

The Protection of the Child—Part 2

In our issue, Protection of the Child Part I we looked at the United Nations Convention on the Rights of the Child (UNCRC). In this issue we will consider the Child Protection Act.

The Child Protection Act 2007 in essence harmonizes the provisions of UNCRC with our domestic law and brought under one umbrella several pieces of legislation regarding children.

The Act sets out the guiding principle that whenever a determination has to be made with respect to the upbringing of the child or the administration of the child's property or the application of any income arising from it, the welfare of the child shall be the paramount consideration. In determining any question in relation to circumstances set out aforesaid, the court or any other person must have regard to the following:

- A) The wishes and feelings of the child;
- B) The child's physical, emotional and educational needs;
- C) The likely effects of any changes in the child's circumstances;
- D) The child's age, sex, background and any other circumstances relevant in the matter;
- E) Any harm the child has suffered or is at the risk of suffering;
- F) Where relevant, the capacity of the child's parents, guardians or other persons involved in the care of the child in meeting his or her needs.

The Act speaks to the employment of the child. By virtue of section 7 of the Act, no child should be employed or engaged in any activity that may be detrimental to his health, education or mental, physical or moral development. No child under the age of sixteen should be employed. The child's parents or guardian however may employ a child under the age of sixteen in light domestic, agriculture or horticultural work.

The Act mandates that parents of disabled children must take appropriate steps to ensure that those children are assessed as early as possible as to the extent and nature of the disabilities and offer appropriate treatment. Children who are disabled must be afforded equal opportunities to education.

Section 33 of the Act requires every man to maintain his own children and also every child whether born in wedlock or not which his wife may have living with her at the time of the mar-

riage to him so long as the children are unable to maintain themselves.

If any person who has attained the age of 18 years and has the custody, charge or care of any child assaults, ill-treats, neglects, abandons or exposes him/her or causes or permits him/her to be assaulted, ill-treated, neglected, abandoned or exposed, in a manner likely to cause unnecessary suffering or injury to the health of that person shall be guilty of an offence and shall be liable upon summary conviction to a fine not exceeding \$5000 or imprisonment for 2 years or both or upon conviction in the Supreme Court, to a fine not exceeding \$10,000.00 or imprisonment for 5 years or both.

Further significant provisions of the Child Protection Act are:

- A) Mandatory Reporting of all forms of abuse against children;
- B) Mandatory parenting classes in cases where children are brought before the courts;
- C) Supervision Orders for children rendered uncontrollable in the first instance rather than committed to a detention centre;
- D) The raising of the age of criminal responsibility from 7 to 10 years old;
- E) Raising the upper age for the juvenile detention centre from 16 to 18 years;
- F) The provision of a Minor's Advocate who would undertake representation of children who are unrepresented and are parties in court proceedings such as those before the Juvenile Court;
- G) The establishment of a Child's Registry and Registry;
- H) The establishment of the National Committee for Families and Children;
- I) The management of children in juvenile detention centres.

Recently, the Minister of Social Services issued a warning to child abusers, sex offenders and pornographers. It was stated that the Government of the Bahamas, along with all its stakeholders do all within its powers to ensure that child abusers, especially sexual offenders and pornographers are brought to justice. A clarion call was made for all Bahamians everywhere to join the fight against child abuse.

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