

Protection Of The Child Part 1

As April is recognized in the Bahamas as Child Protection Month, we at Halsbury Chambers thought that we would issue a few Bulletins relevant to the Protection of the Child.

Recently the Government observed that child abuse in the Bahamas is on the rise with approximately 1300 cases reported between the years of 2011 and 2012. It is most unfortunate that many cases go unreported.

In this issue we will concentrate on the United Nations Convention on the Right of The Child (UNCRC) which the Bahamas is one out of 193 countries that are a party to this Convention. This means that there is an obligation on the Bahamas to meet the provisions and obligations set out in the Convention. On the 2nd September 1990 UNCRC entered into force as international law.

UNCRC is a comprehensive international binding agreement on the rights of children, adopted by the United Nations General Assembly in 1989. A child is defined in the UNCRC as a person under the age of 18.

The Preamble of the UNCRC acknowledges the family as the fundamental unit of society and the natural environment for the growth and wellbeing of children. The Preamble also outlines that the family should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.

By virtue of Article 2 of the Convention all the rights guaranteed by UNCRC must be available to all children without discrimination. The best interest of the child must be the primary concern in all matters concerning children (Article 3). Article 6 outlines that every child has a right to life, survival and development. And Article 12 stipulates that the child's view must be considered and taken into account in all matters affecting him or her.

The rights afforded to children under UNCRC can be categorized as follows:

(a) **The Right to Survive:** This includes the child's right to life and the needs that are most basic to existence, such as

nutrition, shelter or adequate living standards and access to medical services.

(b) **The Right to Develop:** This includes the right to education, play, leisure, cultural activities, access to information and freedom of thought, conscience and religion.

(c) **The Right of Protection:** This ensures that children are safeguarded against all forms of abuse, neglect and exploitation, including special care for refugee children, children in the criminal justice system, protection for children in employment, protection and rehabilitation for children who suffered exploitation or abuse of any kind.

(d) **The Right to Participate:** This includes children's freedom to express opinions, to have a say in matters affecting their own lives, to join associations and to assemble peacefully. As their abilities develop, children are to have increasing opportunities to participate in the activities of their society, in preparation of responsible adulthood.

By the Bahamas agreeing to undertake the obligation of the Convention, the government has committed to protecting and ensuring children's rights and they have agreed to hold themselves accountable to this commitment before the international community. Countries that are party to the Convention are obligated to develop and undertake all actions and policies in the best interest of the Child.

In Protection of the Child Part II, we will look at the provisions of the Child Protection Act.

Halsbury Chambers