

Turks and Caicos Islands

NO ADVANCEMENT

NON-INDEPENDENT COUNTRIES AND TERRITORIES

In 2013, the Turks and Caicos Islands (TCI) made no advancement in efforts to prevent the worst forms of child labor. Limited evidence suggests that the Islands' 2,000 undocumented children are vulnerable to commercial sexual exploitation as a result of human trafficking. The Government lacks a complete legal framework to prevent child labor, including its worst forms. During the reporting period, anti-trafficking legislation remained in draft form. TCI has not established a minimum age for performing hazardous work, leaving children under 18 vulnerable.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Limited evidence suggests that the Islands' 2,000 undocumented children are vulnerable to commercial sexual exploitation as a result of trafficking.(1, 2) Table 1 provides key indicators on children's work and education in Turks and Caicos Islands. Data on some of these indicators are not available from the sources used in this report.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5-14 yrs.	Unavailable
Attending School (%)	5-14 yrs.	Unavailable
Combining Work and School (%)	7-14 yrs.	Unavailable
Primary Completion Rate (%)		91.8

Source for primary completion rate: Data from 2005, published by UNESCO Institute for Statistics, 2014.(3)

Source for all other data: Understanding Children's Work Project's analysis, 2014.(4)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation and forced labor as a result of trafficking* (1, 2, 5, 6)

* Evidence of this activity is limited and/or the extent of the problem is unknown.

‡ Child labor understood as the worst forms of child labor per se under Article 3(a)-(c) of ILO C. 182.

TCI is a destination country for children trafficked for forced labor and commercial sexual exploitation. The Islands' 2,000 undocumented children are vulnerable to commercial sexual exploitation as a result of trafficking.(1) Limited evidence suggests that girls from the Dominican Republic are trafficked to TCI for commercial sexual exploitation.(6) Anecdotal information suggests that migrants from Haiti, the Dominican Republic, and Jamaica are trafficked to the Islands for commercial sexual exploitation and forced labor; however, it is unclear how many victims are children. Limited evidence suggests that commercial sexual exploitation occurs in bars and brothels in TCI.(1)

Undocumented children and their parents do not have birth certificates. Many undocumented children came to TCI from Haiti, especially after the 2010 hurricane. The TCI Human Rights Commission faces many challenges in obtaining more information on these children.(6)




The TCI Human Rights Commission found that many migrant children were not able to attend public schools due to the lack of space in schools.(6) The TCI Education Department has been tasked to review the problem and to work with Immigration and Border Control on expanding classroom sizes; however, no more information is available on the outcome of these efforts.(4)

II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

British Overseas Territories (OTs) are territories under the jurisdiction and sovereignty of the United Kingdom (UK), but they do not form part of the UK.(7, 8) They are self-governing, except in the areas of foreign affairs and defense. Domestic UK Law does not generally apply to OTs, unless explicitly extended.(9)

The following convention has been extended to the Turks and Caicos Islands (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention		Ratification
	ILO C. 138, Minimum Age	
	ILO C. 182, Worst Forms of Child Labor	
	UN CRC	✓
	UN CRC Optional Protocol on Armed Conflict	
	UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	
	Palermo Protocol on Trafficking in Persons	

The Government has established relevant laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	16	Employment Ordinance (10)
Minimum Age for Hazardous Work	No		
List of Hazardous Occupations Prohibited for Children	No		
Prohibition of Forced Labor	Yes		Turks and Caicos Islands Constitution Order 2011 (8)
Prohibition of Child Trafficking	No		
Prohibition of Commercial Sexual Exploitation of Children	No		
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Compulsory Military Recruitment	N/A*		UK Armed Forces Act 2006 (11)
Minimum Age for Voluntary Military Service	Combat: Yes	18	UK Armed Forces Act 2006 (11)
	Non-Combat: Yes	16	
Compulsory Education Age	Yes	16	Education Ordinance (12)
Free Public Education	Yes		Education Ordinance (12)

* No conscription or no standing military.

Research found no evidence of a minimum age for hazardous work or a comprehensive list prohibiting children from hazardous work.

Research also found no evidence on whether the Government has laws prohibiting the use of children for drug trafficking or other illicit activities. In addition, a child trafficking law remains in draft form, leaving victims of child sex trafficking unprotected.(1)

The UK Government has introduced systems to track ages and locations of individual soldiers, with the aim of preventing under-18s from being deployed into hostilities. Deployment of members of the armed forces who have not yet reached 18 years is permitted when there is a genuine need and the situation is urgent.(11, 13-15)

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III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

Even though there is limited evidence of a problem, the Government has established an institutional mechanism for the enforcement of criminal laws for the Turks and Caicos Islands. The Government has not established institutional mechanisms for the enforcement of laws and regulations specific to child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Royal TCI Police Force (RTCIPF)	Enforce Islands' laws within its two divisions: criminal investigation and marine.(16, 17)
INTERPOL Manchester's Sub-bureau for TCI	Serve as the link between the RTCIPF and INTERPOL. Provide support to RTCIPF on investigations. (16)

In 2013, research could not determine whether law enforcement agencies in TCI took actions to investigate or enforce laws relating to child labor, including its worst forms.

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has not established mechanisms to coordinate its efforts to address child labor, including its worst forms.

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

There is limited evidence of a problem in TCI; therefore, it is unclear if the Government needs to develop policies to address child labor, including its worst forms.

In response to the USDOS 2013 Trafficking in Persons Report, the Government's Human Rights Commissioner expressed concern and paid attention to the issue of trafficking and undocumented children on the Islands. However, the report did not contain information on how this issue would be addressed, and research did not uncover any other policies or efforts.(5)

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

Research found no evidence of social programs that include the goal of eliminating or preventing child labor, including its worst forms, in the Turks and Caicos Islands.

VII. SUGGESTED GOVERNMENT ACTIONS TO PREVENT THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the prevention of child labor, including its worst forms, in the Turks and Caicos Islands (Table 6).

Table 6. Suggested Government Actions to Prevent Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Laws	Establish a minimum age for hazardous work and a comprehensive list prohibiting children from hazardous work.	2011 – 2013
	Clarify whether laws exist regarding the use of children for drug trafficking or other illicit activities.	2011 – 2013
	Adopt draft law prohibiting child trafficking.	2013
Government Policies	Conduct research or a needs assessment to inform policies needed to address the worst forms of child labor, including the trafficking of children.	2013
Social Programs	Ensure that all children have access to education.	2013

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3. UNESCO Institute for Statistics. *Gross intake ratio to the last grade of primary. Total*. [accessed February 10, 2014]; <http://www.uis.unesco.org/Pages/default.aspx?SPSLanguage=EN>. Data provided is the gross intake ratio to the last grade of primary school. This measure is a proxy measure for primary completion. For more information, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.
4. UCW. *Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys*. Analysis received February 13, 2014. Reliable statistical data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work in general are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.
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