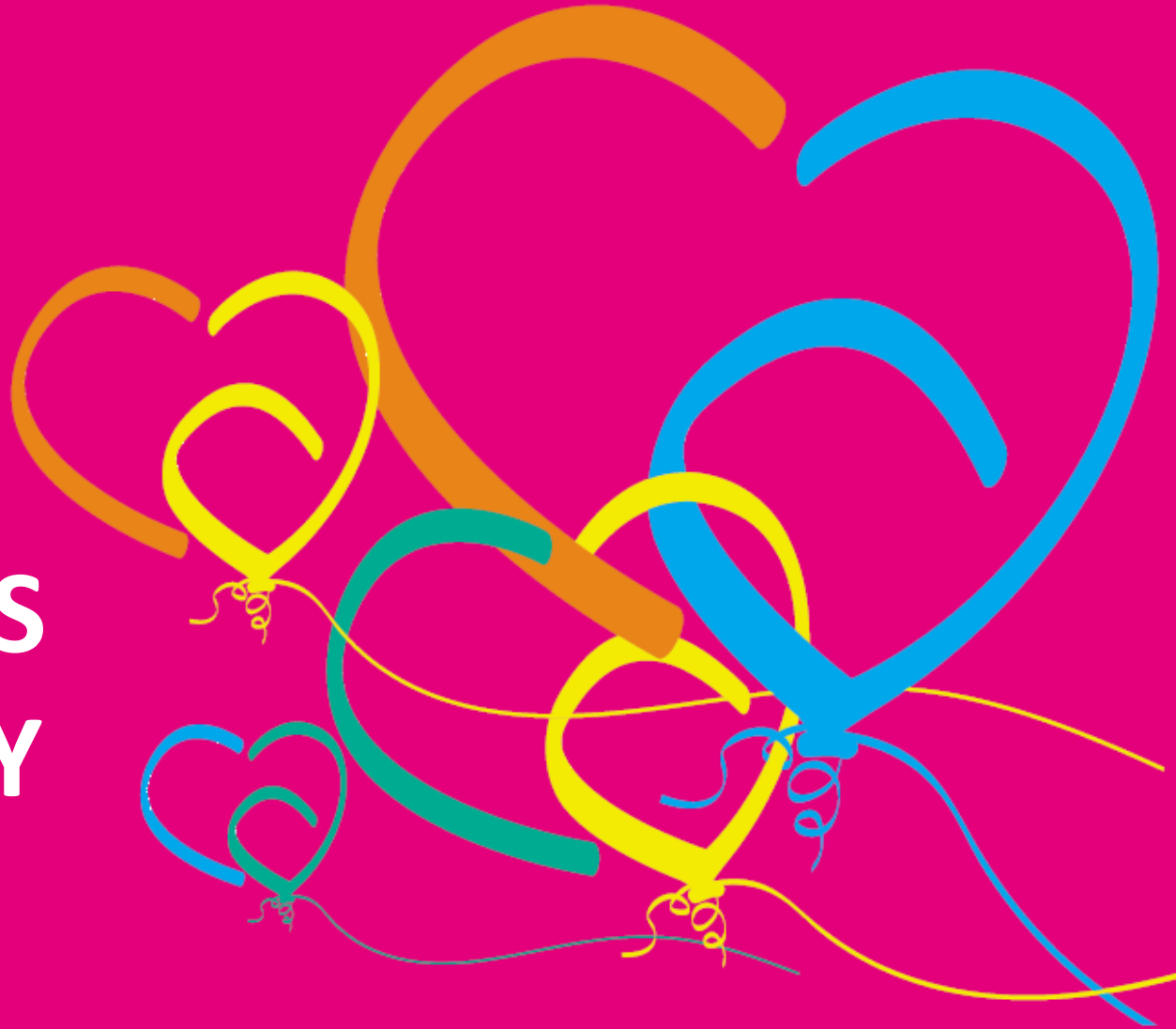




**CHILD  
LABOUR &  
THE  
CHILDREN'S  
AUTHORITY**



# Overview

- Convention on the Rights of the Child
- Offences under the Children Act 2012
- Applications for Care & Protection
- Questions & Answers



# Convention on the Rights of the Child

Trinidad and Tobago has signed and ratified many international conventions promoting the rights of children, including:

- 1. The UN Convention on the Rights of the Child (1989)**
- 2. The Declaration on the Survival, Protection and Development of Children, World Summit for Children (1990)**
- 3. The Millennium Development Goals (2000)**
- 4. A World Fit for Children (2002)**

# The 3 Ps of Children's Rights

The substantive rights in the Convention can be grouped into three categories, the “**3Ps**”:

**PROTECTION**  
**PROVISION**  
**PARTICIPATION**

# Four Guiding Principles

- **Non Discrimination (Article 2)**
- **The Best Interests of the Child (Article 3)**
- **The Right to Life, Survival and Development (Article 6)**
- **Respect for the Views of the Child (Article 12)**

# Article 32 of the UN CRC 1989

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. (cont'd)

# Article 32 of the UN CRC 1989

To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

# Package of Legislation

Consistent with these principles, a Package of Children's Legislation was also developed, with the Children's Authority at its center.



Purpose	Status
<p><b>1. Children's Authority Act 64 of 2000 &amp; Children's Authority Regulations, 2014</b></p> <ul style="list-style-type: none"> <li>Establishes the Children's Authority of Trinidad &amp; Tobago to act as the guardian of the children of Trinidad &amp; Tobago.</li> </ul>	<ul style="list-style-type: none"> <li>Fully proclaimed and in effect</li> </ul>
<p><b>2. Children's Community Residences, Foster Homes and Nurseries Act 65 of 2000</b></p> <ul style="list-style-type: none"> <li>Makes provision for the monitoring, licensing and regulation of community residences, foster care and nurseries in Trinidad and Tobago.</li> </ul>	<ul style="list-style-type: none"> <li>Provisions dealing with, operation of CRs without a license.</li> <li><b><u>NB.</u> Licensing of Nurseries not yet Proclaimed</b></li> </ul>

Purpose	Status
<p><b>1. Children's Community Residences (Children's Homes) Regulations, 2018</b></p> <ul style="list-style-type: none"> <li>Sets out standards for licensing and monitoring of Children's Homes by the Authority</li> </ul>	<ul style="list-style-type: none"> <li>In effect – June 2018</li> </ul>
<p><b>2. Children's Community Residences (Rehabilitation Centres) Regulations, 2018</b></p> <ul style="list-style-type: none"> <li>Sets out practical requirements for licensing and monitoring of Children's Homes by the Authority.</li> </ul>	<ul style="list-style-type: none"> <li>In effect – June 2018</li> </ul>
<p><b>3. Child Rehabilitation Centres Act</b></p> <ul style="list-style-type: none"> <li>To provide for the detention of child offenders and children charged with criminal offences</li> </ul>	<ul style="list-style-type: none"> <li>In effect – May 2017/Amended 2018</li> </ul>

Purpose	Status
<b>1. Child Rehabilitation Centres Regulations 2017</b>	<ul style="list-style-type: none"><li>• In effect</li></ul>
<b>2. Children Act Chap. 46:01 (2012)</b>  An Act relating to criminal offences against children and treatment of child offenders. <ul style="list-style-type: none"><li>• Repeals and replaces 1925 Act</li><li>• Amends SOA to consolidate Sexual Offences relating to children into one Act</li></ul>	<ul style="list-style-type: none"><li>• In effect</li><li>• Substantially amended by FCD and Misc Bill</li></ul>

## **Section 103** defines:

- “employ” and “employment” include employment in any labour exercised by way of trade or for the purposes of gain, whether the gain be to the child or to any other person;

## **Section 105** provides that:

- Subject to section 106, a child under the age of sixteen years shall not be employed or work in any public or private undertaking, or in any branch thereof, other than an undertaking in which only members of the same family.

**(2) A person who contravenes the subsection (1) commits an offence and is liable to the penalty stated in Section 114: on summary conviction to a fine of twelve thousand dollars and to imprisonment for twelve months.**

## **Section 106** exceptions:

- a child in school for general, vocational or technical education or in other training institutions;
- a child at least fourteen years of age in undertakings which form-
  - (i) a course of education or training for which a school or training institution is primarily responsible;
  - (ii) a programme of training mainly or entirely in an undertaking, which programme has been approved by the Minister of Education; or
  - (iii) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

## **Section 107** speaks to Employers:

(1) All employers shall keep and maintain a register of every child employed by them, as well as the name, address, and date of birth of every person.

(3) An employer who fails to comply with this section is liable on summary conviction to a fine of two thousand, five hundred dollars and to imprisonment for six months.

**Section 108** speaks to Ministry:

(1) Ministry of Labour must have Inspectors.

(2) Authority of the Inspector:

- Can require a parent or guardian or an employer or any other person authorised by an employer, except a person engaged in a confidential and professional relationship with that employer to —
  - (a) give him information with respect to remuneration paid to, and the terms and conditions of service enjoyed by, a person under the age of eighteen years in the service of that employer; and
  - (b) permit him to inspect any record, pay sheet or certificate or representation of age relating to a person under the age of eighteen years.

## Other Provisions:

- **Section 109:** Inspector's Power of Entry with Warrant from the Industrial Court.
- **Section 110:** Neglectful parents.
- **Section 111:** Liability of Agents.
- **Section 112:** Falsification of Age.
- **Section 113:** Presumption of Age.



## Section 45 of Children Act:

1) Without prejudice to any power conferred upon a constable at common law or under any other written law, a constable, a person referred to in section 50(2)(a) or (b) or a person authorized by a Court may take to a place of safety, any child in respect of whom an offence under this Act or an offence mentioned in Schedule 1 has been, or there is reason to believe has been, or is likely to be committed, and shall notify the Authority forthwith.

## Section 45 cont'd:

3) Where a child is brought before a Court, the Court may—

(a) make an order under subsection (5);

**(b) cause the matter to be dealt with under the Children's Authority Act;**

**c) make a Fit Person Order directing a child to be placed in the care of a fit person; or**

(d) make any other order that it deems necessary.

# Responsibility of the Authority

## Section 45 cont'd:

- (4) A Court, in making an order under this section shall do so **with the child's welfare as the paramount consideration**, taking into account the wishes of the child where such wishes can be reasonably ascertained.
- (5) Where it appears to any Court that a person has committed an offence under this Act or an offence mentioned in Schedule 1 in respect of any child, and it is in the best interest of the child that the child be brought to the attention of the Authority, the Court may, without prejudice to any other power under this Act, make such an order.

## **Section 46:**

(3) Upon a child being brought to the attention of the Authority under this section, the Authority shall –

(a) temporarily place the child in the care of a fit relative, some other fit person or a reception centre licensed under the Children's Authority Act; and

(b) immediately bring the child before the Family and Children Division of the High Court where-upon such Court may make such order as it deems necessary.

# Section 25 Orders- Children's Authority Act Chapter 46:10

**25)** Where the Court is satisfied that a child brought before it by the Authority is a child in need of care and protection, the Court may make the following:

- a Care Order;
- a Child Assessment Order;
- an Emergency Protection Order;
- a Fit Person Order;
- a Foster Care Order;
- a Supervision Order;
- any other Order including an interim Order as the Court thinks fit.

# What's Next?

## Section 6) Duties:

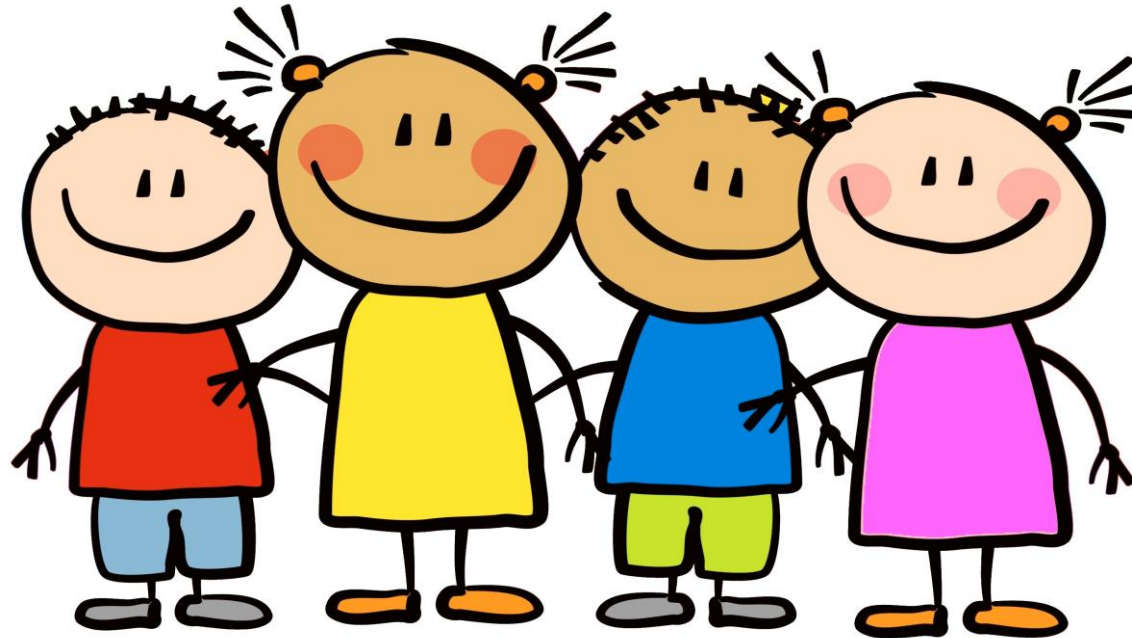
(1)(g) Promote contact between:

- the child and his parents;
- any person who is not his parent but has parental responsibility for him;
- any relative, friend or other person connected with him.

**Except where** not reasonably practicable or prejudicial to the welfare of the child.

(2)(ca) where appropriate, preserving the family unit and reuniting the child with his relatives at the earliest opportunity...

# THANK YOU



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# QUESTIONS & ANSWERS

