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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Trinidad and Tobago

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

1. The Government of the Republic of Trinidad and Tobago (GOTT) presents the responses to outcomes of the Universal Periodic Review on Trinidad and Tobago conducted on the 5th of October 2011.

I. Recommendations 88.1 to 88.23

2. The following general recommendation represents a summary of recommendations received in relation to the ratification and implementation of all core Universal Human Rights treaties and conventions. The GOTT undertook to examine with a view to signing, ratifying and implementing as applicable, the following Human Rights Instruments:

- The United Nations Convention Against Torture, and Other Cruel, Inhumane or Degrading Treatment (CAT);
- The Optional Protocol to the United Nations Convention Against Torture, and Other Cruel, Inhumane or Degrading Treatment (OP-CAT);
- The 1st and 2nd Optional Protocols to the International Covenant on Civil and Political Rights (OP1-ICCPR and OP2-ICPPR);
- The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, (OP-CEDAW) and CEDAW;
- The Optional Protocols to the Convention on the Rights of the Child;
- The United Nations Convention on the Rights of Persons with Disabilities (CRPD);
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, (ICRMW);
- The International Convention for the Protection of all Persons from Enforced Disappearance (CED);
- The 1961 Convention on the Reduction of Statelessness.

3. The GOTT is unable, at this time, to accept the recommendations to sign, ratify and implement the 1st and 2nd Optional Protocols to the ICCPR or the CAT. Becoming a party to these international legal instruments will require significant domestic legislative changes in Trinidad and Tobago because some of their provisions either conflict materially with existing legislation or make the implementation of such legislation more difficult. A decision to become a party to these instruments would, therefore, require national dialogue, consultation and consensus as a precursor in order to permit the adoption of the policy contained in these instruments and the alteration or abandonment of the policy contained in such existing legislation as, for example, that concerning capital punishment or corporal punishment in Trinidad and Tobago. National dialogue on these matters is ongoing.

4. In relation to the incorporation of CEDAW into domestic legislation, many of the rights protected under CEDAW have already been incorporated into various pieces of domestic legislation. However, with regards to Article 1 and the specific definition of discrimination of women, this is still a matter to be considered by the legislature for possible amendment to the laws which deal with discrimination in Trinidad and Tobago. Currently what obtains under the *Equal Opportunity Act, 2000* is that “sex” is a recognized status upon which someone is protected from discrimination.

5. The Optional Protocol to CRC on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography is also another matter which has engaged the attention of the GOTT and definitive steps have been taken within domestic legislation such as the *Trafficking in Persons Act, 2011* as well as the *Children’s Bill, 2012* which is

currently for debate in the houses of Parliament. The CRPD was signed in 2007 and the GOTT has undertaken many new initiatives to protect the rights of persons with disabilities with an ultimate view to ratifying the Convention. Likewise, the issues surrounding the rights of migrant workers are becoming more prevalent in Trinidad and Tobago and as such the ICRMW has also engaged the attention of the GOTT.

6. While Trinidad and Tobago is not seriously challenged by the human rights issues of enforced disappearance dealt with under CED, and statelessness as addressed by the 1961 Convention on the Reduction of Statelessness, consideration is still being given to acceding to these core pieces of international human rights protection law.

II. Recommendations 88.24 and 88.37

7. Trinidad and Tobago received various recommendations in relation to raising the age in the definition of a “child” in domestic legislation and further raising and unifying the age of consent to marriage in Trinidad and Tobago’s various Marriage Acts, as well as making said age of consent the same for males and females.

8. Under the *Children’s Bill, 2012* (currently before the Parliament for debate) it is proposed that the “age of a child” is to be raised to the internationally accepted standard of 18 years. This however, does not affect the age of consent in relation to marriage in domestic legislation, which is an ongoing issue of debate for Trinidad and Tobago. Currently there are various ages at which a male and female may consent to being married under the *Hindu Marriage Act, 1945*, *Muslim Marriage and Divorce Act, 1961*, *Orisa Marriage Act, 1999* and the *Marriage Act, 1923*. The GOTT has recognized that this is a specific human rights issue which must be addressed in Trinidad and Tobago. In an effort to bring domestic legislation in line with international standards and taking into account the multi-ethnic diversity which exists in Trinidad and Tobago’s population, the newly formed Ministry of Gender, Youth and Child Development held a nationwide public consultation in Port of Spain in 2011 to gather relevant information to inform legislative reform.

III. Recommendations 88.20 to 88.25

9. Trinidad and Tobago received various recommendations in relation to the establishment of a National Human Rights Institution in accordance with the Paris Principles.

10. Trinidad and Tobago does not have a National Human Rights Institution that is compliant with the Paris principles. However, in 2011 Trinidad and Tobago hosted a regional workshop on National Human Rights institutions in conjunction with the United Nations Office of the High Commissioner for Human Rights (OHCHR) and the Commonwealth Secretariat. The Office of the Ombudsman in Trinidad and Tobago is now reviewing the process of becoming accredited under the Paris Principles.

IV. Recommendations 88.31, 88.45, 88.46 and 88.47

11. Trinidad and Tobago received various recommendations in relation to the monitoring of the protective services and specifically how their duties and functions are carried out in conjunction with efforts to strengthen the Police Complaints Authority.

12. The Police Complaints Authority is critical in dealing with the issue of torture and excessive use of force by police officers. The Police Complaints Authority is an independent and impartial body overseeing complaints against police officers and

municipal and special reserve police officers in Trinidad and Tobago. It was established in response to an urgent need for appropriate machinery to be set up to address numerous complaints made by members of the public about the conduct of police officers in the exercise of their duties. Its functions include: receiving complaints on the conduct of any police officer; monitoring the investigation of the complaint so as to ensure that the investigation is conducted impartially; reporting to the Minister; and reviewing reports from the Police Complaints Division.

13. A new policing initiative entitled “Policing for People” was implemented where officers are trained to improve the quality of service delivered to the general public. The concept is to change the culture in which police officers interact with the public by reforming the behaviour of police officers. It is hoped that this will bring about a closer alliance between the Trinidad and Tobago Police Service (TTPS) and the public, who will then offer greater support in the reduction of crime and the apprehension of perpetrators. Efforts have also been made to improve the quality of training received at the Police Academy.

Following the termination of the State of public emergency in November 2011, the Government implemented a new initiative which allows for continuous public relations between the media and the TTPS which redounds to the benefit of the general public. Trinidad and Tobago hosted the Third Regional Meeting of Ministers Responsible for Public Security (MISPA III) in November 2011. Part of the agenda for this meeting focused on human rights and modern policing.

V. Recommendations 88.32 and 88.38

14. Trinidad and Tobago received two recommendations which highlighted the need for the implementation of a National Policy on Gender and Development as well as the lessening of the existing gender pay gap.

15. The newly appointed Ministry of Gender, Youth and Child Development is currently working on developing a national gender policy which addresses gender issues and those relating to discrimination against high risk groups. The Draft National Policy on Gender and Development has gone through many stages of review and consultation with civil society groups. Thus, the Government is committed to finalizing this policy in the near future.

16. Following the Commonwealth theme for the year 2011, *Women as Agents of Change*, Trinidad and Tobago’s first female Prime Minister convened a Regional Caribbean Colloquium on Women Leaders as Agents of Change in Port of Spain in June 2011 and called for a *High-level Colloquium of Women Leaders as Agents of Change* in the margins of the 66th Session of the United Nations General Assembly. This resulted in the *United Nations General Assembly (UNGA) Side Event on Women’s Political Participation on 19 September 2011*, and included participation by the President of Brazil, the Secretary of State of the United States of America, the Under-Secretary General and Executive Director of UN Women; and the Administrator of the United Nations Development Programme (UNDP).

17. Economic hardship of women in Trinidad and Tobago is unacceptable to the government in any form or fashion. This is illustrated to the extent that economic and patrimonial violence is recognized in our domestic violence legislation and supported by the Inter-American Convention on the Prevention Punishment and Eradication of Violence Against Women to which Trinidad and Tobago is party.

18. Recognizing the specific issue of a gender pay gap in Trinidad and Tobago, during the aforementioned *UNGA Side Event on Women's Political Participation*, the Honourable Prime Minister of Trinidad and Tobago indicated her intention to introduce a gender-responsive budget and adopt an enhanced gender responsive methodology to national development planning. The Honourable Prime Minister further stated that this funding will be allocated to all Ministries and sectors as a fundamental step to the achievement of gender equality.

VI. Recommendations 88.33 to 88.36

19. Trinidad and Tobago received various recommendations in relation to the issue of inviting all Human Rights Special Procedures as well as to seek technical expertise via the Special Procedure Mechanism of the Human Rights Council.

20. The Government of Trinidad and Tobago acknowledges the work of the Special Procedures of the Human Rights Council and invitations to Human Rights Special Procedures and seeking technical expertise via the Special Procedure Mechanism of the Human Rights Council would be a matter for consideration in the future.

VII. Recommendations 88.39 to 88.44

21. Trinidad and Tobago received various recommendations in relation to the prohibition of corporal punishment against children in schools, all other settings and its criminalization.

22. In relation the issue of corporal punishment, it has traditionally been accepted as a legitimate form of discipline for youngsters in the Caribbean and mainly inherited as a result of traditional lifestyles from the vast diaspora which constitutes the social and historical composition of most Caribbean countries. The Ministry of Education, in its National School Code of Conduct of May 2009, stated its policy of prohibition of corporal punishment. The Code details the range of consequences for students for infractions of the Code. The use of corporal punishment is specifically forbidden under the Code as a consequence of an infraction. Further, the United Nations Children's Fund (UNICEF) for Barbados and the Eastern Caribbean has started an initiative to help educate the population on the issue. In February 2009, UNICEF sponsored three (3) Officers of the Ministry of Education to participate in a "Child Friendly Schools" workshop which was held in Jamaica. The Ministry of Education is also piloting at this time, another approach to managing school discipline without Corporal Punishment–Violence Prevention Academy. At this time the GOTT cannot accept in totality any recommendations which seek to criminalize the use of corporal punishment in Trinidad and Tobago as this is an issue which is the subject of much national debate.

VIII. Recommendations 88.48 to 88.51

23. Trinidad and Tobago received various recommendations in relation to removing the criminalization of consensual same sex relations between adults as well as to adopt legislative measures to prevent discrimination on the basis of sexual orientation.

24. The Government seeks to recognise the human rights of all citizens, which includes the Lesbian, Gay, Bi-Sexual and Transgendered (LGBT) community. The development of law is a dynamic process which adapts to the development of any given society. The issue of discrimination based on sexual orientation is one which remains a matter of concern in

the forefront of the minds of the GOTT. Trinidad and Tobago is seen as a leader in the region in relation to the manner in which it addresses the changing needs of its population. While this issue may be the subject of much public debate it is not one which will be ignored. The law must evolve and grow to suit the needs of a continually developing society. In that regard, in recent debates on the *Statutory Authorities (Amendment) Bill, 2010* in Parliament, the GOTT recognised the need for a definitive debate on the protection of same sex couples.

25. In Trinidad and Tobago, HIV/AIDS high risk groups including the LGBT community have been recognized in the National Workplace Policy on HIV/AIDS. This policy contributes to ongoing national efforts to decrease the spread of HIV/AIDS and to mitigate their impact. It does so by setting standards for managing HIV in the workplace and promoting structures and programmes to reduce discrimination.

26. In relation to incidents of violence against a member of the LGBT community, Section 4 of the Constitution enshrines fundamental rights and freedoms, namely, the right of the individual to life, liberty and security of the person. Every person has the right to equality before and protection of the law. A person also has the right to respect for his private and family life. The exercise of these rights is guaranteed free from discrimination based on race, origin, colour or sex.

27. With particular reference to violence against the LGBT community, the definition of rape in the *Sexual Offences Act, 1986* was amended by Act 31 of 2000 to reflect a gender neutral position with regard to the complainant and the victim. This amendment serves to include protection for victims of violent same sex activity.

IX. Recommendation 88.52

28. This recommendation of the Report of the Working Group on the Universal Periodic Review on Trinidad and Tobago states: Strengthen the protection safeguards, in particular the control mechanisms that allow the detection of cases of migrants with special needs for international protection.

29. In relation to the protection of the rights of migrants in general, the GOTT via the Ministry of National Security is currently working to develop a national policy on refugees and asylum seekers. The Ministry of Health has also undertaken an initiative to develop a policy and national programme which seeks to ensure that the migrant population as a vulnerable group has proper and easy access to HIV/AIDS treatment.
