



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

Seventy-fifth session

15 May-2 June 2017

Item 4 of the provisional agenda

Consideration of reports of States parties

### List of issues in relation to the combined second to fourth periodic reports of Antigua and Barbuda

Addendum

### Replies of Antigua and Barbuda to the list of issues\*

[Date received: 15 May 2017]

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\* The present document is being issued without formal editing.

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## Part I

In this section, the State party is requested to submit its responses to the following questions.

1. **Please inform the Committee of measures carried out by the State party to harmonize its domestic legislation with the Convention, in particular the draft Family Court Bill, draft Juvenile Justice Bill, and draft Children (Care and Adoption) Bill and the draft Adoption Bill. Please also provide information on the functioning of the National Child Protection Reform Committee and on the measures to implement the National Child Protection Policy.**

1. The draft Family Bill remains a draft. However, considerable amount of work has been accomplished. There is a Magistrate who is assigned to deal with children and family matters who sits separately from the other courts in a different building with her own staff.

2. There is presently a new system that is set up in which a new building has been identified for the functioning of the Family Court. Further we have established a committee that assist with the drafting of the Family Court State rules. Several drafts have been done to date.

3. Child Justice Act and Child (Care and Adoption) Act passed and took effect on 1st October, 2016.

- Establishes a criminal justice process for children accused of committing offences based on restorative justice and which aims at protecting the rights of children
- Provides for the minimum age of criminal capacity of such children
- Institutes diversion of cases away from formal court procedure
- Establishes assessment of children and an initial inquiry as compulsory procedures
- Extends sentencing options available in respect of children

4. Principles to be applied when dealing with children:

- (a) Child to be given opportunity to respond before a decision is taken affecting that child;

- (b) Child to be addressed in manner appropriate to his age and intellectual development;

- (c) Child to be treated in a manner which takes into account his beliefs;

- (d) Procedures to be conducted and completed in a speedy manner;

- (e) Parents and families have right to assist children and participate in decisions affecting their children;

- (f) Consequences arising from commission of offence to be proportionate to circumstances of the child, nature of the offence, interests of society and age and development of the child;

- (g) Children lacking family support, educational or employment opportunities to have access to available services.

5. Child guaranteed access to legal representation by the State

6. Appointment of child advocate to represent the rights, interests and viewpoints of the child.

*The Status of Children Act, 2015*

7. This Act provides for the equal status of children. There is no longer any stigma or difference between children who were born in or out of wedlock all distinctions that existed as a result of the marital status of the parent of a child is abolished. This has serious

implications for succession rights and intestacy as on the death a parent all children will have an equal right to inherit.

*The Children (Care and Adoption) Act 2015*

8. The Act is designed to safeguard and promote the welfare of children and to provide that in all actions and decision that concerns a child, the child's, safety, welfare and well-being is paramount consideration and the same principle applies where the child is removed from his parent. Every action that is taken has to be in the best interest of the child and children in the family where applicable.

*Adoption*

9. The Act seeks to reform the current law relating to adoption and provides for greater supervision of adoption procedures for the protection and welfare of the child to be adopted. There are also provisions for the protection of children to be adopted by persons living outside Antigua and Barbuda. The Act provides for the establishment of an Adoption Committee to give more Governmental control over the adoption process.

*National Child Protection Committee (NCPC)*

10. In reference to the National Child Protection Committee, (NCPC) that committee has not been in operation since 2014. However, efforts are being made to revive the committee. Further, the legislation is in place, but needs to be amended so as to facilitate the implementation of the NCPC.

11. In reference to the National Child Protection Policy, (NCPP) Antigua and Barbuda has a draft copy of a NCPP, (2009). In its present form, there is a need for it to be revised, since there are new legislations. In addition, the agency that has the mandate to effect the functions of children and families is presently undergoing structural and administrative changes. For example, changes such as:

- Name change: From Citizens' Welfare Division to Family & Social Services Division
- Functions: New responsibilities — Boys Training School and having to work closely with the Family Court.

12. The reorganization and modernization was based on current needs and social issues that needed addressing. Needs and issues such as, but not limited to, abuse in the home, to include physical, sexual and parental neglect, as well as abandonment of children.

13. Further, we have established additional criteria for individuals working with children and families, to ensure that they have the appropriate skills set to effect positive changes in the life of the children, as well as seeking to ensure that the child's rights are upheld and respected.

14. Additionally, the changes were done with the child and the family in mind, so as to provide them with better services, while at the same time advancing Staff competency.

15. Finally, Antigua & Barbuda has been working closely with the OECS/USAID Juvenile Justice Reform Project (JJRP) and under this project we have sought the assistance of a Consultant to ensure that the NCPP comes into effect.

- 2. Please inform the Committee of measures taken, including the provision of technical assistance, to establish an independent national human rights institution on children's rights in accordance with the Paris Principles.**

*International Human Rights Instruments*

16. Antigua and Barbuda has a dualist legal system, therefore the international human rights instruments to which Antigua and Barbuda is a party cannot be the basis for legal proceedings in the domestic courts. All international instruments including human right instruments have to be ratified and adopted by legislation (Cap 364 Ratification of Treaties

Act) for the purpose of giving effect to the international instruments to which the country is party to.

17. The measures taken by the law enforcement and judicial authorities to protect human rights and civil freedoms of the citizens of the State as well as addressing human Rights complaints are as follows:

- Civil Freedoms are enshrined in The Constitution of Antigua and Barbuda 1981.
- Human Rights Complaints maybe petition to the office of the Ombudsman, however this institution is not in accordance with the Paris Principals (Class C Institution).
- The adoption of International Legislation allows for the Judiciary and Law enforcements to act in accordance. Antigua and Barbuda have ratified a number of International Human Rights Conventions. These include and are not limited to:
  - U.N. Convention on Rights of the Child (S.I.32 of 1993)
  - Inter-American Convention on Return of Children (S.I.4 of 1994)
  - I.A. Convention on Prevention of Violence against Women (S.I.27 of 1995)
  - International Labour Organization Convention concerning Equal Remuneration for men and women workers for work of equal value (The Equal Remuneration Convention 1951 S.I. 5 of 2003)
  - The UN Convention on the Rights of Persons with Disabilities (UNCRPD)
- Judicial authorities and law enforcement are able to protect Human Rights through available Domestic legislation that encompasses Human Rights Obligations. Domestic legislation that implement Human Rights Standards include and are not limited to:
  - Child Justice Act 2015
  - Child Care & Adoption Act 2015
  - Divorce Act 1997 (No. 10 of 1997)
  - Domestic Violence (Summary Proceedings) Act 1999. (No. 3 of 1999)
  - Female Persons of Unsound Mind (Protection) Act (CAP 167)
  - Education Act 2008 (No. 21 of 2008)
  - Employment of Children Prohibition (CAP 151)
  - Guardianship of Infants (CAP 197)
  - Infant Life (Preservation) (CAP. 216)
  - Juvenile (CAP. 229)
  - Juvenile Courts (CAP. 230)
  - Maintenance of and Access to Children Act 2008 (No. 1 of 2008)
  - Marriage Act (CAP. 261) (Amended by No.14 of 1994 and No. 7 of 1995)
  - Married Women (Dispensation with concurrence of Husband) Act (CAP 266)
  - Married Women's Property Act (CAP. 267)
  - Offences against the Person (CAP. 300) (Amended by Acts No. 9 and 17 of 1995)
  - Sentence of Death (Expectant Mothers) Act (CAP. 397)
  - Sexual Offences Act, 1995. (No. 9 of 1995) Amended by Act No. 6 of 2004)
  - Status of Children Act 2015

*Trafficking in Persons*

18. The Trafficking in Person (Prevention) Act 2010 which was passed to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in persons especially women and children. The Trafficking in Person (Prevention) Act was found to be in contravention of a section of our constitution. (Cheryl Thompson vs. Attorney-General of Antigua and Barbuda) The strengthening of the 2015 Act supplements the UN Convention against Transnational Organized Crime, 2000, to combat the Trafficking in Persons within Antigua and Barbuda and through the country's territorial waters/boundaries. The 2015 Act increased fines and the length of sentences and gives the Director of Public Prosecutions the power to determine whether or not a hybrid offence shall be tried summarily or on indictment.

19. The Act Makes provision for the appointment of a Trafficking in Persons Prevention Committee with extensive powers to formulate policies and programmes designed to implement the objects of the Act. This Committee was established in 2010 shortly after the Act was passed.

**3. Please provide information on measures, including legislation and public awareness program taken to eliminate discrimination against groups of children in vulnerable situations, particularly migrant children and children with disabilities. Please also indicate if the State party is taking measures to provide migrant children with full access to free medical care as well as primary and secondary education.**

20. Antigua is a signatory to the Convention of the Rights of the child convention. The law provides that children must attend school from age 5 until the age of 16. (The Education Act Cap.) The government provides free education and there are many primary and secondary school provided by the state. There are several private institutions which provide education for a fee, whilst those schools are not under the direct control of the Ministry of Education, the Ministry of Education does have a supervisory role over private schools.

21. There is a preschool division in the Ministry of Education which is responsible for the day-care facilities in Antigua and Barbuda, the division has supervisory powers over these facilities. Vocational and technical training is also provided by the government for secondary school children.

- There is now an Education Officer in the Ministry of Education with specific responsibility for Special Needs Education (since about 2012-13).
- The Ministry of Education is also actively engaged in training teachers in Special Needs Education. Currently, there is an arrangement with the University of Southern Caribbean to provide instruction, up to a Bachelor's degree to teachers in Special Needs Education via a mix of online and face-to-face modalities. There are 40+ teachers (mostly primary school teachers) enrolled on this program and this is enabled via scholarships through the Board of Education.
- Antigua and Barbuda moved towards full implementation of universal secondary education in 2013-14.
- To provide additional needed space and quality of space at secondary level, there are plans to build a new secondary school at Tomlinson's, which is due to begin operations in September 2017.
- Government has intents of moving towards universal pre-primary education — it now has four pre-primary schools in vulnerable areas (from Country Poverty Assessment Report), including in Barbuda. There are plans to build more of these schools across the country, e.g. the recent obtaining of grant assistance from the *Maria Holder Memorial Trust* for such a school and model Centre, to be built in Buckley's, ground-breaking set for later this year. There are plans for more such schools to be built.
- There are a number of social safety net program which particularly target children/students in school. These include

- Free school meals (public primary schools)
  - Free uniforms (all schools)
  - School textbook loan program (all schools)
  - Subsidized school bus system (all schools)
- Government recently removed a restriction to migrant children on immediate access to public schools, so that these children have such access once their immigration status is in good standing.
22. The Provisions of Child Justice Act apply to all children including migrant children.
- 4. Please provide updated information on legislative and other measures taken to prohibit corporal punishment in all settings and to raise awareness in society on the issue. Please also provide information on the sentencing of children to corporal punishment reportedly carried out at Antigua’s Training School for Boys and elsewhere, the number of trained staff in place and measures regarding the practices and procedures of the Training School for Boys to protect children from violence.**
- The use of Positive Behavior Management Strategies (PBMS) through the UNICEF-sponsored Child Friendly Schools (CFS) Initiative has promoted alternatives to the use of corporal punishment in schools. This sensitization is ongoing and is done at the level of the school through training workshops with new and existing teachers, and also in Parent Teachers Association (PTA) meetings.
  - The Education Act 2008 also only allows the Principal, Deputy Principal, or a teacher designated by him/her to administer corporal punishment to students (*see Section 50*), so that the use of corporal punishment by teachers on a wide unsupervised scale is not ‘legal’ and is largely not practiced in public schools, despite the existence of the legislation which is anticipated will be removed in due course.
  - The Ministry of Education has begun consultations on preparing and implementing a National Discipline Policy, this under the tenets of CFS and with the support of UNICEF.
23. Child Justice Act prohibits the use of corporal punishment. However, the Education Act 2008 still allows for the use of corporal punishment by the Principal, Deputy Principal, or a teacher designated by the Principal.
24. The Boy Training School Act has been repealed and The Child Justice Act of 2015 was implemented in October of 2016. The Child Justice Act in Part X speaks to sentencing of a child. A child is only sentenced to prison if he is over fourteen years old and has committed a serious offense.
25. The Boys Training School has omitted corporal punishment from its list of punishments since 2010. The boys in the institution no longer receive lashes, but alternative measures of discipline have been implemented such as:
- Written apology
  - Detained to their room
  - Reimbursement of destroyed/defaced property by parent/guardian
  - Extra chores on perimeter of the facility
26. Finally, the cell is no longer used, instead the boys are confined to their rooms for a day.
27. There is a compliment of twenty-six (26) staff members. Of these, four (4) have obtained certification ranging from certificate in youth and adolescent development training, to Bachelor of Arts in Criminology and a Bachelor of Science in Counseling. The others receive ongoing on the job training through workshops, lectures and professional development exercises.

28. Further, a Standard Policy Document for staff is to be implemented shortly. This document highlights the mission and vision of the institution, work ethics /standards and a confidentiality statement.

29. In reference to protecting children from violence, some security measures have been put in place. This includes, but not limited to, the fencing of the institution and the installation of cameras. This provides additional security for the children since no unauthorized person can access the facility. Further, the hiring of more supervisors, the continual training of staff and the intervention with boys through psycho-educational programs such as counselling, Anger Replacement Training (ART) and sporting activities have resulted in a significant decrease in fighting among the residents.

- 5. Please provide up-to-date and detailed information on specific measures adopted to prevent and protect children from sexual abuse, in particular incest, and on measures taken to provide child support in Barbuda. Please provide clarification with respect to the Sexual Offences Act and the Criminal Code regarding sexual intercourse with a person under 14. Please additionally provide information on measures taken to combat sex tourism and commercial sexual exploitation of children.**

*Measures adopted to prevent and protect children from sexual abuse, in particular incest are*

30. There is a Child Protection Unit (CPU) within the Family & Social Services Division (FSSD) that deals with the issues of Child sexual abuse.

31. Educational Intervention through several stakeholders to include Ministry of Education, Ministry of Health and Ministry of Social Transformation. We utilize programmes such as:

- PSA on child sexual abuse
- Parenting workshops
- Target youth and Community groups
- Psycho-educational intervention for children

*Measures taken to provide child support in Barbuda*

32. In respect of the measures taken to provide child support in Barbuda; there is not a residence Magistrate in Barbuda, but there is a District “C” Magistrate Court that convenes every quarter and matters of child support are heard in that court. Further, hearing of matters are done in Antigua at the Family Court. As part of the recent reorganization of the Family and Social Services Division, further assessment has been done to ensure that grave matters are effectively addressed and the necessary support given to the protection and wellbeing of the child affected.

- 6. Please inform the Committee on any specific measures taken to provide appropriate care and protection to children deprived of a family. Please additionally explain the measures taken to establish safe houses or places of alternative care for children, especially boys, who are removed from their family environment because of neglect, abuse or homelessness. Please additionally provide information on measures taken to establish a central authority to handle adoption cases.**

33. The Family and Social Services Division has a foster care program in place to provide for the appropriate care and protection of children deprived of a family. They also provide training for the Foster Parents pertaining to the care & protection of these children. In addition, the Division utilizes the services of two non-governmental homes for girls as a measure of safe houses or places of alternative care. However, the Department of Social Policy, Research & Planning (DSPRP) within the Ministry of Social Transformation & Human Resource Development has been given the mandate to develop a concept for the establishment of a facility for girls. In reference to the boys, as mentioned earlier, the Division utilizes the foster care program for those who are in need of care and protection.

*Measures taken to establish a central authority to handle adoption cases*

- The Child Care and Adoption Act 2015 speaks to the need of an adoption committee. The members of this committee have been identified and notified. The committee will convene for its first meeting on 22nd June, 2017.
- Based on the Child Care and Adoption Act (2015) that came into effect October, 2016 The Ministry of Social Transformation & Human Resource Development & ultimately the Family & Social Services Division have the mandate to work along with the adoption committee to ensure the smooth processing of the adoption cases.

**7. Please provide information on the special education needs of children with disabilities and measures taken to implement inclusive education for such children and on any specialized institution for children who are mentally ill. Please further indicate the amount of regular assistance provided to families of children with disabilities, including financial and other forms of support.**

34. The Education system is relatively inclusive, although there is room for improvement. There are two public special schools, the Adele School for Special Children, and the School for the Deaf. These schools provide for children from primary age up to 18-21 years as needed. There is one private special school, the Victory Centre.

35. At the primary level there is a Visual Impaired Unit connected to the T.N. Kirnon School which provides support (Braille, among other specialist support) for students who are blind or visually impaired in that school; in addition to those who move on into secondary schools. The T.N. Kirnon School at the primary level in fact provides a good model of provision of inclusive education in the public system. There is also specialist provision in the Green Bay Primary School. All public primary schools also provide reading support for students. There is specialist provision in some private schools, e.g. Divine Academy, Sea View Academy.

36. At secondary, the Ministry of Education recently implemented a Student Learning Support programme which provides specialist support to students with learning difficulties (e.g. reading, among others) in particular secondary schools. In addition to support for students who are visually impaired, there is some degree of support for hearing impaired students at secondary. Also at secondary, several schools have Literacy Centre's in place to provide literacy/reading support to students in light of Universal Secondary Education. Recent upgrades/expansions of secondary school have included wheelchair access for students, including in bathroom facilities. Plans for the new secondary school at Tomlinson's include wheelchair accessibility.

37. The following provides a gender/age distribution of students enrolled across the three special schools named above for the 2014-15 school year; enrolment in special schools usual stands at just over 100 students:

<i>Age</i>	<i>M</i>	<i>F</i>	<i>T</i>
< 5	2	0	2
6-10	22	13	35
11-15	19	16	35
16-20	17	13	30
<b>Totals</b>	<b>60</b>	<b>42</b>	<b>102</b>

*Regular assistance provided to families of children with disabilities, including financial and other forms of support:*

- Some families receive a monthly stipend from the Board of Guardian within the Ministry of Social Transformation.
- Families also benefit from some of the programs that are available from the Ministry for example
- Parenting workshop and counselling services



- The “Care Project” which is a residential program under the umbrella of the Ministry of Health caters to the needs of the disabled and abandoned children.

*Specialized institution for children who are mentally ill*

38. There is no specialized institution for children who are mentally ill in Antigua & Barbuda. However, these children are not placed in the Country’s sole Psychiatric facility, but rather are housed at the Country’s General Hospital where they are treated, released and monitored.

- 8. Please provide updated information on measures taken to combat alcohol and drug abuse by children, including information on awareness-raising campaigns as well as rehabilitation and prevention programmes. With reference to paragraph 293 of the State party’s report, please provide findings and any follow-up intervention programmes of the Study on drug abuse among school children, conducted in April 2013.**

39. Schools, through their Guidance and Counselling programme (secondary) and Health and Family Life Education (HFLE) — mostly primary, some secondary) provide life skills training for students, to include information geared to raise awareness on alcohol and Drug Abuse, and how students can say “No”. Similarly, various other programmes in schools also helping providing life skill training. One such example is a recently concluded project under CARICOM-Spain Reducing Youth-on-Youth Violence in Schools and Communities. That project saw considerable sustained collaborative work between the Ministry of Education and the Ministry of Social Transformation and their Substance Abuse Prevention Division in instituting such life skills education in schools. That work continues in selected primary and secondary schools. But by the end of this year, it is expected that it will be in all government schools.

40. The Cross Road Centre Antigua (a non-governmental residential rehabilitation centre), continues to deliver a five (5) week program called Breaking the Cycle to many of our primary schools.

41. In addition, the Substance Abuse Prevention Division (SAPD) continues to deliver a yearlong programme called Moulding Young Minds to grade five (5) pupils in the government primary schools and one government secondary school. These programs are geared towards skills building. These life skills are taught to empower the youth to adopt ways to combat/resist /delay the use of substances to include Alcohol and Other Drugs (AOD). Additionally, other life skills are also taught.

42. Further, the Police continues to deliver the Drug Abuse Resistance Education (D.A.R.E.) program in several schools across Antigua & Barbuda.

*Measures taken to combat alcohol and drug abuse by children, including information on awareness-raising campaigns as well as rehabilitation and prevention programmes*

43. The Substance Abuse Prevention Division in the Ministry of Social Transformation & Human Resource Development has the mandate to develop programs and provide training in substance use /abuse among young people.

- One such program that was implemented is the Training & Certification in Drug & Violence Prevention & Treatment Programme. All the Stakeholders working with Youths in Antigua & Barbuda were exposed to this training exercise to enable them to provide better services to young people, in substance use and abuse.
- Diversion Program at the Probation Services. This program deals with both prevention & rehabilitation.
- Diversion Program at the Police Youth Intervention Unit (PYIU)

- 9. With reference to paragraph 248 of the State party’s report, please provide the Committee with updated information on educational programmes aimed at rehabilitating children in conflict with the law.**

44. Updated information on educational programmes aimed at rehabilitating children in conflict with the law

- Aggression Replacement Training (ART)
- DARE to Different (Psycho-educational Programme)
- JUMP (Juvenile Mentoring Programme)
- Restorative practices
- Youth Education & Empowerment Programme
- Youth Leaders Training
- Youth Media Network Training
- English Literacy Program

*Child Justice Act*

Sentencing provisions:

- (a) Presentence report;
- (b) Community based sentences;
- (c) Child can be placed under supervision of a Supervisor;
- (d) Committal to the care of a fit person;
- (e) Family Group Conference for recommendation for sentencing;
- (f) Sentence to secure residential facility not to exceed 2 years;
- (g) Referral to prison only under certain specified condition not to exceed 3 years;
- (h) Postponement/suspension of sentence;
- (i) Prohibits sentence of life imprisonment, capital punishment or any form of corporal punishment;
- (j) Except for murder and treason, conviction to be expunged after a date to be set by the Court.

**10. Please provide the Committee with updated information on the development of rehabilitation facilities for abused children and any efforts taken to separate children in need of protection from children in conflict with the law.**

45. The Ministry of Social Transformation and Human Resource Development has been charged with the responsibility, by a Cabinet decision to facilitate the process of modernizing the Boys Training School (BTS). This involves a facility which will see the necessary physical and structural changes for rehabilitation and prevention. Consultation are already underway towards a great improvement of the facility. Dialogues have been done with individual for effective management of the facility. Further, organization plans and name change of the facility have been drafted. In addition, under the second phase of the Juvenile Justice Reform Project (JJRP) Project facilitated by OECS/USAID programme, Antigua and Barbuda has submitted a proposal for assistance in realizing the fruition of the facility.

46. As mentioned earlier, the Department of Social Policy, Research and Planning (DSPRP) is in the process of putting together a proposal for girls in conflict with law, as well as those who need care and protection.

**11. Please provide information on the measures taken to raise the age of criminal responsibility to an internationally accepted level and increase protection of children in the juvenile justice system up to the age of 18. Please additionally provide information on legislative measures, including the revision of the Training Schools Act, to prohibit any form of life imprisonment. Please additionally provide information on the practical and legislative measures taken to keep juveniles in detention Centre's separate from adults and to try them in specialist Juvenile Courts.**

*Child Justice Act*

- Preference to be given to the release of child into the care of a parent or appropriate adult with or without the imposition of conditions
- If child is to be detained as last resort, the least restrictive form of detention appropriate to the child and offence to be selected
- Child in police custody
  - (a) to be separated from adults;
  - (b) To be detained in conditions to reduce risk of harm to that child including the risk of harm caused by other children;
  - (c) To be detained with children of the same sex;
  - (d) Have right to adequate food and water, medical treatment, reasonable visits by parents, guardians, attorneys-at-law, social workers, probation officers, health worker, religious counsellors;
  - (e) Access to reading material;
  - (f) Adequate exercise;
  - (g) Adequate clothing.
- Register of children in detention by police to be kept

**Part II**

**In this section the Committee invites the State party to briefly (three pages maximum) update the information presented in its report with regard to:**

- (a) **New bills or laws, and their respective regulations;**
- (b) **New institutions (and their mandates) or institutional reforms;**
- (c) **Recently introduced policies, programmes and action plans and their scope and financing;**
- (d) **Recent ratifications of human rights instruments.**

47. Human rights are commonly understood as inalienable fundamental rights “to which a person is inherently entitled simply because she or he is a human being,” and which are “inherent in all human beings” regardless of their nationality, location, language, religion, age, ethnic origin or any other status.

48. As previously mentioned, the new National Social Protection Act should be passed in 2017 and this would help to improve the administration and coordination of the social protection agenda in Antigua & Barbuda.

49. In 2013, individuals representing the public service, non-governmental organizations and the private sector were selected to serve on a National Social Protection Commission with oversight of a National Beneficiaries Management Information System. The Commission generally undertakes tasks associated with social protection, poverty reduction and the other social development agenda.

50. The Antigua & Barbuda 2016 Human Rights Report advised the following in relation to children.

51. **Birth Registration:** Citizenship is acquired by birth in the country, and the government registers all children at birth. Children born to citizen parents abroad can be registered by either of their parents.

52. **Child Abuse:** Child abuse remained a serious problem. Neglect was the most common form of child abuse, followed by physical abuse, although according to the press and information from the Family and Social Service, Child Protection Unit, rape and sexual abuse of children also occurred. Adult men having sexual relations with girls as young as

eight years of age was also a problem. In extreme cases of abuse, the government removes the children from their home and puts them in foster care or into a government or private children's home. The government held public outreach events about detection and prevention of child abuse and also offered training for foster parents regarding how to detect child abuse and how to work with abused children. The government's Family & Social Services Division also provided counselling services for children and parents and often referred parents to the National Parent Counselling Center. A recently established family court arbitrate in matters regarding child abuse cases. This intervention by the Family Court provides faster prosecution and more general handling of family and welfare cases. The Child Care and Adoption Act, (2015) institutes procedures for international adoptions and governs the investigation and assessment of child abuse cases. It also includes provisions on orders of care and child-care services.

53. **Early and Forced Marriage:** The legal minimum age for marriage is 18 years for both men and women. Children between 15 and 18 could marry with parental consent; however, underage marriage is rare, and the government do not keep statistical data on it.

54. **Sexual Exploitation of Children:** The minimum age for consensual sex is 16 years. Authorities have brought charges against many offenders as long the matter has been reported. The Family and Social Services Division (formerly Citizens' Welfare Division) reported that the process of prosecuting offenders is lengthy. Child pornography is illegal and subject to fines of up to \$250,000 Eastern Caribbean Dollars (XCD) (\$92,600) and 10 years in prison.

55. **International Child Abductions:** The government is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction, although the government is party to the Inter-American Convention for the International Return of Children.

(c) **Recently introduced policies, programmes and action plans and their scope and financing**

56. The UNICEF-funded Integrated Social Protection Systems Project is based on a National Safety Net Assessment which was conducted by the World Bank in 2010 as a follow-up from the Country Poverty Assessment (2006) and the National Poverty Reduction Strategy (2011-2015). It was therefore recommended that the country reassess its use of resources and aim to develop an efficient and effective Social Protection System that "rationalises the use of resources that clearly defines the interrelations between every intervention."

57. The main goals and objectives of this project are:

(a) To review and repeal the existing Poor Relief Act of 1961 and to provide the Government of Antigua and Barbuda with the appropriate, supportive, legislative framework to improve integration of social protection policies and programmes germane to the current and future needs of the poor and most vulnerable members in the country which includes women, children and the disabled;

(b) To support the building of national capacities for child sensitive and gender responsive budgeting in sectoral and national budget process and cycles.

58. The culmination of the Project should see the realization of not only the National Social Protection Act but will also set the platform for the development of the following:

- (i) A National Social Protection Policy for Antigua and Barbuda
- (ii) A Central Beneficiaries Registry
- (iii) A Common Targeting Mechanism
- (iv) A Monitoring and Evaluation System

59. UNICEF's involvement in the drafting of this Bill underscores the organization's unwavering commitment to promote social protection in the region. This mandate is reflected in the first Sustainable Development Goal which is "End Poverty and Hunger". Adherence to SDG #1 would ensure that each country would put in place the social

protection programmes which would ensure that the poor and vulnerable are cared for using a rights-based, equitable approach. Presently, the Department of Social Policy, Research & Planning is assisting the legal consultant with drafting the Eligibility Criteria for the Assistance Categories of existing and upcoming social protection programmes. It is hoped that the new Bill will be passed in 2017.

60. The Project has made a conscientious effort to include or involve schoolchildren. This was evidenced by the Launch of the Slogan and Logo Competition in May, 2016 which was open to all primary and secondary students in Antigua and Barbuda. Prizes were awarded to the winners in June, 2016.

61. Furthermore, one of the key activities of the partnership between UNICEF, UN Women and the Department for International Development (DFID) was the convening of regional and national capacity development and advocacy workshops on Gender and Child Responsive Budgeting in 2015 and 2016. These workshops sought to engage and increase the knowledge of policy makers and social development practitioners in the OECS and to work with them in ensuring the financing of child and gender-related policies and programmes on social protection.

62. This programme is an integral component of the UNICEF/DFID Programme, “**Protecting the Most Disadvantaged Girls and Boys in the Caribbean Overseas Territories of Montserrat, UK Virgin Islands, Turks and Caicos Islands and Anguilla**”. The expected outcome is the attaining of an improved evidence base on the situation of girls and boys in the Caribbean to better support social policy and programme development that targets the most disadvantaged girls and boys by strengthening capacity for child and gender sensitive budgeting.

63. The child and gender-responsive budgeting initiative integrates the economic and social considerations of national budgets, social protection policies and investments for children within a gender-based framework. It draws from the budget and fiscal space analysis for investment in children and engages government counterparts in a review and analysis of the relevant social, economic and financial policy, programme and operational documents. The initiative is built on the premise that fiscal space needs to exist and/or created in order for government to sustainably improve spending on gender-responsive and national children priorities which may include education, health, child protection and social protection.

### Part III

#### Data, statistics and other information, if available

1. Please provide data for the last three years on the budgets allocated for children (in absolute terms and as percentage of the total national budget and of gross domestic product) in the fields of education, health, social services and child protection. Noting that the budget allocated to health and education has declined since 2013, please indicate measures taken to ensure that Government expenditure in these two areas are prioritized. Please additionally clarify whether there is a budget specifically for the implementation of the Convention.

#### Budget for Education 2012-2014 (don't have other years analyzed in this way as yet)

Year	National budget/\$EC	Education budget/\$EC	Percentage of National Budget	GDP at current market prices*	Percentage of GDP
2012	752 592 258	76 337 364	10.1%	3223.79 × 106	2.4%
2013	786 992 836	84 446 171	10.7%	3320.59 × 106	2.5%
2014	874 824 842	86 174 495	9.9%	3449.78 × 106	2.5%

64. Educational activities also benefit from funding from an Education Levy, administered by the Board of Education, which does not form part of the consolidated funds. Budgets over the same period from that fund for education-related activities are:

<i>Item/Activity</i>	<i>Budget 2012</i>	<i>Budget 2013</i>	<i>Budget 2014</i>
<b>Totals</b>	<b>17 827 060.78</b>	<b>18 435 358.57</b>	<b>19 315 641.01</b>

2. Please provide information on measures taken, including requests for technical assistance, to establish a system of data collection and indicators consistent with the Convention disaggregated by inter alia sex, age, national origin and residence. Please also provide, if available, updated statistical data (disaggregated by age, sex, ethnic origin, national origin, geographic location, and socio-economic status) for the past three years on:

(a) **Child victims of abuse, including victims of sexual abuse and exploitation;**

(b) **Investigation of cases of sexual violence and rape, and of the outcomes of the trials, including on the penalties for perpetrators, and redress and compensation offered to the victims;**

(c) **Trafficking in children and sexual exploitation;**

(d) **Children arrested, prosecuted and convicted;**

(e) **Child marriage;**

(f) **The enrolment and completion rates, in percentages, of the relevant age groups in pre-primary schools, in primary schools and in secondary schools;**

(g) **The number and percentage of dropouts and repetitions.**

(h) **Enrolment in pre-primary schools**

<i>Years</i>	<i>Population estimates</i>			<i>Enrolment of expected age cohort (3, 4 years)</i>			<i>Total enrolment</i>			<i>Gross Enrolment Rate (GER)</i>			<i>Net Enrolment Rate (NER)</i>		
	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>
2011-12	1 391	1 338	2 729	NA	NA	NA	NA	NA	NA	-	-	-	-	-	-
2012-13	1 443	1 387	2 830	1 098	1 011	2 109	1 335	1 261	2 596	92.5	90.9	91.7	76.1	72.9	74.5
2013-14	1 439	1 391	2 830	1 027	1 041	2 068	1 331	1 290	2 621	92.5	92.7	92.6	71.3	74.8	73.1
2014-15	1 307	1 288	2 595	1 072	1 083	2 155	1 403	1 363	2 766	107.3	105.8	106.6	82.0	84.1	83.0

### **Enrolment in Primary Schools**

<i>Years</i>	<i>Population estimates</i>			<i>Enrolment of expected age cohort (5-11 years)</i>			<i>Total enrolment</i>			<i>GER</i>			<i>NER</i>		
	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>
2010-11	5 417	5 365	10 782	4 936	4 626	9 562	5 628	5 141	10 769	103.9	95.8	99.9	91.1	86.2	88.7
2011-12	4 729	4 615	9 344	4 633	4 473	9 106	5 413	5 040	10 453	114.1	108.3	111.2	97.6	96.1	96.9
2012-13	4 697	4 567	9 264	4 266	4 309	8 575	5 322	4 972	10 294	113.3	108.9	111.1	90.8	94.4	92.6
2013-14	4 721	4 575	9 296	4 420	4 344	8 764	5 277	4 895	10 172	111.8	107.0	109.4	93.6	95.0	94.3
2014-15	4 793	4 633	9 426	4 580	4 468	9 046	5 186	4 891	10 103	108.2	105.6	107.2	95.6	96.4	96.0

**Enrolment in Secondary Schools**

Years	Population estimates			Enrolment of expected age cohort (3, 4 years)			Total enrolment			Gross Enrolment Rate (GER)			Net Enrolment Rate (NER)		
	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T
2010-11	3 952	4 010	7 962	NA	NA	NA	3 582	3 857	7 439	90.6	96.2	93.4	NA	NA	NA
2011-12	3 712	3 649	7 361	2 832	3 356	6 188	3 920	3 987	7 907	105.6	109.3	102.4	76.3	92.0	80.1
2012-13	3 735	3 678	7 413	3 152	3 243	6 395	3 798	3 897	7 695	101.7	106.0	103.8	84.4	88.2	86.3
2013-14	3 728	3 671	7 399	3 195	3 320	6 515	3 863	3 889	7 752	103.6	105.9	104.8	85.7	90.4	88.1
2014-15	3 684	3 624	7 308	3 162	3 221	6 383	3 888	3 901	7 789	105.5	107.6	106.7	85.8	88.9	87.3

65. We don't have calculations of completion rates ...

**(g) Repetition and Dropout Rates**

Rate	Repetition			Dropout			
	2012-13	2013-14	2014-15	2012-13	2013-14	2014-15	
Primary	M	5.1%	3.0	3.1	0.4	0.1	0.2
	F	2.9%	1.9	2.0	0.3	0.1	0.1
	All	4.0%	2.4	2.5	0.4	0.1	0.1
Secondary	M	10.6	9.8	9.7	1.8	2.0	1.2
	F	4.4	9.1	9.1	0.7	1.5	0.8
	All	7.5	9.4	9.4	1.3	1.8	1.0

**3. Please provide data disaggregated by age, sex, disability, socio-economic background, ethnic origin and geographical location regarding the situation of children deprived of a family environment, covering the past three years, on the number of children:**

- (a) **Separated from their parents;**
- (b) **Living in child-headed households;**
- (c) **Placed in institutions;**
- (d) **Placed with foster families;**
- (e) **Adopted domestically or through inter-country adoptions.**

**4. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographical location, for the past three years, on the number of children with disabilities:**

- (a) **Living with their families;**
- (b) **In institutions;**
- (c) **Attending regular primary schools;**
- (d) **Attending regular secondary schools;**
- (e) **Attending special schools;**
- (f) **Out of school;**
- (g) **Abandoned by their families.**

66. We do not have data on (c) and (d) (e)

**Enrolment in special schools****2012-13**

<i>Age</i>	<i>M</i>	<i>F</i>	<i>T</i>
< 5	0	0	0
6-10	16	11	27
11-15	49	25	74
16-20	0	0	0
<b>Totals</b>	<b>65</b>	<b>36</b>	<b>101</b>

**2013-14**

<i>Age</i>	<i>M</i>	<i>F</i>	<i>T</i>
< 5	0	0	0
6-10	16	11	28
11-15	32	18	49
16-20	24	12	36
<b>Totals</b>	<b>72</b>	<b>41</b>	<b>113</b>

**2014-15**

<i>Age</i>	<i>M</i>	<i>F</i>	<i>T</i>
< 5	2	0	2
6-10	22	13	35
11-15	19	16	35
16-20	17	13	30
<b>Totals</b>	<b>60</b>	<b>42</b>	<b>102</b>

5. **Please provide the Committee with an update of any data in the report which may have been outdated by more recent data collected or other new developments.**

67. Nothing further to report at this time

6. **In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention**

68. Areas affecting children in Antigua and Barbuda

69. Family

70. The contributing factors from the family stand point are parental substance abuse, family conflict or violence, history of child abuse and neglect and poor parent-child interaction.

*Environment factors*

- Lack of proper adult supervision at home is one of the factors that affect children's social and emotional development. Reports to the Family and Social Services Division over the years indicate that children who are left at home without adequate parental supervision are more likely to become vulnerable to child abuse.
- The lack of proper supervision is usually due to prolonged working hours as a result of a single parent household whereby the mother being underemployed or is not receiving maintenance from the father/s of her child/ children. Some mothers



also have low income potential which lead them to find other means other sources of, which may include engaging in illegal/illicit activities in order to provide for their children. Children from these families are also reported to be unkempt, have behavioral issues at school and at home, low academic performers, and truancy/absenteeism issues.

- Deplorable living conditions is another factor that affect some children in Antigua and Barbuda. These include lack of the basic amenities such electricity and water. Deplorable living environment is a primary factor for removal from the physical care and custody of a parent or care giver/s. This is done under section 5 (2) of the Maintenance of and Access to Children Act, 2008 of the Laws of Antigua and Barbuda.
- There are no alternative measures such as assistance with home renovations currently in place to assist parents/caregivers to improve their physical living conditions. Alternative care is an option for children who are found in deplorable conditions. This is inclusive of the Foster Care Program and care institutions for children. There are two care institutions for girls in Antigua and Barbuda. However, there is only one institution on island which caters for the needs of boys.

#### *Income*

71. A parent/caregiver's income level is also a factor which affects children in Antigua and Barbuda. Parent/caregivers with a low income are not usually able to provide the basic necessities for their child/children. These include food, clothing and shelter. However, assistance through social programs (e.g. Board of Guardians, School Meals Program, and PDV) is available to assist low income families meet some of their basic needs.

#### *Child maintenance*

72. A lack of child maintenance affects some children in Antigua and Barbuda. At times inquires and reports in respect of a need or lack of child maintenance payments are made to the Family and Social Services. Parents/caregivers report that they are unable to meet their child/children's needs, because they cannot obtain maintenance from the child/children's father or mother. Application for child maintenance can be made in the Family Court under the Maintenance of and Access to Children Act, 2008 by a parent (mother or father) or caregiver (foster parent, guardian).

#### *Migration*

73. Migration changes the structure of families. Migration affects children in different ways. Children who are left behind by their parents/caregivers may receive remittances sent home from their parents. Some of the issues that have affected children who have migrated to Antigua and Barbuda are parents' economic insecurity, social and cultural dislocation.

74. Depending on the period of migration, a child may not be able to enter the public school system as there are two periods for admittance (September and January). A parent's immigration status is also an issue for entrance into a public school. Some parents/caregivers do not have legal status in the country and therefore have to resort to sending their child/children to a private school. A lack of family support or community ties can also affect child/ children who have migrated.

#### *Biological Factors*

##### *Gender*

75. Gender is a factor that affects children in Antigua and Barbuda. Boys are less likely to be immediately placed in a safe environment as a result of abuse and or neglect. Due to cultural norms, which tend to view boys as more problematic and predisposed to having behavioral problems as opposed to girls.

76. As previously stated, there are three institutions in the country that house children in need of care and protection, but two of these institutions are for girls only. These institutions are also private and faith based. The other facility was initially established for

boys who had conflict with the law, but it is also being used to house boys in need of care and protection. Presently, the lone Boys training School has recently been placed under the Ministry of Social Transformation and Human Resource Development. Further, the Ministry is in the process of restructuring that institution. Please note as well that under the JJRP, Antigua & Barbuda is hopeful that some assistance may be given to bring the facility to an up-to-date modern facility.

*Mental Health*

77. Mental health issues affect our children. A lack of access to psychiatric care for children who have mental health issues have made it extremely difficult for these children and their families. These children have extreme behavioral problems such as Attention Deficit Syndrome (ADHD), Autism and Depression among others, which often go undiagnosed for a long period of time. Absence of mental health alternatives for children in Antigua and Barbuda have caused their behavior to worsen and become more difficult to treat.

78. Some of the behavioral issues displayed by these children are truancy, risky sexual behavior, chronic running away from home as well as physical and verbal altercations with parents/caregivers, teachers and other students. Limited social support is available to these children and their parents. In a few cases the parent/s are not willing to care for their child who has a mental health issue.

*Child reporting protocol*

79. There is a need for improvement in the child reporting protocol. The Family and Social Services Division have consulted with OECS/USAID for assistance to develop a Child Protection Policy, which will include a Child reporting protocol.

80. Additionally, the provisions of additional Human resource in key areas at the Family and Social Services Division who are designated to work with children and families at risk are areas that need to be improved.

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