Situation Analysis
of Children in Turks and Caicos Islands

THE
GOVERNMENT OF THE
TURKS AND CAICOS ISLANDS

UKaid
from the British people

unicef

Situation Analysis of Children in Turks and Caicos Islands

Published by
UNICEF Office for the Eastern Caribbean Area
First Floor, UN House
Marine Gardens, Hastings
Christ Church
Barbados
Tel: (246) 467 6000
Fax: (246) 426 3812
Email: bridgetown@unicef.org
Website: www.unicef.org/easterncaribbean

This Study was commissioned by the UNICEF Office for the Eastern Caribbean Area.

The contents do not necessarily reflect the policies or views of the organizations.

Authors:

Turks and Caicos Islands, UNICEF Office for the Eastern Caribbean Area.
All rights reserved. 2016

Situation Analysis of Children in the Turks and Caicos Islands

Acknowledgements

The Situation Analysis for the Turks and Caicos Islands (TCI) is a product of collaborative effort by various stakeholders. UNICEF acknowledges with gratitude the contribution of everyone who participated in the process culminating in this report. The report provides vital information on the realization of children's rights in TCI.

UNICEF would like to thank the following organisations and people for their valuable contributions and insights:

The Ministry of Home Affairs, Transportation and Communication, particularly the Department of Social Development, which supported and guided the process of development of the situation analysis report;

The National steering committee composed of officials from the (social services) line ministries who supported the cross-sectoral approach utilized in conducting the situation analysis;

The consultant who gathered quantitative and qualitative information from various sources and analysed them using an equity-focused approach with reference to international commitments made for the realization of children's rights (CRC, MDGs, regional and national development objectives);

Key stakeholders who were an invaluable source of information including officials from the line ministries, frontline workers (e.g., teachers and school supervisors, health care personnel, social workers, police officers, magistrates, etc.) faith-based organizations, and non-governmental organizations, media. UNICEF is also indebted to the children, mothers, fathers, and families;

UNICEF LACRO team who provided the technical guidance throughout the work, for the conduct of an equity-focused and risk-informed situation analysis;

UNICEF ECA Programme Team for the technical guidance, technical analysis and peer review of the report;

The technical writer and graphic artists who contributed to making the report print-ready.

UNICEF remains thankful to UK AID for their financial support which made this work possible in the four UK overseas territories of Anguilla, Montserrat, Turks and Caicos Islands, and the British Virgin Islands.

THE
GOVERNMENT OF THE
TURKS AND CAICOS ISLANDS

UKaid
from the British people

unicef

Situation Analysis of Children in the Turks and Caicos Islands

FOREWARD

The UNICEF Office for the Eastern Caribbean Area is very pleased to present this Situation Analysis of Children in partnership with the Government of Turks and Caicos Islands.

Evidence-informed programming is critical not only to our Multi Country Programme of Cooperation with the governments of the Eastern Caribbean Area but to the day-to-day decisions that are needed to determine policy, programme delivery and budget allocation in good governance to focus limited resources to the most critical issues and vulnerable groups. Not-withstanding some obvious gaps in data availability, we see this assessment as an integral contribution to the enhancement of knowledge of children and their families in Turks and Caicos Islands.

This Situation Analysis of Children in Turks and Caicos Islands is designed to help government shape national policies and action plans in line with the new Sustainable Development Goals agreed by the international community. It describes the current situation of children, identifies barriers and bottlenecks in advancing children's rights in health, education and child protection and sets forth recommendations.

It is also a critical tool in the preparation of the 2017-2021 UNICEF ECA Multi Country Programme as the identification of the vulnerable segments of the child population will sharpen our focus as we seek to support governments to respond to the needs all children, but especially those most at risk of multiple deprivations.

This document represents the first time in decades that we have attempted to compile separate updates for each of the 12 countries and territories in the Multi Country Programme. It has been an arduous, but rewarding task, as while there are many similarities between the countries of the Eastern Caribbean Area, some features and situations distinguish one state from the other.

It is hoped that this Situation Analysis will be a valuable tool to all sectors including Government; international, regional and national organisations; other Development Partners and UN agencies; non-state actors and the media as well as well as special interest groups and organisations whose mission is to work towards of the advancement of the rights of children.

We sincerely thank all those who contributed to its development.

THE
GOVERNMENT OF THE
TURKS AND CAICOS ISLANDS

UKaid
from the British people

unicef

CONTENTS

List of figures and tables

Figures

Tables

ACRONYMS

CDB	Caribbean Development Bank
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CSEC	Caribbean Secondary Education Certificate
DSDGA	Department of Social Development and Gender Affairs
ECE	early childhood education
ECLAC	Economic Commission for Latin America and the Caribbean
ESL	English as a second language
GDP	gross domestic product
MDGs	Millennium Development Goals
NGO	non-governmental organization
NHIP	National Health Insurance Programme
OECS	Organisation of Eastern Caribbean States
OJMC	Overseas Joint Ministerial Council
PAHO	Pan American Health Organization
PTR	pupil-to-teacher ratio
SDGs	Sustainable Development Goals
SEA	Social Enhancement Aid
SitAn	Situation Analysis
SNAP	Special Needs Association of Providenciales
TCI	Turks and Caicos Islands
UKOT	United Kingdom Overseas Territory
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
VPL	vulnerability to poverty line

Executive Summary

Introduction

This Situation Analysis (SitAn) of children in the Turks and Caicos Islands (TCI) is designed to help the Government shape national policies and action plans in line with the Sustainable Development Goals (SDGs). It describes the current situation of children, identifies barriers and bottlenecks to advancing children's rights in health, education and child protection, and sets forth recommendations.

TCI comprises 40 islands and cays. Most of this territory, some 430 km, is uninhabited. The capital is located on the island of Grand Turk, while the international airport and most tourist resorts are found on Providenciales. TCI is an internally governed overseas territory of the United Kingdom and an associate member State of the Caribbean Community (CARICOM) and the Organisation of Eastern Caribbean States (OECS). The population at the time of the 2012 census stood at 31,458, of which children (0–19 years) made up about 28.5 per cent. An estimated 77 per cent of the population lives on Providenciales.

The territory enjoys a GDP per capita of more than US$21,000. Despite this good economic average, however, there remain inequalities and inequities that hamper the realization of child rights.

Methodology

The data available for the SitAn process did not capture the full range of issues that allow for an in-depth assessment of the situation of children, including in relation to gender, age, nationality and socio-economic status. Similarly, the lack of historical data on socio-economic issues did not allow for trends comparisons or analysis as to whether the socio-economic situation of children and other vulnerable groups is better, worse or

the same as it was five, 10 or 15 years ago. Due to the limitations of available quantitative data, there is a strong emphasis on qualitative information in the TCI SitAn.

The main research methods were: desk review (materials produced in the previous five years); data analysis (national and international surveys); interviews with key stakeholders, including United Nations staff, government officials, non-governmental organizations (NGOs), civil society and adolescents; and focus groups. Observations complemented the other qualitative approaches. Data collection took place during two field visits. Measures were put in place to ensure confidentiality and anonymity of opinions. In order to reduce bias in the analysis, information was considered for use only after it was confirmed by three different sources.

Findings

The issue of child rights in TCI has to be understood within two parameters. First, there are individuals and their families who are part of the system, 'belongers' and 'non-belongers' who are legally in the territory, have documentation and pay health insurance and other taxes. Second, there are individuals and families who live in the territory illegally, without access to benefits and afraid to come forward and report abuses. Accurate numbers for illegal immigrants are hard to collect, especially given the delicate nature of the topic. According to the 2014 Poverty Assessment, 51 per cent of the population has the right to reside in the territory indefinitely, the majority being belongers, and 41 per cent have temporary residence rights through either time-limited work permits and employment contracts or as dependents of these workers. The remaining 8 per cent has no formal residential status. They have either arrived illegally or their work permits have expired, or they were born into non-belonger households and have not acquired the nationality of their parents. Haitians make up two-thirds of this group.

Poverty is the core of most, if not all, the problems that affect children and adolescents. Poverty numbers calculated in 2014 (using data collected in 2012) showed that poverty was reduced from 26 per cent in 1999 to 22 per cent in 2014; however, in the same period the absolute number of poor people increased from 3,900 to 6,800. Regarding nationality, the poverty rate for the Haitian population was 35 per cent, almost double the poverty rate for the belonger population. When the poverty rate and the vulnerable rate are added together, 50 per cent of the Haitians residing in TCI are living in poverty or at constant risk of becoming poor.

Different perspectives were aggregated and five vulnerable child populations were identified: children living in single-parent households, especially those that are female headed; children living in households where parents are underemployed and/or inadequately employed; children who are disabled or have special needs; adolescents; and children who are not belongers, especially those who are not English speakers. Deprivations and vulnerabilities accumulate, overlap and reinforce each other to a point where some children might be living in families that fit all the groups.

Both belongers and non-belongers are among the vulnerable groups identified in the SitAn. Migration status determines the level of access to social services, health, education and housing as well as the extent of unemployment and underemployment. Immigrants from the Dominican Republic and Haiti as well as other foreign populations in TCI live in a state of 'inbetweenity' of worlds. The unregulated and uncontrolled influx of migrants has contributed to strains on social and educational services. Migrant women and children are more vulnerable to domestic violence and sexual abuse. Their fragile status and language and cultural barriers hamper the level of reporting and impede police and social services responses.

The SitAn did not detect a consolidated social policy scheme for vulnerable groups and families or any plan to strategically address the causes and consequences of poverty

and vulnerabilities. Instead, the territory relies on temporary forms of public assistance to alleviate the problems of families and individuals. Different respondents considered the existing social assistance model to be very reactive in responding to the demands of some clients while failing to anticipate possible needs of different vulnerable groups. The interviews indicated that the Government recognizes this deficiency and plans to move to a more systemic approach. However, progress is currently limited by legislation that differentiates between belongers and non-belongers, lack of funding and staff limitations in social development.

Although 5,589 students were enrolled in primary and secondary classes for the 2013/2014 school year, it is not known whether all children in the territory had access to education. Private schools provide a better education than public ones, at least until students reach secondary education. At primary level it is possible to measure the difference in quality by GSAT pass rates; in 2014, the grades of private school students were almost 20 percentage points higher than those of public school students. For secondary schools, a quantitative measurement of quality between public and private schools was not available.

The sole public secondary school in Providenciales has developed serious infra-structural problems due to overcrowding caused by the flow of children from private schools to public schools in the wake of the 2008 world economic crisis. According to the interviews, the Government was not prepared to receive such an inflow of students. The overcrowding has exacerbated tensions between belonger and non-belonger parents as applications for admission exceed available places. Non-belonger students repeatedly spoke of discrimination and bullying due to their migrant status.

Official data for 2014 showed that 52 per cent of all students were non-belongers. A third of all students were from a Dominican Republic or Haitian background, but the territory does not have a fully functioning English as a second language (ESL) programme. There are also concerns about the number of out-of-school children. According to anecdotal evidence, a considerable number of children from legal and illegal immigrant families are not enrolled in school due to problems with their documents and language issues. The level of secondary school dropouts is an issue among all adolescents, regardless of their status. Some dropouts are related to pregnancy or expulsion for violent acts. Other possible reasons, such as lack of incentives or financial pressures, should be further investigated.

Until recently non-belongers paid a higher fee than belongers for access to public hospitals and clinics. A National Health Insurance Programme (NHIP) is being implemented under which all who are part of it have the same co-pay whatever their status. However, those who do not have insurance would pay the full price for services. Since the employee and the employer pay for the insurance, it is available only to those who have a work authorization. Thus access is still limited for those who are in the country illegally. Belongers who are not in the programme can still access health through social welfare.

A major issue that impacts on all children in the territory is related to different forms of violence and abuse in schools, communities and homes. Violence against children is widespread and pervasive and continues to compromise social progress and development. Official numbers do not reflect the reality, since much of the violence is hidden due to fear, pride or shame. Corporal punishment at school or at home is a violation of a child's basic human rights. It interferes with the learning process and with children's social and emotional development and is connected to increased antisocial behaviour in adolescents and to the perpetuation of sexual and domestic abuse and violence. In allowing corporal punishment, the Government is not preventing but fuelling and justifying violence and abuse.

Conclusion

TCI must view children as an investment for the future. There is a need to reconcile the

investments in tourism and infrastructure with social investments to increase the quality of education, health and protective systems and to ensure they encompass both belongers and non-belongers. The debate on legal and illegal migrants, their contribution to the territory and how they should be protected by a more inclusive social scheme must be on the TCI agenda for the coming years. Children, regardless of where they come from, cannot be penalized and must have their rights realized.

With the global agreement on the SDGs, a new wave of international cooperation is expected among countries and territories seeking common solutions for common problems, increasing the use of resources, and maximizing the chances of real life impacts for those in need. Nations should start framing their plans and policies based on this new development agenda.

Recommendations

Legal and policy framework

- Pass and/or enact pending bills that help realize the rights of children and ratify (extend) relevant human rights treaties.
- Update legislation to eliminate the gap in access to services between belongers and non-belongers.
- Discuss, adopt and monitor a measure to track poverty and/or socio-economic vulnerabilities in the territory.
- Develop an integrated and systemic social policy programme that identifies and covers the most vulnerable populations in the island and extend this to all those who legally reside in the territory, regardless of their nationality.
- Create mechanisms to make visible the situation of foreign-born residents, especially undocumented women and children, including through qualitative and quantitative research.
- Develop joint social and economic policies regarding the employment of women and provide mothers with childcare support, especially in the early years. This should include involving fathers as caregivers.

Survival rights

- Produce and publish annual data on child and maternal health, including mortality, prenatal care, delivery, vaccination and other basic indicators.
- Create a programme for preventing and controlling child obesity with integral indicators and goals (involving all the relevant ministries).

Development rights

- Reinforce the quality of education at all levels.
- Guarantee access to ECE services for all children.
- Build a new secondary school in Providenciales or expand the existing one.
- Provide after-school educational spaces and recreational opportunities for children and adolescents.
- Identify the need for English as a second language (ESL) in primary and secondary schools and create a programme to assist children from non-English-speaking countries.
- Address the issue of children lagging behind and ensure the retention of children and adolescents in the system.
- Identify out-of-school children – and the reasons for this – and develop effective public policies to reinsert them back into formal education.
- Guarantee access to special education for all children, including those not living in Providenciales.
- Strengthen the current participation mechanisms at school and in society, and create new ones that really guarantee wide

participation of boys and girls.

Protection rights

- Create an integrated database on management of cases of abuse that guarantees confidentiality of those in need but also access to the information for monitoring of cases.
- Abolish corporal punishment in schools and develop public information campaigns to eradicate its use in the home.
- Openly discuss causes of violence against children and create a plan to tackle them.
- Further develop and strengthen the juvenile justice system, including through training the judiciary and other relevant officials in the skills to deliver juvenile justice and putting in place appropriate mechanisms for dealing with juvenile offenders in accordance with the CRC.
- Enforce confidentiality and anonymity in those cases where children are victims and/or perpetrators of violence.
- Institutionalize public policies that empower girls, guarantee access to information and contraceptives, and penalize those who abuse young girls.
- Establish a place of refuge for women and children who have been victims of abuse.
- Amend national legislation to automatically provide children born in TCI with a birth certificate and residence status.
- Invest in the monitoring of cases of child labour and child trafficking in the territory and take preventive action.

1 Introduction

As part of the country programming process, the United Nations Children's Fund (UNICEF) assists governments to analyse the situation of children, youth and women. A Situation Analysis (SitAn) of children helps shape national programmes of action for children, UNICEF's own programmes of assistance and the work of local and external development partners. It not only describes the current situation of children but also identifies and analyses the barriers and bottlenecks that prevent the full realization of children's rights related to health, education and child protection. It is part of a process to help ensure that national policies to address the needs of children are on track to achieve the new Sustainable Development Goals (SDGs).

While the 2015 SitAn of the Turks and Caicos Islands (TCI) continues the work initiated with the 2009 Situation Analysis of Children and Their Families in the Eastern Caribbean (UNICEF Office for the Eastern Caribbean 2009), it also advances in its approach. UNICEF is in the process of developing a set of individual SitAns for 12 countries in the region, including the other three United Kingdom Overseas Territories (UKOTs): Anguilla, Montserrat and Virgin Islands. In looking at the countries and territories individually, UNICEF aims to provide updated analysis of the situation of children, showing how this differs depending on local realities. In so doing, it wants to engage governments and partners in the process of developing efficient public policies to realize child's rights and, at the same time, empower societies to monitor and participate as actors of change in the realization of those rights.

Although UNICEF might have initiated and sponsored the process, this SitAn is the result of cooperation between the Fund and the Government of TCI, aiming to attract as many stakeholders as possible into the process. It aims to support the Government, civil society and other stakeholders to better understand the situation of boys and girls in TCI, support national capacity for promoting human development and, consequently, contribute to the realization of human rights.

The analysis conducted adopts a human rights framework including the equity approach (Table 1). It will allow for better understanding of those children who are most marginalized, poorest, without a voice and, in some cases, not recognized in the current national policy dialogues between various stakeholders.

Table 1: Human rights and equity focus perspectives

Rights-based approach	Equity-based approach
Definition: Application of human rights principles in child survival, growth, development and participation Respect, protect, fulfil	**Definition**: Application of an equity-focused approach in the realization of child rights Poorest, most marginalized, deprived of opportunities, etc.
Scope: All children have the right to survive, develop and reach their full potential regardless of gender, race, religious beliefs, income, physical attributes, geographical location or other status.	**Scope**: All children have an equal opportunity to survive, develop and reach their full potential without discrimination, bias or favouritism**.** The focus is on the most marginalized children.
Guiding principles: Accountability, universality, indivisibility and participation *Justice is the overriding theme.*	**Guiding principles:** Equity is distinct from equality. Equality requires all to have the same resources, while equity requires all to have an equal opportunity to access the same resources. The concept of equity is universal with social justice
Violations of children's rights arise when their basic rights are not realized as per the Convention on the Rights of the Child (CRC) four principles: non-discrimination; best interest of the child; right to survive, grow and develop; and right to participate/be heard. Concept of progressive realization of rights	Inequities arise when certain population groups are unfairly or unjustly deprived of basic resources that are available to other groups.

Equity means that all children have an opportunity to survive, develop and reach their full potential without discrimination, bias or favouritism. This interpretation is consistent with the Convention on the Rights of the Child (CRC), which guarantees the fundamental rights of every child regardless of gender, race, religious beliefs, income, physical attributes, geographical location or other status. Inequities generally arise when certain population groups are unfairly deprived of basic resources that are available to other groups. It is important to emphasize that equity is distinct from equality. Equality requires everyone to have the same resources. Equity requires everyone to have the opportunity to access the same resources. The aim of equity-focused policies is not to eliminate all differences so that everyone has the same level of income, health and education. Rather, the goal is to eliminate unfair and avoidable circumstances that deprive children of their rights (UNICEF 2010).

1.1 Methodology

As described in the 2010 SitAn on the Eastern Caribbean Region (UNICEF Office for Barbados and the Eastern Caribbean 2011), a major challenge in its preparation was the availability and accessibility of social data to support disaggregated analysis and/or describe trends, which was uneven from country to country.

For this 2015 SitAn, quantitative analysis continued to be a challenge. TCI possesses limited disaggregated data, and inconsistent sources of data do not allow for the measurement of trends, which is a limitation of an in-depth equity analysis.

Usually, the balance between quantitative and qualitative data and analysis is necessary to increase the robustness of the study and to make assumptions and conclusions based on evidence. In the case of TCI, the analysis had a strong emphasis on qualitative information due to limitations on quantitative data. The following are the main research methods used:

1. **Desk review** of key documents, research, studies, publications, government reports and plans, and other relevant materials produced about the territory in the last five years and made available to the public. The objective was to map the issues related to children and their possible causes, to assess the availability of data and to use the information to develop questions used during the interviews and focus groups. All the materials consulted and used in the SitAn can be found in the bibliography.

2. **Data analysis** of national and international surveys, demographic and health surveys, the census, income and expenditure survey and administrative sources. The objective was to identify trends in the indicators, to map any disparities and to make inferences about possible causes of inequalities. The main quantitative data sources are presented in Table 2.

Table 2: Main quantitative data sources utilized in the SitAn process

1.	2014 Poverty Assessment
2.	2014 Education Statistical Digest
3.	2014/15 Budget appropriation
4.	CDB 2014 Caribbean Economic Review & Outlook for 2015
5.	Beijing Platform+20 Report (2014)
6.	2012 Census
7.	2012 PAHO Health in the Americas Profile
8.	UN data

3. **Interviews** with key stakeholders, including United Nations staff, government officials, representatives of non-governmental organizations (NGOs), civil society and adolescents. The objective was to explore the problems identified in the literature review and to map the main issues related to children. Also, the interviews were used to capture different perspectives that were not found – or were not evident enough – in other studies.

4. **Focus groups/group interviews** with stakeholders in the territory, including representatives of civil society organizations, NGOs and adolescents. The objective was to go beyond the formal interviews (described in item 3) and to capture the interaction between those who were participating in the discussion. Focus groups were also essential to complement the lack of quantitative data.

5. **Observations** complemented the other qualitative approaches utilized in the process. During two field visits to the territory (the first to collect data and the second to present initial findings to a steering committee and fill data gaps), useful notes were taken from interactions with stakeholders and formal visits to schools, hospitals, government offices, etc.

Special emphasis was given to the participation of different stakeholders during the data collection period. The process involved representatives from the Government, NGOs, youth and families. With the consent of the participants, some interviews and focus groups were recorded. The recordings were destroyed after the final version of the SitAn was prepared. As much as possible, no names, positions or institutions are mentioned in this document and no list of those who were interviewed and participated in the focus groups is attached. Both measures aim to guarantee the confidentiality and anonymity of the opinions. In addition, in order to reduce bias in the analysis, all the description and analysis in the document was triangulated, i.e., it was only considered if the information was confirmed by three different sources.

During the second field visit, preliminary results were presented to a group of stakeholders with three objectives: (i) to increase participation in the process; (ii) to elucidate doubts that still existed in terms of rules, regulations, procedures and systems, among others; and (iii) to present and discuss initial findings. These findings were used as the basis for a discussion on what should be the priorities in terms of actions for children in the coming years.

Following UNICEF's determinant approach (Figure 1), the situation of children in TCI can be seen a result of a complex mix of direct and indirect determinants that must be understood within the territory's history and the political and economical choices made over the years.

Figure 1: Key determinants for barriers and bottlenecks

	Determinants	Description
Enabling Environment	Social Norms	Widely followed social rules of behaviour
	Legislation/Policy	Adequacy of laws and policies
	Budget/expenditure	Allocation & disbursement of required resources
	Management /Coordination	Roles and Accountability/ Coordination/ Partnership
Supply	Availability of essential commodities/inputs	Essential commodities/ inputs required to deliver a service or adopt a practice
	Access to adequately staffed services, facilities and information	Physical access (services, facilities/information)
Demand	Financial access	Direct and indirect costs for services/ practices
	Social and cultural practices and beliefs	Individual/ community beliefs, awareness, behaviors, practices, attitudes
	Timing and Continuity of use	Completion/ continuity in service, practice
Qty	Quality of care	Adherence to required quality standards (national or international norms)

Source: UNICEF Guidance on Situation Analysis (UNICEF 2011).

All the analysis performed in the SitAn had as its basis the notion that children are part of a dynamic enabling environment and that interactions at different levels determine their present situation and, consequently, frame their future.

The content is arranged as follows: Chapters 1 and 2 introduces the territory and its context. Chapters 3, 4, 5 and 6 then combine the overall assessment of the situation of children with analysis in relation to their right to an adequate standard of living, right to education, right to health and right to protection. At the end of each of these chapters, a subsection summarizes the main determinants that impact on the realization of the rights of children in the territory. Chapter 7 provides some inputs on the discussion of the Sustainable Development Goals (SDGs), and finally Chapter 8 offers key conclusions emerging from the SitAn and some general recommendations. In addition, Annex 1 presents a number of recommendations extracted from the legislative analysis commissioned by UNICEF in 2015. They are reproduced here because they reflect important changes that are necessary to strengthen the enabling environment to facilitate the realization of rights for all children in TCI.

2 Overview of the Turks and Caicos Islands

Figure 2: The Turks and Caicos Islands

Source: Google maps

The Turks and Caicos Islands (TCI) comprises 40 islands and cays in an archipelago divided into two groups of islands: the Turks Islands (to the east of the Turks Island Passage) and the Caicos Islands (to the west of the Turks Island Passage), with a total territory of 430 km2 spread over a 948 km2 area and 389 km of coastline (Figure 2). Most of the territory is uninhabited. The capital is located in Grand Turk, but Providenciales (also called 'Provo') is the island where the international airport and most tourist resorts are located (Department of Economic Planning and Statistics 2012).

The territory is susceptible to different natural hazards: it is located in the path of hurricanes and tropical storms and is exposed to wind damage, floods, landslides and earthquakes (PAHO 2012). The last major natural disasters were Tropical Storm Hanna and Hurricane Ike, which hit TCI in August and September 2008 respectively, causing an estimated US$213.6 million in damage with 85 per cent of the housing damaged on the island of Grand Turk (Government of TCI 2013). There are also major concerns with beach erosion and with deforestation caused by illegal settlements, especially in Providenciales.

The National Health Emergency Management Unit (NHEMU), established in 2009, is responsible for the coordination of activities designed to prepare for, monitor, mitigate and respond to public health threats and disasters (PAHO 2012). TCI is implementing a comprehensive disaster management strategy and framework and is developing sectorial disaster risk management solutions (OJMC 2013).

Rainfall in TCI is insufficient for the population's needs. Most of the water for distribution and consumption in Grand Turk and Providenciales is obtained by reverse osmosis, and two thirds of the households are provided with water via private catchments and store it in cisterns/drums. Solid waste management remains a concern (PAHO 2012).

Apart from TCI's vulnerability to natural disasters, being an archipelago means that monitoring its borders is extremely costly and difficult, making it susceptible to illegal activities such as small arms and drug smuggling as well as trafficking in persons.

2.1 Governance

TCI is an internally governed overseas territory of the United Kingdom. The Queen is the Head of State and the Governor is Her Majesty's representative, responsible for external affairs, defence and internal security, the civil service and administration of the courts. The Executive Government is based on the Cabinet, which consists of the Premier, who is appointed by the Governor, six ministers, the Deputy Governor and the Attorney General. The House of Assembly consists of a Speaker, 15 elected members, four appointed members and the Attorney General. The legislature is responsible for enacting laws for the peace, order and good government of the Islands. The legal system, based on English common law, includes a Supreme Court and a Court of Appeal and has provision for appeal to the Privy Council in London (Morlachetti 2015).

At regional level, TCI is an associate member State of the Caribbean Community (CARICOM) and the Organisation of Eastern Caribbean States (OECS) (Government of the UK 2014).

In 2009, TCI had its Constitution temporarily suspended and replaced by direct rule from the United Kingdom through an interim administration led by the Governor, who was in charge of implementing several reforms as a prerequisite for the holding of general elections. The urge

The Turks and Caicos Islands and its challenges as a middle-income State

Although TCI is not considered a Small Island Developing State (SIDS), the territory faces similar issues: a small but growing population, limited resources, remoteness, susceptibility to natural disasters, vulnerability to external shocks, excessive dependence on international economies and fragile environments. In addition, two other factors must be taken into consideration in understanding the territory and possible paths for its sustainable development. First, TCI has high averages for some economic indicators, such as GDP per capita, which

positions it as a middle-income nation. Second, TCI is a UK territory. Both facts disqualify it from direct access to some multilateral cooperation assistance grants, international aid and development funds that could mitigate and help in reducing the inequalities and inequities present in the territory.

for reforms to provide for good governance in the territory resulted in the enacting of the 2011 Constitution Order, which ensured accountability and protection of rights and freedoms of persons residing in TCI (OJMC 2013).

TCI's medium-term national strategy is framed by the 2013–2017 Turks and Caicos Islands Development Strategy (Government of TCI 2013). The Strategy's broad priorities are set in three clusters, as depicted in Figure 3.

Figure 3: 2013–2017 TCI Development Strategy clusters

1) A performing public sector that maintains stability and confidence

1. Stable macroeconomy
2. Sound public financial management
3. A performing public service
4. Support for the poorest and most vulnerable
5. Protecting the natural environment

- Strengthening good governance
- Utilizing global knowledge

2) Private sector-led economic growth for opportunity, diversification, balanced development and job creation

1. Facilitate the expansion of local small and medium-scale private enterprise
2. Diversify the economy, including agriculture, aquaculture, fisheries, financial services development and medical tourism as well as expanding tourism products and markets

- Bring geographic balance to the economy prioritizing economic activity in the family islands
- Creating opportunities for employment.

3) Enhancing the country's resources to match the growing demands of society and the economy

- A healthy, educated people
- Efficient and effective social services
- An efficient and effective land market
- Physical and financial capital markets aligned to the demands of society and economy

Source: Government of TCI 2013.

The Strategy sets health and educational targets to be achieved by 2017 and aims to improve the delivery of social services, including direct and indirect support for the poor and vulnerable populations in the territory.

TCI key strategic direction

The overall strategy is to return the economy to private sector-led growth through an improvement in the environment for business; that is, by making this environment more open to competitive business investment, entry, operation and exit. This in turn requires understanding and support from the TCI community at large as to the need for and level of openness and competition. The economic growth strategy is complemented by a social growth strategy where the best protection for all citizens is constantly improving levels of health and education, including technical and vocational education. Both economic and social strategies need to be permanently underpinned by good governance and sound management of public finances, the economy and public services.

Source: Government of TCI 2013.

2.2 Legal framework related to children

In 2015, UNICEF commissioned a very detailed and precise assessment on the state of legislation in the British Overseas Territories related to children's and women's rights (see Morlachetti 2015). Much of the content of this section and the remaining sections related to the legal framework are based on that study. Each section in this document discusses the most important legislation related to children.

As already noted, TCI is a British Overseas Territory that is self-governing and has its own domestic laws. UK laws do not automatically apply to TCI unless explicitly extended. As a territory, TCI does not ratify international conventions or treaties; nevertheless, if requested by the United Kingdom or by the territory, a convention can be extended if the territory complies with necessary legal aspects (Government of the UK 2013). In practical terms, the extension of any convention or treaty means that the internal legislation of the territory has to be adapted to fulfil the requirements of that instrument.

TCI has had extended some important conventions such as the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); however, as depicted in Table 3, some relevant international conventions have not been extended such as International Labour Organization (ILO) Convention 138 on the minimum age for admission to employment and work; ILO Convention 182 on the worst forms of child labour; the Optional Protocol to the CRC on armed conflict; the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography; and the Palermo Protocol on Trafficking in Persons (USDL 2013; Morlachetti 2015).

Table 3: Treaties extended and not extended by the UK to TCI

• International Convention on the Elimination of All Forms of Racial Discrimination • International Covenant on Civil and Political Rights • International Covenant on Economic, Social and Cultural Rights • Convention on the Elimination of All Forms of Discrimination against Women • Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment • Convention on the Rights of the Child • Convention relating to the Status of Stateless Persons	• Convention on the Rights of Persons with Disabilities • ILO Convention No. 182 on the worst forms of child labour • ILO Convention No. 138 on the minimum age for admission to employment and work • Optional protocol to the CRC on the sale of children, child prostitution and child pornography • Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children

Source: Morlachetti 2015.

The legal framework for the protection of human rights in TCI is based on the Constitution Order 2011 ("Fundamental Rights and Freedoms of the Individual"), which specifically addresses a number of rights and freedoms. It states that every person in the territory is entitled to the right, without distinction of any kind, such as race, national or social origin, political or other opinion, colour, religion, language, creed, association with a national minority, property, sex, sexual orientation, birth or other status, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following: (i) Life, liberty, security of the person and the protection of the law; (ii) Freedom of conscience, of expression and of assembly and association; and (iii) Protection for his or her private and family life, the privacy of his or her home and other property and from deprivation of property save in the public interest and on payment of fair compensation (Morlachetti 2015).

The Constitution also identifies the Human Rights Commission as an institution that should protect good governance and human rights in TCI. In general terms, the Commission Ordinance mentions that its functions shall be (a) to inquire into and investigate complaints of alleged or perceived human rights abuse and complaints regarding procedures, with a view to promoting respect for, and observance of, fundamental rights; (b) to advise and assist the Government in formulating legislation and administrative directions and procedures in furtherance of the promotion and protection of fundamental rights; (c) to make recommendations to the Government regarding measures that should be taken to ensure that national laws and administrative

practices are in accordance with international human rights norms and standards; (d) to inquire generally into any matter, including any enactment or law, or any procedure or practice whether governmental or non-governmental, if it appears to the Commission that human rights are, or may be, infringed thereby; and (f) to make recommendations on the implications of any proposed Ordinance or Regulations or any proposed policy of the Government that may affect human rights; among others.

The territory has a body of legislation and regulations that frame the situation of children in all the areas explored in this SitAn (Table 4).

Table 4: Legislation relevant to children's rights

- Adoption Ordinance, 2009
- Custody of Infants Ordinance, 2009
- Divorce Proceedings Ordinance, 2009
- Divorce Law Ordinance, 2009
- Education Ordinance, 2009
- Employment Ordinance, 2009
- Juvenile Ordinance, 2009
- Juvenile Court Ordinance, 2009
- Legitimation Ordinance, 2009
- Marriage Ordinance, 2009
- Magistrate's Court Ordinance, 2009
- Matrimonial Causes Ordinance, 2012
- Medical Ordinance, 2009
- Offences Against Persons Ordinance, 2009
- Young Offenders Punishment, 1998

Source: Morlachetti 2015.

There are different ages referred to in the legislation related to different aspects of the life of a child (Table 5), from the extremely low age of 8 to be considered responsible for crimes to 16 that appears as a mark for sexual consent, compulsory education and prohibition of child labour. The minimum age of marriage without parental consent is 21 and a marriage is void if either of the parties was, at the time of marriage, under the age of 16. According to health authorities in TCI, the practice is that children under 18 need parental consent to access medical services; however, no legislation has been identified regulating age of consent to medical services.

Table 5: Minimum ages in legislation

Minimum for	Age	Legislation
Age of marriage	21/ 16	Marriage Ordinance - Section 4 (a) Below 21 needs parental consent Below 16 is void
Minimum age of sexual consent	16	Offences Against Persons Ordinance, Section 31 to 32
Minimum age needed for medical consent to have access to medical services	N/A	
Minimum age for employment	16	Section 9 of Employment Ordinance. A person under the age of 16 may enter into an employment contract with the permission of parent/guardian.
Criminal age of responsibility	8	Juveniles Ordinance 3.07 Section 3
Age of compulsory education	From 4 to 16	Education Ordinance Act Section 40

Source: Morlachetti 2015.

For the purpose of this SitAn, children are defined as girls and boys under the age of 18 and sometimes, depending on how data was aggregated, under the age of 19. Adolescents are defined as children between the ages of 10 and 18 (and sometimes between 10 and 19 years of age).

2.3 Demographics

The 2012 Census (Department of Economic Planning and Statistics 2012) showed that 31,458 people lived in TCI. This is an increase of 58.2 per cent when compared to 2001, when the territory had a population of 19,886 people (Figure 4).[1] In 2013, the population was estimated to be around 33,000 inhabitants, significantly concentrated in urban areas (95 per cent) (UNICEF 2014a). Around 28.5 per cent of the population is composed of children between the ages of 0 and 19 years (Table 6).

1 For 2012, the Census also presents a population of 160 people living in institutions. However, for unknown reasons these people are not considered in the final numbers of the Census.

Figure 4: Change in population, 2001–2012

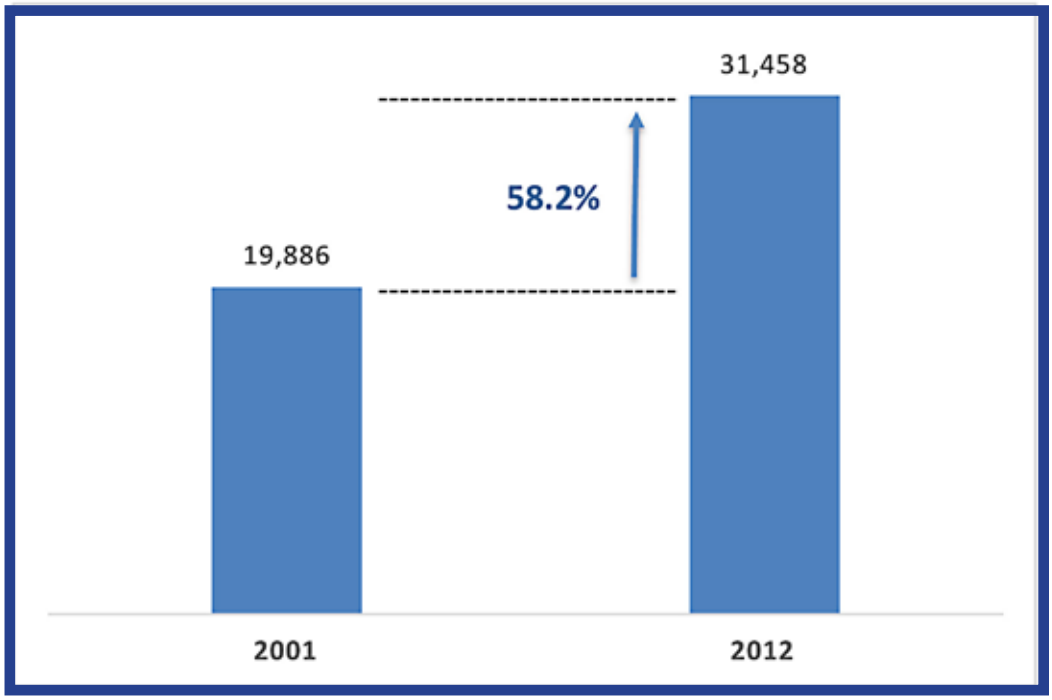


Table 6: Child and youth population, 2012[2]

	Boys	Girls	Total	% total population	% children population
0–4 years	1,265	1,220	2,485	7.7%	27.0%
5 –9 years	1,139	1,147	2,286	7.1%	24.9%
10–14 years	1,043	1,098	2,141	6.6%	23.3%
15–19 years	1,108	1,169	2,277	7.1%	24.8%
20–24 years	1,256	1,311	2,567	8.0%	27.9%
Adolescent population (10–19 years)	2,151	2,267	4,418	13.7%	48.1%
Youth population (15–24 years)	2,364	2,480	4,844	15.0%	52.7%
Total children population (0–19 years)	4,555	4,634	9,189	28.5%	100.0%
Total population	16,365	15,834	32,199	100.0%	

Source: Turks and Caicos Statistics (http://www.sppdtci.com/#!population/c1aq3 (accessed 14 September 2015).

2 The 2012 Census report (Department of Economic Planning and Statistics 2012) does not present the breakdown of the population by age. The information for this table comes from the Turks and Caicos Statistics Department (http://www.sppdtci.com/#!population/c1aq3 - accessed 14 September 2015); hence, it could also be considered official for the territory. The difference between the total population for this table (32,199) and the total for the census (31,458) does not jeopardize the objective of showing how the child population is disaggregated among different age groups.

The population of Providenciales increased from under 1,000 in 1980 to almost 24,000 people in 2012, driven mainly by the economic opportunities brought by the tourism industry (Government of TCI et al. 2014). In 2012, the population located in Providenciales represented 76 per cent of the territory's total.

2.4 Migrant population

Demographics in TCI have to be understood within the context of high migration to the territory. In the Eastern Caribbean, in general, migration takes place in four typical forms: (i) seasonal migration, i.e., parents migrating to a host territory for up to six months for work; (ii) serial migration, i.e., one or both of the parents migrating with the intention to 'send for' the rest of the family at a later date; (iii) parental migration, i.e., parents migrate permanently, or for an assigned period, but have no intention of their children joining them; and (iv) family migration, i.e., parents and family migrate (UNICEF 2009). All four forms are present in TCI.

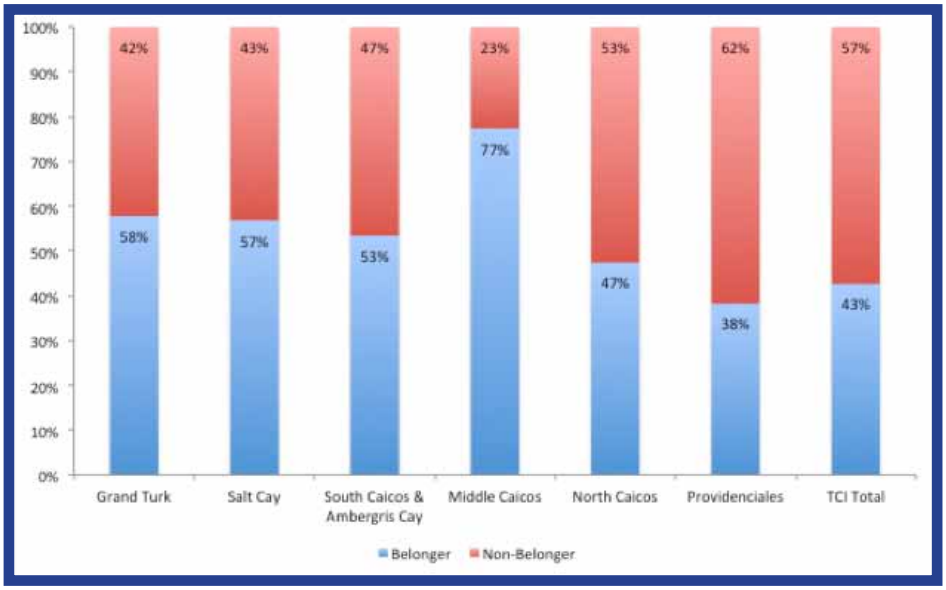
The effects of migration on children, such as a child who has a parent working abroad, can include a loss or reduction of parental support. Additionally, if the child is the one migrating, there can be challenges to access to services and adaptation issues in their homes (UNICEF 2012).

Belongers and non-belongers in TCI

In the four UK Overseas Territories (Anguilla, Montserrat, TCI and Virgin Islands), the term 'belonger' is used to distinguish nationals who 'belong' to the territory. According to the 2012 Turks and Caicos immigration law, the only ways to become a belonger are by birth (if one or both parents are already belongers), descent, adoption, by being married for 10 years to a belonger, or by being the dependent child of someone who becomes a belonger by marriage. Immigrants, even those who are legally in the territory, are therefore automatically non-belongers. The new Constitution Order 2011 switches the terms belonger and non-belonger to 'islanders' and 'non-islanders'. For the purpose of this SitAn, the terms belonger, islander and national are used synonymously.

The increase in population in TCI was mainly driven by the influx of migrants from other Caribbean islands, creating an imbalance between the local population and foreign migrants (Government of the UK 2014). In 2012, 57.5 per cent of the census respondents 18 years and older declared themselves to be non-belongers and 42.5 per cent to be belongers (Department of Economic Planning and Statistics 2012). These figures represent an inversion when compared to 2001, when 48 per cent of the population were considered non-belongers and 52 per cent belongers. Moreover, 62 per cent of the population (ages 18 and older) living in Providenciales in 2012 were non-belongers (Figure 5).

Figure 5: Composition of the population (belonger and non-belonger status) per island and TCI total, 2012



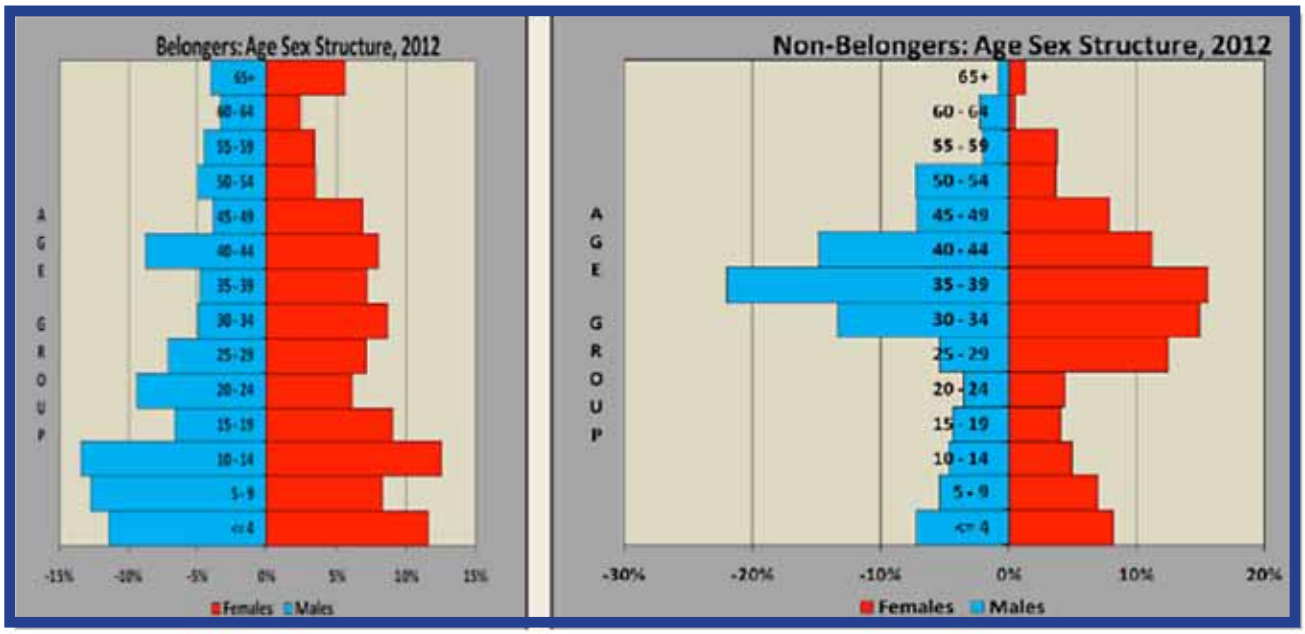
Source: 2012 Census (Department of Economic Planning and Statistics 2012)
Note: Figure only takes into consideration population 18 and older.

The 2012 Census does not provide information on how many children were considered belongers/ non-belongers. However, estimates from the United Nations Population Division Migration Section (United Nations et al. 2014) suggest that about 39 per cent of the child population is composed of non-belongers.

The largest legal migrant groups are Haitians with 35 per cent of the population, followed by the Jamaicans (8 per cent) and those from the Dominican Republic (5 per cent) (Government of TCI et al. 2014). Unlike other groups, where there has been a high turnover, 45 per cent of the Haitian population who were residents in 2012 were also residents in 2001, and virtually all those resident in 2001 were still living in TCI in 2012. Over 80 per cent of Haitians aged under 15 years of age residing in TCI in 2012 were born there, as were over 30 per cent of those aged 15 to 24 years. Taken together, the Haitian population in TCI exhibits a high degree of permanence; yet only around 20 per cent have permanent right of residence in the territory (ibid.).

As a result of the high level of immigration, the population is now more heavily concentrated in the main working age groups (25–64 years) – 61 per cent compared with 54 per cent in 2001 – while the proportions of children and the elderly have both declined. Nevertheless, over a third of the population is aged under 25 years. As suggested by the 2014 Poverty Assessment (Government of TCI et al. 2014), the population structure cannot be properly interpreted without splitting the belonger and non-belonger populations (Figure 6). In general, 25 per cent of the population is less than 14 years of age (35 per cent among belongers and 19 per cent among non-belongers), and around 45 per cent of the population under 24 years is non-nationals.

Figure 6: Age pyramid by migration status



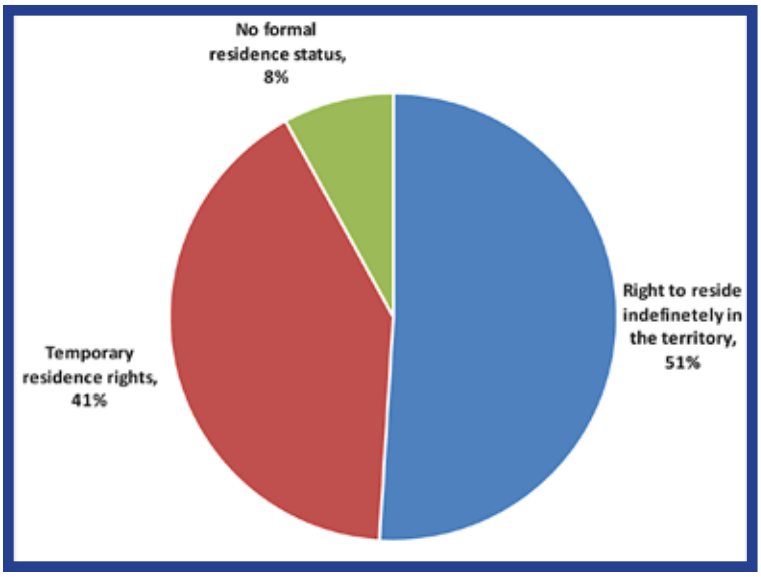
Source: 2012 Poverty Assessment (Government of TCI et al. 2014)

Migration numbers in TCI do not fully capture those who live in the territory illegally. Proximity to Hispaniola makes the territory an attractive nearby destination for those trying to escape from harsh social and economic realities in their countries of origin.[3] Anecdotal evidence collected during the field visit in 2015 indicates that many stakeholders estimate the total population in Providenciales to actually be between 40,000 and 50,000 due to illegal immigration.

Accurate numbers for illegal immigrants are hard to collect, especially due to the delicate nature of the topic. According to the 2014 Poverty Assessment (Government of TCI et al. 2014), 51 per cent of the population has the right to reside in the territory indefinitely, the great majority of whom are belongers; 41 per cent have temporary residence rights by virtue of either time-limited work permits, employment contracts or through being dependents of these workers; and the remainder (8 per cent) have no formal residential status having arrived illegally, have expired work permits or were born in TCI of non-belonger households without having acquired passports of their parents' nationality (two thirds of this group are Haitians) (Figure 7).

3 National news agencies are constantly reporting boats seized containing illegal immigrants going to the territory.

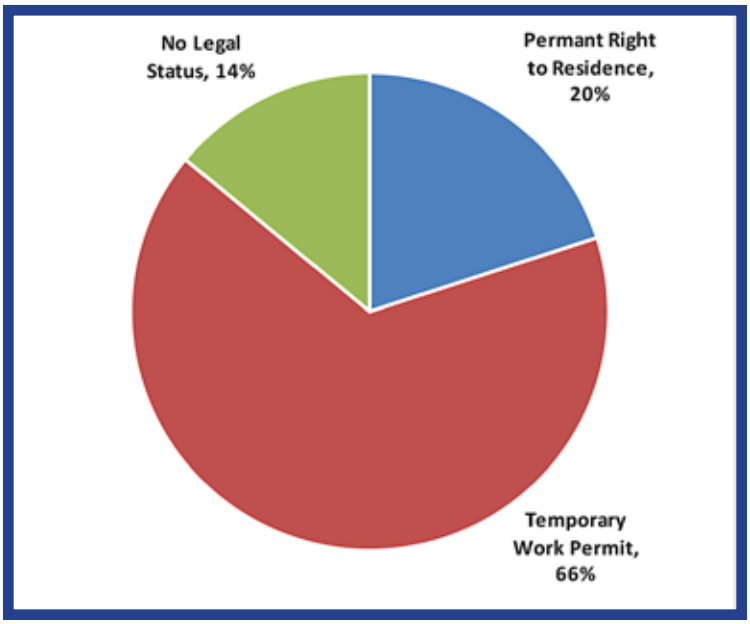
Figure 7: Residency status, 2012



Source: 2014 Poverty Assessment (Government of TCI et al. 2014)

Among non-belongers in 2012, 20 per cent had permanent right of residence, 66 per cent were on temporary work permits and the remainder (14 per cent) had no legal status (Figure 8). There were around 2,500 non-nationals on temporary work permits who were already resident in TCI in 2001; over 80 per cent of this group was Haitian (Government of TCI et al. 2014).

Figure 8: Non-belonger residency status, 2012



Source: 2014 Poverty Assessment (Government of TCI et al. 2014).

The increased number of immigrants has placed additional demands on education, health care and other services and has been a source of social tension between the communities (Government of TCI et al. 2014). While tensions exist, the field trip confirmed that they do not disrupt the peaceful way of living in the territory, nor were these tensions found to be connected to violent acts committed by migrants or locals.

The migration status of children and their parents is an important factor in the realization of child rights in TCI. As is described throughout this document, access and permanency in school and access to health and social benefits have a relationship with the family's migration status. According to UNICEF (Morlachetti 2015), one of the most significant gaps in the protection of human rights is a pattern of discrimination against both TCI-born children of non-TCI parents and migrant children. The rules of citizenship and belonger status are complex and difficult to understand, and there is a high degree of discretion in deciding whether or not to grant the status of islander.

2.5 The economy

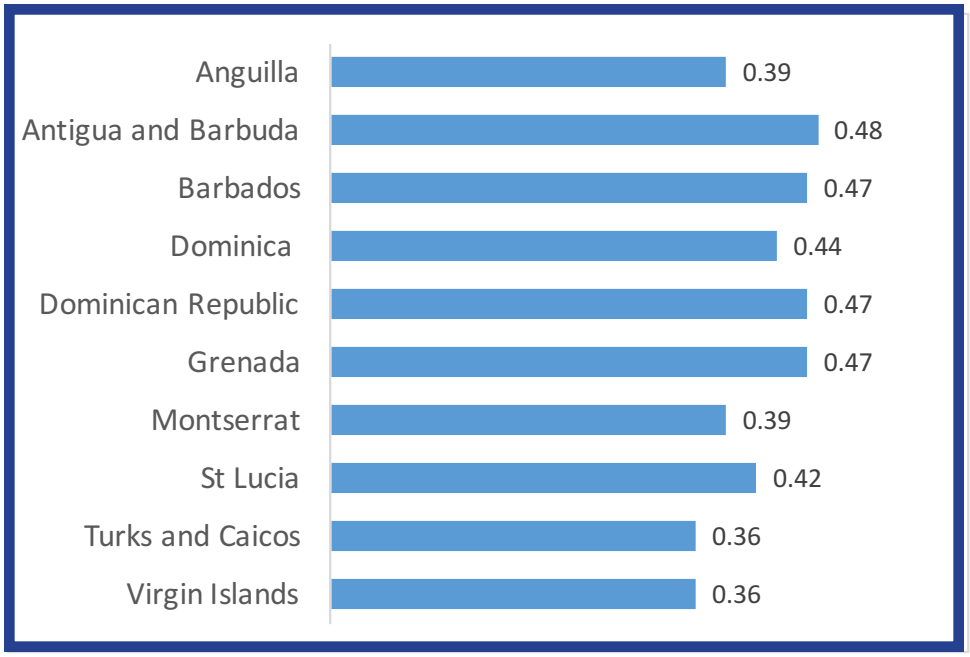
Preliminary results for the territory's gross domestic product (GDP) totalled around US$545 million (constant prices) for 2013, with a projected value of US$582 million for 2014 (Department of Economic Planning and Statistics, 2015). The territory's GDP per capita for 2013 was around US$21,338, positioning it as the 5th highest among 16 countries and territories in the Caribbean. The last measurement of the Gini coefficient was 0.36 in 2012 (Government of TCI et al. 2014), positioning the territory as among the more equal of different countries and territories in the region (Figure 9).

GDP Per Capita:
US$21,338
Source: UN Data

Gini Coefficient:
0.36
Source: 2014 Poverty Study

4 TCI is behind Bermuda (US$85,762.3), Cayman Islands (US$59,447), Virgin Islands (US$32,306) and Bahamas (US$22,312). All numbers are for 2013, adjusted for US$ in May 2015. Data available at https://data.un.org/Default.aspx (accessed 28 May 2015).
5 For a comparison with other nations, see: https://www.cia.gov/library/publications/the-world-factbook/rankorder/2172rank.html.
6 The Gini coefficient measures the extent to which the distribution of income (or, in some cases, consumption expenditure) among individuals or households within an economy deviates from a perfectly equal distribution. The coefficient varies from 0 to 1, with the closer to 1 the higher the inequality in the society.

Figure 9: GINI coefficient for selected countries and territories



Sources: 2014 Poverty Assessment, UNDP Office for Barbados and OECS Region (http://www.bb.undp.org/content/barbados/en/home/countryinfo.html); UKOTs Poverty Studies and Assessments.

The economy of TCI is mainly based on tourism (36.3 per cent of GDP in 2013), financial services (9.6 per cent) and real estate (9.32 per cent) (Table 7) (Turks and Caicos Statistical Office 2015).

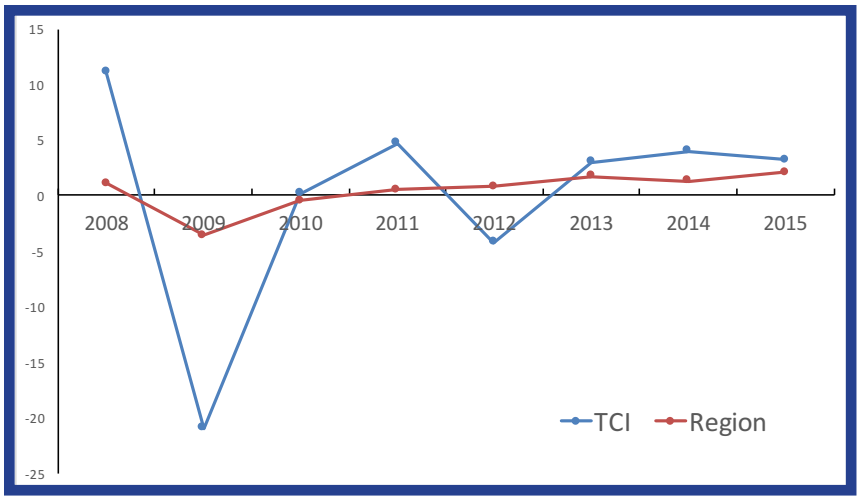
Table 7: Sector contributions to GDP, 2013

Sector	2013 (preliminary results)
Hotels & restaurants	36.31
Financial intermediation	9.61
Real estate, renting & business activities	9.32
Transport, storage & communication	7.75
Construction	3.97
Wholesale & retail trade	3.28
Manufacturing	0.74
Agriculture & fishing	0.52
Mining & quarrying	0.32
Others	28.18

Source: Department of Economic Planning and Statistics, 2015.

From 1990 until 2006, TCI experienced very rapid growth of its economy and natural resources; however, between 2007 and 2009, it suffered considerably from the effects of Hurricane Ike, the global economic crisis and some internal mismanagement that resulted in partial suspension of the 2006 Constitution and the reinstatement of direct administration by the UK Government in 2009 (Government of TCI 2013). While construction (a sector known for employing large numbers of workers) represented almost 14 per cent of GDP in 2007 and 2008, it made up less than 4 per cent in 2013, showing the reduction of investment in the territory. Since 2009, TCI has been adjusting to new standards of living and purchasing power. In 2014 the economy grew 6.7 per cent driven by the recovery in tourism and continued investment inflows for tourism and real estate-related construction, and it is expected to grow 5.94 per cent in 2015 (Department of Economic Planning and Statistics, 2015) .

Figure 10: GDP growth, TCI and region, 2008–2015



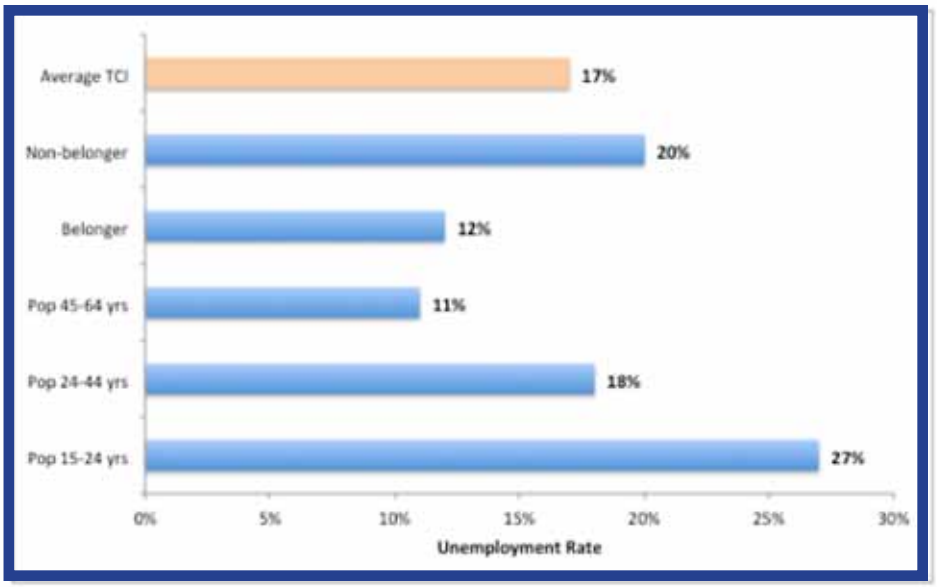
Note: Numbers for 2014 and 2015 are estimates from the Eastern Caribbean Central Bank.
Source: Caribbean Development Bank (http://www.caribank.org/publications-and-resources/economics-statistics).

TCI's economy can be divided into two major blocks: a Providenciales-based economy of high-end tourism and supplementary industries, which is more open, dynamic and international; and the sister islands-based economy of other smaller industries such as agriculture and fisheries focused on domestic economy (Government of TCI 2013).

Unskilled Labour Force:
87% are non-belongers
Source: 2014 Poverty Study

On average, the unemployment rate for TCI was 17 per cent in 2012, with variations based on socio-economic characteristics (Figure 11). Among those more affected by unemployment are non-belongers and youth populations. Among workers who are classified as 'unskilled', 87 per cent are non-belongers, indicating that many immigrants are employed in low-skilled and low-paid jobs. Data do not track those people who are underemployed and/or have inadequate employment.

Figure 11: Unemployment rate for different groups



Source: 2014 Poverty Assessment (Government of TCI et al. 2014).

While the labour market is still suffering from the effects of the 2008/2009 economic crisis, other factors are also pointed to as determinants in the employment situation, including: (i) lack of opportunities for skilled workers; (ii) competition from illegal immigrants who are not covered by the labour laws and accept wages below the market, which is reinforced by both belongers and non-belongers hiring illegal immigrants to work in construction, gardening and other low-paid jobs; (iii) lack of diversification of the economy, which is basically centred on the tourism sector; and (iv) lack of efficient government policies to diversify the economy and create new job opportunities.

The minimum wage was increased from US$5.00 to US$6.25 per hour in May 2015.[7] However, as noted above, anecdotal evidence suggests that many families and small businesses hire illegal immigrants to work on non-skilled tasks, and some are paid below the value established by law. This creates extra pressures in a society that depends a lot of tourism, impacting how people perceive the role of immigrants in the society and feeding the tension between belongers and non-belongers.

7 Source: http://magneticmediatv.com/2015/05/minimum-wage-in-effect-for-turks-and-caicos/

3 The Right to an Adequate Standard of Living

States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing (CRC, article 27).

A very comprehensive and structured analytical assessment on poverty and other socio-economic indicators for TCI was undertaken in 2014 (Government of TCI et al. 2014), which used data collected in 2012. Previously, poverty was measured in 1999. This 13-year gap does not allow for an in-depth analysis of how the 2008 world economic crisis affected poverty and other vulnerabilities in TCI. Moreover, although raw data are available from various governmental arms and agencies, they may not be disaggregated or collected in a format that facilitates analysis.

According to the 2014 Poverty Assessment, three poverty lines were derived for TCI: (i) an indigence or severe poverty line, which is based on minimum food requirements, i.e., the cost of providing an adult male with a diet of 2,400 calories per day, taking into account local dietary preferences and the need for a balanced diet; (ii) the general poverty line, which additionally includes an allowance for essential non-food expenditure (e.g., utilities, housing, clothing, etc.); and (iii) the vulnerability to poverty line (VPL), which provides an indication of the households (or population) with expenditures just above the poverty line that could fall into poverty as a result of a relatively small decrease in income or increase in expenditure. In common with current CDB practice, the VPL is set at 25 per cent above the general poverty line. The cut-off values for each of these three measures are depicted in Table 8.

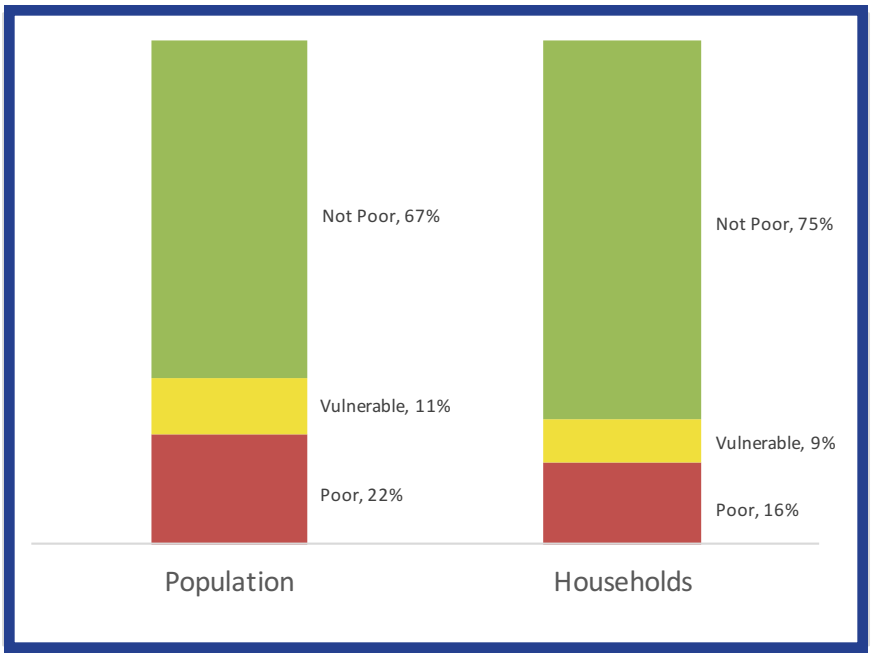
Table 8: Daily and annual cut-off values for poverty and vulnerability lines, TCI, 2014

	Daily value (US$)	Annual value (US$)
Severe poverty line	5.50	2,000
General poverty line	18.2	6,650
Vulnerability to poverty line	22.8	8,300

Source: 2014 Poverty Assessment (Government of TCI et al. 2014).

In 2012, there were no people or households categorized as living in severe poverty in TCI. Around 22 per cent of the population (16 per cent of the households) were considered poor (general poverty) and another 11 per cent (9 per cent of the households) were vulnerable (Figure 12).

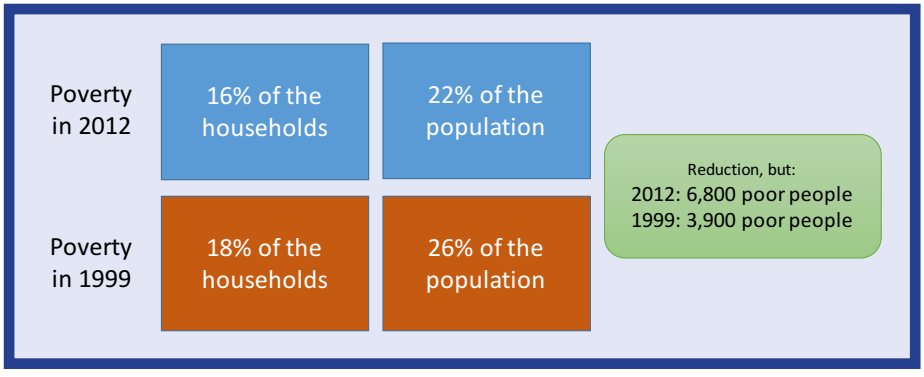
Figure 12: Poverty and vulnerability rates, 2014



Source: 2014 Poverty Assessment (Government of TCI et al. 2014).

Despite the reduction in poverty rates between 1999 and 2012 (Figure 13), in absolute numbers there were 74 per cent more poor people in the territory in 2012 than in 1999. In 2012, around 6,800 people were living in poverty, compared to 3,900 in 1999.

Figure 13: Percentage of poor population, 1999–2014

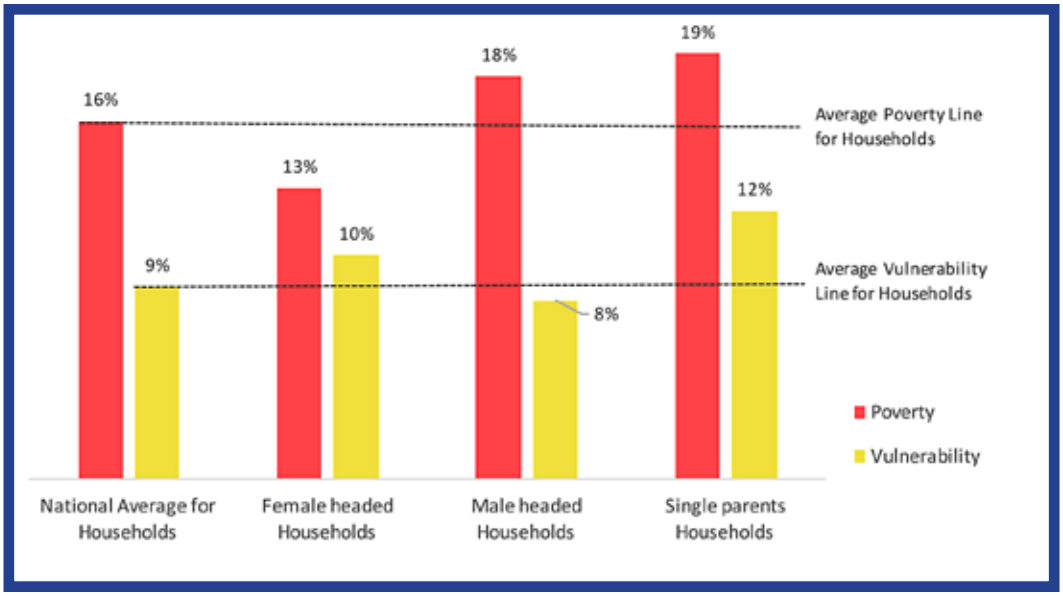


Source: 2014 Poverty Assessment (Government of TCI et al. 2014).

According to the data, extreme poverty and hunger as defined in the Millennium Declaration do not exist in TCI (Government of TCI 2013). However, a proportion of the population is likely to be experiencing different vulnerabilities as evidenced by other data, for example, the increased demand for social welfare benefits such as food and financial support. The Poverty Assessment showed that 60 per cent of households in 2012 were having problems paying for at least one of the following essential household expenses: utilities (46 per cent), food (29 per cent), housing (26 per cent) and transportation (23 per cent). When the incidence of multiple difficulties is analysed, the proportion of households under moderate or severe financial stress ranged from 16–30 per cent (Government of TCI et al. 2014).

According to the Poverty Assessment, there is no correlation between poverty and gender in the population as a whole. Nevertheless, the poverty rate for female-headed households is 13 per cent, which is less than the national average of 16 per cent (for households) and than in households headed by men (18 per cent). Furthermore, 19 per cent of single-parent households were considered poor and 12 per cent were considered vulnerable (Figure 14) (Government of TCI et al. 2014).

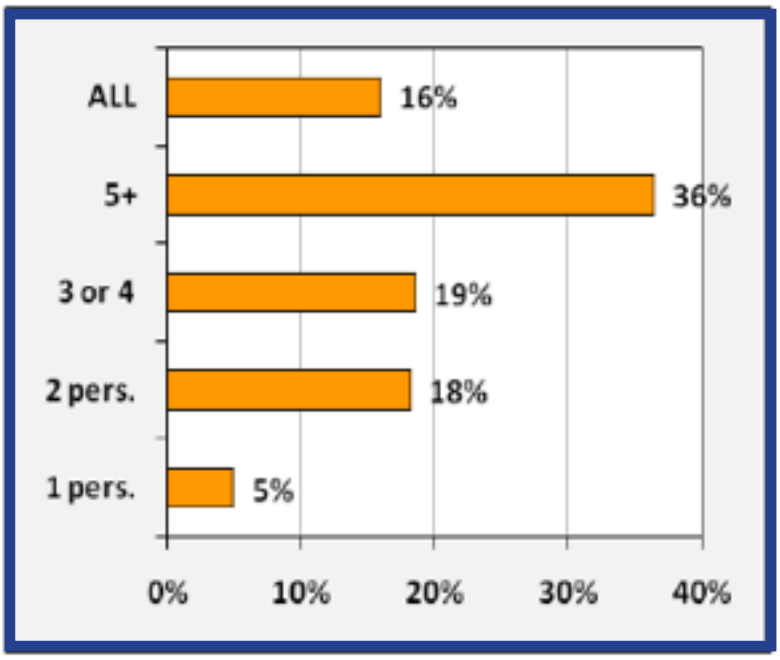
Figure 14: Household poverty by different variables, 2012



Source: 2014 Poverty Assessment (Government of TCI et al. 2014).

The poverty rate in TCI is intrinsically correlated to household size, person's age, nationality and place of living. In 2012, 36 per cent of large households (five+ persons) were considered poor compared to 19 per cent of households with three or four persons and 18 per cent with two persons (Figure 15) (Government of TCI et al. 2014). The fact that large households have higher poverty rates indicates that children are among those who are living in poverty.

Figure 15: Poverty by household size, 2012

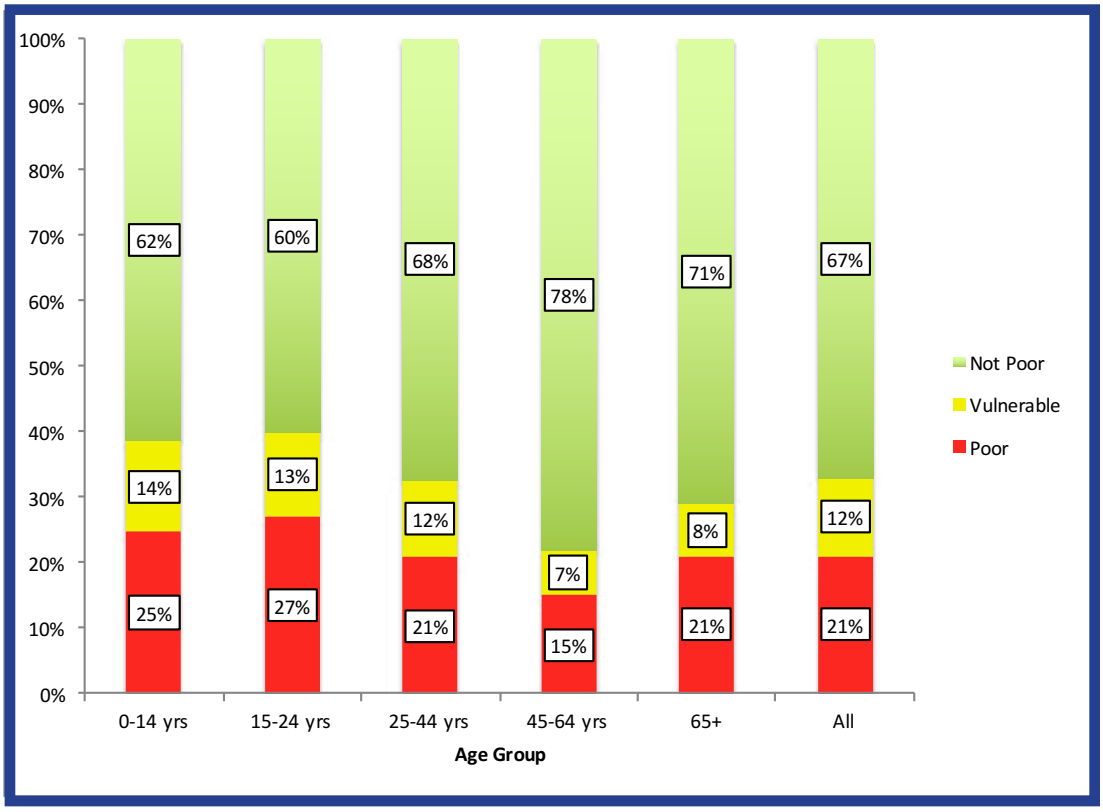


Source: 2014 Poverty Assessment (Government of TCI et al. 2014).

Children under 15 years old and youth (aged 15–24 years) have the highest poverty and vulnerability rates compared with the overall population average (Figure 16).[8] These two groups account for over 40 per cent of the poor population. For children, poverty can lead to the denial of a comprehensive set of basic human rights such as education, health and nutrition, adequate housing standards, participation in society and protection.

8 Data presented in the 2014 Poverty Assessment do not allow the calculation of poverty and vulnerability rates for the population 0–18 years of age. Therefore, it is not known whether the high numbers for the youth population (15–24) are centred in the adolescent (15–18 years old) or youth (15–24) populations.

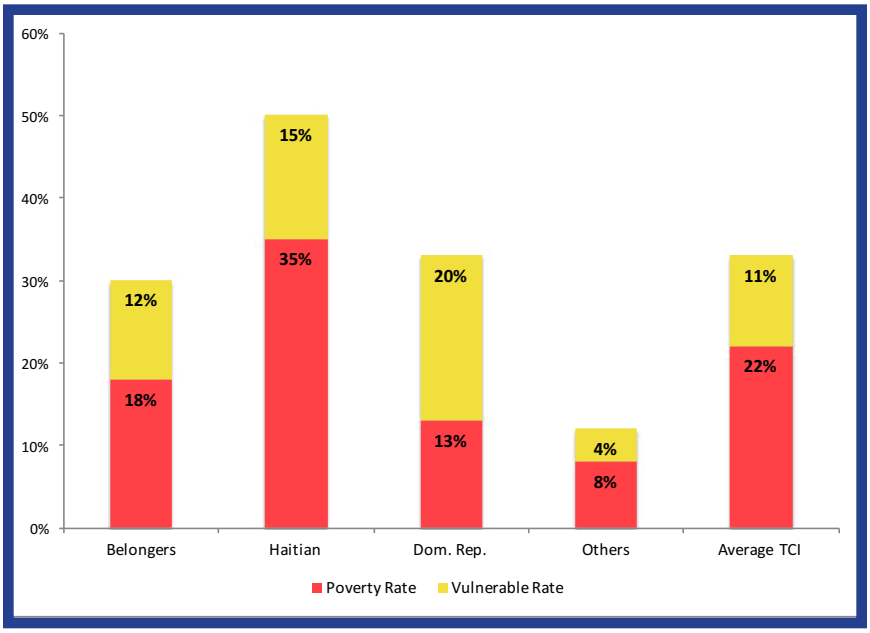
Figure 16: Poverty and vulnerability status by age group, 2012



Source: 2014 Poverty Assessment (Government of TCI et al. 2014).

Regarding nationality, the poverty rate of the Haitian population was 35 per cent, almost double that of belongers (Figure 17). Adding the poverty rate and vulnerability rate shows that 50 per cent of the Haitians residing in TCI are living in poverty or are at constant risk of becoming poor (Government of TCI et al. 2014). The fact that TCI has a large illegal immigrant population is likely to mean there are actually even higher poverty and vulnerability rates among those who are not belongers.

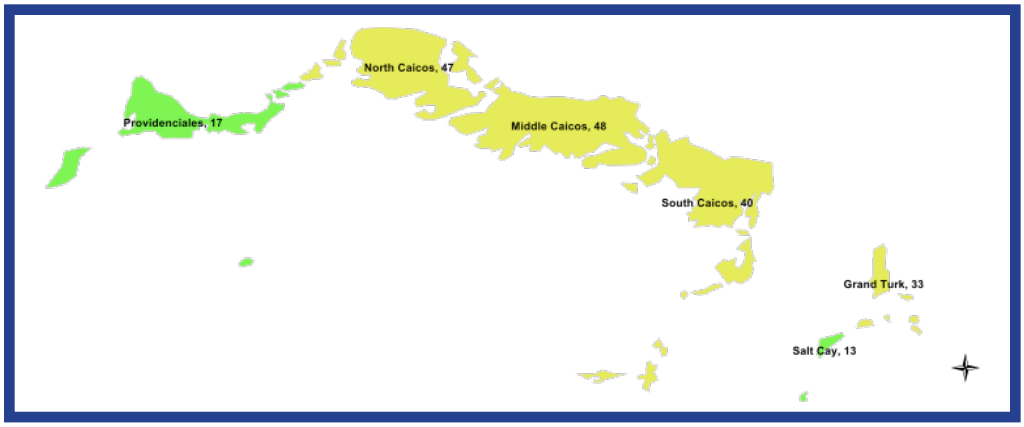
Figure 17: Poverty and vulnerable rates by nationality status, 2012



Source: 2014 Poverty Assessment (Government of TCI et al. 2014).

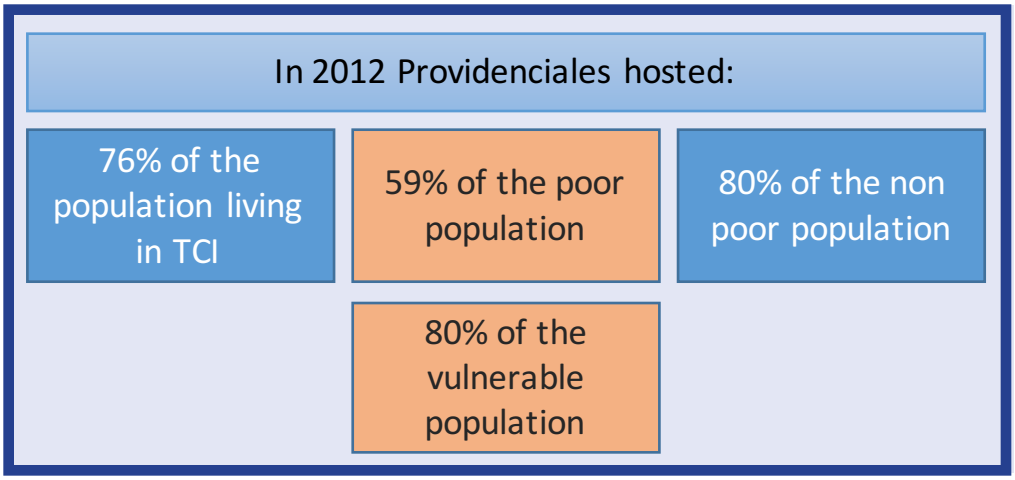
In terms of geographic disparity, around 17 per cent of the population in Providenciales is considered to be poor (Figure 18); however, due to the size of the population in that island, they represent 59 per cent of the overall poor population in TCI. Although some islands such as North Caicos, South Caicos and Middle Caicos have high poverty rates (47 per cent, 40 per cent and 48 per cent, respectively), their small populations mean they contribute less than 8 per cent of the overall poor people. Providenciales not only has the highest number of poor persons but also the highest non-poor population (Figure 19).

Figure 18: Poverty rate (for individuals) by major island, 2012



Source: 2014 Poverty Assessment (Government of TCI et al. 2014).

Figure 19: Different population groups in Providenciales, 2012



Source: 2014 Poverty Assessment (Government of TCI et al. 2014).

As in other countries and territories, poverty is generally inversely correlated to educational attainment, although one interesting point that should be further analysed in future studies is that those with lower secondary education have a higher poverty rate than those with no education or primary education (Table 9). One fact that might explain this is the number of young people, especially boys, who drop out of school at the early stages of secondary education to look for jobs. As they do not have the necessary qualifications, their salaries might be low, pushing their families into poverty.

Table 9: Educational attainment and poverty, 2012

Head of household educational attainment	Poverty rate
None/primary	31%
Lower secondary (forms 1-3)	37%
Upper secondary (forms 4 and 5)	12%
Post secondary	6%

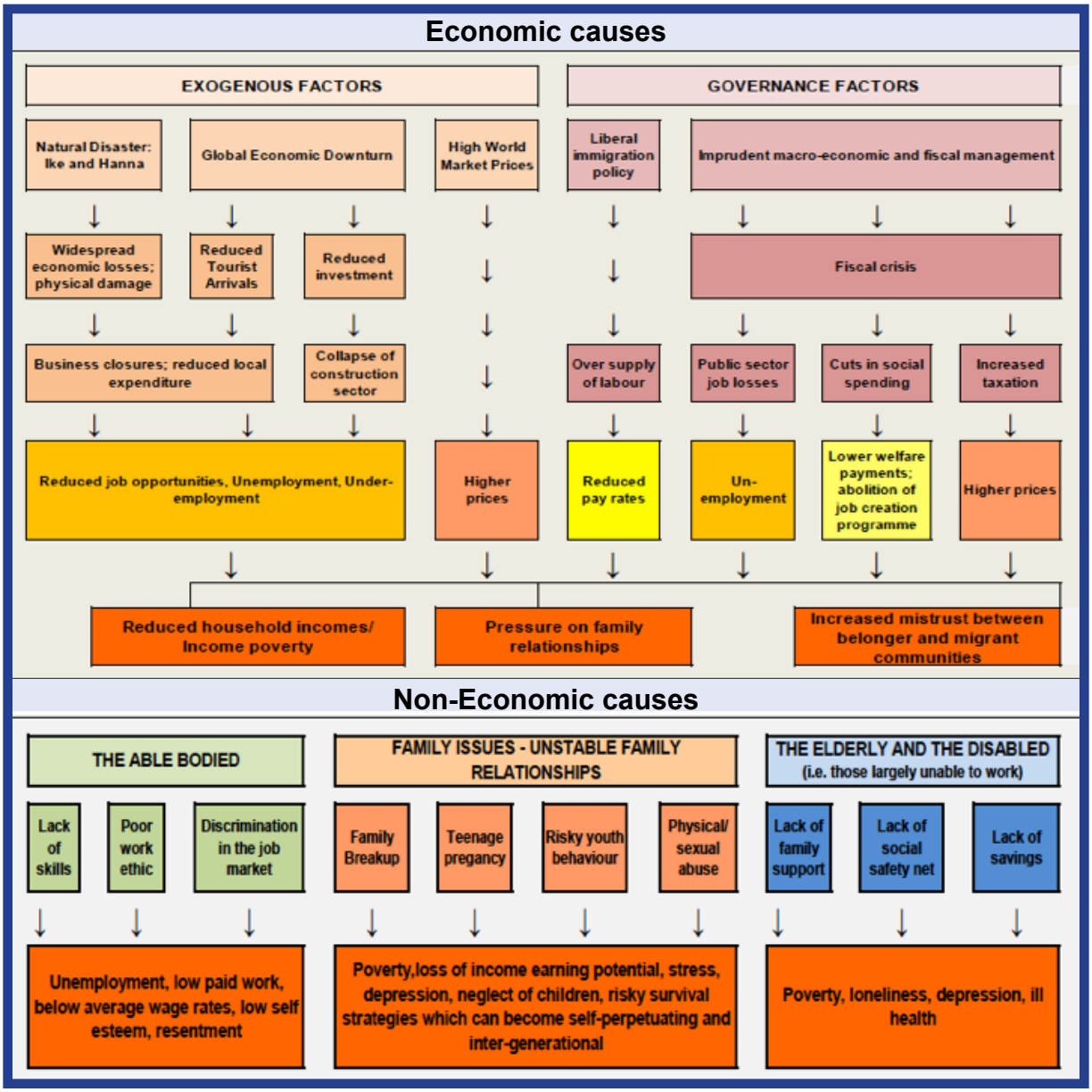
Source: 2014 Poverty Assessment (Government of TCI et al. 2014).

The Poverty Assessment summarizes that the people to be considered poor are those who live in households that: (i) are large (5+ persons); (ii) have children; (iii) have no one employed or someone unemployed; (iv) have heads who have not completed secondary school; and (v) have heads employed in manual or elementary occupations (Government of TCI et al. 2014).

One important feature of the 2014 Poverty Assessment is the attempt to analyse the possible causes of poverty in TCI, which raises issues

related to both economic and non-economic causes (Figure 20). Also, the analysis recognizes that poverty in the territory is influenced by internal and external factors, some of which are under the control of the Government while others are not under its control but need to be taken into consideration in policy planning. These factors are not going to be discussed in this SitAn, but they are important inputs that the Government, civil society and other stakeholders should take into consideration when planning the territory's response to poverty and other socio-economic vulnerabilities.

Figure 20: Economic and non-economic causes of poverty in TCI



Source: Poverty Assessment (Government of TCI et al. 2014)

3.1 Poverty and vulnerabilities

The interviews and focal groups identified a growing concern with groups that are not necessarily living in poverty but are at risk of falling into it and with children whose families might be economically stable but who suffer other types of abuses that hinder the full realization of their rights. Any discussion of poverty in TCI must therefore incorporate a broader discussion related to vulnerabilities and children.

Vulnerability is connected to the risk of deprivation, losing assets, being physically or psychologically hurt or losing life due to different threats in the environment that surrounds the child and his/her family. The concept of vulnerable populations is common in emergency preparedness analysis and can be adapted to indicate those situations where social and economic changes create a risk for the population. For the discussion in this SitAn, vulnerability is seen as related to a family not having enough financial resources as well as not having access to public policies that provide the systemic protection that children need to have their rights realized.

The qualitative work conducted in the territory identified five categories of vulnerable groups related to children. Many of them are at higher risk of not accessing health facilities and schools or even of not being recognized since some may not have been registered due to their family migration patterns and background. These groups are categorized as:

i. Children living in single-parent households headed by women

ii. Children living with parents who are un deremployed and/or have inadequate employment

iii. Children with disabilities and/or special needs

iv. Adolescents

v. Children who live in TCI but are not citizens, especially those for whom English is not their mother tongue

i.Children living in single-parent households headed by women

According to different stakeholders, girls and boys who live in single-parent households headed by women compromise the first vulnerable group. The number of such arrangements is unknown.[9] According to the 2014 Poverty Assessment, as shown in Figure 14, single-parent households had a higher poverty rate (19 per cent) than the national average (16 per cent).

Vulnerability for children living in these arrangements is connected to the need that mothers have to find work to sustain the family and, consequently, the absence of an adult at home. In single-parent households, when a mother – or father – is not home, children are affected in different ways. One direct danger is that young children are susceptible to being abused by older children and/or adults. Cases reported in TCI (and in the whole Eastern Caribbean area) connect different types of physical abuse to the absence of parents from home, especially during the night. Anecdotal evidence also connects the lack of a father figure at home to cases of school drop out and violence at school and in the community. As pointed out by the Poverty Assessment, even if a single mother is earning an adequate income, the effort involved in performing both work outside the home and household tasks may lead to her being unable to give the children the attention they need, increasing the risk factors that could have severe implications for the well-being of these households now and in the future (Government of TCI et al. 2014).

9 Around 36 per cent of the households were female headed in 2012; however, that does not mean they were single-parent households. The number in 2012 shows an increase when compared to 31 per cent in 2001 (ECLAC 2014).

For a single parent, being absent from the house is usually not a choice but a coping mechanism to financially sustain the family, especially in places where one job does not guarantee a salary that is enough to ensure the well-being of the family. Lack of parental supervision should not be seen as irresponsibility on the part of the mother or father but as a failure of the state and a social protection system that does not guarantee safe spaces for children to stay while their mothers are working or guarantee policies that complement low salaries and alleviate vulnerability. Table 10 summarizes the vulnerabilities of this group in the main areas covered by the SitAn.

Table 10: Summary of vulnerabilities faced by children in single-parent households

Area	Vulnerability
Finance	In general, single-parent households have smaller incomes than households where both parents are present and able to work, increasing the chances that children living in these arrangements are in a difficult financial situation.
Education *(to be discussed in Chapter 4)*	Some boys living in single-parent households are said to be involved in fights at school and have higher chances of dropping out of formal education. Lack of parental supervision and a male figure at home leads to behavioural problems at school and in the community. Boys are dropping out of school to take short-term jobs that are seen as a coping mechanism to fight poverty at home.
Health *(to be discussed in Chapter 5)*	Access to health might be limited due to the harsh economic situation of single-parent households. The situation is worse for those families residing in the territory illegally.
Child protection *(to be discussed in Chapter 6)*	In single-parent households, children are often alone and unsupervised for long periods of time, making them vulnerable to different forms of abuse and violence by older peers and adults. A large number of children in conflict with the law seems to come from broken families, either single-parent households or other arrangements where one of the parents (mainly the men) are not effectively present in the life of the child. Women may accept abuse and violence at home because they are afraid of being deported or losing their work permit.
Social protection *(to be discussed in section 3.2)*	Depending on the characteristics of the family (being a belonger or not), access to social welfare programmes that could alleviate their socio-economic problems is limited.

ii. Children living with parents who are underemployed and/or have inadequate employment

A second group of vulnerable children is those whose parents are underemployed and/or have inadequate employment. The Government does not track these two categories, but the interviews have shown that they are common in TCI. Underemployment and inadequate employment arise because many workers face not only a total lack of work opportunities but also a lack of adequate work opportunities, giving rise to situations in which persons in employment are often obliged to use their skills only partially, to earn low hourly incomes or to work less hours than they are willing and able to work (ILO 1999).

These families are in a situation also called the 'working poor', where poverty (or, in this case, vulnerability) is not connected to the lack of jobs but to low payments and low job opportunities. As

mentioned by various respondents, the minimum wage is only enough for families to survive. Adding to their vulnerable financial situation is the high cost of living in TCI, where rental and consumption products are expensive, creating a perception that many families live from pay check to pay check, without room for extra expenses.

Table 11 summarizes the main vulnerabilities identified for this group.

Table 11: Summary of vulnerabilities faced by children living in families where parents are underemployed and/or have inadequate employment

Area	Vulnerability
Finance	The cost of living is high, creating extra pressure for families where parents are underemployed or have inadequate employment. The minimum salary is too low to guarantee that some families have adequate standards of living. The harsh financial situation of the family contributes to children starting to work in informal jobs as a coping mechanism. The large number of illegal immigrants creates a pool of low-paid employees who complete with belongers and legal immigrants for low-skilled jobs.
Education *(to be discussed in Chapter 4)*	Lack of financial resources in some families restricts their access to ECE services. Families have to provide for lunch during the school years and buy uniforms and books, which can be a problem for families in a difficult financial situation. The situation is worse for non-belongers, who cannot apply for financial assistance. The best schools in the territory are privately owned, and most families cannot afford for their children to be enrolled in them.
Health *(to be discussed in Chapter 5)*	The financial contribution that persons or employees have to make to the National Health Insurance Programme (NHIP) might be a problem that children in this group will face in the near future. Moreover, even as part of the NHIP, families still have to find the co-pay for treatment and medicine. It is yet not known how this fee will impact on the budget of the most vulnerable families. In those islands that did not implement the NHIP, different fees between belongers, non-belonger and illegal immigrants create financial barriers for some families.
Child protection *(to be discussed in Chapter 6)*	The harsh economic situation of some families pushes young children to commit small crimes. Qualitative evidence relates appearances in youth court to the economic situation of the families. The chances of cases of child labour are higher among children living in these families. Some families live in illegal settlements where violence in the community is common. Qualitative reports indicate that some cases of violence against children and women are resolved by the immigrant communities and never brought to formal justice.
Social protection *(to be discussed in section 3.2)*	Depending on the characteristics of the family (being a belonger or not, and being legal or not in the territory), access to social welfare programmes that could alleviate their socio-economic problems is limited.

iii. Children with disabilities and/or special needs

A third group of vulnerable children consists of those with disabilities and/or special needs.[10] Although a Special Needs Unit was established in January 2015 to register adults and children in that situation, the latest official numbers of those with special needs come from 2001. In that year – when population was around 20,000 – the territory registered 374 cases of persons with disabilities, with males and females accounting for 50 per cent each. There was a 5.6 per cent increase in persons living with disabilities in 2012 compared to the number recorded in 2001 (Ministry of Environment and Home Affairs 2014).

Individuals, families and the society overall still stigmatize children with disabilities and special needs, and anecdotal evidence indicates that some parents prefer to hide their children at home rather than searching for help. Those who do search for government help find some institutions that provide support, although these are mainly located in Providenciales. Depending on the severity of their case, children with disabilities and/or special needs are placed either with other children at school or in special institutions that are prepared to handle more severe cases. While on the demand side, some families might be ashamed of the situation of their children, on the supply side, the Government provides some help but acknowledges that there is not enough space or specialized personnel to provide support for all those children who need it.

Table 12 summarizes the main challenges for this group.

10 For the purpose of this SitAn, a child with a disability is one with some type of physical impairment while a child with special needs is one with some degree of learning difficulty and/or emotional or behavioural problem.

Table 12: Summary of vulnerabilities faced by children with disabilities and/or special needs

Area	Vulnerability
Education *(to be discussed in Chapter 4)*	Despite some initiatives, the situation of children with disabilities is practically unknown. There is an urgent need to identify their situation and to discuss a plan to increase access and address their problems. It is not known whether the educational opportunities available for children in this group are enough to guarantee access for all that need it. Children who have low levels of disabilities and/or learning problems might be included in the same classes as other children, but it is not known whether they are able to keep up with other students in class or lag behind.
Health *(to be discussed in Chapter 5)*	Through a memorandum of understanding with the Government, the 1 World Foundation, an NGO established by American and Canadian volunteers, has been screening and diagnosing children for special needs twice a year since November 2014, with referrals from primary health clinics and schools. However, access to specialized health services for children in this group is limited to those living in Providenciales or those who seek help abroad.
Child protection *(to be discussed in Chapter 6)*	Children with disabilities and/or special needs are hidden in society. There are neither official numbers nor studies to identify their problems and address them. These children might be bullied at school and be victims of violence and abuse at home, school and community. According to the interviews, some families are ashamed of their children who might have disabilities and prefer to hide them rather than look for help.
Social protection *(to be discussed in section 3.2)*	Depending on the characteristics of the family (being a belonger or not), access to social welfare programmes that could alleviate their problems is limited. Also, the fact that some families are ashamed of the situation of their children hinders family access to government help.

iv. Adolescents

Adolescents in general are considered a vulnerable group. Adolescence is a phase separate from both early childhood and adulthood and is a transitional period that requires special attention and protection. Physically, children go through a number of changes while they mature; physiologically, there are quite substantial developments that affect emotional skills as well as physical and mental abilities. The adolescent period is when gender norms are solidified, rejected or transformed.[11] Adolescence is also a time where young girls and boys are exploring the world around them, making them vulnerable to different abuses, increasing their chances of dropping out of school, increasing the chance of unwanted pregnancies and making them vulnerable to the use of alcohol and different drugs.

11 http://www.unicef.org/adolescence/.

Adolescents comprise 13.7 per cent of the overall population and 48 per cent of the child population in TCI. As they are in a transition stage in their life, the lack of parenting support, the influence of other cultures, the attraction to short-term gains in the labour market and the different abuses and forms of violence that frame the school environment, among other factors, increase their chances of not finishing formal education and of going into the labour market unprepared. Some of these factors are explored later on in this SitAn in the sections related to education and child protection. Table 13 summarizes the main vulnerabilities identified in TCI related to adolescents.

Table 13: Summary of vulnerabilities faced by adolescents

Area	Vulnerability
Financial	Adolescents, especially boys, living in poor or financially vulnerable families have a greater tendency to stop studying and start working before finishing their formal education as a coping mechanism to fight their harsh economic situation. The search for short-term gains will impact on their future income since they are not qualified enough to search for better, well-paid jobs.
Education *(to be discussed in Chapter 4)*	Out-of-school boys and girls are a reality in the territory, but the perception of the problem among interviewees does not match the official numbers. Some adolescents do not finish school due to lack of incentives to stay, and some enter the labour market early, attracted by short-term gains. According to the interviews, the school curriculum is not attractive to some adolescents, who prefer to be in the labour market rather than staying at school. Schools have counsellors available, but adolescents do not feel confident in using them to discuss private matters, especially those related to sexuality. The main reason for adolescent girls to drop out of school is early pregnancy. Although an adolescent's return to school after giving birth is not prohibited, there are no incentives to guarantee that adolescent girls can resume and finish their formal education after becoming mothers. Sex education at school is limited to the physiological part of the subject and does not include behavioural and societal aspects that could help adolescents to become aware of their choices. Corporal punishment is still practiced at school.
Health *(to be discussed in Chapter 5)*	Adolescents only have access to health if they have a consent form from their parents, limiting their access to information and threatening confidentiality. This also limits their access to contraception, increasing the risk of unwanted pregnancy. The territory has no measure to monitor knowledge of HIV prevention among adolescents, creating another risk for that population.
Child protection *(to be discussed in Chapter 6)*	No behavioural surveys have been done recently to measure alcohol and drug use or to identify patterns of behaviour among adolescent boys and girls. Qualitative information indicates that alcohol consumption and drug use among adolescents is common. The perception among stakeholders is that violence among adolescents is on the rise, fuelled by a 'gang culture' that is being internalized by adolescents. Most if not all children in conflict with the law are adolescents. Non-belonger children are subject to bullying and prejudice by other children and by adults. There are constant reports of abuse and violence by adults against adolescents.
Social protection *(to be discussed in section 3.2)*	Depending on the characteristics of the family (being a belonger or not), access to social welfare programmes that could alleviate their socio-economic problems is limited.

v. Children who live in TCI but are not citizens, especially those for whom English is not their mother tongue

A fifth group of vulnerable children (and families) is made up of those who reside in the territory but are not TCI citizens, especially those for whom English is not their mother tongue. As mentioned, the difference between belongers and non-belongers is at the root of some disparities seen in TCI and is fuelling some implicit tensions. The 2014 Poverty Assessment identified some negative perceptions that belongers have about non-belongers: (i) they are ready to work for less and therefore prevent belongers from getting employment; (ii) they make it hard for belongers to get their children into schools; (iii) they are engaged in criminal activity; (iv) they are often illegal; and (v) they are damaging the environment through illegal house construction and the overcrowding of already sub-standard housing (Government of TCI et al. 2014).

Much of this feeling seems to have been aggravated by the economic crisis that reached the territory in 2008/2009, reducing economic growth and affecting the population's standard of living. Well-paid and secure jobs started to become scarce, increasing vulnerability among the belonger population and helping to generate and strengthen these misperceptions related the non-belonger population.

On the other hand, immigrants from the Dominican Republic and Haiti feel vulnerable in matters such as rights to residence and citizenship, poor housing conditions and discriminatory practices related to education (despite officially all migrants having the right to education). Some Haitians – and other immigrant groups – are said to live in houses without running water, sanitation or electricity. References to illegal immigrants living in shelters in the bushes are present in the literature (Government of TCI et al. 2014) and were confirmed during the field visit. There are also anecdotal reports of babies being delivered in the bushes without medical assistance.

Within this group are undocumented children; i.e., girls and boys who came to TCI illegally or were born in the territory to parents whose migration status is not in order. These children – some considered to be stateless – are particularly vulnerable to abuses and deep deprivations. They have no legal basis and are hidden away. While their actual number is unknown, the US Department of Labour estimated that there were around 2,000 undocumented children in the territory in 2013 (USDL 2013).

Table 14 summarizes the main problems in this group.

Table 14: Summary of vulnerabilities faced by resident children who are non-belongers, especially those for whom English is not their mother tongue

Area	Vulnerability
Financial	Not all non-belonger families from non-English-speaking countries are in a harsh financial situation, but the majority of the families that are financially vulnerable are non-belongers and some do not have legal status in the territory. Qualitative assessment identifies those that do not have English as their first language as the ones with the worse jobs. Most non-English speakers living legally and illegally in the territory are from the Dominican Republic and Haiti and are employed in low-skilled/low-paid jobs.
Education *(to be discussed in Chapter 4)*	The lack of a formal English as a second language (ESL) programme at primary and secondary levels creates a disparity between these children and English-speaking children. Qualitative assessment shows that some non-English-speaking children cannot follow class content. There are also reports that non-English-speaking children are the target of bullying at school, and those who cannot keep up with the classes lag behind, have lower grades and ultimately drop out of school. It is not know if all children who should be at school are attending formal education.
Health *(to be discussed in Chapter 5)*	Health services are provided in English, with little help in other languages. In those islands where the NHIP is not fully implemented, there is a differentiation between belongers and non-belongers on their co-pay fees. Illegal immigrants have to pay full price for medical treatment. There are reports that due to financial constraints and fear of being deported, illegal immigrants do not search for medical help. This is said to include help in childbirth, with a few illegal women migrants apparently delivering their babies in the bushes.
Child protection *(to be discussed in Chapter 6)*	Protective services are mostly available in English. Most (if not all) social workers do not speak a second language. Police response to domestic conflict in non-English-speaking families is limited due to language capabilities. Some of the conflicts are solved within the non-belonger community. There are reports of children from Dominican Republic and Haiti being bullied at school and in the society.
Social protection *(to be discussed in section 3.2)*	Children in this group from non-belonger families do not have access to the welfare programme that could alleviate some of the social and financial problems that they might face.

These five groups represent the most vulnerable rights holders in TCI. It is the Government's responsibility, as the main duty bearer, to address their problems and to guarantee the realization of the rights for all children, including creating policies that can equalize access to health, education and child protection for all children, without any type of differentiation among them. The division between belongers and non-belongers has an impact on the realization of children's rights in the territory. Despite having access to public education, children from immigrant families sometimes have to pay more for health and do not qualify for some government grants that are designed to alleviate vulnerabilities. In addition, they frequently report being subject to bullying and other harassments at school and in their communities.

Despite the fact that the SitAn has categorized vulnerable children into five main groups, these are not exclusive, i.e., children in one group might also be exposed to the situation described in a second or third group. For example, a child who lives in a female-headed single-parent household might also live in a family whose mother is underemployed and from a non-English-speaking country. Both nationals and non-nationals share the risk of being in a vulnerable group, but the difference, as emphasized before, is in the type of support that belongers have. That difference is explored through the rest of this SitAn.

3.2 Social policy response

TCI does not have a social policy that encompasses a holistic strategy to alleviate vulnerabilities, fight poverty and protect children. Instead, social welfare is the government response to some of the situations described and analysed in this SitAn. The Department of Social Development and Gender Affairs (DSDGA) in the Ministry of Home Affairs, Transportation and Communication is responsible for the provision of social services, but its reach is limited due to lack of proper resources (small staff, not enough budget and legal constrains). The two main services provided by the DSDGA that are directly related to children are Social Enhancement Aid and Indigent Aid.

Social Enhancement Aid (SEA) provides a temporary intervention for persons who are socially and/or economically challenged while facilitating the attainment of sustainable self-sufficiency. Social workers conduct home assessments and collect supporting documents such as picture identification, birth certificates and financial receipts. Persons who may qualify include orphans, dependents, abandoned children, the elderly, the mentally/physically and emotionally challenged and persons with medical conditions (Ministry of Environment and Home Affairs 2014). Values for the payments vary depending on the category of the client. For example, where parents/guardians earn less than $600 a month, a cash payment is made of $80 per month for one child, $50 per month per child for two or more children and $150 per month maximum for three or more children. Cases should be reviewed within six months. The SEA is only available for belongers who have been residing in the territory for five consecutive years. In 2012, the aid benefited 101 clients throughout TCI, 56 of whom were women and children (ibid.).

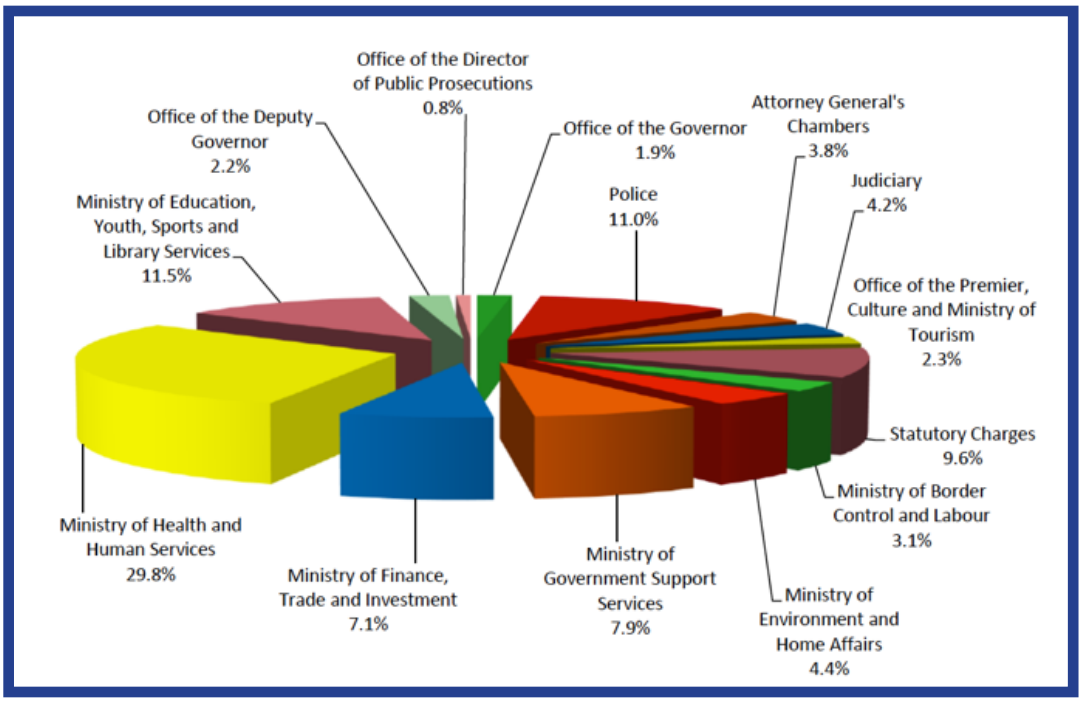
The Indigent Aid programme provides a temporary to long-term intervention for children and persons who are unemployed, unemployable or socially and/or economically challenged to assist them to meet their health needs with access to medical coverage (medication coverage or full indigent status). In some cases, this programme works in conjunction with the SEA programme. Similar to that programme, those who may qualify include orphans, dependents, children who are abandoned, the elderly and dependents of an elderly person; cases should be reviewed within six months; and all applicants must be belongers and resident for five consecutive years.

The difference between the current approach, which is based on social welfare, and a social policy approach lies in both the reach and the scope. While today families have to come forward and ask for the benefit, a social policy is pro-active and tries to identify those in need, aiming to reduce their vulnerability.

Stakeholders agree that the social welfare scheme does not cover all belonger populations that might need assistance and, at the same time, that it excludes most, if not all, non-belongers. One of the bottlenecks to the expansion of the social welfare scheme mentioned by different stakeholders is lack of capacity, i.e., lack of financial resources to hire more social workers, train the existing one and, ultimately, expand the budget to pay for the benefits for additional individuals and families.

In budgetary terms, the Ministry of Environment and Home Affairs is responsible for 4.4 per cent (around US$9 million) of the overall budget expenditure for 2014/2015[12] (Figure 21) (Government of TCI 2014a). The budget estimate for the DSDGA for that budgetary period was around US$1.7 million. Among the resources available for that year, Table 15 identifies those that seem to be related to actual assistance to beneficiaries.[13]

Figure 21: Expenditure by ministry and administrative units, 2014–2015



Source: Government of TCI 2014a.

12 The total budget estimate for 2014/2014 was US$212.5 million.
13 Values from the table come from the 2015/2015 budget estimates, and are only indented [?] for quick reference of values. As the budget document does not define each of the expenses, the actual figures for beneficiaries could be different to the values listed in the table.

Table 15: Department of Social Development and Gender Affairs budget estimates, 2014/2015

Description	2014/15 estimates (US$)[14]
Home help services	378,000.00
Care of juveniles	180,000.00
Social enhancement aide	109,000.00
Welfare grants	30,000.00
Other grants and contribution	20,000.00
Funeral expenses	20,000.00
Other social welfare	5,000.00
Disaster assistance	5,000.00
Early childhood development	3,000.00
Total	**750,000.00**

Source: Government of TCI 2014a.

The territory would benefit from a discussion of budgetary investment for children, i.e., how much of the overall budget allocated for different services is really benefiting children and their families. The logic behind such analysis is seeing children and adolescents as investments and not just as expenses or beneficiaries of services. Such analysis would demand a more in-depth look at resources and expenditures, and it can only take place if government accounts are made available and if process and impact indicators are constantly monitored. Moreover, monitoring investment for children would create the opportunity for the territory to start examining whether the prioritization of public expenditures is achieving the expected results.

14 The remaining allocation from the Department (around US$1 million) is distributed to salaries, allowances, supplies, infrastructure charges and the Juvenile Centre, among others. As the Centre is still being constructed, the value was not added as grants to beneficiaries.

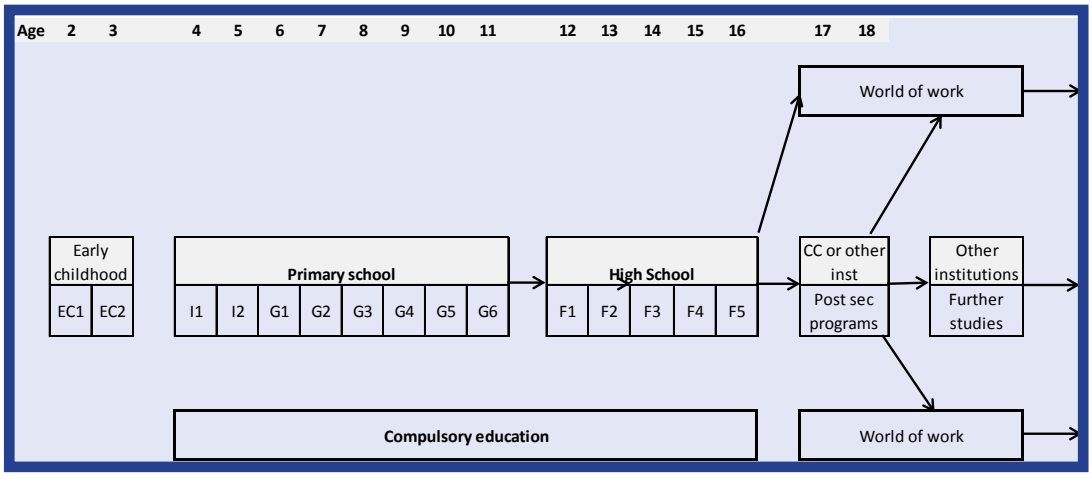
4 The Right to Education

Children's education should develop each child's personality, talents and abilities to the fullest. It should encourage children to respect others, human rights and their own and other cultures. It should also help them learn to live peacefully, protect the environment and respect other people. Children have a particular responsibility to respect the rights of their parents, and education should aim to develop respect for the values and culture of their parents (CRC, article 29).

Education is compulsory for all children between the ages of 4 and 16 years legally residing in the territory. The Government provides free education at public primary and secondary schools; however, families have to pay for uniforms, books, lunch and other non tuition-related fees. As with other countries and territories in the region, families can also opt for enrolling their children in private schools, paying the full cost of education. Although the Government has traditionally been the main provider of education, in recent years there has been an increase in the number of private schools. In 2014, there were 49 pre-primary, primary and secondary (high) schools operating in TCI, and 33 of them were private (Ministry of Education, Youth, Sports and Library Services 2015).

Education is divided into four levels, which follow the structure in the OECS: early childhood, primary, secondary and tertiary (Figure 22).

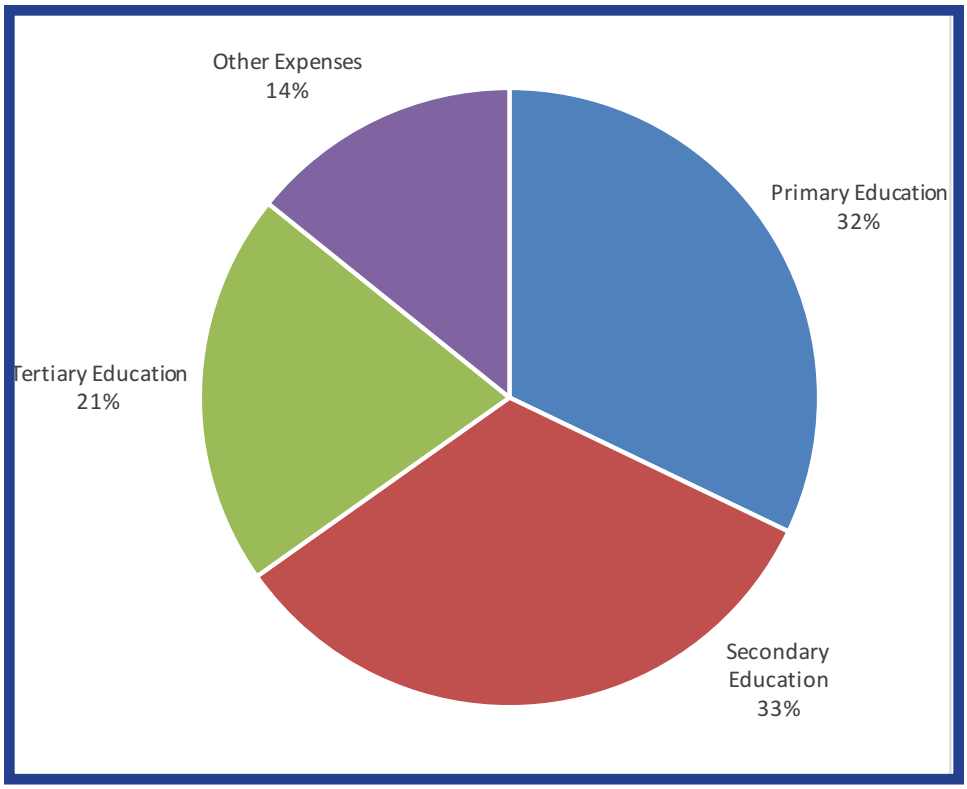
Figure 22: Education system in TCI



Source: Ministry of Education, Youth, Culture, Sports and Library Services 2015.

For the financial year 2013/2014, the Ministry of Education, Youth, Sports and Library Services received almost US$21 million, or approximately 11.5 per cent of the territory's budget. This was an increase of around 1.1 per cent when compared to the 2012/2013 financial year (Ministry of Education, Youth, Sports and Library Services 2015). Figure 23 depicts how the budget was allocated into four categories.

Figure 23: Budget allocation for education, 2013/2014



Source: Ministry of Education, Youth, Sports and Library Services 2015.

For the school year 2013/2014, 5,589 students were enrolled in primary and secondary schools. Of these, 47.2 per cent were non-belongers and 33 per cent were from the Dominican Republic or Haiti. While TCI has some data on the number of students enrolled at school, the Government does not track commonly used rates such as the gross enrolment rate (GER),[15] net enrolment rate (NER),[16] drop-out rate and survival rate, among others. Rates are important to measure the efficiency of the system. The fact that a certain number of children is enrolled in primary education, for example, does not tell the full story since one does not know if all the children that should be at school are, in fact, enrolled.

15 Total enrolment in a specific level of education, regardless of age, expressed as a percentage of the eligible official school age population corresponding to the same level of education in a given school year. Gross enrolment includes students of all ages. In other words, it includes those who are older or younger than the official age group.
16 Enrolment of the official age group for a given level of education expressed as a percentage of the corresponding population.

4.1 Early childhood education

Despite its importance in the educational and social life of children, early childhood education (ECE) is not compulsory in TCI. Statistics from the Ministry of Education do not mention the number of children enrolled in ECE classes, nor any other information that might help in characterizing pre-school in the territory.

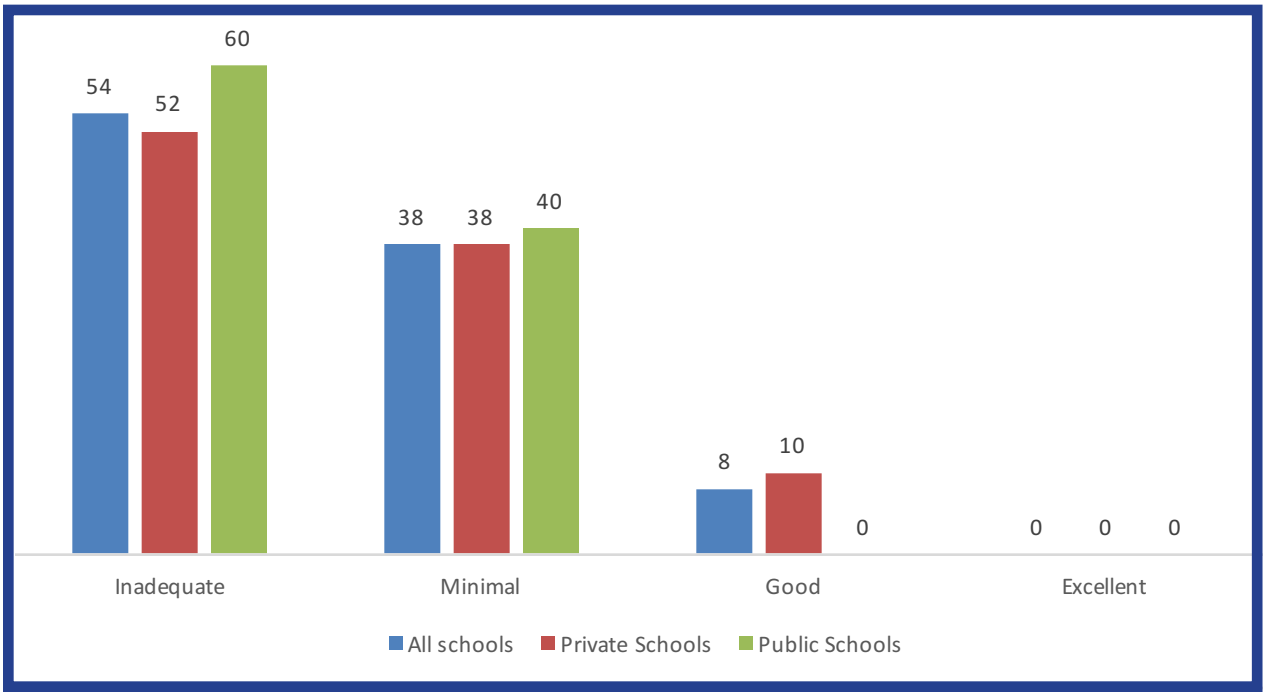
The latest data available show that in 2005, the preschool NER was 73.4 per cent, while the preschool GER was 118.4 per cent (UNICEF 2008). ECE for children older than 3 years is provided through eight early childhood development centres located in the government primary school system and 23 private ones recognized by the Government (OJMC 2013). The DSDGA assists some parents who have belonger status with school fees for ECE (Government of the UK 2014).

As well as lack of monitoring of the number of children enrolled in ECE, other bottlenecks and challenges were also identified in this area. First, in terms of financial access, the cost of enrolling children in ECE services is prohibitive to some families, especially those categorized as poor and/or vulnerable. As in most cases both parents have to work, younger children who cannot access ECE services are left with older siblings or neighbours, increasing the risk of domestic accidents and creating chances of abuse. This is also a reality for those children with immigration status pending or not allowed to enter public schools and whose parents cannot afford to pay the private school fees (Gittens 2011).

A second challenge is keeping up the quality of ECE services. The fact that the number of children enrolled in ECE services is not known already sends a signal that monitoring the quality is an issue. In 2010, the UNICEF Office for Barbados and the Eastern Caribbean commissioned a survey to assess the quality of ECE settings in TCI based on seven criteria: space and furnishings; personal care routines; language-reasoning; activities; interaction; programme structure; and parents and staff (UNICEF Office for Barbados and the Eastern Caribbean 2010).[17] Among the 39 preschools that were analysed, 29 were private institutions. None of the schools (private and public) was considered to be excellent for the seven criteria, 8 per cent were considered good and the vast majority were considered inadequate (Figure 24).

17 According to the Government, one fact that negatively impacted the results for that survey was that it took place after Hurricane Ike. Following the results, mechanisms have been put in place such as early childhood development (ECD) minimum standards and a monitoring checklist. Numerous workshops and training sessions for ECD staff have also been conducted on ways to enhance ECD environments and the delivery of the programme. A new quality assessment survey is planned to be implemented by the end of 2016.

Figure 24: Overall performance (%) of ECE preschools, 2010



Source: UNICEF Office for Barbados and the Eastern Caribbean 2010.

The overall performance of ECE services in the territory also highlights a difference that is sustained through the whole educational life of a child: the gap in quality between public and private institutions. Table 16 details the seven criteria for private institutions, while Table 17 shows the same criteria for public ECE services. Private ECE institutions outperformed public ones.

Table 16: Percentage of private preschools achieving each rating by subscale, 2010

Item surveyed:	Inadequate	Minimal	Good	Excellent
Space and furnishings	62	28	10	0
Personal care routines	31	48	21	0
Language-reasoning	41	38	14	7
Activities	72	21	7	0
Interaction	3	31	55	10
Programme structure	65	28	7	0
Parents and staff	45	48	7	0
Percentage scores on all items:	52	38	10	0

Source: UNICEF Office for Barbados and the Eastern Caribbean 2010.

Table 17: Percentage of public preschools achieving each rating by subscale, 2010

Item surveyed:	Inadequate	Minimal	Good	Excellent
Space and furnishings	40	60	0	0
Personal care routines	50	30	20	0
Language-reasoning	60	30	10	0
Activities*	100	0	0	0
Interaction	10	60	30	0
Programme structure*	90	10	0	0
Parents and staff	20	80	0	0
Percentage scores on all items:	60	40	0	0

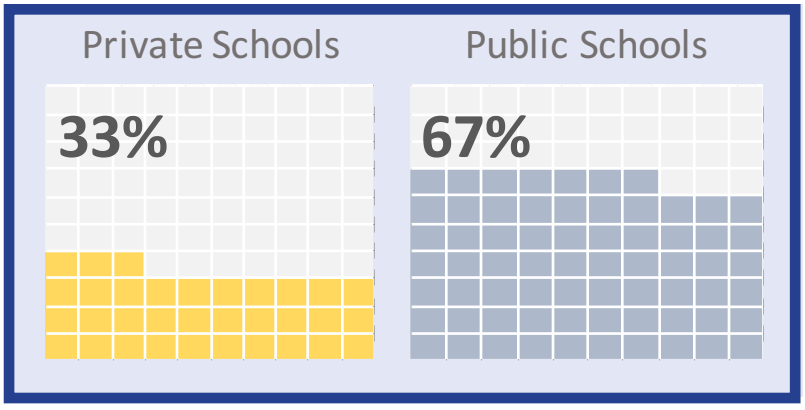
4.2 Primary education

There are 36 schools providing primary education in TCI, 26 of them private. Most of these schools (20) are located in Providenciales, attracted by the larger population and higher income there. The 10 public schools cover all the main islands in the territory.

The Government does not calculate and monitor net and gross enrolment rates for primary education. The latest data available show that in 2005 NER was 78 per cent and GER was around 90 per cent (UNICEF 2008). The transition rate from primary to secondary in 2004 was 87.5 per cent, with girls accounting for 92 per cent and boys for 83.8 per cent (ibid.).

TCI had 3,778 students enrolled in primary schools for the 2013/2014 educational year, the majority of them (67 per cent) in public schools (Figure 25).

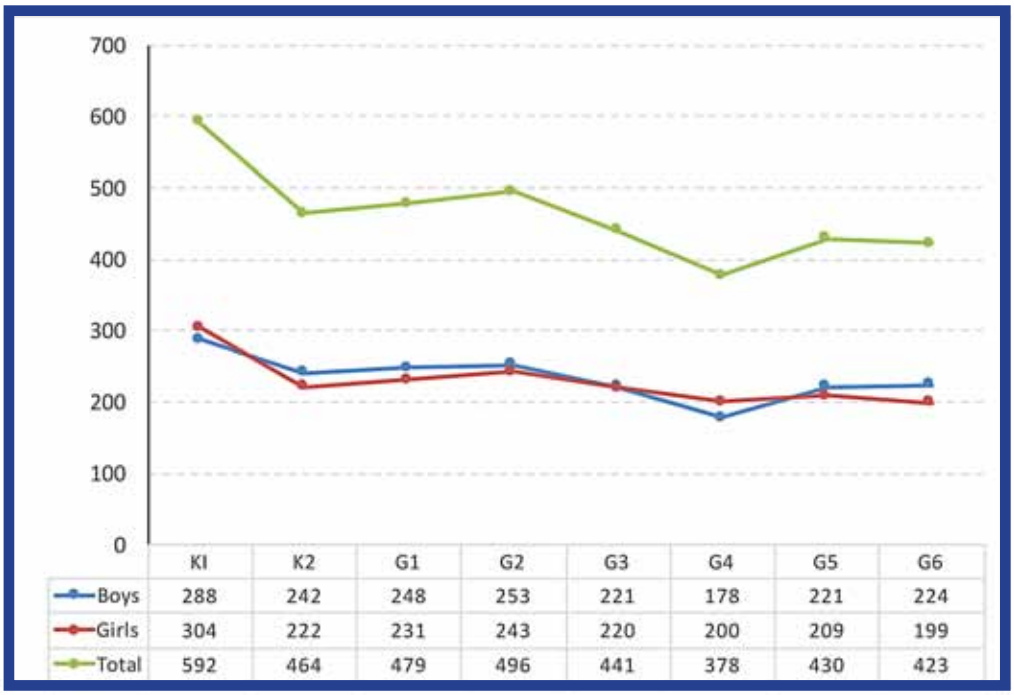
Figure 25: School enrolment by type of school, 2013/2014



Source: Ministry of Education, Youth, Sports and Library Services 2015.

There are no major differences in terms of girls and boys enrolled in primary education. However, there is a slight reduction in children enrolled at the last grades of primary school compared to the initial grades (Figure 26). According to government data, there were five school dropouts in primary education for 2013/2014 and 42 of the students were repeaters.

Figure 26: Boys and girls enrolment at primary school (absolute numbers), 2013/2014



	KI	K2	G1	G2	G3	G4	G5	G6
Boys	288	242	248	253	221	178	221	224
Girls	304	222	231	243	220	200	209	199
Total	592	464	479	496	441	378	430	423

Source: Ministry of Education, Youth, Sports and Library Services 2015.

In terms of nationality, 54.4 per cent of the primary students in the school year 2013/2014 were non-nationals, with a higher rate for private primary schools, where almost 68 per cent of the students were foreigners. Pupils from Haiti accounted for 56 per cent of all foreign students and around 30 per cent of all the students in primary schools all over the territory (Table 18).

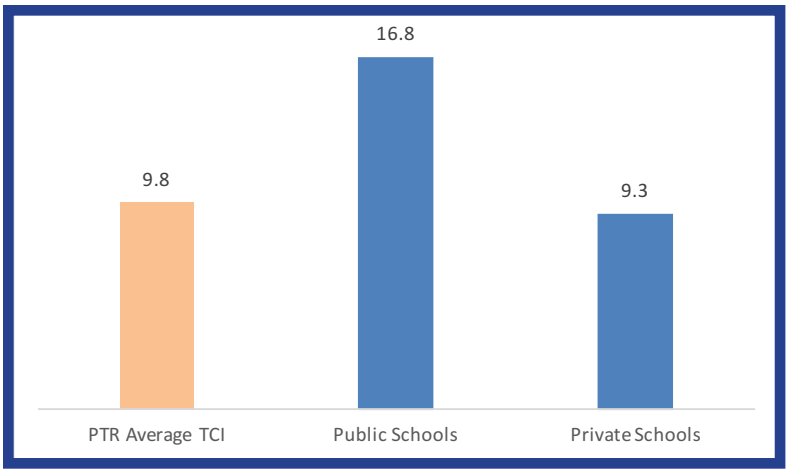
Table 18: Student nationalities in primary education, 2013/2014

Country of origin	Students at public primary	Students at private primary	Total students	% of non-national students	% total students
Haiti	891	266	1,157	56.3%	30.6%
Dominican Republic	57	50	107	5.2%	2.8%
Jamaica	84	92	176	8.6%	4.7%
Bahamas	36	37	73	3.6%	1.9%
United Kingdom	9	108	117	5.7%	3.1%
Canada and United States	72	160	232	11.3%	6.1%
Other Caribbean	35	92	127	6.2%	3.4%
All others	25	42	67	3.3%	1.8%
Total non-national students	**1,209**	**847**	**2,056**	**100.0%**	**54.4%**
Total national students	1,312	410	1,722		
Total students	2,521	1,257	3,778		
% non-national students	48.0%	67.4%	54.4%		

Source: Ministry of Education, Youth, Sports and Library Services 2015.

While access to primary education is important, guaranteeing quality education for all children is the prerequisite for achieving equity and for the full development of individuals and society (UNESCO 2005). Different measures of quality exist worldwide, and the Government monitors some of them. One measure is the pupil-teacher ratio (PTR). In theory, the smaller the number of children per teacher, the higher is going to be the attention that the teacher can provide to the students, increasing their chances of learning. On average, this ratio was 9.8 pupils per teacher in the 2013/2014 academic year, with significant differences between public and private schools (Figure 27).

Figure 27: Primary level pupil-to-teacher ratio, public and private schools, 2013/2014



Source: Ministry of Education, Youth, Sports and Library Services 2015.

Another measure that affects the quality of education is the number of trained teachers. According to the Ministry of Education, there were 279 primary schools teachers in 2013/2014. Of these, 254 or 91 per cent were considered trained to be teaching at primary level, although a number of them did not have a degree (Table 19).

Table 19: Primary level teacher qualifications, 2013/2014

Primary	Public	Private	Total
Trained and has degree	40%	44%	42%
Trained but without a degree	50%	48%	49%
Untrained and has a degree	2%	0%	1%
Untrained and no degree	8%	8%	8%

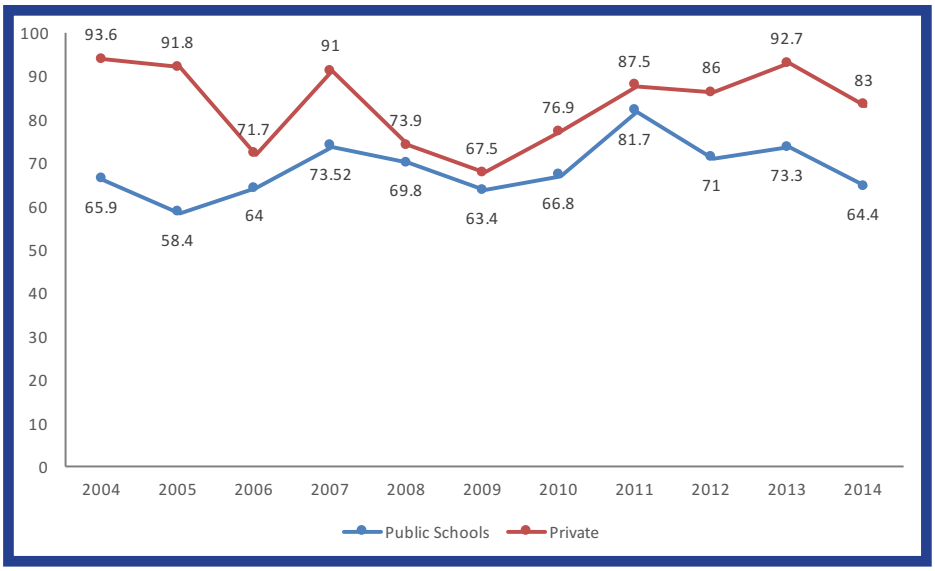
Source: Ministry of Education, Youth, Sports and Library Services 2015.

Despite the fact that standardized tests are not the best option to measure the outcome of education (Baker 1988), they provide a quantitative measure that can help decision makers to identify problems and plan their actions. TCI has adopted the Grade Six Achievement Test (GSAT)[18] as a measure to determine whether a child is ready to move on to the secondary level. In order to proceed to secondary school, a student must obtain a passing grade of 50 per cent or more. The results of the test can be used as a measure of quality of education.

The overall GSAT for both public and private schools was 67.6 per cent in 2014 (indicating that almost 68 per cent of the students obtained marks of 50 per cent of higher), with differences between private schools (83 per cent of the students obtained marks of 50 per cent or higher) and public schools (64.4 per cent). Historically, private primary schools have experienced higher percentage pass rates when compared to public schools (Figure 28).

18 The exam consists of seven subjects covering areas of mathematics, science, English and general studies.

Figure 28: Overall public and private GSAT pass rates, 2004–2014



Source: Ministry of Education, Youth, Sports and Library Services 2015.

A lack of monitoring impacts the planning and management of the overall educational system. Some interviewees mentioned that space was a problem in primary education for two reasons. First, the number of children that will be entering the system every year is not known because of the migration flow and hence the Government is not able to plan for adequate space and infrastructure in public primary schools. Second, the economic crisis that reached the territory in 2008/2009 led to families transferring their children from private primary schools into public ones (which also happened in secondary schools), creating an extra demand for services that the Government could not respond to.

On the positive side, access to education is not dependent on the child's immigrant status. The only requirement is that the child has to have a birth certificate, but his/her legal status in the country does not interfere with his/her access to school. On the negative side, as mentioned, the lack of updated rates does not allow for an analysis of the efficiency of the primary education system. Therefore, it is unknown if all the children who reside in TCI (legally or not) are attending primary school.

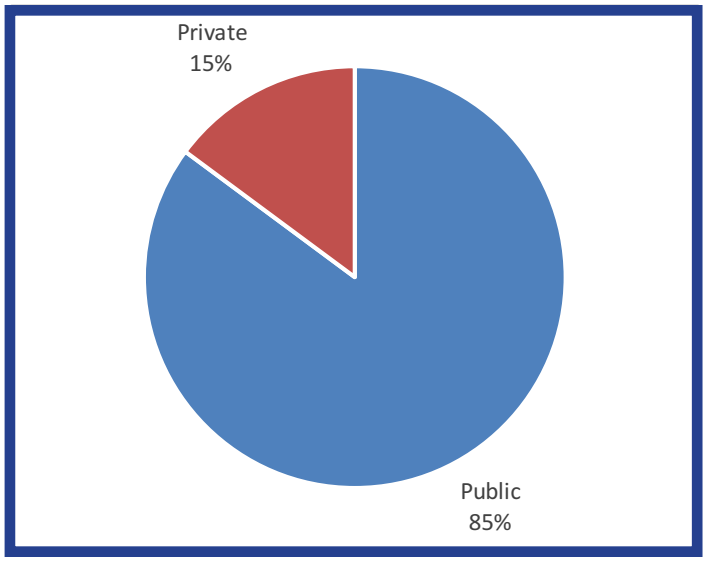
4.3 Secondary education

Secondary education is also compulsory and tuition free. However, as with primary education, families still have to guarantee money for lunch and buy uniforms, books, and other supplies, creating implicit financial barriers to some families in access to education.

Also similar to primary education, rates for secondary education are not calculated or monitored. The most recent secondary school NER from 2005 indicated that 70.2 per cent of the children were in the correct grade for their age at that time. Meanwhile, secondary school GER was 86 per cent (UNICEF 2008).

For the school year 2013/2014, there were 11 schools providing secondary education, seven private (all located in Providenciales) and four public. Public secondary schools were located in North Caicos, South Caicos, Providenciales and Grand Turk. Out of the 1,811 boys and girls enrolled in secondary education, 85 per cent were enrolled in public schools (Figure 29).

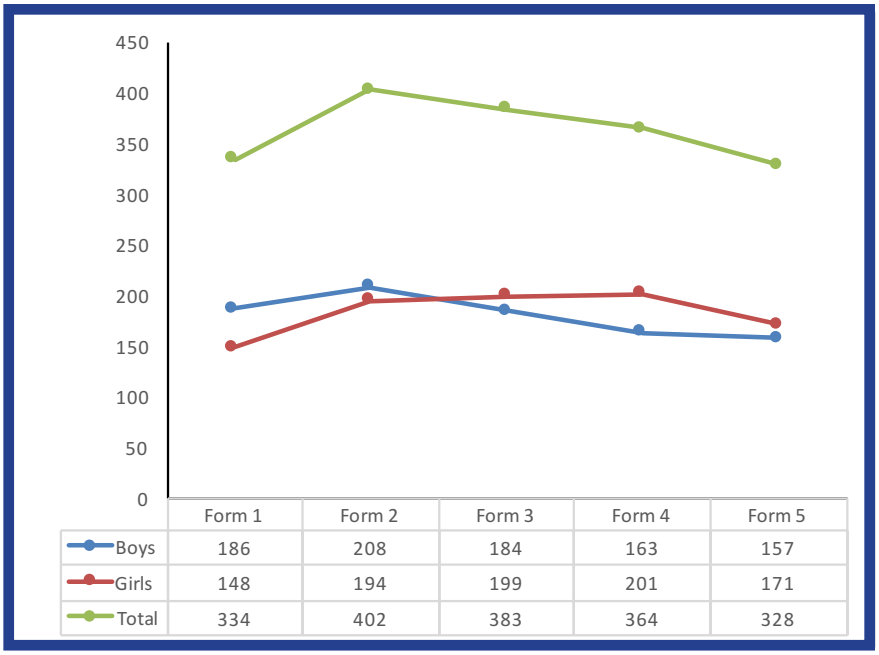
Figure 29: Enrolment at secondary school by public/private school, 2013/2014



Source: Ministry of Education, Youth, Sports and Library Services 2015.

While boys are in the majority at the beginning of secondary education, the numbers shift from form 2 to form 3. For 2013/2014, form 2 also had the highest number of students enrolled (Figure 30).

Figure 30: Boys and girls enrolled in secondary education, 2013/2014



	Form 1	Form 2	Form 3	Form 4	Form 5
Boys	186	208	184	163	157
Girls	148	194	199	201	171
Total	334	402	383	364	328

Source: Ministry of Education, Youth, Sports and Library Services 2015.

At secondary level, 47 per cent of the students were born outside TCI. Children from Haiti comprise the majority of foreign students (Table 20).

Table 20: Student nationalities in secondary education, 2013/2014

Country	# of students	% of non-national students	% total students
Haiti	540	63.2%	29.8%
Dominican Republic	56	6.5%	3.1%
Jamaica	96	11.2%	5.3%
Bahamas	40	4.7%	2.2%
United Kingdom	24	2.8%	1.3%
Canada and United States	56	6.5%	3.1%
Other Caribbean	17	2.0%	0.9%
All others	26	3.0%	1.4%
Total non-national students	855	100.0%	47.2%
Total national students	956		
Total students	1,811		
% non-national students	47.2%		

Source: Ministry of Education, Youth, Sports and Library Services 2015.

As mentioned previously, the lack of enrolment rates at secondary level jeopardizes any analysis of equitable access to education. Therefore, the efficiency of the system cannot be measured. Interviews showed a concern in terms of improving and guaranteeing quality of education for all children enrolled in the system, whether at private or public secondary schools.

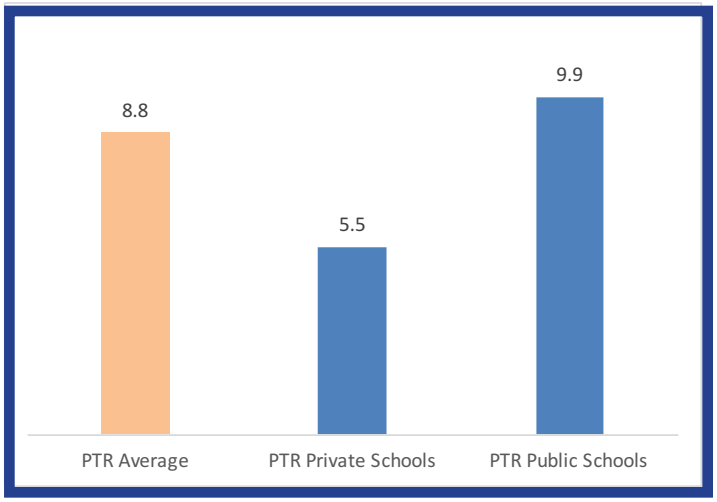
The overall pupil-to-teacher ratio is low (less than 1:9), but private secondary schools have a better rate than public ones (Figure 31). In terms of teacher qualification, teachers at public schools present better qualifications than teachers at private schools (Table 21).

Table 21: Secondary level teacher qualifications, 2013/2014

	Public schools	Private schools	Total
Trained and has a a degree	77%	74%	76%
Trained but without a degree	19%	22%	19%
Untrained and has a degree	4%	2%	3%
Untrained and no degree	1%	2%	1%

Source: Ministry of Education, Youth, Sports and Library Services 2015.

Figure 31: Secondary level pupil-to-teacher ratio, public and private schools, 2013/2014

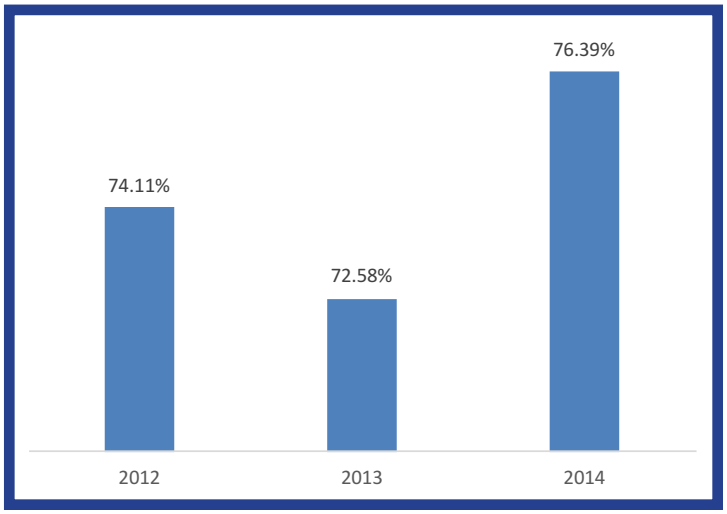


Source: Ministry of Education, Youth, Sports and Library Services 2015.

A quantitative measurement of the quality of secondary education could be done using the results for the Caribbean Secondary Education Certificate (CSEC) examinations. It is important to mention, however, that the CSEC is not ideal for this purpose, partly because it is usually taken at the end of high school by students who would like to advance their academic careers. Therefore, due to its nature, only the most engaged students who plan to continue their education are likely to sit and take the exam, creating a bias in the grades obtained by the territory.

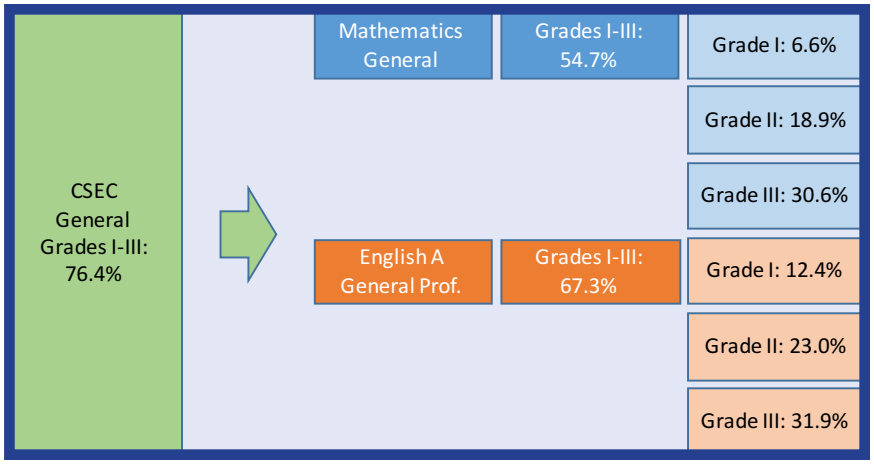
The national pass rate for grades I-III for 2014 was 76.39 per cent, the highest in the past three years (Figure 32), meaning that among all the students who sat the exam, 76 per cent passed in at least one of the 30 possible subjects. The following overall passing grades were obtained as a percentage of the number of persons who sat the examinations: grade I = 15.21 per cent, grade II = 30.54 per cent, and grade III = 30.65 per cent. Figure 33 breaks down the specific grades I-III for math and English.

Figure 32: Percentage of candidates who passed CSEC with grades I-III, 2014



Source: Ministry of Education, Youth, Sports and Library Services 2015.

Figure 33: CSEC grades in math and English, 2014



Source: Ministry of Education, Youth, Sports and Library Services 2015.

4.4 Out-of-school children

Out-of-school children can be subdivided into two groups: (i) children of school age who are not at school due to problems with access to education, and (ii) children who were at school but left before finishing their formal education (dropouts). Since enrolment and drop-out rates are not frequently monitored in TCI, neither group can be quantitatively assessed.

Despite the fact that the Constitution guarantees that every child shall be entitled to receive free education, different problems related to access were identified by stakeholders. For instance, anecdotal evidence suggests that children can be refused admission to school if their primary language is not English or if the school's Director believes that the child's knowledge of the English language is insufficient for general purposes (Morlachetti 2015).

The Human Rights Commission[19] has reported problems of accessibility due to the lack of space in schools. As mentioned, lack of space could be attributed to (i) problems in monitoring the flow of children from one educational level to another, resulting in management issues; (ii) the financial crisis that made parents move their children from private schools to public ones; and (iii) lack of investments for building new schools and/or expanding existing ones.

Access to school is also jeopardized by social norms and cultural practices that determine how non-belongers are treated. There are some anecdotal reports that, in practice, children of belongers tend to be given preferential treatment; and children whose status is unclear or who are in TCI irregularly have not been given an easy route to education. Despite this not being confirmed officially, anecdotal evidence points to some education authorities asking for parents' work permits as part of the documentation to be submitted before the beginning of the school year. As emphasized by UNICEF (Morlachetti 2015), the education system should not be a place where migration controls are exercised. This practice is not statutorily based but represents an obstacle compromising the right to education for migrant children.

19 The institution responsible for protecting human rights in the territory.

Although stakeholders expressed very strong concerns about children dropping out of school before finishing their formal education, official data only mentions five dropouts at primary level and one at secondary level for the 2013/2014 school year. Concerns with school dropouts among children, especially older ones, are evidenced in a report on out-of-school children in 2011 (Gittens 2011). This does not provide any quantitative data but emphasizes the problem, identifies some causes and proposes some recommendations.

Adolescents in focus groups on different islands in TCI all mentioned knowing someone in their age group who was not studying any more. As in the other three UKOTs analysed in conjunction with TCI, qualitative data show a clear tendency for boys to drop out of secondary school at higher rates than girls, especially in forms 3, 4 and 5. One of the focus groups with high school students was made up only of girls, who expressed the feeling that boys are not advancing in school and, consequently, are going to stay behind in terms of jobs and salaries. One consequence is that boys are not properly qualified for the labour market, creating a stock of young boys with no skills who are likely to be employed in low-paid jobs, the same jobs that are now being filled by legal and illegal migrants.

At secondary level, two reasons for children being out of school are teenage pregnancy and boys in conflict with the law (Gittens 2011). A UNICEF assessment (Morlachetti 2015) has called attention to repeated reports by the Human Rights Commission that the practice of removing pregnant adolescents from schools is widely followed. It appears that there are no plans in place in the education sector to prevent pregnant girls from quitting school and that because of social taboos and stigma associated with sex and sexual activity, especially related to young females, pregnant girls and adolescent mothers prefer to stay out of school and/or receive some kind of alternate education.

Among the adolescents who participated in the focus groups, all knew at least one girl who left school due to pregnancy. The positive side was that the adolescents also recognized that some of the girls were coming back to school after their baby was born, and the girls especially said that having a baby was not a reason for girls to be ashamed or to stop their education.

Besides adolescent pregnancy and violence (the latter discussed later in this chapter), other factors were also identified as causing children to be absent to school or completely stop their academic careers. Adolescents mentioned that pressure from families and from school were causing a reverse effect: instead of making them study harder, students were feeling overwhelmed and thinking of leaving school. That pressure could be interpreted as a lack of mentoring at schools to help these students to overcome their problems.

Another cause for abandoning school was related to the financial situation of some families. Students mentioned that they all knew someone who did not go to school due to lack of money for lunch, books or uniforms. Some primary students who were interviewed mentioned that sometimes they did not eat at lunchtime because they did not have money for food. In this situation, some share the food of their peers. The territory does not have a universal school feeding programme. Such a programme supervised by the schools is seen by many as an equitable way to guarantee that children eat quality food, diminishing the financial pressure on their families.

Language barriers also seemed to be one determinant that keeps some children out of school, as well as a cause for children to stop their formal education. Students mentioned that they knew other children and adolescents who were not at school because they did not understand English well and, consequently, did not understand the content of the classes. On the supply side, ESL classes are not always available at primary and secondary schools, and many students whose language is Spanish or French/Creole are lagging behind. Some students who come from non-English-speaking countries are placed in the New Beginning School of Continuous Education – a school that also receives students who present behaviour problems at regular schools as well as students who cannot follow 'normal' classes and need special attention. Despite the good will of the New Beginning School, space and staff are insufficient to deal with all foreign students who need extra support.

4.5 Violence at school and student's well-being

The issue of overcrowded schools remains critical. In particular, overcrowding and safety have been getting worse at the Clement Howell School (the only public high school on Providenciales). Due to the increasing number of students and space constraints, public schools were requested to take additional students, which increased the number in some classes to over 35 students per teacher in 2011, a situation that continues as confirmed by the field trip in early May 2015. In an effort to assure universal access to education, TCI has subsidized private school fees to accommodate the children of parents who could not afford it, based on a needs assessment (Gittens 2011). Also, there are plans for splitting the current students between two facilities (TCI Foreign and Commonwealth Office 2014), but the allocation for building a new high school is not guaranteed in the short-term budget.

As evidenced by the field trip, some schools adopt an unofficial practice of segregation among students based on their academic performance. If more than one class is necessary in a form, students are separated into groups based on their grades; i.e., the best students are allocated to 'A' classes and not-so-good students are allocated to 'D' classes. Although the reasoning behind such separation is to guarantee that the best students will not be held back due to those who are not as prepared, the separation creates a situation known as "success for the successful" (Richardson 1996). Teachers tend to invest more in a group that keeps improving since their personal realization is higher – students behave better and teachers can identify that pupils are learning. As more efforts are allocated to the 'best' group, fewer resources are devoted to those who are in the second group, making it hard for those pupils in the worse-off group to improve their grades and keeping them as second-tier pupils. In a situation like this, differences in quality are formed and reinforced. If no external intervention happens in the second group, both groups will continue to stay apart and the chances are that those in the second group will not be as successful as the ones in the first group, generating frustration and behavioural problems that might lead to violence at school and increased dropouts.

Violence at school interferes with students' well-being and can be seen from two perspectives: violence committed against pupils (corporal punishment) and violence perpetrated by the students.

Violence at school starts with the fact that corporal punishment is still practiced in TCI. According to local legislation and English Common Law, "reasonable chastisement" is lawful in the home and school (Global Initiative to End All Corporal Punishment of Children 2013). However, the adolescents and children consulted in focus groups saw corporal punishment as humiliating and non-effective. The fact that they (boys and girls) are punished in this way is more likely to create anger than solve the problem. There have been movements in society to end corporal violence, but there is no official position from the Government regarding its eradication.

Violence at school perpetuated by and among students seems frequent and was considered by all stakeholders as a problem that has been growing over the past years. Students at primary level mentioned being afraid of what might happen to them once they move to secondary education: they have heard many stories of how violent secondary schools are. Students at secondary level mentioned they do not feel fully safe at school, and there are places at school where they avoid being alone since they feel physically, psychologically and/or sexually threatened. Stakeholders also mentioned violence in terms of how students respond to teachers and school staff and the increased number of cases of cyber bullying.

There are also social norms followed by the children that influence how they behave. During the focus groups, adolescent boys talked about fighting to impress the girls or to keep a 'bad boy' image. There is a general perception that the gang culture portrayed by foreign movies and music has been influencing how children talk and act towards each other and to adults. Although there were no official reports of violence committed specifically against non-belonger students, those pupils born outside the territory who were interviewed mentioned frequent bullying.

Qualitative information creates a link between violence at school and children living in broken homes. There is a perception among stakeholders that the children involved in perpetrating violence are those who come from households where domestic violence (beating and abuse) was the norm and/or homes where only one of the parents is raising the children. The lack of a male figure is seen by many as one of the direct causes that lead boys to follow other peers in committing acts that are violent and/or against the rules. Also, adolescents confirm that the use of alcohol and drugs among children and young persons is quite common and that some of the fights happen because boys are intoxicated.

Further studies should be conducted to understand the links between school dropouts, incentives to stay/leave school, violence and different immigration statuses. Children who have been in TCI for many years are still treated as non-belongers, creating a clear differentiation between populations. This might influence how some children behave and how they find ways to cope with anger and anxiety.

4.6 Education for children with special needs

Census information does not provide the number of children with disabilities and/or special needs. According to recent information from the Ministry of Education, Youth, Sports and Library Services (2015), there were 75 students (44 boys and 31 girls) enrolled in special education classes at primary level, all in public schools. The number of children with special needs enrolled at secondary level was not disclosed.

There are some programmes and initiatives designed to help children with disabilities and special education needs that are maintained by the Special Needs Unit and by the Ministry of Education. There are four schools for children with various special needs in Providenciales: Ashely Learning Centre, Brick Academy, Hope Foundation for Autism and the Special Needs Association of Providenciales (SNAP Centre). The SNAP initiative is a special needs educational programme for children and adolescents aged 4–18 years. It was initially funded by parents of children with special needs and their advocates, but since 2007 the Government has taken full responsibility for its operation and it is free of charge. SNAP targets children and adolescents with autism or dyslexia as well as slow learners.

SNAP does not provide services for all the children with special needs who need assistance in TCI. On the supply side, access to services is still limited to Providenciales, and its expansion to other islands would depend on the availability of funds, appropriate space and trained staff. On the demand side, it was mentioned that some families do not understand the problems that their children have and/or feel ashamed. Anecdotal evidence suggests that some families prefer to hide their children with disabilities and special needs at home instead of searching for help.

According to the TCI Educational Ordinance, programmes supported by the Ministry of Education are supposed to cover all children in need of special education. A report commissioned by the Ministry (Gittens 2011) mentions that each public primary school is supposed to have a resource room where children are tested and assisted based on their need. According to the report, despite the existence of the initiative, special education teachers are not available at all public primary schools and services are also not accessible in all the islands. For example, there are no special needs schools on Grand Turk (the administrative capital) for children with mental or severe physical disabilities. These children, as does the wider disabled community, receive support from Government via the provision of care in their homes. A public day-care facility does provide some services for children with disabilities in Providenciales. The report also mentions that anecdotal evidence points to “disabled children at home lying on their backs all day long” and that those in the day-care facility on Providenciales may be well looked after but do not receive appropriate interventions.

4.7 Summary of determinants in education

Table 22 summarizes the problems found in education in TCI and their relation to the main determinants used as a framework for analysis.

Table 22: Summary determinant analysis for education

	Determinant	Summary
Enabling environment	Social norms	Violence at school perpetuated by and against students is a constant. School fights are motivated by gang-related images copied from movies, games and music that some students act out in the school environment. The violence creates an environment of insecurity among children and teachers. Violence at school is also connected to the lack of mentoring at home, lack of a father figure that should help in guiding children's behaviour and lack of recreational opportunities for young people.
	Legislation/policy	Legislation does not guarantee quality of ECE services and does not make ECE mandatory. ECE does not have a unified curriculum. There is no institutionalized ESL curriculum to help those students whose mother tongue is not English. Corporal punishment is still legal.
	Budget/expenditure	Lack of budgetary resources does not allow for school feeding programmes that could increase the quality of learning as well as school retention. The government budget does not cover students' books, uniform and transport. Despite the need for a new secondary school in Providenciales (or the expansion of the existing one), there is no budget allocation for this.
	Management/coordination	Recruitment of qualified teachers and teacher retention are problems. The territory does not calculate enrolment rates and other rates related to education that could facilitate an analysis of the efficiency of the system. Due to the high migration levels, the number (and percentage) of out-of-school children is unknown.
Supply	Availability of essential commodities/inputs	Books and school supplies have to be bought by students, whatever their economic situation. For families of belongers, the Government provides some help at the beginning of the year. On the teachers' side, there are complaints of a lack of supplies for teaching and lack of access to modern technologies that would make the school environment more attractive. Due to the large number of illegal and undocumented immigrants, it is not known if all children of school age are enrolled in school.

Table 22: Summary determinant analysis for education (continued)

Access to adequately staffed services, facilities and information	Free ECE services are not available for all those families that would like to access them. It is not known whether all the demand for spaces is supplied or not. There is a challenge in recruiting qualified teachers at all levels and keeping them in the territory. Lack of male secondary level school advisors and teachers was identified as a bottleneck that does not incentivize male students to behave at school. Lack of ESL programmes influence how non-English-speaking students learn and their propensity to finish primary and secondary education. School infrastructure for the only secondary school in Providenciales is poor. Government plans to build a new school are on hold due to lack of budgetary resources. The 2008 financial crisis caused many children to move from private educational institutions to public ones, aggravating the infrastructure problem that some schools already had.
Financial access	Despite the existence of public ECE services, there is not space available for all children. Some families have to pay for services, creating a financial burden for the most disadvantaged families (the cost of access to the service is prohibitive for some families). For primary and secondary education, the fact that families have to provide for books, uniforms, transport and lunch creates another financial pressure that impacts mainly on those vulnerable populations identified in section 3 of this SitAn. The 2008 financial crisis caused families to transfer their children from private schools to public ones.
Social and cultural practices and beliefs	Lack of parenting at home, especially for secondary male students, was seen as one factor that influences them to present behavioural problems at school and, in some extreme cases, to leave school without finishing their formal education.
Timing and continuity of use	Timing and continuity of use was not identified as a barrier in education.

Quality	Quality of care	Quality monitoring of ECE services is still not fully accomplished, and evidence has suggested that quality standards for most of the ECE institutions are inadequate or minimum. For primary schools, some measures of quality of education are in place, but it is not known how these are used to make actual changes in the system. Standardized results in primary and secondary examinations show that the quality of learning needs to be improved. Lack of qualified teachers at all levels influences students' learning. The quality of private primary and secondary institutions is better than public ones, creating a gap between students who can afford private schools and those who cannot.

5 The Right to Health

Children have the right to live. Governments should ensure that children survive and develop healthily (CRC, article 6).

Children have the right to good quality health care – the best health care possible – to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy (CRC, article 24).

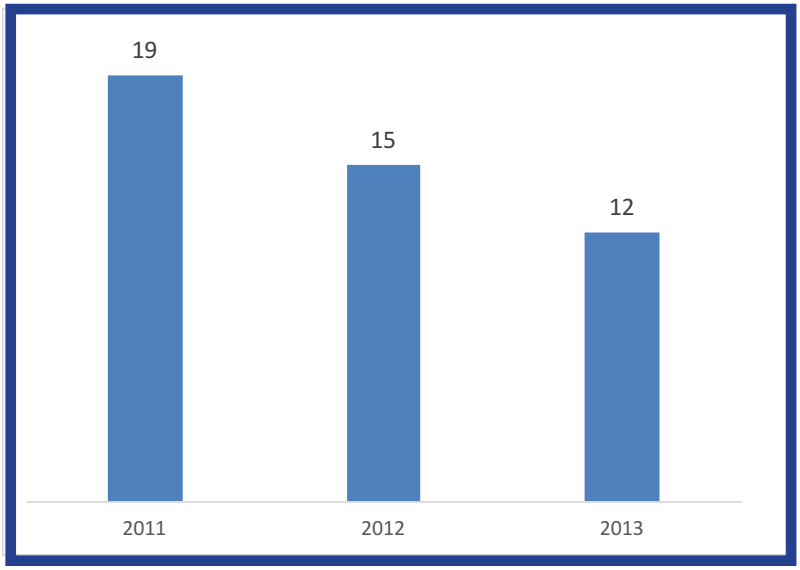
Mothers should have appropriate pre-natal and post-natal health care (CRC, article 24).

The Ministry of Health, Agriculture and Human Services is responsible for the delivery of health services through a combination of public primary health care clinics (located over the six main inhabited islands), two relatively new hospitals on Grand Turk and Providenciales that operate under a public-private partnership, privately operated fee-for-service clinics on Providenciales and treatment offered for tertiary services not provided in country (Government of TCI et al. 2014).

There are no recent reports on maternal deaths. Reports mentioned that 99 per cent of all pregnant women have access to prenatal care (Government of the UK 2014); however, stakeholders' qualitative assessment contradicts that high number. Presently all pregnant mothers have full access to perinatal care in TCIG Primary Health Care clinics, but for the irregular or uninsured population the access may be limited under the hospital care, which often depends on the financial and migrant situation of the family.

The territory has made progress with respect to MDG 4 (reducing child mortality). Recent data show a reduction from 19/1,000 live births in 2011 to 12/1,000 in 2013 (Figure 34). During the 2006–2010 period, TCI averaged 500 live births per year. In those five years, 21 deaths occurred in the age group 0–4 years old. Of these, 17 deaths were under the age of 1 year and four in the 1–4 age group (PAHO 2012). There are no reports of possible causes of death.

Figure 34: Infant mortality rate, 2011–2013



Source: Turks and Caicos Statistics, available at: (accessed 21 September 2015).

The Expanded Programme for Immunization has played a key role in the reduction and maintenance of a low infant and child mortality rate. Immunization coverage for the past years has been maintained at or just below 95 per cent for children under the age of 1 year. In 2014 MMR 1 was 99.4 per cent and in 2015 MMR1 was 95 per cent for children between the ages of 12 to 23 months. At the schools, immunizations are given as required, children are examined and health education programmes are also conducted (Government of the UK 2014).

As in the other overseas territories, overweight among young children and adolescents is a concern. Surveys of adolescents (10–14 years old) transitioning from primary to high school during 2006-2014 revealed an increasing trend in overweight and obesity: approximately 40 per cent were either overweight/obese or at risk of being overweight or obese by WHO standards and consumed less than the daily recommended intake of fruits and vegetables (TCI Ministry of Health, 2016). Interviewees in the territory revealed concerns with how the quality of food consumed by children at home and school is impacting on their weight and, consequently, on their health. Focus groups and interviews also pointed to some cultural practices that determine how young people eat. There is a preference for fried food, 'American-style' fast food, over nutritious meals. Also, food prices were considered to be expensive, and some more nutritious products were not accessible for residents, influencing families' eating habits. As most food products are imported and expensive for the average person, some families have to

30% of adolescents in 2010 were overweight/obese or at risk for being overweight.
(PAHO 2012)

buy cheaper products that are not necessarily the most nutritious.

Tracking the incidence and prevalence of HIV/AIDS continues to be a challenge in TCI. In 2012, seropositivity varied between 1.1 per cent in antenatal women and 5.4 per cent in screened workers (PAHO 2012). Antiretroviral therapy was introduced in 2005, and by 2010 was being provided to approximately one quarter (23.4 per cent) of the known HIV-positive cases. HIV transmission is generally related to heterosexual sex (Government of the UK 2014), and the territory has no information on HIV in children.

Since 2009, a National Health Insurance Programme (NHIP) has been in place to provide access to health care for all registrants via contributions as well as concessions and waivers for indigents, dependents and special populations. The insurance is funded by a 6 per cent contribution based on salaries, 3 per cent paid by the employer and 3 per cent by the employee. Since its creation, the NHIP has been expanded from the initial 9,000 people to more than 28,000 registered individuals. It is mandatory for all those who are in the territory legally (PAHO 2012; Government of TCI 2013). Benefits are structured on social principles of equal access to comprehensive health-care services for all residents. It has been stated that, unlike private insurance, there will be no exclusions or waiting periods for pre-existing conditions and no deductibles or co-insurance.

Despite covering most of the expenses, the NHIP charges a co-pay for visits to nurses and doctors as well as for medication and other treatments. Various stakeholders mentioned that some public health service providers still charge different fees for belongers and non-belongers. However, according to the Government, that differentiation is an exception that is being gradually abolished. The plan for the future is that by the end of 2016, all those who have national health insurance or any other private health insurance will pay the same co-pay, regardless of their citizenship. Correspondingly, those who are not covered by a health insurance programme will be charged the same fees for services and medications.

The migration status of families pushes

The NHIP includes:

- All essential medical services, most of which are provided by health-care facilities managed by Interhealth Canada on Grand Turk and Provo
- Access to the primary care clinics that the Government manages on the Outer Islands
- Government provision of public health services directly such as immunizations and wellness programmes.

20 http://www.gov.tc/index.php/employment-services (accessed 17 September 2015).

some persons to extreme acts. For example, stakeholders in TCI mentioned cases of mothers delivering their babies in the bushes since they are afraid of going to a clinic or hospital, being identified as illegal and consequently deported after the baby is born. However, there is no evidence to prove their statements. Similarly, the Poverty Assessment (Government of TCI et al. 2014) mentions that among non-belongers (including children), about half do not seek public medical attention when needed. Instead, they use bush medicines, go to private practices (which are more expensive), seek over-the-counter drugs and/or seek help from friends. Despite the fears of illegal immigrants, different sources confirmed that there have been no cases of people being deported after seeking help from any public or private provider. While individuals might be asked to pay for the services, they are not deprived of help, particularly if they are in an emergency situation.

The UNICEF assessment (Morlachetti 2015) also identified an issue related to the absence of specific provisions regulating access to health for children and adolescents. In practice, those below the age of 18 are required to provide parental consent to access medical services. The legislation and regulations should be clear about at which age children have access to confidential medical counselling and advice without parental consent. Children and adolescents may need such access, for example, when they are experiencing violence or abuse at home, are in need of reproductive health education or services, or in case of conflicts between parents and the child over access to health services.

5.1 Summary of determinants in health

Table 23 summarizes the main determinants related to health in TCI. While various stakeholders think the system and the services could be of better quality, they also recognize that within the capacity of the territory, services and treatment achieve good quality standards. The main determinant that hinders the full realization of children's rights in this area seems to be access. Also, TCI presents some challenges related to the illegal immigrants that reside in the territory.

Table 23: Summary determinant analysis for health

Enabling environment	Social norms	Social norms were not identified as a bottleneck in health. The problems seem to be more related to access to health than social rules of behaviour that could hinder access.
	Legislation/policy	Since 2009, a National Health Insurance Programme (NHIP) has been in place to provide access to health care for all registrants via contributions (employees and employers) and via concessions and waivers for indigents, dependents and special populations. The NHIP is not yet fully implemented but is expected to be so by the end of 2015.
	Budget/expenditure	Despite the idea that more resources might be necessary for health, there was no concrete evidence that budget allocation is a constraint.
	Management/coordination	Lack of data is a problem related to health. Data are not disaggregated in a way that allows for a proper equity-based analysis. In addition, the territory does not efficiently track data on HIV in the child population.
Supply	Availability of essential commodities/inputs	Basic medicine is available for a fee at the health posts and the hospital. There are reports that some medicines are not always available in some islands. For those where the NHIP is not fully implemented, different fees are charged between belongers and non-belongers.

Table 23: Summary determinant analysis for health (continued)

Supply	Access to adequately staffed services, facilities and information	The NHIP is supposed to stabilize access to health, with no discrimination between belongers and non-belongers. The institution of NHIP eliminated discrimination based on belongership status. However, those who have not been working more than 3 months and their dependents may not qualify for NHIP if they are not considered an indigent or pensioner. Access to health was also considered to be a problem for adolescents older than 16 years of age. In order to be treated, parents have to provide written consent for children younger than 18. Some patients in other islands need to seek treatment in Providenciales or Grand Turk. Moreover, access to some more specialized health services is only available outside the territory. Qualitative information suggests that illegal immigrants might not look for treatment in health posts or hospitals due to fear of being deported.
Demand	Financial access	The fact that the access to the NHIP is based on people's contributions to it might create a financial bottleneck for some families. Employee contributions are 3%no matter level of income. Those who are determined indigent receive free coverage. Only those who are temporarily unemployed more than 3 months or never employed (e.g. recent high school graduates or college students) may not be covered. A review of legislation is in place to close those gaps. In those islands where the NHIP is not fully implemented, different fees are charged to belongers and non-belongers. Based on information provided by officials of the Ministry of Health, the NHIP is fully implemented on all islands to everyone that lives in the TCI. Primary Health Care clinics are located on all main islands. Those in need of secondary care are referred to the hospital in Grand Turk or Providenciales at the expense of NHIP. The charges for belongers vs. non-belongers only apply to those that are not enrolled in NHIP. Related legislation is currently under review to change the fee structure for all PHC services. There are unconfirmed reports of families seeking alternative medicines and treatments due to lack of financial resources to pay health fees. However, it is possible that people may not access Government PHC due to immigration fears.
	Social and cultural practices and beliefs	Social and cultural practices and beliefs were not considered as a main bottleneck in health.
	Timing and continuity of use	Timing and continuity of use were not considered as a main bottleneck in health.
Quality	Quality of care	Quality of care was considered as an item that could still improve. Based on the information provided by officials of the Ministry of Health, efforts are ongoing to strengthen the health system and to improve the quality of care.

6 The Right to Protection

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement (CRC, article 19).

According to UNICEF,[21] there is significant evidence that violence, exploitation and abuse can affect a child's physical and mental health in the short and longer term, impairing their ability to learn and socialize and impacting their transition to adulthood, with adverse consequences later in life. Violence, exploitation and abuse are often practiced by someone known to the child, including parents, other family members, caretakers, teachers, employers, law enforcement authorities, state and non-state actors and other children. Only a small proportion of acts of violence, exploitation and abuse are reported and investigated, and few perpetrators are held accountable. This situation is even worse in a society such as TCI, where a small population means that all people living in the area are easily identifiable, and where confidentiality and anonymity are rarely guaranteed among those who provide services for children and other vulnerable populations. Moreover, the illegal migration situation of some families and children also influences individuals' disposition to report crimes.

21 http://www.unicef.org/protection/57929_57972.html (accessed 1 June 2015).

6.1 Birth registration and undocumented/stateless children

Birth registration is more than an administrative record of the existence of a child; it is the foundation for safeguarding many of the child's civil, political, economic, social and cultural rights. Article 7 of the CRC specifies that every child has the right to be registered at birth without any discrimination. Birth registration is central to ensuring that children are counted and have quality access to basic services such as health, social security and education. Knowing the age of a child is essential to protect them from child labour, being arrested and treated as adults in the justice system, being forcibly conscription in armed forces, child marriage, trafficking and sexual exploitation. A birth certificate as proof of birth can support the traceability of unaccompanied and separated children and promote safe migration. In effect, birth registration is children's 'passport to protection'. Universal birth registration is one of the most powerful instruments to ensuring equity over a broad scope of services and interventions for children.[22]

Birth registration is free of cost in TCI, but the issue of a birth certificate has a charge of US$40. A birth certificate is required for children to be registered at school as well as for other documents such as a passport. Those children who are born of non-belongers are registered and can receive a birth certificate; however, according to the law, they are not considered citizens of TCI. It is the parents' responsibility to regularize the child's situation with their country of citizenship.

The territory does not have an estimate of how many children do not have a birth certificate but, as mentioned in section 3.1, there are various anecdotal reports of undocumented children. The migration law in TCI, in combination with the migration status of parents and the laws of the countries from which they come, might create a situation where some children are stateless, i.e., they might belong to a certain country but they do not have the legal documents to prove it. For example, children born of Haitian parents who are illegally residing in TCI do not have TCI nationality or a birth certificate and, at the same time, may not be registered in their own countries. This creates a situation where they are invisible in terms of services and may lead to different violations of their rights. Despite not having a legal status, some stateless children are reported as going through primary and secondary education.

Migration regulations that affect children were created to prevent parents coming to the territory for their children to obtain TCI nationality and, consequently, UK citizenship. The current immigration laws reflect the UK migration laws and are a reaction to the massive influx of migrants in the past years that created unanticipated pressure on the education and health sectors, the availability of jobs, the housing market and the environment. In a 2014 interview,[23] the Minister for Border Control and Labour mentioned that those children born in the territory from non-TCI citizens could seek citizenship in the country of their parents. Besides, according to the interview, the law in TCI opens space for children and adults to become legal residents after a certain time in the territory. The challenges for illegal families seem to be to find out how this naturalization process is conducted, the costs associated with it and how to overcome the insecurity that the process involves, since in trying to become legal, the family is admitting that is in the territory illegally, exposing itself to the immigration authorities.

22 UNICEF website at: http://www.unicef.org/protection/57929_58010.html.
23 Available at http://suntci.com/no-children-should-be-stateless-in-turks-and-caicos-islands-says-united-na-p1191-106.htm (accessed 2 June 2015)

6.2 Sexual, physical and emotional abuse and neglect

The situation of children in TCI related to their right to be protected from sexual, physical and emotional abuse and neglect has to be understood within three important aspects. First, data on these topics are rare and only partially track the number of incidents. Second, information is sometimes inconsistent; i.e., data reported by one institution do not match data reported by a second institution because integrated systems for monitoring child abuse and neglect are not in place. Third, the size of the population and the migration status of some people interfere with the propensity of victims and witnesses to come forward and report those who commit the crimes.

Interviews revealed an overall concern in terms of confidentiality and anonymity of the information. Hence, many cases of abuse and violence are not reported. Under-reporting is caused by stigma, the shame and fear of those who suffered the violence or saw it happen, the fact that the accused is a family member or an esteemed public figure or due to the immigration status of the victim (or witness) and lack of confidence in the police and penal systems (Immigration and Refugee Board of Canada 2014).

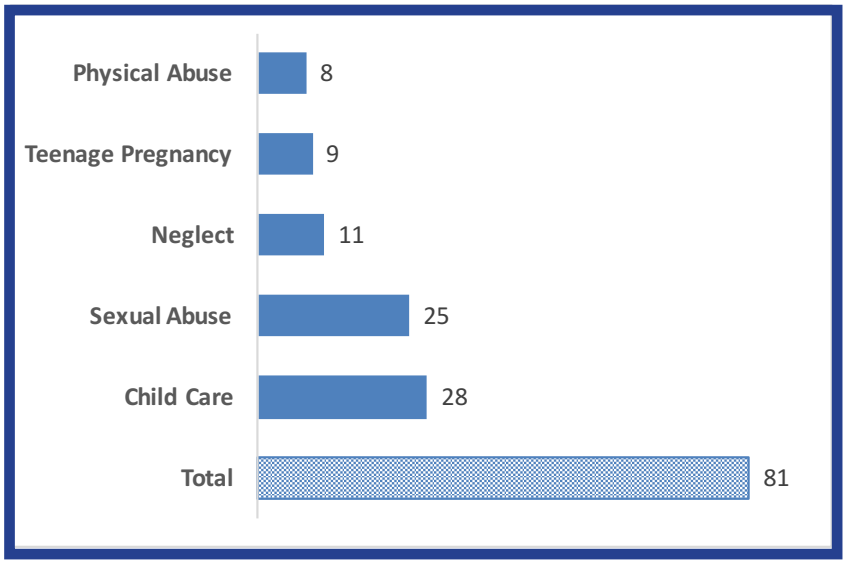
The most frequent types of physical and emotional abuse against children and women in TCI are related to domestic violence. A significant proportion of families have experienced some type of violence at home; however, its extent is unclear due to lack of appropriate data as a result of the under-reporting of cases to the police (ECLAC 2003). According to the 2011 report on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the number of domestic violence cases in TCI increased in 2009/2010 along with an apparent change in the nature of the attacks, which became more violent and resulted in serious physical injuries. Between January and September 2010, over 160 cases of assault with actual body harm and over 80 cases of wounding were registered in Providenciales and Grand Turk, while fewer than 10 cases of rape were reported in the six main islands (Immigration and Refugee Board of Canada 2014).

Interviews showed that although reporting has increased in the past years, victims withdraw most of the accusations. Some likely reasons behind the dropping of cases may be the social, economic and cultural position of women in their relationships at home and in society. Some women, especially those who are not from TCI, have reported that they had nowhere safe to go and needed to stay in the house to provide for and protect their children. TCI does not have a place of refuge for women victims of violence (Immigration and Refugee Board of Canada 2014).

Another deterrent to prosecuting domestic and other types of violence that affect children is related to court documentation. According to the interviews, in some cases the perpetrator is a belonger and the woman or child who suffers the violence is a non-belonger who may not fully understand the process and may feel afraid to come forward and lose their legal status in the territory.

A lack of up-to-date data on abuses perpetuated against children is an issue in TCI. The most recent data come from 2009 (Figure 35), and they show that sexual abuse and children in need of care were the two most reported types of cases to the Department of Social Development.

Figure 35: Different types of abuses reported to the Department of Social Development, 2009



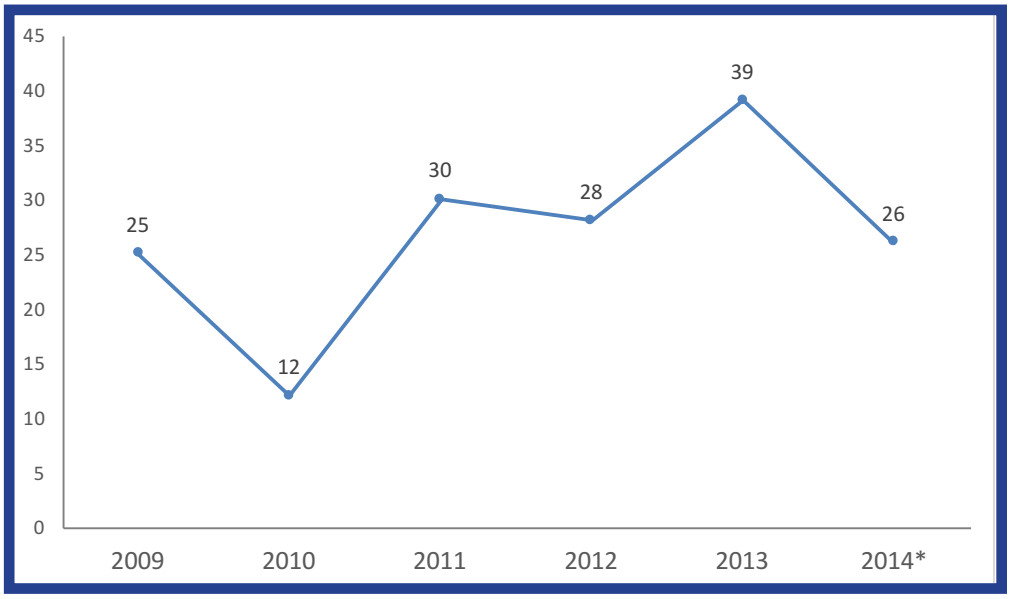
Source: Department of Social Development.

Sexual abuse against children is a gross violation of their rights. Yet it is a global reality across all countries and social groups. It can take the form of sexual violence, harassment, rape or sexual exploitation in prostitution or pornography. It can happen in homes, institutions, schools, workplaces, travel and tourism facilities and communities.[24] All reports of sexual violence against children in TCI received by the police are reported to the Department of Social Development and vice-versa. TCI legislation currently does not make mandatory the reporting of sexual abuse (and other forms of violence involving children) by parents, family members, teachers and private medical institutions (Morlachetti 2015). However, the Child Care and Protection Bill being discussed by the House of Assembly while this SitAn was being prepared aims to change this situation by making reporting mandatory.

Official numbers of child sexual abuse made available for this SitAn do not match the perception of the problem reported by stakeholders. Figure 36 depicts the cases reported by the TCI Sexual Offence and Domestic Violence Police Unit from 2009 to 2014. The graph does not provide full information for 2014, but it seems that since 2013 the number of cases being reported has been increasing.

24 http://www.unicef.org/protection/57929_58006.html (accessed 1 June 2015).

Figure 36: Cases of child abuse reported to the Royal TCI Sexual Offence & Domestic Violence Police Unit, 2009–2012



*Data for 2014 until August
Source: UNICEF Study on Child Sexual Abuse in the Caribbean (UNICEF 2012) and Government of the Turks and Caicos Islands 2014.

According to preliminary data provided by the police, since 2011 when the Sexual Offences and Domestic Violence Unit was created, an average of 10 different types of abuse were reported a month, with more cases registered in the summer. That would mean around 120 cases of abuse a year. One of the possible explanations for the gap between the qualitative information provided by the police and that shown in Figures 35 and 36 is the difference between reported cases and those that are actually prosecuted. As mentioned above, a large number of victims and/or witnesses in TCI withdraw their reports. According to information provided by the Office of the Director of Public Prosecutions,[25] nine offenders were prosecuted for sexual assault against children in 2014/2015 and five for physical assault against children.

Preliminary investigations by the police into the causes of sexual abuse against children point to lack of proper supervision for children at home as one of the direct causes. According to stakeholders, that lack of supervision is worse in single-parent households headed by women where mothers have to be absent from home to provide for the family. It is important to remember that since most of the jobs in TCI are connected to tourism, the summer is when more short-term job opportunities are available, forcing women and men to work longer hours at that time to guarantee monetary resources to cover the rest of the year, when there are not so many tourists.

Anecdotal evidence also points to the increasing risk of children being exposed to violence through

25 Letter sent by that office and dated 25 June 2015.

new media. The Internet and mobile phones put children at risk of sexual abuse as some adults go online to pursue sexual relationships with children. There are also reports of an increase in the number of images of child abuse and violence against and between children. In addition, children themselves send each other sexual messages or images on their mobile phones, so-called 'sexting', which puts them at risk for other abuse.

Qualitative reports suggest that abuse and different forms of violence involving children and adolescents among immigrant groups, especially those from the Dominican Republic and Haiti, are frequent and known to happen by the community. However, most of the cases are not reported due to fear of deportation and, in most cases, victims and perpetrators do not go through the formal judicial system. Some of these cases are apparently solved in the community (sometimes with financial settlements among the different parties), and sometimes nothing happens due to fear among those who suffered the violence.

There are still space to improve the enabling environment to protect children and women in the territory. TCI does not have a family court to judge cases related to violence against women and children. There are no special procedures in the judiciary system to guarantee the confidentiality and security of the victim who wants to come forward and report a crime, creating fear among those who want to report different types of abuse. The two main pieces of legislations to protect children are the Offences Against the Person Ordinance and the Juvenile Ordinance.

The Offences Against the Person Ordinance covers some gender-based crimes: rape, procuration, indecent assault and abduction of women; however, it does not clearly define rape and so the courts' interpretation of the crime may be restricted. Although currently there is no specific law that criminalizes domestic violence, there is a Domestic Violence Bill pending approval that defines domestic violence as any controlling or abusive behaviour that harms or may harm the health, safety or well-being of a person or any child and includes: physical abuse or threats of physical abuse; sexual abuse or threats of sexual abuse; emotional, verbal or psychological abuse; economic abuse; intimidation; harassment; stalking; damage to or destruction of property; or entry into the applicant's residence without consent, where the parties do not share the same residence. It also includes the definitions of and protections from economic abuse and emotional, verbal and psychological abuse.

The Juvenile Ordinance has a provision for the prevention of cruelty to and protection of juveniles and makes it an offence for a person with the custody or care of a juvenile to neglect, abandon, expose or procure him or her to be ill treated, neglected or exposed. It is also an offence if a person liable to maintain a juvenile fails to provide food, clothing, lodging and medical aid. The Juvenile Ordinance is utilized by the magistrate's court to place a child under care and protection, care from a supervision order and/or remove them from their home and place them in foster care (Morlachetti 2015). However, the ordinance is not sufficient to cover all the necessary aspects of child protection.

6.4 Children in conflict with the law and juvenile justice

The term 'children in conflict with the law' refers to anyone under 18 who comes into contact with the justice system as a result of being suspected or accused of committing an offence. Most children in conflict with the law have committed petty crimes or such minor offences as vagrancy, truancy, begging or alcohol use. In addition, some children who engage in criminal behaviour have been used or coerced by adults. Too often, prejudice related to race, ethnicity or social and economic status may bring a child into conflict with the law even when no crime has been committed or result in harsh treatment by law enforcement officials (UNICEF 2006).

For the period 2011–July 2014 there were a total of 483 incidents in TCI where a juvenile was either arrested (154 cases) or charged (319 cases) (Table 24). Most of the adolescents who were

arrested or charged were male and almost 82 per cent were belongers. Based on recent statistics, most children and adolescents who commit an offence against the law commit burglary, for which120 adolescents were charged and another 62 arrested. Some of these are repeat offenders.

Table 24: Number of adolescents arrested and charged by characteristics, 2010–July 2014

	Arrests	Charges	Total
Total	**154**	**329**	**483**
Age			
15 or less	74	161	235
16	32	80	112
17	48	88	136
Gender and nationality			
Local male	123	262	385
Local female	6	9	15
Alien male	25	43	68
Alien female	0	15	15
Local			
Providenciales	130	255	385
Grand Turk	22	56	78
North Caicos	2	3	5
South Caicos	0	15	15

Source: Data from the Royal Turks and Caicos Islands Police Force 2014.

Adolescents who are sentenced to imprisonment are sent to Her Majesty's Prison in Grand Turk and are kept in a separate area from adults. If they have not finished their sentence once they reach 18 years of age, they are moved to the adult section. During the field visit (June 2015), there were five adolescents in the prison, most of them for burglary and robbery. As of August 2015, the Government was finalizing a safe space in Grand Turk to house young offenders. This will allow children in conflict with the law to receive the necessary attention and not be placed in the adult prison.

According to the Juvenile Ordinance, the minimum age of criminal responsibility is 8 years, which is extremely low according to CRC standards. The draft version of the Child Justice Bill increases the age to 12. In addition, it states that a child who is 12 years or older but under 14 years and who commits an offence is presumed to lack criminal capacity unless it is proved that he has criminal capacity (Morlachetti 2015).

There are no specialized courts to deal with either children in need of protection by the law or children in conflict with the law (DSDGA 2014). The system

related to children in need of protection largely follows the pattern of the criminal system (or judicial process). In practice, the same magistrate who deals with adult cases acts as a juvenile court although, depending on the nature of the offence, an option is available as to whether offenders would prefer their matter to be heard by the resident magistrate or Supreme Court. Courts have extensive power to make decisions from discharging a child to making an order of imprisonment based not only on the nature of the offence but also in the character of the offender and family circumstances (Morlachetti 2015).

Another very serious gap in the criminal system for children and young persons is that the availability of legal defence is based on the financial means of the family, with legal aid being exceptional.[26] As most children and juveniles are from families who cannot afford a private lawyer, the great majority of them face criminal charges and are brought before the police, the prosecutor and the magistrate without a lawyer. The lack of legal representation in a criminal proceeding constitutes a serious breach of the due process of law and compromises the possibility of a fair trial and the right to have a remedy or recourse.

Different principles, standards and norms related to juvenile justice exist and should be used to guarantee that boys and girls who have been in conflict with the law have improved chances to be reinserted into society without prejudice[27] and with the same chances as other children. These standards can be summarized into four criteria in order to analyse TCI's general compliance with them (Table 25). Among the four criteria, based on the information in this SitAn, two were not achieved and the other two were partially achieved.[28]

Table 25: Status of TCI regarding general international criteria for assessing juvenile justice systems

Criteria	TCI status
A sufficiently high age of criminal responsibility (not less than 12, which is the sub-regional minimum and preferably 14, which is the international standard)	Not achieved. The age of criminal responsibility is 8, though the new proposal intends to increase it to 12.
Diversion of children and adolescents away from criminal justice processes as far as possible	Not achieved. There is no diversion system and even small children committing minor offences can be brought before the court.
Assurance that children receive a prompt and fair trial	Partially achieved. There is no free legal aid for anyone, including children, save in the case of murder.
Incorporation into juvenile justice systems of education, reintegration and rehabilitation and the need to ensure that detention is a last resort.	Partially achieved. The system still focuses on punishment rather than prevention and rehabilitation.

26 The Constitution Order 2011 Part I Section 6.2 states that "Every person who is charged with a criminal offence… (d) shall be permitted to defend himself or herself before the court in person or, at his or her own expense, by a legal representative of his or her own choice or, when the interests of justice so require, by a legal representative at the public expense".
27 For some of these principles, standards and norms, please refer to UNICEF 2011 (Guidance for Legislative Reform).
28 Analysis was based on the interviews in TCI as well as the documents made available during the SitAn process.

6.5 Child labour

TCI has no information related to child labour. The Employment Ordinance, Section 9 provides that every person of the age of 16 or more can enter into an employment contract. A person under that age can only enter into a contract with the written consent of a parent or guardian. There is an exception for employment for a specified period, not exceeding four weeks, or a student attending secondary school on work experience performing tasks for a period of six weeks, or a person who is a family member of the employer or in cases where the contract of employment is regulated by a collective agreement.

6.6 Adolescent pregnancy

While adolescent pregnancy could be seen as a health subject, the causes of it frame the problem as a child protection issue. Unwanted pregnancy among the adolescent population is a big concern not only in the territory but also all over the Caribbean.

The incidence of adolescent pregnancy has increased in TCI and so has the rate of poverty among teenage mothers (Ministry of Environment and Home Affairs 2014). In the period 2006–2010, the rate of teenage pregnancy increased from 9 per cent to 11 per cent (PAHO 2012).

As analysed by the United Nations Population Fund (UNFPA 2014), pregnancies among adolescents have multiple determinants. There are social determinants, such as poverty, level of education, area of residence and culture, among others, which are correlated to behavioural patterns. For example, poverty might push young girls to find paid sex as a solution. Moreover, for some societies, sexual initiation at younger ages is more acceptable but lack of contraceptives might result in adolescent pregnancy.

There are also health systems and/or legal factors that limit adolescents' access to reproductive and sexual health services. Adolescents in the 10–14 age group may suffer as a result of inadequate protective measures that fail to prevent sexual violence and child abuse. In the same line, there are situations where adolescents (under the age of majority) who are sexually active encounter legal barriers to accessing contraception, information and counselling. As mentioned, the fact that access to health without parental consent is only available for persons over the age of 18 limits access to information and contraceptives.

Community norms and attitudes may also hinder access to sexual and reproductive health services or excuse sexual violence. For example, according to the interviews, it is common for older men – married or not – to have relationships with younger girls, and during sexual intercourse they avoid the use of contraceptive measures, increasing the risk of adolescent pregnancy and the transmission of sexual diseases.

Finally, as noted by UNFPA (2014), schools may not offer comprehensive sexuality education, so adolescents often rely on information (often inaccurate) from peers about sexuality, pregnancy and contraception. As mentioned previously, most adolescents in TCI in focus groups and interviews said they did not trust the school for guidance on sexual behaviour matters but rather their closest peers. In addition, it seems that the sex education programme taught at school is more focused on the biological aspects of reproduction and less on aspects of sexual conduct, morality, risk and exploitation.

TCI did not participate in any recent survey[29] on child and adolescent behaviour that could provide more evidence on the situation of children in relation to important points that influence sexuality and violence. For instance, it is not known how widespread alcohol and drug consumption is

29 Such as the Global School-based Student Health Survey (GSHS) developed by the Centers for Disease Control and Prevention, World Health Organization, UNICEF, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and UNAIDS.

among the young population or what is the median age of first sexual relationship, information that could help to further investigate possible causes of abuse, including teenage pregnancy.

6.7 Institutional response

The Department for Social Development and Gender Affairs (DSDGA) in the Minister of Home Affairs, Transportation and Communication is charged with the overall responsibility for child protection throughout TCI.

According to information provided by the DSDGA, the Department ensures that children found abandoned or neglected or who are victims of abuse or child labour are taken before the courts as being in need of care and protection. At this stage, the order of the court is the single most important factor determining the child's fate. Once there is a case of child abuse, a social worker is assigned to the case and follows it from intake throughout. Referrals are received from various sources including the police, schools, health services or concerned persons. If there is any indication of suspected child abuse of any form, the information should be reported to the DSDGA for further investigation. There are protocols in place[30] for the police, education, health and the DSDGA in responding to suspected child abuse. As noted above, the Juvenile Ordinance can be used by the magistrate's court to place a child under care and protection, to issue a supervision order and to order removal from the home and placement in foster care. Case conferences are held with a multi-disciplinary team to establish a course of action to assist the child and her or his family.

In terms of gender, TCI has advanced considerably with the establishment in 1999 of the Gender Affairs Unit (formerly the Women's Desk). The Unit has been promoting gender equality and raising awareness about poverty, domestic and gender-based violence, health and women's access to and participation in decision-making processes (Ministry of Environment and Home Affairs 2014). In performing its advocacy role, it has contributed to the development of policy and legislation on issues related to women. From 2012 on, women have held elected positions, with nine women in the House of Assembly, four permanent secretaries and the first female deputy governor. Overall, women dominate managerial positions in the public and private spheres, and TCI has surpassed the 33 per cent quota set by the Beijing Platform for Action regarding women in politics with 46 per cent (ibid.). Despite these advances, however, and as previously discussed, women are still subject to domestic violence and abuse.

Those children who are identified as abandoned or who are facing increased danger of abuse or neglect are placed with relatives, foster parents or at the Provo (Providenciales) Children's Home. The Provo Children's Home is a private institution that receives financial support from the Government to foster children. It has capacity for 20 children, but in April 2015 there were seven children being fostered there.

Children who are in conflict with the law usually have their first encounter with the police. The police officer who detains a child will endeavour to contact the child's family with the view to granting bail. The police usually notify the DSDGAs. The names and other pertinent information on children in need of protection by the law and those in conflict with the law are protected.

As of April 2015, the DSDGA was taking care of 24 cases of foster care, seven cases of residential care, five children in prison and 10 cases of child abuse.

While the Department tries as much as possible to work with its protocols and guidance, different stakeholders mentioned that it does not have sufficient staff and infrastructure to attend to the

30 The Children (Care and Adoption) Bill was passed in May 2015. As of May 2016, the Bill was awaiting enactment.

growing demand. In April 2015, it had eight social workers and one assistant to handle all the cases in the territory. Social workers are not specialized in one area but provide support in different cases including child protection, probation and parole, court matters with social enquiry reports, adoption, custody, domestic violence, welfare services, indigent services, juvenile delinquency, etc. Few of them have knowledge of Creole or Spanish, jeopardizing their reach to those families who do not speak English.

The enabling environment in the territory also frames the institutional response for child protection issues. As mentioned in different parts of this SitAn, the current legislation related to child protection needs to be updated. The main gaps and recommendations are listed in UNICEF's legislation assessment (Morlachetti 2015), and a summary table from that study can be found in Annex 1.

6.8 Summary of determinants in child protection

In any circumstances, the child protection area is extremely complex. It involves a myriad of stakeholders and its causes and consequences are seen in different areas such as health and education. Table 26 tries to summarize the main determinants related to child protection. Most of the bottlenecks are the result of social norms and social and cultural practices that are constantly reinforced over the years and consequently transmitted from one generation to the next.

Table 26: Summary of determinants related to child protection

	Determinant	Summary
Enabling environment	Social norms	Violence is used as a way to control women and children. There is a cycle of abuse that is transmitted from one generation to the next, where today's perpetrators were the victims in the past. Intergenerational relationships, including sex, are common and accepted as normal. This leads to adolescent pregnancy and risks related to sexually transmitted diseases. The large presence of migrants from different cultures and backgrounds increases the complexity of child protection issues.
	Legislation/policy	Legislation is in place, but it presents many gaps as described in the text. Corporal punishment is legal and practiced in schools.
	Budget/expenditure	This was not possible to address due to lack of information. The budget involved in child protection is spread among different ministries and departments.
	Management/coordination	Lack of coordination between the different sectors involved in child protection creates a bottleneck in terms of the management and effectiveness of public policies. There are no data management systems that can properly monitor the situation of child victims of violence and families who might need support. Response is spread among different stakeholders in government and non-government related areas.
Supply	Availability of essential commodities/inputs	There is no comprehensive sex education programme in schools; consequently adolescents often rely on information (often inaccurate) from peers about sexuality, pregnancy and contraception, increasing the risk of adolescent pregnancy. Most of the social welfare programmes that could help alleviate the situation of some groups that are victims of child abuse and violence are only available for belongers.
	Access to adequately staffed services, facilities and information	The DSDGA is understaffed and lacks other resources to properly address issues related to child protection. Child protection services and support are mostly available in English. Children from non-English-speaking families do not have access to the same services as those who speak English.

Table 26: Summary of determinants related to child protection (continued)

Demand	Financial access	Lack of monetary resources is seen by many as a possible cause of violence among and against children. Children in conflict with the law are motivated by the poverty in which they live. For those children who suffer physical violence from their parents, that violence might be associated with frustration from their parents with their present economic condition. The financial condition also influences the decision to leave young children unsupervised, increasing the danger of abuse and violence against them.
	Social and cultural practices and beliefs	The violent behaviour that some children present is a reflection of the situation they see at home or in their community. Gang-related behaviour is seen by stakeholders as a cultural practice that is fuelling violence among children. For some families, the use of violence as a corrective measure is normal and widely acceptable. Corporal punishment is used at home and at school. The absence of the mother/father in the house, the lack of dialogue between parents and children, inadequate parental supervision, peer influence and the lack of a male figure in the family are contributing to changes in cultural practices, behaviour and beliefs among the young population. There is a perception that non-belongers are violent and involved in unlawful acts. The role of the church in fighting child abuse and violence is not fully defined.
	Timing and continuity of use	While reporting of different forms of abuse and violence has been increasing, the perception among different stakeholders is that under-reporting is still a problem. There are also situations where victims ask for cases to be dropped after initial reporting due to fear of stigma or future violence. Some non-belongers do not know which services they can access. Some are afraid of coming forward and reporting abuses or being witnesses in cases due to fear of losing their work permit or being deported.
Quality	Quality of care	The territory has no measures of quality in the child protection system. While some standards and protocols are available, the consistency of their use could not be addressed in this SitAn and should be the subject of a future evaluation.

7 The SDGs and a New Framework for Children

While the Millennium Development Goals (MDGs) set the international development framework for action until 2015, United Nations' member States had agreed at the Rio +20 Conference to create a set of Sustainable Development Goals (SDGs) to coordinate the development efforts post-2015. The SDGs represent a new framework for global development (UNICEF 2014b) that was officially adopted at the SDG Summit in September 2015.

The process of developing the SDGs was not limited to the United Nations; it involved vast participation from different stakeholders from civil society, private enterprises and citizens around the world.[31] There are 17 Goals (see Table 27) and 169 targets. They are action-oriented, global in nature and universally applicable.[32] The indicators to measure progress on outcomes were agreed by the United Nations Statistical Commission's Inter-Agency and Expert Group on SDG Indicators (IAEG-SDGs) in March 2016.

Table 27: The Sustainable Development Goals[33]

Goal 1: End poverty in all its forms everywhere
Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture
Goal 3: Ensure healthy lives and promote well-being for all ages
Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
Goal 5: Achieve gender equality and empower all women and girls
Goal 6: Ensure availability and sustainable management of water and sanitation for all
Goal 7: Ensure access to affordable, reliable, sustainable and modern energy for all
Goal 8: Promote inclusive and sustainable economic growth, full and productive employment and decent work for all
Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
Goal 10: Reduce inequality within and among countries
Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable
Goal 12: Ensure sustainable consumption and production patterns
Goal 13: Take urgent action to combat climate change and its impacts
Goal 14: Conserve and use the oceans, seas and marine resources for sustainable development
Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
Goal 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development

31 For more on civil society engagement in the post-2015 debate, see http://www.beyond2015.org/ (accessed 18 June 20150.
32Based on https://sustainabledevelopment.un.org/sdgsproposal (accessed 18 June 2015).
33 For updates on the process, goals, targets and indicators, see: http://www.un.org/sustainabledevelopment/sustainable-development-goals/ (accessed 17 May 2016).

Children, youth and future generations are referenced as central to the SDGs. Children are directly related to 12 of the goals and indirectly to the other five. The SDGs call for explicit targets on reducing inequality, ending violence against children and combating child poverty. At the same time, UNICEF emphasizes the importance of "leaving no one behind". Reaching first the poorest and most disadvantaged children must be reflected in all targets, indicators and national implementation frameworks as they are developed (UNICEF 2014b).

The SDGs call for a "data revolution". All targets must be measurable to ensure equitable results for all children. In addition, disaggregated data will be essential for monitoring equity gaps, strengthening social accountability and ensuring that the gaps between the most and least advantaged groups are narrowing. Data should also be disaggregated by all grounds of discrimination prohibited by international human rights law, including sex, age, race, ethnicity, income, location, disability and other grounds relevant to specific countries and contexts, for example: caste, minority groups, indigenous peoples, migrant or displacement status (UNICEF 2014b). The global framework of goals, targets and expected indicators for 2016–2030 have significantly expanded compared to the MDG era and will place a higher demand on data collection. Adequate resources and increased capacities will be critical to generate quality disaggregated data for SDGs monitoring. This will be particularly challenging for TCI and other territories in the Eastern Caribbean area, given the resource and capacity constraints associated with their small size and middle-income status.

8 Conclusion and Recommendations

This Situation Analysis (SitAn) has identified a number of areas in which concerted and sustained action is needed to ensure that the rights of all girls and boys are realized in TCI. These general observations are being made with the acknowledgement that a proper, equity-based analysis of the situation of children depends on the availability of disaggregated data on the different aspects that might influence their lives, including gender, age, nationality and socio-economic status.

The Government produces some data related to children's rights; however, those made available for the SitAn process do not capture the full range of issues that allow for an in-depth assessment of the situation of children related to education, health, social protection and child protection, among other areas. Difficulty of access to data and the fact that different reports and datasets present different numbers for the same indicator jeopardize public accountability and reinforce a culture where information is still considered classified by different government institutions. This reinforces the 'silo' culture, where each governmental area is concerned about its own data and there is little coordination of efforts to maximize data collection and its use.

Lack of data not only prevents proper analysis of the situation but also interferes with how public policies are designed, implemented, monitored and evaluated. Results-based public policies are connected to the availability and use of information. Similarly, the lack of historical data on socio-economic issues does not permit for trends comparisons. Therefore, it is not possible to analyse whether the socio-economic situation of children and other vulnerable groups is better, worse or the same as it was five, 10 or 15 years ago. Despite the central role of poverty in determining the realization of children's rights, the territory does not have recent or accurate poverty data. In addition, some families and groups that might not be characterized as poor are still vulnerable in different ways that negatively impact on children's rights. A particular concern is that the children of illegal migrants may be stateless and invisible. There is no consolidated social policy scheme that deals with vulnerable groups and families and strategically addresses the causes and consequences of poverty and vulnerabilities.

Gender was seen as a cross-cutting topic in the SitAn. On the one hand, TCI has advanced considerably since the establishment in 1999 of the Gender Affairs Unit, which has been promoting gender equality and raising awareness about women's rights. The territory has surpassed the 33 per cent quota set by the Beijing Platform for Action regarding women in politics with 46 per cent, and women hold many managerial positions in the public and private spheres. On the other hand, violence against women and girls and sexual abuse continue to negatively impact their well-being. This issue remains under-reported and may be even more widespread among illegal immigrants, who are less likely to go to the police.

Legal and policy framework

Several laws related to children's rights have been drafted and are either going through the approval process or have been passed but not yet enacted. These include the Child Justice Bill, which raises the minimum age of criminal responsibility to 12 years; the Child (Care and Adoption) Bill; and the Trafficking in Persons (Prevention) Bill. The

Domestic Violence Bill addresses the obligation under CEDAW to protect women and girls from domestic and sexual violence.

The SitAn process did not identify a consolidated social policy scheme to deal with vulnerable groups and families and to strategically address the causes and consequences of poverty and vulnerabilities. Instead, the territory relies on different forms of social assistance to temporarily help families and individuals to alleviate their problems. The social assistance model is reactive – i.e., it responds to the demands of some rights holders – rather than anticipating the possible needs of different vulnerable groups. The interviews showed that the Government recognizes this deficiency, and has plans to move the response into a more systemic approach. This change is currently limited by legislation that differentiates between belongers and non-belongers, by the lack of funding and by the limited number of staff in the area of social development.

To address these concerns, it is recommended that the Government:

i. Pass and/or enact pending bills that help realize the rights of children and ratify (extend) relevant human rights treaties.
ii. Update legislation to eliminate the gap in access to services between belongers and non-belongers.
iii. Discuss, adopt and monitor a measure to track poverty and/or socio-economic vulnerabilities in the territory.
iv. Develop an integrated and systemic social policy programme that identifies and covers the most vulnerable populations in the island and extend this to all those who legally reside in the territory, regardless of their nationality.
v. Create mechanisms to make visible the situation of foreign-born residents, especially undocumented women and children, including through qualitative and quantitative research.
vi. Develop joint social and economic policies regarding the employment of women and provide mothers with childcare support, especially in the early years. This should include involving fathers as caregivers.

Survival rights

The discussion on the right to health has to be framed by the absence of recent health data in the territory and the pressures that the increasing immigrant population puts in the system. Until recently, belongship – i.e., whether a person was a belonger or not – was the most important factor for a person to have access to public hospitals and clinics. However, the new National Health Insurance Programme (NHIP) provides that there will be the same co-pay for those who contribute to it, regardless of nationality. Those who do not have the NHIP will pay the full price of the services. The limitations of this model are that only those who have work authorization have the insurance, and it still limits the access to health of those who are in the country illegally.

The territory has made progress with respect to MDG4 (reducing child mortality), and immunization rates are high. There are concerns with obesity among children and adults and with the behavioural health of children, adolescents and young adults.

It is therefore recommended that the Government:

i. Guarantee that the NHIP does not become a bottleneck for those families that cannot afford to be part of it.
ii. Produce and publish annual data on child and maternal health, including mortality, prenatal care, delivery, vaccination and other basic indicators
iii. Create a programme for preventing and controlling child obesity with integral indicators and goals (involving all the relevant ministries).

Development rights

As the Government does not monitor common rates that are used internationally to address the efficiency of the educational system, it is not known whether all children in TCI have access to education. In addition, private preschools and primary schools produce better results than public ones. The only secondary public school in Providenciales is reported to have serious overcrowding and infrastructural problems. The overcrowding has exacerbated tensions between belonger and non-belonger parents as applications for admission have exceeded the places available. These tensions were also found among students, with non-belonger students facing discrimination and bullying.

Although more than half of students in 2014 were non-belongers and a third came from a Dominican Republic or Haitian background, the territory does not have a fully implemented English as second language (ESL) programme.

There are concerns in terms of the number of out-of-school children, particularly among immigrants due to problems with their documents and issues related to understanding English. Moreover, there are dropouts related to girls becoming pregnant and boys being expelled due to violent acts. Other possible reasons, such as the lack of incentives to stay at school and financial pressures, are not well mapped and should be further investigated.

Recommendations in this area include that the Government:

i. Reinforce the quality of education at all levels.
ii. Guarantee access to ECE services for all children.
iii. Build a new secondary school in Providenciales or expand the existing one.
iv. Provide after-school educational spaces and recreational opportunities for children and adolescents.
v. Identify the need for ESL in primary and secondary schools and create a programme to assist children from non-English-speaking countries.
vi. Address the issue of children lagging behind and ensure the retention of children and adolescents in the system.
vii. Identify out-of-school children – and the reasons for this – and develop effective public policies to reinsert them back into formal education.
viii. Guarantee access to special education for all children, including those not living in Providenciales.
ix. Strengthen the current participation mechanisms at school and in society, and create new ones that really guarantee wide participation of boys and girls.

Protection rights

It seems that one of the major issues that impact on all children in the territory is related to different forms of violence and abuse in schools, homes and the community. Violence against children is widespread and pervasive and continues to compromise social progress and development. Official numbers related to child violence and abuse do not reflect the reality, since much of the violence is hidden due to fear, pride or shame. Corporal punishment at school or at home is a violation of a child's basic human rights, which includes the right to protection against any form of violence and the right to respect for their physical integrity and human dignity. The protection of children from violence, including the most vulnerable and marginalized girls and boys, must be made an explicit priority and recognized as a crosscutting concern. Undocumented children who do not have birth certificates are particularly vulnerable to abuse and exploitation.

To address these issues, it is recommended that the Government:

i. Create an integrated database on management of cases of abuse that guarantees confidentiality of those

in need but also access to the information for monitoring of cases.

ii. Abolish corporal punishment in schools and develop public information campaigns to eradicate its use in the home.
iii. Openly discuss causes of violence against children and create a plan to tackle them.
iv. Further develop and strengthen the juvenile justice system, including through training the judiciary and other relevant officials in the skills to deliver juvenile justice and putting in place appropriate mechanisms for dealing with juvenile offenders in accordance with the CRC.
v. Enforce confidentiality and anonymity in those cases where children are victims and/or perpetrators of violence.
vi. Institutionalize public policies that empower girls, guarantee access to information and contraceptives, and penalize those who abuse young girls.
vii. Establish a place of refuge for women and children who have been victims of abuse.
viii. Amend national legislation to automatically provide children born in TCI with a birth certificate and residence status.
ix. Invest in the monitoring of cases of child labour and child trafficking in the territory and take preventive action.

The SDGs and the future

The Sustainable Development Goals (SDGs), which were officially adopted at the SDG Summit in September 2015, represent a new framework for global development. The aim is to create a global movement to continue the work done with the Millennium Development Goals (MDGs) as well as advance towards new commitments. Nations should therefore start framing their development plans and policies for the next years based on this globally agreed development agenda.

For TCI, that means some strategic changes in terms of producing and using data, looking beyond the averages and developing effective policies to help fight discrimination and address violence against children. Children must be seen as an investment for the future of the territory. There is a need to reconcile investments in tourism and infrastructure with social investment to increase the quality of education, health and protective systems. A debate on legal and illegal migrants, how they contribute to the territory and how they can be protected by a more inclusive social scheme, must be on TCI's agenda for the next years. Children, regardless of where they come from, cannot be penalized and must have their rights realized.

The situation described and analysed in this document is not unique to TCI but shared by other countries and territories in the region. The difference is that now, with the agreement on the SDGs, a new wave of international cooperation is expected among the countries and territories in the world, signalling that common solutions should be sought for common problems, increasing the use of resources and maximizing the chances of real life impacts for those in need.

Bibliography

Baker, Eva L., 'Can We Fairly Measure the Quality of Education?' CSE Technical Report 290, Center of Reserach on Evaluation, Standards, and Student Testing, UCLA Center for the Study of Evaluation, Los Angeles, CA, 1988.

Caribbean Development Bank (CDB), 2014 Caribbean Economic Review & Outlook for 2015, CDB, St. Michael, Barbados, 2014.

Department of Economic Planning and Statistics, 2012 Population and Housing Census for the Turks and Caicos Islands: Preliminary report, Goverment of Turks and Caicos, Grand Turk, 2012.

Department of Social Development and Gender Affairs (DSDGA), Safeguarding Children in the Turks and Caicos Islands, Ministry of Environment and Home Affairs, Grand Turk, August 2014a.

Department of Social Development and Gender Affairs (DSDGA), Criteria for Social Enhancement Aid, Ministry of Environment and Home Affairs, Grand Turk, 2014b.

Economic Commission for Latin America and the Caribbean (ECLAC), Domestic Violence and the Law in the Turks and Caicos Islands: Directions for law reform, ECLAC, Port of Spain, 2003.

Gittens, K., Report on Out of School Children in the Turks and Caicos, draft, 2011.

Global Initiative to End All Corporal Punishment of Children, Turks and Caicos: Country Report, 2013.

Global Initiative to End All Corporal Punishment of Children, Corporal Punishment of Children: Summary of research on its impact and associations, May 2015, http://www.endcorporalpunishment.org/assets/pdfs/research-summaries/Summary%20of%20research%20on%20the%20effects%20of%20corporal%20punishment,%20May%202015.pdf (accessed 13 May 2016).

Government of the Turks and Caicos Islands (TCI), Turks and Caicos Islands Development Strategy 2013–2017, Grand Turk, 2013.

Government of the Turks and Caicos Islands (TCI), Budget 2014-2015: The Appropriation (2014/2015) Ordinance 2014, Grand Turk, 2014a.

Government of the Turks and Caicos Islands (TCI), The Situation of Child Sexual Abuse: Turks and Caicos Islands – Responding to and managing child sexual abuse in the UK overseas territories, Grand Turk, 2014b.

Government of the Turks and Caicos Islands (TCI), Caribbean Development Bank and Halcrow Group, Country Poverty Assessment Report to the Government of Turks and Caicos Islands, CDB, St. Michael, Barbados, 2014.

Government of the United Kingdom (UK), 'Extension of Treaties to Overseas Territories', 2013, www.gov.uk/government/uploads/system/uploads/attachment_data/file/308103/Extension_to_OTs_guidance.pdf (accessed 31 March 2016).

Government of the United Kingdom (UK), 'Annex: Implementation of the UNCRC in the Crown Dependencies and Overseas Territories', in The Fifth Periodic Report to the UN Committee on the Rights of the Child, CRC/C/GBR/5, 2014.

International Labour Organization (ILO), International Definitions and Prospects of Underemployment Statistics, ILO, Geneva, 1999.

Immigration and Refugee Board of Canada, Turks and Caicos Islands: Domestic violence – Police response, protection and support services available to victims, Ottawa, ON, 2014.

Ministry of Education, Youth, Culture, Sports and Library Services, Success for Every Learner, Grand Turk, 2015a.

Ministry of Education, Youth, Sports and Library Services, Education Digest 2013/2014, Grand Turk, 2015b.

Ministry of Environment and Home Affairs, Beijing Platform+20 Report, Economic Commission for Latin America and the Caribbean (ECLAC), Port of Spain, May 2014.

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

Overseas Joint Ministerial Council (OJMC), Progress Made on the Commitments in the 2012 Joint Ministerial Council Communiqué: Turks and Caicos Island, Foreign and Commonwealth Office, London, 2013

Pan-American Health Organization (PAHO), Health in the Americas: Country volume – Turks & Caicos, 2012, http://www.paho.org/saludenlasamericas/index.php?option=com_docman&task=doc_view&gid=150&Itemid= (accessed March 2015).

Plan International, Save the Children and Office of the Special Representative of the Secretary-General on Violence against Children, Why Children's Protection from Violence Must Be at the Heart of the Post-2015 Development Agenda: A review of consultations with children on the Post-2015 Development Agenda, Office of the Special Representative of the Secretary-General on Violence against Children, New York, October 2014.

Richardson, George P. (Ed.), Modelling for Management I: Simulation in support of systems thinking, Darmouth Publishing Company, London, 1996.

TCI Foreign and Commonwealth Office, Turks and Caicos Throne Speech 2014, Grand Turk, 2014. Turks and Caicos Statistical Office, Turks and Caicos Economic Statistics, 2015, http://www.sppdtci.com/#!economic-statistics/c1u1m (accessed 14 September 2015).

United Nations, DESA-Population Division and United Nations Children's Fund (UNICEF), Migration Profiles - Common Set of Indicators: The Turks and Caicos Islands, United Nations, New York, 2014.

United Nations Children's Fund (UNICEF), Child Protection Information Sheet: Children in conflict with the law, UNICEF, New York, May 2006.

United Nations Children's Fund (UNICEF), Education Statistics: Turks and Caicos Islands, Division of Policy and Practice, Statistics and Monitoring Section, UNICEF, New York, 2008.

United Nations Children's Fund (UNICEF), Narrowing the Gaps to Meet the Goals, UNICEF, New York, September 2010.

United Nations Children's Fund (UNICEF), Guidance for Legislative Reform on Juvenile Justice, UNICEF, New York, May 2011.

United Nations Children's Fund (UNICEF), 2011 UNICEF Guidance on Conducting a Situation Analysis of Children's and Women's Rights. Division of Policy and Practice, UNICEF, New York, December 2011.

United Nations Children's Fund (UNICEF), A Post-2015 World Fit for Children: A review of the Open Working Group Report on Sustainable Development Goals from a child rights perspective, UNICEF, New York, 2014b.

United Nations Children's Fund (UNICEF) Office for Barbados and the Eastern Caribbean, Situation Analysis of Children and their Families in the Eastern Caribbean, UNICEF, Christ Church, Barbados, 2009.

United Nations Children's Fund (UNICEF) Office for Barbados and the Eastern Caribbean, Quality of Environments in Early Childhood Centres in Turks and Caicos Islands, UNICEF, Christ Church, Barbados, 2010.

United Nations Children's Fund (UNICEF) Office for Barbados and the Eastern Caribbean, Situation Analysis of Children and their Families in: Anguilla, Antigua and Barbuda, Barbados, British Virgin Islands, Dominica, Grenada, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines and Turks and Caicos Islands, UNICEF, Christ Church, Barbados, October 2011.

United Nations Children's Fund (UNICEF) Office for Barbados and the Eastern Caribbean, Sexual Violence against Children in the Caribbean, UNICEF, Christ Church, Barbados, 2012.

United Nations Educational, Scientific and Cultural Organization (UNESCO), Education for All: The quality imperative, UNESCO, Paris, 2005.

United Nations Population Fund (UNFPA), Integrated Strategic Framework for the Reduction of Adolescent Pregnancy in the Caribbean, UNFPA, Kingston, June 2014.

United States Department of Labor (USDL), Findings on the Worst Forms of Child Labor - Turks and Caicos Islands, 2013, http://www.refworld.org/docid/5448a88b0.html (accessed March 2015).

Annexes

Annex 1: Gaps and Recommendations Related to Child Rights[34]

Main gaps	Recommendations and priority actions
Corporal punishment	Repeal Section 33 of the Education Ordinance that still allows for corporal punishment in schools. This provision should be immediately repealed, as it is a clear violation of the CRC as stated by the Committee on the Right of the Child in General comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and General comment No. 13 on the right of the child to freedom from all forms of violence.
Discrimination against migrant children	Clarify the rights of non-islanders and eliminate barriers to ensure equal access to government agencies and public services for migrant children Repeal legislative provisions and regulations discriminating against migrant children and preventing them from having access to public services and programmes (e.g., Medical Ordinance and fees regulations) Facilitate regularization of migrant parents with children and fully recognize the right to family reunification in the case of parents and children living separately, in accordance with article 10 of the CRC Remove barriers (e.g., the Education Ordinance says that children can be refused admission to school if their primary language is not English) and facilitate and promote integration of migrant children in the education system (e.g., support to overcome language barriers)
Stateless children	Reform the British Nationality Act of 1981 and the TCI Constitution to automatically provide citizenship to children born in TCI regardless of their parents' status (This recommendation requires action by the United Kingdom, which is responsible for the reform of the British Nationality Act.)
Discrimination against children born in TCI of migrant parents	Amend national legislation to automatically provide children born in TCI with a birth certificate and residence status to grant full access to rights, on equal terms with national children Remove any practice that acts as a barrier to getting birth certificates (e.g., denial of birth certificates due to pending hospital bills)
Discrimination against girls	Address and prevent gender discrimination in legislation and practice
	Address discrimination against pregnant girls and teenage mother in general, and in particular in the education system
Lack of procedure to determine the best interest of the child	Adopt legislation and/or include in current draft bills the explicit recognition of the principle of best interest of the child Adopt procedures granting the child the right to have his or her best interests assessed and taken into account as a primary consideration in all actions or decisions that concern him or her, both in the public and private sphere in accordance with General comment 14 of the Committee of the Rights of the Child

Lack of participation and enforcement of the right to be heard	Adopt legislation and/or include in current draft bills the recognition of the right to participate and the right to be heard in all matters that may affect children's rights. It should be noted that article 12 of CRC implies a two-fold obligation: the right of an individual child to be heard and the right to be heard as applied to a group of children (e.g., a class of schoolchildren, the children in a neighbourhood, the children of a country, children with disabilities, or girls). Both aspects of article 12 should be fully implemented. For instance: Individually, the right to be heard may apply to proceedings such as complaints and appeals against school decisions (e.g., warnings, suspensions, exclusion). Collectively, it means the right to participate in designing school rules, adopting decisions such as student councils, committees, etc.
Lack of child care and protection legislative framework	Revise and approve the existing Child Care Bill (OECS Children (Care and Adoption) model Bill) The new legislation should clearly define all aspects of abuse and neglect, the kind of child services available, the leading agency in dealing with and coordinating child care and protection, the role of the police and the magistrate, the different orders available for care and protection and the available places in case of need to place a children in foster care and/or other institutional arrangements. It should explicitly include guiding principles of all intervention in child protection cases, in accordance with the CRC, namely, the right to be heard and participate in all proceedings, the right to the family, best interest of the child, among others.
Status of children	Adopt the Status of Children Bill abolishing all legal distinction in the status, rights, privileges and obligations of children born within and outside of marriage
Lack of appropriate juvenile justice legislation and system	Revise and approve the existing the Child Justice Bill, which raises the minimum age of criminal responsibility from 8 to 12 and presumption of immaturity until 14
	Focus on prevention rather than punishment of children and adolescents (rehabilitation and restorative justice) and adopt legislation and regulations to establish a diversion system that deals with children committing minor offences without resorting to judicial proceedings
	Repeal existing legislative provisions that call for a tougher approach and mandatory sentences and remand to prison and other primarily punitive measures in cases of children who are recidivists or in breach of probation orders, etc.

	Abolish legislative provisions and practices allowing the criminal system to deal with children with problems of conduct but not committing crimes (e.g., children breaching school rules, parents bringing children to the courts to correct their conduct). These issues should be dealt with through social and protective measures, rather than the criminal system.
	Limit magistrates/courts' broad sentencing powers and uphold the principle that deprivation of liberty shall be used only as a measure of last resort and for the shortest appropriate period of time
	Due process of law should be fully recognised in the legislation and, in particular, the availability of legal representation of all children subjected to criminal proceedings should be fully implemented without exceptions
	Recognise and grant the right to appeal or recourse to any measure imposed as a consequence of a guilty verdict. Recourses should be decided by a higher, competent, independent and impartial authority or judicial body
	Establish specialised units within the judiciary, the court system, the prosecutor's office, as well as specialised defenders or other representatives who provide legal or other appropriate assistance to the child.
	Establish separate facilities for children deprived of their liberty, which include distinct, specialised staff, personnel, policies and practices
	Establish measures, alternatives and centres (in particular attendance centres, day treatment centres, community services, etc.) and a diversion system
	Fully integrate into the juvenile justice legislation and policy the United Nations Guidelines for the Prevention of Juvenile Delinquency, adopted by the United Nations General Assembly in its resolution 45/112 of 14 December 1990
Lack of sufficient protection to victims of trafficking	Revise and approve the existing draft of the Trafficking in Persons Bill
Lack of definition of rape and restricted definition of rape for girls	Repeal the current denomination of 'carnally known' and the limited definition that 'carnal knowledge' is only deemed to be completed upon proof of penetration. This may seriously limit prosecution in cases of rape of girls. The use of the term carnal knowledge and the requirement of penetration should both be revised under CRC and CEDAW agreed standards of protection and include a statutory definition of rape that includes other acts (oral sex, etc.).
Lack of ratification of fundamental human rights treaties	Ratify (extension) of the following fundamental treaties: 1. Optional protocol to the CRC on the sale of children, child prostitution and child pornography 2. Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children 3. Convention on the Rights of Persons with Disabilities 4. ILO Convention No. 182 on the worst forms of child labour 5. ILO Convention No. 138 on the minimum age for admission to employment and work

Published by the

UNICEF Office for the Eastern Caribbean Area

First Floor
UN House
Marine Gardens, Hastings
Christ Church
Barbados

Tel: (246) 467 6000
Fax: (246) 426 3812
Email: bridgetown@unicef.org
Website: www.unicef.org/barbados
www.facebook.com/UNICEFeasterncaribbean
www.youtube.com/UNICEFeastcaribbean