

## ANTIGUA AND BARBUDA

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child	12 Mar 1991	5 Oct 1993	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	18 Dec 2001	30 Apr 2001	
Protocol to Prevent, Suppress and Punish Trafficking in Persons		17 Feb 2010	
UN Optional Protocol on the Involvement of Children in Armed Conflict			
UN Convention for the Protection of All Persons from Enforced Disappearance			
Hague Convention on International Child Abduction			

In Antigua and Barbuda, there are five laws that refer directly or indirectly to missing children:

1. Offenses Against the Person Act of 1873;
2. Juvenile Act of 1951;
3. Childcare and Protection Act of 2003;
4. Maintenance of and Access to Children Act of 2008; and
5. Trafficking in Persons (Prevention) Act of 2010.

### General Child Protection

Antigua and Barbuda ratified the United Nations Convention on the Rights of the Child (CRC) on 5 October 1993,<sup>1</sup> and the government established a committee to implement the mandates dictated by the CRC in 2000.<sup>2</sup> In 2003, the Parliament passed a bill to create a Child Protection Agency, but it is unclear if such an agency exists today.

In its 2015 State Party Report, the UN Committee on the Rights of the Child asserted that Antigua and Barbuda has shown improvement through the implementation of policies that enhance the general welfare of its children.<sup>3</sup> In 2009, Antigua and Barbuda implemented the National Child Protection

<sup>1</sup> *United Nations Treaty Collection, Chapter IV Human Rights, Convention on the Rights of the Child*, at [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg\\_no=IV-11&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-11&chapter=4&lang=en) (last visited Jan. 23, 2018).

<sup>2</sup> U.S. Department of State, *2015 Country Reports on Human Rights Practices – Antigua and Barbuda*, at [https://www.justice.gov/sites/default/files/pages/attachments/2015/09/28/dos-hrr\\_2002\\_antigua-and-barbuda.pdf](https://www.justice.gov/sites/default/files/pages/attachments/2015/09/28/dos-hrr_2002_antigua-and-barbuda.pdf) (last visited Jan. 23, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>3</sup> *Convention on the Rights of the Child, Consideration of reports submitted by States parties under article 44 of the Convention, Antigua and Barbuda*, at <http://www.refworld.org/docid/5853fe864.html> (last visited Jan. 18, 2018) (on file with the International Centre for Missing and Exploited Children).

Reform Committee (NCPRC), which aids UNICEF's efforts in child protection policy. Additionally, the country has improved its data systems, making information on children more accessible.<sup>4</sup>

### General Missing Child Issues

The Offences Against the Person Act of 1873, Sexual Offences Act of 1995, Juvenile Act of 1951, Adoption of Children Act of 1994, Childcare and Protection Act of 2003, and Children (Care and Adoption) Act of 2015 encompass a broad array of child protection issues, including: cruelty against juveniles, sexual intercourse with a minor, protection against child neglect and abuse, child adoption, child protection against exposure to life threatening situations, **abduction of girls under the age of 16, child stealing, and kidnapping.**

### Definition of "Missing Child"

Antigua and Barbuda does not have specific legislation that provides a definition for a "missing child." The Childcare and Protection Act of 2003 defines "child" as a person who has not attained the age of 18 years.<sup>5</sup> In addition, the Trafficking in Persons (Prevention) Act of 2010 also defines "child" as a person who is under the age of 18, whether born in or out of wedlock.<sup>6</sup>

### Abandonment

Article 29 of the Offences Against the Person Act of 1873 penalizes the act of unlawfully abandoning or exposing a child below the age of two years, whose life is endangered, or whose health has been or is likely to be permanently injured.<sup>7</sup> Such an act is punishable by imprisonment for a maximum of two years, with or without hard labor.<sup>8</sup> Article 28 of the same Act also protects a child from neglect and bodily harm with the penalty for the misdemeanor set at imprisonment for a maximum of two years, with or without hard labor.<sup>9</sup>

### Kidnapping and Abduction

Articles 53, 54, and 65 of the Offences Against the Person Act of 1873 have specific provisions that apply to the abduction of a girl under 16 years of age, child stealing, and kidnapping of any persons respectively.<sup>10</sup>

Under Article 53 of the Offences Against the Person Act of 1873, any person who unlawfully takes a girl under the age of 16 against the will of her mother or father is liable for imprisonment for a maximum of two years, with or without hard labor.<sup>11</sup>

Article 54 on child stealing is the only article that specifically focuses on children, and states that whoever detains a child, either by force or fraud, under the age of 14 years with the intent of depriving the parent, guardian, or person having legal guardianship of the child, is guilty of a crime.<sup>12</sup> The penalty for such a crime is imprisonment for a maximum of three years, with or without hard labor.<sup>13</sup> If the victim is a male under the age of 16 years, the individual may additionally be punished by whipping.<sup>14</sup>

---

<sup>4</sup> *Id.*

<sup>5</sup> The Childcare and Protection Act 2003, at <http://laws.gov.ag/acts/2003/a2003-29.pdf> (last visited Feb. 19, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>6</sup> The Trafficking in Persons (Prevention) Act of 2010, Antigua and Barbuda, at [http://laws.gov.ag/statutory/SI2010/si\\_tbl\\_No\\_6\\_2010.pdf](http://laws.gov.ag/statutory/SI2010/si_tbl_No_6_2010.pdf) (last visited Jan. 23, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>7</sup> Offences Against the Person Act, Laws of Antigua and Barbuda, Article 29, at <http://www.laws.gov.ag/acts/chapters/cap-300.pdf> (last visited Jan. 23, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at Article 28.

<sup>10</sup> *Id.* at Articles 53, 54, 65.

<sup>11</sup> *Id.* at Article 53.

<sup>12</sup> *Id.* at Article 54.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

According to Article 65 on kidnapping, any person who confines, imprisons, and holds an individual against their will, or causes an individual to be sent or transported out of Antigua and Barbuda against their will, is liable to be imprisoned for a maximum of seven years, with or without hard labor.<sup>15</sup>

### Parental Abduction

The government of Antigua and Barbuda is not 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.<sup>16</sup>

Article 23 of the Maintenance of and Access to Children Act of 2008 specifically addresses the issue of international parental abduction. Under this law, a court may stop an individual from leaving Antigua and Barbuda if that individual is leaving “without having made adequate provision for the maintenance of a child during his absence.”<sup>17</sup>

Any child under 16 years of age can apply for a passport. A parent or guardian must complete certain sections of the application (unless the child is married) and, if the parent/guardian is not available to personally sign the form, they must provide a written letter of consent to be submitted with the application and proof of identity.<sup>18</sup> If the parents are unmarried, the consent should be provided by the mother.<sup>19</sup>

### Reporting Mechanism

Although Crime Stoppers Antigua and Barbuda has a number that can be used to anonymously report any crime (800-8477), currently no reporting mechanisms exist to report cases of missing children.

### Investigation of Missing Child Cases

No legislation exists in Antigua and Barbuda requiring the immediate investigation of missing children cases. Law enforcement agencies often wait for 24 hours before declaring a person “missing.”<sup>20</sup>

### National Database

Currently there is no national database that focuses on missing children.

### Case Management System

There is currently no case management system in place dedicated to missing children.

### Alert Mechanism

Antigua and Barbuda does not currently have a mechanism in place to notify the public about missing children cases. Police use traditional news media to ask assistance in missing children cases.<sup>21</sup> However, there does not appear to be a coordinated policy.

---

<sup>15</sup> *Id.* at Article 65.

<sup>16</sup> U.S. Department of State, *2016 Country Reports on Human Rights Practices – Antigua and Barbuda*, at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265556> (last visited Feb. 2, 2018) (on file with the International Centre for Missing & Exploited Children); see also, *Parental Child Abduction*, at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html) (last visited Jan. 23, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>17</sup> *The Maintenance of and Access to Children Act*, 2008, at <http://laws.gov.ag/acts/2008/a2008-1.pdf> (last visited Jan. 23, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>18</sup> Antigua and Barbuda Department of Immigration, *Passports*, at <http://www.immigration.gov.ag/passports/> (last visited Feb. 16, 2018). See also, *Application for Antigua and Barbuda Passport for applicants under 16*, at [http://forms.gov.ag/passport/passport\\_notes\\_teen.pdf](http://forms.gov.ag/passport/passport_notes_teen.pdf) (last visited Feb. 16, 2018).

<sup>19</sup> *Id.*

<sup>20</sup> *What’s happening? Of missing persons and Change*, THE DAILY OBSERVER, Apr. 5, 2011, at <http://www.antiguaobserver.com/of-missing-persons-and-change/> (last visited Jan. 23, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>21</sup> *Police Found Missing Teen*, Antigua Observer, at <https://antiguaobserver.com/police-locate-missing-teen/> (last visited Feb. 16, 2018)

### Awareness-Raising Initiatives

Antigua and Barbuda lacks awareness-raising initiatives specific to missing children. However, newspapers aid in keeping the public informed regarding missing persons cases.<sup>22</sup> Additionally, the Trafficking in Persons (Prevention) Committee within the Ministry of Legal Affairs, Public Safety and Labour raises awareness among children by visiting schools and presenting on human trafficking as a part of their annual week of awareness initiatives.<sup>23</sup>

### Trafficking

In its 2017 Trafficking in Persons Report, the U.S. State Department placed the country on the Tier 2 Watch List, noting that Antigua and Barbuda does not fully meet the minimum standards for the elimination of trafficking, but is making significant efforts to do so.<sup>24</sup> Antigua and Barbuda has taken steps to combat trafficking and passed the Trafficking in Persons (Prevention) Act in 2010 in conjunction with ratifying the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. Article 14 of the Act sentences persons who direct, conspire, or perform the act of trafficking to a fine of (maximum) \$400,000 dollars, or imprisonment (maximum) of 20 years, or both.<sup>25</sup> Article 15 specifically outlines the penalty for three conditions of trafficking children:

- 1) A person who directs, conspires, or performs the act of trafficking is liable either for a maximum fine of \$600,000 dollars, or imprisonment of a maximum of 25 years, or both;
- 2) A person who traffics children for sexual exploitation is liable either for a maximum fine of one million dollars, or imprisonment of a maximum of 25 years, or both;
- 3) A person who knowingly exploits or detains a child who has been trafficked is liable either for a maximum fine of \$1 million dollars, or imprisonment of a maximum of 25 years, or both.<sup>26</sup>

However, in November 2014, the High Court of Justice declared the criminal penalties of the Act unconstitutional.<sup>27</sup>

---

<sup>22</sup> *Missing Child Found*, THE DAILY OBSERVER, Jan. 25, 2012, at <http://antiguaobserver.com/missing-child-found/> and <http://antiguaobserver.com/mystery-of-missing-child/> (last visited Jan. 23, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>23</sup> *Taking human trafficking awareness to the schools*, ANTIGUA NEWS ROOM, Sep. 27, 2017, at <https://antiguanewsroom.com/news/taking-human-trafficking-awareness-to-the-schools/> (last visited Feb. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>24</sup> U.S. Department of State, *2017 Trafficking in Persons Report – Antigua and Barbuda* 64, at <https://www.state.gov/documents/organization/271339.pdf> (last visited Jan. 18, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>25</sup> Offenses Against the Person Act, *supra* note 7, at Article 14.

<sup>26</sup> *Id.* at Article 15.

<sup>27</sup> US Department of State, *2015 Trafficking in Persons Report – Antigua and Barbuda*, at <http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243383.htm> (last visited Jan. 23, 2018) (on file with the International Centre for Missing & Exploited Children).