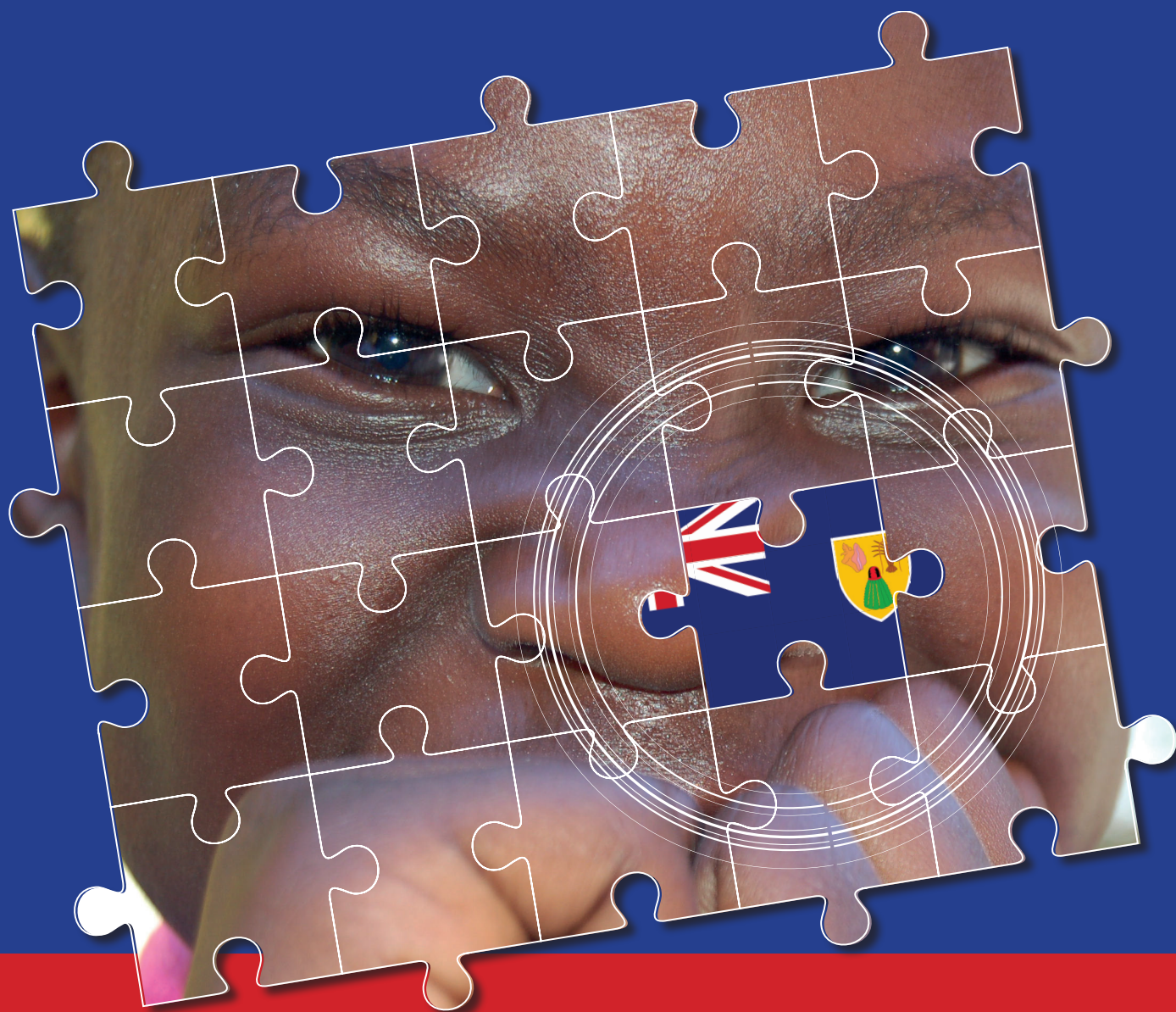


TURKS AND CAICOS ISLANDS

2015 CHILD PROTECTION STATISTICAL DIGEST



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TURKS AND CAICOS ISLANDS
2015 Child Protection Statistical Digest



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Department of Social Development and Gender Affairs
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Please note that the information contained in this Child Protection Digest was collected from various government ministries and departments and other relevant child protection organizations. Their data collection systems are at different stages of development, and hence the data collected and presented vary in quantity and detail. The strengthening of data systems is an ongoing process. The Digest presents the collected data in order to provide information on various aspects of child protection in the Turks and Caicos Islands in the hope that this will contribute to a greater understanding in the country of child protection issues and the interventions that are required to ensure that all children are protected.

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The background of the page is a photograph of a beach at sunset. The sky is a warm, golden yellow, and the ocean waves are gently lapping at the shore. In the foreground, the silhouettes of three children are visible against the bright light. One child stands on the left, looking towards the water. Two other children are crouching in the shallow water, seemingly playing or searching for something. The overall mood is peaceful and evocative.

What is Child Protection?

Child protection means preventing and responding to violence against and exploitation, abuse and neglect of children – including commercial sexual exploitation, trafficking and child labour. Child protection programmes also target children who are especially vulnerable to these abuses, such as those living without parental care, in conflict with the law or in situations of armed conflict.

Violence, exploitation and abuse occur in homes, families, schools, care and justice systems, workplaces and communities across all contexts, including as a result of conflict and natural disasters. Many children are the victims of sexual abuse and exploitation, armed violence, trafficking, child labour, gender-based violence, bullying (including cyberbullying), gang violence, physically and emotionally violent child discipline and other harmful practices.

Some girls and boys are particularly vulnerable because of their gender, race, ethnic origin or socio-economic status. Higher levels of vulnerability are often associated with children with disabilities and those who are migrants, orphaned, indigenous or from ethnic minorities and other marginalized groups. Other risks for children are associated with living and working on the streets, living in institutions and detention and living in communities where inequality, unemployment and poverty are highly concentrated. Vulnerability is also associated with age; younger children are at greater risk of certain types of violence, and the risks differ as they get older.

Although all children have the right to be protected from violence, exploitation and abuse, violations of this right take place in every country and are under-recognized and under-reported barriers to their survival and development, in addition to being human rights violations. Children subjected to violence, exploitation, abuse and neglect are at risk of poor physical and mental health, educational problems, HIV infection, homelessness and poor parenting skills later in life.¹

¹ UNICEF 2006

THE CONVENTION ON THE RIGHTS OF THE CHILD

2014 marked the 25th anniversary of the Convention on the Rights of the Child (CRC), the most rapidly and widely ratified international human rights treaty in history. More countries have ratified the CRC than any other human rights treaty – as at 1st September 2016, only the United States had not done so.

The Convention changed the way children are viewed and treated – that is, as human beings with a distinct set of rights instead of as the property of their parents or as passive objects of care and charity. It sets out the rights that must be realized for children to develop their full potential, free from hunger and want, neglect and abuse. It reflects a new vision of the child as an individual and a member of a family and community, with rights and responsibilities appropriate to her or his age and stage of development. By recognizing children's rights in this way, the CRC firmly sets the focus on the whole child.

The Convention – and its acceptance by so many countries – has increased recognition of the fundamental human dignity of all children and the urgency of ensuring their well-being and development. It clearly expresses the idea that a basic quality of life should be the right of all children rather than a privilege enjoyed by a few. Its unprecedented acceptance shows a wide global commitment to advancing children's rights. There was much to celebrate on its 25th anniversary, from declining infant mortality to rising school enrolment, but this historic milestone also served as an urgent reminder that much remains to be done. Too many children still do not enjoy their full rights on a par with their peers.

The Turks and Caicos Islands (TCI) committed to protecting the rights of children when the United Kingdom extended the CRC on 7 September 1994. There are several articles in the Convention that specifically deal with the obligation of States (*see box*). TCI has made significant gains in ensuring that national laws, policies and practices conform to the spirit and intent of the Convention, but it still needs to do more.

Advancing the CRC: Optional Protocols

Optional protocols complement and add to existing treaties. They are 'optional' because the obligations may be more demanding than those in the original convention, so States must ratify them separately. Optional protocols are treaties in their own right and are open to signature, accession or ratification by States that are party to the main treaty.

CHILDREN'S RIGHTS: PUTTING THE CRC INTO EFFECT

Under the CRC, governments have a responsibility to take all available measures to ensure children's rights are respected, protected and fulfilled. When countries ratify the Convention, they agree to review their laws relating to children. This involves assessing their social services and legal, health and educational systems, as well as levels of funding for these services. Governments are then obliged to take all necessary steps to ensure that the minimum standards set by the Convention in these areas are being met. They must help families protect children's rights and create an environment in which children can grow and reach their potential. In some instances, this may involve changing existing laws or creating new ones.

To help stem the growing abuse and exploitation of children worldwide, the United Nations General Assembly in 2000 adopted two Optional Protocols to the CRC to increase the protection of children from involvement in armed conflicts and from sexual exploitation. On 14 April 2014, a third Optional Protocol was adopted, allowing children to bring complaints directly to the Committee on the Rights of the Child. The Committee will then investigate the claims and can direct governments to take action.

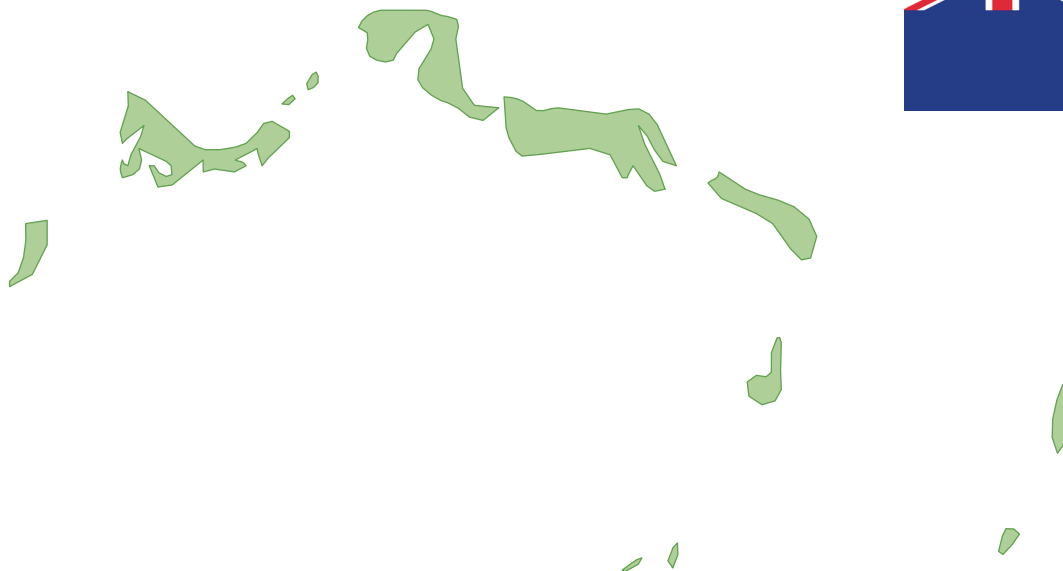
The Optional Protocols on the involvement of children in armed conflict, on the sale of children, child prostitution and child pornography and on communication procedures have not yet been extended to TCI.

Turks and Caicos Key Indicators

Key Indicators

TCI comprises some 40 islands and cays with a total area of 948 sq km. Six islands are permanently inhabited: Grand Turk (the capital), Salt Cay, South Caicos, Middle Caicos, North Caicos and Providenciales.

Land size (sq. km)	948
Population (2012)	31,618 ²
Population Density (2012) (per sq mile)	214 ³
GDP: Gross domestic product (million current US\$) (2014)	797 ⁴
GDP per capita (current US\$) (2014)	23614.7 ⁵
Poverty rate (2012)	22% ⁶
Children 0–19 years	9,189 (28.5%) ⁷
Youth population (15–24 years)	4,844 (15.0%) ⁸
Net enrolment rate: primary school (2005)	78 % ⁹
Net enrolment rate: secondary school ¹⁰	70.2% ¹¹



2 Morlachetti 2015.

3 Population and Housing Census: http://media.wix.com/ugd/6351b4_b1f523049c0144018d1bf34613ea9c25.pdf

4 <http://data.un.org/CountryProfile.aspx?crName=Turks%20and%20Caicos%20Islands>

5 Ibid

6 UNICEF Office for Barbados and the Eastern Caribbean 2015.

7 Ibid

8 Ibid

9 Morlachetti 2015

10 Ibid

11 Ibid

LAW REFORM AND LEGISLATION ON CHILD PROTECTION

The Turks and Caicos Islands (TCI) is an Overseas Territory of the United Kingdom. Government is exercised through a Governor appointed by the Sovereign and a 19-seat House of Assembly, 15 of whose members are locally elected.

TCI has committed to protecting the rights of all children, as articulated in the CRC. A number of Acts and legislation are in place to protect children from violence and abuse in any form and to support and improve the status of children and their families, including the following:¹²

- Adoption Ordinance (2009)
- Custody of Infants Ordinance (2009)
- Divorce Law (2009)
- Education Ordinance (2009)
- Employment Ordinance (2009)
- Human Rights Commission Ordinance (2009)
- Juvenile Ordinance (2009)
- Juvenile Court Ordinance (2009)
- Legitimation Ordinance (2009)
- Matrimonial Causes Ordinance (2012)
- Marriage Ordinance (2009)
- Medical Ordinance (Chapter 8.01) (2009)
- Offence Against the Person Ordinance (2009)
- Young Offenders Punishment Ordinance (2009)

The Juvenile Ordinance makes provision for the prevention of cruelty to and protection of juveniles and makes it an offence for a person who, having the custody or care of a juvenile, neglects, abandons, exposes or procures her or him to be ill-treated, neglected or exposed. It is also an offence if a person liable to maintain a juvenile fails to provide food, clothing, lodging and medical aid. This Ordinance can be utilized by a magistrate's court to place children under care and protection from a supervision order, remove them from their home and/or place them in foster care.

There is a draft protocol in place for the prevention, reporting, investigation and management of child abuse and neglect cases. There are no specialized courts to deal with children in need of protection by or in conflict with the law; thus the same courts deal with all child and juvenile matters.¹³ Children who are in conflict with the law usually have their first encounter with the police.

On 12 February 2016 the Human Rights Bill 2007, which plans to establish a Human Rights Commission to protect the rights of the child, was passed into law. This law will require all people who come into contact with children to report any misadventure where they are concerned. Failure to do so will be a finable offence.

¹² Morlchetti 2015.

¹³ Ibid.

The Foreign Commonwealth Office (FCO), in collaboration with the Organisation of Eastern Caribbean States (OECS), has been working on a number of draft bills in the area of family law, which are currently with the Attorney General’s Chambers. These include:

1. Equality Bill
2. Child Justice Bill
3. Children (Care and Adoption) Bill
4. Domestic Violence Bill
5. Trafficking Persons Bill
6. Family Law (Guardianship, Custody and Access To Children)
7. Status of Children Bill

The approval of these bills, some of which have been under discussion for several years, would be an important move towards compliance with the CRC.¹⁴ They will provide the police, courts and child protection agencies with additional powers to address child protection problems.¹⁵

Definition of a child

The ages at which children and young people are considered to be responsible or in need of protection vary widely and include the extremely low age of 8 years at which a child is considered responsible for crimes and 16 years regarding sexual consent, compulsory education and prohibition of child labour. The minimum age of marriage without parental consent is 21 years, and a marriage is void if either of the parties was, at the time of marriage, under the age of 16.¹⁶

Table 1: Legislation on specific legal ages¹⁷

Age of marriage	21/ 16	Marriage Ordinance – section 4 (a) Below 21 needs parental consent Below 16 is void
Minimum age of sexual consent	16	Offences Against the Person Ordinance – sections 31 and 32
Minimum age to access medical services/ consent to treatment	18	According to health authorities in TCI, the practice is that children under 18 need parental consent to access medical services, but no legislation has been identified regulating age of consent to medical services
Minimum age for employment	16	Employment Ordinance – section 9; a person under the age of 16 may enter into employment contract with permission of parent/ guardian
Criminal age of responsibility	8	Juveniles Ordinance 3.07 – section 3
Age of compulsory education	From 4 to 16	Education Ordinance Act – section 40

¹⁴ Ibid.

¹⁵ *Turks and Caicos Weekly News* undated.

¹⁶ Morlachetti 2015.

¹⁷ Morlachetti 2015

CARE AND PROTECTION OF CHILDREN

Child protection issues are handled primarily by the Department of Social Development and Gender Affairs. The Department ensures that children found abandoned or neglected or who are victims of abuse or child labour are taken before the courts as being in need of care and protection. At this stage, the order of the court is the single most important factor determining the child's fate. Once there is a case of child abuse, a social worker is assigned to the case and follows it from intake through to resolution.

Referrals are received from various sources including the police, education and health personnel or concerned persons. If there is any indication of any form of child abuse, the information is reported to the Department for further investigation. There are protocols in place for responding to suspected child abuse for the police, education and health authorities and the Department. Under the Juvenile Ordinance, a magistrate can place a child under care and protection, issue a supervision order and/or order removal from home and placement in foster care. Case conferences are held with a multi-disciplinary team to establish a course of action to assist the child and her/his family.

BIRTH REGISTRATION

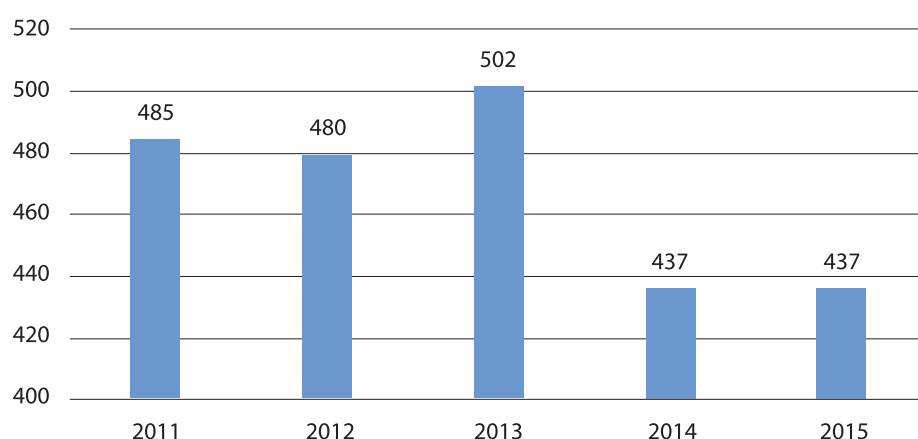
The CRC states that every child has the right to a name and a nationality and the right to protection from being deprived of his or her identity. Birth registration is a fundamental means of securing these rights for children. World Fit for Children¹⁸ calls for developing systems to ensure the registration of every child at or shortly after birth and fulfil her/his right to acquire a name and a nationality in accordance with national laws and relevant international instruments.

Children's Rights:

CRC article 7 calls for the registration of a child immediately after birth.

In common with the other Overseas Territories, citizens of TCI are entitled to British Overseas Territories Citizenship (BOTC), conferred by the British Nationality Act 1981. The full range of rights and entitlements is reserved for those who have 'belonger' status.

Figure 1. Live births 2011-2015



Source: Turks and Caicos Statistics Department 2016

During the five-year period under review, the recorded number of live births totalled 2,341 (Figure 1). The number of live births peaked in 2013 with 502 births. The lowest number of births, 437, was recorded in both 2014 and 2015.

No data is currently available on the number of registered/unregistered births in Turks and Caicos.

¹⁸ World Fit For Children is an international, non-sectarian, not-for-profit charitable organization dedicated to improving the quality of life for children. See: <<http://www.worldfitforchildren.com>>.

CHILDREN IN CONFLICT WITH THE LAW

The minimum age of criminal responsibility according to the Juvenile Ordinance is 8 years. However, the law provides that a person under the age of 14 is not criminally responsible for an act or omission unless it is proved that at the time the child had the capacity to know that they ought not to do the act or make the omission.

The draft version of the Child Justice Bill raises the age of criminal responsibility to 12 years. In addition, it states that a child who is 12 years or older but under 14 years and who commits an offence is presumed to lack criminal capacity unless it is proven otherwise. This amendment, if approved, would constitute an important step forward to bring the legislation into compliance with the CRC.

There is no diversion system in TCI. The existing legislation does not address the establishment of alternative, non-custodial sentencing options such as community service, diversion and combination orders. There are no specialized institutions and courts dealing with offences committed by children and juveniles.

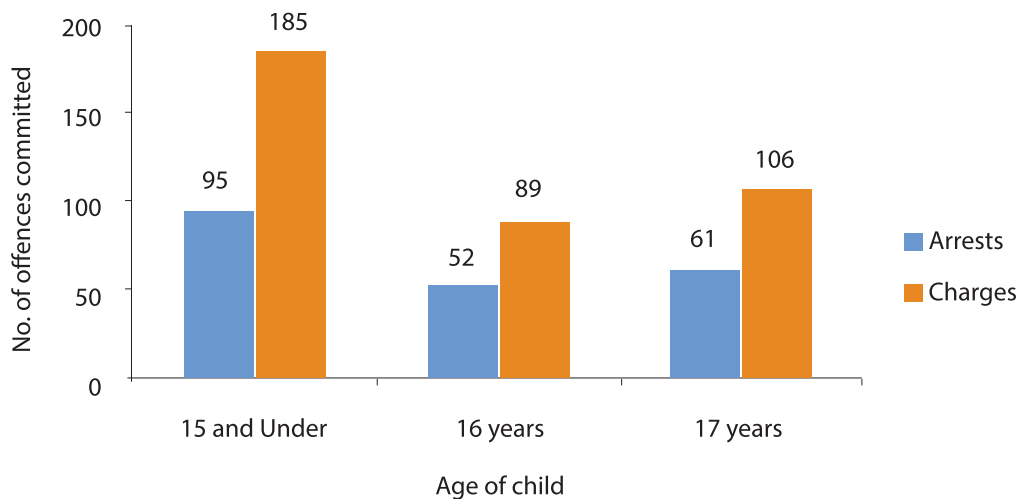
According to the Juvenile Ordinance, if a child under 16 years jointly commits an offence with an adult, the child can be also tried as an adult. In practice, depending on the nature the offence, an option is available regarding in which court they would prefer their matter to be heard (Resident Magistrate or Supreme Court). Courts have extensive power to make decisions from discharging a child to making an order of imprisonment based on not only the nature of the offence but also the character of the offender and family circumstances. The Constitution (Part I section 8 (3)) provides for the segregation of juveniles from adult prisoners.

The Constitution also states that children and juveniles can be deprived of liberty under the order of a court or with the consent of their parent or legal guardian for their education or welfare. This means that a court can deprive a child of liberty in order to educate or correct him or her with the consent of the parents, regardless of whether or not a crime has been committed and notwithstanding the seriousness of the offence.

CHILDREN'S RIGHTS IF THEY BREAK THE LAW

According to the CRC (articles 37 and 40), children in conflict with the law have the right to treatment that promotes their sense of dignity and worth, takes into account their age and aims at their reintegration into society. Also, placing children in conflict with the law in a closed facility should be a measure of last resort, to be avoided whenever possible. The Convention prohibits the imposition of the death penalty and sentences of life imprisonment for offences committed by persons under the age of 18.

Figure 2. Number of offences committed: arrests and charges, 2011-2015



Source: Royal Turks and Caicos Islands Police Force

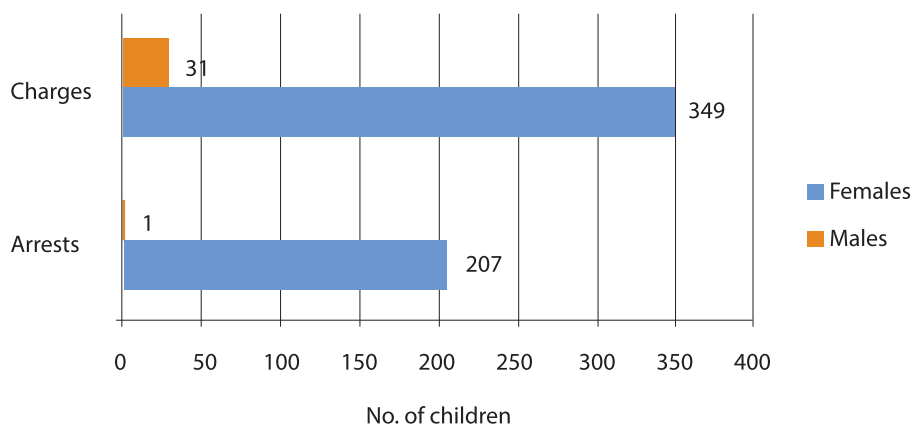
NB: It should be noted that repeat offenders are included in the calculated number of offences committed.

During the five-year period under review, there was a total of 588 incidents where a child offender was arrested on suspicion and/or formally charged (Figure 2). Of these, 35.4 per cent (208) were arrests and 64.6 per cent (380) were formal charges.

Of the 208 arrests, 45.7 per cent of those allegedly committing offences were persons aged 15 years and under, 25 per cent were aged 16 years and 29.3 per cent were aged 17 years.

Offenders aged 15 years and under accounted for 48.7 per cent of all those charged, followed by offenders aged 17 (27.9 per cent) and offenders aged 16 years (23.4 per cent).

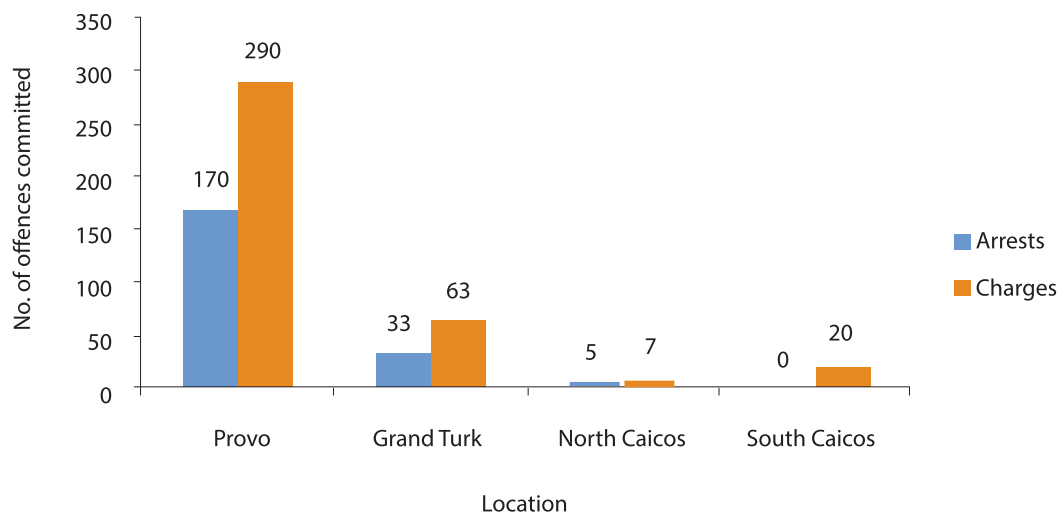
Figure 3. Charges and arrests by sex of child, 2011-2015



Source: Royal Turks and Caicos Islands Police Force

Among the 208 recorded arrests, there was only one female (or less than 1 per cent) (Figure 3). However, this was not the same for charges during the period, as 9 per cent of the 380 charges recorded were of females.

Figure 4. Arrests and charges by location of incident, 2011-2015



Source: Royal Turks and Caicos Islands Police Force

The majority of incidents (78 per cent) that resulted in arrests or charges of children occurred in Providenciales (Figure 4). During the period under review, 170 incidents that warranted arrests were committed on Providenciales, 33 on Grand Turk and five on North Caicos.

With respect to incidents that resulted in charges, 290 were committed on Providenciales, 63 on Grand Turk, 20 on South Caicos and seven on North Caicos.

(Figure 5). During the period under review the largest number of children were incarcerated in 2013. During this year 19 children, were incarcerated. This was followed by 2011, with 14 children, 2012 with 12 children and 2009 with 6 children. The lowest number of children incarcerated occurred in 2010 with 3 children.

Figure 5. Children in custodial facility (HMP), 2009-2013

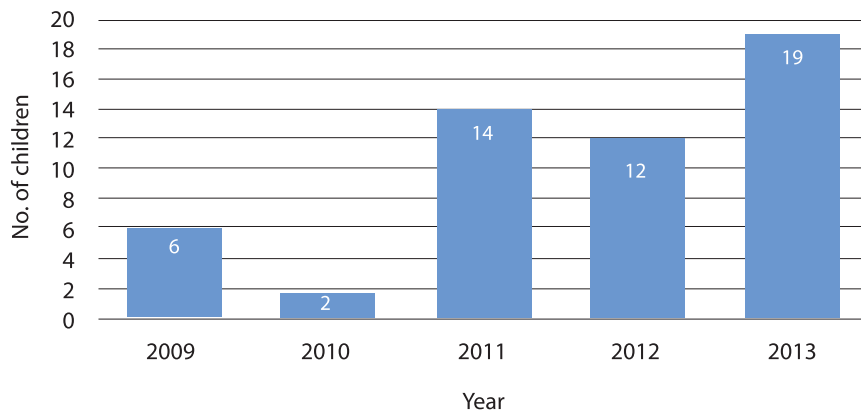
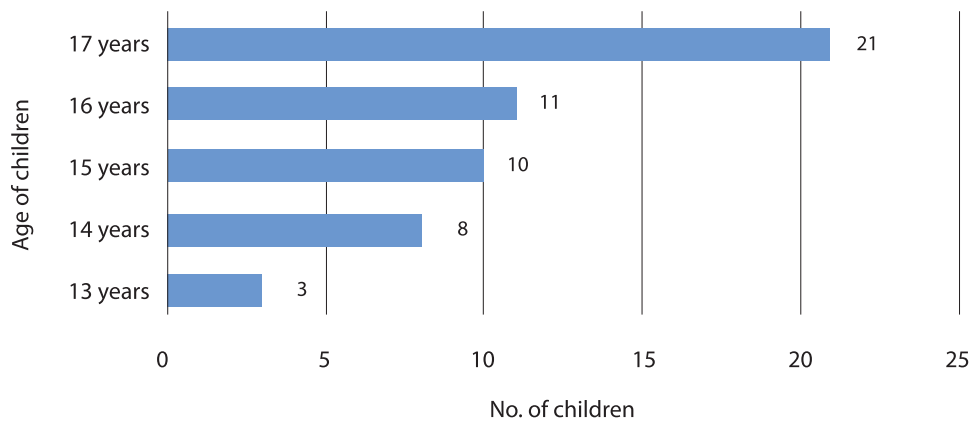


Figure 6. Age distribution of children in custodial facility (HMP), 2009-2013



Source: HMP 2015

Of the children incarcerated at HMP between 2009 and 2013, 40 per cent were aged 17 (Figure 6). Of the remainder, 21 per cent were aged 16, 18.8 per cent were aged 15, 15 per cent were aged 14 and 5.6 per cent were aged 13. No children under the age of 13 were incarcerated.

CHILD ABUSE

It is a crime in TCI to “carnally know” a girl under age 13, regardless of whether she consents, and it is also a crime with a lesser sentence to “carnally know” a girl between the ages of 13 and 16.

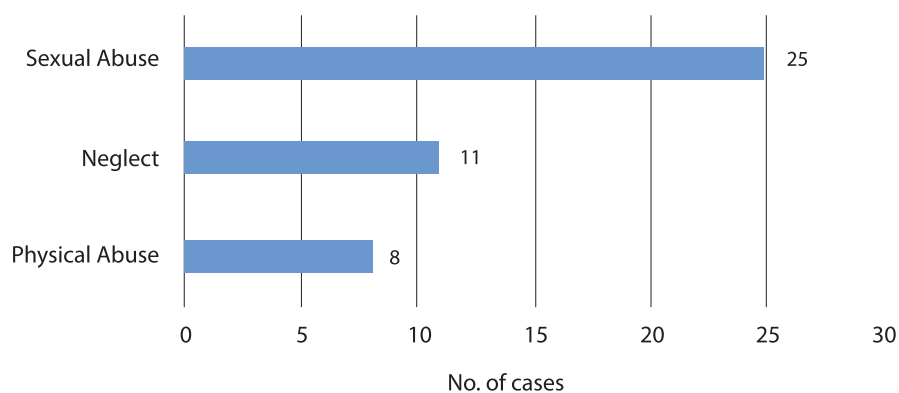
However, the fact that “carnal knowledge” as defined requires proof of penetration may seriously limit the prosecution in cases of rape of girls. The use of the term “carnally know” and the requirement of penetration should both be revised to meet the standards of protection under the CRC and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) so that the statutory definition of rape includes other acts (oral sex, etc.).

Children’s right to protection from sexual exploitation and abuse

Governments should protect children from all forms of sexual exploitation and sexual abuse, working in particular to prevent children being induced to engage in unlawful sexual activity, prostitution or pornography (CRC article 34).

The most recent data for child abuse indicates a total 81 reported cases of child abuse and children in need of care and protection for the year 2009 (Figure 7) and they show that sexual abuse and children in need of care were the two most reported types of cases to the Department of Social Development.

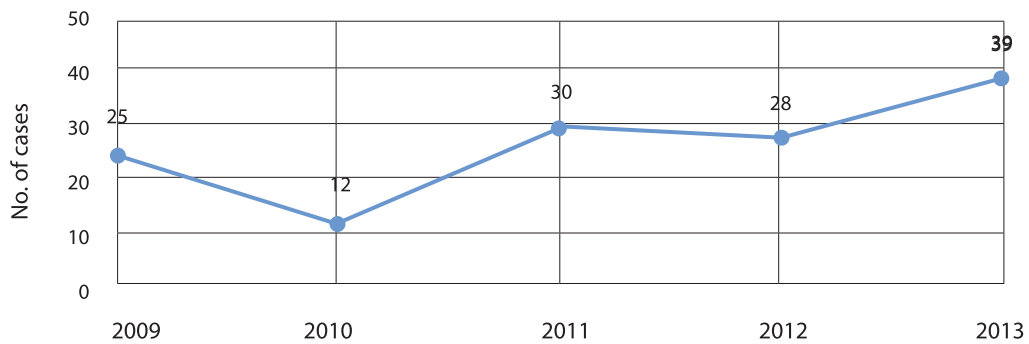
Figure 7. Selected cases of child abuse, 2009



Source: UNICEF Office for Barbados and the Eastern Caribbean 2015

In 2009 there were 44 reported cases of child abuse (Figure 7). Of these, 25 (57 per cent) were sexual abuse, 11 (25 per cent) were neglect and 8 (1.2 per cent) were physical abuse cases.

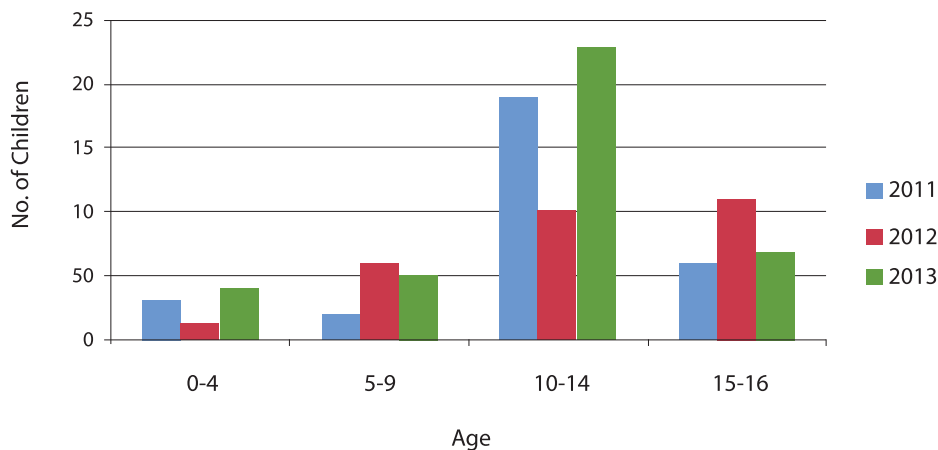
Figure 8. Reported cases of child abuse by the Royal TCI Sexual Offence & Domestic Violence Police Unit, 2009-2013



Source: UNICEF Office for Barbados and the Eastern Caribbean 2015

Data from the Royal TCI Sexual Offence & Domestic Violence Police Unit indicate that for the period 2009–2013 a total of 134 cases of child sexual abuse were reported to the police (Figure 8). The largest number of cases, was reported in 2013 with 29.1 per cent of all reported cases. 22.3 per cent were reported in 2011, followed by 20.9 per cent in 2012 and 17.9 per cent in 2009. The lowest number of cases, 8.6 per cent was reported in 2010.

Figure 9. Age distribution of children: reported cases of sexual abuse, 2011-2013



Source: Royal Turks and Caicos Islands Police Force

Majority of children who were reported sexually abused in the period 2011 – 2013 were aged 10 – 14. The children in this age group accounted for the majority of all reported cases with the exception of 2012, when the 15 -16 age group slightly outnumbered this group. The reported number of sexual abuse cases against those children aged 10 -14 years, peaked in 2013, with 23 reports, after experiencing a decline in 2012.

CHILDREN IN ALTERNATIVE CARE

The Government remains committed to ensuring that all children are comfortably placed in homes with families. Children who are identified as abandoned, in danger of abuse or being abused are placed with relatives, foster parents or at the Provo Children's Home.

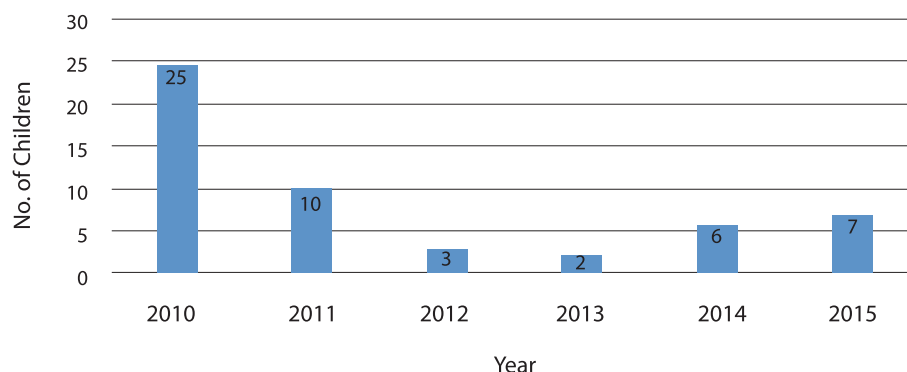
The Provo Children's Home is a residential, private institution located on Providenciales that receives an annual subvention from the Government to foster children. It has the capacity to accommodate 20 children.

CHILDREN'S RIGHT TO SPECIAL CARE WHEN DEPRIVED OF A FAMILY ENVIRONMENT

While children have the right to be cared for by their parents or family, a child who no longer has a family, has become separated from his or her family, or whose family presents serious danger to his or her health or development has the right to special protection and assistance provided by the State (CRC article 20). This should be in accordance with national laws to ensure alternative care, adoption or, if necessary, placement in suitable institutions for the care of children.

The Home was privately established in March 2006 as an orphanage. However, in 2007 the focus was expanded to include all children in need of a safe and protective environment. This resulted in the building of a new and improved facility to cater to the expanded clientele of the Home.

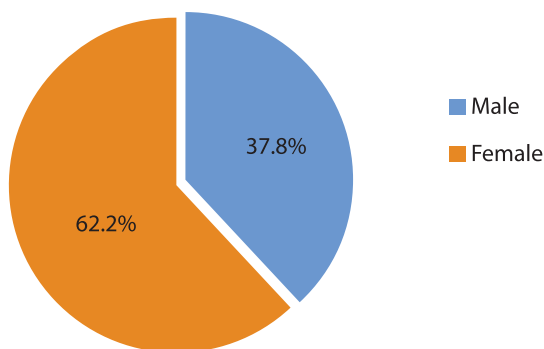
Figure 10. Children admitted to Provo Children's Home, 2010-2015



Source: Provo Children's Home

The total number of children admitted to the Home during the period 2010–2015 was 53 (Figure 10). The largest number of children (47 per cent) was admitted in 2010. This was followed by 19 per cent in 2011 and 13 per cent in 2015. The smallest number (4 per cent) of children was admitted in 2013.

Figure 11. percentage of children in Provo Children’s Home by sex of child, 2010-2015



Source: Provo Children’s Home

The majority of children admitted to the Home during the period under review were girls, who accounted for 62.2 per cent of all admissions (Figure 10). Boys made up 37.8 per cent.

Over two thirds (71.5 per cent) of children admitted to the Home stayed for one year or more (Figure 11). Of total admissions for the period, 43.4 per cent stayed for 1 year, 13.2 per cent stayed for 2 years and 7.5 per cent for three years. The same number of children, 5.6 per cent stayed for both 4 years and 5 years. A third (30 per cent) of children stayed for less than one year.

REFERENCES

Government of the United Kingdom, 'Implementation of the UNCRC in the Crown Dependencies and Overseas Territories: Annex', 2014, <http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/GBR/INT_CRC_ADR_GBR_17299_E.docx>, accessed 11 August 2016.

Morlachetti, Alejandro, 'Current State of Legislation in the British Overseas Territories from a Children's and Women's Rights Perspective', UNICEF Office for Barbados and the Eastern Caribbean, Christ Church, Barbados, 2015.

Turks and Caicos Statistics Department, 'Summary of Vital Statistics Indicators', <http://www.sppdtci.com/#!population/c1aq3>>, accessed 11 October 2016. <http://www.sppdtci.com/2015-live-births>

Turks and Caicos Weekly News, 'Children to Be Better Protected against Abuse', undated, <<http://tcweeklynews.com/children-to-be-better-protected-against-abuse-p506-1.htm>>, accessed 11 October 2016.

United Nations Children's Fund, 'A World Fit for Children', 2002, <<http://www.unicef.org/specialsession/wffc/>>, accessed 28 July 2016.

United Nations Children's Fund, 'What is Child Protection?', UNICEF, New York, May 2006.

United Nations Children's Fund Office for Barbados and the Eastern Caribbean, 'Situation Analysis of Children in the Turks and Caicos', UNICEF, Christ Church, Barbados, 2015.

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