

THE CHILD PROTECTION TASK FORCE

REPORT NUMBER TWO

MARCH 26, 2014

**Diana Mahabir-Wyatt
Chairman**

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In the last few weeks there have been reports in the press once again of little girls as young as two, four and eight being raped by fathers and step-fathers, of a thirteen year-old with two children being arrested for mis-behaviour in public. Members of the cross-functional Task Force in their various professional capacities receive other reports on a daily basis of similar abuses which do not reach the press. This makes the work of the Task Force even more urgent, and the entire Task Force hopes that the recommendations made herein will, as a result, receive the most urgent approval of Cabinet and allocation of funds to enable the work that is required to protect not only children who have already been abused, but those who are still at risk. We plead that, in order to achieve the Prime Minister's mandate to the Task Force and her promises to the country, funding recommended for specific projects in this report be considered as priority.

1. Introduction:

- 1.1 The Task Force was inaugurated on December 1st 2013 and commenced its work immediately. The Members appointed to the committee by the Prime Minister were: Diana Mahabir-Wyatt, Chairman, Mrs. Stephanie Daly, S.C. who was appointed as Deputy Chairman by the Task Force, The Honourable Clifton De Coteau, Minister of Gender Youth and Child Development; Senator, the Honourable Raziah Ahmed Minister of State in the Ministry of Gender, Youth and Child Development ; Minister Vernella Toppin, Minister of State in the Ministry of the People and Social Development; Ms.Sandra Jones, Permanent Secretary, Ministry of Gender Youth and Child Development; Mrs. Hazel Thompson-Ahye, Attorney at Law; Ms. Anna Maria Mora, Psychologist; Ms. Hazel Brown, Special Envoy on Women and Girls; Mrs. Brenda Gopeesingh, Special Envoy on Women and Girls; Mrs. Margaret Sampson-Browne, Manager of the Victim and Witness Support Unit; Mr. Gregory Sloane-Seale, Programme Co-Ordinator, Citizen Security Programme; Mrs. Zena Ramatali, President-National Parent and Teachers Association; Pastor Clive Dottin, Pastor of the Seventh Day Adventist Church; Dr. Kathy Bharrathsingh, Manager of the Student Support Services, Ministry of Education; Mr. Vijay Gangapersad, Director Social Welfare Division, Ministry of the People and Social Development; Mrs. Trudy Harding-Rouse, Manager of Mental Health, Ministry of Health; Mr. Rhondall Feeles, President of the Single Fathers Association of Trinidad & Tobago; -;
- 1.2 Staff members of the Ministry of Gender Affairs and Child Development assigned to support the Task Force were: Mrs Margaret Quamina-Bonadie, Researcher; Ms. Paula Blackman, Administrator-Task Force; Ms. Rhonda Khan, Assistant Administrator-Task Force.

1.3 Members were asked to nominate alternates to be fully briefed to represent them in case they could not attend any meeting as the original terms of reference gave the Task Force six months to complete its work, which was extensive. The Task Force, appreciating that it would be necessary to sub-divide the work if in-depth recommendations were to be made within such a timeframe, began its work by dividing the Members into Sub-Committees appropriate to their respective areas of expertise. The time allocated to this work was inexplicably shortened to three months by Cabinet when the amended Terms of Reference were approved. At its first meeting on December 6, 2013, the Task Force agreed that it would prioritise addressing its objective relating to the Children's Authority (the Authority), as the Authority had documentation on its start-up that was already available to form the basis of early deliberation. This would enable the Task Force to report on this topic by month end despite Christmas and New Year Holidays.

1.4 Sub-Committees established in December, 2013 are as follows:-

Children's Authority.

Mrs Stephanie Daly, S.C. - Chairman;
Mr Gregory Sloane-Seale;
Mrs. Sharifa Ali-Abdullah

Legal Sub-Committee.

Mrs. Hazel Thompson Ahye - Chairman;
Mrs Nicha Cardinez-Rostant;
Ms. Damali Nicholls;
Ministry support officers are: Ms. Paula Blackman and Ms. Gaietry Pargass.
Mrs Stephanie Daly, S.C. was also invited to attend several meetings of this Sub-Committee.

Policy and Procedures Sub-Committee:

Mrs Margaret Sampson-Browne – Chairman;
Ms Kathy Bharratsingh;
Mrs Brenda Gopeesingh;
Pastor Clive Dottin; and
Mrs. Zena Ramatali.

Data Gathering,

Mrs Hazel Brown; and

Candace Wallace-Henry from the Ministry of Gender, Youth and Child Development and Christalle Gemon from the Children's Authority assisting.

2. Background:

2.1. The instructions by the Prime Minister to the Head of the Task Force were specifically to first concentrate on "getting the Children's Authority up and running". As was reflected in the first report of the Task Force, although the Children's Authority, was legislated for by the Children's Authority Act in 2000 that legislation was not proclaimed until 2009 when it was partially proclaimed and a Board appointed. However full operationalisation has been unobtainable for numerous reasons for the past five years. A core staff of thirteen people from Director to Courier, under the current Director, was not approved until 2011. That core group was able to undertake valuable work, such as developing a strategic plan, conducting baseline research, training several hundred media professionals, meeting with over 50 Children's Residences and working with them to develop realistic standards for Residences to meet in order to be licensed once the relevant legislation was proclaimed, conducting a Gap Analysis and making recommendations as to how Residences might be assisted. (See full details of work developing Standards for Children's Residences at pages 93-95 of the First Task Force Report, and the full timeline of the development of the Authority and the work carried out from the appointment of its first Board in 2009 see pages 96-100 of the First Report of the Task Force.

2.2. The Children's Authority was not able, however, to move towards operationalisation until it was placed in a position to recruit the necessary complement of staff. Cabinet had approved the Authority's Organisation's Structure of 242 staff in June 2013. This would constitute the staff complement required when the Authority becomes fully operational in multiple locations. For start-up when services are initially to become available to the public, the Authority has determined that 97 staff in key positions are necessary. However the Authority could not obtain approval for compensation packages for those positions.

The Prime Minister's establishment of the Child Protection Task Force was made with the mandate to overcome these obstacles. With the co-operation of the CPO's office and the Ministry of Finance, the Task Force assisted the Children's Authority in doing so. After receiving approval of its compensation package in early February 2014, it has recruited 41 of 97 approved staff positions. It is expected

that the Authority will be staffed and initial training completed , with all of its departments in operation by September 2014.

- 2.3. The Task Force recognises the extraordinary efforts made by the Director of the Authority , Mrs Sharifa Ali-Abdullah , and her team and the Chairman of the Board, Mrs. Stephanie Daly, S.C. in developing the Strategic Business Plan, and the extensive and absolutely necessary regulatory policies and procedures required by the legislation to have the Children's Authority efficiently, and even more importantly, proficiently ready to implement its statutory responsibilities. Their professionalism and dedication have been, and continue to be, exemplary.
- 2.4. In the meantime , the other Sub-Committees of the Board, in addition to attending twice monthly Task Force Meetings, were busy doing the necessary research and holding sub-committee meetings of their own. Although the Task Force was not envisaged as a full-time Task Force, for some of the members it became one virtually, if not actually. Those members of the Task Force who were not abjured by virtue of their official, government-appointed positions to accept that responsibility, report that this has proved to be a heavy burden as well as a financial sacrifice. We thank them for their commitment.
- 2.5. By the end of February, it became obvious that the initial three month period was insufficient to complete the work assigned and the Task Force has had to formally ask the Prime Minister for an extension of time in which to complete the work that she has assigned to it. The Task Force acknowledges with gratitude that whenever obstacles have arisen in accomplishing the work of the Force, the Office of the Prime Minister has given its fullest support and co-operation in overcoming those difficulties. We thank the Prime Minister for her commitment to improving the protection of children in Trinidad & Tobago.

3. Meeting Schedule:

Task Force Meetings held:

December 6, 2013

December 19, 2013

January 9, 2014

January 16, 2014

January 23, 2014

February 6, 2014

February 20, 2014

March 6, 2014

March 20, 2014

Attendance:

- Mrs.D.Mahabir-Wyatt.....9 meetings
- Mrs.Stephanie Daly.....9 meetings
- Minister De Coteauwas unable to attend meetings, which are held on Thursdays, as he had Cabinet meetings on Thursdays which required his input
- Minister Vernella Toppin.....4 meetings
- Senator Raziah Ahamed.....7 meetings
- Mrs.Sandra Jones..... 9 meetings
- Ms. Hazel Brown.....7 meetings
- Ms Brenda Gopeesingh.....9 meetings
- Mrs. Hazel Thompson-Ahye.....7 meetings
- Ms Ana Maria Mora.....9 meetings
- Mrs. Margaret Sampson-Browne....7 meetings
- Mr. Gregory Sloane-Seale.....8 meetings
- Mrs Zena Ramatali.....8 meetings
- Pastor Clive Dottin.....8 meetings
- Dr. Kathy Barrathsingh.....9 meetings
- Mr. Vijay Gangapersad.....7 meetings
- Mrs Trudy Harding-Rouse.....7 meetings
- Mr. Rhondall Feeles.....9 meetings

- Mrs Margaret Quamina-Bonadie.....6 meetings
- Paula Blackman.....7 meetings
- Rhonda Khan.....7 meetings

Sub-Committee Meetings

Children’s Authority:

Because the members of this Sub-Committee already had a business relationship, it did not hold separate, formal meetings, but incorporated the work of the Sub-Committee into its day to day work, and during out of office hours emailing. Its work was continuously on-going during the weeks between the Task Force’s regular twice monthly meetings . This is attested to by the numerous reports and papers requested and received from the Children’s Authority by the Task Force, both in respect of the Authority’s implementation progress and with regard to other matters which are included in our Terms of Reference. These included the Youth Justice System, the proclamation of the criminal provisions of the Children Act, 2012, an analysis to advance the amendment and proclamation of the Adoption Act, 2000 and other aspects of Legislation, the decline in the functioning of the Family Court, which seriously affects the protection of

Trinidad's children, and other topics. The responses of this Sub-Committee were always prompt, intelligent and helpful. Some of these documents are attached to this report as appendices.

Legal Sub-Committee meetings held since the start of 2014 :

- January 9, 2014
- January 22, 2014
- February 6, 2014
- February 24, 2014
- March 19, 2014

Attendance:

- Mrs. Hazel Thompson-Ahye.....5 meetings
- Mrs. Nicha Cardinez-Rostant.....4 meetings
- Ms. Damali Nicholls.....3 meetings
- Ms. Gaietry Pargass.....5 meetings
- Ms. Paula Blackman.....5 meetings
- Ms. Rhonda Khan.....2 meetings
- Mrs Margaret Quamina-Bonadie.....4 meetings

Mrs Daly, S.C. was also present at 2 meetings by invitation.

It is to be noted that much of the work of this sub-committee was also done technologically and by research done outside of meetings on-line as well as off-line by specific members of the committee .

Policy and Procedure

There was only one formal meeting of this committee with all members present, followed by subsequent meetings to set up the Police Special Unit on Child Abuse and Family Violence the first of which was attended by the Honourable Minister of National Security, Mr. Gary Griffith, whose wisely realistic approach to its establishment set the foundations for co-operation between the T&T Police Service and the Children's Authority. This Committee is headed by Margaret Sampson-Browne

Data Gathering Committee:

Chaired by Mrs. Hazel Brown who brought to the attention of the Task Force the work done in the Ministry of Gender, Youth and Child Development by staff member Candace Wallace-Henry.

Mrs. Brown also undertook to establish contact with the local Chapter of the Association of Female Jurists to ensure that cases of child abuse, neglect and lack of protection determined by the Magistrates' Courts, but not otherwise reported , are included in the general data base. This will be the focus of her Committee's work during the next leg of the Task Force's operation. Arising out of her recent attendance at a conference in the U.S.A., she is also drawing up

recommendations for the development of special cell-phone apps that will provide information for and about children in relation to times and places where they can be safe. . She will be working with Mr. Gregory Sloane- Seale from the Citizens' Security Programme on the development and distribution electronically of this app to school-age children ,who almost all, now, have cell phones. This app may also be adjusted to provide an alarm signal when they are in trouble showing their location and time of the alarm. A further report on these recommendations and the cost will be made when the Task Force submits its next report.

Payment to Task Force Members

No payment was made to any member of the Task Force for the professional time and/or advice given in the course of the life of the Task Force until stipends were paid to cover transport and related costs at last Thursday's meeting. While it is understood that working on the Task Force may have been considered part of the job responsibilities of those government employees assigned to the Task Force, there are several Task Force Members who are not Government employed including Anna Maria Mora, Hazel Thompson-Ayhe , Clive Dottin, Zena Ramatali and Rhondall Feeles. Mrs. Hazel Thompson-Ayhe has made her point of view known to the Permanent Secretary in the Ministry of Gender, Youth and Child Development who has undertaken to make representations on her behalf.

4. Work done on Specific Terms of Reference:

(see Appendix 1 for Approved Terms of Reference)

4.1 The first Term of Reference given to the Task Force was "*to provide recommendations on how the Children's Authority could be empowered to carry out its mandate*". This has been accomplished by holding meetings to help to identify and to assist the relevant Stakeholders to remove obstacles and to enable recruitment.

4.2. The second Term of Reference had to do with :

(i) *Reviewing all regulations and legislation dealing with the protection of Children.* This was the subject of the second part of the first report made to the Prime Minister in 2013. (Appendices 2 and 3) It also forms part of this report in reporting on initial comments on the Recommendation for the Establishment of the Office of a Children's Ombudsman and recommendations arising from the deliberations of the Legal Sub-Committee. The recommendation regarding the desirability of the establishment of a Children's Ombudsman will be the subject of ongoing consideration of the Task Force. The recommendation regarding the re-introduction of the position of District Health Visitor in the Community Health system to monitor the physical and mental development of children as covered in Appendix 4.....also refers.

4.3. (ii) and (iii) “*Reviewing public sector processes on the protection of children to ensure synchronisation with the Convention on the Rights of the Child.*” This is also a focus of the policies and procedures set up by the Children’s Authority and its recommendations on legislative changes. The Authority/Sub-Committee has met with the judiciary to inform them of the legislative changes expected when legislation relating to the Authority is able to be proclaimed later this year, so that sensitisation and training may be conducted. It has explained the manner in which the Authority is to work through the Family Court which is vital in its role in the protection of children. It has also met with the Police Service with the support of the Minister of National Security in the context of the project to establish a special police unit for Child protection and Family Violence.. Attached to this Report as Appendix 5 is the interim report of that Sub-Committee, which has not yet completed its work. Attached to this report as Appendix 6 is also a document containing comments and recommendations on the Draft Policy on Youth Justice which, of course, touches on the Convention on the Rights of the Child and the care and protection of children at risk. The recommendation mentioned in 4.2. above in relation to District Health Visitors also serves the purpose of this term of Reference.

4.4. Some of the responsibilities under this Term of Reference are covered by the mandate given to the Children’s Authority by legislation, in respect of monitoring policies and procedures in Community Homes. The Task Force has not yet, however, been able to find the resources to “*examine and monitor policies and procedures*” in other institutions, such as health institutions which Senator Toppin has been particularly concerned about, and rightly so, given the high number of child deaths in our Health Institutions. This Term of Reference would appear to cover, as well, other institutions such as public transport, public and private educational institutions from “nurseries to nursery schools to private schools on both primary and secondary levels. It would also include the area of public security and the concept of “safe places , other than those listed in the Act , such as pathways, bus shelters etc. ” which the Task Force has only begun to take into consideration, all of which affect children directly. It is a broad Term of Reference and the Task Force notes that some aspects of this broad term of reference are part of an assessment that the Ministry of Gender, Youth and Child Development intends to undertake in the future. It also notes that the Ministry of GYCD has also taken the decision that it will develop policy for the regulation of nurseries.

4.5. The Ministry of Gender and Youth Development has submitted a document, attached as Appendix 7, which refers to a Manpower Plan which will apply to all government departments employing social workers. The need for increased numbers of social workers in the system was echoed by Mr Vijay Gangapersad from the Ministry of the People and Social Development repeated these recommendations in his submission..

That document from the Ministry of Gender, Youth and Child Development repeats our recommendation for the urgent implementation of the Children's Registry which is mentioned elsewhere in this report. The plans for the Registry have been drawn up at the Ministry level. What the Task Force is pushing for now is the urgent need for implementation.

4.6. (iv) *To make recommendations to strengthen the Student Support Services Unit of the Ministry of Education.*

The study has been completed and is included as Appendix 8 to this report.

4.8. (v) *To provide recommendations on early warning systems for the detection of children at risk.* These recommendations are based on work done by the Student Support Services Unit, on that done at the Ministry of Gender, Youth Affairs and Child Development in relation to National Children's Registry (see above) and on work done by practitioners in the Community Health Department of the Ministry of Health, all of which form part of this report.

4.9. (vi) Recommendations on *sourcing and improving counselling and specialist care services, including the suitability of training available.* This forms part of the recommendations relating to the Child Protection and Family Violence Police Unit and is reflected in the presentation made by the Ministry of Gender, Youth and Child Development's Candace Wallace-Henry, a copy of which is attached as Appendix 7 to this report. It is also central to the recommendations made by the Ministry of Gender, Youth and Child Development, and the Community Health Department of the Ministry of Health and the Student Support Services Unit of the Ministry of Education.(Appendix 8).

4.11. Work is still needed on reviewing policy, regulations, and legislative issues as stated in section 7.7 of the Terms of Reference, as well as on reviewing the situation outside of legislation, to make recommendations in relation to Family Life , community development strategies, youth diversion strategies and on the form and nature of Public Education and Awareness strategies, as reflected in Section 3.3(v) of the Terms of Reference.

4.12.The form and structure of the Child Protection and Family Violence Police Unit has not been finalised but needs support for urgent action.

5 Achievements :

As indicated above, several of the Terms of Reference have already been fulfilled. In the short period allocated to it, the Task Force has accomplished an unusual amount of work. Among these achievements are:

1. The Children's Authority has expedited its recruitment with the approval of its compensation package. 41 professional staff from the required 97 have been recruited The customisation of the assessment centre at the EWMSC is

underway and two centres are being constructed by the MGYCD in South and Central Trinidad. Training and mentoring of staff in the Community Residences is on-going. The difference in atmosphere as training in professional standards is underway, is already being felt and commented upon.

2. Initial studies on the legislation that still needs to be passed and/or proclaimed have been conducted, and while it cannot all be realised until the Children's Authority is in place and ready to accommodate the requirements of the legislation, the necessary steps have been identified and recommended.

3. Review and recommendations on the long-awaited Youth Justice Policy have been completed by Task Force members from the Children's Authority and form an appendix to this report.

4. A study on the need for a Children's Ombudsman has been made and is in the process of being finally reviewed by the Task Force, and recommendations will be submitted shortly.

5. A study of other aspects of legislation regarding child protection such as the legal age of marriage being moved up to avoid the possibility of subjection of children to forced marriage; and the need for a definition of "reasonable corporal punishment" of children by parents, to prevent children being beaten to death as a form of parental discipline (as has happened in the past) has been completed and forms part of this report.

6. Policy Recommendations have been made to identify which Community Residences can serve as places of safety

7. Analysis of the needs of the Student Support Services in order to identify and protect children at risk has been finalised and forms part of this report.

6. Recommendations:

6.1. Recommendations in relation to: (a) Children's Ombudsman, (b) Youth Justice System, (c) Family Court, (d) Student Support Services, (e) National Children's Registry (f) Community Residences, (g) Child Protection and Family Violence Police Unit, (h) Legislative Changes (i) recommendations specifically made by the Ministry of Gender and Youth Development and (j) Preventative measures for the protection of children through the Community Health Department of Ministry of Health follow.

6.1.1. **Children's Ombudsman** :

It is recommended that consideration be given to creating an office of Children's Ombudsman be established under the office of the Ombudsman or the Attorney General , with an oversight function to ensure the provisions of the Convention on the Rights of the Child are observed by all public and private organisations that deal with children , to the extent that such matters do not already fall under the remit of the Children's Authority. Further recommendations on this office will follow.

6.1.2. **Youth Justice System.** The Task Force generally supports the proposal that the manner in which the judicial system treats with young offenders, victims and witnesses should be reviewed, and advantage taken of the provisions in the Children Act, 2012, (when proclaimed), for the use of video links so that a child may be in a remote location, the use of trained intermediaries to communicate appropriately with young children. Aspects of the Juvenile Court could usefully be reviewed to ensure that it caters for the special needs of children in conflict with the law, and takes advantage of the lessons learned from the Family Court. It is essential that the role of the Children's Authority and the provisions of the Children's Act 2012 be incorporated into the Ministry of Justice's Draft Proposal to ensure coordination amongst the institutional structure that will deal with the protection of children in Trinidad & Tobago. .

A Purpose-built centres required for female offenders under the age of eighteen as, contrary to T&T's obligations under the Convention for the Rights of the Child, at present underage girls who are in defiance of the law are incarcerated in the Women's Prison. Boys are sent to a Youth Training Camp (YTC), but the adequacy of these should also be reviewed, as well as the options available if the YTC cannot manage a particular boy.

6.1.3. **Family Court.** It is recommended that the delays in in establishing contracts determining compensation packages for staff at the Family Court be reviewed as a matter of urgency as trained and experienced staff are leaving the Court as a result of their insecurity in not receiving such contracts..

6.1.4. **Student Support Services** The National Student Support Services is under-resourced with professional staff that the country needs in order to prevent the level of violence and disruption in the nations schools. It is recognised that the students causing the disruption are themselves disturbed and need specialist help which has not been available to them. These support services are urgently needed to prevent the spread of disruption in schools which will further interfere with the protection of children by other children and make schools unsafe places for children to go to.

6.1.5 **National Children's Registry.** It is recommended that Budget allocations for the establishment and operationalising of the National Children's Registry be made a priority to identify children at risk , to prevent, or at least ameliorate the tragic abuse and murder of children being experienced in Trinidad & Tobago over the recent years

6.1.6. **Community Residences**: In preparation for licensing community residences, the Children's Authority developed standards and draft regulations with the residences, as well as completed an analysis exercise to determine the gap that needed to be closed for community residences to comply with the standards and regulations. The findings from the gap analysis confirmed the need for financial support to be provided to community residences to facilitate them in attaining the necessary standards for licensing their operations and improving the quality of care provided to children.

An initial analysis by the Children's Authority which is attached as Appendix..... covers the following areas:

1. Contextualising residential care in Trinidad and Tobago and making a justification for financial assistance – legislative as well as gap analysis findings
2. Situational Analysis-what obtains now-who receives financial assistance and how much
3. Good practice from other jurisdictions (Jamaica, Guyana and the UK)
4. Proposed methodology/formula for Trinidad & Tobago i.e. cost per child per month.
5. Addressing special needs children including physical, psychological, psychiatric , chronic illnesses (diabetes, cerebral palsy etc.)
6. Operationalisation , management, monitoring and evaluating of systems. role of monitoring officers.
7. Managing the transition of the four fully subsidised certified schools to deal with the needs of children presently institutionalised.. The four certified schools will need to be treated differently since moving them from a flat subvention to a cost per child system will result in drastic reductions in the level of financing which will impact their operations with adverse implications for the children under their care. The recommendation is that the Ministry of Gender, Youth and Child Development expedite the resolution of issues it has been addressing including the legality of placing these residences under the Statutory Authority Service Commission when the residences are private entities and NGOs, the physical infrastructure and quality of care that children receive. Several key issues are before the Office of the Attorney General and the Ministry of Gender, Youth and Child Development would need to resolve the outstanding issues related to these four schools before they can be licensed.

6.1.7. **Child Protection and Family Violence Police Unit.**

Work currently underway to establish this unit should be expedited, following the lines recommended by Minister Griffith of an elite unit of 30-50 specially-trained officers, growing to an organisation of 300 as recommended by the Police Service as circumstances warrant.

6.1.8. Legislative Changes. For the protection of children generally and to improve family life and community life it is recommended:

(i) that section 22 of the Children Act be amended to clearly define what is not covered by the term “reasonable punishment” in the context of punishment of a child by a parent, teacher or other person having the lawful control or charge of such child”. This provision is likely to be overtaken by the Children Act 2012 which at clause 4(6) would restrict parents, teachers to “reasonable punishment” and at (7) clarifies that only parents or guardians may use corporal punishment, but does not indicate the boundary for this other than that it must be “reasonable”. The recommendation would be entirely to disallow corporal punishment of children, as parents are sometimes those against whom the child needs protection.

(ii) that the legal age for marriage of girls be moved to 16 and for boys to 18, regardless of religion.

(iii) The change in Compulsory school age from 6 to 12 years to 5 to 16 years in the Children Act, 2012 will be a welcome change once that Act is proclaimed.

(iv) The public should be sensitised on the mandatory reporting provision of the Sexual Offences Act which makes it an offence for a doctor, a parent or other mandated person to neglect to report any cases of child sexual abuse that come to their attention, of how to make such reports and of the penalties for refusal to make such reports..

(v) Public sensitisation of the fact that in cases of child abuse, applications can be made for a protection order under the Domestic Violence Act in addition to, or instead of charges being laid under the criminal law.

(vi) In light of calls for gender equity and allegations of bias in favour of female applicants being made by male applicants for custody and access to children, investigated study should be conducted to ascertain whether there is any basis for such claims and if so, to consider possible redress through education and training or by other means. In all such cases “the best interest of the child” must be the paramount concern.

(vii) Regulation No 4 of the Public Assistance Regulations be reviewed, so that a public assistance grant could be issued in cases of urgent need without the applicant having to go to court to prove that an application for child support had been made and service of the summons could not be effected, or the order had been refused or the order had been made and the respondent had not been found or that the order had been served but had not been complied with. The principle of “the best interest of the child” should be priority in all such cases.

(viii) Positive parenting programmes be embarked on in the media and in all secondary schools in all regions of Trinidad & Tobago.

(ix) A restorative practices approach rather than a punitive one be adopted in relation to school discipline in all educational establishments and community residences.

(x) Immigration Regulations which appear to allow the sale of alcohol to 17-year-olds be harmonised with the Liquor Act which forbids the sale of alcohol to children under 18 years of age.

(xi) The Education Act be amended to ensure that the grounds for non-discrimination for admission to any public school include immigrant children or children with HIV/AIDS in furtherance of the best interest of the child principle.. This can be done by removing the word “social” from the term “social status” in section.....of the Act.

(xii) The Government through the Ministries of Communication and Education embark on a program to make the principles of the Convention on the Rights of the Child known to all adults as well as to children in Trinidad & Tobago.

6.1.9. We recommend that the necessary resources be made available to the Ministry of Health for the effective functioning of Community Health Services specifically to ensure that the position of District Health Visitor be established as a separate and distinct position as outlined in the proposal attached as Appendix 4.....and trained practitioners be allocated to follow-up on all children born in public health institutions in Trinidad & Tobago in order to :

- (i) prevent mental, physical and emotional ill-health of children
- (ii) Provide early detection of ill-health and abuse of children in high-risk groups, for example where there is drug dependency or relationship breakdowns
- (iii) Recognise and identify needs and to mobilize resources where appropriate.

The Task Force thanks the Prime Minister for the opportunity afforded it to synchronise work being undertaken or planned for by different departments and organisations in the public and private sectors by means of these recommendations and others that have previously gone forth.

APPENDIX 1

Terms of Reference



TERMS OF REFERENCE FOR A CHILD

PROTECTION TASK FORCE

INITIATED BY

THE PRIME MINISTER OF TRINIDAD & TOBAGO

THE HONOURABLE KAMLA PERSAD-BISSESSAR,

SC, MP



1. PURPOSE:

1.1. The purpose of the Child Protection Task Force shall be to assemble a team of proven experts in the area of Child Care and Protection from the education, national security, health and medical, legal, non-governmental and State sectors to carry out an in-depth situation analysis of the factors which cause and increase risks of crimes against children, and to make proposals on how legislation, State agencies, non-governmental organisations and all stakeholders, including parents, can better protect children.

2. BACKGROUND:

2.1. The Republic of Trinidad & Tobago has, from the turn of the millennium, experienced a continuous increase in crime and criminal activity on all fronts. In the midst of measures to counter the increase in crime, children have increasingly become the targets and victims of all forms of crime, from sexual assault, to physical and emotional abuse, and even murder.

2.2. Following the tragic and mysterious death of Akiel Chambers in 1998 came Amy Annamthudo, Tecia Henry, Sean Luke Lumfai, Hope Arismandez and Daniel Guerra and others.

2.3. Despite several legislative amendments and the partial coming into force of the Children's Authority Act, crimes against children continue to occur

2.4. The Prime Minister, the Honourable Kamla Persad-Bissessar, SC, MP, in seeking a comprehensive solution to all forms of crime and criminal behaviour against children, moved to assemble this task force which will tackle this very serious national issue on all fronts, including prevention of abuse, early detection and protection of children at risk.

3. OBJECTIVES:

The Objectives of the Child Protection Task Force are:

3.1. Children's Authority:

To provide recommendations on how the Children's Authority of Trinidad & Tobago can become fully empowered to carry out its mandate, including factors of budget, staffing allocations, accommodation, approvals for organisation and structure, compensation approval and decision making/reporting/accountability lines and co-option of expertise.

3.2. Policy and Legislative Review:

3.2. (I) To undertake a comprehensive review of all regulations, and legislation focused on the care, health and protection of children with a view to co-ordinating such legislative measures so that they support and strengthen each other

3.2.(ii).To undertake a review of public sector processes focused on the care, health and protection of children so that their efforts are synchronized to provide the most extensive and effective coverage consistent with the Convention on the Rights of the Child.

3.2.(iii)To provide recommendations on how the present child protection legislation can be improved and where necessary, activated through proclamation including the development of the infrastructure that will be required to operationalize the related support structures of the Children's Authority.

3.2.(iv)To provide recommendations on the specific risk areas which require State intervention and remedy, outside of legislative action, including but not limited to family life, community development strategies, youth diversion strategies and public information and awareness strategies;

3.2. (V) to determine the issues which influence and create risk situations for children, and how the State, through policy intervention and partnerships with non-governmental and community organizations, can lessen these risks;

3.3 Service Delivery at the State and Community Levels

3.3.(i) To provide recommendations on how areas of legislation and policy which indirectly impact on the care and protection of children can be streamlined and improved ,in accordance with the provisions of the Children's Authority Act;

3.3(ii)To provide recommendations on areas where emergency responses can be widened, accelerated and structured in a manner to immediately respond to the needs of children at risk;

3.3. (iii)To provide recommendations on how all services focused on Child Care and Protection can be networked to operate in a seamless and highly efficient manner

3.3(iv)The provision of increased resources to the Student Support Services Unit of the Ministry of Education to deal with the early detection and provision of remedial assistance to children at risk...

3.3. (v) To provide recommendations on how early warning systems can be structured to provide for the detection of children who live in risk situations, and

3.3(vi)To provide recommendations on sourcing and improving counselling and specialist care services for children who have been removed from high risk situations, including the suitability of training available from local institutions, and the adequacy of the number of trained service providers

4. SCOPE:

4.1. The Child Protection Task Force shall be formed and initiated by Prime Minister the Honourable Kamla Persad-Bissessar, and report to her on its findings periodically over the course of its work, the first such report, on the Children's Authority objective as outlined above shall be delivered within six (6) weeks.

4.2. Recommendations shall be discussed at the level of Cabinet before being presented to the Parliament.

4.3. The Child Protection Task Force is not formed as an alternative unit or sub-set of any Ministry and shall be dissolved upon delivery of its final report unless its term of office, or that of a sub-committee of the Task Force to provide follow-up responses to queries that may arise from the Reports submitted are extended by the Honourable Prime Minister.

5. CONSTRAINTS:

5.1. Although several members of the Task Force have executive roles in their own Ministries and Departments, the Task Force itself will be constrained to the making of recommendations save that the Children's Authority, The Victim and Witness Support Unit of the Police Service, the Citizen Security Program, the Student Support Services of the Ministry of Education, and the Social Welfare Division of the Ministry of the People and Social Development may implement such recommendations as fall within their statutory mandates. Those NGO's represented on the Task Force are also free to implement such recommendations as fall within their organisations' mandates.

5.2 Where policy and action measures are formed out of these recommendations relevant to specific Ministries, implementation will take place through the relevant Ministries and State agencies as a matter of priority and with expedited procedures and responsibility for monitoring progress will be assigned to specific Ministerial representatives on the Task Force..

6. INTERFACES:

6.1. The Child Protection Task Force, through the Chairman, or in her absence, the Vice-Chairman, shall be empowered to request information relevant to the mandate of the Task Force through members of the Task Force, Line Ministers or their assigned representatives.

6.2. Where the need arises for specific information to be obtained from any Public Service function, including the Judiciary, requests shall be made on behalf of the Task Force by Line Ministers or their designated representatives, in accordance with established protocols...

7. ROLES AND RESPONSIBILITIES:

7.1. The primary roles and responsibilities of the Child Protection Task Force shall be (i) To Accelerate the full operationalisation of the Children Authority, (ii), examine and comprehensively review all policy, legislative and regulation issues directed by the State and (iii) to review Service Delivery at State and Community levels focused on the protection of children,

8. METHODOLOGY:

The operations and functioning of the Child Protection Task Force, in the context of location and regularity of meetings, deliverables and provisional responsibilities shall be prescribed by the Chairman after discussion and agreement with the Prime Minister, and the concurrence of the members of the Task Force.

9. DELIVERABLES:

9.1. The Child Protection Task Force will have achieved its mandate fully upon the presentation of a final report which fulfils all issues detailed in this TOR's 'Purpose' and makes provision for follow up and monitoring of the recommendations in order to report progress to the Honourable Prime Minister..

9.2. If there exist any dissenting views that are not contained in the final report, these views together with the reasons for excluding them from the final report shall be provided as minority reports and attached to the final report as additional addenda.

10. ASSUMPTIONS:

10.1. The Child Protection Task Force shall be afforded meeting space and all materials and equipment necessary for its full functioning including such stipends as are agreed by the Ministry of Finance. As such, all budget and expense related items for the Task Force shall be agreed to before the first report is submitted and thereafter be taken by the Ministry with all normal Public Service protocols and processes for approvals being observed.

10.2. The discussions, documentation of meetings, review and filing of policy and event information, storage and data related to the Task Force shall be kept private and confidential; no member of the Task Force is empowered to make and engage public statements on its functioning or purpose whether in writing, through media interviews, or through discussions outside of the Task Force without the approval of the Chairman.

11. MEMBERS:

Minister Clifton De Couteau, Ministry of Gender, Youth and Child Development
Sen. the Hon. Razia Ahmed, Ministry of Gender, Youth and Child Development
Minister Vernella Toppin, Minister of State in the Ministry of the People and Social Development
Ms Sandra Jones. Permanent Secretary, Ministry of Gender, Youth and Child Development
Mrs. Stephanie Daly, S.C., Chairman of the Board of Management of the Children's Authority
Ms Hazel Brown, Special Envoy on Women and Girls
Ms Hazel Thompson Ayhee, Attorney-at-Law
Mrs. Brenda Goopeesingh, Special Envoy on Women and Girls
Margaret Sampson-Browne, former Assistant Commissioner of Police, and current Manager of The Victim and Witness Support Unit
Ms Anna Marie Mora (Chair - TBC)
Mr. Gregory Sloane Seale, Programme Co-Ordinator, Citizen Security Programme
Ms Zena Ramatali, President of the National Parent and Teachers Association
Pastor Clive Dottin
Representative of the Student Support Services, Ministry of Education
Representative of the Ministry of the People and Social Development
Mrs. Diana Mahabir-Wyatt, Chairman

12. PRE-TASK FORCE RECOMMENDATIONS:

A number of recommendations have already been made and shall form part of the review of documents given to the Task Force for reference purposes.

Appendix 2 and Appendix 3 .

Documents attached to the First Report Review of Legislation in reference to Children's Authority and Children's Community Residences

Criminal Provisions in the Children's Act 2012

ISSUE: WHETHER:

- A THE CHILDREN'S AUTHORITY ACT, 2000 AND THE CHILDREN'S COMMUNITY RESIDENCES, FOSTER HOMES AND NURSERIES ACT 2000 CAN BE FURTHER PROCLAIMED IN THE IMMEDIATE FUTURE;**
- B THE CHILDREN ACT, NO. 12 OF 2012 CAN BE PARTIALLY PROCLAIMED PENDING THE PROCLAMATION OF THE CHILDREN'S AUTHORITY ACT, 2000.**

Issue B can best be addressed after Issue A is considered, as this provides the context in which Issue B must be considered.

ISSUE A:

The Children's Authority Act, 2000

As explained below, it is not feasible, in the very short term, to proclaim any of the remaining substantive provisions for the protection and care of children since these are dependent on the necessary systems and structures and the human resources being in place to allow the Authority to carry out its functions and duties under the Act.

- 1. Powers and functions conferred on the Authority by the Act (section 5(1))** include the following:
 - (i) To provide care, protection and rehabilitation of children in accordance with Part III of the Act.** This requires the Authority to be in a position to:
 - a. Receive reports.
 - b. Investigate reports.
 - c. Conduct initial assessments and make referrals.

Note 1:

Although the Authority may liaise with agencies for counselling, investigations (particularly the police) and continued management of the case with respect to (b) and the referral aspect of (c) above in accordance with section 14(2)(b), the initial involvement of the Authority is necessary.

- d. Receive children into its care (an interim Care Order is necessary) and facilitate the conduct of medical examinations, diagnostic assessments and the formulation of treatment plans in respect of children received into its care (a Child Assessment Order may be

- necessary). It may also be necessary to apply to the Court for an Emergency Protection Order.
- e. Implement (treatment plans) while in care of the Authority (up to 12 weeks).
 - f. Recommend placement of a child and make the necessary Court applications for the relevant Order in accordance with section 25. Section 25 Orders include:
 - A Care Order (placing the child in the care of the Authority or in a community residence);
 - A Foster Care Order;
 - A Fit Person Order under the Children Act;
 - An Order freeing a child for adoption (child being made available for adoption - a new provision in the unproclaimed Adoption of Children Act, 2000).
 - A Supervision Order (which requires the introduction of s.25K in the Children's Authority Act by Schedule 3 of the unproclaimed Children Act, 2012).
 - Any other Order that the Court thinks fit.

Note 2:

Placement of the child in alternative care, where necessary and in the child's best interests, is crucially important. While it may be possible to place some children with a relative or other fit person, there may be many others, as experience has shown, where resort must be had to other forms of alternative care. Foster care and placement in a community residence (as provided for under section 25) are the two most immediate options under section 25 that present themselves once the Act is proclaimed. The implications are therefore clear: community residences must be licensed and the foster care system needs to be established in order to enable the Authority to consider these placement options.

Both of these processes can only occur upon the proclamation of the Children's Community Residences, Foster Homes and Nurseries Act, 2000. And while the necessary systems are being put in place by the Authority to enable licensing of community residences and the establishment of the foster care system once the Act is proclaimed, there will still be a time lapse before these placements can be made.

In the absence of licensed community residences and a system of foster care, Fit Person Orders and an Order freeing a child for adoption remain the other two options. Adoption, while extremely important as an alternative and permanent placement option, is a less immediate solution, is less likely for older children and is also tied to the unproclaimed Adoption of Children Act, 2000 which is awaiting amendment before proclamation. The amending Bill must be laid in Parliament and this is

understood to be engaging the attention of the Ministry of Gender, Youth and Child Development.

Note 3:

The minimum staffing requirements for the above need to be considered.

Note 4:

As discussed below in the context of the early proclamation of the criminal provisions of the Children Act 2012, the Court has the power under that Act to deem children (victims and offenders) in need of care and protection, thereby invoking the Authority's functions as above.

(ii) To investigate and make recommendations with respect to the adoption of children in accordance with the Adoption of Children Act, 2000.

See above. Essentially, a Committee of the Children's Authority Board will be replacing the Adoption Board (see sections 5A and 7A of the Children's Authority Act). In addition, the need for public sensitisation and changing the current cultural attitudes towards adoption is apparent. While the Adoption Bill (now 2013 and soon to be 2014) needs to be tabled in Parliament to enable the Children's Authority Board to assume the adoption functions, it is suggested that if for some reason this process is not completed at the time the Children's Authority is in a position to commence operations (without adoption), then consideration may be given to leaving the relevant provisions unproclaimed until the Bill is enacted. The current Adoption Board is in place for two or three years and can function under the existing Adoption Act. One drawback of this is that the Court will not be able to make an Order freeing a child for adoption under section 25 of the Children's Authority Act 2000 or go outside the present legislative restrictions. There is the possibility, however, that the Bill may be enacted prior to the proclamation of the Children's Authority Act 2000. In that case, once the Adoption Act, 2000 is also proclaimed, the Children's Authority will need to be in a position to assume the adoption function otherwise a vacuum will be created with respect to adoption. It should be noted that the committee of the Authority to deal with adoption includes a member nominated by the Tobago House of Assembly, but no such member has been appointed to the present Board since it assumed office in March 2012.

(iii) To investigate complaints made by any person with respect to any child who is in the care of a community residence, foster home or nursery that they (community residence, foster home or nursery) failed to comply with the requisite standards prescribed and any incident of mistreatment of children in such places.

This is a critical function of the Authority that assumes that community residences and nurseries are licensed and that the requirements have been prescribed. Similarly, it assumes that the foster care system under the Children's Community Residences, Foster Homes and Nurseries Act has been established, a Register of Foster Parents is being maintained and that children are being placed in foster homes pursuant to section 25 of the

Children's Authority Act 2000 and the relevant sections of the Children Act 2012.

Note 5:

The draft standards, Regulations and Rules for community residences have been developed by the Authority. The draft standards for the foster care system have been developed by the MGYCD in collaboration with the Authority and are being finalised. The draft foster care regulations are being developed. The regulations are subject to affirmative resolution of Parliament. This implies that policy directions (for drafting) will require the approval of the Cabinet, directions to be given (by the Cabinet) to the Chief Parliamentary Counsel to draft, the draft regulations to be considered by the Legislative Review Committee following which they will be tabled in Parliament. This process must be completed at the time of proclamation of the Children's Community Residences, Foster Homes and Nurseries Act 2000 so that they can be signed the next day or shortly thereafter.

Note 6:

A policy decision has been considered to partially proclaim the Children's Community Residences, Foster Homes and Nurseries Act 2000¹, omitting nurseries if the policy, standards and regulations for nurseries are not completed at the time the Authority is ready for start-up. The proclamation of the Children Act 2012 does not depend on the licensing of nurseries and such licensing will require a large number of staff to satisfy sections 46 as well as monitoring functions within the period specified in the Act. There is further no database of nurseries and one will need to be developed. The sensitisation of persons functioning in a previously unregulated area will also be important for a smooth transition, as the Act provides a 3 month time limit for applications for licensing. These issues are understood to be engaging the attention of the MGYCD.

Note 7:

Staff will need to be in place to conduct the investigations (taking into consideration section 14(2) (b) of the Children's Authority Act) and the necessary protocols developed for this investigative function to be carried out. Management of stakeholder participation will be significantly more complex than in the case of Community Residences

(iv) **To investigate complaints of mistreatment or reports of mistreatment of children and**

(v) **Upon investigation, remove a child from his home where it is shown that the child is in imminent danger.**

This investigative function appears to be in addition to (i) and (iii) above. No definition of mistreatment is given and a liberal interpretation may be taken which encompasses both minor and major mistreatment (in all its forms).

Note 8:

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Subsequent to the Task Force Meeting the possibility of a proclamation giving a later, but fixed date, for the commencement of the Nurseries provisions was preferred.

Staff (who may be the same for performing all investigative functions) and protocols that will enable the Authority to carry out this function, if indeed it is much wider than (i) above will need to be in place.

Note 9:

Removal of a child from his or her home is a serious undertaking and may or may not be done in collaboration with the police. The Authority, , has an independent power of removal but will be supporting this with Court orders as appropriate.

(vi) & (vii) To issue, suspend and revoke licences of community residences and nurseries and to monitor their compliance with requirements as may be described.

Note 10:

The staffing and other requirements are mentioned earlier.

Note 11:

In addition to the draft standards and draft Regulations developed by the Authority, noted earlier, a draft licensing system has been developed by the Authority.

2. Duties of the Authority prescribed under section 6 of the Children's Authority Act 2000

Section 6 (1) of the Children's Authority Act speaks to very broad and general duties. Only paragraph (e) of the subsection, which addresses the availability of staff has been proclaimed. Some of these duties emphasise the role of the Authority in the prevention of abuse as well as its role in changing cultural attitudes towards children with the adoption of rights-based approaches. It will not be a useful approach to excise these general but important duties for the purposes of proclamation.

Conclusion: It is not possible to further proclaim the Children's Authority Act 2000 unless, as outlined above, the structures and human resources are in place to enable it to carry out its mandate under the Act for the care and protection of children.

ISSUE B

Criminal Provisions (Offences/Sanctions) of the Children Act 2012

The issue has been raised raised by the Chairman of the Child Protection Task Force at its first meeting held on Friday 6 December 2013 whether the criminal provisions of the Children Act 2012 can be proclaimed in the near or immediate future prior to the commencement of operations of the Children's Authority.

The legislation establishing the Children's Authority was enacted in response to the calls of many commentators for there to be a single body that would be central to the protection of children and could give focus to the somewhat diffuse and piecemeal structure that was in place. It is not surprising that the Children's Package of legislation has the Authority at its heart as that was the intent and purpose of the revision of this area, in addition to strengthening and modernisation.

1. The New Child Protection System

1.1 The Children’s Authority Act, Chap. 46:10, and the Children’s Community Residences, Foster Homes and Nurseries Act, 2000, are the two primary pieces of legislation that establish a new **civil child protection system**, in effect, to replace the current system set out in the present Children Act (Chap. 46:01 of the Laws of the Republic of Trinidad and Tobago). This new system will take effect upon the proclamation of the Children’s Community Residences and Foster Homes and Nurseries Act and the remaining provisions of the Children’s Authority Act. As explained under Issue A above, provisions of the Children’s Authority Act already proclaimed essentially enabled the Board of Management to be established and further confer on the Authority the power to recruit staff (subject to certain restrictions), establish Assessment and Support Centres and Reception Centres and establish and manage a financial system. The Children’s Authority Act also gives the Authority responsibility for the protection of children, receiving complaints regarding children in alternative care, promoting the well being of children and advocating for their rights.

Specific powers given to the Authority under the Children’s Authority Act include, *inter alia*, the following:

- (i) **providing care, protection and rehabilitation of children in “need of care and protection”, (s.5(1)(a) & s.22(1);**
- (ii) **managing the adoption of children under the Adoption of Children Act, 2000² and the relevant amendments to the Children’s Authority Act, (s.5(1)(b));**
- (iii) **investigating complaints regarding the mistreatment of children in community residences foster homes and nurseries and breaches of standards prescribed for same, (s.5(1)(c));**
- (iv) **investigating complaints or reports of mistreatment of children (generally) , (s.5(1)(d));**
- (iv) **removing a child from his or her home where the child is in imminent danger, (s.5(1)(e));**
- (v) **licensing and monitoring community residences and nurseries, (s.5(1)(f) (and managing the foster care system established under the Children’s Community Residences, Foster Homes and Nurseries Act);**
Note 1:

The responsibility of the Authority for providing care, protection and rehabilitation of **children in need of care and protection** (paragraph (i) above) involves receiving reports, carrying out initial assessments, conducting in-depth assessments of children received into care which would involve social workers, child psychologists and medical and other qualified personnel (including a child psychiatrist) as the case may be and who are mandated to formulate treatment plans which are regarded as a fundamental requirement for every child in care, and the implementation and follow up of such treatment plans.

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² This Act is subject to proclamation, and some further amendments had been contemplated prior to proclamation and had reached the LRC. These included an unresolved issue of seeking to make the fact of adoption less apparent on the “birth certificate” typically required by school system, to protect the child from unexpected information, and insensitive comments.

For children determined to be in need of care and protection, the Authority will be required to apply to the Court with responsibility for family matters, for one or more of a range of orders including Orders for Family Assistance, Secure Accommodation, Care, Assessment, Emergency protection, Fit Person (under the Children Act), Foster Care, Adoption and Supervision. Such orders will only become available upon the proclamation of the Children's Authority Act (and the Supervision Order requires an amendment made in the unproclaimed Children Act, 2012). The Authority also has responsibility for placement in alternative care or responsibility and to supervise children left in the care of their parents, guardians or other persons with responsibility for the child.

The Children Act 2012

1.2 The Children Act 2012 was designed in a manner that links it to the child protection system set out in the Children's Authority Act and the Children's Community Residences, Foster Homes and Nurseries Act. The Act itself combines a civil protective regime for children who are victims of abuse, abandonment and neglect with a criminal regime geared primarily to dealing with sexual conduct against children³. Both are linked in fundamental ways to the child protection system set out in the Children's Authority Act and the Children's Community Residences, Foster Homes and Nurseries Act and hence to the Children's Authority. Even where elements of the civil protective regime such as places of safety are reflected only in the 2012 Act, this is tied to the Children's Authority. The three pieces of legislation are interdependent and are intended to work in tandem to provide for a more robust and progressive child protection system.

2. Summary of the main criminal provisions of the Children Act 2012 and express linkage to the Children's Authority

2.1 The Act essentially repeats the offences of cruelty (s4), begging (s5) and exposing children to the risk of burning (s6) but with modifications.

2.2. It introduces new offences of injury or death by a firearm or ammunition (s7) and giving, selling or renting a firearm or ammunition to a child (s 8).

2.3. It further introduces the offence of female genital mutilation (s9).

2.4 It deals with the abuse of children through prostitution (SS11-17) by repeating, with modifications, existing sections in the Children Act, Chap. 46:01 and elements of the Sexual Offences Act as well as introducing new offences to deal with child prostitution.

2.5 Section 12 deals with the offence of causing or encouraging the seduction, prostitution or sexual penetration of a child with s12 (4) expressly mandating the Court **to bring a child to the attention of the Authority** where it is satisfied that a child is exposed to the risk of seduction or prostitution with the knowledge of the parent, guardian or person with responsibility for the child. Further, s12 (4) (b) empowers the Court to make a Supervision Order under the Children's Authority Act in respect of such a child. Moreover, the Authority is given a critical role in the implementation of a Supervision Order (see Schedule 3 of the Children Act 2012).

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³ Sexual offences committed against children are moved out of the Sexual Offences Act and the provisions strengthened based upon more modern concepts and an appreciation of the new opportunities provided by new technology such as internet grooming.

2.6 Part VI of the Act introduces a new criminal regime for sexual offences against children (aged up to 18). It does this through the establishment of the following offences:

- Sexual penetration of a child (s18)
- Sexual touching of a child (s19)
- Causing or inciting a child to engage in sexual activity(s21)
- Causing or inciting a child to engage in sexual activity with an animal (s 22)
- Engaging in sexual activity in the presence of a child (s23)
- Causing a child to watch a sexual act (s24)
- Meeting a child following sexual grooming(S25)
- Abuse of positions of trust and familial relationships (ss 29-32): The Act provides for higher penalties in some instances. Persons in positions of trust include-

- (i) a person who looks after a child in a **community residence**; or
- (ii) a person at an Assessment and Support Centre or a Reception Centre maintained by the Authority or is cared for in nursery or foster home under the Children's Community Residences, Foster Care and Nurseries Act ; or
- (iii) a person who is to report to the Court or the Authority under the Act, the Family Proceedings Act or the Children's Authority Act;
- (iv) a person who looks after a child on an individual basis, where, the child is subject to, among other orders, a **Foster Care Order, Care Order or Child Assessment Order**.

Note 2: The abuse of positions of trust applies to all the sexual offences specified in sections 18-25(sexual offences). It is clear that the provisions outlined at (i) - (iv) cannot be operationalized without the proclamation of the Children's Community Residences and Foster Care Act and the remaining provisions of the Children's Authority Act since, for example, community residences need to be licensed by the Authority, a foster care system needs to be established and managed by the Authority and Orders referred to can only become available upon proclamation of the Children's Authority Act. This means that it will not be possible to charge such persons as persons in positions of trust. Similarly, it will not be possible to charge a foster parent or spouse or cohabitant of a foster parent as a person in a familial relationship. (s.32 (d)).

3. Role of the Authority in relation to the victims and offenders.

Generally, a child who has been the victim of any offence under the Act may, and must in some cases, be referred to the Authority. Where children have committed sexual offences, including offences under the 2012 Act, the Authority must be notified. The specific provisions are as follows:

3.1 Section 33 **mandates a constable to notify the Authority** where he has reasonable cause to believe that a sexual offence has been committed by a child. This refers to sexual offences both under the Children Act 2012 and the Sexual Offences Act. The purpose of notifying the Children's Authority is presumably so that the child (and his or her family, if necessary) can be monitored by the Authority. The section cannot therefore be implemented unless the Authority commences its operations.

3.2 Under s.34, the Court has the power to order that a victim of any of the sexual offences mentioned in Part VI (ss. 18- 32) be **deemed in need of care and protection and referred to the Authority**. This deeming provision triggers the Authority's

functions as earlier outlined at Note 1. The section further mandates the Authority to seek any appropriate order of the Court. This is an extremely important power of the Court to ensure that the child is adequately dealt with in the new system and will require the Authority to be fully functional.

3.3 Part VII deals with offences related to dangerous drugs, tobacco and alcohol. Immediate notification of the Authority is mandated where a child is in possession of tobacco products or alcohol, smoking tobacco products or drinking alcohol. Again, monitoring by the Authority is implied.

4. Provisions for the safety of children: Places of Safety and other mechanisms

4.1 Apart from the express linkages to the child protection system embodied in the criminal provisions as seen from the foregoing, Part IX of the Children Act, 2012 also makes provision for the safety of children. It adopts the places of safety concept from the existing Children Act and modifies it in a manner that gives to the Authority responsibility for places of safety and for children taken to places of safety. Under the new Act, children taken to places of safety will immediately trigger the important power of the Authority to deal with the child as prescribed. Children may be taken to places of safety for a range of conduct against them, but more specifically and in relation to the criminal provisions under the 2012 Act, s45 specifies that a child may be taken to a place of safety if **an offence under the Act** has been, or there is reason to believe or is likely to be committed. The constable or other person taking the child to the place of safety is mandated to notify the Authority and the Authority must immediately act. The places of safety provisions which are directly linked to victims of the criminal offences under the 2012 Act cannot be operationalized until the Authority commences its operations. The Court also has the power to cause the child taken to a place of safety to be dealt with under the Children's Authority Act.

4.2 Under s.45 (5), the Court also has the power to bring a child to the attention of the Authority **where it appears that an offence under the Act (Children Act 2012) has been committed.**

4.3 Crucially also, where a person who has responsibility for a child is convicted of an offence under the 2012 Act, or committed for trial or bound over to keep the peace in respect of any such offence, **the Court is mandated to take the child out of the responsibility of the person and bring the child to the attention of the Authority (s46 (1)).**

4.4 **The Court further has the power to bring the child to attention of the Authority** in other circumstances where an offence has been committed against a child by a person with responsibility for the child. (s 46(2)).

4.5. **Once the child is brought to the attention of the Authority, it must immediately act in accordance with s. 46(3).**

4.6 **The Court is further mandated to immediately notify the Authority** if it appears that a child has suffered, is suffering or is likely to suffer harm as to cause concern for the welfare of the child. The definition of harm extends to an offence under the 2012 Act.

4.7 Because the role of the Authority involves interfacing with the Court, whether as an applicant for the removal or placement of a child, or otherwise, **it is crucial to the work of the Authority that it have a strong legal team, with attorneys who are**

genuinely experienced in family and child protection law. The recruitment and training of this team is also a prerequisite for the Authority to become fully operational.

Conclusion

As the foregoing demonstrates, it is not possible to sever the criminal provisions under the Children Act 2012 for the purposes of proclamation. The criminal regime under the Act is intimately linked to the child protection system to be managed by the Authority through referrals of victims (mandatory or otherwise) by the Court and mandatory notification of the Authority by the police and other agencies in respect of victims and child offenders. The Authority also has independent powers to act in respect of children taken to places of safety.

Proclamation would not be advisable since it would result in the repeal of current legislation and any attempt at implementation would be unsupported by the civil child protection regime managed by the Authority which the Act expressly contemplates. To proclaim the provisions would create a vacuum in the law in addition to putting into place new provisions bereft of the necessary supporting structures. One consequence of this could be unsafe prosecutions/convictions.

The Children Act, 2012 also addresses the treatment of children before the Court, whether as victims or perpetrators (Part X, s.91⁴ & s.99) and establishes the concept of a “Children’s Attorney”, (s.88)⁵, which is to be a unit under the Solicitor General, led by the Senior Children’s Attorney, appointed by the Judicial and Legal Services Commission. The Court may request the assignment of such an officer “to represent and safeguard the interest of a child and perform such other functions as the Court may think necessary”,(s.88(5)). Essentially they are to be independent in exercising their functions, (s.90) and their role is to support a child through a court process. Their submissions may be required by the Court, (s.59(1)(d) & (e)). The development of the function of the Children’s Attorney and training of those who will fill the role should have occurred before proclamation of the Children Act. The Act also provides for communication with a child witness with limited ability to follow the proceedings, to be through a competent and qualified intermediary appointed by the Court – another area where specialist training is required.

Section 81 provides for a Juvenile Court – intended to be more sensitive to the needs of children and with more constructive powers than previously.

Further, because a new criminal regime to deal with sexual offences will be introduced which will repeal several sections of the Sexual Offences Act and new offences will be charged, there is a critical need for training and sensitisation of the police as well the judiciary and all actors within the criminal justice system to avoid the confusion that may arise and to ensure that the process will work smoothly. The intended impact of the changes in the criminal law will be lost if followed by confusion as to the charges to be brought and the sanctions and remedies available.

There are also consequential amendments contained in the Third Schedule of the Act, some of which could create immediate difficulties if additional infrastructure is required, (see Appendix A).

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⁴ S.90 et seq provides for the use of technology to protect a child from repeated statements, and the trauma of confrontation with an alleged perpetrator and other persons in the Court.

⁵ See http://www.youtube.com/watch?v=c_dEHh19nLM for a Jamaican perspective on familiarising a child with the Court.

Appendix A

Consequential Amendments in Third Schedule to the Children Act, 2012.

- The Summary Courts Act is amended to raise the age for the definition of “young person” from 16 to 18.
- The Sexual Offences Act is amended by the repeal of offences that have been relocated in the Children Act in more robust and expanded form.
- The Education Act is amended to increase the period of compulsory education from 6 – 12 to 5 – 16 with possible impact on resources required (although this is seen as the law catching up with practice).
- Some minor changes to the Children Authority Act including provision for a supervision order which had been referred to in other legislation but does not exist at present.
- Some minor changes to the Children’s Community Residences, Foster Homes and Nurseries Act.
- Liquor Licences Act – a new offence of using a child to buy or sell alcohol
- Tobacco Control Act – similar new offence in relation to tobacco.
- Trafficking in Persons Act – an amendment to bring “child pornography” into line with this Act.

Appendix 4

The Re-Introduction of the District Health Visitor in the Community Health System

ADDRESSING CHILDREN AT RISK: THE COMMUNITY HEALTH APPROACH

INTRODUCTION

The Country is now focused on a way to improve the lives of many of our children, saving them from unhappy childhoods and even death. Many of us recognise that the root cause of this phenomenon is set in the family life problems. The purpose of this paper is to propose a strategy that involves the community and health services of the Republic of Trinidad and Tobago and which requires the efficient use of our community nursing service.

The Ministry of Health (MOH) subscribes to the World Health Organization's definition of health which describes health as not only the absence of disease and infirmity but also includes mental and social well being. In order to achieve this, MOH has presented as its goal the achievement of **Primary Health Care** which is 'essential health care; based on practical scientifically sound, and socially acceptable methods and technology; universally accessible to all in the community through their full participation; at an affordable cost; and geared toward self-reliance and self-determination' (WHO & UNICEF, 1978). As a philosophy, primary health care is based on the **overlap of mutuality, social justice and equity**. As a strategy, primary health care focuses on individual and community strengths (assets) and opportunities for change (needs); maximizes the involvement of the community; includes all relevant sectors but avoids duplication of services; and uses only health technologies that are **accessible, acceptable, affordable and appropriate**. Primary health care needs to be delivered close to the people; thus should rely on maximum use of both lay and professional health practitioners.

The MOH spells out its implementation of Primary Health Care in part, in the provision of community health services among other provisions and outlines the roles of nursing staff- the district nurse, the school nurse, the district health visitor and the mental health officer.

The District Nurse plays a crucial role in the primary health care team. She/he visits people in their own homes or in residential care settings, providing care for clients and supporting family members. As well as providing direct care, district nurses also have a teaching role, working with clients to enable them to care for themselves or with family members, teaching them how to give care to their relatives. In an appropriately organized

health system, district nurses play a vital role in keeping hospital admissions and readmissions to a minimum and ensuring that patients can return to their own homes as soon as possible.

The School Nurse performs a variety of services such as providing health and sex education, developmental screening, health interviews and administering immunization programmes in schools.

The Mental Health officer works with people with severe and enduring mental health needs, a history of frequent or lengthy admissions to psychiatric wards, difficulty maintaining consistent engagement with services, and complex needs, including homelessness, substance misuse and offending.

THE ROLE OF THE DISTRICT HEALTH VISITOR

District Health Visitors are nurse midwives who hold post graduate specialist qualification and work on the field of child, family and public health. They combine nursing, midwifery and public health education giving them ability to utilize biomedical and psychosocial knowledge with understanding of the health system to provide for the care and wellbeing of the child and family.

In particular we want to point out the role Health Visitor which has four main parts:

1. The search for health needs.
2. The stimulation of an awareness of health.
3. The influence of policies affecting health.
4. The facilitation of health enhancing activities.

Specially the health visitor has as aspects of her role

1. The prevention of mental, physical and emotional ill health and the alleviation of its consequences.

2. Early detection of ill-health and the surveillance of high risk groups, for example where there is substance abuse and relationship breakdown as may be evidenced by changing behaviours of individuals.
3. Recognition and identification of need and mobilization of appropriate resources where necessary.
4. Health teaching.

As aspects of her function the health visitor conducts clinics in the Health Centre to:

1. Assess the progress of pregnancies and the continuing health status of the mothers.
2. Educate the mothers and significant others on the relevant aspects of antenatal care.
3. Assess the physical, intellectual, emotional, social and behavioural development of children 0-5 years at specified intervals.
4. Intervene appropriately when health problems and potential health problems are identified.
5. Perform specific health promotion activities.

As aspects of her function she conducts home visits to:

1. Continue the postnatal care of the mother and the infant, which includes assessing and treating with emotional, developmental, feeding, weaning, economic and social aspects of the family and making referrals as necessary, for example, to the mental health and social services.
2. Provide emotional support regarding issues such as postnatal depression, bereavement, disability, family conflict and domestic violence.

The Health Visitor also works collaboratively with children's centres, schools, preschools and action groups in the local community.

It is clear from these roles and functions that the health visitor is in pivotal position to assist families under stress and identify children in need of support and safeguarding. Apart from her professional preparation, the health visitor is constantly developing skills in discovering and processing information that will identify children who are at risk or who are being abused. Health visitors have special access to families during health and

development checks that other professionals do not. Their unique position should allow them to be influential and key players in child-protection surveillance.

The National Health Service of the United Kingdom since its restructuring in 2002 provides an excellent example of the use of the health visitor capacity. A senior paediatrician and health visitor are identified to take the lead on child protection services in all Primary Health Care Trusts. The health visitor of individual families acts as a resource point for other agencies.

THE ISSUE IN THE REPUBLIC OF TRINIDAD AND TOBAGO

At present, District Health Visitors, School Nurses and District Nurses have distinct roles but because of staff shortage and lack of clarity in the implementation of the Primary Health Care strategy there is significant overlap in their functioning. The district Health Visitor spends precious hours conducting clinics that can be efficiently conducted by other qualified staff (District Nurses and Registered Nurses). The District Health Visitor's responsibility for home visiting is greatly neglected and this means that actual and potential family life problems including child abuse are not identified.

RECOMMENDATIONS

1. That the committee recognise the key role of the district health visitor in the addressing of this problem.
2. That the Committee makes recommendations to the Government of Trinidad and Tobago so that necessary resources could be made available to the MOH for the effective and efficient functioning of the Community Health Nursing Services to meaningfully address this problem for the protection of our children.

References

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2. The Lancet UK Policy Matters: Better evidence for better health policy [http://UKpolicymatters.thelancet.com/policy-summary-the-health-visitor improvement-pl](http://UKpolicymatters.thelancet.com/policy-summary-the-health-visitor-improvement-pl).

Appendix 5

Establishment of a Special Police Unit for Child Protection and Family Violence

RESPONSE TO THE PROPOSAL FOR THE ESTABLISHMENT OF A CHILD PROTECTION UNIT/TASK FORCE FOR ABUSED CHILDREN IN TRINIDAD AND TOBAGO

1. Introduction

The Children's Authority of Trinidad and Tobago (the Authority) welcomes the initiative to establish within the Trinidad and Tobago Police Service a unit where the personnel will be specially trained and will be sensitive to the social issues which arise in situations involving children. The Authority looks forward to working with such a unit and in the spirit of collaboration has prepared this document with two overarching objectives:

- i. To provide feedback on the Proposal for the Establishment of a Child Protection Unit/Task Force for Abused Children in Trinidad and Tobago, and
- ii. To clearly delineate the areas in which the Authority anticipates collaboration with the police, based on a close review of the legislation (including roles and functions).

2. Response to the Proposal for the Establishment of a Child Protection Unit

The Children's Authority is created by Act No. 64 of 2000 as amended. The Authority is intended to assume a central position in relation to the protection of children in Trinidad and Tobago. In order to do this effectively it is essential that the organisation is able to work closely with the Police. Areas where this is particularly relevant are:

- i. Receiving information as to children who appear to be in situations where they require protection;
- ii. Utilizing the power of the police to remove children from dangerous situations as an emergency response; and
- iii. Being accompanied by police officers to preserve the peace when the Authority has to implement a Court Order which has been obtained concerning a child.

Due to the various complexities of the situations outlined above, it is important that the Authority and the Police work as a team and that the boundaries between their respective functions are also understood and observed. It is suggested that the initial objective of the proposed unit should be to ensure that there are sensitised officers posted in all divisions so that the anecdotal accounts of inappropriate treatment towards those reporting abuse become a thing of the past. Child-friendly waiting areas, and different or less formal uniforms can assist in protecting children from the further traumas that interfacing with the police has sometimes contributed to in the past.

In addition, the step which must follow is the Police reporting to the Authority so that the organisation can provide the appropriate support, including a proper assessment of the child

and his or her needs. A sensitised response to a traumatised child on the part of the Police is not the same thing as therapeutic treatment of children, and it is the role of the Authority to initiate this. There is tremendous potential for the Police and the Authority to work together in relation to matters such as outreach programs and public education, but good co-ordination will be required to ensure that neither body is overstepping its mandate, and that the message to the public is always consistent.

Statement of Purpose and Objectives

Under the title “Statement of the Problem” the Proposal states that “All efforts to eradicate or diminish abuse against children must be explored to the fullest extent, by skilled knowledgeable competent professionals, integrated into the Task Force.” There can be no objection to the Police seeking to improve on their skillset in this area. However the Authority would respectfully suggest that such statements should be qualified by an indication that this is something to be done in conjunction with the Authority which is being established with “skilled knowledgeable competent professionals” on board. The Proposal focuses on children, but it is suggested that the sensitised response from Police is not only required by children, but also by the adults, and particularly those affected by domestic violence. It cannot be that the child is settled in a child-friendly waiting room, while a distraught parent is simply outside the remit of the unit. When there are references to holistic treatment, it is suggested that this must include sensitive treatment of the wider family, subject of course to the detection of any criminal offences. Although the Objectives are stated to include support for the child’s family, it is not really clear how this is intended to operate. It is noteworthy that the third objective talks of protecting “children from child abuse, through a co-operative integration of the Unit/Task Force of Trinidad and Tobago and other stakeholders such as the government, the media, parents and society at large”. Strikingly absent is any mention of the Authority which is the body charged with responsibility for protecting children.

The sixth objective states that the Unit is “To foster an enabling environment providing empowerment, protection, investigation and psycho-social support for families”. Whilst it is fully appreciated that this is a laudable aim, the Police are not the primary providers of the services referred to – nor should they be, as there are other bodies with these roles. Because the Police have an investigative role, there is always a tension between this function and the need to treat family members with sensitivity and respect. Ultimately it is the major job of the Police in the context of child abuse to detect crime and build a case for its prosecution.

Staffing and Training

The proposal for an initial 40 officers, who could include experienced retired officers indicates that this is an initiative that would have to build. However, there is no indication of the deployment of such officers. It is important that said deployment translates to the availability and presence at each police station of a reliable officer to receive reports of abuse in a manner that is suitably responsive and does not exacerbate the situation. One person alone cannot fulfil this role, and the proposal should address how it is intended to roll out the influence of such trained and sensitised personnel so that the public are confident of the reception they will receive in any police station. Further, while the expertise of retired officers is welcome, there must be recognition that the quality of cases and the required

investigative techniques will differ from traditional criminal investigations. For example, the recording of a caution statement may not be as important as collecting physical evidence. In addition, Community Policing is a significant way in which the police can effectively work with the Authority to make inroads into communities. The perception is that there was a time when a Community Policing thrust was achieving an improved relationship between the Police and the communities they serve and protect. It is timely to resume a focus on this, and to develop and improve the knowledge and skills of police officers who will interface with families.

With the Community Policing Initiative, the relative framework perhaps already exists for the establishment of the Child Protection Unit. Community Policing is the unit that is presently being used and it has been able to successfully support the Authority in its case management issues.

One recommendation for consideration is therefore that changes be made to the already existing Initiative to include the mandate of the Child Abuse Unit where the Officers work every day including weekends and holidays. Locations should be fitted with key supports such as a trauma room and interview room.

The Proposal also addresses training, and some of these areas should be fundamental training for all serving police officers. It is suggested that a major omission in the topics proposed within the Proposal is mediation skills, which can build competence in listening and achieving outcomes non-aggressively. Many officers use such skills in practice, and training in this area should be given precedence. The inclusion of training in sex and sexuality education for children in the training of police officers may be desirable in improving the officers' knowledge, but not if it is intended to suggest that the police should be providing such education to children. Further, training will be required in relation to the New Legislative Package as there is the creation of new offences within the Children's Act No. 12 of 2012 where new charging standards will have to be developed. This will require collaboration with the DPP's Office and the Judiciary.

It is also suggested that the type of communication programmes discussed in the proposal, should ideally be co-ordinated with other bodies which also have such programmes. In particular the Ministry of Gender, Youth and Child Development, and the Authority. In relation to matters such as interviewing skills, it is again suggested that this is an area where there should be a common approach and perhaps shared training. The problem of a child being exposed to multiple interviews has been identified and discussed by the full Task Force. This needs to be sorted through close collaboration.

Other Issues

Under the heading "Project Description" there is reference to the members of the Unit being "specially trained police officers who would have the capability of investigation, prosecution, administrative and judicial handling of all cases of child abuse." Presumably "judicial" should read "judicious". Building such skills within the Police Service is desirable. The reference to the "Children's Act" should be to the "Children Act, 2012" and the word "Act" should be inserted after "Authority". The Domestic Violence Act is not really new legislation and has been in force since October 1999.

It is respectfully suggested that the Children's Authority was created to reduce the fragmentation of children's services. Some of the outcomes identified in the proposal are similar to the objectives of the Authority. It is therefore evident that if the two entities work closely together these outcomes may be achieved.

3. Roles and Functions as Guided by Legislation

The Children's Authority of Trinidad and Tobago derives its mandate to deal with children in need of care and protection from the Children's Authority Act Chapter 46:10 and the Children Act 2012. Areas of interaction with the police in the execution of this mandate are either expressly spelt out or are envisaged or intended. Essentially, the Children's Authority and the Police will need to work collaboratively with respect to all cases that involve criminal conduct and where the child is also in need of care and protection. In some instances, the relationship between the Police and the Authority is defined. In other instances, while the relationship is not defined, it is clear that collaboration will be necessary for the effective implementation of those provisions.

Children Act 2012

The following outlines the provisions which require notification and those that envisage, in any event, a close collaborative relationship between the Police and the Authority.

1. Notification of Authority where child is believed to have committed a sexual offence

S33A: The section mandates a constable to notify the Authority where he/she believes that a sexual offence has been committed by a child. It also requires the officer to submit a written report to his superior within 72 hours. It will be necessary to determine the manner in which the notification requirement will be satisfied.

2. Notification of the Authority by a constable where a child is in possession of tobacco products or alcohol, smoking tobacco products or drinking alcohol as required by S38 (1) (iii)

Similarly, there will be need to determine the manner in which the notification requirement will be satisfied.

3. Places of Safety

3.1 S 45 (1): Notification of the Authority where a child has been taken to a place of safety by a constable

I. The provision mandates the officer to notify the Authority and to also submit a written report to his/her superior within 24 hours. The manner of notification will need to be determined.

II. The child may remain in a place of safety unless the Authority advises otherwise or until the child is brought before a Court. Considerations for the Authority's determination may include the child's mental, emotional or physical condition.

III. The assumption is that the Authority will have responsibility for bringing the child before the Court for the protection of the child. The police will be responsible for the criminal aspects of the case. Close collaboration and coordination will therefore be necessary between the Authority and the police.

IV. Court Orders made for the protection of the child and in the child's best interest once brought before the Court:

Court Order 1: Bring the child to the attention of the Authority where it appears that a person has committed an offence against the child.

Court Order 2: Cause the matter to be dealt with under the Children's Authority Act. The Authority may advise the Court to make any of the Orders under S 25 of the Act.

Court Order 3: Fit person Order

Court Order 4: Any other Order that the Court deems necessary.

It is evident that close collaboration and sharing of information between the Authority and the police will be necessary for the duration of the criminal justice process. Issues such as interviews with the child, preparation for court proceedings and the child's emotional and mental state are important issues to be considered. Where the child may not be under the "jurisdiction" of the Authority such as where the Court makes a fit person order, it may still be necessary for the Authority to monitor that child under its broader mandate.

3.2 Other persons authorized to take a child to a place of safety required to make a report to the police. S 45 (1) provides that the following persons may also take a child to a place of safety:

I. A public officer experienced or qualified in social work.

II. A person employed on contract by the Government, experienced or qualified in social work.

III. A person who, in the opinion of the Court is acting in the interest of the child may also take a child to a place of safety in respect of offences committed or at risk of being committed.

Such persons are required to notify the Authority, a parent/guardian, a Children's Attorney and the Police. Collaboration between the Police and the Authority will be required to ensure that the child comes to the notice of the Authority so that the child can be assessed and taken to Court for the appropriate orders to be made.

3.3 A child taken to a place of safety for harm or risk of harm on complaint on oath (S 50)

A constable, among others, may make such a complaint. However, if authorized by a Magistrate, in this case the child may only be removed from “harm” and only by a constable. Once the constable removes the child to a place of safety, he/she is required to immediately notify the Authority. It may be noted that once the complaint is made, the Court is also required to immediately notify the Authority.

4. Criminal Proceedings S 46(1):

The Act mandates the Court (Criminal Court) under S46 (1) to remove the child from the care of a person having responsibility for a child (parent, guardian, foster parent, Managers of Community Residences etc.) and bring the child to the attention of the Authority where that person, in respect of the child, has been:

- Convicted of an offence under the Act (Children Act 2012) or mentioned in the Schedule.
- Committed to stand trial in respect of any such offence.
- Bound over to keep the peace.

In the above instances, no express responsibility is given to the police but close collaboration with the Authority will be necessary, particularly where the criminal process has not yet been concluded such as in the case of committals and appeals.

S46 (2) Notification to Authority

S46 (2) gives the Court the power to notify the Authority where a person with responsibility is charged with an offence against the child or it has come to the knowledge of any Court during any proceedings that a person with responsibility has committed an offence against a child (such as divorce, custody, domestic violence or perhaps other criminal proceedings).

Criminal Proceedings: Juvenile Justice

The responsibility for Juvenile Justice is presently being determined by the Ministry of Justice and other key stakeholders. However, the Children Act 2012 carves out a role for the Authority in respect of criminal proceedings regarding juveniles. As such, it is important to understand the environment and context in which the entities will be operating. Section 51 places a duty on the officer in charge of a police station to bring to the attention of the Authority a child who has been released on bail. This perhaps implies a monitoring responsibility as well as a responsibility of the Authority to investigate the socio-economic background of that child and to keep a record of same. Further, Section 52 requires the Authority to be notified of any child who has not been released on bail. The section requires that the child be placed in a community residence until he/she can be brought before a Court. In both these instances collaboration with the police will be necessary. The Act also gives the Authority the following responsibilities:

- Section 59 – (1) This gives the Court the power to request an investigation and report from the Authority and to hear and take submissions by the Authority when determining the sentence of any child convicted of an offence.

□ Section 59 (2) – This requires the Authority to investigate and seek an Order of the Court with jurisdiction in family matters or the Juvenile Court in respect of a child offender deemed in need of care and protection.

The Children Authority Act

The Children Authority Act assigns an investigative function to the Authority. However, the role of the Authority as the investigating agency when it comes to **reports of children in need of care and protection** must be clearly defined against the police's **criminal investigative role**. As such, the safety of the child as well as the removal of the perpetrator must be assured and this is where the functions between the police and the Authority must work in tandem.

Functions

The areas in which it is envisioned that the Authority will work with the police are defined in Sec 5 (1) of the Children's Authority Act (CAA) which indicates that the Authority will do the following:

- i) Investigate reports of maltreatment
- ii) Investigate and remove a child who is in imminent danger

The role of the Authority will therefore be to intervene to ensure the safety and protection of the child while the role of the police will be to determine and remove the criminal threat to the child. Accordingly, the police's main aim is to investigate to prepare a file for charge and onward prosecution. The Authority can additionally facilitate the police by providing the relevant care that the child needs firstly to recover from the harm, but also to be forthcoming as a witness. In essence, the relationship between the Authority and the police is a collaborative one where there is evidence of criminal conduct.

It is also important to note that while all reports of maltreatment may not carry a criminal sanction, the possibility remains that a charge of neglect and endangerment under the present Children Act and the Children Act of 2012 may be laid.

4. Areas of Collaboration

□ The Children Services Associate of the Authority should be paired with a police officer when going to investigate a report or conduct a visit, in case there are safety concerns, or in case the situation at the location becomes volatile or untenable.

□ In the new Child Protection System, the role of the Police will become extremely necessary where a child is to be removed. This is not limited to an emergency situation since a child can be forcibly removed in a number of circumstances under Sec 22 (1A) where orders can be requested. The most notable for police intervention are as follows:

- i) The Emergency Protection Order
- ii) A Recovery Order where a runaway child is to be presented to a police officer or where the child has to be removed from a person

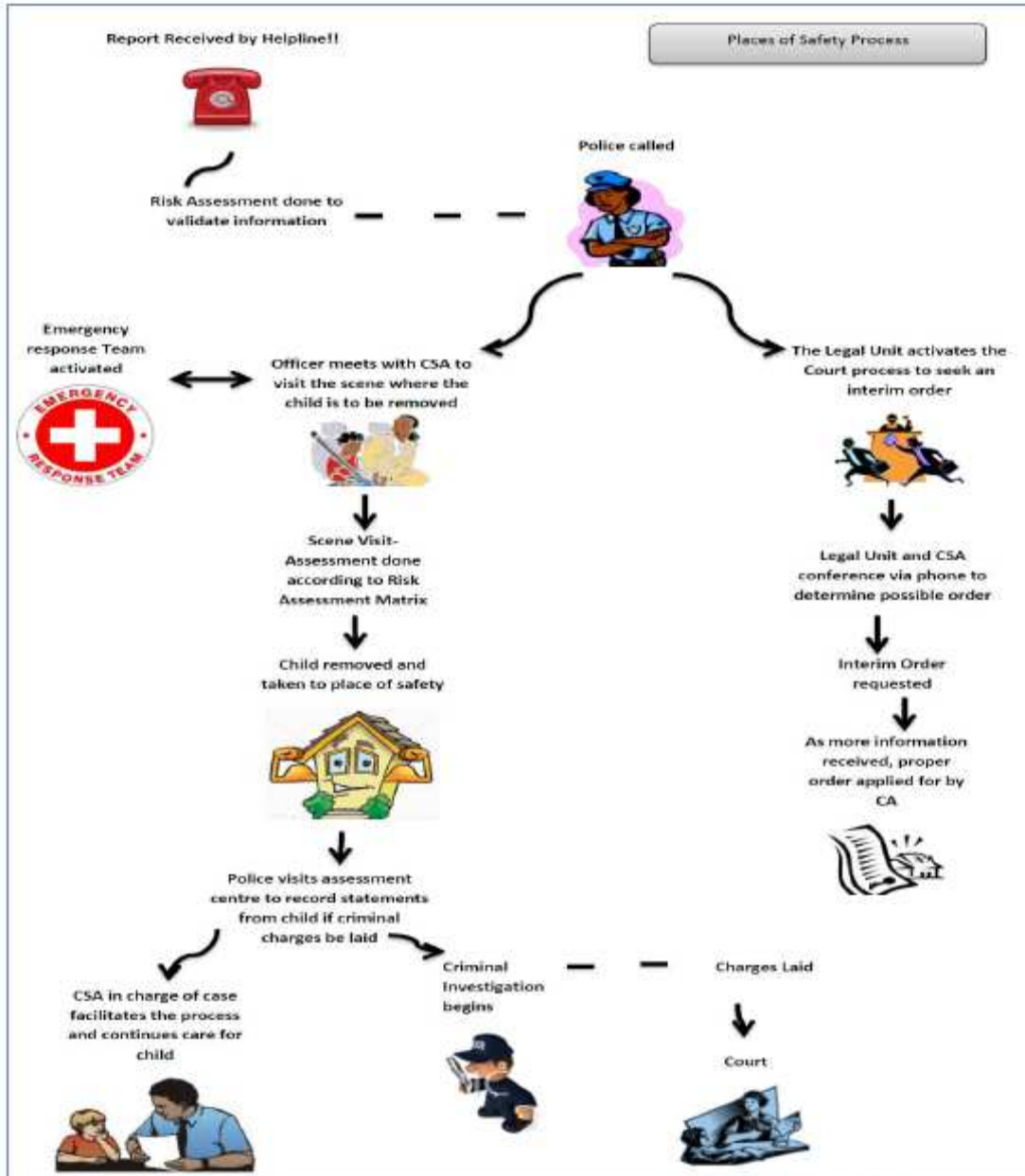
□ Sec 28 of the Children’s Authority Act speaks to an offence being committed where someone assists the child in running away or harbours and conceals the child. The only way this **criminal section** can be enforced is with the assistance of the police since they are the only state agency with the power of arrest.

□ The Authority must report cases involving a sexual or summary offence to the police. In this regard, there needs to be direct information exchange pathways.

□ Sec 22 (1A) (2) of the Children’s Authority Act speaks to a Police Officer seeking the assistance of the Authority where a child is in need of care and protection. This may refer to the police contacting the Authority when a child needs to be brought to a Place of Safety or when a child who has been abandoned requires a general placement. In such cases, the Authority will assist in the placement of the child.

5 Process for Emergency Protection Order

Below is a process map for the role of the police when an Emergency Protection Order and removal to a Place of Safety are required.



BRIEF ON KEY AREAS OF COLLABORATION BETWEEN THE CHILDREN'S AUTHORITY AND THE POLICE CHILD PROTECTION UNIT

MARCH 19, 2014

1 INTRODUCTION

The Children's Authority of Trinidad and Tobago (CA) strongly supports the recommendation to establish a Child Protection Unit within the Trinidad and Tobago Police Service. Subsequent to presenting a paper on the CA's response to the initial proposal and two meetings¹ with the Police and the Ministry of Gender, Youth and Child Development, the Authority has prepared this brief which recommends the number of trained police officers required to facilitate the CA's start-up operations in September 2014 and identifies the key areas in which the Police and the CA will be required to work collaboratively, in the best interest of the child.

¹ February 21st and 26th, 2014

2 PROPOSED CHILD PROTECTION UNIT AND STAFFING

At the meeting of February 21st, 2014, the Minister of National Security's initial recommendation was that a hierarchical structure of over 300 officers was not an option and proposed instead a team of 25 well- trained officers to comprise the Child Protection Unit to ensure that it was flexible and responsive to support the CA. At the meeting of the Child Protection Task Force of March 6th, the Chairman of the Task Force endorsed this recommendation.

The Authority is of the view that for start-up operations in September 2014, six main districts should be covered by the Child Protection Unit. Each district should have an attachment which can comprise six to eight officers each to operate on a 24/7 basis. These attachments should be strategically placed in the following areas: Port of Spain, St. Joseph, Central, Sangre Grande, San Fernando and Tobago (these are in close proximity to the proposed assessment centres). This complement of officers will enable two officers to visit a scene if the Authority requires the intervention of the police to assist in its investigative function or to remove a child. The other two officers will be located at the police station to take reports that may come to the station and to arrange for the child to be brought to the assessment centre or place of safety if necessary.

Our recommendation is that approximately **50 highly trained officers** will be required to support the Authority's start-up operations by September 2014. It is proposed that after three months an assessment should be done on the number of reports and case load and the size of the unit be revisited.

3 KEY AREAS FOR COLLABORATION

3.1 Removal of Children

Once the CA receives a report that suggests an emergency case, the Children's Services Associate (CSA) will contact the police in the Child Abuse Unit in the jurisdiction where the report is generated. The police officer(s) and CSA will go to the scene.

Using relevant standing orders, the police can intervene as they can enter premises without a warrant to remove the child who may be harmed or in imminent danger.

Once the child is removed, the CSA will take the child to a hospital if urgent medical attention is required. If not, the child may be taken to a place of safety or the assessment centre.

3.2 Role of Police at the Assessment Centre

The first step at the assessment centre involves the registration/screening of the child. This involves taking the general information about the child and any accompanying adult. This will be reduced into a prepared form for record keeping. Once the matter is a summary or indictable offence, it is proposed that the police lead the interview process with the assistance of the CSA. The psychologist and medical professional may observe the interview through the one way mirror with an audio link so that they may make suggestions to the interviewer. However the interviewer must be a person with training in communicating with victims and witnesses in an age appropriate manner and where the police officers present do not have such training, the CSA may lead the interview, with guidance from the police. The main goal of the interview is to get the relevant information from the child in a bias-free manner that avoids leading questions, and does not add to any trauma the child has experienced. The interview may be recorded.

3.3 Walk-in Cases at Police Stations

In the initial period, it is expected that many victims of child abuse will continue to turn up at police stations. If the case is a non-emergency one, the police can take the report and refer the case to the Child Protection Unit and the Children's Authority. If the case is an emergency, the child should be brought to the assessment centre or place of safety. If the matter is a criminal one, the same process described at 3.2 will be followed.

Appendix 6

Comments on the Draft Youth Justice System Policy

1 INTRODUCTION

The Ministry of Justice (MOJ) has proposed a Youth Justice Policy that radically alters the Youth Justice Process in Trinidad and Tobago with far reaching changes that will affect all children in conflict with the law. The following is a brief commentary on the proposed policy with issues identified that may impact the Children's Authority (CA).

2 THE CURRENT YOUTH JUSTICE FRAMEWORK

The Policy refers to the three main pieces of Legislation that affect the Authority, namely the Children Act of 2012, the Children's Authority Act of 2000 and the Children's Community Residences, Foster Care and Nurseries Act of 2000. While reference is made to these Acts, the policy appears to focus on the existing system as it refers extensively to operational issues of the current system as well as to the Children's Act of 1925. There is little if any reference to the improvements that are suggested by the same three pieces of Legislation that are to come into full effect this year.

The Authority therefore recommends that consideration must be given to the impact of the new pieces of legislation and indicate how the proposed framework of the new Child Protection System in the Policy will work with that legislation in place.

3 CREATION OF THE YOUTH JUSTICE BOARD

The draft Policy leans heavily upon the concept of a Youth Justice Board (YJB), Youth Diversion and a Youth Court with special procedures. Having regard for the amount of time it takes to have new legislation prepared and approved, as well as the uncertainty as to the outcome from this process, it is strongly suggested that it would be preferable to work with the Children's Act of 2012 since it makes provision for a reformed Juvenile Court and prepare separate legislation if there is a policy decision to introduce a YJB.

The functions of the YJB (page 26) are stated to be analogous to the role and functions of the Children's Authority. The role of the Authority is regrettably incorrectly stated to be the welfare and supervision of children in need of care and protection. The mandate of the Authority is wider than this and is highlighted in Sections 5 and 6 of the Children's Authority Act, 2000.

The proposed provisions regarding the YJB also refer to staffing (page 27) which is similar to the staffing of the CA. The Authority had a Board since 2008 but only received approval for start-up staffing with approved remuneration in January 2014. Approval of maximum limits of remuneration in practice means that every post must go through the office of the Chief Personnel Officer which results in delays. This must be taken into consideration when the practicalities of setting up the YJB are being considered.

In creating a YJB, the composition of the Board must be considered. One of the issues raised at the round table discussions was the consideration of the health needs of the child when in conflict. Consequently, a Health representative on the Board is recommended along with a child protection expert. This person will perform a different function from the Child Psychologist or a Criminal Law Representative as the Protection Expert will address any care and protection issues.

It is recommended that before the process begins for the creation of the YJB that there is further discussion between the MOJ and the CA.

4 A POLICY PROPOSAL FOR A CONSOLIDATED ACT

The proposal for new and consolidated legislation puts excessive weight on the system and is a process that requires time for discussion and stakeholder meetings. The process of attempting to consolidate would be likely to take even longer than tweaking the existing legislation, and, would also introduce new uncertainties into the criminal law.

5 THE DEFINITION OF A CHILD AND YOUNG PERSON

There is a recommendation to amend the definition of a child to a person under the age of 18; and a young person as a person under the age of 25. The suggestion is that the Youth system can therefore extend up to the age of 25 years. Any decision in this regard should only be taken after information has been gathered as to the implications in terms of infrastructure requirements, budget for upgrading or changing the present infrastructure, and timeframes. There are also other legislative and judicial impacts which need to be examined. The MOJ refers to the system providing services when a child remains in the system after 18. There is no suggestion as to whether the services are to be provided until 25 or what happens after 25. This may lead to the same problem that exists at present where children ‘age out’ of the system at 18.

Additionally, in the present system, a new definition of young person as a person under 25 may have ramifications for the criminal trial process as the Accused young person may be charged while under 25 but his trial will take place when he is older. An issue will therefore be how the new definition will affect the trial process especially since a large number of persons charged for murder are under the age of 25. The delay in the current system may continue to exist despite the new child protection system and provisions will have to be made for children in conflict attaining the age of 25 while awaiting trial. Further, a person may be charged while under 25, but may be older when his trial arises. This brings into question the kinds of services that he will be offered as an older person who is charged for a crime committed as a young person.

The Authority suggests that research must be conducted to fully understand the ramifications of this new definition. Further, consideration must be given to fast tracking cases that involve children (under 18) as victims or Accused.

6 THE CREATION OF A YOUTH COURT

The concept of a youth court seems to have come out of the very effective presentations that were made at the Ministry of Justice’s 2013 Symposium on Youth Justice. It is not clear from

the description of “Youth Court” whether it is simply that the court could take jurisdiction where there are criminal proceedings involving an accused or defendant under 25, or whether all such matters must be directed to that court. This would involve a drastic restructuring of the present system, since the significant number of defendants that would previously have been tried in the adult court, would now fall under a different jurisdiction. It is not clear how this would be handled where there are co-defendants.

7 THE MINIMUM AGE OF RESPONSIBILITY

The Policy seeks to increase the age of criminal responsibility from 7 to 12 years which the Authority supports. Children in conflict will then have to be placed in Rehabilitation Centres rather than at Community Residences.

8 ABOLITION OF BEHAVIOURAL OFFENCES/ BEYOND CONTROL

The policy describes the manner in which *beyond control* children and *Breach of School Rules* can be brought before the court and the consequences under the 1925 Children Act. This disregards the fact that the new Children Act will repeal the previous Act, and deals differently with children who are in need of care and protection. Section 61 of the new Act will have this category of children referred to the Children’s Authority which would then assess the child and make a recommendation from a range of options.

The Policy then suggests a complete removal of this category of children with little regard to Section 22 (1A) (e) which categorizes this group of children as children in need of care and protection and who fall under the mandate of the CA. Therefore the immediate removal of this category of children does not take into account its existence in other pieces of legislation, specifically the Children’s Authority Act and the Children’s Act. Further, while the Authority agrees that children who exhibit behavioural challenges should not come into contact with the Youth Justice System, the reality may be that many of these children may commit petty offences.

It is therefore recommended that consultation and research be done for the creation of an alternative that does not institutionalize children.

9 YOUTH JUSTICE PROTOCOLS

The objectives of the Protocols are listed on page 23 with (b) referring specifically to the “enhancing and reinforcing of the roles of responsible adults, families and communities...” and (c) referring to the reintegration of young persons who have committed offences. This objective crosses into the mandate of the CA as it is legislatively required to provide care and protection and rehabilitation. The CA is also responsible for the reintegration of children with their families with a corresponding duty to treat with transitional arrangements for children. This therefore means confusion and duplication of the processes between the MOJ and the suggested Youth Justice Board and the CA.

Additionally, some of the protocols suggested have already been provided for in the Children’s Act of 2012 and the Children’s Authority Act and consideration should be given to the duplication of the processes of different Agencies. The MOJ appears to deal with one category of children who are in conflict with the law; however, the CA is responsible for all children who are in need of care which may include this category as well. There are instances

when children who are in conflict with the law may also be witnesses or victims of crime bringing them squarely within the mandate of the CA. It will therefore be necessary for some clarification and dialogue between each Agency to determine where each mandate begins and the other ends or, if these Agencies are to work in tandem, how this is to be done.

10 OFFENDER MANAGEMENT OFFICERS

The policy suggests the creation of an Offender Management Officer (OMO) where the Officer is responsible for making recommendations for the provision of services to the child in conflict. The function of the Officer suggests that a social worker may be the best person for the treatment of the child however this may go against the investigative requirement of the individual as he will be operating out of the MOJ and in close connection with the Police. It is important to note that the CA will have designated officers who are Children's Services Associates who will be responsible for the care of the child. The CSA will be taken from the Juvenile Justice Unit of the CA and will be specially trained to deal with children who are in conflict with the law. A clearer distinction between the roles of the OMO and CSA is therefore needed.

Additionally, there is no reference in the Policy to the role of the CA when the Children Act 2012 makes specific reference to circumstances where matters are to be reported to the CA. There will therefore be duplication of the process in the MOJ and the CA. Further, there is no consideration in the policy to the role of the Children's Attorney, established by the Children Act, 2012, and what impact his function may have on the OMO.

Mediation is a possible tool in resolving youth conflict so it is recommended that the OMO be trained in Juvenile Conferencing. It is to be noted that the present categories of certification for mediators under the Mediation Act, do not include juvenile conferencing and it might be desirable to discuss this with the Mediation Board which is interested in all aspects of restorative justice.

Accordingly, it is suggested that the role of the OMO be clearly defined as against the legislative role of the CA.

11 POLICE OFFICERS

The policy refers to specially trained Police Officers to treat with children. Some consideration must be given to the investigative function of the Police and the suggested role of the OMO.

12 ASSESSMENT

The process as indicated in the Policy when a child is arrested makes mention of assessment on a number of occasions. At arrest, the child is to be assessed as to his suitability to be access bail. After this, the child is to be assessed by trained personnel from different Agencies which may prove problematic as different Agencies will have a different Agendas and methods of assessing the child.

There is to be additional assessment at the Detention Centres however the process and the persons who will be responsible for this are not identified.

It must also be noted that the assessment function is not clearly defined nor is there any suggestion of children in conflict being assessed at the Assessment Centre which is to be created and managed by the CA. At these Assessment Centres, children's care and protection needs will be assessed. Some consideration should therefore be given as to whether this Centre will factor in the assessment process envisioned by the MOJ and how and if the CA is part of the process.

13 BAIL

After a child is arrested, he may be able to access bail however in instances when he may not be able to do so, the OMO is to place the child in a temporary residence. The responsibility of placing a child is solely that of the CA under the Act. Further, under the Children's Act of 2012, the CA is to be notified of any child who is unable to access bail.

There seemed to be very little consideration of the role of the CA relative to this issue so there is a need for discussion.

14 JUVENILE SERVICES UNIT

The policy outlines the development of the Juvenile Services Unit which will determine the best policies and programmes for the child within the MOJ. This is a duplication of the purpose of the Juvenile Justice Unit within the CA which has been created specifically to deal with children who are in conflict with the law and who require care and protection. Communication between the Agencies will be required to ensure there is no duplication and waste of resources with regard to the treatment of the child.

15 YOUTH DETENTION CENTRES (YDC)

The YDC which is described within the policy is akin to the Rehabilitation Centre under the CA. At page 84 of the Policy, it is clearly suggested that the detention centres be placed under the responsibility of the Authority. This is conflicting with the overall policy, as the MOJ has indicated that it will deal with children in conflict with the law. Since all of the measures post charge deal with the detention of children, this becomes confusing and again, there is the need for discussion among the Agencies.

16 REINTEGRATION

The MOJ has suggested family integration in its policy. However this is one of the responsibilities of the CA so there will be confusion as to who facilitates the process. There is the suggestion of *phased-in adjustment* where the child is placed in a transition home. However the Policy is not clear on who will bear the responsibility for these homes. The policy also states that there is to be a further assessment to determine release. Again, there is no suggestion as to who is responsible for this assessment, or the role of the OMO, CA or the Duty Counsel. Additionally, there is no reference to what happens if a child reoffends which is a distinct possibility. The timeframe for assessment, which is set at 6 months, also needs to be discussed.

17 AFTERCARE

The policy suggests an aftercare programme where a child in conflict with the law is to be monitored by an After Care officer who prepares a prognosis report. The OMO may be the aftercare officer but the role of this officer conflicts with the CSA from the CA who may have responsibility for care of the child. There needs to be collaboration and discussion of this issue as there may be duplication of the process.

Transition homes are also part of the aftercare agenda where at page 97 the MOJ states it will be responsible for the building and implementation of these homes. It goes further and accepts responsibility for the rehabilitation and resettlement of young persons which is direct contravention of the role of the CA. The Children's Authority Act gives the CA specific authority for the creation of hostels for persons under the age of 21 so there may be duplication again. It is recommended that the matter be discussed so the role of each Agency is clearly defined.

18 EXPUNGING OF THE RECORD OF A CHILD

Given the age of a child as being a person under 18 and a young person as a person under 25, there may be some confusion with the removal of convictions from the record of a child as it relates to new bad character legislation. The Evidence Amendment Act refers to the use of previous matters where a person has been charged and convicted of an offence as evidence in a trial. This will mean that the previous conduct of a child or young person can be used in their trial if they have reoffended. This legislative issue will therefore have to be balanced as it may not allow persons to expunge the record of a child. Instead, some consideration may be given as to the use of the previous conduct of a child and that it can only be accessed by Court Order. There needs to be some further discussion on this issue for the protection of the child and the trial process.

Appendix 7

Recommendations of the Representatives of the Ministry of Gender, Youth and Child Development

The following recommendations are aligned to Objective 3 of the Terms of Reference for the CPTF:

1. Development of a ten-year Manpower Plan to ensure that the human resources needs, particularly as this relates to social workers, are met with respect to the care and protection of children. The Plan should cater for professionalization of social workers and compensation commensurate with such status in order to treat with depletion (as is the case at present) and to stabilise the sector in light of the heavy reliance being placed on social workers to provide high quality social services across the care sector.
2. Development of an integrated information management IT system that will be accessible to all public sector agencies and non-governmental organisations directly and indirectly involved in the care and protection of children to allow roles and responsibilities to be defined and to facilitate information –sharing in respect of the delivery of services.
3. Prioritise and fast- track the mapping and assessment of the Child Protection system being undertaken by the Ministry of Gender, Youth and Child Development, supported by UNICEF, and support its implementation with adequate resources.
4. Prioritise and fast track the National Children’s Registry being developed by the Ministry of Gender, Youth and Child Development to facilitate the detection and tracking of children who live in risk situations to enable appropriate responses to the needs of such children and support its implementation with adequate resources , the legislative framework and the necessary IT infrastructure.
5. Ensure the continuous review of the delivery of services through the development of a robust monitoring and evaluation system.
6. Create a special department within the Legal Aid and Advisory Services for domestic violence victims seeking protection.
7. Ensure that the National Guidelines for children in disaster and emergency situations being developed by the Ministry of Gender, Youth and Child Development are implemented by all stakeholders.

Appendix 8

Recommendations to Strengthen the student support services unit of the Ministry of Education

RECOMMENDATIONS FOR INCREASED RESOURCES TO THE STUDENT SUPPORT SERVICES TO DEAL WITH THE EARLY DETECTION AND PROVISION OF REMEDIAL ASSISTANCE TO CHILDREN AT RISK

- (1) Identification of children at risk through screening of:
 - Cognitive
 - Emotional and Behavioural
 - Auditory and Visual (Hearing and Vision) –Partner with Ministry of Health (collaboration needs to be strengthened)
 - Physical (Gross motor, fine motor etc) – Partner with Ministry of Health

Post screening, SSSD would like to implement further assessment for all children ideally on an annual basis, however it can be done at ECCE, entrance to Primary, Form 1, 3 and 5.

In order to do this we must have the qualified staffing (**training**) and tools (**assessment instruments**) necessary for such an effort. While we are currently earmarked to hire 28 Psychologists (14 Clinical and 14 School Psychologists) and 14 Behavioural specialists, for a total of 6 per educational district – these individuals are not sufficient to screen all the nation’s children at all levels or even at 5 levels. We are recommending support for **increased staffing** to a minimum of 10 clinical psychologists, with specialized training in neuro-diagnostics per educational district. We can also then be able to better address the back log of required diagnostics for our children with potential special education needs as well.

- (2) **Specialized training** for teachers to identify special needs in the schools (we are referring to training for teachers to recognize when basic developmental milestones have been met/missed). If a child has missed a developmental milestone, the teacher should be equipped to do basic remedial intervention.
- (3) **National Awareness Campaign for Special Needs** to sensitize and inform the public on early identification of special needs children, address stigmatization, labelling, foster inclusiveness (in society) as well as part of our inclusive education drive. We will also provide information about the current support services available for special needs children
- (4) Provide more tailored and effective psychotherapeutic interventions for children identified with emotional and behavioural challenges early on in order to more efficiently address these children’s difficulties and minimize psychopathological development. In order to do this the current SSSD counselling staff (and future

additions) would benefit from specialized **training in psychotherapeutic interventions**.

- (5) Need **dedicated space per school for SSSD** staff (Guidance, Social Workers, Special Education; one furnished room per intervention specialist). Dedicated space in each school would provide uniform presence in the school, with privacy to ensure confidentiality, ethics and group work sessions.
- (6) **A central location for the Braille Unit**, as this would service all children in the country who need braille or large print services. This Unit would convert printed text into braille (the primary medium for the legally blind), including textbooks, examination papers, and other informational materials. Currently we have a temporary space at the Pointe-a-Pierre Government Special School where we house a semi-functional Braille Unit (no braille is actually being produced at this time for our visually impaired children).

Specific to violence in our schools, SSSD would like support for the following:

- Creation of a **National Student Bullying Handbook** which provides definitions of terms/concepts related to bullying, prohibitions on certain types of behaviours, impact of Behaviour, etc to be sensitized and distributed to all children in our schools.
- Creation of a **National DVD for Parents and Teachers** regarding their roles and responsibilities, and the impact of their behaviours and choices on the outcomes (academically, socially, emotionally, behaviourally) on our nation's children.
- **Bullying prevention resources** – such as classroom toolkits, free bookmarks, awareness raising initiatives, petition signing - to directly inspire, educate and involve students.
- Creation of Summer Camp Programs. These programs will be both preventative and responsive:

Summer Camp for Buddies not Bullies. This two week Summer Camp

- targets secondary school students who have been referred for acts of bullying during the school term. The camp consists of a range of programmes that are therapeutic, educational, experiential, and use creative arts and drama.
- **Summer Camp for “Boys to Men”** : Life skills and exploration of transition roles, aspirations, and implications about what it means to be a man in the 21st century. A man of character, integrity, social responsibility, a Trinbagonian man.
- **Summer Camp for “Girls to Women”** : Life skills and exploration of transition roles, aspirations, and implications about what it means to be a woman in the 21st century. A woman of character, integrity, social responsibility, a Trinbagonian woman

Appendix 9 **Family Court**

The Children's Authority's legal department will have to use the services of the Family Court extensively. The structure of relevant legislation requires various situations to be brought to the attention of the Authority, which then has a range of actions that it can take. However the intention is that in many cases the Authority will take the initiative to obtain appropriate Court Orders taking advantage of the wide range of orders under the 2012 Children Act, and also obtaining significant protection from actions for judicial review. The intention is that the Authority would work through the Family Court with its expedited procedures and greater sensitivity for matters involving children.

The Family Court Pilot Project opened in May 2004, and for several years demonstrated that Courts could function without undue delay, that they could accommodate special facilities for child care, and that they could have integrated services for mediation, counselling, co-parenting and social services. The Port of Spain Court was intended to be a model for a further 3 or 4 courts so that there would be access throughout Trinidad and Tobago. Although a roll-out plan was approved by Cabinet by 2006, the only development towards this was the acquisition of St Joseph's Convent in San Fernando for the construction of a second Family Court. Concept plans were developed in 2009 to ensure that the new building required for the Court could be accommodated in that location while preserving the Convent as a heritage building. It was recently reported that funds were voted for the construction. Realistically that is unlikely to take less than 2 years from mobilisation. In addition, satisfactory arrangements will have to be made for the training and appointment of specialised staff and the appointment of suitable judicial officers, all of which is likely to add to the time factor.

At present however the more urgent issue is the imminent collapse of the existing Family Court which receives litigants from the whole of Trinidad and Tobago in its High Court Jurisdiction, and from the large St. George West Magisterial Jurisdiction. The Court's success without the necessary roll-out has now resulted in its workload far exceeding that intended for the Pilot Project, and its limited physical accommodation is a serious constraint. The Executive Summary of a 2012 report by independent evaluators on Human Resources at the Court states as follows:

"The Distinct Context of the Family Court

To understand why HR systems and procedures developed for other parts of the government have not worked for the Family Court, it is important to understand that the FC has a distinct orientation and work culture which has been praised in multiple independent international evaluations. The FC's effectiveness is dependent on key aspects of its culture, such as the emphasis on clients as respected "customers", a commitment to fully understanding customer needs and tailoring procedures to meet those needs, a dedication to continuous improvement, and meaningful performance measurement and accountability to all its stakeholders. These characteristics are not (at least as yet, or to a similar extent) prevalent in other parts of the public service. Because of its nature and current developmental mandate, the Family Court is also distinct in that it is well positioned, and capable, of developing and "piloting" the types of changes required throughout the government.

The Need for Action

The Family Court has benefited from its human capital – its staff's commitment, values, capabilities, and level of effort – but the successes to date are not sustainable in the

longer term, unless significant changes take place in HR services that will preserve this key resource.

...

It is also important that under the existing HR Management structures, very little has been done to address these issues—even though they have been repeatedly highlighted in independent evaluations.

....

Further, the severity of the situation will get worse, given the intention of the government executive and the judiciary to implement a number of major initiatives including: a national “Roll-Out” of the Family Courts to San Fernando and Tobago, and to other locations such as Arima and Chaguanas; major re-engineering or court administrative processes; a major upgrade to the Court’s case tracking system; a Performance Information System implemented throughout the Court; and the changes to workloads and procedures from the recently (enacted) Children’s Act.

Finally, not only are these Human Resource related problems beginning to be a threat to the ability of the Court to deliver quality services to its customer, one also has to be concerned that deterioration in the court’s administration, if not reversed, could have negative impacts on the ability of the Court’s judicial officers to deliver timely and independent decisions in cases brought before them.

The need for action is indeed immediate and serious.”

Since that report there has been a continuing loss of staff at the Family Court, and the recent protests by the remaining staff are in the public domain. Many of the staffing issues are similar to the difficulties that have been experienced in relation to staffing the Authority for start-up.

Because of the importance that the Family Court will have in the future to the performance of the Children’s Authority, especially in the context of child protection, the Task Force requests that urgent attention is given to the resolution of staffing issues and the restoration of an adequate system of training to restore the highly skilled environment that obtained in 2004. The Court should serve as a training ground for the expanded Family Court system in the future, and possibly for the Youth Court as envisioned by the Ministry of Justice.

In the short term it is also suggested that a pending request to expand into the adjacent building at present occupied by the National Insurance Board should be implemented without delay. It is far easier to relocate an office than to develop a new court and this is a request that is as old as the roll-out plan. It would greatly assist in enabling the Court to plan for renewed training – including the training of the additional staff, who will be required for the San Fernando Court. It could also provide the potential for the Court ultimately to have a wing for Domestic Violence cases which at present are only accommodated where there are other proceedings before the Court.

Whilst it is appreciated that the Human Resources issues have been the subject of much discussion, they do require decisive and positive action. It was not expected that the Family Court would be a pilot project to show how bureaucracy can destroy a vibrant, high-performing entity, but that is what now seems to be taking place. The value of the Court to the country and society as a whole should not be underestimated. It plays a pivotal role in respect of the success or failure of the Authority in protecting children, as the two must necessarily complement each other. The Task Force therefore requests that urgent attention be directed to restoring and rolling-out the Family Court.