

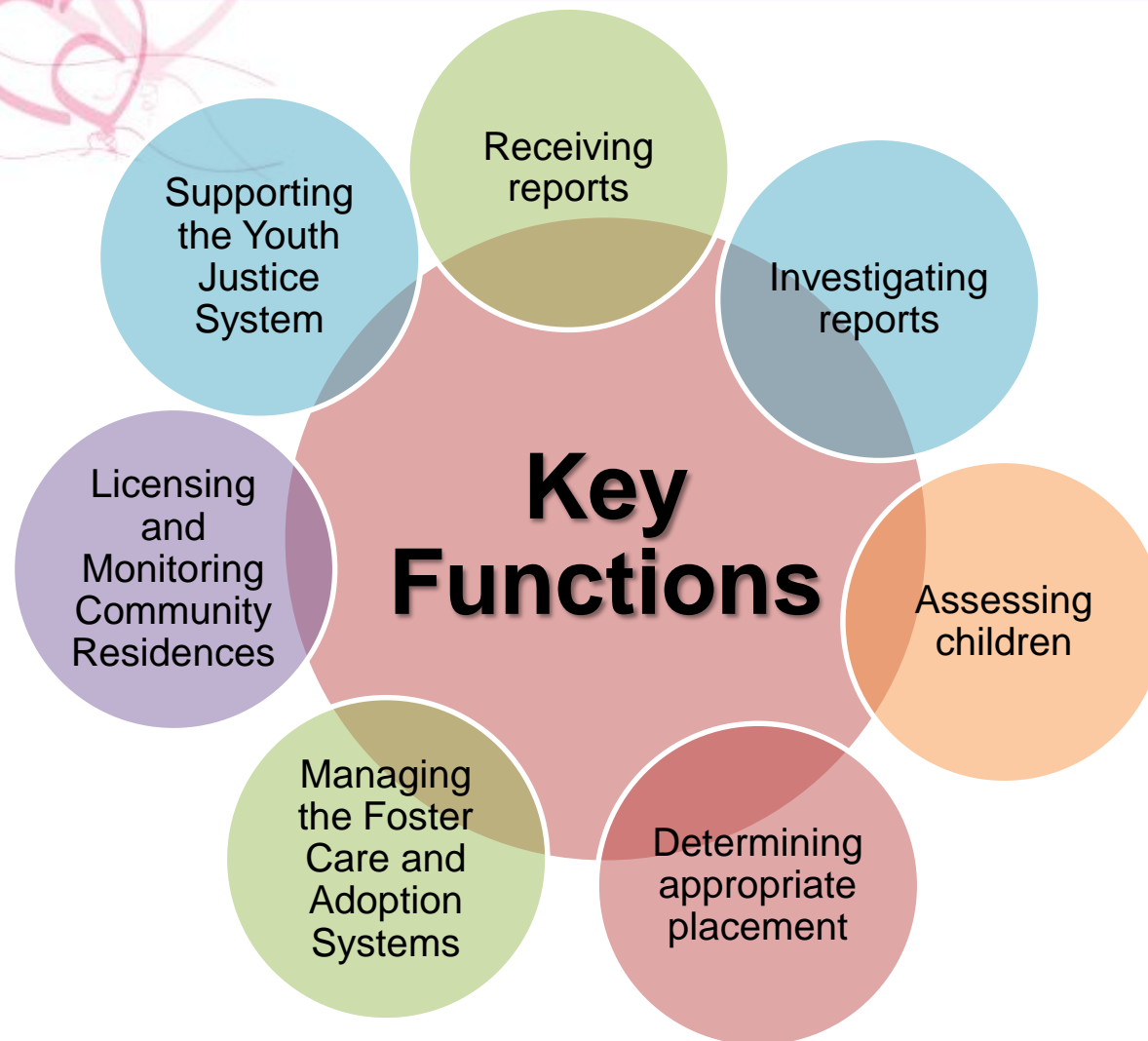
# THE CHILDREN'S AUTHORITY & THE NEW CHILD PROTECTION SYSTEM



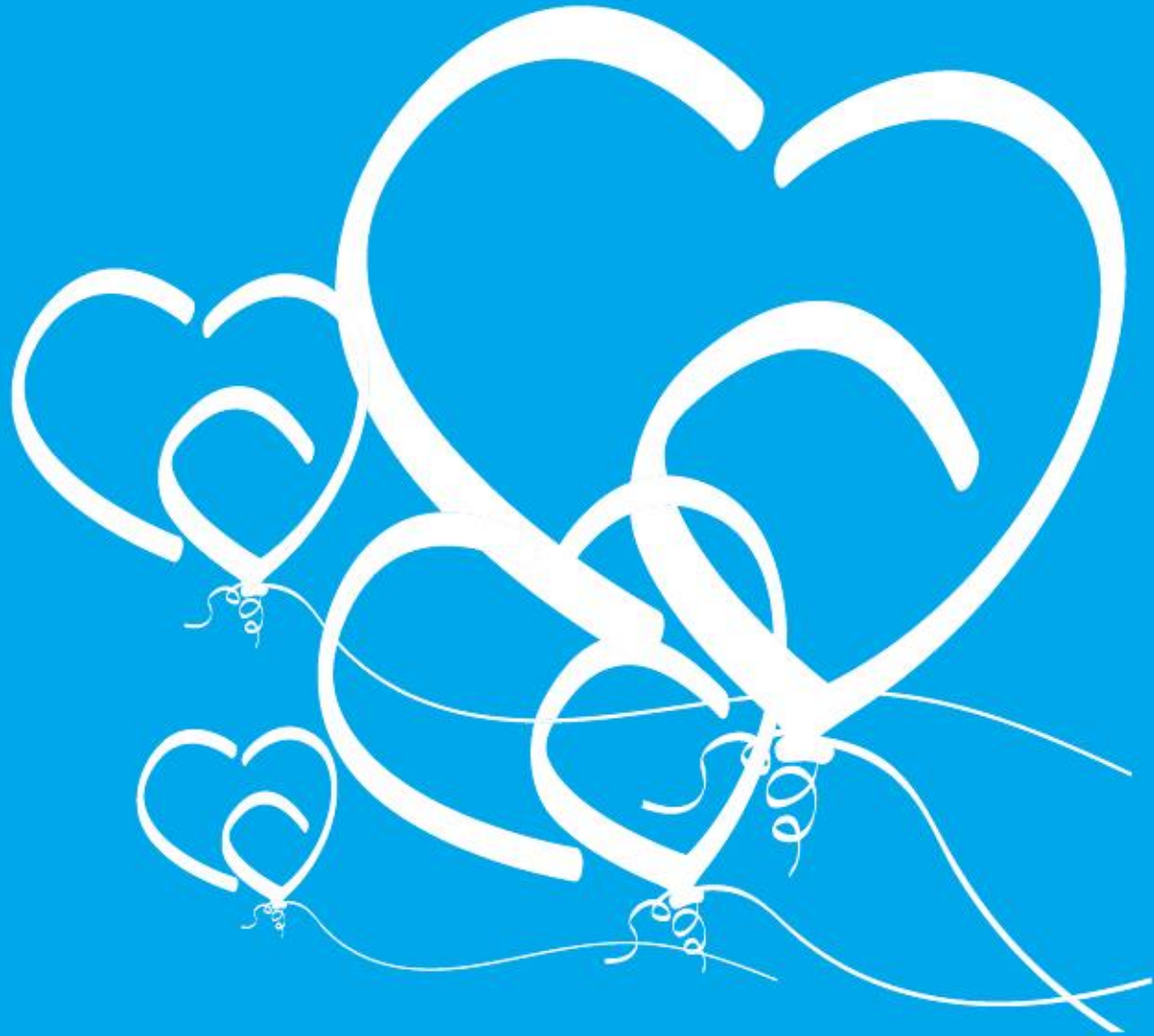
November 28<sup>th</sup> 2018

- Mandate and Key Functions of the Children's Authority
- Situational Analysis
- The New Child Protection System
- Collaborations between CTU & CA

# Mandate of the Authority



# Situational Analysis



# Authority's Case Load

The Authority's case load for the period May 18<sup>th</sup> 2015 to June 26<sup>th</sup> 2018:

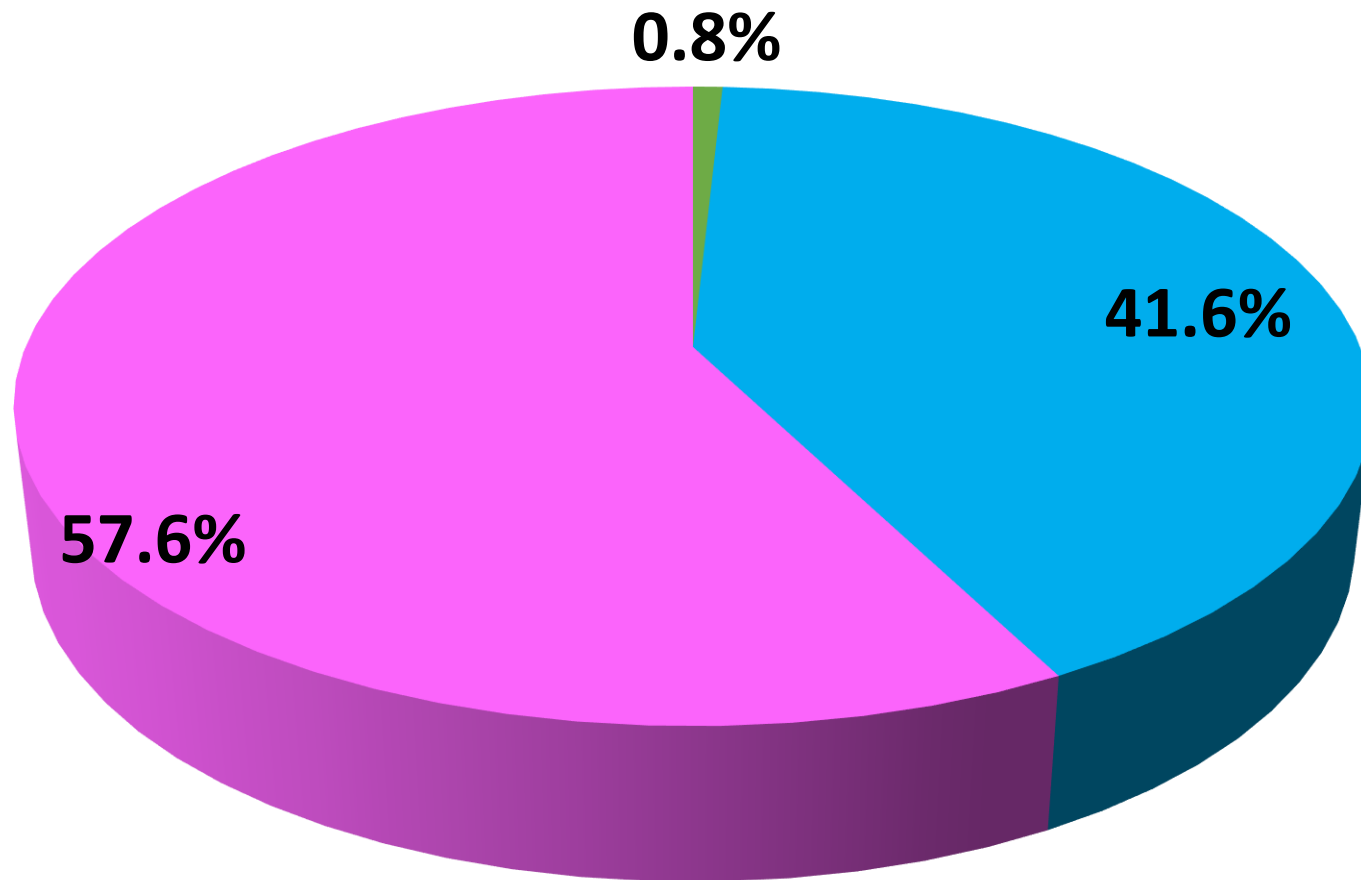
Cases

**15,136**

Calls

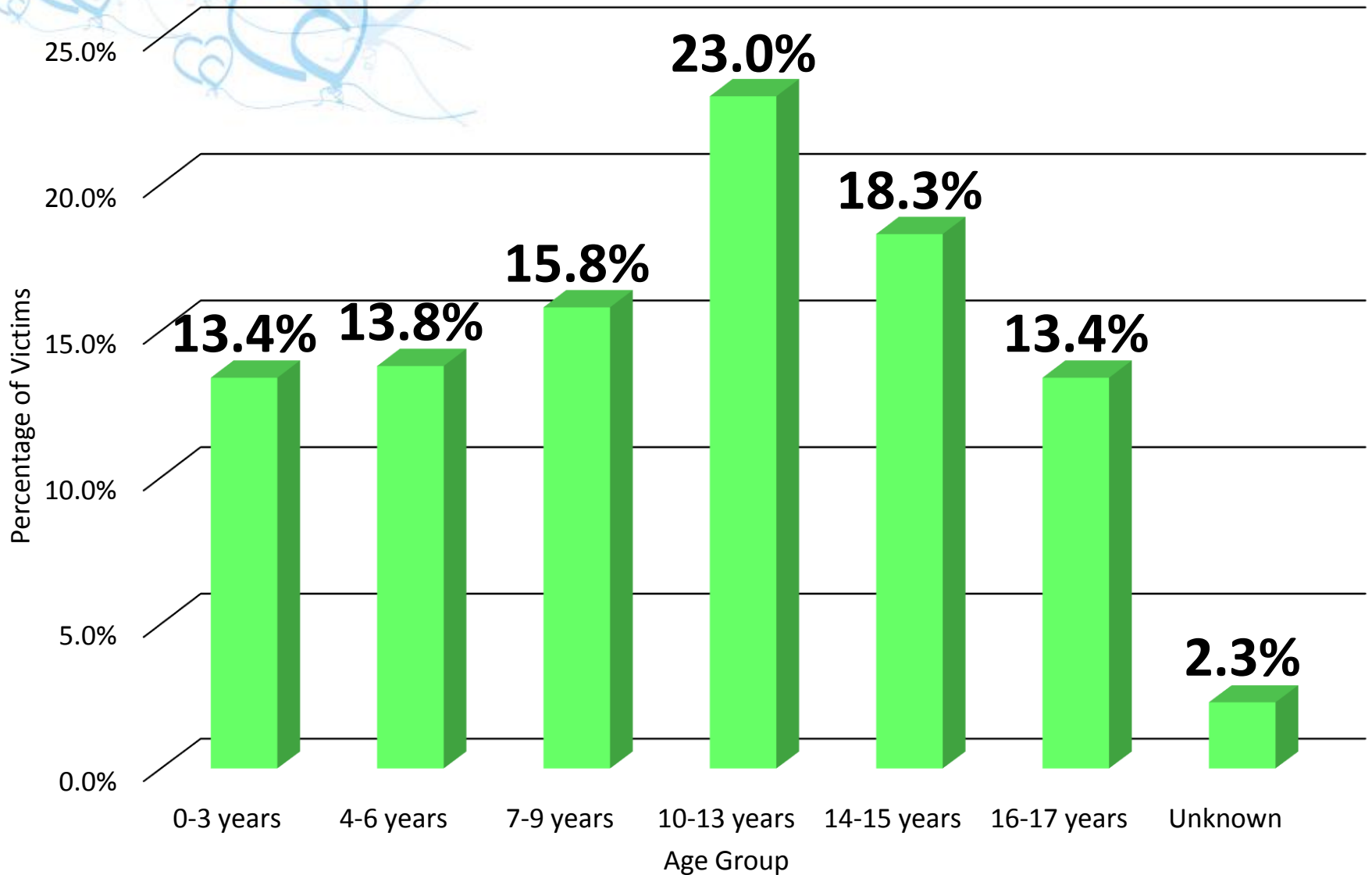
**62,319**

# Gender of Victims



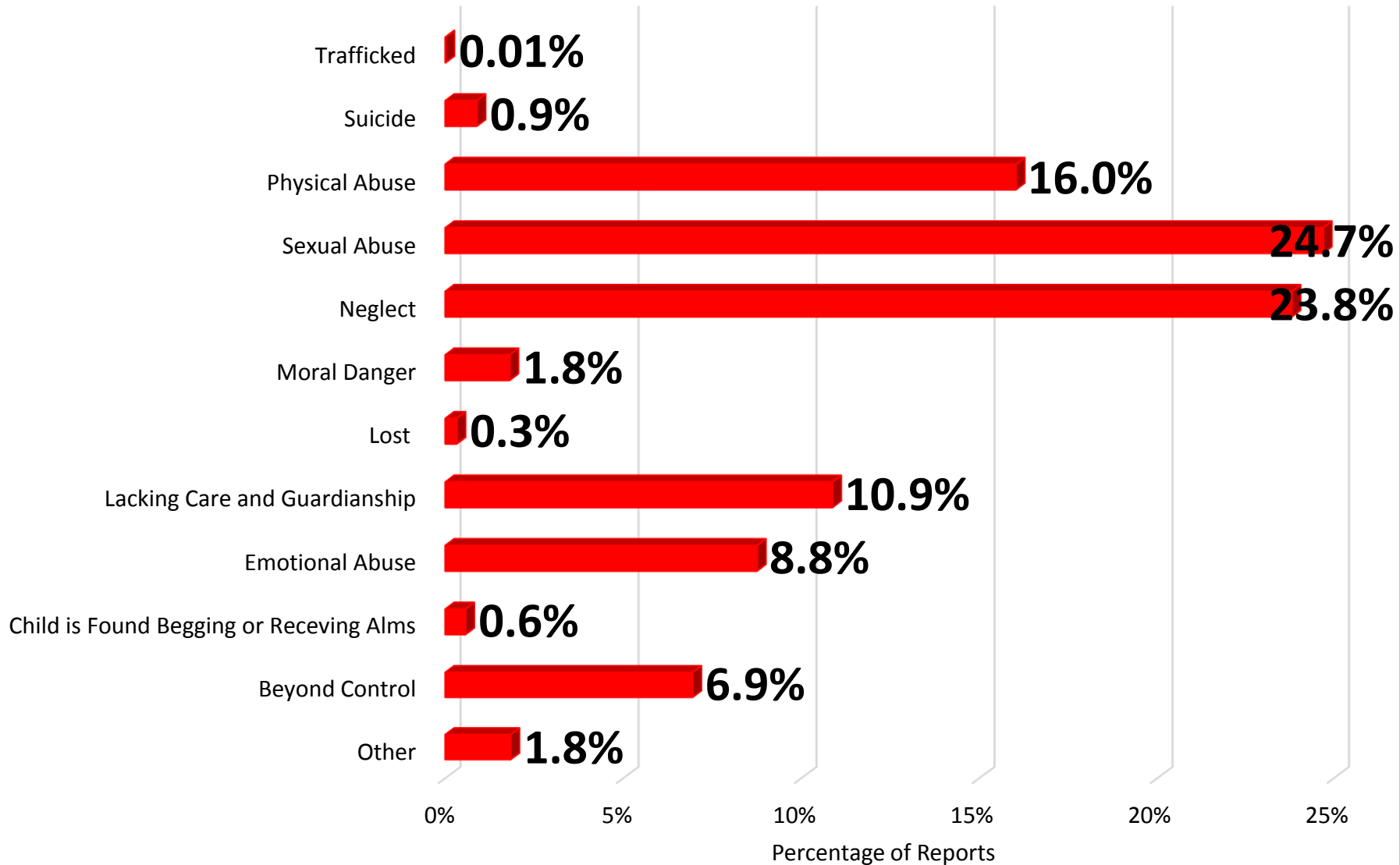
■ Unknown ■ Male ■ Female

# Age of Victims



# Reported Categories of Care and Protection

Category of Care and Protection





# The New Child Protection System



- Trinidad and Tobago ratified many international conventions and consensus documents promoting the rights of children, including the UN Convention on the Rights of the Child (1989)
- Consistent with these principles, a Package of Children's Legislation was developed in 2000 with the Children's Authority at its centre.
- On May 18<sup>th</sup>, 2015 several **key pieces of legislation** were proclaimed giving power to the Children's Authority to begin to deliver on its mandate.
  - Children's Authority Act 64 of 2000
  - Children's Community Residences, Foster Care and Nurseries Act 65 of 2000
  - Children Act, 2012
  - Adoption of Children Act 67 of 2000

# Definition of a Child

The Children Act 2012 amends the definition of a child so that a child now means:

**A person under the age of eighteen years**



# Child in Need of Care and Protection

**Section 22** of the Children's Authority Act provides that a child is in need of care and protection where the child

- a) Has neither parent nor guardian who is fit to exercise care and guardianship
- b) Is lost or has been and remains abandoned by his parent or guardian
- c) Whose parent or guardian is prevented by
  - I. reason of mental or bodily disease;
  - II. infirmity or other incapacity; or
  - III. any other circumstances

from providing for his upbringing and there is no available person or persons capable, fit or willing to undertake the care of such child

# Child in Need of Care and Protection (cont'd)

- d) Is exposed to moral danger
- e) Is beyond the control of his parent or guardian
- f) Is ill-treated or neglected in a manner likely to cause him suffering or injury to health
- g) Is destitute or is wandering without any settled place of abode and without visible means of subsistence



# Child in Need of Care and Protection (cont'd)

- h) Is begging or receiving alms
- i) Is found loitering for the purpose of begging or receiving alms
- j) Frequents the company of any criminal
- k) Frequents the company of any common or reputed prostitute not being the mother of the child

# Duties of Parents

- To not neglect a child in their care:
  - ❖ failure to provide adequate food, clothing, medical aid or lodging
  - ❖ failure to take reasonable steps (permissible under any other written law) to procure the above
- To not abandon their child
- To not expose child to moral danger
- To not ill-treat child
- To ensure child within compulsory school age regularly attends school

# Cruelty to Children

It is an offence for a person with responsibility for a child to:

- wilfully assault
- ill-treat
- neglect
- abandon the child
- expose the child in a manner likely to cause suffering or injury to the child's physical, mental or emotional health

## **N.B.**

It is also an offence to expose the child to such treatment or to cause or to allow someone else to carry out such acts against a child.

**S.4 Children Act (2012)**



# Sexual Offences against Children

## Sexual Penetration

- The insertion of any body part or any object into a child's bodily orifice;
- The insertion of part of a child's body into a person's bodily orifice
- Bodily orifice means anus, vagina, urethra, mouth, ear or nostril
- Penalty – conviction on indictment – life imprisonment

# Sexual Offences against Children

## Sexual Touching

- Where a person touches a child and the touching is sexual and the child is under 16.
- It includes bringing a part of a person's body or an object into contact with a child's body;
- Causing a part of a child's body to come into contact with a part of a person's body;
- It can take place through clothing or any other material.
- Penalty – summary conviction – fine of \$50,000 and imprisonment for 10 years
- Penalty – conviction on indictment – imprisonment for 20 years

# Position of Trust

The Children Act of 2012 introduces the following:

**Sec 30** states that a person is in a position of trust in relation to a child if he is a teacher, guidance officer, social worker, constable, medical practitioner, nurse, clergyman, spiritual leader....other person in authority in whose care the child is placed.



# Position of Trust (cont'd)

## Crimes in a Position of Trust

Crimes committed by persons in a position of trust carry a more severe penalty:

- ❖ for sexual penetration – imprisonment for life
- ❖ other crimes – summary conviction - \$50,000 and 15 years imprisonment
- ❖ other crimes – conviction on indictment - imprisonment for 25 years

# Mandatory Reporting under Sec 31 of the Sexual Offences Act Chap. 11:28



**Section 31(1)** Any person who—

- (a) is the parent or guardian of a minor;*
- (b) has the actual custody, charge or control of a minor;*
- (c) has the temporary custody, care, charge or control of a minor for a special purpose, as his attendant, employer or teacher, or in any other capacity;*
- (d) is a medical practitioner or a registered nurse or midwife and has performed a medical examination in respect of a minor*

*and who has reasonable grounds for believing that a sexual offence has been committed in respect of that minor, shall report the grounds for his belief to a police officer as soon as reasonably practicable.*

# Collaboration between CATT & CTU





# Collaboration between CATT and CTU



Pursuant to **section 44(1) and (2) of the Trafficking in Persons Act, Chap. 12:10**, the CTU shall:

- (i) liaise with the Authority and other appropriate agencies to provide victims who are children with services, which may include the understanding of their rights, privacy, housing, care and appropriate support; and
  - (ii) (in consultation with the Authority) develop special programmes for child victims including:
    - (a) arrangements, whenever safe and possible, for children to be reunited with their family members in Trinidad and Tobago or in their country of origin; and
    - (b) arrangements to facilitate the provision of special mental and physical medical care tailored to children's needs.
- In recognition of the paramount importance of collaborating and creating a strategic partnership in the provision of services and development of programmes for children who are victims of trafficking, the CATT and CTU are about to enter into an MOU for the streamlined implementation of sections 44(1) and 44(2) and 44(3) of the Trafficking in Persons Act, Chap. 12:10.

# CATT Support to Child Victims of Trafficking.



The Authority will be primarily responsible for:

- reporting to the CTU all cases coming to its attention involving children who (where there is mere suspicion or belief) are victims of trafficking
- providing the CTU with copies of existing documents and investigative reports of children reported to the Authority;
- providing assistance to the CTU, as and when requested, in the CTU's conduct of interviews of possible child victims of trafficking;
- causing to be conducted or conducting social, psychological, psychiatric and/or medical assessments of possible child victims of trafficking, as may be required, on a case by case basis by the prior mutual agreement of the Parties including arrangements for the transport of the child to and from the place of safety to access these services;
- providing a treatment plan to be utilised by the CTU or any other agency who has received and cares for a child
- find suitable placement options and apply to the Children Court for a Wardship or Care Order and a Child Assessment Order where necessary; in instances where a child has been received into the care of the Authority



# CATT Support to Child Victims of Trafficking Continued.



- Expedite the assessment of any child victims nearing the age of 18.
- Permit the child to be accessible to the CTU in pursuance of its further investigations.
- Provide to the CTU fortnightly progress reports concerning the child and updates of the progress of the child care.
- In accordance with section 44(3) of the TIPA the Authority undertakes to assist the CTU to develop the following programmes for child victims of trafficking, the cost of which is to be sourced by the CTU:
  - special programmes for child victims of trafficking so as to facilitate arrangements for the child to be reunited with his family in Trinidad and Tobago or in the country of his origin; and
  - special programmes for child so as to facilitate the provision of special mental and physical medical care for the child.

# Thank You



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