**Human Rights Council Resolution 29/22: : “Protection of the Family: Contribution of the Family to the Realization of the Right to an Adequate Standard of Living for its Member, particularly through its Role in Poverty Eradication and Achieving Sustainable Development”**

The following relates to the measures that are applicable to the Ministry of the Attorney General that have been implemented within the last five years that are relevant to the Human Rights Council Resolution 29/22.

**International Law**

* **Convention on the Rights of Persons with Disabilities**

Trinidad and Tobago signed the Convention on the rights of persons with disabilities on 27 September 2007 and ratified the convention on 25 June 2015. Currently the Government is in the process of setting up an Inter-Ministerial Committee to oversee the implementation of the Convention.

**Domestic Legislation**

There have been various pieces of legislation that have been recently enacted that advance the rights of women, children and the protection of the family unit.

* **The Children Act, 2012**

The Children Act 2012 was partially proclaimed on 18 May 2015. This Act increases protection for children on various issues including protection from abuse, sexual offences, prostitution and child pornography. Some important advancements include:

* Change in the definition of a child (mean any person under 18)
* New statutory sexual offences against children (sexual penetration of a child; sexual touching of a child; child pornography; meeting a child following sexual grooming; female genital mutilation)
* Higher penalties for persons convicted of cruelty to children. Liability on summary conviction is a fine of five thousand dollars and imprisonment for five years. Liability on indictment is a fine of fifty thousand dollars and imprisonment for ten years.
* Prohibition on corporal punishment as a form of reasonable punishment, except by parents (Section 4)
* New compulsory age of education (Schedule 3 of the Children Act, 2012 amends section 76 of the Education Act so that compulsory school age increases from 6-12 years to 5-16 years)
* Position of trust and penalties for breach of said position of trust (Section 30 of the Children Act, 2012: A person occupies a position of trust in relation to a child in circumstances where their nature of interaction with the child would cause the child to naturally repose a certain level of trust in that person. Consequently, where that person commits an offence against that child, there are stringent penalties attached – section 29 of the Children Act, 2012)
* Child offenders (clear provisions as to the procedure for dealing with child offenders)
* New evidential and procedural requirements with respect to children (both victims and offenders) appearing before Courts (for example, it provides for the use of video recorded evidence in some instances so as to remove the need to have the child attend Court and face re-traumatisation; it also allows for the use of an intermediary in some instances)
* **The Children’s Authority Act, 2000**

The Children’s Authority Act, 2000 was partially proclaimed on May 18, 2015. It establishes the Children’s Authority which implements a new system of child protection in Trinidad and Tobago. The legislation governs the mandate of the Authority.

Key functions include:

* Receiving and investigating reports of mistreatment of children
* Removing children from their homes where they are in imminent danger
* Making applications to the Court for the protection and placement of children received into the care of the Authority
* Establishing and maintaining places of safety, assessment and support centres, and reception centres
* Establishing and operating a foster care system
* Assuming conduct of the adoption process
* Establishing standards for community residences, foster care and nurseries
* Monitoring children’s community residences, foster care providers, and nurseries
* Issuing and revoking licences for community residences and nurseries
* Supporting the youth justice system
* Providing assistance to the Counter-Trafficking Unit in respect of child victims
* Maintaining complete records
* **The Children’s Community Residences, Foster Care and Nurseries Act, 2000**

The Children’s Community Residences, Foster Care and Nurseries Act, 2000 was partially proclaimed on 18 May 2015**.** It **makes provision for the monitoring, licensing and regulating of community residences, foster homes and nurseries in Trinidad and Tobago. It should be noted that some of the sections dealing with the regulation of community residences and the regulation of nurseries has not yet been proclaimed.**

* **The Adoption of Children Act, 2000**

The Adoption of Children Act, 2000 was proclaimed on 18 May 2015. This Act makes provision for the regulation of procedures governing the adoption of children.

Important features of this Act include:

* Consideration of the views of the child as in accordance with the Convention on the Rights of the Child.
* Removal of discrimination in relation to the age of the prospective adopter, the age difference between prospective adopters, gender and marital status of prospective adopters.
* Removal of any statement or sign on the adoptee’s birth certificate that he or she is adopted.
* Provisions for overseas adoptions
* **The Miscellaneous Provisions (Maternity Protection and the Masters and Servants Ordinance) Act, 2012**

The Miscellaneous Provisions (Maternity Protection and the Masters and Servants Ordinance) Act, 2012 amends the Maternity Protection Act, 1998 by increasing maternity leave from 13 to 14 weeks. It also repeals the Masters and Servants Ordinance which was discriminatory against the rights of workers.

* **The Trafficking in Persons Act, 2011**

The Trafficking in Persons Act, 2011 introduces the offence of trafficking in persons in accordance with the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The object of the Act is to prescribe measures to prevent and combat trafficking in persons including children, by:

1. protecting and assisting victims of trafficking;
2. facilitating the efficient investigation of cases of trafficking in persons;
3. facilitating the prosecution of individuals and organizations involved in trafficking in persons; and
4. promoting cooperation between Trinidad and Tobago and other States in order to prevent and suppress trafficking in persons and to punish offenders.

The Act adopts a victim-centred approach making available a range of social benefits and avenues for restitution.

The Act also establishes a Counter Trafficking Unit (CTU) with responsibility for the day-to-day the counter-trafficking response of the Government and for specifically addressing all matters related to human trafficking, including:

* investigating cases,
* screening and identifying victims,
* protecting and assisting victims, and
* raising public awareness about the crime and how to prevent it.
* **The Birth and Deaths Registration (Amendment) Act, 2013**

The Births and Deaths Registration (Amendment) Act, 2013 enables the name of a child to be entered on the Register of Births at any time after the birth has been registered. This enforces the right of a child to a name and identity. It also provides for easier facilitation of legal transactions whereby a person who did not have his name on his birth certificate can now have his name registered.

* **The Legal Aid and Advice (Amendment) Act, 2012**

The Legal Aid and Advice (Amendment) Act, 2012 addresses the issue of children in conflict with the law. It makes provision for the introduction of a 24 hour Duty Counsel Scheme that provides juvenile persons and persons arrested for indictable offences access to legal aid regardless of the time of their arrest.

**Prepared by:**

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**Ministry of the Attorney General**