160. There are no local laws that specifically address the rights of disabled children or adults. However, the Government recognizes the indisputable fact that persons with disabilities must enjoy the same rights and freedoms as everyone else.

161. The report now examines the status of children with disabilities and then describes a number of initiatives that have been undertaken to enhance their quality of life.

162. In January 2000, UNICEF published the results of a survey on "Children with Disabilities in the Caribbean". The results of this survey form a crucial part of the situational analysis of the status of children with disabilities in Antigua and Barbuda.

163. The survey covered 14.5 per cent of the population in the age group 0-18 years. Its findings showed that 58, or 1.4 per cent, of the sample population of 4,093 children had some sort of disability. Based on the assumption that the sample was random and thus typical of the total population in that age group (22,199 in 1991), it is safe to conclude that the nation has approximately 4,143 children with disabilities - about 7 per cent of the total population. This is well within the estimated international range of 8 to 12 per cent.

164. The survey found that a significantly higher number of boys than girls were disabled: 55 per cent boys to 45 per cent girls. Difficulties in learning were the most common disabilities reported by 46.5 per cent of the sample. The other disabilities that were identified are as follows: difficulties with moving - 32.7 per cent; difficulties with seeing - 6.9 per cent; difficulties with hearing/speech - 5.2 per cent and the other 8.6 per cent suffered from fits.

165. There is no separate institution catering for children who are mentally ill. Children who show signs of being emotionally disturbed may be referred to the Child and Family Guidance Clinic run by the Collaborative Committee for the Promotion of Emotional Health in Children. Those children who are diagnosed as mentally-ill may be detained in the children's ward of the general hospital where they come under the care of the resident psychiatrists. If they fail to respond to treatment there, when they are older, they may be placed in the mental hospital along with adults.

## **Services for children with disabilities**

166. There are a number of specialized agencies that cater for children with disabilities. Some of these will be examined here.

167. The Education Act of 1973 makes no specific provisions for the education of children with special needs. But over the years, a number of specialized institutions - governmental and non-governmental - have emerged which offer some schooling (though limited) to children with various types of disabilities. At present, there are approximately 224 children with disabilities receiving some level of specialized care and schooling.

168. For several decades the Ministry of Education has run special programmes for the hearing impaired and the visually impaired with trained staff. In keeping with current trends, the Ministry of Education is attempting as far as possible to integrate children with these disabilities into normal school life. However, it is necessary to acknowledge that, to date, they are only partially integrated into the regular life of the school.

169. At present, the Ministry of Education maintains two specialized units at the T.N. Kirnon School - centrally located in the city - one for blind children and the other for deaf children. These students go to the units (housed in a separate building in the school compound) every day and return home after school hours. In addition, three children who are physically disabled attend regular classes at a government primary school - the Potter's Primary. The teachers there do not have any special training to deal with disabled children, but both teachers and students are sympathetic to the needs of these children.

170. The Antigua and Barbuda Council of and for the Handicapped and the Antigua and Barbuda Society of and for the Blind are two associations that monitor closely the rights of persons with disabilities. As well as these two organizations, two other very active NGOs - the Antigua and Barbuda Association of Parents of Exceptional Children (ABAPEC) and the Antigua and Barbuda Association of Persons with Disabilities (ABAPD) - have done much to enhance public awareness of the rights of persons with disabilities.

171. One of the earliest institutions for disabled children to be established is the Adele Special School. Started by two private individuals in 1970, it was taken over by the Government in 1978. The school caters for children with a variety of disabilities, including mental retardation, Down's syndrome, cerebral palsy and autism. The children attend the school during the day and the more severely handicapped are transported from their respective homes in a specially designed bus. The Ministry of Labour, Home Affairs and Cooperatives, through its Citizens' Welfare Division, also maintains a Rehabilitation Centre for the Handicapped where regular therapy and counselling sessions are facilitated by trained staff. Some of the children who are capable of doing so receive skills training in an effort to make them productive. In preparation for placement in the job market, they are sent out on job practice, where possible.

172. The Ministry also instituted in 1990 an "Early Intervention Programme" which caters for children who are disabled from birth. Most of these children and indeed, other disabled children, are cared for by their parents or other relatives.

173. In 1996 a residential home named "Amazing Grace Foundation" was started initially by an NGO to house two children with severe disabilities who could not be cared for by their parents. It has since expanded its scope of operations to become a clinic where new cases can be documented and follow-ups ensured. The Ministry of Health and Social Improvement, through

its Social Improvement Sector, now supports this institution by paying the salaries of two “liaison officers” who bring the children to the clinic and take them to whatever scheduled appointments they may have.

174. Below is a table summarizing the institutional services that are available for children with disabilities.

**Table 4**  
**Provision for children with special needs in Antigua and Barbuda**

Name of institution	Number of children	Age range of children	Total number of staff	Trained teachers	Type of disability
Adele School	67	5-22	4	1	MR, DS, autism
Unit for Blind Children	9	5-12	2	1	Blindness
Unit for Deaf Children	9	5-16	4	1	Deafness
Amazing Grace Clinic	136*		4	-	MR, DS, CP
Potters Primary School	3	5-15	1	-	CP

*Source:* UNICEF Draft Document - Situational Analysis of Children with Disabilities in the Caribbean (January 2000).

*Key:* MR (mental retardation); DS (Down’s syndrome); CP (cerebral palsy).

\* The majority of children attend this clinic as outpatients enrolled in the Government’s Early Intervention Programme.

### C. Health and health services (art. 24)

#### 1. Legislative provisions for health and health services

175. There are a number of laws in Antigua and Barbuda that deal with policies and practices relating to the health and welfare of both the individual and the wider society. Three of the most important of such laws are:

(a) The Public Health Act of 1960. This Act established a body to oversee the administration of health and related matters, including the enforcement of regulations pertaining to food and drugs and certain environmental controls;

(b) District Medical Fees Abolition Act of 1960. This Act abolished all fees that patients used to pay to the district doctors - government employees who deliver primary health care in the villages and the capital city of St. John;

(c) The Medical Benefits Act of 1978. This Act brought into being the Medical Benefits Scheme which makes provisions for financial assistance to certain classes of persons in certain circumstances. The main beneficiaries of the Scheme are the contributors - mainly working persons in the age category 16-60 years. The Scheme also recognizes as beneficiaries persons in the dependency category, including children up to the age of 16 years. They, too, are entitled to receive free (or in some instances, at a greatly reduced cost) medical attention and care. In addition, under the Scheme, drugs are provided free of cost for a number of specified

illnesses and diseases such as sickle-cell anaemia, diabetes, certified lunacy, cardiovascular diseases, cancer, leprosy, glaucoma and hypertension. In certain cases, the Scheme also assists with the expenses incurred for specialist medical treatment obtained abroad.

## **2. Primary health care/maternal and child health**

176. In the primary health-care system, particular emphasis is placed on maternal and child health. Prenatal and post-natal services are available free of charge at the 24 clinics located throughout the country.

177. Maternal health in the country is very good. In 1991, only one maternal death was recorded and since then, there have been no maternal deaths. This can be attributed largely to the excellent prenatal and post-natal care that mothers receive at the primary health-care clinics.

178. Mothers are encouraged to bring their infants and children for regular check-ups at their community clinics. Careful records of the vital statistics of infants and young children detailing their developmental progress are kept. Free dental check-ups and some dental treatment are available presently at the St. John's Health Centre. This service will be expanded to other communities when the construction of two new clinics located in All Saints and Browne's Avenue is completed shortly. However, optical services are not yet available at the clinics. There is also the need for a free public programme that would screen for optical problems, especially in the early years of childhood.

179. Immunization should take place before a child enters primary school. Section 16 (2) of the Education Act of 1973 states that "no child shall be admitted as a pupil to a public school which is a primary school until his parent or guardian produces a certificate issued by a doctor or the public health authorities indicating that the child has been immunized against tetanus, pertussis, polio and diphtheria". Although the law mentions only public, primary schools specifically, all schools in the country - both public and private - uphold this law. The parents or guardians of all schoolchildren have to present their children's health cards on entry to all schools.

180. By 1990, the country had achieved the excellent immunization rate of 100 per cent for 1-year-old children against DPT, polio, measles (rubella) and mumps. This achievement can, in large measure, be attributed to the relentless efforts of the public health nurses, working in the Expanded Programme on Immunization (EPI) and the fact that the Government is fully committed to the programme. The Government finances 100 per cent of the routine vaccines for EPI.

181. Like other countries in the region, Antigua and Barbuda is free of polio and there have been no cases of measles reported for the past 10 years. There are, however, periodic outbreaks of chickenpox occurring in children of all ages as well as adults. These outbreaks have been attributed to the importation of the disease. To date, no case of chickenpox has been fatal.

182. It is pertinent here to introduce the topic of AIDS - a worldwide catastrophe that has struck children in this country as well. The principal agency dealing with this health and social problem is the AIDS Secretariat. Established in 1992 by the Government, the Secretariat monitors closely all reported cases of HIV/AIDS infection. From December 1985 when statistics were first collected to 2000 (the year of the latest available statistics), there have

been 30 reported cases of infections in persons under the age of 20 years. Of that total, 18 persons are in the 0-9 years age group; none in the 10-14 age group and 12 in the 15-19 age group. Of the 18 children, aged 0-9, who have been infected, 10 have had full-blown AIDS - 4 males and 6 females.

183. The agency currently has a staff complement of 10 persons. They offer drug treatment and counselling to all persons with HIV/AIDS and their families as well. The latest retroviral drugs are available, but they are very expensive. The AIDS Secretariat also conducts a vigorous, ongoing public campaign against the spread of the disease. It uses all the media to enlighten the public about its prevention and has done much to change the attitudes of the public towards persons infected with HIV/AIDS.

184. There are television advertisements and radio spots aimed specifically at youth. In many of the schools - mainly those at the primary level, but also in some at the secondary level - health and family life education (HFLE) classes deal with the crucial topic of HIV/AIDS and other sexually transmitted diseases. HFLE classes at the secondary level in particular also examine closely other crucial issues such as self-esteem, human sexuality and decision-making processes.

### **3. Nutrition**

185. The Government has been paying attention to the nutritional status of children in the country. In 1989, the National Nutrition Committee, in collaboration with the Caribbean Food and Nutrition Institute and the Pan-American Health Organization, prepared a Food and Nutrition Policy. As part of the implementation process, they introduced a nutritional project called "Project Lifestyle". Obesity was identified as the major nutritional problem currently plaguing the nation's children. The main goals of Project Lifestyle (which is still being implemented in some schools) are:

- (a) To monitor and improve the nutrition and health of schoolchildren;
- (b) To instil in children the knowledge, skills and motivation for practising positive health and personal lifestyles.

186. A number of primary and secondary schools, both public and private, took part in the project. The project continues to date in several schools where the students are taught to eat sensibly and to monitor their weight and blood pressure.

### **4. Diarrhoeal disorders and malnutrition**

**Table 5**

**Cases of gastro-enteritis in Antigua and Barbuda for the period 1996 to the week ending 18 August 2001**

	1996	1997	1998	1999	2000
Gastro-enteritis <5 years	687	2 091	1 037	1 427	698
Gastro-enteritis >5 years	929	2 664	1 691	1 531	947
Total	1 616	4 755	2 728	2 958	1 645

*Source:* Health Information Division, Ministry of Health and Social Improvement.

187. In local health statistics, the closest classification to cases of diarrhoeal disorders are cases of gastro-enteritis. Gastro-enteritis in children aged 0-5 years is caused mainly by a viral infection. In 1996, there were 929 such cases in children under 5 years. The number of cases in this age group jumped to 2,664 in 1997 and then declined to almost half in 1998. Further declines were experienced in subsequent years and in 2000 the level of occurrence had declined almost to the 1996 level. A similar trend can be observed for cases occurring in persons over the age of 5 years.

188. The Government has a National Office of Disaster Services (NODS) that has been in place since 1989. This national body took over from a pan-Caribbean body that had existed for some time previously. In times of emergency, NODS coordinates the activities of several ministries and agencies, including the critical ones of health and social welfare. The Chief Medical Officer and the Chief Health Inspector are key members of committees that are appointed to deal with emergencies.

189. NODS and the various agencies that it coordinates - both governmental and non-governmental - continue to do an excellent job in educating the public on how to cope in times of national disasters such as hurricanes, floods and earthquakes. Emergency services, including the provision of adequate shelter, food and clothing, are available to those individuals and families in need. A crucial component of the public awareness programmes of NODS on radio and television focuses on how to ensure that drinking water and food are safe for consumption.

190. Malnutrition rates have been falling over the last 12 years or so. In 1988, a total of 78 children were diagnosed as having mild to moderate malnutrition. The number dropped to 49 in 1990, but climbed up to 89 in 1992. Figures for severe malnutrition remain in single digits - an average of five per year.

## **5. Family planning**

191. Family planning services are available at the government clinics and also at the Antigua and Barbuda Planned Parenthood Association clinic. Consultation is free and the costs of the contraceptives of choice are heavily subsidized at all clinics. The Caribbean Family Planning Affiliation also has a branch office in the country. This agency conducts research in family planning issues and problems. It also organizes workshops and seminars and conducts advertising campaigns on radio, television and by posters on current family planning issues and practices. Young persons are involved in the design and execution of some of its programmes.

192. There are no local laws that prevent persons under the age of 18 years from seeking contraceptive information and devices. It is left to the discretion of the personnel of the various government clinics and family planning services whether or not to countenance children seeking such advice and services.

### **D. Social security and childcare services and facilities (arts. 26 and 18, para. 3)**

193. Through the Social Security Act of 1972, a fund was set up to provide for lifelong insurance for the people of the nation. The main contributors to the scheme are working persons

in the age category 16-60. However, some benefits accrue to certain categories of non-contributors such as elderly, low-income persons who are paid a small stipend from the fund. The fund also provides compensation to contributing mothers who go on maternity leave and contributors who lose income through illness.

194. The main agencies that defend the right of the child to adequate food, shelter and care are the Social Improvement Sector of the Ministry of Health and Social Improvement and the Citizens' Welfare Division of the Ministry of Labour, Home Affairs and Cooperatives. This latter department has four trained social workers and four probation officers. They deal with cases that come to their attention, either directly from informants or from the police. Referrals are then made to the relevant agencies both governmental and non-governmental.

195. Section VII-D above outlined the work being done by two NGOs - The Sunshine Home for Girls and the Good Shepherd Home - in providing facilities for girls who need alternative care in a secure environment, away from their families. It was noted that there are no equivalent facilities for boys with similar needs.

196. A very active NGO, the Collaborative Committee for the Promotion of Emotional Health in Children (CCOPE), was founded in 1987 by a group of concerned persons to address the needs of emotionally disturbed and abused children and their families. Referrals are received from a number of sources, namely, the police, schools, churches, doctors and individual citizens who recognize the difficulties children and their families may be experiencing.

197. CCOPE offers a unique service to children aged 2-18 years through a Child and Family Guidance Centre. This Centre is located in a separate building in the compound of the Holberton Hospital, the Government's general hospital in the city.

198. This Centre is strongly supported by the Government. The Government pays the salaries of the staff and has also provided the building that houses the Centre. There are five persons currently on full-time duty at the Centre. Three of the staff members are trained social workers, including the Director. The position of a full-time psychologist has been filled recently, but that of an educational psychologist, who can assess and evaluate children with learning difficulties, remains vacant.

199. Services and treatment offered at the Centre include individual and group counselling, play therapy, psychological and educational assessments and behaviour modification for both children and their family members. In 2000, the Centre treated a total of 60 children (37 males and 23 females) who presented a wide range of problems from truancy to attempted suicide.

200. CCOPE also runs a programme called the "National Parenting and Resource Centre" that focuses on the needs of parents, guardians, caregivers and, in particular, adolescent mothers. An attempt is made to teach them the skills they need for effective parenting.

201. Other NGO service organizations such as the Rotary Club, the Soroptimist International Organization and the Lion and Leo Clubs continue to provide assistance to needy children, especially to those who have to undergo expensive medical treatment abroad that is not available locally or in the region.

202. Given the high percentage of women who are heads of households (at least 41.5 per cent according to the 1991 census) the majority of whom are working mothers, there is a great need for day-care centres to assist mothers in the minding and rearing of their children. It should be noted here that there are only a few facilities that cater exclusively for babies and infants. Most of the childcare centres are pre-schools or so-called “Child Development Centres” - some of which also have facilities to look after very young children. (These types of mixed-age institutions will be discussed in section VII below.)

203. Currently, there are only 20 day-care centres that cater exclusively for babies and infants. Of that number, seven are government-owned crèches, four of which are located in rural Antigua. The government-owned crèches offer day-care services to working mothers at highly subsidized rates. Therefore, the demand for the limited places is high. The parents pay monthly or weekly fees at the privately owned and operated facilities.

204. In 1999-2000, there were 325 children enrolled in such institutions: 174 boys and 151 girls. It will be observed that there are slightly more boys than girls enrolled in these child-care facilities. This is not surprising as slightly more boys than girls are born in the country.

205. Most of the pre-schools and child development centres take in children as young as 2 years, once they are toilet-trained, fully or partially. In accordance with the provisions of the Education Act, all of these institutions insist that their charges be immunized before or during their stays at the centres. This, then, is another means whereby childhood immunization is assured.

206. At present, there are no laws governing the establishment and conduct of day-care centres and pre-schools, but this situation will very soon be rectified as draft legislation to control these has been tabled and debated in Parliament in 1999. There is, however, regular oversight of all of such institutions through the Ministry of Education. This Ministry has set guidelines for the operation of all centres that cater for children, which, though not legally enforceable, are honoured in the main.

207. In keeping with cultural norms, a number of children are catered for daily in informal family settings where a mother or grandmother who stays at home may “look after” the infants or pre-school children of relatives, friends or neighbours. The total number of children involved in such arrangements is not known, but rarely exceeds five per household. To date, the Citizens’ Welfare Division and the Social Improvement Sector have received very few official complaints of inadequate or sub-standard care of children in such establishments.

### **E. Concluding comments**

208. The basic health and welfare of the nation’s children are of a relatively high standard. The basic indicators of good health of children such as the infant mortality rate and the immunization rate are at levels comparable to the best in the developing world, if not the entire world. The success in providing a healthy environment for young children and their mothers is, in large measure, a consequence of the robust primary health-care system that extends throughout the nation.



209. However, it must be acknowledged here that, during the consultative process for the review of the National Strategic Plan for 2001-2004 held in November 2000, there were some complaints from members of the public concerning the primary health-care system. Though they recognized that the system was basically sound, they deplored the limitations in clinic hours and the fact that some doctors did not always show up on time at the clinics. The participants recommended that there must be improvement in this aspect of the delivery of primary health care.

210. It was emphasized above that a major cause for concern regarding the health of the nation's children are the increasingly high levels of obesity evident among all age groups. It is not possible to legislate eating habits of people, neither is it easy to persuade them to change them for the better. This task is especially difficult at present when the recently acquired habit of eating "snack foods" such as corn curls, potato chips, pizza and the like is linked to a perception that this is how many persons eat in the "first world". This problem has to be addressed with vigour before it is too late.

211. Legislation is in place that allows much of the health and welfare services to be accessed by all, free of cost. It must be admitted, however, that because of financial constraints, medication is not always available to the patient at no cost, as it should be.

212. The welfare of disabled children is recognized by the Government to be of crucial importance to the overall well-being of the citizens of the nation. In the past, Caribbean peoples tended to "hide away" persons with severe physical and mental disabilities, especially children. Today, most fortunately, attitudes to the disabled have changed considerably for the better. The overwhelming majority of children with disabilities are currently involved in one programme or another where they are receiving due care and attention.

213. It must be acknowledged, however, that some organizations, which focus on the rights of persons with disabilities, feel that much more needs to be done to improve the quality of life of disabled persons. Equality of opportunity, particularly with regard to education, training and employment, remains an issue of major concern. They suggest that practical measures such as the construction of ramps to public buildings need to be more widely instituted. The allocation of adequate financial resources to some (if not all) schools so that more disabled children can be integrated into regular school life is another issue that we feel is worthy of attention.

214. The particular issue of mentally ill children needs to be brought to the fore of public consciousness. Though their numbers remain small, the current practice of housing them with adults is being reviewed with the aim of establishing separate facilities for their treatment and rehabilitation.

## **VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **A. Education, including vocational training and guidance (art. 28)**

#### **1. Legislation**

215. The provision of education and the operation of schools in Antigua and Barbuda are governed by the Education Act, No. 7 of 1973. (This Act replaces the Education Act, Cap. 145.)

Basically, under this Act, the school system is organized into two categories: public schools which are owned wholly by the Government, and private schools which are maintained by a proprietor or proprietors or an authority other than the Government.

216. Section 43 (1) of the Education Act makes it compulsory for all children aged 5 to 16 years to attend school. There is no discrimination in access for children of compulsory school age. Section 7 of the Act states that “no person shall be refused admission to any public school on account of the religious or political persuasion, race, social status of such a person or his parents”. In addition, section 17 guarantees that no child who is eligible for admission to a public school shall be refused admission except on the authority of the Minister of Education in each particular case. Access may be denied in cases where children are suspended or expelled from school, but sections 23 and 24 of the Act set out very stringent guidelines on how, when and why children can be suspended or expelled from school.

217. It must be mentioned here that, though not deliberately engendered, there seems to be some discrimination in access to free, public education with respect to the children of immigrants. Immigrant parents report that they are often advised by Ministry of Education officials to seek to place their children in private fee-paying schools for one or two years until space opens up in a government school. This policy is not written down, but seems to have emerged purely as an attempt by Ministry officials to deal with the shortage of school spaces generated mainly by the recent tremendous influx into the country of so-called “economic migrants”.

218. Section 44 states that it is the duty of parents/guardians of every child of compulsory school age to ensure that their child receives efficient, full-time education suitable to his or her age, ability and aptitude. The law further provides for Education Officers and the Head Teachers of every school (both public and private) to monitor school attendance of all children of compulsory school age. Parents who are remiss in making sure that their children attend school pay a penalty. According to section 50 (1) of the Act, “a parent of a child of compulsory school age who neglects or refuses to cause the child to attend school is, unless the child is legally excused from attendance, guilty of an offence and on summary conviction is liable to a fine not exceeding 50 dollars”.

219. Education is free at all levels of the public school system, but, as was noted in section VI-B above, there is a need for improved provisions for children with disabilities so that they can have equal access to education.

220. Another local law that indicates the determination of the Government to enhance the education of the nation’s children is the Board of Education Act passed in 1994. According to section 9 (1) of this Act, the Minister of Education is responsible for forwarding to the Board policies relating to matters provided under the Act. These include:

- (a) Priorities for the purpose of utilizing the sums provided by the Fund;
- (b) The areas of studies and training for the award of bursaries, financial assistance and scholarships;

- (c) Guidelines for administering and managing the textbook assistance scheme;
- (d) Directives or any other matter that the Minister may see fit.

221. The Board of Education awards hundreds of scholarships and bursaries every year to young persons to attend tertiary institutions at home, in the region and around the world. It makes the awards through the National Scholarship Committee - an independent body - the members of which represent various stakeholders in the education process. In the 2000/2001 academic year, the Board spent over 2 million dollars on bursaries and scholarships to some 308 students.

222. The Board's Textbook Assistance Scheme provides all the textbooks that children use in schools at both the primary and secondary levels. The books are made available to students on loan, free of cost. The Scheme also assists all schools, both public and private, with teaching materials such as chalk and stationery, as well as cleaning and bathroom supplies.

223. For the academic year 2000/2001, the Board estimates that it spent \$378.03 per child on textbooks at the kindergarten level - the first year of primary school. At the final grade of the primary level - Grade 6, it spent \$565.22 per child on textbooks. At the secondary level, the costs ran into thousands of dollars per student.

224. Over the years, the Board has also undertaken major repairs of several government schools.

## **2. Administration and management of education**

225. Under the Education Act of 1973, the Ministry of Education (currently named the Ministry of Education, Culture and Technology) is responsible for the provision of education in Antigua and Barbuda. The Minister of Education is the head of the Ministry. He or she executes the Government's policies with respect to education and is assisted by officers in the Ministry.

226. The administration of education is divided into two main categories: General Administration and Educational Administration. The Permanent Secretary is the chief administrative officer with responsibility for the general administration of the Ministry. The Chief Education Officer is the chief adviser with responsibility for specific educational matters such as the teaching staff, curricula, finance and the observance of the Education Act as it pertains to the conduct of schools, school premises, student admissions, attendance and discipline.

## **B. The philosophy and aims of education (art. 29)**

227. The Government of Antigua and Barbuda holds that the development of its human resources is the key to national development. The Government believes in the concept of lifelong education and has made available opportunities for students who are above the compulsory school age to attend a wide range of educational establishments that offer continuing education programmes.

228. The main aims of education are set out in the comprehensive Education Act of 1973 noted above. The aims or objectives of this Act serve to ensure:

(a) The establishment of a system of education designed to provide adequately for the planning and development of an educational service relating to the changing needs of the community;

(b) The effective execution of the education policy, management and operation of all educational establishments of the Government.

229. In addition to the aims spelled out in the Education Act, the Government has produced another major policy document - the Draft Education Policy of 1991 (revised in 1994). This document sets out the basic philosophy of the Government's education policy in these words: "The Government's Education Policy is predicated on the philosophy that each child should first be socialized as a human being and only secondly as an economic unit of production. To this end, the Educational System is expected to develop creative/innovative and adaptable men and women and in the process, identify, nurture and cultivate as fully as possible each child's capability, aptitude, skill and strength."

### **C. Institutional infrastructure**

#### **1. Pre-schools**

230. The first level in the educational system is that of pre-schools. These are centres that cater for children aged 3-5 years (although some children leave before they are 5 to attend private primary schools). To date, the Government has not established any pre-schools. All of the pre-schools in the country are privately owned and managed.

231. As was discussed in the previous section, several of the pre-schools also have day-care facilities for younger children. It is thus very difficult to obtain statistics on pre-school enrolment only. Most of the childcare facilities take in children as young as three months and keep them until age 4 or 5, at which age they then enter primary schools that have so-called "infant" and kindergarten departments.

232. In 1985, there were only about 10 of such pre-school/day-care/child development centres. Ten years later in 1995, the number had risen rapidly to 64 - an increase of over 500 per cent. Currently they number about 110. Thus, over the last 15 years or so, there has been a phenomenal increase in the number of formal establishments caring for children.

233. In the academic year 1999/2000, the 110 childcare centres had a total enrolment of 2,809 children. This is roughly 35-40 per cent of the children in the age group 0-4 years. As in the case of the enrolment in day-care centres discussed previously, there were slightly more boys enrolled than girls: 1,435, or 51 per cent, males to 1,374, or 49 per cent, females.

234. At present, the Government, with financial assistance from UNICEF, provides a Coordinator of Early Childhood Education who is responsible for the supervision of pre-schools. She assists also with the training of teachers and the operation of a resource centre. Personnel in the field of Early Childhood Education - proprietors of pre-schools, teachers and resource persons - are 100 per cent female.

## **2. Primary schools**

235. The pupils at this level are aged 5-12 years. Over the years, there has been virtually 100 per cent enrolment of this age cohort in primary schools. In the 1994/1995 school year, there were 12,059 students enrolled in primary schools. Of that total, 6,441 were males and 5,618 females: a ratio of 53.4 per cent males to 46.6 per cent females. The disparity in male and female enrolment figures is 6.8 per cent in favour of males.

236. Currently, the Government owns 30 primary schools, and a further 24 are privately owned and operated. Together, in the school year 1999/2000, they had an enrolment of 13,025 children: 6,778, or 52 per cent males, and 6,247, or 48 per cent females - a disparity of 4 per cent. This disparity is less than the disparity of 6.8 per cent observed in 1994/1995. These gender disparities in the enrolment figures are greater than would be expected even when the slight advantage males have in numbers at birth is taken into account. (This advantage was reflected in the enrolment figures for pre-schools.) However, the gender disparities in primary school enrolment may be explained more adequately by pointing to the fact that more girls than boys leave primary school for secondary school at an earlier age.

237. Primary schools are organized into one or two infant/kindergarten classes and six grades. When they have progressed to Grade 6, usually at age 11 or 12, all students in the system are entitled to write the Primary School Examination. Successful candidates are awarded scholarships to one or other of the nine government-owned secondary schools at which tuition and books are free.

238. Approximately 45 per cent of primary school pupils who write the Primary School Examination every year fail to advance to the free government secondary schools. Unsuccessful candidates have two options: they can either enrol in privately-run secondary schools of which there are five at present, or they can attend one of several Government-run post-primary or all-age schools.

## **3. Post-primary or all-age schools**

239. The Post-Primary Divisions of the all-age schools cater for those students who have failed to gain entry into secondary schools. The Post-Primary Divisions are organized into three grades - Senior grades 1, 2 and 3. At the end of the Senior 3 grade, students write the post-primary examination. If they are successful, they are given another opportunity to enter a Government-run secondary school at the level of Form III.

## **4. Secondary schools**

240. Most children enter secondary school at age 12 years but a small percentage of children do so at age 11 or as young as 10 years - the minimum age for entry. They remain there until 17 years on average, passing through five forms. In Form V, students sit for the Caribbean Examinations Council (CXC) examinations in a number of subjects. The schools also give school-leaving certificates.

241. In the 1994/1995 school year, all 14 secondary schools in the country (9 government-owned and 5 privately owned) had a total enrolment of 4,646 students - 2,084, or 44.9 per cent, males and 2,562, or 55.1 per cent, females. At this level, it can be seen that females far outnumber males: by as much as 10.2 per cent in the school year 1994/1995. Over the last two decades or so, females have tended to gain more places than males in secondary schools, entry to which is based on the results of the Primary School Examination mentioned above.

242. In 1999/2000, of the total number of 5,318 children enrolled in the 13 secondary schools, 2,304, or 43.3 per cent, were male and 3,014, or 56.7 per cent, were female. The great gender disparities in enrolment figures which favour girls - disparities of 10.2 per cent in 1994/1995 and 13.4 per cent in 1999/2000 - can be attributed to two well-known factors: firstly, as mentioned above, more girls enter secondary school than boys and secondly, more boys drop out of secondary schools than girls. It was not possible to obtain attrition rates in secondary schools because few studies, if any, have been done on this problem.

### **5. Tertiary level institutions**

243. The Antigua State College is the oldest government-owned tertiary level institution that caters for older children. The Antigua State College is organized into eight departments that enrol students in a variety of programmes, namely, teacher training, engineering, commerce, nursing, pharmacy, business, advanced-level certification and university undergraduate programmes up to the second year (on behalf of the University of the West Indies). Tuition at the college is highly subsidized. Students pay nominal fees to cover the costs of books and equipment.

244. The 1999/2000 enrolment at the College was 866 students: 287 males and 579 females, a ratio of 33 per cent to 67 per cent. This great disparity in the enrolment figures by gender is cause for some concern as it indicates a growing trend - the failure of male children to seek further education at the tertiary level.

245. Another special area of concern is that there is a marked gender bias in the choice of areas of study. Over the years, the "traditionally male" field of engineering has shown consistently higher levels of enrolment for males than for females. For instance, in the 1993/1994 academic year, in the Engineering Department, males outnumbered females by far: 111 to 6. Thus, males constituted 95 per cent of the enrolment figures. In 1999/2000, male enrolment was 99 per cent of the total. (Of the 101 students enrolled in the latter year, only 1 was female.)

246. Following a similar gender bias, the Commerce Department tends to attract more females than males. In the 1993/1994 academic year, of the 238 students enrolled in the Commercial Department, 196, or 82.4 per cent, were female and only 42, or 17.6 per cent, were male. Of the 264 students enrolled in this Department in 1999/2000, 212, or 80.3 per cent, were female and only 52, or 19.7 per cent, were male.

247. Similarly, given the fact that females are in the majority in the teaching profession, the numbers enrolled in the Department of Teacher Training reflect this bias. In the 1993/1994 session, there were 52 teachers enrolled in this Department for in-service

training. Of that number, 37, or 71.2 per cent, were female and 15, or 28.8 per cent, were male. By 1999/2000, the proportion of females to males in teacher training had increased by over 10 per cent. In that year, 32, or 82.1 per cent, of the teachers were female and only 7, or 17.9 per cent, were male.

248. There is no prejudice against male teachers (except perhaps at the pre-school level), but males have deserted the teaching profession. This is a trend that is not peculiar to either Antigua and Barbuda or the Caribbean region. It is a trend that is visible worldwide.

249. There are two other tertiary level institutions that have been established to meet the needs of older children who have left school. Since these are in the field of technical/vocational education, they will be discussed below under that heading. (The School of Continuing Studies of the University of the West Indies, another tertiary institution, focuses on adult learners only.)

#### **D. Technical and vocational education and training**

250. Technical/vocational training is available to all school children at three levels: post-primary, secondary and tertiary.

251. At the post-primary level, there is a National Technical Training Centre, centrally located in the city to which students in the Senior Grades 1, 2 and 3 of post-primary schools go on a day-release programme. This technical/vocational centre is fully equipped to teach subjects such as plumbing, welding, woodwork, technical drawing, arts and crafts and home economics, to mention just some of the subjects that are taught there. In addition, the Irene B. Williams School, located in a rural area, functions in a similar manner for technical and vocational instruction. This school draws post-primary students from the surrounding schools on day-release.

252. In addition to the more traditional subjects in the fields of the arts and sciences, most of the secondary schools offer some technical/vocational subjects in their curricula, for example, information technology, typing, food and nutrition, agricultural science, building technology, office procedures and the like. They present candidates in these subjects for certification at the CXC examinations.

253. At the tertiary level, the Government has also established The Antigua and Barbuda Hospitality Training Institute (formerly called the Hotel Training School). Founded in 1981, this Institute trains students to enter the hospitality industry. Students get certification through sitting the London City and Guilds examinations.

254. Up until 1997, the Institute had annual enrolment figures of close to 100 students. However, it is currently upgrading and expanding its programmes (and physical plant) in order to be more responsive to the needs of the local hospitality industry. In 1999, the year when the Institute last admitted students, it trained approximately 35 students. The Institute will reopen its doors to students in the 2002/2003 academic year.

255. In 1997, the Government created the Free Zone Institute of Training and Technology. It had a mandate at that time "to effect 100 per cent computer literacy of the island's labour force within a five-year period". By the year 2000, the institute had trained over 2,000 persons in

programmes of six to eight weeks' duration. The success of this initiative has prompted the Government to expand the Institute into a full-time facility offering specific programmes for careers in the field of computers and information technology. The Institute, renamed The Antigua and Barbuda International Institute of Technology, opened its doors to students in October 2001. Its aims, inter alia, are:

- (a) To train personnel to develop information technology products for international consumption;
- (b) To provide essential information technology training in order to positively impact the economic and social development of Antigua and Barbuda;
- (c) To effectively meet the growing demand for information technology education at all levels;
- (d) To increase the knowledge and use of technology in teaching;
- (e) To increase awareness of and access to training options available on the World Wide Web.

256. The Institute thus aims at providing more advanced training, certification and accreditation for persons in the specified fields. Response to this initiative has been very positive so far.

257. The Youth Skills Training Programme of the Ministry of Sports and Youth Empowerment is a novel experiment that was inaugurated by the Government in 1985 to train school leavers and school dropouts who had little or no certification. The programme aimed at training youths to acquire practical skills in areas such as masonry, carpentry, the electrical and auto mechanical fields, welding and so on. Over the years, new subjects such as English and mathematics, art and crafts, cosmetology and clothing design have been added to the list of offerings. Students may sit for the London City and Guild examinations and/or the CXC examinations. The students are given a small stipend every week for transportation.

258. The programme has been a tremendous success. It trains on an average some 300 students every year, although applications far exceed the number of intakes. In the year 2000, hundreds of permits were granted to successful trainees to practise their skills.

259. In addition to establishing the Technical Institute referred to above, very recently, the Government undertook another special initiative in technical/vocational education. In September 2001, the Valley High School was opened as a pilot TVET - Technical and Vocational Education Training project. The main aim of establishing the school is to provide more access to secondary level education for post-primary students, as more than half of them do not have access to secondary education.

260. Students will be exposed to an integrated curriculum that offers both technical/vocational subjects as well as the more traditional "grammar-school" type subjects. The first intake numbered about 320 students. They will spend three years at this centre of excellence and then go on to further study at the Youth Skills Training Programme, the Hospitality Training Institute or the Antigua State College.



### **E. Guidance and counselling programmes**

261. The Government of Antigua and Barbuda is committed to a CARICOM multi-agency initiative called, “The Health and Family Life Education Project” (HFLE). This project has stated aims and objectives that are consistent with those of the Convention. The aims are, among others:

- (a) To improve the education and skills of children and young people in order that they develop to their full capacities;
- (b) To (ensure) that they live and work in dignity;
- (c) To improve the quality of their lives so that they can contribute to national development.

262. At present, HFLE programmes are taught in some primary and secondary schools. The Health Education Unit of the Ministry of Health and Social Improvement has been at the forefront of teaching HFLE to the children and youth of the nation. Over the years they have organized peer counselling programmes for children (teenagers especially) and parenting workshops. They are currently in 13 primary schools teaching HFLE. The Antigua State College has also instituted a programme in guidance and counselling for its teachers in training.

263. In addition, since 1989, the extensive training of teachers, nurses, community workers and other personnel in HFLE has been undertaken by the University of the West Indies Outreach Programmes at the University Centre in Antigua. Training is also done at the main campus in Jamaica.

264. Guidance and counselling are also currently available to students at three of the nine government secondary schools. Trained counsellors, who are part of the staff at these schools, offer their services on a daily basis. It is envisioned that with the implementation of the CARICOM HFLE initiative, such programmes will be a part of the established curricula of all schools by the year 2002. The Government is currently holding discussions to determine just how such programmes can be sustained in all schools.

### **F. Leisure, recreation and cultural activities (art. 31)**

265. There are no local laws that address article 31 of the Convention. However, it is stated in the Draft Education Policy Document of 1994 that “the visual and creative arts as well as a properly developed sports programme will be cultivated and made an integral part of the education of all children”.

266. Generally, the nation’s children enjoy their time away from school as only a relatively small proportion of them are engaged in activities that curtail their leisure time. Traditionally, older siblings help to look after younger ones, but it is only in a few cases that such help is abused.

267. Well over a third of the nation’s households have television sets. Thus, like much of the developed world, the nation’s children spend a great deal of time watching television. The vast majority of the programmes that are available come via North American cable networks.

268. In keeping with the stated policy on education outlined above, all schools have organized sports and games, some of which take place during school hours. Most schools have an annual Sports Day when the children who have been training for some weeks compete against each other. Also, the Ministry of Youth Empowerment, Sports, Carnival and Community Development has a Sports and Games Department which is responsible for establishing sports programmes in government schools. Such programmes include league matches and competitions for team sports like netball, cricket, football and basketball. The private schools, as well, have viable sports programmes especially at the secondary level. Thus, the majority of children in the nation - of both sexes and all ages - participate in age-appropriate sports.

269. The Department of Culture in the Ministry of Education, Culture and Technology has, for the past 12 years, instituted a summer cultural programme for children between the ages of 5 and 15 years. On an average, 120-150 children attend the camp each year. They participate in cultural activities such as choral speaking, storytelling, steelband playing, art and crafts, music and drama. Special emphasis is placed on the appreciation of Caribbean art forms and on inculcating a love of these in the future bearers of the nation's culture.

270. The Alliance for Social Well-being, mentioned in section IV-B above, is a governmental organization that focuses on the youth of the nation. It has several major aims among which are the following:

(a) To provide remedial measures for many of the identifiable social ills in the society of Antigua and Barbuda, particularly as these relate to the youths of the nation;

(b) To mobilize several groups, particularly youth groups in Antigua and Barbuda, into a positive force for combating the involvement of youths in anti-social behaviour;

(c) To ensure that there exists in the community opportunities sufficient to occupy youths in constructive activities and to teach them to use leisure time profitably;

(d) To ensure that at different points in their upbringing, youths participate in activities to enable them to learn in a practical and realistic manner to develop civic pride.

271. A critical, specific, stated objective is "to ensure that recreational programmes are provided to enable a wide cross-section of youths to participate in them, and that adequate coaching and training are available". This objective has been met over the seven-year period, 1994 to 2000, through the hosting of a summer camp. The seven residential camps that have been held so far have accumulated a total of 525 participants, ranging in age from 10 to 18 years. The general focus is on education, sports and civic training.

### **G. Concluding comments**

272. Antigua and Barbuda has a cadre of competent teachers who impact positively on the lives of the children of the nation. Schools are overwhelmingly safe places for our children who enjoy 100 per cent access to free primary education.

273. In terms of policies and practices in education, local laws meet many of the requirements set by the Convention. Progress is ongoing towards compliance with those areas of concern that fall short of the Convention's guidelines. In this regard, mention must be made of ongoing public debate in the media on the use of corporal punishment in schools. Public opinion is divided sharply on this issue.

274. Of particular concern is the limited access to secondary education. The Government recognizes that more secondary schools need to be built in order to provide more school spaces at that level. A number of initiatives undertaken by the Government in recent years to rectify this problem have been stalemated because of the lack of funds. However, it is heartening to mention once again the opening in 2001 of a new school - the Valley High - which is slated to be developed into a secondary school with a focus on technical/vocational education.

275. The need to provide more opportunities for school dropouts to complete their formal education has been addressed by a Ministry of Education initiative called "The Golden Opportunity Programme". This programme was started in 1993 with an enrolment of 109 students: 99 females and just 10 males. The programme continues with classes being held in the afternoons in the subject areas of mathematics, English and health and family life education, but only a fraction of the potential cadre of school dropouts take advantage of this initiative.

276. As can be seen from the statistics quoted above pertaining to the enrolment of school dropouts in the Golden Opportunity Programme, the great majority of those enrolled are female. This can be accounted for by the fact that some girls are forced to leave school because of pregnancy. Male students who are fathers generally are not pressured to leave school. There is, however, a growing consensus among educators that young girls who leave school because of pregnancy must be encouraged not to drop out of school. There are no laws which state that they must leave school. Indeed, the Constitution and the Education Act both affirm the right of all children to an education. But societal pressure is generally against pregnant girls staying in school. However, several women's organizations have highlighted this problem and are waging a campaign aimed at convincing the public that the best interests of teenage mothers, and indeed the whole society, will be served by their continuing to remain in school. They argue that the nation cannot afford to lose valuable human resources that it has invested so much in for so many years.

## **VIII. SPECIAL PROTECTION MEASURES**

### **A. Children in emergency situations (arts. 22, 38 and 39)**

277. With reference to articles 22 and 38 of the Convention, there are no legislative, administrative or judicial measures in place to deal with issues relating to children in emergency situations such as becoming refugees or being engaged in armed conflict.

278. Antigua and Barbuda is party to two international instruments pertaining to refugees. These are the Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967. Under the Rectification of Treaties Act of 1987, the Government ratified the Convention and the Protocol in April 1995.

279. To date, only a few persons have sought asylum in Antigua and Barbuda and no children were involved. The Government has not engaged in any wars since the country became independent of Britain in 1981.

280. With respect to the issue of children who are forced to engage in armed conflict, it is useful to point out here that persons cannot join the Royal Police Force of Antigua and Barbuda or the Antigua and Barbuda Defence Force until they have attained the age of 18 years.

**B. Children in conflict with the law (arts. 37, 39 and 40)**

281. There are two main statutes that deal with children in conflict with the law:

- (a) The Juvenile Act, Cap. 229, of 1951;
- (b) The Juvenile Courts Act, Cap. 255, of 1948.

282. It will be recalled that the Juvenile Act of 1951 defines a juvenile as a person under the age of 16 years. Section 3 of the Act also states that no person under the age of 8 years shall be guilty of an offence. Thus, the minimum age for criminal responsibility of a child is 8 years.

283. Section 2 of the Juvenile Court Act establishes the Juvenile Court. The Act specifically provides for juvenile courts in all the magisterial Districts of Antigua and Barbuda. The same section of this Act also states that “juvenile courts are to be held elsewhere than in the building used as Magistrate Court”. However, because there are no other buildings that have been designated as juvenile courts, the latter are held in the same building and courtrooms as adult courts. Thus, current practice is in contravention of the letter of the law.

284. One special area of concern of this Act is to ensure that the public is excluded from juvenile courts. Only members and officers of the court, the parties to the case and their attorneys can attend. Other persons can attend only with the leave of the court.

285. The Act also provides that, when adjudicating juvenile cases, magistrates can sit on their own or with assessors (persons nominated by the Governor-General). But the general practice is for magistrates to sit in court on their own.

286. Section 43 of the Juvenile Court Act provides that all crimes committed by juveniles are to be heard by the Juvenile Court except homicide. However, if a juvenile is charged with an adult for a homicide, the Magistrate may, if it is in the interests of justice, try the juvenile as an adult. Section 43 also states that if a juvenile is jointly charged with an adult for an indictable matter, the court has a discretion, depending on the particular circumstances of the case, to either deal with the juvenile separately or send the juvenile to trial with the adult.

287. The table below gives the numbers and types of crimes committed by juveniles for the period 1993-2000.

**Table 6**

Years	1993	1994	1995	1996	1997	1998	1999	2000
Total number of matters filed	36	43	56	84	20	14	46	26
Drug matters/offences	4	0	0	1	0	3	5	1
Sexual offences	2	0	0	4	0	1	3	1
Firearm offences	0	0	1	3	0	0	0	0
Unlawful wounding	3	5	3	7	2	2	4	1
Grievous bodily harm	5	1	1	0	2	1	3	1
Other (theft mainly)	24	37	51	69	16	7	31	22

*Source:* Records from the Magistrate's Court Juvenile Record Books 1993-2000.

288. It must be noted that the high incidence of juvenile matters filed for the period 1994-1996 is due mainly to the difference in the recording of care and protection matters during this period. It can be seen from the table above that most of the offences juveniles were charged with are theft and related matters.

289. When the statistics on juvenile matters are viewed from a gender perspective, they indicate that the majority of juvenile offenders are males. In the period under review, males committed almost all of the drug offences. The exception is the year 1998 when two females and one male were charged with such offences. Again, males committed all of the sexual offences - ranging from "indecent assault" to "unlawful carnal knowledge". In 1995, the one firearm offence involved a male and in 1999, two females were charged with "unlawful wounding".

**C. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37, paras. (b), (c) and (d))**

290. Section 15 of the Juvenile Act states that the Commissioner of Police should keep juveniles separate from adults if they are being detained in a police station, or being conveyed to or from a criminal court. Basically, they should be kept from associating with any adult who has been charged with a criminal offence other than an adult with whom the juvenile is jointly charged.

291. The police have discretionary powers to release juveniles who cannot be brought before the court expeditiously into the care of the parent or guardian or against payment of a recognizance for such amount as the officer deems necessary to secure the juvenile's attendance at court. But, according to section 16 of this Act, this right is denied if the charge is homicide or

other grave crime. Similarly, it is denied if it is in the juvenile's interest to remove him from association with any reputed criminal or prostitute or the officer believes the release would defeat the ends of justice. In such instances, the juvenile should be placed in a place of safety until he can be brought before the court.

292. Section 7 of this same Act goes on to state that if a juvenile who is charged with a criminal offence is not admitted to bail, then he will be committed to custody in a place of safety named in the commitment. However, if the court rules that the juvenile is of such an unruly character that he cannot be safely committed, or is so depraved a character that he cannot be detained, the juvenile may be committed to any place of safety, including a prison. However, committal to prison rarely happens.

293. Thus, it can be seen from the instances stated above that under the laws of Antigua and Barbuda, a juvenile can be deprived of his or her liberty.

#### **D. The sentencing of juveniles (art. 37, para. (a))**

294. Provisions for the sentencing of juveniles are set out in the Juvenile Act of 1951. When a juvenile has been found guilty of an offence, the juvenile can be dealt with in any one of the following ways:

- (a) The juvenile can be reprimanded and discharged;
- (b) The court may order a fine, a financial penalty, to be paid by the parent or guardian;
- (c) The juvenile may be placed on probation for a period of up to three years;
- (d) An absolute discharge may be granted;
- (e) A conditional discharge may be granted;
- (f) The juvenile may be committed to the Boys' Training School. (This Borstal-type institution is for boys only. There is no equivalent facility for girls.);
- (g) The male juvenile may be whipped. (This practice was discussed more fully earlier on in section IV-G.)

#### **E. Physical and psychological recovery and social integration (art. 39)**

295. The State recognizes that there is a need for children who are faced with difficult circumstances to be counselled and rehabilitated so that they can be restored to full emotional and physical health and grow up to be useful citizens of the society.

296. The Boys' Training School is a Borstal-type institution that was established under the Training Schools Act of 1891. It serves as a rehabilitation centre for boys who come in conflict with the law. However, as there is no separate home for abused, neglected or abandoned boys, they, too, are detained at the Boys' Training School. Indeed, section 10 of the Training Schools Act states that a Magistrate can order a neglected child to be taken to a training school.

Similarly, under section 11, a “young vagabond”, a person under the apparent age of 16 years who “is found wandering about without having any fixed abode or any visible means of support ...” may also be ordered to such a school.

297. Currently, the residents at the Boys’ Training School number some 30 boys, ranging in age from 10 to 17 years. Of that total, 9 are in the age group 10-13; 20 are in the age group 14-16 years, and 1 is 17 years old.

298. Of the 30 boys being detained, 22 have been sentenced and committed to the institution and 8 are on remand. But the reasons why the boys have been detained are not criminal for the most part. The majority of boys, 15 in number, are there because they need “care and protection” and another because he habitually refuses to attend school. Of the 14 others who have been charged with criminal offences, 8 have been detained for “larceny”, 3 for “breaking and entering”, and 1 each for “wounding with intent”, “assault with the intent to rob” and “misuse of drugs”.

299. The school is very well staffed with three senior management staff (including a counsellor), seven supervisors, one remedial teacher and one teacher’s aide and eight ancillary staff (including washers, cooks, a gardener and a driver).

300. All of the boys, except for five, are attending school or are involved in some type of vocational training. In addition to formal education, there is ongoing counselling for the boys. They also engage in agriculture in the school compound and sporting activities among themselves and with the children from the schools nearby. Various community groups, service clubs and church organizations visit the boys regularly, holding sessions and discussions of various kinds on current issues and problems facing the boys.

301. There is no equivalent governmental institution for girls who come in conflict with the law or who need to be removed from situations of abuse, neglect or other forms of violence. As was discussed in section V-E above, two NGO institutions, the Sunshine Home for Girls and the Good Shepherd Home for Girls, assist the Government by housing girls who need to be detained legally. It was noted also in section VI-D above that there is an excellent NGO called the Coordinating Committee for the Promotion of Emotional Health in Children (CCOPE), that functions on behalf of children with emotional problems. Although it receives some financial help from the Government, it relies heavily on volunteers to help in its work of rehabilitation of children and their families.

## **F. Concluding comments**

302. The number of juveniles who come in conflict with the law is still relatively small. The statistics on juvenile offences revealed that, to date, most of the offences with which juveniles are charged relate to stealing. When they are charged, there are local laws on the books that do offer them some protection of their right to be treated as young offenders. Of special interest is the local law that calls for the instituting of a separate building in which to hear juvenile matters. This law is yet to be implemented.

303. When the laws that pertain to the sentencing of juveniles are examined, it is seen that there is at least one punishment that is on the books which contravenes the provisions of the Convention. The reference is to the possibility of sentencing a male juvenile to be whipped. As has been mentioned above, however, this practice is no longer enforced.

304. Similarly, the Training Schools Act of 1891 that set up the Boys' Training School is archaic. There is also an urgent need for the establishment of separate and adequate facilities to cater for boys who are neglected or abandoned.

## **IX. CHILDREN IN SITUATIONS OF EXPLOITATION**

### **A. Economic exploitation (art. 32)**

305. There are two particular laws in the State that protect children from economic exploitation. They are:

- (a) The Education Act, No. 7 of 1973, section 6;
- (b) The Antigua and Barbuda Labour Code, Division E, of 1975.

306. The Education Act provides a minimum age of 16 years for a child to remain in school. The Act further states that no person who is of the compulsory school age is to be employed during school hours. This law is strictly enforced. Thus the overwhelming majority of children who should be in school are indeed in school. Some children do work after school hours in supermarkets packing groceries and the like, but their numbers are very small and management curtails their hours of work.

307. Under the Labour Code, Division E (which deals with the employment of women, young persons and children), a "child" is defined as a person under the age of 14 years. (However, as noted above, the compulsory school age is up to 16 years.) Division E of the said Code provides that no child shall be employed in a public or private or industrial undertaking or on any ship. Exceptions are provided for family ventures where only members of the same family work. A child, even in family ventures, may not work during school hours or for periods in excess of 8 hours in a 24-hour period, or at night, or more than 30 hours in a 186-hour period. Manual labour as part of reform school discipline is expressly excluded from the provisions of the Labour Code.

308. In addition, the Labour Code, Division E, also protects older children from economic exploitation. It addresses the issue of the conditions under which young persons can work. A "young person" is defined as a person between 14 and 18 years, but it notes that no young person between the ages of 14 and 16 can be employed during school hours.

309. Under the said Labour Code, Division E, young persons can be employed only if found fit for the particular type of work after a thorough examination by a qualified medical practitioner. Thereafter, the employment is subject to medical supervision. Fines for the relevant offences are 100 dollars, local currency.



310. It is also pertinent to assert that, given the nature of the country's economy to date, there are few opportunities for children to be exploited economically. The country's major industry - tourism - employs adults only. Also, the level of factory industrialization is low and no children are at present employed in the few factories that exist.

### **B. Drug abuse (art. 33)**

311. The Misuse of Drugs Act, Cap. 283, and the Misuse of Drugs (Amendment) Act of 1973 prohibit the sale, use and trafficking in controlled substances such as marijuana (cannabis), cocaine, heroin and crack and other narcotic and psychotropic drugs. The law, however, is silent on how these prohibitions might apply to children. However, section 9 of the law offers schoolchildren some protection from drug traffickers who attempt to ply their drugs on school premises. The law states that any person who is found in possession of any controlled drugs in any school premises "is deemed to have the controlled drug for the purposes of drug trafficking, unless the contrary is proved, the burden of proof being on the accused". The term "school premises" includes not only the physical buildings of a school, but the playing fields as well.

312. The law does address the issue of children being involved in the sale and use of intoxicating liquor. Specifically, the law makes it an offence for anyone over the age of 17 years to give or cause to give or sell to a child under the age of 10 years any intoxicating liquor. The only exception to this is if it is done on the order of a medical practitioner. Various fines and lengths of imprisonment are stipulated for drug offences.

313. The Government has instituted a number of programmes and initiatives to eradicate the trafficking and illicit use of drugs in the country. In 1989, a National Drug Information Centre was set up to raise public awareness of the harmful effects of drug use and to offer counselling and referrals for treatment. The Centre should have a complement of at least eight staff members, but currently is operating with only four persons.

314. The Centre has an outreach programme to schools where lectures and discussions are held regularly with students. It also organizes an annual summer camp for about 140 secondary school children (10 from each of the 14 secondary schools). The youths are trained as peer counsellors to heighten the awareness of their peers of the dangers of drug use.

315. In 1996, the Government began a further initiative to wage a war on drugs by establishing an Office of National Drug Control Policy (ONDCP). The National Drug Control Policy has as a major aim the reformation of existing laws and the creation of new ones to enhance the capabilities and practices of law enforcement agencies to fight the war on drugs (and money laundering) in the country. There are ongoing initiatives to do just this. A Special Adviser/Director of ONDCP has been appointed. The Office is currently working on a National Drug Demand Reduction strategy that includes new legislation and programmes aimed at reducing the demand for drugs in the country.

316. An NGO called The Crossroads Rehabilitation Centre was established as a drug rehabilitation centre in 1998. The Centre is international in scope, but it offers a number of places at greatly reduced rates to local persons who need rehabilitation. The Centre, however, caters only for persons over the age of 18 years.

317. Education for children on the harmful effects of drugs of all kinds is a crucial part of the curriculum of the Health and Family Life Education (HFLE) instruction that takes place in many schools. In addition, a drug-awareness programme, the DARE programme - "Drug Awareness, Resistance, Education" (which was started in Los Angeles, United States of America, in 1983) was introduced in Antigua in January 1997. Officers of the Royal Police Force of Antigua and Barbuda, in collaboration with the Ministry of Education, took the programme to four primary schools initially. Today, the programme is in 20 schools.

318. There is no doubt that substance abuse occurs among the nation's children. Some under-age drinking takes place, especially during the Carnival festival. The problem is not so widespread at present, but there are indications that it is growing. Recently, there have been reports coming out of the smaller island of Barbuda that some teenagers have been caught drinking alcohol on several occasions.

319. The Social Welfare Division of the Ministry of Health and Social Improvement conducted a survey in 1991 (published in 1992) on the use of drugs among children. The survey carried out on "Youth Alcohol and Other Drugs" found that 52 per cent of the 1,951 respondents claimed to have experimented with some type of alcoholic beverage while still in their teens. A very recent study conducted in 2000 (the findings of which were made available in September 2001) show an increase in the use of alcoholic beverages by the nation's children. Sixty-one per cent of the 1,714 respondents (aged 11-19 years) said they had drunk some type of alcoholic beverage. The average age when they first started to do so was approximately 12 years.

320. Both surveys found some use of other drugs such as crack, cocaine and marijuana among the nation's children. But by far the most abused substance in the 1991 study was marijuana, mainly among children aged 15-18. However, in the more recent study done in 2000, the youth reported that crack was the most popular drug "ever used". Thus, there has been a significant shift in drug use among the nation's children from marijuana to crack.

321. It is well known that in the last two decades, there has been a tremendous increase in the number of incidences of the use and trafficking of "hard" drugs such as crack, cocaine and, to a lesser extent, heroin. As North America and other countries in the region embarked on measures to curtail the trafficking of drugs, the trans-shipment of drugs through islands like Antigua and Barbuda has definitely increased. So, too, has the amount of drugs that remain behind which are available for illicit use by the local population.

322. As was indicated by the two national surveys discussed above, some children are involved in the use and trade in illicit drugs. However, only a few cases of any type of drug offence involving children have been brought to the attention of the courts. As was seen in table 6 above, between 1993 and 2000, only 14 juveniles had such cases filed against them. Of that total, only two were females. Only one such offence was recorded in 2000.

### **C. Sexual exploitation (art. 34)**

323. The Sexual Offences Act of 1995 addresses all forms of sexual exploitation of persons, including minors. Section 21 of the Act prohibits any form of prostitution in Antigua and Barbuda. The Act also specifically addresses the issue of procurement involving a minor. Section 16 states that "a person who procures a minor under 16 years of age to have sexual

intercourse with any person either in Antigua and Barbuda or elsewhere is guilty of an offence and is liable to imprisonment for 15 years". In addition, section 18 states that it is an offence to detain another for sexual purposes against his or her will in any brothel or other premises. Thus, the rights of the child against all forms of sexual exploitation are fully protected in law.

#### **D. Sale, trafficking and abduction (art. 35)**

324. The Offences Against the Person Act, Cap. 58, offers some protection to the child in the event of sale, trafficking and abduction. Section 51 of this Act provides penalties for "child stealing", a child being defined as a person under the age of 14 years. Section 50 of the same Act makes it an offence to abduct a girl under 16 years of age against the wishes of her parents. There is no mention of males with respect to the offence of abduction. The law is, therefore, deficient in this regard. The offence of kidnapping is also prohibited in section 62 of the same Act.

#### **E. Other forms of exploitation (art. 36)**

325. Other than those laws mentioned above that protect the child from economic exploitation and sexual exploitation, there are no other local laws that protect the child from other forms of exploitation prejudicial to any aspect of the child's welfare.

#### **F. Concluding comments**

326. From the foregoing, it can be safely concluded that with respect to the protection of children from all forms of economic exploitation, local laws and practices meet the guidelines of the Convention.

327. Reviewing the local situation in relation to article 33 of the Convention, it must be said that the consumption of alcoholic beverages as "social drinking" is common in the country. Persons who drink heavily are stigmatized only when they become so addicted that they hang around "rum shops" all day and night. Thus, there is the danger that a high level of tolerance of drinking alcoholic beverages might be transmitted to children. But as was pointed out earlier on, although there is some under-age drinking, this has not yet become a critical social problem. Measures will be put in place to ensure that this situation does not change for the worse.

328. There is also a need for the laws to be tightened with respect to the sale and use of all kinds of illicit drugs by children. The laws of Antigua and Barbuda make no mention of the involvement of children between the ages of 10 and 18 years in the use and sale of drugs other than alcohol. Clearly, the local laws are deficient in this respect.

329. In a series of interviews related to the National Drug Use Survey conducted in 2000, members of the clergy were asked to comment on the drug problem among children in the nation. Most of the responses corroborated the findings of the survey that drug use and trafficking in drugs among the nation's children is increasing. The Government regards this escalation as cause for serious concern - concern that is in the forefront of policies and activities of the National Drug Information Centre.

330. The initiatives that have been undertaken by government agencies to deal with this problem were reported on above. Several NGOs have also joined in the national effort to curb this threat against the survival and development of the nation's children. Many churches in the country claim that they do address the issue of drug use among children in their youth groups and organizations. However, church leaders in the 2000 survey on drugs discussed above are unanimous in their desire to see more programmes initiated in schools and in the media that are targeted directly at children.

331. The recently revised laws pertaining to sexual offences do offer children legal protection against sexual abuse and exploitation. In addition, there are several agencies that offer care and counselling to children who are exploited sexually or in any other way.

## **X. CHILDREN OF MINORITY OR INDIGENOUS GROUPS**

332. For centuries, there have been no indigenous peoples left in Antigua and Barbuda. Immigrants and their children are here identified as minority groups because they form recognizably distinct groups in the society. They are easily recognized for the most part by their different accents or by their language. Under the Constitution, immigrants enjoy the same basic rights and freedoms as citizens, subject to the constraints imposed by the immigration laws of the country.

333. In the last decade, in keeping with agreements of the regional Caribbean Economic Community - CARICOM, the Government of Antigua and Barbuda has allowed persons from other CARICOM States not only to visit, but also to work in the territory. Also, there has been a large influx of Spanish-speaking persons from the Dominican Republic. The presence of these so-called "economic migrants" is putting an increasingly tremendous pressure on all social services, especially on health and educational services.

334. Like all other children in the country, the children of immigrants are entitled to free medical attention and treatment at all the government clinics and the general hospital. They do make use of these services, but for Spanish-speaking immigrants, the problems of language have sometimes interfered with the quality of care they receive. However, within the last three years, the Government has employed at its general hospital a number of Spanish-speaking doctors and nurses from Cuba. For Spanish-speaking immigrants, their presence at the hospital has gone a long way in alleviating the problems of communicating with medical personnel.

335. With respect to access to education, the children of immigrants do not always have automatic placement in the free government-run primary and secondary schools. As was noted in section VII-B above, there is a shortage of places in the existing schools at both the primary and secondary levels for all children in the country. Children of immigrants generally have to attend fee-paying schools for at least two years before they are transferred to the free government schools.

336. Some other initiatives have been taken by the Government and other agencies to look after the welfare of the Spanish-speaking minority group in particular. The Government has appointed leaders from the Spanish community to liaise with the Government on issues that

concern the community. Some churches as well have established special services for the Spanish-speaking members of their congregations. A number of separate churches catering for the spiritual needs of the Spanish community have also been started.

## **F. Concluding comments**

337. The presence of sizeable minority groups in Antigua and Barbuda is a relatively recent phenomenon. Up until about 15 years ago, the population consisted mainly of persons born within its borders. This is still the case, but significant populations of migrants from other Caribbean territories have altered the profile of the local population. Distinct minority groups are now visible.

338. To date, the children of immigrants tend to be well integrated with their peers in school settings. There does not seem to be any discrimination in the schools against immigrant children in general. Indeed, many “native-born” Antiguan and Barbudan children have been learning Spanish as they interact closely with them in the classroom and the playing fields. However, the segregation of immigrants in distinct communities or sections of communities tends to militate against their full absorption into the local culture and society.

339. It must be stated here that the immigrants tend to live in the poorer sections of the city where social amenities are not as good as they should be. Thus, initially, the children of immigrants are not likely to have as high a standard of health and education as other children. But as the migrants become more integrated into the society, they tend to move out of the poorer areas to better ones.

## **XI. CONCLUDING COMMENTS AND REFORM PRIORITIES**

340. The present report has attempted to describe and analyse as fully as possible the commitment of Antigua and Barbuda to upholding the rights of the child as expressed in the provisions of the Convention. It is obvious from all that has been said in the foregoing that both the Constitution and local laws are in compliance with many of the provisions of the Convention. The report noted, however, that there are areas of critical concern that still need to be addressed.

341. A number of regional initiatives pertaining to law reform are currently in progress. One such initiative is that of constitutional reform. Like several other CARICOM countries, Antigua and Barbuda is in the process of revising its Constitution. The Constitutional Reform Committee that has been mandated by the Government to perform this task has received submissions and heard oral testimonies from many stakeholders, including agencies and organizations that deal with the welfare of children.

342. Another recent initiative is the Organisation of Eastern Caribbean States/Canadian International Development Agency (OECS/CIDA) Judicial and Legal Reform Project. This five-year project is of paramount importance to the Government's compliance with the provisions of the Convention because it focuses on women and youth. The objectives of the project are:

- (a) To increase the efficiency and effectiveness of court management;
- (b) To promote better management throughout the development of a legal educational system;

- (c) To promote fairness by developing and supporting complementary measures.

343. These complementary measures are activities directed towards developing institutional and community capacity to enhance the quality of justice in OECS. They are listed as follows:

- (a) Sentencing alternatives;
- (b) Alternative dispute resolution;
- (c) Public legal education;
- (d) Legal aid;
- (e) Counselling.

344. A National Consultative Meeting to discuss these matters was held in November 2001 in Antigua and Barbuda. Participants came from a wide cross-section of civic groups, governmental agencies and NGOs. Indeed, the juvenile justice system was thoroughly examined in the light of the objectives of the reform project.

345. With regard to other changes that must take place in our society with respect to the rights of the child, it must be acknowledged that we need, as a people, to recognize more fully that children have inalienable rights in the same manner as adults. To further improve compliance with article 12 of the Convention which deals with the principle of respect for the views of the child, the society will have to undergo a major shift in its social norms regarding what is considered appropriate behaviour for children. As was noted in the body of the report, such norms are changing for the better, affording more recognition and respect for the views of the child. Governmental agencies as well as NGOs have ongoing programmes that encourage adults to make the requisite cultural shift.

346. Attention must be given to the need to expunge from the law books several archaic laws inherited from Britain under the colonial system of government. Of particular interest is the law that permits the use of corporal punishment as a means of discipline, especially in schools. It must be admitted that the society in general still approves of and condones such punishment. Therefore, there is no great outcry against its continued occurrence.

347. However, in keeping with the provisions of the Convention, it is heartening to note that in recent years there has been some public debate on the issue. Concerned citizens who disapprove of its continued use as a form of disciplining children have kept this debate alive.

348. Another specific area of law that needs to be addressed is that which concerns the rights of unmarried fathers. Legislation ought to be put in place to protect the right of unmarried fathers to play a part in the upbringing of their children. As the law now stands, they can gain access to their children only if the mothers of the children so agree.

349. It is pertinent to reiterate that the children of the nation grow up in reasonably safe environments - both in terms of their own family environments and that of the wider society. Obviously, with the growing incidence of crime worldwide and the increased movement of

peoples throughout the world, such environments are not as safe as they used to be some 15 or 20 years ago. The problem of a rise in the incidence of street children in the country has been noted by a number of agencies devoted to the welfare of children. This problem is currently being tackled before it reaches alarming proportions.

350. Of particular importance to the development of children is the need for a high share of resources to be devoted to their health and education. Indeed, the Government of Antigua and Barbuda spends most of its resources in these two areas that are crucial for the overall development of the child. But as has been noted in the body of the report, the percentage allocations to health and education have not yet reached the levels suggested by UNICEF.

351. The participants at the national consultation on the National Strategic Development Plan for 2001-2004 opined that the Government needs to strengthen the resource base of the social sector. They recommended, therefore, that the Government allocate more resources to basic health and social services since this sector is “imperative to the sustainability and successful implementation and evaluation of the plan”. An effective national development plan is one that will guarantee the successful development of the nation’s children.

352. In closing, the Government wishes to state that it is firmly committed to full compliance with and implementation of the provisions of the Convention on the Rights of the Child in Antigua and Barbuda.

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