Situation Analysis of Children in Montserrat
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Published by
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This Study was commissioned by the UNICEF Office for the Eastern Caribbean Area.

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The Situation Analysis for Montserrat is a product of collaborative effort by various stakeholders. UNICEF acknowledges with gratitude the contribution of everyone who participated in the process culminating in this report. The report provides vital information on the realization of children’s rights in Montserrat.

UNICEF would like to thank the following organisations and people for their valuable contributions and insights:

- The Ministry of Education, Health, Community Services, Sports and Youth, particularly the Department of Social Services, which supported and guided the process of development of the situation analysis report;
- The National steering committee composed of officials from the (social services) line ministries who supported the cross-sectoral approach utilized in conducting the situation analysis;
- The consultant who gathered quantitative and qualitative information from various sources and analysed them using an equity-focused approach with reference to international commitments made for the realization of children’s rights (CRC, MDGs, regional and national development objectives);
- Key stakeholders who were an invaluable source of information including officials from the line ministries, frontline workers (e.g., teachers and school supervisors, health care personnel, social workers, police officers, magistrates, etc.) faith-based organizations, and non-governmental organizations, media. UNICEF is also indebted to the children, mothers, fathers, and families;
- UNICEF LACRO team who provided the technical guidance throughout the work, for the conduct of an equity-focused and risk-informed situation analysis;
- UNICEF ECA Programme Team for the technical guidance, technical analysis and peer review of the report;
- The technical writer and graphic artists who contributed to making the report print-ready.

UNICEF remains thankful to UK AID for their financial support which made this work possible in the four UK overseas territories of Anguilla, Montserrat, Turks and Caicos Islands, and the British Virgin Islands.
The UNICEF Office for the Eastern Caribbean Area is very pleased to present this Situation Analysis of Children in partnership with the Government of Montserrat.

Evidence-informed programming is critical not only to our Multi Country Programme of Cooperation with the governments of the Eastern Caribbean Area but to the day-to-day decisions that are needed to determine policy, programme delivery and budget allocation in good governance to focus limited resources to the most critical issues and vulnerable groups. Notwithstanding some obvious gaps in data availability, we see this assessment as an integral contribution to the enhancement of knowledge of children and their families in Montserrat.

This Situation Analysis of Children in Montserrat is designed to help government shape national policies and action plans in line with the new Sustainable Development Goals agreed by the international community. It describes the current situation of children, identifies barriers and bottlenecks in advancing children’s rights in health, education and child protection and sets forth recommendations.

It is also a critical tool in the preparation of the 2017-2021 UNICEF ECA Multi Country Programme as the identification of the vulnerable segments of the child population will sharpen our focus as we seek to support governments to respond to the needs all children, but especially those most at risk of multiple deprivations.

This document represents the first time in decades that we have attempted to compile separate updates for each of the 12 countries and territories in the Multi Country Programme. It has been an arduous, but rewarding task, as while there are many similarities between the countries of the Eastern Caribbean Area, some features and situations distinguish one state from the other.

It is hoped that this Situation Analysis will be a valuable tool to all sectors including Government; international, regional and national organisations; other Development Partners and UN agencies; non-state actors and the media as well as well as special interest groups and organisations whose mission is to work towards of the advancement of the rights of children.

We sincerely thank all those who contributed to its development.
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ACRONYMS

CARICOM  Caribbean Community
CDB     Caribbean Development Bank
CEDAW   Convention on the Elimination of All Forms of Discrimination against Women
CIA     Central Intelligence Agency
CRC     Convention on the Rights of the Child
CSEC    Caribbean Secondary Education Certificate
DFID    Department for International Development, UK
ECE     early childhood education
ECLAC   Economic Commission for Latin America and the Caribbean
GDP     gross domestic product
ILO     International Labour Organization
MDG     Millennium Development Goal
MOHSS   Ministry of Health and Social Services
NER     net enrolment rate
NGO     non-governmental organization
OECS    Organisation of Eastern Caribbean States
PAHO    Pan American Health Organization
SDG     Sustainable Development Goals
SSD     Social Services Department
UNDP    United Nations Development Programme
UNFPA   United Nations Population Fund
UNICEF  United Nations Children’s Fund
USDL    United States Department of Labor
VPL     vulnerability to poverty line
Acknowledgements
Executive Summary

Introduction

This Situation Analysis (SitAn) of children in Montserrat is designed to help the Government shape national policies and action plans in line with the internationally agreed Sustainable Development Goals (SDGs). It describes the current situation of children, identifies barriers and bottlenecks in advancing their rights to health, education and protection and sets forth recommendations.

Montserrat is an internally governed overseas territory of the United Kingdom. It experienced its best years during the 1980s with a healthy and economically active population of nearly 12,000. Two natural disasters profoundly altered its fortunes. In 1989, Hurricane Hugo destroyed over 90 per cent of buildings, and between 1995 and 1997 eruptions from the Soufrière Hills Volcano demolished most of the existing infrastructure, leaving the southern portion of the territory (known as the exclusion zone) uninhabitable and unsafe. The disasters prompted a mass exodus (mainly to Antigua and Barbuda, the United Kingdom and the United States) and the population shrank to just over 4,900. Volcanic activities still pose a major threat and the island is also vulnerable to tropical storms, hurricanes and earthquakes as well as the effects of climate change on sea temperatures, rainfall patterns and the intensity of hurricanes.

Methodology

Montserrat’s lack of disaggregated data and its inconsistent sources do not allow for measurements of trends or in-depth equity analysis. Usually, a balance between quantitative and qualitative data and analysis is utilized to increase the robustness of a SitAn and make evidence-based assumptions and conclusions. In this case, however, there is a strong emphasis
Executive Summary

on qualitative information due to the limited availability of quantitative data.

The main research methods involved a desk review of publicly available documents and other relevant materials produced in the previous five years, data analysis, interviews, focus groups and observation. The objective of the desk review was to map the issues related to children, and their possible causes, and to use the available data to inform questions in the interviews and focus groups. Data analysis of national and international surveys helped to identify trends in the indicators, map the disparities presented in the territories and make inferences as to possible causes of inequalities.

Findings

The report highlights the inequities present in the territory due to legal differences between nationals and non-nationals in the provision of services and benefits. The stagnating economy, which remains heavily dependent on foreign aid (especially UK funds), does not generate enough opportunities for young populations to break out of poverty. This reinforces a cycle of poverty and the notion that some families – and children living in these families – are more vulnerable than others.

There are 1,290 boys and girls age 0 to 19 living in the territory, which is 26 per cent of the overall population. Poverty is the core of most problems affecting children. Among all residents, 3 per cent were considered severely poor, 36 per cent were considered poor and 20 per cent were considered vulnerable, meaning they could easily fall into poverty if small changes occurred in the economy. Children were the most affected group: 45 per cent of the population under 15 years of age was poor due to economic causes fuelled by lack of opportunities.

Respondents agreed children in Montserrat are exposed to multiple deprivations that influence how they live, their behaviour and their chances for the future. Five vulnerable populations related to children were identified: families with low or no salaries and/or in poor living conditions; children living in single-parent households, mainly those headed by women; children from migrant families; children in need of foster care; and children with disabilities and/or special needs. Deprivations and vulnerabilities accumulate, overlap and reinforce each other so some children may be living in families that fit the profile of more than one – or even all – of the groups.

Montserrat does not have a consolidated social policy scheme for vulnerable families and/or children that could strategically address the causes and consequences of poverty. The territory relies on different forms of temporary social assistance to alleviate problems. It is a reactive model in that families are identified only after they seek help, and social welfare benefits relate to immediate rather than root causes of the problem. For example, families get help to buy schoolbooks instead of educational policy being changed so that books belong to the school for allocation to the students.

In formal and informal interviews, respondents indicated that non-nationals are treated differently to nationals. While there is an economic justification for the lack of a minimum wage in the territory, the absence of this mechanism creates a situation where workers can be exploited. Given Montserrat’s difficult economic situation and the scarcity of jobs, workers are forced to accept any payment offered. The situation impacts on how adolescents perceive their future in the territory. All the children who participated in interviews or focus groups wanted to move abroad. This is seen as a personal investment in a better life; a natural path to achieving a better education and consequently better jobs; and the only chance of escaping the territory’s poverty trap.

Montserrat has some data related to the number of children enrolled in schools, but the Government has not calculated the rates, which are needed to analyse student enrolment at early childhood, primary and secondary levels. The general view is that most children, if not all, are enrolled in school. However, focus groups were very clear that some adolescents were no
longer at school while others might be registered but are absent, sometimes for long periods of time. The Government is working towards improving standards at both primary and secondary levels since students who took regional tests performed below the regional averages.

The children interviewed wanted improvements in their well-being at school. Common complaints referred to poor infrastructure of classrooms and bathrooms, absence of community spaces and an inadequate and decrepit school bus. Respondents were concerned about their safety at school mainly due to incidents of violence between students. Violence at school is a reflection of violence in homes and communities, as affirmed by behaviour patterns such as how boys treat girls and how older children behave towards younger children. Corporal punishment also takes place in schools, which sends a message that it is acceptable to use violence to correct other people’s mistakes and misbehaviours. The students consulted said they rarely had a chance to express their views on the issues that affect them, either at home or at school. Even in situations where their view was sought, it was only to a limited degree. For example, at the start of each school year students are asked to validate the rules that teachers want to adopt in their classrooms, but they are not consulted on what those rules should be.

In the period 2007–2011, 277 children were born, which included four stillbirths. There were no cases of neonatal deaths and maternal morbidity has been wiped out. A major children’s health issue is the high prevalence of overweight and obesity. Poor eating habits are determined by cultural practices and also by the price and availability of food products. Montserrat imports almost all its food, quality is not always guaranteed and high prices make products inaccessible to some. Parents adopt dietary short cuts in order to cope and, since there is no school feeding programme, children have greater access to junk food.

The situation of children in terms of sexual, physical and emotional abuse and neglect is of great concern. It is necessary for Montserrat to develop and implement protocols and procedures to prevent and respond to abuse. This should include managing disclosure, increasing the number of teachers trained to identify children and families at risk and developing an ethos to secure evidence and protect children from stigma and condemnation. Interviewees cited lack of confidentiality and professionalism as core problems. In such a small and judgemental society, families are afraid to report abuses at home and in the community, children are afraid to discuss their problems and adolescents do not access medical and psychological counselling. Stakeholders acknowledged that official figures do not reflect the reality of child violence and abuse since much of it is unreported due to fear, pride or shame.

Montserrat lacks appropriate legislation that can support the efforts of social services to safeguard children. The Juveniles Act, the main legislation for protection of the rights of the child, fails to include the most essential safeguards and principles. The police have no means of securing children’s testimonies or of protecting them when they are giving evidence, two features that often stall criminal prosecutions. Establishing mechanisms for cooperation between relevant government departments and agencies is still in the early stages and needs to be more coherent.

The status of migrant families hinders the realization of child rights in Montserrat. While immigrants are considered important for development, it is not clear whether the territory’s responses to them are the most adequate, especially to those classified as unskilled labour. The migration debate would best be conducted regionally and at two levels: permanent migration, which is movement to a new country/territory for long-term stay; and temporary migration to access services such as health or education. Permanent migration is a reality across the entire Caribbean. Both levels have implications in terms of the management of human resources to ensure availability of quality services and deal with any conflicts created between nationals and non-nationals.

Gender was analysed as a crosscutting topic in the SitAn. Despite small improvements over the
years, the situation of women in Montserrat is almost the same as it was in 1994. In recent years more women have achieved senior management positions in public administration, but the territory is far from reaching equality. In October 2015, just one of the four ministers was a woman, and men outnumbered women among senior government officials (five to three) and as managing directors and chief executives (12 to three). Women only outnumbered men among permanent secretaries (three women and two men).

Different governments in the past 10 years have sought to increase women’s participation in politics, economics and society in general. Various legislation was enacted or amended to improve the quality of life for women and children, including: spousal residence and citizenship status; maternity allowance; separate taxation for married women; and equality of maintenance for children born in and out of wedlock.

Women are still not visible on Montserrat’s national agenda, and there continue to be differences between girls and boys due to failures in the socio-economic system. Of concern is the perception among some stakeholders that women are adequately empowered and it is men who are now being marginalized. This perception stems partly from the advancement of girls in education – girls outperform boys in primary and secondary exams, young women dominate post-secondary education and more girls than boys use government scholarships for tertiary education.

In Montserrat, understanding of the term ‘gender’ is extremely limited, which is reflected in minimal gender analysis in government plans, programmes and policies. Operating from a gender-neutral premise, national development strategies and plans run the risk of omitting to address or even increasing structural inequalities between women and men. Part of the problem is the absence of a department or bureau with a sole mandate to effect gender affairs. Currently, gender falls under the Social Services Department, which has limited capacity and resources.

**Conclusion**

The idea behind the SDGs is to create a global movement to continue the work done with the Millennium Development Goals (MDGs) and advance towards new commitments. Governments should start framing their development plans and policies for the coming years based on the new globally agreed development agenda. For Montserrat, that means strategic changes in terms of producing and using data, looking beyond the averages and developing effective policies to counter discrimination and address violence against children. The SDGs framework will start from 2016 and it is expected that, in partnership with the United Kingdom, the territory will be able to adjust and shift its focus into a more sustainable approach towards children and all other populations.

Montserrat’s geographic position creates two types of vulnerabilities to consider when designing policies for children and other vulnerable groups: it is vulnerable to natural disasters and, as an archipelago, it is susceptible to illegal activities such as small arms and drug smuggling due to the high cost and difficulty of monitoring its borders. Migration is an additional consideration. Montserrat shares these challenges with other territories and nations in the region. The SDGs encourage them to work together and maximize resources to find common solutions for common problems.

**Recommendations**

**Legal and policy framework**

- Update legislation on child rights to ensure compliance with the CRC, CEDAW and other international conventions.
- Develop a gender policy to reverse the disadvantages that still persist between women and men in the areas of labour and political participation.
● Update legislation to eliminate the gap in access to services between nationals and non-nationals.
● Develop an integrated and systemic social policy programme that identifies and covers the most vulnerable populations in the island and extend this to all those who legally reside in the territory, regardless of their nationality.
● Develop joint social and economic policies regarding the employment of women and provide mothers with childcare support, especially in the early years. This should include involving fathers as caregivers.

Survival rights

● Create a programme for preventing and controlling child obesity with integral indicators and goals (involving all the relevant ministries).
● Produce and publish annual data on child and maternal health, including mortality, prenatal care, delivery, vaccination and other basic indicators.

Development rights

● Enhance and strengthen the quality of education at all levels.
● Guarantee access to ECE services for all children.
● Monitor school attendance of all children
● Develop policies to support teacher training and retention.
● Study the causes of violence at school and use the information to effectively address the issues.
● Ensure quality learning facilities for students at all levels.
● Ensure that relevant students have access to an ESL programme.
● Provide after-school educational spaces and recreational opportunities for children and adolescents.
● In partnership with the UK Government, offer alternative learning programmes (including distance learning) for children, adolescents and young populations to increase their skills and improve their readiness for the job market.
● Strengthen the current participation mechanisms at school and in society, and create new ones that promote and facilitate broad participation of girls and boys.

Protection rights

● Pass legislation in support of the constitutional provision on inhumane or degrading punishment to make corporal punishment at home and school illegal, and provide behaviour change support for caregivers before enforcing penalties against those who practice it.
● Create an integrated database on management of cases that guarantees confidentiality of those in need and also guarantees official access to information and monitoring of cases.
● Enforce confidentiality and anonymity in those cases where children are victims and/or perpetrators of violence.
● Further develop and strengthen the juvenile justice system, including through training the judiciary and other relevant officials in the skills to deliver juvenile justice and putting in place appropriate mechanisms for dealing with juvenile offenders in accordance with the CRC.
● Institutionalize public policies that empower girls, guarantee access to information and contraceptives, and penalize those who abuse young girls.
● Involve religious organizations in fighting violence against children.
● Implement a programme of mental health care for children, adolescents and women who have been victims of abuse.
1 Introduction
As part of the country programming process, the United Nations Children’s Fund (UNICEF) assists governments to analyse the situation of children, youth and women. A Situation Analysis (SitAn) of children helps shape national programmes of action for children, UNICEF’s own programmes of assistance and the work of local and external development partners. It not only describes the current situation of children but also identifies and analyses the barriers and bottlenecks that prevent the full realization of children’s rights related to health, education and child protection. It is part of a process to help ensure that national policies to address the needs of children are on track to achieve the new Sustainable Development Goals (SDGs).

For Montserrat, the SitAn can complement work towards achieving the Montserrat Sustainable Development Plan 2008–2020, especially the following pillars of the Plan: (i) A stable and enlightened community that promotes integrity, accountability, inclusiveness and empowerment of the society; (ii) A thriving and viable population; (iii) Adequate housing for the population and (iv) Educational opportunities increased and improved.

While the 2015 SitAn of Montserrat continues the work initiated with the ‘2009 Situation Analysis of Children and Their Families in the Eastern Caribbean’ (UNICEF Office for the Eastern Caribbean 2009), it also advances in its approach. UNICEF is in the process of developing a set of individual SitAn for 12 countries in the region, including the other three United Kingdom Overseas Territories (UKOTs): Anguilla, Turks and Caicos Islands and Virgin Islands. In looking at the countries and territories individually, UNICEF aims to provide updated analysis of the situation of children, showing how this differs depending on local realities. In so doing, it wants to engage governments and partners in the process of developing efficient public policies to realize child’s rights and, at the same time, empower societies to monitor and participate as actors of change in the realization of those rights.

Although UNICEF may have initiated and sponsored the process, the SitAn is the result of cooperation between the Fund and Montserrat’s Government and aims to attract as many stakeholders as possible into the process. It is intended to support the Government, civil society and other stakeholders to better understand the situation of boys and girls in the territory, increase national capacity for promoting sustainable human development and consequently contribute to the realization of human rights.

The analysis conducted in the SitAn adopts a human rights framework including the equity approach (Table 1). The assessment will allow for better understanding of those children who are most marginalized, poorest, without a voice and sometimes invisible in current national policy dialogues between various stakeholders.

Equity means that all children have an opportunity to survive, develop and reach their full potential without discrimination, bias or favouritism. This interpretation is consistent with the Convention on the Rights of the Child (CRC), which guarantees the fundamental rights of every child regardless of gender, race, religious beliefs, income, physical attributes, geographical location or other status. Inequities generally arise when certain population groups are unfairly deprived of basic resources that are available to other groups. It is important to emphasize that equity is distinct from equality. Equality requires everyone to have the same resources. Equity requires everyone to have the opportunity to access the same resources. The aim of equity-focused policies is not to eliminate all differences so that everyone has the same level of income, health and education. Rather, the goal is to eliminate the unfair and avoidable circumstances that deprive children of their rights (UNICEF 2010).
1.1 Methodology

As described in the 2010 SitAn on the Eastern Caribbean Region (UNICEF Office for Barbados and the Eastern Caribbean 2011), a major challenge in its preparation was the availability and accessibility of social data to support disaggregated analysis and/or describe trends, which was uneven from country to country. For this 2015 SitAn, quantitative analysis continued to be a challenge. Montserrat possesses limited disaggregated data, and inconsistent sources of data do not allow for measurements of trends, which is a limitation to an in-depth equity analysis.

A balance between quantitative and qualitative data and analysis generally increases the robustness of a study and enables assumptions and conclusions to be made based on evidence. In the case of Montserrat, the SitAn has a strong emphasis on qualitative information due to
limitations on quantitative data. The following are the main research methods used:

1. **Desk review** of key documents, research, studies, publications, governmental reports and plans, and other relevant materials produced about the territory in the last five years and made available for the public. The objective was to map the issues related to children and their possible causes, to assess the availability of data and to develop the questions used during the interviews and focus groups. All the materials consulted and used in the SitAn are listed in the bibliography.

2. **Data analysis** of national and international surveys, demographic and health surveys, census, income and expenditure survey and administrative sources. The objective was to identify trends in the indicators, map the disparities presented and make inferences on possible causes of inequalities. The main quantitative data sources are presented in Table 2.

### Table 2: Main quantitative data sources utilized in the SitAn process

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<table>
<thead>
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<tbody>
<tr>
<td>1</td>
<td>2014 Ministry of Education Statistical Digest</td>
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<tr>
<td>2</td>
<td>2014 Ministry of Education Annual Report</td>
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<tr>
<td>3</td>
<td>2014 Gender Comprehensive Assessment</td>
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<td>4</td>
<td>2013/2014 Budget</td>
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<tr>
<td>5</td>
<td>2013 PAHO Health in the Americas Profile</td>
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<tr>
<td>6</td>
<td>2012/2013 OECS Statistical Digest for Education</td>
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<tr>
<td>7</td>
<td>2012 Poverty Assessment</td>
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<tr>
<td>8</td>
<td>2011 Census</td>
</tr>
<tr>
<td>9</td>
<td>Other data provided by the Royal Montserrat Police Service on juvenile justice and by the Social Services Department on child protection</td>
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</tbody>
</table>

3. **Interviews** with key stakeholders, including United Nations staff, government officials, representatives of non-governmental organizations (NGOs), civil society and adolescents. The objective was to explore the problems identified in the literature review and to map the main issues related to children. Also, the interviews were used to capture different perspectives that were not found – or were not evident enough – in other studies.

4. **Focus groups / group interviews** with stakeholders, including representatives of civil organizations, NGOs and groups of adolescents. The objective was to go beyond the formal interviews (described in item 3) and to capture the interaction between those participating in the discussion. Focus groups were also essential to complement the lack of quantitative data.

5. **Observations** complemented the other qualitative approaches utilized in the process. During the two field visits to the territory (the first to collect data and the second to present initial findings to a steering committee and fill data gaps), useful notes were taken from interactions with stakeholders and formal visits to schools, hospitals, government offices, etc.

Special emphasis was given to the participation of different stakeholders during the data collection period. The process involved representatives from the Government, NGOs, youth and families. With the consent of the participants, some interviews
and focus groups were recorded. The recordings were destroyed after the final version of the SitAn was prepared. As much as possible, names, positions and institutions are not mentioned in this document and there is no list of those who were interviewed or participated in the focus groups. Both measures aim to guarantee the confidentiality and anonymity of the opinions. At the same time, in order to reduce bias in the analysis, all the description and analysis in the document was triangulated, i.e., it was only considered if the information was confirmed by three different sources.

During the second field visit, preliminary results were presented to a group of stakeholders with three objectives: (i) to increase participation in the process; (ii) to elucidate doubts that still existed in terms of rules, regulations, procedures and systems, among others; and (iii) to present and discuss the initial findings. These findings were also used as the basis for a discussion on what should be the priorities in terms of actions for children in the coming years.

UNICEF’s determinant approach (Figure 1) enables the situation of children in the territory to be seen as a result of a complex mix of direct and indirect determinants that must be understood within its history, and the political and economical choices made throughout the years.

**Figure 1: Key determinants for barriers and bottlenecks**

<table>
<thead>
<tr>
<th>Determinants</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Norms</td>
<td>Widely followed social rules of behaviour</td>
</tr>
<tr>
<td>Legislation/Policy</td>
<td>Adequacy of laws and policies</td>
</tr>
<tr>
<td>Budget/expenditure</td>
<td>Allocation &amp; disbursement of required resources</td>
</tr>
<tr>
<td>Management /Coordination</td>
<td>Roles and Accountability/ Coordination/ Partnership</td>
</tr>
<tr>
<td>Availability of essential commodities/inputs</td>
<td>Essential commodities/ inputs required to deliver a service or adopt a practice</td>
</tr>
<tr>
<td>Access to adequately staffed services, facilities and information</td>
<td>Physical access (services, facilities/information)</td>
</tr>
<tr>
<td>Financial access</td>
<td>Direct and indirect costs for services/ practices</td>
</tr>
<tr>
<td>Social and cultural practices and beliefs</td>
<td>Individual/ community beliefs, awareness, behaviors, practices, attitudes</td>
</tr>
<tr>
<td>Timing and Continuity of use</td>
<td>Completion/ continuity in service, practice</td>
</tr>
<tr>
<td>Quality of care</td>
<td>Adherence to required quality standards (national or international norms)</td>
</tr>
</tbody>
</table>

All the analysis performed in the SitAn was based on the notion that children are part of a dynamic enabling environment and that interactions at different levels determine their present situation, and, consequently, frame their future.

It is also important to mention two key points that affect the analysis presented here: (i) the volcanic eruption that occurred in 1995 completely distorted the economic and social capability found in the Montserrat, including the availability of assets; and (ii) due to the small size of the population, positive and negative spikes of some rates may be the result of changes in the lives of just two or three children.

After this introductory chapter, Chapter 2 provides an overview of the territory and the national context. Chapters 3, 4, 5 and 6 then assess the situation of children in relation to their right to an adequate standard of living, right to education, right to health and right to protection. At the end of each of these chapters, a subsection summarizes the main determinants that impact on the realization of children’s rights. Chapter 7 looks at how the new Sustainable Development Goals (SDGs) can accelerate progress for children, and finally Chapter 8 provides key conclusions emerging from the SitAn and some recommendations for action. Further recommendations that were extracted from the legislative analysis commissioned by UNICEF in 2015 can be found in Annex 1. These are reproduced here because they reflect important changes that are necessary to strengthen the enabling environment to facilitate the realization of rights for all children in Montserrat.
2 Montserrat Overview
Montserrat is a small island located in the Eastern Caribbean with 102 km² of territory (Figure 2). Its topography is largely volcanic and mountainous with a small coastal lowland. Historically, the country experienced its best years during the 1980s, with a healthy and economically active population of nearly 12,000. The country was then severely affected by two natural disasters: in 1989, Hurricane Hugo destroyed over 90 per cent of buildings; and between 1995 and 1997, the Soufrière Hills Volcano eruptions destroyed the majority of the existing infrastructure, caused massive relocation of the population abroad (mainly to Antigua and Barbuda, the United Kingdom and the United States). The southern portion of territory – the exclusion zone – was rendered uninhabitable and unsafe. The consequences of both events were profound, and the collateral effects are still being felt and have a direct impact on the overall political, economic, social and cultural context related to children.

Figure 2: Montserrat geographical position

Source: Google maps
Montserrat’s recovery started in the early 2000s in the northern portion of the territory. The post-disaster economy has been mainly financed by loans and grants from the United Kingdom (Halcrow Group Limited with the National Assessment Team of Montserrat 2012).

The major threat faced by the island continues to be volcanic activity. Montserrat is also vulnerable to tropical storms, hurricanes and earthquakes. The country has a Volcano Observatory, which is in charge of monitoring the level of air pollution. Since 1995, the air quality has remained steady within acceptable limits in the habitable northern portion of the territory (PAHO 2013).

Another matter of concern is climate change and resultant changes in sea temperatures, rainfall patterns and the intensity of hurricanes. Within the context of the Organisation of Eastern Caribbean States (OECS), Montserrat has taken the lead to establish the OECS Climate Change Centre, which is responsible for collecting information and compiling a database of climate factors, features and events relevant to the region. At the level of the Disaster Management Co-ordination Agency (DMCA), there are provisions for evacuation plans to ensure that children are not separated from family members during evacuations (PAHO 2013).

Montserrat’s challenges as a middle-income State

Although Montserrat is not considered a Small Island Developing State (SIDS), the island faces many similar issues to the SIDS: limited resources, remoteness, susceptibility to natural disasters, vulnerability to external shocks, excessive dependence on international economies and fragile environments. Two other factors must also be taken into consideration in understanding the territory and possible paths for its sustainable development. First, Montserrat has high averages for some economic indicators, such as GDP per capita, which positions the territory as a middle-income nation. Second, it is a UK territory. These factors disqualify it from direct access to some multilateral cooperation assistance grants, international aid and development funds that could mitigate and help in reducing the inequalities and inequities present in the island.


2.1 Governance

In accordance with the Constitution, general elections are held every five years. Government is executed through a Governor appointed by the Crown, a Cabinet – which has the general control and direction of government – and a Legislative Assembly. The Governor retains responsibility for external affairs, defence, internal security including the police, aspects of the public service and regulation of offshore finance. The Cabinet is chaired by the Governor and consists of the Premier and three other Ministers, as well as the Cabinet Secretary, Financial Secretary, Attorney General and Deputy Governor. The Legislative Assembly consists of nine elected members and the same ex-officio members as the Cabinet (Mmorlachetti 2015).

The Constitution Order 2010 recognizes the fundamental rights and freedoms of those living in the island, reflecting the European Convention on Human Rights and the International Covenant on Civil and Political Rights. It also provides that no law shall make any prearrangement that is discriminatory either of itself or in its effect and no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority. The expression ‘discriminatory’ means affording different treatment to persons on any ground such as sex, sexual orientation, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status (Mmorlachetti 2015). Despite the Constitutional provision that discrimination should not occur in the territory, government services and benefits present some level of exclusion with respect to those persons who are not Montserratians.

The territory’s overall policy development is guided by the Montserrat Sustainable Development Plan 2008–2020, which has five strategic goals related to (i) Economic management, (ii) Human development, (iii) Environmental management and disaster mitigation, (iv) Governance and (v) Population (Government of Montserrat 2007). For each strategic goal, the Plan sets national outcomes, targets and priority actions to be implemented by 2020. All five goals have points that can be connected to the situation of children in the territory, but the human development strategic goal is the one most directly related to children and vulnerable populations. Among the main outcomes in that goal are the improvement of health and education and effective social protection.

2.2 Legal framework related to children

In 2015, UNICEF commissioned a very detailed and precise assessment on the state of legislation in the British overseas territories related to children’s and women’s rights (see Morlachetti 2015). Much of the content of this section and the remaining sections related to the legal framework are based on that study. Each section in this document discusses the most important legislation related to children.
At the international level, Montserrat is considered an internally governed overseas territory of the United Kingdom; nonetheless, the territory is not a part of the United Kingdom and has a substantial measure of responsibility and independence to conduct its internal affairs, including proposing and approving its own domestic laws. UK laws do not automatically apply to Montserrat and must be explicitly extended. At the regional level, it is a member State of the Caribbean Community (CARICOM) and the OECS.

As an overseas territory, Montserrat does not ratify international conventions or treaties; nevertheless, if requested by the United Kingdom or by the territory, a convention can be extended if necessary legal aspects are complied with (Government of the United Kingdom 2013). In practical terms, the extension of any convention or treaty means that the internal legislation of the territory has to be adapted to fulfil the requirements of that instrument.

In this regard, Montserrat has requested the extension of the Convention on the Rights of the Child (CRC) and a number of other treaties (Table 3); however, it has not requested the extension to other relevant international conventions such as International Labour Organization (ILO) Convention 138 on the minimum age for admission to employment and work; ILO Convention 182 on the worst forms of child labour; the Optional Protocol to the CRC on armed conflict; the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography; and the Palermo Protocol on Trafficking in Persons (United States Department of Labor 2014; Morlachetti 2015). The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) had not yet been extended to Montserrat either.

### Table 3: Treaties extended and not extended by the UK to Montserrat

| 1. | Convention of the Rights of the Child |
| 2. | International Convention on the Elimination of All Forms of Racial Discrimination |
| 3. | International Covenant on Economic, Social, and Cultural Rights |
| 4. | International Covenant on Civil and Political Rights |
| 5. | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| 6. | Convention on the Political Rights of Women |
| 7. | Convention Relating to the Status of Stateless Persons |
| 8. | Convention on the Reduction of Statelessness |
| 10. | Convention on the Elimination of All Forms of Discrimination against Women |
| 12. | Optional Protocol to the CRC on armed conflict |
| 13. | Optional Protocol to the CRC on the sale of children, child prostitution and child pornography |
| 14. | ILO Convention No. 138 on the minimum age for admission to employment and work |
| 15. | ILO Convention No. 182 on the worst forms of child labour |

Source: Morlachetti 2015.
At the national level, Part 1 of the Constitution Order 2010 specifically addresses a number of rights and freedoms including: right to life, liberty and security; freedoms of conscience, expression, assembly and association; protection of private property and from deprivation of property; and protection for private and family life and for privacy of home (Morlachetti 2015). In addition, laws and regulations regarding child rights issues, including labour and its worst forms, have been established in the territory (Table 4).

Table 4: Relevant legislation to children’s rights, Montserrat

<table>
<thead>
<tr>
<th>Number</th>
<th>Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Adoption of Children Act, revised in 2013</td>
</tr>
<tr>
<td>2</td>
<td>Child Abduction and Custody Act, revised in 2013</td>
</tr>
<tr>
<td>3</td>
<td>Guardianship of Infants Act, revised in 2012</td>
</tr>
<tr>
<td>4</td>
<td>Family (Protection against Domestic Violence) Act, 2002</td>
</tr>
<tr>
<td>5</td>
<td>Juveniles Act, revised in 2013</td>
</tr>
<tr>
<td>6</td>
<td>Education Act, 2012</td>
</tr>
<tr>
<td>7</td>
<td>Labour Code, 2012</td>
</tr>
<tr>
<td>8</td>
<td>Maintenance of Children Act, 2002</td>
</tr>
<tr>
<td>9</td>
<td>Marriage Act, revised in 2013</td>
</tr>
<tr>
<td>10</td>
<td>Penal Code, revised in 2013</td>
</tr>
<tr>
<td>11</td>
<td>Criminal Procedure Code, revised in 2013</td>
</tr>
<tr>
<td>12</td>
<td>Prevention of Crimes Act, 2002</td>
</tr>
<tr>
<td>13</td>
<td>Probation of Offenders Act, revised in 2013</td>
</tr>
<tr>
<td>14</td>
<td>Status of Children Act, 2012</td>
</tr>
<tr>
<td>15</td>
<td>Welfare Act, 1999</td>
</tr>
</tbody>
</table>

Source: Morlachetti 2015.

The approval of the Status of Children Act 2012 has positive implications for the rights of children as it abolishes the distinction between legitimate and illegitimate children, provides for the equal status of children and empowers courts to make declarations of parentage where this is alleged and founded (Morlachetti 2015). Nevertheless, as discussed through this SitAn, some legislation related to children need to be updated in order to realize the rights of all children in the territory.

There are several definitions of a child, juvenile and young person in the legislation (Table 5). The Juveniles Act defines a child as a person below the age of 14 and juvenile as below 16, but the Labour Code defines a child as a person below the age of 16 and young person as below the age of 18. The Penal Code establishes that a person under the age of 10 years is not criminally responsible for any act or omission. In addition, a person under the age of 14 years is not criminally responsible for an act or omission unless it is proven that, at the time of doing the act or making the omission, they had the capacity to know that they ought not to. The minimum age of sexual consent is 16, while the minimum age of marriage without parental consent is 18.
For the purpose of this SitAn, children are generally defined as girls and boys under the age of 18 but sometimes, depending on how data were aggregated, under the age of 19. Adolescents are defined as children between the ages of 10 and 18 (and sometimes between 10 and 19 years of age).

### 2.3 Demographics

After the volcanic activity in 1995, a demographic shift took place as an estimated 8,000 people left the island. The latest census in 2011 indicated a total population of 4,992 people (51.7 per cent male and 48.3 per cent female) (Figure 3) (Statistics Department Montserrat 2012).

#### Table 5: Minimum ages, Montserrat

<table>
<thead>
<tr>
<th>Minimum age</th>
<th>Age</th>
<th>Legal framework</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age of marriage without parental consent</td>
<td>18</td>
<td>Marriage Act (2002)</td>
</tr>
<tr>
<td>Minimum age of sexual consent</td>
<td>16</td>
<td>Penal Code Act 2014</td>
</tr>
<tr>
<td>Minimum age needed for medical consent to have access to medical services</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum age for employment</td>
<td>16</td>
<td>Labour Code 2012 – Section 90 (1)</td>
</tr>
<tr>
<td></td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>Criminal age of responsibility</td>
<td>10</td>
<td>Penal Code – Section 12</td>
</tr>
<tr>
<td>Age of compulsory education</td>
<td>From 5 to 16</td>
<td>Education Act – Section 26</td>
</tr>
</tbody>
</table>

Source: Morlachetti 2015.
There are 1,290 boys and girls age 0 to 19 living in the territory, representing 26 per cent of the overall population (Table 6). The labour force group (above age 15) accounts for 80 per cent of the population (Statistics Department Montserrat 2012). The estimated population growth rate for the territory in 2014 was 0.48 per cent (CIA 2014).

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
<th>Total population *</th>
<th>Total migrant population **</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–4 years</td>
<td>157</td>
<td>144</td>
<td>301</td>
<td>145</td>
</tr>
<tr>
<td>5–9 years</td>
<td>146</td>
<td>165</td>
<td>311</td>
<td>88</td>
</tr>
<tr>
<td>10–14 years</td>
<td>187</td>
<td>172</td>
<td>359</td>
<td>64</td>
</tr>
<tr>
<td>15–19 years</td>
<td>179</td>
<td>140</td>
<td>319</td>
<td>65</td>
</tr>
<tr>
<td>20–24 years</td>
<td>152</td>
<td>117</td>
<td>269</td>
<td>97</td>
</tr>
<tr>
<td>Child population (0–19) (#)</td>
<td>669</td>
<td>621</td>
<td>1,290</td>
<td>362</td>
</tr>
<tr>
<td>Adolescent population (10–19)</td>
<td>366</td>
<td>312</td>
<td>678</td>
<td>129</td>
</tr>
<tr>
<td>Youth population (15–24)</td>
<td>331</td>
<td>257</td>
<td>588</td>
<td>162</td>
</tr>
<tr>
<td>Total population under 24 years</td>
<td>2,546</td>
<td>2,376</td>
<td>4,922</td>
<td>1,321</td>
</tr>
</tbody>
</table>


Note: (#) The child population is presented as 0 to 19 years of age due to unavailability of single age population data.

From an ethnic perspective, the population is composed of 88.4 per cent African/Black, 3.7 per cent mixed, 3.0 per cent Hispanic/Spanish, 2.7 per cent Caucasian/White, 1.5 per cent Indian and 0.7 per cent others (Irish, Pacific Islander and Sri Lankan). It is considered entirely urban. English is the official language but Creole is also spoken (Halcrow Group Limited with the National Assessment Team of Montserrat 2012).

The dominant religious denominations are Anglican (21.8 per cent), Methodist (17 per cent), Pentecostal (14.1 per cent), Roman Catholic (11.6 per cent) and Seventh Day Adventist (10.6 per cent). The remainder are Church of God, Hindu and Rastafarian, among others. Evidence collected during the visits points to the fact that religion has a strong influence, determining how some issues related to sexual education and homosexuality are handled by different levels of society.

Official government documents categorize the population into two groups: nationals (belongers), i.e., those who have Montserrat’s nationality, and non-nationals (non-belongers). British overseas territories citizenship (BOTC) is conferred by the British Nationality Act 1981, and the full range of rights and entitlements is reserved for those who are nationals. According to the Immigration Act, a person shall be deemed to belong to Montserrat if they are a citizen of a British dependent territory and acquired that status by birth in Montserrat after 1 January 1983, to a parent who at the time of the birth was a citizen of a British dependent territory under the provisions of the British
Nationality Act 1981. The Immigration Act also establishes that persons under the age of 18 years shall be deemed to belong to Montserrat if they are the child, stepchild or adopted child (having been adopted in a manner recognized by the territory’s law) of a person who belongs or is deemed to belong to Montserrat (Morlachetti 2015).

As depicted in Table 6, according to estimates from the United Nations, about 27 per cent of the population is composed of migrants, i.e., people who were born outside Montserrat (United Nations Population Division and UNICEF 2014). Among the overall population, 73 per cent of the census respondents reported themselves asMontserratians. Nevertheless, the perception among those interviewed for this SitAn is that the number of nonnationals residing in the territory is higher than that of nationals.

The current non-national population is mainly composed of immigrants from the Caribbean area and Central America. Antigua and Barbuda, Dominica, Guyana and Saint Kitts and Nevis are listed as the main countries of origin. However, another perception in Montserrat is that the number of migrants from the Dominican Republic is increasing.

The distinction between nationals and nonnationals poses a significant problem that in particular affects the protection of migrant children and children born in Montserrat of non-national parents. While fear of deportation does not seem to affect the immigrant population in Montserrat – according to the interviews, the vast majority of nonnationals are there legally – nonnationals do not have the access to social welfare and low payment of health fees granted to nationals (discussed in Chapters 3 and 5 below).

2.4 Economy

Montserrat experienced its economic peak in the 1980s when the island was a very popular tourist destination for Europeans and Americans. From 1990 to 1995, estimates of gross domestic product (GDP) ranged from EC$203.62 million (US$78.3) in 1990 to EC$197.43 million (US$74.78 million) in 1994. After the volcanic eruption in 1995, however, the island’s economy was destroyed. GDP dropped to EC$148.29 million (US$57.03 million) in 1996. In 2013, GDP was around EC$163.1 million (US$60 million)\(^1\). Despite the drop in total GDP, estimated per capita GDP reached US$2,190 in 2013, positioning the territory as the 10th highest among 16 countries and territories in the Caribbean.\(^2\) The most recent measurement of the Gini coefficient was 0.39 in 2009,\(^3\) which was average among the various countries and territories in the region (Figure 4). The Gini coefficient measures the extent to which the distribution of income (or, in some cases, consumption expenditure) among individuals or households within an economy deviates from a perfectly equal distribution. The coefficient varies from 0 to 1, with the closer to one, the higher the inequality in the society.

\begin{center}
\textbf{GDP Per Capita:}

\textbf{US$12,190}

Source: ECCB
\end{center}

\(^1\) Source: www.eccb-centralbank.org/Statistics/#GDP. All values calculated at 2015 current prices.
\(^3\) For a comparison with other nations, see: www.cia.gov/library/publications/the-world-factbook/rankorder/2172rank.html.
The economy mainly relies on public services. The services sector accounts for 75.1 per cent of the economy (government driven), followed by a small industrial sector (23.2 per cent) and almost non-existent agriculture (1.6 per cent) (CIA 2014).
Around 55 per cent of government expenditure is related to salaries and pensions to government employees and, according to the 2015–2018 budget estimates, staff costs amount to 123 per cent of locally generated revenues (Hon Premier and Minister of Finance and Economic Management 2015).

Montserrat’s economy remains highly dependent on UK financial assistance. The total revised approved Budget for fiscal year 2014–2015 was EC$198,259,200 (around US$73.5 million), of which EC$75.3 million came from UK budgetary aid (Montserrat Ministry of Finance and Economic Management 2015). In the Budget, EC$122.5 million were for recurrent expenses (salaries, maintenance, travelling, etc.), while the remainder was for capital expenditure, i.e., investments in new infrastructure. A breakdown of the 2014–2015 revised estimates for Montserrat’s recurrent budget expenses is provided in Figure 6.5

Figure 6: Summary of recurrent expenditure by programme (revised estimates), 2014–2015


4 The shortfall is made up by funds from DFID.
5 'Government' expenses include the budget for the Office of the Deputy Governor, Office of the Premier and Cabinet Secretariat. Expenses for these three offices include wages, allowances, benefits and goods and services (Hon Premier and Minister of Finance and Economic Management 2015).
According to the Caribbean Development Bank (CDB 2014), the economy grew 2.8 per cent in 2014, mostly driven by a general improvement in tourism, and GDP is expected to grow 1.8 per cent in 2015 (Figure 7).

**Figure 7: Economic growth, Montserrat, 2008–2015**

For Montserrat, growth in the UK and US economies results in direct benefits in terms of not only revenues from tourism but also financial aid as well as indirect benefits from a booming diaspora (Hon Premier and Minister of Finance and Economic Management 2014). The Government does not have data on how remittances from Montserratians who work abroad impact on local household budgets and the overall economy. In general, however, remittances as a result of migration are an important component of a household’s survival strategy, especially among vulnerable families (UNICEF Office for the Eastern Caribbean 2009). Yet, it would appear that remittances coming to Montserrat are not as significant as they were in the past. Moreover, information collected during the field trip shows an overall perception that the amount of financial resources sent by non-nationals residing in Montserrat to their countries/territories of origin surpasses the amount that Montserratian expatriates send back to their families. In this sense, part of the resources generated locally do not stay in the island and do not reinforce the internal economy.

The 2013/2014 Budget Statement indicates that the Government plans to shift the economic growth driven by the public sector to a more mixed economy (Hon Premier and Minister of Finance and Economic Management 2013). Some services that were handled by the Government, such as the bus service that transports schoolchildren, are now being managed by the private sector. Based on the 2008–2020 Sustainable Development Plan (SDP), it is intended that the economic drivers
will be agriculture, tourism and related services, renewable energy and innovative mining/ manufacturing sectors. One short-term strategy that is being developed pertains to investment in geothermal electricity to reduce the cost of energy and to make fast Internet available for businesses so that new small companies will be attracted to the territory.

Despite these efforts, the economy is still struggling. Respondents mentioned that the cost of living is high, most of the products (including food) are imported and jobs outside government are not easily available. The territory does not have a minimum salary, opening the window for economic exploitation, especially among those residents who are non-nationals.

Montserrat’s unemployment rate is estimated to be around 6 per cent; however, the Government does not monitor the quality of employment. There is a large active work force of non-nationals, who can be found in both skilled and unskilled jobs – sometimes with higher salaries than the nationals (e.g., government contract workers) and sometimes with lower rates (unskilled jobs). Due to the high number of non-nationals and the population’s perception of unequal wages, a significant degree of mistrust is felt between the national and non-national populations on the island (Halcrow Group Limited with the National Assessment Team of Montserrat 2012).

Unemployment rate:

6%

Source: UNDP

3 The Right to an Adequate Standard of Living
States Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.

States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing (CRC, article 27).

As in the other UK overseas territories, raw data are available from various governmental arms and agencies but may not be disaggregated or collected in a format that facilitates analysis. Structured analytical studies on poverty and other socio-economic areas date back to 2011/12, using data from 2008/2009. Hence, data do not capture the full impact of the 2008 economic crisis in the territory. Also, new vulnerable groups may have emerged and those groups previously identified as vulnerable may have had changes in their conditions that would require different approaches and tools for addressing their needs.

The 2011/12 poverty study calculated three poverty lines based on families’ consumption patterns. The first is the indigence or severe poverty line, which is based on minimum food requirements. The minimum cost of a food basket needed to provide a healthy diet for an adult male (usually 2,400 calories per day) was taken as the basis for the calculation, and household values were then adapted using gender and age to fine-tune this. The second, called the general poverty line, additionally includes an allowance for essential non-food expenditure (e.g., utilities, housing, clothing, etc.). The third is the vulnerability to poverty line (VPL), which provides an indication of the households (or population) with expenditures just above the poverty line that could fall into poverty as a result of a relatively small variation in income or expenditure. In line with CDB practice, the VPL was set at 25 per cent above the general poverty line. Values for the poverty and vulnerability lines for 2009 are depicted in Table 7.

Table 7: Day and year cut-off values for poverty and vulnerability lines, Montserrat, 2009

<table>
<thead>
<tr>
<th>Poverty line</th>
<th>Day value</th>
<th>Year value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Severe poverty line</td>
<td>EC$13/US$5</td>
<td>EC$4,735/US$1,825</td>
</tr>
<tr>
<td>General poverty Line</td>
<td>EC$39.5/US$15</td>
<td>EC$14,400/US$5,475</td>
</tr>
<tr>
<td>Vulnerability line</td>
<td>EC$49/US$18.2</td>
<td>EC$18,000/US$6,640</td>
</tr>
</tbody>
</table>

Source: Poverty Assessment 2012 (Halcrow Group Limited with the National Assessment Team of Montserrat 2012).
In 2008/2009, 36 per cent of population were estimated to be poor, 3 per cent were considered indigent (severely poor) and 20 per cent were considered vulnerable (Halcrow Group Limited with the National Assessment Team of Montserrat 2012). Consequently, at the beginning of the financial crisis in 2008, 56 per cent of the population were either living in poverty or were at risk of becoming poor if small economic shocks hit the island, resulting in the reduction of salaries, termination of jobs or increase in prices (Figure 8). According to the 2020 Strategic Development Plan, an acceptable level of poverty for the territory would be 6 per cent (Mactaggart 2013).

Poverty is higher in those households with more than two persons: 61 per cent of the poor people in Montserrat reside in houses with more than three persons, indicating that children are significantly affected by poverty. Children (under 15 years) experience by far the highest poverty rate (45 per cent) among different age groups. Also, girls and boys under the age of 15 constitute 34 per cent of the total poor population (Figure 9).

Figure 8: Poverty and vulnerability rates, 2008/2009

Source: Poverty Assessment 2012 (Halcrow Group Limited with the National Assessment Team of Montserrat 2012)
There are no major differences in the incidence of poverty between females and males. It was observed that the level of poverty increases when associated with the following factors: single female–headed households; number of people in the households (more than two); number of children in the households; disabled or elderly persons in the households; unemployed persons; and households headed by persons with only primary education (Halcrow Group Limited with the National Assessment Team of Montserrat 2012).

In addition, information from interviews points to Spanish-speaking adults and children as well as other immigrants also living in vulnerable situations. Migrants may be economically vulnerable because of having to pay more for health treatment, not being eligible for social welfare and facing bureaucratic issues related to work permits and immigration requirements (ibid.). In 2008, the poverty rate for non-nationals was 35 per cent, while for nationals it was 22 per cent.

The primary causes of poverty in Montserrat are economic (ibid.). The challenges faced by the poor vary across groups, although high prices, low wages and lack of employment opportunities combined result in many households struggling to meet weekly food costs, loan repayments, education costs and utility bills (Figure 10). These difficulties can put additional pressure on family relationships and may contribute to abusive, anti-social and risky behaviours such as family disruption, domestic violence, child abuse, drug-taking, criminality and teenage pregnancy (ibid.).
Figure 10: Economic causes of poverty, Montserrat

Source: Poverty Assessment 2012 (Halcrow Group Limited with the National Assessment Team of Montserrat 2012).

3.1 Poverty and vulnerabilities in 2015

Due to the absence of recent poverty data, and trying to expand the idea that poverty goes beyond economic factors, qualitative assessment was used in the territory as a means of identifying the most vulnerable populations related to children in 2015. Vulnerability is connected to the risk of deprivations, losing assets, being physically or psychologically hurt or losing life due to different threats in the environment that surrounds the child and his/her family. The idea of vulnerable populations is common in emergency preparedness analysis, and the concept can be adapted to indicate those situations where social and economic changes create a risk for the population. Vulnerability is also connected to families and individuals not having access to public policies that provide the systemic protection that children should have in order for their rights to be fully realized.

The qualitative work conducted in the territory identified five categories of vulnerable groups related to children. Many of these are at higher risk of not accessing health facilities and schools and some may not even have been registered due to their family migration patterns and background.

Montserrat and the 2008 economic crisis

Although the territory did not monitor the effect of the 2008 economic crisis on its socio-economic situation, the assessment conducted for the SitAn shows that the Government and families felt its impacts.

For the Government, new investments had to be reduced and the forecast...
These categories are:

i. Children living in families with low or no salaries and/or with low living standards

ii. Children living in single parent households, especially those headed by women

iii. Children from migrant families

iv. Children in need of foster care

v. Children with disabilities and/or special needs

i. Children living in families with low or no salaries and/or with low living standards

The first group of vulnerable children are those in families with low salaries or no salaries at all and/or with low living standards. As mentioned, the fact that the territory does not have a minimum wage – and jobs outside government are not easily available – creates a situation where employees sometimes have to accept low salaries in order to guarantee some income at the end of the month. There is a perception that the lack of a minimum wage enables employers to pay whatever they think is appropriate. Government data do not track people who are underemployed and/or have inadequate employment, but information collected indicates that many are in this situation.
Underemployment and inadequate employment arise because many workers face not only a total lack of work opportunities but also a lack of adequate work opportunities, giving rise to situations in which persons in employment are often obliged to use their skills only partially, to earn low hourly incomes or to work less hours than those they are willing and able to work (ILO 1999).

These families are in a situation also called ‘the working poor’, where poverty (or vulnerability) is not connected only to the lack of jobs but also to low payments and limited job opportunities. Adding to their vulnerable financial situation is the high cost of living in the territory, where rental and consumption products are expensive, creating a perception that many families live from pay check to pay check, without room for extra expenses. They may live in houses that are not safe or do not have the appropriate structure to host adults and children. It was reported that some families, mainly non-nationals, live in houses where adults and children share the same room, and in dwellings without running water, electricity and proper sanitation. Around 21 per cent of the houses in the territory were considered overcrowded in 2008/09 (Halcrow Group Limited with the National Assessment Team of Montserrat 2012).

Table 8 summarizes the main vulnerabilities related to families with low income and/or low living standards.

### Table 8: Summary of vulnerabilities faced by children living in families with low salaries and/or low living standards

<table>
<thead>
<tr>
<th>Area</th>
<th>Vulnerability</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Finance</strong></td>
<td>The cost of living is high (most if not all products are imported), creating an extra pressure for those families whose parents have low salaries due to inadequate employment. There is no minimum wage in the territory, contributing to economic exploitation of low-level employees. Public administration jobs – the ones with better wages – are mostly accessible to nationals.</td>
</tr>
<tr>
<td><strong>Education (to be discussed in Chapter 4)</strong></td>
<td>Lack of financial resources in some families restricts access to early childhood education (ECE) services. The fact that families have to provide for lunch, pay for transportation and buy uniforms and books is a problem for those in a difficult financial situation. The situation is worse for families of non-nationals who cannot apply for financial assistance.</td>
</tr>
<tr>
<td><strong>Health (to be discussed in Chapter 5)</strong></td>
<td>Depending on migration status, families have to pay higher fees for services. Access to medicines is limited to the basic ones. Newer treatments and access to modern medications incur additional costs that cannot be afforded by some families.</td>
</tr>
<tr>
<td><strong>Child protection (to be discussed in Chapter 6)</strong></td>
<td>Some young girls and boys are attracted to relationships with older persons due to their limited economic situation. There are reports of children sleeping in the same rooms as adults that are sometimes not family members. There are children reported to be living in houses that do not have adequate water and sanitation. Access to defence lawyers is only available for those families that can afford it. There are no public lawyers.</td>
</tr>
<tr>
<td><strong>Social protection (to be discussed in section 3.2 below)</strong></td>
<td>Depending on the characteristics of the family (being a national or not), access to social welfare programmes that alleviate their problems is limited.</td>
</tr>
</tbody>
</table>
ii. Children living in single-parent households, especially those headed by women

A second vulnerable group is those children living in single-parent households, especially if these are headed by women. The 2012 Poverty Assessment (Halcrow Group Limited with the National Assessment Team of Montserrat) did not calculate the poverty for this group, but the report calls attention to the higher propensity of families headed by single parents to live in poverty than other family arrangements. The 2008-2020 Sustainable Development Plan has as one of its targets to reduce the number of children living in such family arrangements. The large number of single-parent households originates from a mix of social norms. For example, according to the interviews, it is common and socially accepted that older men have affairs outside their marriage, usually with much younger girls, and, in some cases, children are born from these relationships. As the father already has a family, new families are created without the father-mother structure. Evidence points to the fact that some women also migrate to the territory in search for jobs and get involved in relationships that result in pregnancy, but no commitment is made by the child’s father, resulting in single-parent households.

The vulnerability of children living in these arrangements is connected to the need that mothers have to find work to sustain the family. As jobs in the territory are rarely permanent and secure, mothers usually have to work long hours or double shifts in different places to guarantee financial resources for their children. In single-parent households, when a mother – or father – is not at home, children are susceptible to being abused by older children and/or adults. Cases reported in Montserrat (and in the whole Eastern Caribbean area) connect different types of physical abuse, including sexual abuse, to the absence of parents from home, especially during the night.

For a single parent, being absent from the house is usually not a choice but a coping mechanism to financially sustain the household, especially in places where one job does not guarantee a salary that is enough to ensure the well-being of the family. Lack of parental supervision should therefore not be seen as irresponsibility on the part of the mother or father but as a failure of the state and the social protection system to guarantee safe spaces for children to stay while their mothers are working and institute policies that complement low salaries and alleviate vulnerability.

Table 9 summarizes the main vulnerabilities related to children in single-parent households.
### Table 9: Summary of vulnerabilities faced by children in single-parent households

<table>
<thead>
<tr>
<th>Area</th>
<th>Vulnerability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finance</td>
<td>In general, single parent households have smaller incomes than households where both parents are present and able to work, increasing the chances that boys and girls living in these arrangements are in a difficult financial situation.</td>
</tr>
<tr>
<td>Education (to be discussed in Chapter 4)</td>
<td>Some boys living in single-parent households are said to be involved in fights at school and have higher chances of dropping out of formal education. Lack of parental supervision and the absence of a male figure at home are connected to behavioural problems at school and in the community.</td>
</tr>
<tr>
<td>Health (to be discussed in Chapter 5)</td>
<td>Access to health might be limited due to the harsh economic situation of single-parent households.</td>
</tr>
<tr>
<td>Child protection (to be discussed in Chapter 6)</td>
<td>In single-parent households, children are often alone and unsupervised for long periods of time, making them vulnerable to different forms of abuse and violence by older peers and adults, including sexual violence.</td>
</tr>
<tr>
<td></td>
<td>A large number of children in conflict with the law seems to come from broken families, categorized as single-parent households or other arrangements where one of the parents (mainly the man) is not effectively present in the life of the child.</td>
</tr>
<tr>
<td>Social protection (to be discussed in section 3.2 below)</td>
<td>Depending on the characteristics of the family (being a national or not), access to social welfare programmes that alleviate their problems is limited.</td>
</tr>
</tbody>
</table>

### iii. Children from migrant families

A third vulnerable group is children from migrant families living in Montserrat. On the one hand, migration can bring positive aspects into the life of a child, including the possibility of opening new horizons and perspectives. On the other hand, migration can also lead to exposure to abuse and violation, including the possibility of migrant children being considered as lesser citizens in their new country (ECLAC et al. 2010). In this sense, vulnerability for immigrant children in Montserrat is not exclusively connected to financial problems but rather to the way they perceive their role in society and how they feel about the way they are treated. Qualitative assessment in the territory has shown that non-national children feel excluded by their peers, teachers and other adults. Interviews and focus groups with school-age children show a perception that non-national children consider themselves treated differently to nationals. Even when they are in the territory for many years, non-nationals are still stigmatized as not truly Montserratians.

As mentioned earlier, being a national or non-national influences the way fees are charged and how services are provided for families, which in turn increases the vulnerability of migrant children. Moreover, some of these families come from non-English-speaking countries, creating another obstacle for adults and children to be fully integrated and accepted in the society.

Table 10 summarizes the main problems faced by children in these arrangements.
Table 10: Summary of vulnerabilities faced by children from migrant families

<table>
<thead>
<tr>
<th>Area</th>
<th>Vulnerability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial</td>
<td>Not all non-nationals families living in Montserrat are in a harsh financial situation, but the majority of families that are financially vulnerable are non-nationals. Besides, qualitative assessment identifies those that do not have English as their first language as the ones who have the worse jobs.</td>
</tr>
</tbody>
</table>
| Education (to be discussed in Chapter 4) | The lack of an English as a second language (ESL) programme creates a disparity between children who do not have English as their first language and children who are English speakers. Qualitative assessment shows that some non-English-speaking children cannot understand class content.  

There are also reports that non-English-speaking children are the target of bullying at school, and those who do not understand the classes stay behind, have lower grades and ultimately drop out of school.  

Bullying is also common among non-nationals who speak English. Among themselves, local adolescents born in the territory will differentiate between ‘true’ Montserratians and others (those who were not born there). |
| Health (to be discussed in Chapter 5) | Health services are provided in English, with little help in other languages. |
| Child protection (to be discussed in Chapter 6) | Protective services are mostly available in English. Most (if not all) social workers do not speak a second language.  

Police response to domestic conflict in non-English-speaking families is limited due to language capabilities. Some of the conflicts are solved within the non-belonger community.  

There are reports that Spanish-speaking children are more susceptible to violence and abuse, including sexual violence. |
| Social protection (to be discussed in section 3.2 below) | Children in this group do not have access to the welfare programmes that could alleviate some of the financial and social problems that they might face. |

iv. Children in need of foster care

Children in need of foster care can also be vulnerable due not only to the violence they may have suffered but also to the lack of institutional arrangements to guarantee their safety. There is no institution to take care of children who need to be removed from their homes. When there is need for a child to be placed in a safe space, the SSD has to use staff connections to find a temporary shelter for her or him. Children are usually placed with relatives or other families that volunteer to accept them. In May 2015, nine children were in foster care. Recent changes in the foster care programme aim to increase the number of families that can host children by providing financial support for the children and alleviate the expenses of the host families. The resource, EC$900 in May 2015, goes to the family to support the child. It was mentioned that some of the foster children also receive resources to buy uniforms and lunch at school. Table 11 summarizes the main vulnerabilities related to foster children.
v. Children with disabilities and/or special needs

Children with disabilities and/or special needs\textsuperscript{7} are considered an extremely vulnerable group worldwide. The territory has no recent record of how many children have disabilities or their type of disability. Some data exist in the case of children with special learning needs, and this topic is discussed in Chapter 6. There are still social norms that influence how families and society deal with children with disabilities. Some families are ashamed of their children’s condition and prefer to hide this instead of looking for help. Focus groups with parents who have children with disabilities and/or special needs showed the perception that the Government and society are not fully prepared to help children and families. Table 12 summarized the main challenges for these children.

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\textsuperscript{7} For the purpose of this SitAn, a child with a disability is one with some type of physical impairment while a child with special needs is one with some degree of learning difficulty or emotional or behavioural problem.
Table 12: Summary of vulnerabilities faced by children with disabilities and/or special needs

<table>
<thead>
<tr>
<th>Area</th>
<th>Vulnerability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education (to be discussed in Chapter 4)</td>
<td>The situation of children with disabilities is practically unknown. There is an urgent need to identify their situation and to discuss a plan to increase access and address their problems. It is not known, for example, whether the space provided for children in this group is enough to guarantee access for all that need it. Children who have low levels of disabilities and/or learning problems might be included in the same classes as other children; nevertheless, it is unknown whether, in terms of content, they are able to keep up with other students in class or if they stay behind. Special classes are available at secondary level, but they are limited in size and in specialized staff.</td>
</tr>
<tr>
<td>Health (to be discussed in Chapter 5)</td>
<td>The SitAn did not obtain details on the availability of specific services for detecting children with disabilities and/or special needs at early stages of their life.</td>
</tr>
<tr>
<td>Child protection (to be discussed in Chapter 6)</td>
<td>Children with disabilities and/or special needs are hidden in society. There are neither official numbers nor studies to identify their problems and address them. These children might be bullied at school and be the victims of violence and abuse at home and/or in school and the community. According to the interviews, some families are ashamed of their children who have disabilities and prefer to hide them than look for help.</td>
</tr>
<tr>
<td>Social protection (to be discussed in section 3.2 below)</td>
<td>Depending on the characteristics of the family (being a national or not), access to social welfare programmes that alleviate their problems is limited. Also, the fact that some families are ashamed of the situation hinders their access to government help.</td>
</tr>
</tbody>
</table>

These five groups represent the most vulnerable rights holders in Montserrat. It is the Government’s responsibility, as the main duty bearer, to address their problems and to guarantee the realization of the rights of all children, including creating policies that can equalize access to health, education and child protection for all children, independent of any type of differentiation among them.

The five main vulnerable groups described are not isolated, and children in one group might also be exposed to the situation described in another group. For example, a child who lives in a female-headed single-parent household may also live in a family whose mother is underemployed and from a non-English-speaking country. Although both nationals and non-nationals share the risk of being in a vulnerable group, the difference is in the type of support that nationals have.

### 3.2 Social policy response

In order to respond to the demands of the most vulnerable groups, the Government has set a series of public assistance grants delivered by the Social Services Department (SSD). The SSD – housed in the Ministry of Education, Health and Social Services – is the main government body with responsibility to alleviate the situation of vulnerable groups in the territory. Among the four types of benefits that the Department currently provides, two are most relevant to children: social assistance benefits (Table 13)
and social care benefits (Table 14). The Social Welfare Act (Government of Montserrat 2013) and other regulations set the criteria to qualify for government assistance. The decision on who is going to receive the benefit needs to be approved by a committee. The Social Welfare Act also includes the right to appeal in case of refusal of an application for the benefit. Despite this not being clear in the legislation, interviews have confirmed that one pre-requisite to receive social welfare benefits is to be, or have become, a national of Montserrat.
## Table 13: Social assistance benefits

<table>
<thead>
<tr>
<th>Programme</th>
<th>Authority to pay benefit</th>
<th>Amount of benefit</th>
<th>Finance source (and administrator, where different)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Welfare</td>
<td>Social Welfare Act (Chapter 18.03)</td>
<td>Maximum of EC$600 per month plus EC$350 for each additional member of the household. For those who are pensioners receiving social security, the combined social security and social welfare benefit cannot exceed $600 per month.</td>
<td>Eligibility determined by Social Welfare Division of Ministry of Health and Social Services. Benefit paid by Social Security Fund</td>
</tr>
<tr>
<td></td>
<td>- Over 60 with no means of support and not in full-time care</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Unable to support themselves due to prolonged sickness and/or physical and/or mental disability</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Unable to work but with dependent children and no other means of support</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Unable to work by the requirements of dependent family members and who have no other support financially or in kind.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rental assistance</td>
<td>Regulations under the Social Security Act</td>
<td></td>
<td>Social Welfare Fund</td>
</tr>
<tr>
<td>One-off payments</td>
<td>Regulations under the Social Security Act</td>
<td></td>
<td>Social Welfare Fund</td>
</tr>
<tr>
<td></td>
<td>- Medical expenses</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Appliances</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- School requisites</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Utility bills</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Appliances</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Clothing</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Funeral assistance</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Groceries</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Household effects</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Travel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hardship payment</td>
<td>Regulations under the Social Welfare Act</td>
<td>Maximum of EC$600 per month for six months but reviewable</td>
<td>Social Welfare Fund</td>
</tr>
<tr>
<td>Subsidized school transport</td>
<td>Procedures under the Social Welfare Act</td>
<td>EC$2.50 per week for primary and EC$5 per week for secondary (for maximum of two children in a household)</td>
<td>Social Welfare Fund</td>
</tr>
<tr>
<td>Subsidized school lunches</td>
<td>Procedures under the Social Welfare Act</td>
<td>EC$7.25 per week per child (EC$2,610 in total in 2013)</td>
<td>Social Welfare Fund</td>
</tr>
</tbody>
</table>

Source: Maclaggart 2013.
### Table 14: Social care benefits

<table>
<thead>
<tr>
<th>Benefit</th>
<th>Provider</th>
<th>Finance source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subsidized meals on wheels</td>
<td>Old Persons’ Welfare Association</td>
<td>Grant provided by MOHSS to sum of EC$60,000</td>
</tr>
<tr>
<td>Subsidized home care service</td>
<td>Old Persons’ Welfare Association</td>
<td>Grant provided by MOHSS to sum of EC$60,000</td>
</tr>
<tr>
<td>Institutional care</td>
<td>Provided at Margetson Home, Golden Years (privately), Lookout or Oriole Villa</td>
<td>Free care is provided to some clients out of MOHSS resources – some clients at Golden Years are required to pay to a maximum of EC$1,500 per month</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>At Lookout some clients are required to pay EC$355 per month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At Margetson Home, the application form requires payment of EC$400 per month but very few pay</td>
</tr>
<tr>
<td>Subsidy to Red Cross</td>
<td>Montserrat Red Cross Association</td>
<td>The Red Cross receives a subsidy of EC$6,000 to provide services or payment in kind to some people not otherwise eligible for welfare.</td>
</tr>
</tbody>
</table>

Source: Mactaggart 2013.

Insufficient human resources, inadequate financial resources and legislation that is not clear in terms of support for non-nationals are the main constraints hindering Montserrat from adequately addressing its social challenges, “many of which are a result of increasing welfare needs and the challenges of redeveloping newly formed communities”, especially related to enhancing the targeting and delivery of social welfare schemes (CDB 2012).

From the total 2014/2015 Revised Budget, 3.8 per cent (around EC$4.6 million) was allocated to ‘Social Services’. Of this, EC$3.14 million were allocated to ‘Social Protection’ (Government of Montserrat 2014). The budgetary information available does not allow further investigation of how much of the total allocation for social services is actually going to fund social assistance and social care benefits. The common understanding among stakeholders in the territory is that available funds for the SSD are not enough to provide services for all the families and individuals that need help.

The social welfare review conducted in the territory in 2013 (Mactaggart 2013) concluded that social protection should be broadened to take into account the needs of all the poor – not just the elderly or the disabled – and include as the main rights-holders the working poor and children. The review also mentioned that social protection needs to be provided to the whole population through a combination of
public and private sector service providers, and that protection programmes should be financed through a combination of direct government payments to beneficiaries, government support to private sector providers to deliver programmes on its behalf and users meeting an agreed portion of costs that the Government incurs in providing services to the public.
4 The Right to Education
The 2014/2015 Government Budget allocated EC$8.6 million (around 7 per cent of the total budget) to the Ministry of Education, Youth Affairs and Sports (Ministry of Finance and Economic Management 2015). Secondary education has the highest budgetary allocation with 33 per cent, followed by primary and early childhood education (ECE) (Figure 11).

According to the Montserrat Education Act of 2004, education is compulsory and free of charge for children between the ages of 5 and 16. Education is composed of three levels, which follow the OECS suggested structure: early childhood, primary and, secondary (Ministry of Education 2014). By law, parents are responsible for ensuring the school attendance of children of compulsory age, and failure may result in a fine (Government of the United Kingdom 2014).

Children’s education should develop each child’s personality, talents and abilities to the fullest. It should encourage children to respect others’ human rights and their own and other cultures. It should also help them learn to live peacefully, protect the environment and respect other people. Children have a particular responsibility to respect the rights of their parents, and education should aim to develop respect for the values and culture of their parents (CRC, article 29).

Figure 11: Revised budgetary allocations for the Ministry of Education, Youth Affairs and Sports, 2014/2015

No resources were allocated for capital expenditure in education either in the 2014–2015 Budget or for the next budgetary cycles until 2018, which translates into no investments in new buildings and/or structures related to schools.

The territory has some data related to the number of children enrolled at different school levels, but there are no official rates calculated by the Government. Rates for this SitAn were found in the OECS 2010/2011 and OECS 2012/2013 educational statistical digests (OECS 2012; 2013). Lack of rates does not allow for an analysis of the efficiency of the system, i.e., it makes it difficult to know whether all children in Montserrat have access to education.

4.1 Early childhood education

Early childhood education (ECE) in Montserrat is framed by the National Policy Framework on Early Childhood Education (Ministry of Education 2011), which advocates for quality and age-appropriate ECE services for all children.

ECE is not compulsory but is formally provided in day-care centres for children up to the age of 2 years and at nursery schools/preschools for children between 3 and 4 (Figure 12). According to the Ministry of Education, one private and three government facilities offered ECE services in 2014 (Ministry of Education 2014). The Government also provides some subsidies to the private facilities.

Figure 12: Early childhood education scheme

Although the Government does not have an official enrolment rate for ECE, the OECS 2010/2011 educational digest presents the net enrolment rate (NER) as 84 per cent for that school year. In 2014, 174 students were enrolled in preschool and day-care facilities (94 girls and 80 boys) (Ministry of Education 2014), most of them in government institutions (Table 15).
Five issues were identified in terms of ECE in the territory:

i. There is no unified curriculum for ECE. One reason is the lack of a harmonized curriculum in the Caribbean region.

ii. There is no ECE coordinator at government level, and the area is partially covered by different people who are not specialists in ECE.  

iii. Recruitment of teachers who are specialists in ECE has been a challenge. Interviewees mentioned a perception that teachers do not have to be qualified to teach ECE and consequently some are not trained to handle young children.

iv. There is a lack of space and teaching resources (supplies), both connected to the lack of funding.

v. Although most ECE services are provided by the Government or have its support, qualitative evidence suggests that some families that cannot enrol their children in government institutions find the cost of private ECE to be prohibitive. The solution mentioned is to leave the children with other family members or neighbours.

In 2009, a survey was carried out to assess the quality of ECE settings based on seven criteria: space and furnishings; personal care routines; language and reasoning; activities; interaction; programme structure; and parents and staff (UNICEF Office for Barbados and the Eastern Caribbean 2009). Among the five preschools that were part of the survey in Montserrat, only one was considered to be excellent in one of the seven items analysed (Table 16). Most of the schools were considered to be inadequate or to have reached minimum levels in the items surveyed (ibid.). On the positive side, the average number of children per caregiver is quite low: six at government day-care centres and 10 at government preschools.

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8 At the time the field visit, the person who had been in charge of ECE policies and quality had left government and the post was vacant.
Using the determinant approach (Figure 1 above) to understand possible causes of the ECE situation, it seems that on the supply side, the Government is not able to guarantee the availability of services for all the children in the territory. This inability seems to be more connected to the absence of human and financial resources than to a failure to understand the importance of early childhood for the child’s development. As mentioned, lack of space was identified as one of the major bottlenecks for the system. On the demand side, the direct and indirect costs of ECE may prevent some parents from enrolling their children in day-care centres or preschools. However, there was no consensus on how significant the cost of ECE is for families. While some stakeholders said that they could not afford good quality ECE, others, including government officials, argued that ECE is available and the cost is not prohibitive.

### 4.2 Primary education

Primary education is compulsory and starts at the age of 5. There are four primary schools, two state-owned and two privately owned. In 2014, 439 students were registered, of which 277 were at public schools and 162 at private schools (Ministry of Education 2014). In government schools, services are provided free of charge; nevertheless, implicit costs still exist since families have to buy books and uniforms and provide lunch for their children.

There is no official calculation of the enrolment rates for Montserrat. The OECS report shows that for the period 2012/2013, the gross enrolment rate (GER) for primary education was 84.2 per cent and the net enrolment rate\(^9\) (NER) was 75 per cent (OECS 2013). The 2012/2013 rates are low comparing to the ones reported in the 2010/2011 digest: 101.3 per cent for GER, and 95.8 per cent for NER (OECS 2012). The difference between these two school years requires further research on the possible causes for the gap, including a thorough analysis of the quality of the data.

If the latest numbers are accurate, they indicate that there are still children of school age in Montserrat who are outside formal primary education. The numbers also indicate that a representative number of children enrolled in primary schools are not in the correct class for their age, which could be the result of younger

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9 Enrolment of the official age group for a given level of education expressed as a percentage of the corresponding population (from Census data).
children enrolled in the initial years of primary (an indication of lack of ECE institutions), or older children enrolled in the last years of primary (indicating repetitions or children entering late into the educational system).

Seven children (five boys and two girls) dropped out of primary education in the 2013/2014 school year (Ministry of Education 2014), which translates to a drop-out rate of 1.5 per cent for that particular year. Reports do not indicate the possible cause or in which grade they occurred. Also, it is not known whether these children have left the territory. Montserrat has a high proportion of immigrant children (as mentioned earlier, 28 per cent of children are not nationals), and, as reported by focus groups, most of them do not easily adjust to the school system due to language barriers, cultural differences and financial hardships.

The gross primary graduation ratio (GPGR) for 2012/2013 was 96 per cent (OECS 2013), indicating that the vast majority of children that start primary education finish it. This is one of the few indices where males better females in Montserrat, with a genuine progress indicator (GPI) of 97 per cent for boys versus 95.3 per cent for girls.

One measure of quality of education is the pupil-teacher ratio. For primary education, this was 11 students per teacher for the 2013/2014 school year (Ministry of Education 2014). Among the teachers, 73 per cent were trained for teaching at this level (ibid.), with some variation between government and private schools (Figure 13).

**Figure 13: Trained teachers per primary school, Montserrat, 2013-2014**

![Trained teachers per primary school, Montserrat, 2013-2014](source: Ministry of Education 2014.)
As a monitoring tool for the teaching-learning process, the Ministry of Education has implemented the Caribbean Primary Exit Assessment (CPEA), which aims to ensure standardization of the primary level across the region (Oye Hesse-Bayne 2014). This assessment was offered for the first time in May 2014, when 57 students took the test (29 boys and 28 girls) at the three largest primary schools. The overall performance was 14 percentage points below the regional average: the national mean was 303.8 against the regional mean of 317.08 (Ministry of Education 2015). From a gender perspective, girls performed better than boys in all four areas (maths, language, social studies and science). Students from the government schools performed better than those from the private institutions. Out of the top 15 candidates in the territory, 11 were from Brades Primary and Look Out Primary, both public schools (ibid.).

Interviewees raised some concerns with local primary education. First, there is no national curriculum in place. The OECS proposed curriculum and the UK curriculum have different requirements, but it seems the Government is trying to adopt both at the same time, creating a situation where neither is fully utilized. Second, the territory lacks specialized math and English teachers to teach at primary level. Despite the efforts of other teachers who cover these subjects, the lack of specialized teachers affects how they are delivered to students.

A third issue is the constant complaint from parents that primary students have too much homework and no time to play. The education system is said to be too examination and academic focused at the expense of children’s holistic development. The fourth issue is related to the lack of mechanisms to fully integrate Spanish-

The voices of children: Well-being at primary school

Primary students mentioned they were very anxious about moving to secondary school. The campus is separate from the primary schools, with different rules and with older boys and girls. They said that they were excited by the idea but did not feel prepared, indicating some lack of school support for the change. They also revealed that among all the stories that they frequently heard about secondary education, the one that made them most apprehensive was how violent the environment could be, when older boys beat younger children and stole their money and their food. Pupils were asked about their life outside the school, and they all complained that there were not many opportunities for them to have fun. They all wished they had more spaces to play and organized activities once school was over.
speaking students in the schools. Teachers are not ready to teach in both languages, and it is noticeable that non-English-speaking students do not learn at the same pace as other students. Related to this point is the fifth issue identified: when children come to the territory they are placed in the grade that matches their age. As mentioned by some interviewees, there is no placement based on the student’s history and his/her capacity. As a consequence, classes have a mix of students with different learning levels, creating another challenge for teachers.

All these problems are rooted in gaps in the supply side and the enabling environment, where Government is not able to guarantee the availability of essential commodities and access to adequately staffed services, with rules and regulations to standardize primary education. While staff might represent extra budgetary expenses, help with standardization of the curriculum is possible through different channels to which the territory has access, such as the UK Department of International Development (DFID) and other multilateral organizations that are present in the region.

The focus group with primary students who would soon be moving to secondary education also added some points to the list of issues. First, pupils complained about not having a cafeteria where they could buy/eat their lunches. As mentioned, parents have to provide lunch or money for food. When asked if they knew someone who did not go to school, children mentioned that all their friends were enrolled but some would be absent some days. On asked the reason for that absence, they mentioned that some families did not have enough money to provide them with food or pay for the bus. Some students in the focus group mentioned they sometimes went to school without breakfast or lunch; when that happened, some friends shared their food.

While some of the students lived near the school and walked to and from home, others had to take private buses. As mentioned by them, lines for buses started forming right before school was over and those in the last spots were at risk of staying behind and, consequently, having to find a way to get back home, either walking or taking a lift in a car from someone.

4.3 Secondary education

Secondary education is also compulsory and provided by the only state-owned secondary facility: Montserrat Secondary School. There is no tuition involved in secondary education; nevertheless, as at primary level, indirect costs have to be assumed by parents who have to buy uniforms, books and other supplies, as well as provide money for lunch and transport.

In 2013/2014, there were 343 registered students (166 girls and 177 boys) (Figure 14) in secondary education (Ministry of Education 2014). Similar to the situation regarding primary education, Montserrat does not calculate enrolment rates for secondary education, and the ones reported by OECS are very different from one year to the next. For the period 2010/2011 the GER was reported to be 101.3 per cent and the NER was not available (OECS 2012). Meanwhile, the GER for secondary education for 2012/2013 was given as 52 per cent and the NER as 82.5 per cent (OECS 2013).10

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10 The numbers reported in the 2012/2013 OECS digest are far below the ones reported in the previous year, and might represent problems in how the numbers were calculated and/or reported. The fact that NER had a higher value than the GER already indicates a problem in how data were calculated or reported. Enrolment in secondary education for 2012/2013 might be closer to the NER number than the GER.
Official numbers show that seven students (all girls) dropped out of secondary school in the 2013/2014 school year (Ministry of Education 2014); translating into a 2 per cent drop-out rate. Data do not provide information on the age of the girls, possible reasons for dropping out or the grade in which they stopped their formal education. The fact that all students that dropped out school were girls needs to be further investigated. Data from the Ministry of Education show that there are more girls enrolled at secondary level than boys (with the exception of form 4) and that the number of pupils at school diminishes at the higher levels of secondary education (Figure 14). This reduction should also be investigated since it could represent children dropping out once they reach higher classes.

As reported by the Lucy Faithfull Foundation (Sheath and Todd 2015), the Education Department does not, at a strategic level, appear to collect, access or be able to demonstrate statistics on absenteeism at the secondary school, which is a significant gap since this is reported to be very closely correlated with child sexual exploitation and is related to a lack of formal educational skills. Numbers of children are reported to drop out in their fourth or fifth year, and that is seen as a fact of life rather than as a social and educational problem that needed to be analysed and addressed. Qualitative evidence indicates that adolescent girls drop out of school due to unwanted pregnancy and boys due to violence and lack of interest in education.

### Quality of secondary education

There are different measurements to identify the quality of education and whether students are being able to acquire knowledge. One typical form is to use standardized tests. For example, the results of secondary education in Montserrat can be compared to other territories and countries in the region using the Caribbean Secondary Education Certificate (CSEC) scores as a guiding tool for learning achievements. These show that performances in math and English have improved when comparing 2013 to 2014 (Figure 15).
Nevertheless, the overall performance of all students in the five subjects involved in the test was still below the regional average. The overall score for Montserrat was 28 per cent (meaning that 28 in each 100 students passed the five subjects that were part of the test) and 35 per cent for the region (Ministry of Education 2015). Despite being below the regional average, the overall results for 2014 show improvement when compared to previous years (Figure 16).

Figure 15: Students’ performance in English and mathematics (%), 2013 and 2014

![Figure 15](image1.png)

Source: Ministry of Education 2015.

Figure 16: Proportion of final cohort that achieved five subjects at CSEC, 2011–2014

![Figure 16](image2.png)

Source: Ministry of Education 2015.
Taken together, the two figures above imply that Montserrat has a long way to go in improving learning outcomes. Currently, there is an inverse relationship between the level of investment in education and the returns. Whether the low performance has something to do with teaching and learning resources (which does not seem to be the case) or low teacher capacities remains to be investigated. What is clear is that the proportion of trained teachers at both primary and secondary levels is low.

The quality of education is increased with qualified teachers teaching in the classrooms. For the school year 2013/2014, among the 24 teachers at the secondary school, 54 per cent were trained to teach at that level (compared to 73 per cent in primary education), 69 per cent among the female teachers and 25 per cent among the male. One possible reason for the low number of qualified teachers is the difficulty that the territory has in retaining them due to the lack of incentives that other territories and countries in the region can provide. Investment in teacher education, management and instructional quality assurance and supervision remain critical areas for further system improvement. The student/teacher ratio for the secondary school was 1:16.

It is relevant to observe that, at secondary level, the number of female teachers (16) is double the number of male teachers (8) (Ministry of Education 2014). Having more female than male teachers at the school was considered by various informants to be a barrier to the promotion of boys’ education and one of the causes of growing violence at school. According to several interviewees, the lack of a positive male figure for some boys – those who do not live with their fathers and, consequently, do not have a male model to influence them – pushes them to make wrong choices in terms of behaviour at school and in the society as well as in selecting their peers and making decision for their future.

According to the interviews, some students find there is the gap between what they expect to learn and what teachers are prepared to teach. It was said that, “teachers do not teach with passion, they only go to school to make their money”. While on the one hand, some teachers are not well equipped with the right pedagogical skills for effective learning, on the other hand, teachers cannot be held solely responsible for the educational outcomes of the students and their willingness to stay at school. Other factors such as family environment and school infrastructure also influence not only students’ propensity to learn but also teachers’ motivation to teach. For instance, teachers complained about the lack of supplies and the need to improve the availability of modern teaching techniques.

The transition from secondary to tertiary education has led to the phenomenon of ‘brain-drain’, where the population aged 15–24 is leaving in search of tertiary education and job opportunities abroad (Halcrow Group Limited with the National Assessment Team of Montserrat 2012). Limited access to further education, relatively poor wages and limited opportunities for economic activity and promotion through any of the government agencies mean that many Montserratians saw their future as resting in the UK or elsewhere rather than on the island (Sheath and Todd 2015).

### 4.4 Violence at school and student’s well-being at school

Violence at school may be perpetuated by students or perpetuated against students. Both affect students’ well-being.

Acts of violence perpetuated by students during the 2014/2015 school year included vandalism, fights, bullying, verbal threats, threats with weapons, instigating fights, illegal drug possession/use and the throwing of explosive materials while class was in session (Ministry of Education 2015). There are significant gender differences in the type of violent acts committed by male and female students (Figure 17). It is important to mention that the numbers depicted in the figure are those that were officially registered by the school. It is probable that the number of violent incidents among students is higher than the one reported.
Data provided by the Ministry of Education indicate that 55 per cent of the students enrolled in Montserrat Secondary School do not feel safe, even though 90 per cent of the parents consider the school a safe environment (Ministry of Education 2015). Students in the focus groups mentioned that they feel insecure at school, and girls said that there are some places in the school where they do not go due to fear of being abused or suffering some type of violence. According to the Ministry of Education (2015), this difference in perception between parents and children demonstrates a communication gap, probably indicating that children are not telling their parents how they feel. However, the difference of perception in terms of safety needs to be further investigated.

Secondary students in the focus groups and some that were individually interviewed mentioned that the perpetrators of acts of violence at school are not only students but also other young boys who hang around the school and sometimes are seen walking on the school premises.

Violence at school influences how teachers perceived the school environment as well, and 38 per cent do not feel safe (Ministry of Education 2015). Ultimately, lack of security about their safety influences how teachers are going to transmit the lesson content to the students and how they relate to the pupils.

Possible causes of school violence are depicted on the left side of Figure 18. The figure tries to illustrate the idea that a myriad of factors are responsible for a child’s behaviour, including macro-environment factors, such as the economic situation of the family and the cultural and historical attitudes that frame the society; micro-environment factors, such as how children relate to others, influencing and being influenced by other peers; family factors, such as the presence or absence of parents, and how safe is the family environment; and individual factors that frame the development of the child.
In terms of violence perpetuated against students, corporal punishment is common and accepted for primary and secondary students. Although the Constitution (section 4) provides for persons not to be subjected to torture, or to inhumane or degrading treatment or punishment, and corporal punishment is banned in schools as a matter of policy, this is not yet underpinned by legislation. Article 49 of the Education Act states that “(1) In the enforcement of discipline in public schools, assisted private schools and private educational institutions degrading or injurious punishment shall not be administered. (2) Corporal punishment may be administered where no other punishment is considered suitable or effective, and only by the principal, deputy principal or any teacher appointed by the principal for that purpose, in a manner which is in conformity with the guidelines issued in writing by the Director. (3) Whenever corporal punishment is administered an entry shall be made in a punishment book, which shall be kept in each school for such purpose indicating the nature and extent of the punishment and the reasons for administering it. (4) A person other than those mentioned in subsection (2) who administers corporal punishment to a student on school premises commits an offence and shall be liable on summary conviction to a fine not exceeding $1,000.” Most of the cases reported in the territory involve hitting (smacking, slapping, spanking) children with the hand or with an implement such as a whip, stick, belt, shoe, wooden spoon, etc. (Morlachetti 2015).
Advocates of corporal punishment in schools generally contend that it is an effective form of correcting child misbehaviour. However, a review of the science in this area notes that the vast majority of the evidence leads to the conclusion that corporal punishment is an ineffective method of discipline and has major deleterious effects on the physical and mental health of those on whom it is inflicted. Research indicates that corporal punishment leads to anxiety, increased anger, antisocial behaviour, intense dislike of authority and lower achievement, among others (Greydanus 2010). Hence, instead of preventing behavioural problems, corporal punishment is actually stimulating them.

The infrastructure of the only secondary school was considered by interviewees as a major problem that affects students’ well-being. Indeed, in the past some students had to be temporarily moved to Look Out Primary due to serious problems related to building safety. According to the students, the bathrooms were not clean and basic equipment to guarantee a proper environment for learning such as ceiling fans did not work well. Government has plans to build a new secondary school, but does not know when that is going to become a reality due to lack of funding for the project.¹¹

Also related to their well-being, secondary students mentioned two other very specific factors: the absence of a school canteen and insecurity related to the bus. Without a proper space where they can eat, adolescents walk around the school and may be susceptible to different forms of violence. Also, the absence of a canteen, where the quality of lunch can be monitored, influences the types of food students eat, increasing the chances of obesity among the young population (to be discussed in Chapter 5). In the case of the bus, students mentioned that the vehicle is old and not secure, while the driver is often negligent, driving at high speed.

There is also a relationship between violence at school and the use of illegal substances. Despite the fact that the possession and supply of drugs is a criminal offence under the Drugs (Prevention of Misuse) Act, there is evidence that the use of marijuana is on the rise among juveniles (Government of the United Kingdom 2014). Secondary students mentioned that students and young adults are frequently seen using drugs near the school. There is also evidence that children have easy access to alcohol. The 2008 Global School Health Survey has shown that drunkenness and alcohol consumption are occurring among school-age children in Montserrat (Owen 2011). Adolescents see the use of alcohol and marijuana as one of the triggers of violence at school and in their communities.

### 4.5 Non-English-speaking students and children with special needs

There are no data regarding specific groups of children (minorities, migrants, left-behinds, orphans) and no formal restrictions in their access to education. Yet, there are suggestions that Spanish-speaking children in particular do not have full access to education due to language constraints such as the absence of appropriate teachers and efforts to teach English as second language (Government of the United Kingdom 2014). There appear to be a number of specific problems with some of the Spanish-speaking children in the education system, these being cited as especially pressing at the secondary level. Very few secondary school teachers are Spanish speakers, yet many children have only

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¹¹ As mentioned in the beginning of this chapter, the territory’s budget does not include any resources for new capital expenses in the area of education.
rudimentary skills in English, which can make them alienated and disruptive (Sheath and Todd 2015).

Qualitative evidence connects the behaviour of some children at secondary school with their inability to communicate in English. Once students who do not fully dominate English are moved into secondary school, they seem to become frustrated, and academically they cannot keep up with students who have a better English background. Teachers also become frustrated since some are not able to understand and teach some of the children. Problems with communication not only affect those who are Spanish speakers but also those who do not have the required level of education to progress into age-appropriate grades. As mentioned, children who come to Montserrat are placed in a grade based on their age and not on their previous educational level.

According to the Ministry of Education, special education needs programmes are available in both primary public schools. Each school has a trained special education teacher with the skill and experience to work with students. The Lower Education Attainment Project (LEAP) was originally supposed to address the needs of students moving to secondary level who were deficient in literacy and math (Ministry of Education May 2011). In recent years, the project has been adapted for students with learning deficiencies as well as those with special education needs.

Primary and secondary schools also have Learning Support Units that work with children with special needs as well as those who might need counselling or/and are considered ‘at risk’ for academic failure. A number of assessments were conducted for students with attention deficit hyperactivity disorder (ADHD), autism, cerebral palsy, and Williams syndrome. Over 95 students throughout the system were identified as having special needs (Ministry of Education 2015).

### 4.6 Summary of determinants in education

Table 17 summarizes the problems found in education in Montserrat and their relation to the main determinants used as a framework of analysis. The table summarizes the discussion in this chapter.
### Table 17: Summary determinant analysis for education

<table>
<thead>
<tr>
<th>Determinant</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social norms</td>
<td>Violence at school perpetuated by and against students is a constant. School fights are motivated by the gang-related violence copied from movies, games and music that some students act out in the school environment. This creates an environment of insecurity among children and teachers. Violence at school is also connected to the lack of mentoring at home, the lack of a father figure to help guide children’s behaviour and the lack of recreational opportunities for young people.</td>
</tr>
<tr>
<td>Legislation/policy</td>
<td>Legislation does not guarantee quality of ECE services and does not make ECE mandatory. ECE does not have a unified curriculum.</td>
</tr>
<tr>
<td></td>
<td>The primary level curriculum has a contradiction between UK and OECS standards.</td>
</tr>
<tr>
<td></td>
<td>There is no institutionalized English as second language curriculum to help those students whose mother tongue is not English (evidence suggest an increase of Spanish speakers in the territory).</td>
</tr>
<tr>
<td></td>
<td>Corporal punishment is still legal.</td>
</tr>
<tr>
<td>Budget/expenditure</td>
<td>Lack of budgetary resources does not allow for school feeding programmes that could increase the quality of learning as well as school retention. Also, the government budget does not cover students’ books, uniform and transport.</td>
</tr>
<tr>
<td></td>
<td>Despite the need for a new secondary school in the territory, there are no budgetary resources to build it.</td>
</tr>
<tr>
<td>Management/coordination</td>
<td>Recruitment of qualified teachers and teacher retention are problems.</td>
</tr>
<tr>
<td></td>
<td>The territory does not calculate enrolment rates and other rates related to education that could facilitate an analysis of the efficiency of the system.</td>
</tr>
<tr>
<td>Availability of essential</td>
<td>Books and school supplies have to be bought by students whatever their economic situation. For national families, the Government provides some help at the beginning of the year.</td>
</tr>
<tr>
<td>commodities/inputs</td>
<td>On the teachers’ side, there are complaints of lack of supplies for teaching and lack of access to modern technologies that would make the school environment more attractive.</td>
</tr>
<tr>
<td>Supply</td>
<td>ECE services lack adequate space and infrastructure for children. There is a challenge in recruiting qualified teachers at all levels and keeping them in the territory.</td>
</tr>
</tbody>
</table>
Table 17: Summary determinant analysis for education (continued)

| Supply | Lack of male secondary level school advisors and teachers was identified as a barrier to incentivizing male students to behave at school. 

Lack of English as a secondary language programmes influences how non-English-speaking students learn and their propensity to finish primary and secondary educations. 

The infrastructure of the only secondary school is poor. Government plans to build a new school were stopped due to lack of budgetary resources. |
|---|---|
| Demand | Financial access | Despite the existence of public ECE services, space is not available for all children. Some families have to pay for services, creating a financial burden for the most disadvantaged families (the cost of access to the service is prohibitive for some families). 

For primary and secondary education, the fact that families have to provide for books, uniforms, transport and lunch creates another financial pressure that impacts mainly in those vulnerable populations identified in Chapter 3. |
| Social and cultural practices and beliefs | Lack of parenting at home, especially for secondary male students, was seen as one factor that influences them to present behavioural problems at school and, in some extreme cases, to leave school without finishing their formal education. |
| Timing and continuity of use | Timing and continuity of use was not identified as a barrier in education |
| Quality | Quality of care | Quality monitoring of ECE services is still not fully accomplished, and evidence has suggested that quality standards for most of the ECE institutions are inadequate or minimum. 

For primary schools, some measures of quality of education are in place but it is not known how these are used to make actual changes in the system. 

Standardized results in primary and secondary education examinations show that the quality of learning needs to be improved. |
|---|---|---|
5 The Right to Health
Children have the right to live. Governments should ensure that children survive and develop healthily (CRC, article 6).

Children have the right to good quality health care – the best health care possible – to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy (CRC, article 24).

Mothers should have appropriate pre-natal and post-natal health care (CRC, article 24).

Analysis of the situation of children related to health issues is limited by the lack of recent official data made public. Data used in this chapter cover the period 2006–2010 (PAHO 2013) and 2007–2011 (Glendon Hospital 2012).12

According to data from Glendon Hospital (2012), 346 women registered for and received prenatal care from trained health professionals between 2007 and 2011, including tests for HIV and STIs, with only one positive case of HIV (in 2002). In the same period, there were 277 hospital deliveries (Figure 19), and no maternal deaths were registered.

12 By the end of July 2015, the health report that covers the period 2011–2014 had not been made available.
Until 2008, most of the births registered in Montserrat were to residents. After that year, births to non-residents surpassed residents (Figure 20). One explanation is that some residents deliver their babies abroad, which also helps to explain the differences seen between registered antenatal visits and hospital deliveries.


Source: Glendon Hospital 2012.
In the period 2007–2011, 277 children were born (140 boys and 137 girls), which included four stillbirths. There were no neonatal deaths and two infant deaths, one in 2007 and one in 2010 (Glendon Hospital 2012). Also, no deaths of children aged 1 to 5 were registered between 2007 and 2011.

The immunization coverage was 100 per cent between 2008 and 2010. The reporting period shows a decrease in the rate of low-birth weight babies from 18.4 per cent in 2006 to 6.5 per cent in 2010 (PAHO 2013).

In terms of nutrition, the territory has few cases of underweight children but many of overweight girls and boys. In 2011, around 23 per cent of children assessed during school health programmes were overweight or obese (Owen 2011). According to the Ministry of Education (2015), 45 per cent of girls and 40 per cent of boys in the 6th grade were overweight or obese in 2014 (Figure 21). In secondary school, 48 per cent of the girls in form 3 were overweight or obese in comparison to 23 per cent of the boys.

Figure 21: Weight profile of grade 6 students, 2013–2014

Most cases of child (and adult) obesity are related to poor eating habits, which in turn are determined by cultural practices that drive which type of and how food is consumed by families as well as by the price and availability of food products. In Montserrat, almost all food products are imported, quality is not always guaranteed and prices make them not accessible for all. Adult are also showing signs of obesity. Diabetes (10 per cent) and hypertension (7 per cent accounted for 17 per cent of hospital admissions in 2012, and obesity was acknowledged by the Government as one of the main health challenges to be faced (Hon Premier and Minister of Finance and Economic Management 2013).

Ten people were found to be seropositive for HIV during the 2006–2010 period, and HIV incidence declined from 0.43 in 2006 to 0.2 in 2010 (PAHO 2013).
In 2015, the Government allocated around US$15.1 million to health, representing 13.9 per cent of the budget; nevertheless, access to health care is limited and unevenly accessed due to costs and income levels. The quality of care differs between the public and private sectors and in both sectors fees and charges may be prohibitive, given that most of the population is not covered by any form of health insurance (Hon Premier and Minister of Finance and Economic Management 2014).

Health care is provided by one public hospital, by public health clinics and by some private practices. The Public Health Act and other regulations govern the promotion and preservation of the health of inhabitants and the accessibility of medical services. The Public Health Regulations dictate the fees that should be paid for health services in the hospital. Children who are nationals and are enrolled in school are exempt from paying for most services. The territory has different fees for those who are Montserratians, those who are from the CARICOM region and those who are considered aliens. Children born in the territory whose fathers are aliens have to pay fees for services. Health clinics provide free basic services for the national population. According to the interviews, with the exception of contraceptives, most medication and services (including prenatal and postnatal care) are not charged for there. Some interviewees mentioned that non-nationals could have access to free services in the clinics; nevertheless, legislation says the contrary: “No fee shall be charged for community health services provided to any Resident person within the meaning of these Regulations. ‘Aliens’ and ‘Caribbean Residents’, however, shall pay fees for community services at the rates specified in the Public Hospital Regulations” (Government of Montserrat 2013).

The territory does not have national health insurance; the closest would be the social security scheme to which employers and employees have to contribute. If necessary health treatment is not available locally, nationals can apply through social assistance to be evacuated to a hospital overseas. According to different informants, this creates a financial burden on the system. However, non-nationals needing to be evacuated and treated abroad through the social security scheme have to pay their expenses back to the Government.

On the one hand, some interviewees did not consider the fees that non-nationals pay prohibitive as they are the same or lower than in other countries/territories in the region. On the other hand, some non-nationals said that while the fees did not exclude them from treatment, they would have an impact on their general household income.

One issue highlighted by various interviewees was the lack of a proper structure for treating children in the hospital. For example, it does not have either a special care unit for newborns or a paediatric ward, so children who need to stay in hospital are kept among the adults. In addition, it was mentioned that some basic equipment is not available or is old. According to the interviews, infrastructure issues are supposed to be fixed with the construction of a new hospital. The root cause of the problem is the lack of financial resources to maintain or buy new equipment.

An important point that was mentioned in the interviews is the cost-benefit analysis that sometimes dictates how policy choices are made in the area of health. As the population in the territory is small, few children are going to need a special care unit after birth. According to the interviews, the decision was taken to invest not

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13 The latest regulation available on the Internet was from 2009. Some costs for nationals were: Caesarian delivery: ECS$600; normal delivery: ECS$100; physician consultation: ECS$20; and obstetrician or midwife consultation: ECS$20. Prices for CARICOM residents should be multiplied by 1.5, and for aliens by 2 (Government of Montserrat 2009).
in highly specialized equipment that might only be used by a few but in those areas/equipment that more people are going to use. While this decision might be correct based on a cost analysis, it represents a long-term burden since some people have to be flown overseas for treatment and the lack of some equipment may risk the life of children and adults.

5.1 Summary of determinants in health

Table 18 below summarizes the main determinants related to health in Montserrat. While different stakeholders think the system and the services could be better, they also recognize that within the capacity of the island, services and treatment achieve good quality standards.
### Table 18: Summary determinant analysis for health

<table>
<thead>
<tr>
<th>Determinant</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social norms</td>
<td>Social norms were not identified as a major bottleneck in access to health services. Social norms are important to identify behaviours related to food intake habits. Food consumption in the territory is centred on high caloric foods.</td>
</tr>
<tr>
<td>Legislation/policy</td>
<td>The territory does not have a national health insurance system. Those who need to use the hospital have to pay a fee. The current policy does not differentiate between nationals and non-nationals who live legally in the territory. There are higher costs for those who do not have a legal status.</td>
</tr>
<tr>
<td>Budget/expenditure</td>
<td>Despite the widespread idea that more resources are necessary for health, there was no concrete evidence that budget allocation is a major constraint. Government has plans to expand the current hospital and/or build a new one, but there is no current budgetary allocation for this.</td>
</tr>
<tr>
<td>Management/coordination</td>
<td>Lack of an electronic data management system impacts on timely dissemination of data. Data are not disaggregated in a way that allows for a proper equity based analysis. Besides, the territory does not efficiently track data on HIV in the child population. Medicine shortages are considered to be related to the procurement schedule.</td>
</tr>
<tr>
<td>Availability of essential commodities/inputs</td>
<td>Basic medicine is available for a fee. More advanced medicine needs to be imported. There are reports of shortages of medicines at some times of the year.</td>
</tr>
<tr>
<td>Access to adequately staffed services, facilities and information</td>
<td>If needed health treatment is not available in the island, nationals can apply through social assistance to be evacuated to a hospital overseas. National are covered by the social security scheme. For non-nationals, evacuation paid for by the Government is used as a last resort. Non-nationals have to pay for the full cost of the evacuation. The paediatrics structure in the hospital is not adequate. Children who need emergency care are placed with adults. The territory does not have a special care unit for newborn babies. Mothers who are identified as potentially having a difficult delivery are evacuated to other countries in the region. Contraceptive access for girls under the age of 18 is against the law.</td>
</tr>
<tr>
<td>Demand</td>
<td>Financial access</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Social and cultural practices and beliefs</td>
<td>Social and cultural practices and beliefs are not considered as a main bottleneck in health.</td>
</tr>
<tr>
<td>Timing and continuity of use</td>
<td>Timing and continuity of use are not considered as a main bottleneck in health.</td>
</tr>
<tr>
<td>Quality</td>
<td>Quality of care</td>
</tr>
</tbody>
</table>
6 The Right to Protection
States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement (CRC, article 19).

According to UNICEF, there is significant evidence that violence, exploitation and abuse can affect children’s physical and mental health in the short and longer term, impairing their ability to learn and socialize and impacting their transition to adulthood with adverse consequences later in life. Violence, exploitation and abuse are often practiced by someone known to the child, including parents, other family members, caretakers, teachers, employers, law enforcement authorities, state and non-state actors and other children. Worldwide only a small proportion of acts of violence, exploitation and abuse are reported and investigated, and few perpetrators are held accountable. This situation is exacerbated in a society such as Montserrat, where the small size of the population creates a situation where all people living in the area are easily identifiable.

A recent study sponsored by the Lucy Faithfull Foundation (Sheath and Todd 2015) captures well the situation of girls and boys in Montserrat in relation to different forms of abuse. The study followed a similar approach to the UNICEF SitAn, and many of its conclusions are analogous to the ones arising from the SitAn process. The

description of the situation in that report is very vivid and was used as the basis for this part of the SitAn.

6.1 Birth registration

According to UNICEF, birth registration is more than an administrative record of the existence of a child; it is the foundation for safeguarding many of the child’s civil, political, economic, social and cultural rights. Article 7 of the Convention on the Rights of the Child (CRC) specifies that every child has the right to be registered at birth without any discrimination. Birth registration is central to ensuring that children are counted and have quality access to basic services such as health, social security and education. Knowing the age of a child is central to protecting them from child labour, from being arrested and treated as adults in the justice system, from forcible conscription in armed forces and from child marriage, trafficking and sexual exploitation. A birth certificate as proof of birth can support the traceability of unaccompanied and separated children and promote safe migration. In effect, birth registration is a ‘passport to protection’. Universal birth registration is one of the most powerful instruments to ensure equity over a broad scope of services and interventions for children.15

All births occurring in Montserrat are required to be registered within three months of delivery. There is no fee for registration, but after the expiration of 21 days from the birth a late registration fee of EC$10 is payable by law. After the expiration of the three month period, a Justice of the Peace can register a birth. The cost for the issuance of a birth certificate is currently EC$10 per copy.

According to informants, although a few births are registered later than the expected 21 days, Montserrat has a very low occurrence of non-registration. For a child whose birth was never registered, the procedure required by law is that the parent or parents must provide information concerning the birth of the child with all supporting documentation to a Justice of the Peace who, if satisfied that the information provided is accurate, will then be required to register that birth at the High Court Registry.

Children born in Montserrat to non-national parents are registered but do not receive the nationality of the territory. It is the parents’ responsibility to regularize the child’s situation with their country of citizenship. There is no evidence of undocumented children in Montserrat.

6.2 Sexual, physical and emotional abuse and neglect

Two overriding issues need to be understood regarding the situation of children in Montserrat related to their right to be protected from sexual, physical and emotional abuse and neglect. First, data on these topics are rare – not only in the territory but worldwide – and, due to underreporting, do not fully capture the problem. In general, available data only compile those cases reported to the police or social services and do not count abuses that were not made public. Various stakeholders stated that the process of following up children who need services is not fully computerized, which does not allow for automated and frequent production of data. The territory is still constructing a comprehensive database that will allow the SSD to follow up cases and provide accurate disaggregated data on those who need to access its services. Second, the size of the population interferes with the propensity of victims and witnesses to come forward and report those

that commit crimes. The fact that Montserrat has around 5,000 inhabitants is considered by many to be a major constraint in terms of guaranteeing confidentiality, anonymity and impartiality, creating an extra burden for those who suffer or see cases of abuse against children.

The qualitative assessment performed for this SitAn provided strong indications that children are subject to sexual, physical and emotional violence and exploitation at home, in their community and at school. Figure 22 depicts the reported cases of child abuse and neglect in the territory from 2010 to 2014. The increase in the numbers in the last five years needs to be further researched. It does not necessarily mean an increase in the number of cases but could be due to a rise in reporting by victims and witnesses, indicating that people are feeling more confident in coming forward.

**Figure 22: Reported cases of child abuse and neglect, 2010–2014**

![Graph showing reported cases of child abuse and neglect from 2010 to 2014.](source: Data from Social Services Department and UNICEF.)

While most cases of physical abuse are committed against boys, all the reported cases of sexual abuse have girls as victims. Table 19 depicts different cases of abuse and neglect by gender. Sexual violence against boys and young male adults may pass unnoticed and/or untracked because of cultural resistance in reporting due to, in particular, the antipathy towards homosexuality by the population and the fear of being stigmatized (Government of the United Kingdom 2014). In general, sex remains taboo and is not openly discussed, and hence symptoms and signs of child sexual abuse may not be felt, noticed or acknowledged.
Table 19: Different types of abuse by gender, 2010–2014

<table>
<thead>
<tr>
<th>Type of Abuse</th>
<th>Gender</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical</td>
<td>Male</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>3</td>
<td>10</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Sexual</td>
<td>Male</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>1</td>
<td>3</td>
<td>6</td>
<td>5</td>
<td>6</td>
<td>21</td>
</tr>
<tr>
<td>Neglect/emotional</td>
<td>Male</td>
<td>0</td>
<td>3</td>
<td>7</td>
<td>5</td>
<td>8</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>0</td>
<td>4</td>
<td>3</td>
<td>4</td>
<td>2</td>
<td>13</td>
</tr>
<tr>
<td>Child in need - family support needed</td>
<td>Male</td>
<td>5</td>
<td>4</td>
<td>2</td>
<td>7</td>
<td>8</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>4</td>
<td>2</td>
<td>3</td>
<td>5</td>
<td>7</td>
<td>21</td>
</tr>
<tr>
<td>Family relationship issues</td>
<td>Male</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>All cases</td>
<td>Male</td>
<td>5</td>
<td>7</td>
<td>11</td>
<td>16</td>
<td>26</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>5</td>
<td>9</td>
<td>12</td>
<td>19</td>
<td>17</td>
<td>62</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>10</td>
<td>16</td>
<td>23</td>
<td>35</td>
<td>43</td>
<td>127</td>
</tr>
</tbody>
</table>

Source: Data from Social Services Department and UNICEF

Despite the fact that most of the cases reported to the SSD are related to the ‘child in need/family support needed’ category, followed by ‘neglect/emotional abuse’, informants suggested that sexual violence is the main problem related to children in the territory.

Abuse occurs in both national and non-national households, but there are indications that Spanish-speaking girls and boys may be more vulnerable to sexual exploitation because they are the most unsupervised (Sheath and Todd 2015). The same situation is found in single-parent households. Children in Montserrat are considered to be particularly vulnerable to violence as a result of the number of single-parent and disrupted families, the separation of children from their parents as a result of economic migration, and the breakdown of traditional village structures, where a form of collective and concerned parenting has been replaced by a degree of indifference and the ‘bystander effect’, where individuals assume that someone else will take action, resulting in a collective failure to act at all (ibid.).

Many of the cases of child abuse and violence are connected to domestic violence, which according to informants is inadequately assessed due to low levels of reporting. Some possible reasons for not reporting may be high level of dependency on partners, social stigma, mistrust of authorities, the small community and fear of further abuse. Part of the problem is that societal and stereotyped roles remain a key element of how society functions, implying women are still expected to have a subordinate role to men (Gabriel 2012). For instance, it is reported that some female victims of sexual abuse are regarded as being complicit in their own exploitation (Sheath and Todd 2015). With no history of offenders being punished, while shame is brought to the victim’s family, people see only disadvantages to reporting abuse (UNICEF
Article 37 of the Juveniles Act 1982 and article 193(6) of the Penal Code 1983 confirm the right of any parent, teacher or other person having the lawful control or charge of a juvenile to administer “reasonable” punishment in the course of parental or school discipline (Global Initiative to End All Corporal Punishment of Children 2015).

Corporal punishment practices and acceptance can be traced back to British cultural influences, but they are now the result of a complex interplay of cultural and social norms. These include the belief that children are born ‘bad’ or ‘wicked’ and need correcting, the view of children as the ‘property’ of their parents, the widespread belief that physical punishment is a necessary part of character development, the lack of knowledge of nonviolent discipline approaches, the importance placed on children being obedient and showing respect to adults, the religious admonishment of ‘spare the rod and spoil the child’ and the widespread belief of adults that they were not harmed by the physical punishment they received as children (UNICEF Regional Office for Latin America and the Caribbean 2006). Corporal punishment, independently of where it takes place and/or the reasons behind it, is a form of physical abuse and offers a significant threat to children’s welfare and safety.

A UNICEF study from 2010 has shown that incest also happens in Montserrat. The study identified complications in family structures as a contributing factor. When men father children with many different women, and women have children by different fathers, people might not always be aware of who is related to whom and might therefore unknowingly engage in sexual relations with close relatives (UNICEF Office for Barbados and the Eastern Caribbean 2010).

Second, those who reported acts of violence may not be taken seriously. According to the Lucy Faithfull Foundation report, complaining to the authorities about any criminal matter, even if it were a legitimate complaint, was regarded a ‘telling tales’ and those who did so were ‘tell-tales’ and therefore the recipients of some disapproval (Sheath and Todd 2015). Although Montserrat created a toll-free hotline to increase reporting of abuses against children, it was never utilized. It was felt that a lack of confidentiality contributed to this (UNICEF Office for Barbados and the Eastern Caribbean 2012).

A UNICEF study from 2010 has shown that incest also happens in Montserrat. The study identified complications in family structures as a contributing factor. When men father children with many different women, and women have children by different fathers, people might not always be aware of who is related to whom and might therefore unknowingly engage in sexual relations with close relatives (UNICEF Office for Barbados and the Eastern Caribbean 2010). Corporal punishment, independently of where it takes place and/or the reasons behind it, is a form of physical abuse and offers a significant threat to children’s welfare and safety.

One challenge in addressing child abuse rests in where and how to place the victims once it is decided that removal from the household is required (UNICEF Office for Barbados and the Eastern Caribbean 2010). As mentioned in Chapter 3, children who need to be placed in a protective environment constitute a vulnerable group in the territory. Yet, there is no facility where
children can be placed in case they need to be protected from parents or relatives, save for the occasional use of a unit within the walls of the prison, which has been used for a child who was regarded as being out of control. Rather, the SSD relies on fostering arrangements. According to the Lucy Faithfull Foundation, in the event of a child being removed from his/her house, social workers would telephone or seek out people known to have provided assistance in the past and ask if they would look after the child (Sheath and Todd 2015). This situation creates a fear of retaliation from the perpetrators or his/her associates. Victims are sometimes fearful and do not want to proceed with cases (UNICEF Office for Barbados and the Eastern Caribbean 2012).

In terms of the enabling environment, the Juveniles Act is the main piece of legislation that provides protection to children. Section 3 states that any court, in dealing with a “juvenile” who is brought before it as being in need of care or protection or as an offender or otherwise, must give regard to the juvenile’s welfare and shall, if it deems it necessary, take steps for removing her or him from undesirable surroundings.

Section 26 (1) states that the magistrate, on being informed under oath laid by any person, who in the opinion of the magistrate is acting in the interests of a juvenile, that there is reasonable cause to suspect (a) that a juvenile has been or is being assaulted, ill-treated or neglected in a manner likely to cause the juvenile unnecessary suffering; or (b) that any offence has been or is being committed in respect of a juvenile, may issue a warrant authorizing any police officer (i) to search for the juvenile and, if it is found that the juvenile has been or is being assaulted, ill-treated or neglected in any such manner, or that any such offence has been or is being committed in respect of the juvenile, to take them to and detain them in a place of safety; or (ii) to remove the juvenile with or without search to a place of safety and to detain them there, until in either such case the juvenile can be brought before a Juvenile Court.

According to UNICEF’s assessment (Morlachetti 2015), the Juveniles Act is not appropriate and fails to include the most essential safeguards and principles for the protection of the rights of the child. The same magistrate, police officers and probation officers and similar procedures are used to deal with both children in need of protection and those who are offenders. The language is confusing and, even in case of protection of a child victim, uses terminology that corresponds to criminal proceedings. For example, a child victim can be placed by the magistrate, for a specified period not exceeding three years, under the supervision of a probation officer or, if a child or young person has been or is being assaulted, ill-treated or neglected in any such manner, or when the Juvenile Court before which any juvenile is brought is not in a position to decide whether any or what order ought to be made under this section, it may make such interim order as it thinks fit for the juvenile’s detention or continued detention in a place of safety, or for the juvenile’s committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of them.

The Family (Protection against Domestic Violence) Act covers and protects, with some limitations, children from domestic violence. Protection orders can be issued in cases of violence affecting (a) a child of both parties to a marriage; (b) a child (whether or not a child of either party to a marriage) who is or has been living in the household residence as a member of the family; (c) a child of a man and a woman who, although not married to each other, are or

16 Compare the above paragraph to the very similar language used in Section 14 of the same Juveniles Act with regard to a juvenile committing a crime: “The Magistrate’s Court or a Juvenile Court (as the case may be), on remanding or committing for trial a juvenile who is not released on bail, shall commit them to custody in a place of safety named in the commitment, to be there detained for the period for which they are remanded or until they are thence delivered in due course of law (…).” The question raised by Morlachetti (2015) is: “How can a child and/or juvenile distinguish the roles and the message from the system when he or she needs protection or when he or she commits a crime if all regulation and authority is similar?”
have lived together in the same household; (d) a child (whether or not a child of the man and woman referred to in paragraph (c) or either of them)— (i) who is or has been a member of their household; or (ii) who resides in that household on a regular basis; or (iii) of whom either the man or woman is a guardian; (e) a child who resides in a household on a regular basis, irrespective of whether there exists some relationship between the child and another occupant of that household.

6.3 Juvenile justice

Information provided by the Royal Montserrat Police Service to UNICEF shows that 18 children were arrested between 2009 and 2014, 17 boys and 1 girl. The number of arrests reached its peak in 2009 and has been stable since 2010 (Figure 23), which seems to contradict the opinion of stakeholders consulted in the territory that the number of incidents where children and adolescents are perpetrators has been increasing. Most of the children arrested in the period were between 14 and 15 years of age (Figure 24), and burglary and theft were the most common offences (Figure 25).

Figure 23: Juvenile arrests, 2009–2014

![Figure 23: Juvenile arrests, 2009–2014](image)

Note: There were no arrests of children in 2011

Source: Data from Royal Montserrat Police Service and UNICEF.
Figure 24: Age distribution of arrested children, 2009–2014

Source: Data from Royal Montserrat Police Service and UNICEF.

Figure 25: Types of offences committed by children arrested, 2009–2014

Source: Data from Royal Montserrat Police Service and UNICEF
The Criminal Code sets the minimum age of criminal responsibility at 10 years old. In addition, it states that a person 10 years of age, or above 10 years of age but under 14 years of age, is not criminally responsible for an act or omission unless it is proven that at the time of doing the act or making the omission, the child had the capacity to know that they ought not to do the act or make the omission.

According to Morlachetti (2015), there is no real juvenile criminal system in place. Children can go to trial for offences from the very early age of 10 years and they are tried in the same court that deals with adults, even when it is called the Juvenile Court. Those of 16 years of age are basically tried as adults – in contravention of the CRC. Additionally, under the Juveniles Act, if a minor under 16 years jointly commits an offence with an adult, that minor is also tried as an adult.

In some cases, the system can deprive of liberty children and juveniles who have not committed any crime. The Constitution allows for this under the order of a court or with the consent of their parent or guardian for their education or welfare during any period ending no later than the date when they attain the age of 18 years. This is a clear violation of the principle of legality and constitutes the arbitrary use of criminal law to solve social problems.

Another gap in the criminal system for children and juveniles is related to the availability of legal defence, which is based on the financial means of the family as legal aid is rather exceptional. Since most children and juveniles are from families who cannot afford a private lawyer, the great majority of them face criminal charges and are brought before the police, the prosecutor and the magistrate without a lawyer. The lack of legal representation in a criminal proceeding constitutes a serious breach of the due process of law and compromises the possibility of a fair trial and the right to have a remedy or recourse (Morlachetti 2015).

Different principles, standards and norms related to juvenile justice exist and should be used to guarantee that boys and girls in conflict with the law have improved chances to be reinserted into society without prejudice, and with same chances as other children. These standards can be summarized into four criteria that could be used to analyse Montserrat’s general compliance with them (Table 20). Among the four criteria, based on the information raised in this SitAn, one was not achieved and the other three were partially achieved.
6.4 Child labour

The Government does not monitor child labour, but the general perception is that it is not a problem in the territory. However, although there is no evidence of child labour issues, there are crucial gaps in the legal framework to prevent children being involved in the worst forms of child labour. Although the Montserrat Labour Code protects children from hazardous work, it does not present a comprehensive list of hazardous activities that should not be performed by children.

6.5 Adolescent pregnancy

While adolescent pregnancy could be seen as a health issue, its causes frame the problem as a child protection issue. Unwanted pregnancy among the adolescent population is a big concern all over the Caribbean, including Montserrat. Over the past 10 years, the teenage pregnancy rate in the territory has been approximately twice that of England and Wales, which are the highest in Europe (Owen 2011).

The latest data on adolescent pregnancy are from 2011. Figure 26 depicts the number of pregnant adolescents between 2007 and 2011. If rates are calculated using the number of mothers receiving prenatal care as a denominator (see Figure 19 for the absolute numbers), teenage pregnancy rates peak at 12 per cent in 2010 and 2011 (Figure 27).

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30 The Children (Care and Adoption) Bill was passed in May 2015. As of May 2016, the Bill was awaiting enactment.
Figure 26: Number of pregnant adolescents, 2007–2011

Source: Glendon Hospital 2012.

Figure 27: Percentage of adolescent pregnancy, 2007–2011

Source: Glendon Hospital 2012.
As analysed by the United Nations Population Fund (UNFPA 2014), pregnancies among adolescents have multiple determinants. There are social determinants, such as poverty, level of education, area of residence and culture, among others, which are correlated to behavioural patterns. There are also enabling environment bottlenecks such as health systems and/or legal procedures (legislation) that limit adolescents’ access to reproductive and sexual health services. For example, there are situations where adolescents (under the age of majority) who are sexually active encounter legal barriers to accessing contraception, information and counselling. This is the case in Montserrat, where doctors cannot prescribe contraceptives to young girls who are under the age of 18 as they can be penalized if they do so.

Connected to this point are social and cultural practices that influence children’s early sexual debut. Data suggest that sexual activity occurs earlier in the Caribbean than anywhere else in the world (World Bank 2003). There are reports indicating that boys and girls on Montserrat start their sexual life at an early age and that many engage in sexual activity before the legal age of consent (16 years). The Knowledge Attitude and Practice Study undertaken among Montserrat secondary school leavers in 2006/07 showed that 76 per cent of males and 66 per cent of females were already sexually active (Owen 2011). According to the interviews, primary school teachers are concerned about the sexualized behaviour of some children aged around nine or 10 and how they might behave when they go on to secondary education and are in an environment with older children (Sheath and Todd 2015).

Also according to UNFPA (2014), on the supply side, schools may not offer comprehensive sex education; consequently adolescents often rely on information (often inaccurate) from peers about sexuality, pregnancy and contraception. In the case of Montserrat, qualitative evidence connects the strong presence of religion as one of the factors that hinders a more incisive debate about sexual behaviour at school. The Lucy Faithfull Report (Sheath and Todd 2015) mentions that there is an urgent need to develop a sex education programme that is less focused on the biological aspects of reproduction and more on sexual conduct, morality, risk, exploitation and so forth.

Worldwide, one of the causes of adolescent pregnancy is (usually older) male partners who refuse to use a condom or forbid adolescent girls from using any form of contraception. Older men usually have physical and psychological power over younger girls. In Montserrat, as mentioned above, inter-age relationships are common and generally accepted, even though sexual relationships between older men and younger girls (some between 14 and 16) are a criminal offence. According to the interviews, the intergenerational relationships are not only rooted in social and cultural practices but also related to the poverty and vulnerability of some girls — and boys. The relationships seem to be fuelled by older men (and women) having better economic conditions than their younger partners, with various stories in the territory pointing to girls and boys being attracted to these relationship by expensive gifts.

Pregnant girls are not prohibited from attending school; however, implicit mechanisms discourage their presence. As per documentation from the Ministry of Education, “pregnant girls are allowed to return to schools; however, due to physical challenges they do not attend classes, but receives material and support at home” (Ministry of Education 2014a).

6.6 Institutional response on child protection

The Minister for Education, Health, Social Services, Youth Affairs and Sports is the one closely responsible for child protection issues. Within the Ministry, the Social Services Department (SSD) is the leading and coordinating agency that handles child protection issues as well as the government response to different vulnerabilities. The response to child protection issues also encompasses different actors in health, education and the police system.
On the supply side (government), until mid-2015 the territory did not have any arrangements in place that clearly set out the process and the principles for sharing information between the different stakeholders involved in child protection. There was some guidance in handling cases of child abuse in the form of a Montserrat Social Work Manual, which contained protocols for child protection referrals between social services, health, the police and education; nevertheless, the whole process was not transformed into law.

Also on the supply side, one of the determinants of the quality of care for children is the availability of adequately staffed services. According to the 2015–2018 Budget Estimates (Ministry of Finance and Economic Management 2015) the Social Service Programme (corresponding to the SSD) had 13 staff, including management positions, social welfare officers, probation officer, childcare officer and other administrative staff. According to the SSD, by August 2015 there were three qualified social workers in the department trained in the United Kingdom; however, two of them were on time-limited contracts funded by DFID.

The enabling environment in the territory also framed the institutional response for child protection issues. As mentioned in different parts of this SitAn, the current legislation related to child protection needs to be updated. The main gaps and recommendations are listed in UNICEF’s legislation assessment (Morlachetti 2015), and a summary table from that study is reproduced in Annex A.

It seems that, even if the institutional response were in place, the lack of efficient communication between government and society could jeopardize the process. On the demand side, Mactaggart (2013) identified that the general public did not understand the rules related to social welfare. Qualitative assessment in the territory confirmed that the perception among different stakeholders is that social benefits and actions related to child protection are sometimes personalized and not fully institutionalized, which interferes with people’s understanding of the processes and their propensity to ask for help.

6.7 Summary of determinants in child protection

In any circumstances, the child protection area is extremely complex. It involves a myriad of stakeholders, and its causes and consequences are seen in different areas such as health and education. Table 21 tries to summarize the main determinants related to child protection in Montserrat. Most of the bottlenecks are the result of social norms and social and cultural practices that have been constantly reinforced over the years and consequently transmitted from one generation to the next.
Table 21: Summary of determinants related to child protection

<table>
<thead>
<tr>
<th>Determinant</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enabling environment</td>
<td></td>
</tr>
<tr>
<td>Social norms</td>
<td>Violence is used as a way to control women and, consequently, children. There is a cycle of abuse that is transmitted from one generation to the next, where today’s perpetrators were the victims in the past.</td>
</tr>
<tr>
<td></td>
<td>Intergenerational relationships, including sex, are common and accepted as normal. This leads to adolescent pregnancy and risks related to sexually transmitted diseases. Some intergenerational relationship might be forced, but according to the majority of interviews they are usually consensual.</td>
</tr>
<tr>
<td></td>
<td>The small size of the population is an important factor that influences people’s propensity not to report different forms of abuse against children and women.</td>
</tr>
<tr>
<td>Legislation/policy</td>
<td>Legislation is in place, but it presents many gaps as described in the text.</td>
</tr>
<tr>
<td></td>
<td>According to the interviews, some crimes are not fully prosecuted since they involve important figures in society.</td>
</tr>
<tr>
<td></td>
<td>Children in conflict with the law are judged as adults. The territory does not have a juvenile system in place.</td>
</tr>
<tr>
<td></td>
<td>There is no free legal defence for children (or adults). Availability of defence depends on the family’s ability to pay.</td>
</tr>
<tr>
<td>Budget/expenditure</td>
<td>It was not possible to address this due to lack of information. The budget involved in child protection is spread among different ministries and departments.</td>
</tr>
<tr>
<td>Management/coordination</td>
<td>Lack of coordination between the different sectors involved in child protection creates a bottleneck in terms of the management and effectiveness of public policies.</td>
</tr>
<tr>
<td></td>
<td>There are no data management systems that can properly monitor the situation of child victims of violence or families who might need support.</td>
</tr>
<tr>
<td></td>
<td>Response is spread among different stakeholders at government and non-government levels.</td>
</tr>
<tr>
<td>Supply</td>
<td></td>
</tr>
<tr>
<td>Availability of essential commodities/inputs</td>
<td>Many stakeholders see the lack of recreational services for children after school and during the weekends as a problem. Without such activities, boys and girls use drugs and alcohol at young ages as recreational escape, increasing episodes of violence among them.</td>
</tr>
<tr>
<td></td>
<td>There is no comprehensive sex education programme at schools; consequently adolescents often rely on information (often inaccurate) from peers about sexuality, pregnancy and contraception, increasing the risk of adolescent violence.</td>
</tr>
<tr>
<td>Supply</td>
<td>Most of the social welfare programmes that could help alleviate the situation of some groups that are the victims of child abuse and violence are only available for nationals.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Access to adequately staffed services, facilities and information</td>
<td>Access to contraceptives in Montserrat is limited, creating a barrier for adolescents who want to engage in safe sex. Child protection services are mostly available in English. Children from non-English-speaking families do not have access to the same services as those who speak English. Children who are the victims of violence by their parents and/or relatives do not have a safe space where they can stay.</td>
</tr>
<tr>
<td>Financial access</td>
<td>Lack of monetary resources is seen by many as a possible cause of violence among and against children. Children in conflict with the law are motivated by the poverty in which they live. Physical violence against children by a parent might be associated with adults’ frustration with their economic conditions. Economic conditions also influence the decision to leave young children unsupervised, increasing the danger of abuse and violence against them.</td>
</tr>
<tr>
<td>Social and cultural practices and beliefs</td>
<td>The violent behaviour that some children present is a response to the situation they see at home or in their community. ‘Gang-related behaviour’ is seen by stakeholders as a cultural practice that is fuelling violence among children. For some families, the use of violence as a corrective measure is normal. Corporal punishment is accepted and used at home and at school. The absence of the mother/father in the house, the lack of dialogue between parents and children, inadequate parental supervision, peer influence and the lack of a male figure in the family are contributing to changes in cultural practices, behaviour and beliefs among the young population. There is a perception that non-national populations are violent and involved in unlawful acts. The role of the church in fighting child abuse and violence is not fully defined.</td>
</tr>
<tr>
<td>Timing and continuity of use</td>
<td>While reporting of different forms of abuse and violence has been increasing, the perception among different stakeholders is that under-reporting is still a problem. There are also situations where victims ask for cases to be dropped after initial reporting due to fear of stigma or future violence. Some non-nationals do not know which services they can access in government and are afraid of coming forward to report abuses or be witnesses in cases due to fear of losing their work permit.</td>
</tr>
<tr>
<td>Quality of care</td>
<td>The territory has no measures of quality in the child protection system. While some standards and protocols are available, the consistency of their use could not be addressed in this SitAn and should be the subject of future research.</td>
</tr>
</tbody>
</table>
The SDGs and a New Framework for Children
While the Millennium Development Goals (MDGs) set the international development framework for action until 2015, United Nations’ Member States had agreed at the Rio +20 Conference to create a set of Sustainable Development Goals (SDGs) to coordinate development efforts post-2015. The SDGs represent a new framework for global development (UNICEF 2014) that was officially adopted at the SDG Summit in September 2015. The process of developing the SDGs was not limited to the United Nations; it involved vast participation from different stakeholders from civil society, private enterprises and citizens around the world.\textsuperscript{18} There are 17 Goals (see Figure 28) and 169 targets. They are action-oriented, global in nature and universally applicable.\textsuperscript{19} The indicators to measurable progress on outcomes are being developed, and it is expected that they will be finalized by March 2016.

![Figure 28: The Sustainable Development Goals](image)

| Goal 1: End poverty in all its forms everywhere |
| Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture |
| Goal 3: Ensure healthy lives and promote well-being for all ages |
| Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all |
| Goal 5: Achieve gender equality and empower all women and girls |
| Goal 6: Ensure availability and sustainable management of water and sanitation for all |
| Goal 7: Ensure access to affordable, reliable, sustainable and modern energy for all |
| Goal 8: Promote inclusive and sustainable economic growth, full and productive employment and decent work for all |
| Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation |
| Goal 10: Reduce inequality within and among countries |
| Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable |
| Goal 12: Ensure sustainable consumption and production patterns |
| Goal 13: Take urgent action to combat climate change and its impacts |
| Goal 14: Conserve and use the oceans, seas and marine resources for sustainable development |
| Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss |
| Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels |
| Goal 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development |

\textsuperscript{18} For more on civil society engagement in the post-2015 debate, see www.beyond2015.org/ (accessed 18 June 2015).
Children, youth and future generations are referenced as central to the SDGs. Children are directly related to 12 of the goals, and indirectly to the other five. The SDGs call for explicit targets on reducing inequality, ending violence against children and combating child poverty. At the same time, UNICEF emphasizes the importance of “leaving no one behind”; reaching first the poorest and most disadvantaged children must be reflected in all targets, indicators and national implementation frameworks as they are developed (UNICEF 2014).

The SDGs call for a “data revolution”. All targets must be measurable to ensure equitable results for all children. In addition, disaggregated data will be essential for monitoring equity gaps, strengthening social accountability and ensuring that the gaps between the most and least advantaged groups are narrowing. Data should also be disaggregated by all grounds of discrimination prohibited by international human rights law, including by sex, age, race, ethnicity, income, location, disability and other grounds relevant to specific countries and contexts (e.g., caste, minority groups, indigenous peoples, migrant or displacement status) (UNICEF 2014). The global framework of goals, targets and expected indicators for 2016–2030 have significantly expanded compared to the MDG era and will place higher demands on data collection. Adequate resources and increased capacities will be critical to generate quality disaggregated data for SDGs monitoring. This will be particularly challenging for Montserrat and other islands in the Eastern Caribbean area, given the resource and capacity constraints associated with their small size and middle-income status.
Montserrat was severely affected by the volcanic eruption, which necessitated a focus on building a sustainable economic environment. The challenge is to guarantee the necessary investment in social development, i.e., poverty reduction, health, education and social protection. This Situation Analysis (SitAn) has identified a number of areas in which concerted and sustained action is needed in order to ensure that the rights of all girls and boys are realized. These general observations are being made with the acknowledgement that a proper, equity-based analysis of the situation of children depends on the availability of disaggregated data on the different aspects that might influence their lives, including gender, age, nationality and socio-economic status.

While raw data exist in Montserrat, it is not always easily accessible or disaggregated by the various characteristics relevant to children’s rights. Technical support and capacity-building for both producers (the Statistics Department) and users (the Government and other stakeholders) are both important in this regard. Data inadequacies not only hamper proper monitoring and analysis of the situation but also affect how public policies are designed, implemented, monitored and evaluated. Results-based public policies are connected to the availability and use of information. For example, reporting of absolute numbers of children enrolled at school or women receiving prenatal care does not reveal whether all children and all women have access to the services they need.

Inequities are often hidden under the lack of data, but they are clear when the legislation differentiates between nationals and non-nationals in the provision of services and social welfare benefits. In addition, the fact that the economy is stagnating and is heavily dependent on foreign aid (especially UK funds) creates a situation where opportunities are lacking for young populations to break out of poverty. This reinforces a poverty cycle that is passed from generation to generation.

Montserrat does not currently have a consolidated social policy scheme to deal with vulnerable families and/or children and to proactively address the causes and consequences of poverty and vulnerability. Instead, the programmes offer different forms of social assistance to temporarily assist families and individuals. The problem with this scheme is that it is a reactive model, where families are identified after they present their vulnerabilities. Social welfare benefits that are available are provided based on the immediate situation and not its underlying causes. For example, vulnerable families may obtain help to buy school supplies under a programme established with Social Services. However, the integration of welfare assistance programmes with educational programmes, aligned with a holistic educational policy, could make books a financial cost absorbed by schools and not by parents.

Gender was seen as a cross-cutting topic in the SitAn. Despite improvements over the years – for example, more women are achieving senior management positions in public administration – women are still not visible on Montserrat’s national agenda, and they suffer from different forms of abuse and violence at home. Girls are also involved in intergenerational relationships, attracted by the promises of older men to provide for them. Despite this, there is a worrisome perception by some stakeholders that women are adequately empowered and men are the ones now being marginalized. This is partly due to girls’ greater success in primary and secondary
exams. There is a need to properly assess the gender balance and create policies that are able to position women and men at the same level, as called for by the Sustainable Development Goals (SDGs).

**Legal and policy framework**

Some pieces of legislation have been enacted or amended aiming to improve the quality of life for women and children, including: status in respect of spousal residence and citizenship; provision for maternity allowance; separate taxation for married women; and equality of maintenance for children born in and out of wedlock. However, operating from a gender-neutral premise, national development strategies and plans run the risk of omitting or increasing structural inequalities between women and men. Part of the problem is the fact that there is no department or bureau with a sole mandate to manage gender affairs.

The island also currently lacks coherent legislation that underpins efforts to safeguard children, and the Social Services Department (SSD) is forced to use out-dated statutes to legitimize its role. The police have no means of securing children’s testimony or of protecting them when they give evidence. Multi-agency work and cooperation is in its infancy and needs to be more coherent.

To address these concerns, it is recommended that the Government:

i. Update legislation on children’s rights to ensure compliance with the CRC, CEDAW and other international conventions.

ii. Develop a gender policy to reverse the disadvantages that still persist between women and men in the areas of labour and political participation.

iii. Update legislation to eliminate the gap in access to services between nationals and non-nationals.

iv. Develop an integrated and systemic social policy programme that identifies and covers the most vulnerable populations in the island and extend this to all those who legally reside in the territory, regardless of their nationality.

v. Develop joint social and economic policies regarding the employment of women and provide mothers with childcare support, especially in the early years. This should include involving fathers as caregivers.

**Survival rights**

The major concern in terms of health for children is overweight/obesity. Reasons for this include not only a financial component – low quality food is cheaper than good quality and most, if not all, food consumed in Montserrat is imported – but also social and cultural practices that influence families’ eating habits. It is recommended that the Government:

i. Create a programme for preventing and controlling child obesity with integral indicators and goals (involving all the relevant ministries).

ii. Produce and publish annual data on child and maternal health, including mortality, prenatal care, delivery, vaccination and other basic indicators.

**Development rights**

While the 2013/2014 Statistical Digest on education provides information on absolute enrolment figures, this does not allow for analysis that demonstrates whether or not there are children out of school. Focus groups were very insistent that some adolescents were not attending school at all and that others might be registered but absent, sometimes for long periods. Quality in the overall educational system is still an issue that the Government is working to improve. At both primary and secondary levels, students who took regional tests performed below
the regional averages. Children’s well-being at school also needs to be addressed in terms of both infrastructure and safety. It is therefore recommended that policy makers:

i. Enhance and strengthen the quality of education at all levels.

ii. Guarantee access to ECE services for all children.

iii. Monitor school attendance of all children.

iv. Develop policies to support teacher training and retention.

v. Study the causes of violence at school and use the information to effectively address the issues.

vi. Ensure quality learning facilities for students at all levels.

vii. Ensure that relevant students have access to an ESL programme.

viii. Provide after-school educational spaces and recreational opportunities for children and adolescents.

ix. In partnership with the UK Government, offer alternative learning programmes (including distance learning) for children, adolescents and young populations to increase their skills and improve their readiness for the job market.

x. Strengthen the current participation mechanisms at school and in society, and create new ones that promote and facilitate broad participation of girls and boys.

Protection rights

The situation of children in Montserrat in terms of sexual, physical and emotional abuse and neglect is of great concern. Official numbers related to child violence and abuse do not reflect the reality since much of the violence is hidden due to fear, pride or shame. The fact that there is no law regarding corporal punishment in homes and schools sends the wrong message: that it is acceptable to use violence to correct other people’s mistakes and misbehaviour. Corporal violence is a form of abuse and a violation of the CRC. It is recommended that the Government:

i. Pass legislation in support of the constitutional provision on inhumane or degrading punishment to make corporal punishment at home and school illegal and provide behaviour change support for caregivers to cope with the change before enforcing penalties against those who practice it.

ii. Create an integrated database on management of cases that guarantees confidentiality of those in need and also guarantees official access to information and monitoring of cases.

iii. Enforce confidentiality and anonymity in those cases where children are victims and/or perpetrators of violence.

iv. Further develop and strengthen the juvenile justice system, including through training the judiciary and other relevant officials in the skills to deliver juvenile justice and putting in place appropriate mechanisms for dealing with juvenile offenders in accordance with the CRC.

v. Institutionalize public policies that empower girls, guarantee access to information and contraceptives, and penalize those who abuse young girls.

vi. Involve religious organizations in fighting violence against children.

vii. Implement a programme of mental health care for children, adolescents and women who have been victims of abuse.
The Sustainable Development Goals (SDGs), which were officially adopted at the SDG Summit in September 2015, represent a new framework for global development. The aim is to create a global movement to continue the work done with the Millennium Development Goals (MDGs) as well as advance towards new commitments. Nations should therefore start framing their development plans and policies for the next years based on this globally agreed development agenda.

For Montserrat, that means some strategic changes in terms of producing and using data, looking beyond the averages and developing effective policies to help fight discrimination and address violence against children. With the agreement on the SDGs, a new wave of international cooperation is expected among the countries and territories in the world, signalling that common solutions should be sought for common problems, increasing the use of resources and maximizing the chances of real life impacts for those in need.


Economic Commission for Latin America and the Caribbean (ECLAC), United Nations Children’s Fund (UNICEF) and UNICEF Regional Office for Latin America and the Caribbean (TACRO), ‘Children and International Migration in Latin America and the Caribbean’, Challenges: Newsletter on progress towards the Millennium Development Goals from a child rights perspective, no. 11, 2010.


### Annex 1: Gaps and Recommendations Related to Child Rights

<table>
<thead>
<tr>
<th>Recommendations and priority actions</th>
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<tbody>
<tr>
<td><strong>Discrimination against migrant children</strong></td>
<td>Clarify the rights of non-belongers and eliminate barriers to ensure equal access to government agencies and public services by migrant children</td>
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<tr>
<td><strong>Stateless children</strong></td>
<td>Reform the British Nationality Act of 1981 to automatically provide citizenship to children born in the territory regardless of their parents’ status</td>
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<td></td>
<td>(This recommendation requires action by the United Kingdom, which is responsible for the reform of the British Nationality Act)</td>
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<tr>
<td><strong>Discrimination against children born of migrant parents</strong></td>
<td>Amend national legislation to automatically provide children born in Montserrat with a birth certificate and residence status, granting them full access to rights on equal terms with national children</td>
</tr>
<tr>
<td><strong>Lack of procedure to determine the best interest of the child</strong></td>
<td>Adopt legislation and/or include in current draft bills the explicit recognition of the principle of best interest of the child</td>
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<td></td>
<td>Adopt procedures granting the child the right to have his or her best interests assessed and taken into account as a primary consideration in all actions or decisions that concern him or her, both in the public and private sphere, in accordance with General Comment 14 of the UN Committee of the Rights of the Child</td>
</tr>
<tr>
<td><strong>Lack of participation and enforcement of the right to be heard</strong></td>
<td>Adopt legislation and/or include in current draft bills the recognition of the right to participate and the right to be heard in all matters that may affect children’s rights</td>
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<td></td>
<td>It should be noted that article 12 of the CRC implies a two-fold obligation: the right of an individual child to be heard and the right to be heard as applied to a group of children (e.g., a class of schoolchildren, the children in a neighbourhood, the children of a country, children with disabilities or girls). Both aspects of article 12 should be fully implemented.</td>
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<td>For instance: Individually the right to be heard may apply to proceedings such as complaints and appeals against school decisions (e.g., warnings, suspensions, exclusion). Collectively it means the right to participate in designing school rules, adopting decisions such as student councils, committees, etc.</td>
</tr>
<tr>
<td><strong>Lack of child care and protection legislative framework</strong></td>
<td>Revise and approve a child protection/care bill based on the OECS Children (Care and Adoption) model Bill</td>
</tr>
<tr>
<td><strong>Lack of independent monitoring and investigation of children rights</strong></td>
<td>Establish a human rights commission/ children’s ombudsperson or commissioner with a broad children’s rights mandate</td>
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</table>

20 The table is an edited version of one presented in Morlachetti 2015.
### Lack of appropriate juvenile justice legislation and system

<table>
<thead>
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<th>Action</th>
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<tr>
<td>Raise the minimum age of criminal responsibility</td>
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<tr>
<td>Focus on prevention rather than punishment of children and adolescents (rehabilitation and restorative justice) and adoption of legislation and regulations to establish a diversion system that deals with children committing minor offences without resorting to judicial proceedings</td>
</tr>
<tr>
<td>Abolish legislative provisions and practices allowing the criminal system to deal with children with problems of conduct but not committing crimes (e.g., children breaching school rules, parents bringing children to the courts to correct their conduct). These issues should be dealt with through social and protective measures rather than the criminal system.</td>
</tr>
<tr>
<td>Limit magistrates’/courts’ broad sentencing powers and explicitly uphold the principle that deprivation of liberty shall be used only as a measure of last resort and for the shortest appropriate period of time</td>
</tr>
<tr>
<td>Fully recognize due process of law in the legislation – and in particular the availability of legal representation of all children subjected to criminal proceedings – and fully implement this without exception</td>
</tr>
<tr>
<td>Establish specialized units within the judiciary, court system and prosecutor’s office as well as specialized defenders or other representatives who provide legal or other appropriate assistance to the child</td>
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### Lack of ratification of fundamental human rights treaties

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<tr>
<td>Ratify (extend) the following fundamental treaties:</td>
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<tr>
<td>1. Convention on the Elimination of All Forms of Discrimination against Women</td>
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<tr>
<td>2. Convention on the Rights of Persons with Disabilities</td>
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<tr>
<td>3. Optional Protocol to the CRC on armed conflict</td>
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<tr>
<td>4. Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</td>
</tr>
<tr>
<td>5. ILO Convention No. 138 on the minimum age for admission to employment and work</td>
</tr>
<tr>
<td>6. ILO Convention No. 182 on the worst forms of child labour</td>
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Published by the

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