



## Convention on the Rights of the Child

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### COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-seventh session

### SUMMARY RECORD OF THE 993rd MEETING

Held at the Palais Wilson, Geneva,  
on Tuesday, 28 September 2004, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Antigua and Barbuda (CRC/C/28/Add.22; CRC/C/Q/ATG/1; CRC/C/RESP/70)

1. At the invitation of the Chairperson, Mr. Derrick, Ms. Jarvis, Ms. Osoba and Ms. Roseau (Antigua and Barbuda) took places at the Committee table.
2. Mr. DERRICK (Antigua and Barbuda) said that the Government of Antigua and Barbuda was committed to implementing the Convention on the Rights of the Child. The National Committee on the Rights of the Child had disseminated the Convention and taken measures to publicize the initial report. The Government had signed and ratified International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Government was taking steps to bring its legislation on such issues as adoption, child maintenance and divorce into line with the relevant international instruments. The Government was considering a new definition of the child, which would include “every human being below the age of 18”.
3. Primary and secondary education for children between the ages of 5 and 16 years was free and compulsory. Textbooks and uniforms were provided free of charge to all schoolchildren. Under a special programme that would be introduced in 2004, schoolchildren would also receive free meals.
4. The Government was making efforts to improve health services. For example, under the expanded immunization programme, children aged two months and older would be immunized against diseases such as hepatitis B, diphtheria, tetanus and meningitis. Anaemia prevention and treatment services were provided to children between the ages of 6 months and 2 years. HIV/AIDS patients received free medical care. Under a special initiative, a television programme run by children for children would be broadcast to raise awareness of HIV/AIDS issues. Lastly, concrete steps would be taken to improve the data collection system and to establish, in cooperation with the Inter-American Institute for Children, a national information centre on the child and the family.
5. Ms. LEE, Country Rapporteur, said that the delegation should provide information on the National Strategic Development Plan for 2001-2004. She enquired whether the Plan had been completed and whether it included measures for children. Information should also be provided on the draft national youth policy. She asked whether the Government had finished reviewing the policy for enactment into law.
6. She was concerned that the Ombudsman’s recommendations had to be approved by the director of the public prosecutor’s office and that it often took a long time to implement them. Information on the funds allocated to services for children had not been provided and there was a lack of disaggregated data on all areas covered by the Convention.

7. The delegation should explain why the maximum age for the “statutory rape” of a female was 14 years, while the age of sexual consent for both females and males was 16 years. She expressed concern that the age of criminal responsibility was 8.

8. Ms. OUEDRAOGO said that the Government should promote greater participation of non-governmental organizations (NGOs) in the preparation of the report. She would be interested in knowing how the Government viewed its future cooperation with NGOs. She enquired whether there was a continuous campaign to disseminate the Convention and the initial report; further efforts would be necessary to ensure the wide dissemination of both documents.

9. She stressed the need to incorporate human rights into school curricula and training courses for professionals. Children’s views should be respected in the family circle and taken into account when legislation was drafted.

10. Birth registration procedures in Antigua and Barbuda were not entirely consistent with the Convention. For example, if the father of a child born out of wedlock did not recognize his paternity, the father’s name was not recorded when the child was registered. There was no procedure for facilitating paternal recognition, and tests for recognition of paternity were very expensive. She asked what measures had been taken to ensure that all children were properly registered.

11. She considered the use of the term “legitimate” or “illegitimate” in relation to children inappropriate and asked whether the legislation of Antigua and Barbuda contained those terms. She enquired what circumstances could lead to loss of nationality and whether such circumstances also applied to children.

12. She expressed concern that some existing laws could be interpreted as authorizing torture or cruel and degrading treatment or punishment. She asked whether the Corporal Punishment Act, which provided for the whipping of males, also applied to children, particularly to young offenders held in police custody. She enquired whether the Government intended to prohibit corporal punishment. She would be interested in knowing whether efforts were being made to raise awareness of the adverse effects of corporal punishment on children, and whether children and staff working with children were encouraged to report the use of corporal punishment.

13. Mr. CITARELLA said that he would appreciate hearing the current Government’s overall assessment of the initial report, which had been prepared by the previous Government. The fact that the Constitution did not refer specifically to children made it less effective from the standpoint of children’s rights. He asked whether the Convention could be invoked directly or whether it was necessary to enact legislation to incorporate the Convention into domestic law. He enquired whether any steps had been taken to reduce discrepancies between the country’s customary law and its formal legislation, with a view to bringing both into conformity with the Convention.

14. Measures should be taken to clarify the definition of the child and the age of civil majority. The age of criminal responsibility in the State party, which was set at 8, was too low. He asked whether consideration had been given to abolishing the Corporal Punishment Act.

15. Ms. AL-THANI asked whether any steps had been taken to limit the widespread practice of corporal punishment in the home. The Constitution of Antigua and Barbuda should not only prohibit discrimination but should also stipulate the grounds on which it was prohibited. The exclusion of pregnant girls from the education system was a form of discrimination that should be abolished. She enquired whether children with disabilities were discriminated against in terms of access to social services, cultural activities and sports. She asked whether ethnic groups in Antigua and Barbuda faced discrimination.

16. Mr. FILALI enquired whether the current Government planned to maintain relations with a broader range of non-governmental organizations (NGOs) than had been the case with previous Governments. He wished to know what aspects of the Child Protection Act of 2003 were under review and whether the Child Protection Agency provided for in that Act would be established. He enquired whether there were plans to recruit additional staff for the Ombudsman's Office. The delegation should comment on the situation of violence in schools, institutions and the family.

17. Ms. ALUOCH asked whether the local Committee on the Rights of the Child was an independent body and how its members were appointed. She asked whether that committee's membership had been affected by the change of government.

18. She was concerned that, according to the Maintenance of Children Act, children were entitled to receive maintenance payments only up to the age of 16. She asked whether the Government planned to raise that age.

19. Mr. KOTRANE asked whether NGOs had cooperated in preparing the State party's initial report, the National Strategic Plan for 2001-2004 and the draft national youth policy. He enquired whether there was an independent monitoring body to receive and process complaints from children and parents. He was concerned that it was not a crime to give or sell alcohol to a child over the age of 10. A child's right to know his or her father's identity should not be subject to the father's consent.

20. Ms. ORTIZ commended the Government for its efforts to reform its institutions. She asked whether the Government would receive international assistance to bring its legislation into conformity with the Convention.

21. Mr. LIWSKI asked whether the current Government planned to reform the legal, cultural and institutional structures that condoned violence against children. He suggested that the Government should conduct awareness campaigns and assign specialists to devise alternative methods for disciplining children. The State party should formulate a concrete policy to discourage violence against children.

22. He asked whether a holistic approach that allowed for priority budgeting had been implemented. He enquired what steps had been taken to promote the development of youth organizations and NGOs for children.

23. Ms. SMITH requested additional information on the right of children to participate in decisions affecting them, particularly medical decisions and custody rulings. Children should not require the consent of their parents or guardians in order to receive religious instruction in a religion other than their own.

24. The Government needed to strengthen its efforts to implement the provisions of article 17 of the Convention. She asked whether the Government had taken any measures to prevent the depiction of violence and sex on television and the Internet. She wished to know whether children had access to public libraries and other sources of information that promoted their well-being.

25. Ms. CHUTIKUL requested information on the 10 critical issues that had been identified as components of the draft national youth policy. She enquired whether the local Committee on the Rights of the Child served as the main coordinator for the various ministries that dealt with children's rights. She asked who would participate in developing the national plan of action for children and what time frame would be adopted. She wondered whether the national plan of action for children was rights-based and how it differed from the draft national youth policy.

The meeting was suspended at 11.20 a.m. and resumed at 11.35 a.m.

26. Mr. DERRICK (Antigua and Barbuda) said that, under the Family Law and Domestic Violence Reform Initiative, all legislation affecting children and the family in Antigua and Barbuda was being reviewed and the definition of the child in such legislation was being harmonized. It was necessary to enact specific legislation to incorporate the Convention into domestic law. Specific measures to that effect would be proposed in the course of the Reform Initiative.

27. The initial report had been based on the budget of the previous administration. When preparing its budget for 2005, the Government would do its utmost to ensure that 40 per cent of the general budget was allocated to social services, including education, health and children's programmes.

28. Under current legislation, the Ombudsman's Office had little power. While the Government was aware of the need to ensure the independence of the Ombudsman and to increase the powers of that Office, it did not consider such measures to be a top priority.

29. The CHAIRPERSON asked whether the Government would consider giving the Ombudsman an explicit mandate to act on complaints from, or on behalf of, children.

30. Mr. DERRICK (Antigua and Barbuda) said that the Government would consider including a specific clause on children's complaints when the relevant legislation was reviewed. Children's opinions were taken in divorce proceedings. Children were usually heard in private, and their interests were paramount in decisions on custody and access rights.

31. While there was no explicit reference to discrimination against children in the Constitution, children were included by implication in the prohibition of discrimination against any person. He would, however, propose that a specific provision on discrimination against children should be incorporated into the Constitution.

32. The Government was aware of the need to pay greater attention to the content of television programmes, including those available on cable channels. Measures to monitor the broadcast media were under consideration.
33. Ms. OUEDRAOGO asked whether a media council had been established to regulate the written and electronic press.
34. Mr. DERRICK (Antigua and Barbuda) said that the Government was considering the establishment of an independent corporation to regulate the media.
35. Ms. OSOBA (Antigua and Barbuda) said that the public library held a collection of children's books, which were available to all children. Many schools had their own libraries. While there were not many children's programmes on the television or radio, there had been a popular NGO-sponsored radio call-in show for children, and she had recommended that the Government should reinstate the show.
36. Mr. DERRICK (Antigua and Barbuda) said that, under current legislation, fathers who wanted their names to appear on their children's birth certificates could have them included either when the birth certificate was prepared, or added later by affidavit. Mothers could take their children's fathers to court to apply for maintenance payments. Paternity suits and maintenance would be addressed in the reform of the Family Law. While children were entitled to have their fathers acknowledged on their birth certificates, it would be expensive for the State to handle all applications from children whose fathers resisted such recognition.
37. While the word "illegitimate" still appeared in older legislation, it would be removed after completion of the Family Law and Domestic Violence Reform Initiative. All children had the same rights, whether or not they were born in wedlock.
38. Doctors and teachers routinely reported incidents of child abuse. Corporal punishment was a culturally accepted practice in Antigua and Barbuda. While it had been the subject of much debate, the Government currently lacked the political will to abolish the custom.
39. Ms. OSOBA (Antigua and Barbuda) said that, while corporal punishment was less frequent than in the past, the Education Act permitted it in schools and many parents believed it to be an effective means of disciplining their children. Although she recognized that it would be difficult to change attitudes on the matter, she was strongly in favour of abolishing corporal punishment.
40. Ms. AL-THANI suggested that the State party should involve children in a debate on the issue.
41. Mr. LIWSKI asked what position the Government took regarding corporal punishment.
42. The CHAIRPERSON said that the Committee fully supported the abolition of corporal punishment. The Government should enact legislation prohibiting corporal punishment in schools and in the juvenile justice system.

43. Ms. OSOBA (Antigua and Barbuda) replied that the issue of corporal punishment had been raised during national consultation on the Convention and had been pursued in the media. She agreed that children should be involved in a debate.
44. Ms. KHATTAB asked whether girls were subjected to corporal punishment.
45. Ms. OSOBA (Antigua and Barbuda) said that, in schools, corporal punishment was more commonly used to discipline boys rather than girls. While the juvenile justice system had not resorted to the practice in recent years, it was necessary to amend the relevant legislation to prohibit corporal punishment of juveniles.
46. Ms. OUEDRAOGO asked whether any parents had complained that their children had been injured as a result of corporal punishment at school.
47. Ms. VUCKOVIC-SAHOVIC suggested that, since the reporting State had made no reservations to the Convention, it should respect all of its provisions, including article 28, paragraph 2.
48. Mr. DERRICK (Antigua and Barbuda) said that many people were unaware of the international instruments that had been ratified by the previous Government. Although schoolgirls who became pregnant were allowed to continue their education, they were discouraged from returning to school after giving birth. The Government would take measures to ensure that such girls had an opportunity to complete their education.
49. Ms. ROSEAU (Antigua and Barbuda) said that, in accordance with the Beijing Platform for Action, there were programmes to encourage teenage mothers to continue their education. However, many girls refused to return to school after giving birth because they found the school environment hostile. Steps would be taken, in conjunction with NGOs, to ensure the reintegration of teenage mothers into mainstream education.
50. Mr. DERRICK (Antigua and Barbuda) said that the Government was currently considering measures to eliminate discrimination against children with disabilities. Children from minority ethnic groups were fully integrated into mainstream society and did not encounter any discrimination.
51. Ms. OSOBA (Antigua and Barbuda) said that Spanish-speaking children who came to live in Antigua and Barbuda learned English quickly and were successful at school. One school had set up a pilot programme to teach Spanish, in order to facilitate the integration of English- and Spanish-speaking pupils.
52. Mr. DERRICK (Antigua and Barbuda) said that the Government had made a commitment to teach at least one modern foreign language in all primary and secondary schools.
53. Ms. KHATTAB said that the Committee had been informed that there were no safe houses or alternative care institutions in Antigua and Barbuda for boys deprived of family care. Such boys were placed in juvenile detention facilities. There were currently no legal provisions to protect boys from sexual abuse and exploitation or trafficking and abduction. Boys were also often victims of violence at school. She asked whether the Government intended to amend its legislation in order to ensure greater protection for boys.

54. Mr. DERRICK (Antigua and Barbuda) said that the Government was aware that it was inappropriate to place boys who needed care in so-called “training schools”. The Child Welfare Commission was working to address that issue. It should be noted that conditions in training schools were very poor, and significant renovations were required. Reports of abuse in such institutions were currently being investigated and the appropriate measures would be taken to prevent violence. While the abduction of boys was not a major problem in Antigua and Barbuda, he agreed that that issue should be covered by legislation.

55. Very few NGOs had been involved in the drafting of Antigua and Barbuda’s initial report, since the previous Government had specifically excluded them from the process. The new Government was in favour of cooperating with NGOs and was prepared to involve all interested parties in consultations.

56. Ms. ORTIZ asked whether NGOs would be involved in the work of the National Committee on the Rights of the Child.

57. Ms. OUEDRAOGO wondered whether the large number of NGOs in Antigua and Barbuda would be encouraged to group together into networks and coalitions in order to facilitate cooperation with the Government.

58. Ms. OSOBA (Antigua and Barbuda) said that such networks existed only for Christian and service NGOs, both of which were involved in the work of the National Committee on the Rights of the Child. Trades unions had also been represented in that Committee. Since the new Government had come into power, the National Committee had not been resurrected. The Government intended to rectify that situation by establishing regular meetings of the Committee and changing its composition.

59. Ms. ALUOCH asked whether the composition of the National Committee on the Rights of the Child would be changed by order of the new Government.

60. Ms. OSOBA (Antigua and Barbuda) said that it was more a question of expanding the Committee than replacing the existing members.

61. Ms. LEE, Country Rapporteur, said that according to paragraph 108 of the report, fathers who did not provide financial support for their children during the first 12 months after their birth were absolved of the legal obligation to provide maintenance. That situation was particularly worrying, since approximately 50 per cent of households in Antigua and Barbuda were headed by single mothers. Legislation should be amended to protect the rights of children who were separated from their parents. Measures should be taken to establish policies for family reunification, since Antigua and Barbuda had a large immigrant population.

62. She asked what measures were being taken to address the issue of teenage pregnancy, and what specific results had been achieved. Efforts should be made to amend legislation to include provisions on the rights of children with disabilities, particularly with regard to access to public places. She wished to know whether Antigua and Barbuda intended to establish care institutions for children with mental illnesses. She requested further information on the content and application of the Early Intervention Programme.



63. The Committee had received information that parents were sometimes obliged to pay for desks, books and school uniforms for their children. She asked whether that was true, or whether equipment for all schools was provided by the State. She wished to know why education was not free for children of immigrants. She was concerned that children who were not admitted to State secondary schools received a lower standard of education at the post-primary establishments that they were obliged to attend.

64. Ms. OUEDRAOGO asked whether the Social Welfare Alliance still existed and how young members were elected. If only educated children were entitled to join the Alliance, she wished to know how children who did not attend school were encouraged to express their opinions. She asked if the conclusions of the annual children's assembly were taken into consideration by the Government in decision-making processes. She enquired whether there were special measures to protect children who did not attend school from commercial exploitation. She requested information on measures to prevent the commercial exploitation of children, including domestic labour, which could be dangerous to children's health.

65. The Committee had been informed that drug abuse was increasing among young people in Antigua and Barbuda, and statistics on that issue would be welcome. Measures should be taken to draft legislation prohibiting the use and sale of drugs by minors. She asked how the Government intended to address the problem of understaffed drug rehabilitation centres. She welcomed the peer-to-peer drug-awareness initiatives that had been taken by the State party, and encouraged further measures of that kind.

66. Boys should be protected by law against sexual exploitation. The delegation should provide further information on the treatment of minors involved in prostitution and sexual exploitation. She asked whether measures had been taken to protect children in Antigua and Barbuda against sex tourism. She asked why boys were not protected against abduction.

67. She asked what steps had been taken to address the problem of street children. She wondered whether the Government had taken any measures to prepare the population, and children in particular, for natural disasters, such as hurricanes and drought.

68. Ms. ORTIZ said that the lack of legislation on family reunification and on State responsibility for providing education for all children was not in keeping with the Convention. She wished to know whether the Government intended to guarantee, by law, the right of a child to live with and be raised by his or her parents. She asked how cases involving the removal of children to care institutions for reasons of security were dealt with, and whether parents or children had recourse to appeal in such cases. She enquired how care in institutions was monitored. According to information received by the Committee, a number of children were placed in unofficial care centres, and she wished to know whether, in such circumstances, caregivers were obliged to communicate with the authorities.

69. A review of State legislation on adoption was necessary. All individual adoption cases should be assessed in order to determine whether the child in question required adoption or foster care. The opinions of the child's biological parents must be taken into consideration wherever possible.

70. Ms. AL-THANI asked whether the Government was taking measures to ensure that persons with disabilities had access to public transport. She wished to know what steps were being taken to prevent the spread of HIV/AIDS. Free medication should be provided to HIV/AIDS patients, particularly pregnant mothers, since that would reduce the risk of mother-to-child transmission.

71. She asked whether nutrition-awareness programmes were implemented countrywide, since obesity was a major hazard to children's health. Further information should be provided on breastfeeding, including whether the State party was implementing the International Code of Marketing of Breast-milk Substitutes and whether hospitals were baby-friendly. She wondered what was the average duration of maternity leave. Since there was such a high teenage pregnancy rate in Antigua and Barbuda, it appeared that there was a lack of reproductive health education for adolescents, and she enquired whether there was also a high incidence of sexually transmitted diseases. The delegation should provide statistics on child suicide rates, and should also give further information on mental health services for children and adolescents.

72. Ms. KHATTAB asked whether efforts were being made to alleviate overcrowded classrooms in State schools, whether school facilities were being renovated, and whether any measures were being taken to increase the number of cultural and performing arts options provided in school curricula. She requested clarification on the minimum age of criminal responsibility. She asked for information on school dropout rates, since children who did not attend school were subject to commercial exploitation or lived on the streets. Legislation on the safety and health of workers should be strengthened with a view to protecting children and adolescents from exploitation. She asked whether any measures were being taken to encourage parents and children to report cases of sexual exploitation.

73. Mr. KOTRANE enquired whether the State party had an agreement with the United States for the recovery of alimony, since many men emigrated to America, leaving their families behind. Measures must be taken to prevent abandoned children from being held in detention centres for young offenders. Information on reproductive health and the prevention of violence and vandalism should be incorporated into school curricula.

74. Mr. CITARELLA said that some of the State party's national legislation was outdated. He asked whether by law both parents had equal responsibility in the upbringing and education of their children. The delegation should explain the concept of the "rules of natural justice". The Committee was concerned about the de facto separation of children from their biological parents in adoption cases. According to the report, intercountry adoption was prohibited by law, and he wished to know whether that also applied to adoptions carried out between Antigua and Barbuda.

75. The Committee had received contradictory information on the sentencing of juvenile offenders. He asked whether an offender under the age of 18 could be sentenced to life imprisonment for homicide or treason.

The meeting rose at 1 p.m.