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### **Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1**

#### **Trinidad and Tobago**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

<i>Universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	4 Oct. 1973	None	Individual complaints (art. 14): No
ICESCR	8 Dec. 1978	Reservation (arts. 8.1 (d), 8.2)	
ICCPR	21 Dec. 1978	Reservations (arts. 4.2, 10.2 (b), 10.3, 12.2, 14.5, 14.6, 15.1, 21, 26)	Inter-State complaints (art. 41): No
CEDAW	12 Jan. 1990	Reservation (art. 29.1)	
CRC	5 Dec. 1991	None	

*Treaties to which Trinidad and Tobago is not a party: OP-ICESCR<sup>3</sup>, ICCPR-OP 1 (denounced, 2000), ICCPR-OP 2, OP-CEDAW, CAT, OP-CAT, OP-CRC-AC, OP-CRC-SC, ICRMW, CRPD (signature only, 2007), CRPD-OP, CED.*

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol <sup>4</sup>	Yes
Refugees and stateless persons <sup>5</sup>	Yes, except the 1961 Stateless Convention
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>6</sup>	Yes, except Additional Protocol III
ILO fundamental conventions <sup>7</sup>	Yes
UNESCO Convention against Discrimination in Education	No

1. On 27 March 2000, the Government of Trinidad and Tobago notified the Secretary-General that it had decided to denounce the Optional Protocol to ICCPR, with effect from 27 June 2000.<sup>8</sup> In 2000, the Human Rights Committee (HR Committee) placed on record its profound regret at the denunciation of ICCPR-OP 1.<sup>9</sup> Until 2004, HR Committee continued

examining communications which had been submitted against Trinidad and Tobago prior to June 2000 (see also para. 63 below).

2. Similarly in 2002, the Committee on Economic, Social and Cultural Rights (CESCR) noted with concern that Trinidad and Tobago had denounced various human rights instruments, including ICCPR-OP 1.<sup>10</sup>

3. In 2006, the Committee on the Rights of the Child (CRC) recommended that Trinidad and Tobago ratify the Optional Protocols to the Convention on the Rights of the Child.<sup>11</sup>

4. CERD recommended that Trinidad and Tobago withdraw its reservation to article 8 of ICESCR.<sup>12</sup>

5. In 2011, the United Nations High Commissioner for Refugees (UNHCR) recommended that Trinidad and Tobago accede to the 1961 Convention on the Reduction of Statelessness.<sup>13</sup>

6. In 2011, UNESCO encouraged Trinidad and Tobago to ratify the UNESCO Convention against Discrimination in Education (1960).<sup>14</sup>

## **B. Constitutional and legislative framework**

7. In 2000, HR Committee indicated that Trinidad and Tobago may not rely on limitations in its Constitution as grounds for non-compliance with the Covenant but should put in place the necessary laws to achieve such compliance.<sup>15</sup>

8. In 2002, CEDAW was concerned that the Convention had not been incorporated into domestic legislation and regretted, in particular, that article 1, which defines "discrimination against women", was not part of the legislation of Trinidad and Tobago. It recommended that Trinidad and Tobago give consideration to the incorporation of the Convention into domestic law.<sup>16</sup> Similarly in 2002, CESCR was deeply concerned that Trinidad and Tobago had not incorporated or reflected the Covenant or its provisions in the domestic legal order.<sup>17</sup>

9. CEDAW also noted with concern that despite provisions in the Constitution, laws exist in Trinidad and Tobago which may allow for discrimination against women. It recommended that an inventory be made of the laws that discriminate against women, with a view to their revision, amendment or repeal.<sup>18</sup>

10. In 2006, CRC was concerned that the domestic legal order of Trinidad and Tobago contains a number of different minimum ages and definitions of the child according to purpose, sex and religion. CRC recommended that Trinidad and Tobago proclaim as a matter of priority the amendment to the Age of Majority Act of 2000, and make the necessary efforts to harmonize the various minimum ages and definitions of the child in its legal order to recognize that all persons below 18 are entitled to special protection measures and specific rights as enshrined in the Convention.<sup>19</sup>

11. In 2011, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) stated that the Children Bill, introduced in Parliament in January 2010, contained provisions prohibiting the trafficking of children and defined a child as a person under 18 years of age. The ILO Committee of Experts, however, noted with regret that the Children Bill had lapsed as of 10 April 2010, following the dissolution of the Parliament session and that it had yet to be reintroduced.<sup>20</sup> The Committee of Experts urged Trinidad and Tobago to take the necessary measures to ensure that the legislation prohibiting the sale and trafficking of persons under 18 was adopted.<sup>21</sup> In 2006, CRC noted that there were no laws specifically addressing trafficking in persons.<sup>22</sup>

12. In 2011, UNHCR stated that Trinidad and Tobago had not yet passed any implementing legislation or administrative regulations on asylum or refugee status, nor established a national refugee status determination procedure. It recommended that Trinidad and Tobago draft and table domestic refugee legislation that ensured full compliance with obligations under the 1951 Convention.<sup>23</sup>

### C. Institutional and human rights infrastructure

13. As of 1 July 2011, Trinidad and Tobago did not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).<sup>24</sup> In 2006, CRC encouraged Trinidad and Tobago to establish an independent and effective mechanism – either within the existing Ombudsman Office or as a separate entity, taking into account the Committee’s general comment on human rights institutions and the Paris Principles –, to monitor the implementation of the Convention and deal with complaints from children or their representatives in a child-sensitive and expeditious manner.<sup>25</sup>

14. In 2011, the ILO Committee of Experts noted the establishment of the National Steering Committee for the Prevention and Elimination of Child Labour, a body responsible for the coordination of national efforts addressing the problem of child labour, which was tasked with developing the National Policy and Plan of Action against Child Labour. The Committee of Experts encouraged the Government to continue its efforts to develop this policy.<sup>26</sup>

15. CRC noted that numerous ministries and bodies play a role in matters relating to the implementation of the Convention. CRC recommended that Trinidad and Tobago establish a clear and well-structured coordination among all relevant bodies.<sup>27</sup>

### D. Policy measures

16. UN Women indicated that the Cabinet had accepted the draft National Policy on Gender and Development in 2009. It added that while the policy provides guidance to governmental and civil society agencies in dealing with gender and development issues in light of the country’s national, regional and international human rights obligations, it avoids the critical themes of sexual and reproductive rights. Lack of reproductive rights contributes to high maternal mortality rates.<sup>28</sup>

## II. Promotion and protection of human rights on the ground

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>29</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2000	August 2001		Combined fifteenth and sixteenth reports due in 2006.

<i>Treaty body<sup>29</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CESCR	2000	May 2002	–	Third report overdue since 2007.
HR Committee	1999	October 2000	January 2001	Fifth report overdue since 2003.
CEDAW	1999	January 2002		Fourth and fifth reports overdue since 2003 and 2007, respectively.
CRC	2003	January 2006	–	Third and fourth reports overdue since 2009.

17. CEDAW encouraged Trinidad and Tobago to continue its efforts to fulfil its international reporting obligations.<sup>30</sup>

## 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (14-25 July 2003) <sup>31</sup>
<i>Visits agreed upon in principle</i>	
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on extrajudicial, summary or arbitrary executions (requested in 2006).
<i>Facilitation/cooperation during missions</i>	
<i>Follow-up to visits</i>	
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, no communications were sent.
<i>Responses to questionnaires on thematic issues</i>	Trinidad and Tobago responded to 6 of the 24 questionnaires sent by special procedures mandate holders. <sup>32</sup>

## 3. Cooperation with the Office of the High Commissioner for Human Rights

18. In 2011, Trinidad and Tobago hosted a regional workshop on establishing national human rights institutions in compliance with the Paris Principles, organized by OHCHR jointly with the Commonwealth Secretariat. The main objective of the workshop was to develop/strengthen the national human rights protection system in the Caribbean States.<sup>33</sup> In 2008, Trinidad and Tobago hosted a regional seminar on the United Nations Declaration on

the Rights of Indigenous Peoples, with the participation of seven Government representatives and 24 indigenous organizations, as well as academics.<sup>34</sup>

## **B. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Equality and non-discrimination**

19. In 2002, CEDAW noted that the entrenched stereotypical attitudes with regard to the role of women and men and the persistence of gender-based violence within the society constituted obstacles to the full implementation of the Convention. CEDAW recommended that Trinidad and Tobago take urgent measures to overcome traditional stereotypes regarding the role of women and men in society.<sup>35</sup>

20. In 2002, CESCR was concerned about the lack of specific and comprehensive anti-discrimination legislation in Trinidad and Tobago. The Committee was particularly concerned that the Equal Opportunity Act 2000 does not afford protection to individuals on the grounds of sexual orientation, age and HIV/AIDS status, among others.<sup>36</sup> CESCR recommended that Trinidad and Tobago take legislative and other effective measures to eliminate discrimination.<sup>37</sup>

21. In 2006, CRC was concerned about the high prevalence of mental and physical disabilities among children in Trinidad and Tobago. CRC also noted with concern that service provisions for children with disabilities in Trinidad and Tobago were heavily reliant on non-governmental organizations.<sup>38</sup> CRC recommended that Trinidad and Tobago allocate adequate resources to strengthen services for children with disabilities, support their families, train professionals in the field and encourage the inclusion of children with disabilities into the regular educational system and their integration into society.<sup>39</sup> CESCR was also concerned about the lack of facilities for persons with disabilities.<sup>40</sup>

### **2. Right to life, liberty and security of the person**

22. In 2008 and again in 2010, Trinidad and Tobago voted against General Assembly resolution 65/206, Moratorium on the use of the death penalty.<sup>41</sup> With regard to the death penalty, in 2009, the Secretary-General listed Trinidad and Tobago among the retentionist countries.<sup>42</sup> According to the Secretary-General, out of 21 de facto abolitionist States listed in the 1990 report, three, including Trinidad and Tobago, resumed the practice of capital punishment.<sup>43</sup> The last execution in Trinidad and Tobago was in 1999.<sup>44</sup>

23. In 2000, HR Committee, in light of the continued existence of the death penalty, recommended that in relation to all persons accused of capital offences, Trinidad and Tobago ensure that every requirement of article 6 is strictly complied with and, inter alia, that the assistance of counsel be ensured immediately on arrest and throughout all subsequent proceedings, through legal aid as necessary, to persons accused of serious crimes, in particular in cases of offences carrying the death penalty.<sup>45</sup>

24. HR Committee was disturbed to learn that Trinidad and Tobago still practised the punishments of flogging and whipping which are cruel and inhuman punishments prohibited by the Covenant. It recommended that Trinidad and Tobago immediately abolish sentences of flogging or whipping.<sup>46</sup>

25. CESCR was deeply concerned about the living conditions of prisoners and detainees in Trinidad and Tobago, especially with regard to access to health care and adequate food and basic facilities.<sup>47</sup> HR Committee also expressed concern over prison conditions.<sup>48</sup>

26. In 2011, UN Women stated that violence against women in Trinidad and Tobago remained perpetuated by deeply rooted traditional patriarchal attitudes that were reflected in the social and cultural infrastructure. Many community leaders asserted that abuse of women, particularly in the form of domestic violence, continued to be a significant problem. Reliable national statistics were still not available, but women's groups estimated that 20 to 25 per cent of all women suffered abuse.<sup>49</sup>

27. CEDAW urged Trinidad and Tobago to place a high priority on measures to address violence against women in the family and in society. CEDAW recommended that Trinidad and Tobago introduce further measures to raise public awareness about violence against women, and urged Trinidad and Tobago to strengthen its activities and programmes to focus on sexual violence, incest and prostitution.<sup>50</sup> CESCR made a similar recommendation.<sup>51</sup>

28. In 2006, CRC was seriously concerned about the very high incidence of domestic violence and neglect in Trinidad and Tobago, including sexual violence and incest; and the lack of adequate and effective complaint mechanisms for child victims of abuse and neglect.<sup>52</sup> CRC recommended that Trinidad and Tobago take the necessary measures to prevent child abuse and neglect by, inter alia, carrying out public education campaigns, introducing legislation making reporting mandatory for suspected cases of abuse and neglect, establishing effective mechanisms to receive and investigate complaints and ensure proper prosecution of perpetrators, and providing services for the physical and psychological recovery and social reintegration.<sup>53</sup>

29. In 2011, the ILO Committee of Experts referred once again to the sections of the Shipping Act (1987), the Trade Disputes and Protection of Property Act and the Industrial Relations Act, under which penalties of imprisonment, involving compulsory labour, might be imposed for various breaches of labour discipline and participation in strikes in circumstances where the life, personal safety or health of persons were not endangered. The Committee of Experts trusted that the necessary measures would be taken in order to amend these provisions with a view to bringing legislation into conformity with the ILO Abolition of Forced Labour Convention (No. 105).<sup>54</sup>

30. Also in 2011, the ILO Committee of Experts also referred to the Defence Act under which persons below the age of 18 years might be enlisted with the consent of their parents or of the person in whose care they might be. The Committee of Experts requested Trinidad and Tobago to give consideration to amending this provision, either by setting the legal minimum age of enlistment at 18, or allowing persons enlisted below the age of 18 to leave the service by their own decision upon attaining the age of 18, so as to ensure conformity with the ILO Forced Labour Convention (No. 29).<sup>55</sup>

31. In 2011, the ILO Committee of Experts noted that, pursuant to the Education Act of 1966, the compulsory school age was defined as between the ages of 6 and 12 years, while the minimum age for employment was 16 years. The Committee of Experts expressed the view that compulsory education was one of the most effective means of combating child labour and emphasised the necessity of linking the age of admission to employment to the age limit for compulsory education and expressed the hope that the age of compulsory education would be raised from 12 to 16 years.<sup>56</sup>

32. While welcoming the amendment to the Children Act prohibiting the use of corporal punishment as a penal sanction for persons under 18 years of age, CRC remained concerned that corporal punishment is lawful in the home and in institutions, and is widely practised. CRC recommended that Trinidad and Tobago expressly prohibit by law corporal punishment in all settings, and ensure the implementation of the law.<sup>57</sup> CESCR made a similar recommendation.<sup>58</sup>

33. CRC recommended that Trinidad and Tobago take effective measures to ensure that street children are provided with adequate protection.<sup>59</sup>

### **3. Administration of justice and the rule of law**

34. HR Committee regretted that problems relating to the police force, such as corruption, brutality, abuse of power and obstacles placed in the way of police personnel who seek to correct such practices, had still not been rectified.<sup>60</sup> CESCR called on Trinidad and Tobago to exercise the full authority of the law and all means at its command to eradicate the scourge of violence. CESCR reminded Trinidad and Tobago that, in undertaking measures to combat violence, it must ensure respect for human dignity and the protection of human rights at all times.<sup>61</sup>

35. In 2011, UN Woman stated that, despite improvements in the justice sector, there was dissatisfaction in the administration of justice, particularly in the Family Courts, such as delays, low levels of awards, non-compliance with court orders, and limited avenues for enforcement of court awards.<sup>62</sup>

36. CRC recommended that Trinidad and Tobago review its legislation and policies to ensure the full implementation of juvenile justice standards, raise the age of criminal responsibility to an internationally acceptable standard, ensure that the sentence of life imprisonment is never rendered to persons below the age of 18, ensure that detained children are always separated from adults, and that deprivation of liberty is used only as a last resort, for the shortest appropriate time and in appropriate conditions, and in cases where deprivation of liberty is unavoidable and used as a last resort, improve procedures of arrest and conditions of detention and establish special units within the police for the handling of cases of children in conflict with the law.<sup>63</sup>

### **4. Right to privacy, marriage and family life**

37. In 2004, the Special Rapporteur on racism noted that Trinidad and Tobago's legislation recognized the different forms of marriage of the various communities and that these are accorded equal recognition.<sup>64</sup> In 2002, CEDAW was concerned that child marriages are sanctioned under several of the legal regimes regulating marriage. It urged Trinidad and Tobago to ensure that all its laws on the minimum age for marriage and other programmes to prevent early marriage are in line with the obligations of the Convention.<sup>65</sup>

38. CESCR encouraged Trinidad and Tobago to undertake proactive policies to promote the rights of individuals, especially with regard to their sexual orientation and HIV/AIDS status.<sup>66</sup>

### **5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

39. In 2011, UN Women indicated that Trinidad and Tobago had elected its first woman Prime Minister in 2010. However, women continue to be underrepresented in political and economic leadership. Women held 29 per cent of the seats in Parliament. Traditional perceptions of gender roles, stereotypical attitudes, women's disproportionate share of household and family responsibilities, as well as structural and cultural barriers, such as the lack of maternity leave for women parliamentarians, were factors that impeded the voice and participation of women in leadership.<sup>67</sup>

40. In 2002, CEDAW expressed similar concerns and recommended the introduction of strategies to increase the number of women in decision-making bodies at all levels and in all areas. CEDAW also recommended that Trinidad and Tobago utilize temporary special measures to increase the number of women in decision-making levels in Government, governmental bodies, public administration and State-owned enterprises.<sup>68</sup>

## 6. Right to work and to just and favourable conditions of work

41. In 2011, the ILO Committee of Experts repeated its previous observation in which it noted from the statistical data provided by Trinidad and Tobago that, in 2007, women earned the equivalent of 80.3 per cent of the monthly income of men, which amounted to a gender pay gap of 19.7 per cent. It was concerned that this gap was considerably higher than in 2006, when it stood at 14.8 per cent. In 2007, the gender wage gap was highest in the occupational groups of service and sales workers, legislators, senior officials and managers. The ILO Committee of Experts requested Trinidad and Tobago to indicate the measures taken or envisaged to address the apparently widening gender pay gap.<sup>69</sup>

42. In 2011, UN Women stated that, despite high educational qualifications, women continued to be underpaid in every sector of employment, except the State employment sector.<sup>70</sup> In 2002, CEDAW<sup>71</sup> and CESCR<sup>72</sup> raised similar concerns. CEDAW was also concerned about the lack of specific legislation prohibiting sexual harassment in the workplace and providing a remedy for victims of sexual harassment.<sup>73</sup>

43. Additionally, in 2011, the ILO Committee of Experts recalled its long concern about the discriminatory nature of the provisions of several Government regulations, which provided for termination of employment for married female officers if family obligations affected their efficient performance of duties. It also noted that a female officer is obliged to report her marriage to the Public Service Commission. In order to avoid the potential discriminatory impact of such a provision on women, the ILO Committee of Experts suggested that the Civil Service Regulations be amended to require notification of name change of both men and women, and urged Trinidad and Tobago to take the necessary action to bring the regulations concerned into conformity with the ILO Discrimination (Employment and Occupation) Convention (No. 111).<sup>74</sup>

44. UN Women indicated that although domestic workers were entitled to a minimum wage under the new Minimum Wage Order, they were not included in the definition of “worker” in the Industrial Relations Act.<sup>75</sup> CEDAW raised similar concerns and called upon Trinidad and Tobago to bring domestic workers within the definition of “worker” in the Industrial Relations Act.<sup>76</sup>

45. Also in 2011, the ILO Committee of Experts referred to the need to amend various sections of the Industrial Relations Act so as to, inter alia, enable a simple majority of workers in a bargaining unit to call a strike. It hoped that concrete measures would be taken to amend the legislation so as to bring it into conformity with the ILO Freedom of Association and Protection of the Right to Organise Convention (No. 87).<sup>77</sup>

46. In 2011, the ILO Committee of Experts referred to the need to amend the section of the Civil Service Act that afforded a privileged position to already registered associations, without providing objective and pre-established criteria for determining the most representative association in the civil service.<sup>78</sup>

## 7. Right to social security and to an adequate standard of living

47. In 2011, UN Women stated that a high incidence of poverty among various groups of women, in particular female heads of households, remained a reality in Trinidad and Tobago.<sup>79</sup> In 2002, CEDAW<sup>80</sup> and CESCR<sup>81</sup> expressed similar concerns. CEDAW recommended that Trinidad and Tobago ensure that governmental policies to eradicate poverty are continuous, incorporate a gender perspective, and do not marginalize women.<sup>82</sup>

48. Regarding the social security system, CRC was concerned that female-headed households and new applicants may be excluded due to restrictive eligibility requirements. CRC recommended that Trinidad and Tobago revise and/or establish a social security policy along with a clear and coherent family policy in the framework of poverty reduction

strategy, paying particular attention to marginalized groups including female-headed households.<sup>83</sup>

49. CRC was also concerned about high maternal mortality rates and recommended that Trinidad and Tobago strengthen efforts to ensure adequate provision of prenatal and post-natal care.<sup>84</sup>

50. Additionally, CRC was concerned about the high infant mortality rates and disproportionately high number of infants born underweight.<sup>85</sup> UNICEF indicated that the children under-five mortality rate per 1,000 live births had increased from 34 in 1990 to 35 in 2009.<sup>86</sup>

51. CESCR was concerned that clandestine abortion is the cause of a high rate of maternal mortality due to infections and complications from procedures performed under unsanitary conditions by untrained personnel.<sup>87</sup> In 2000, the HR Committee recommended that legal limitations on abortion be reappraised and that restrictions which may risk violation of women's rights be removed from the law, by legislation if necessary.<sup>88</sup>

52. CRC was concerned about the high incidence of teenage pregnancies and sexually transmitted diseases and the high number of unsafe and clandestine abortions undergone by teenage girls. CRC recommended that Trinidad and Tobago formulate adolescent health policies and programmes, with the participation of adolescents, with particular focus on the prevention of sexually transmitted diseases, especially through reproductive health education and child-sensitive counselling services; take measures to incorporate sexual and reproductive health education in school curricula; and consider means of providing particular support to pregnant teenagers.<sup>89</sup> CEDAW expressed similar concerns.<sup>90</sup>

53. CRC welcomed the efforts made by Trinidad and Tobago to prevent and control HIV/AIDS. CRC, however, remained concerned about the high incidence of the infection, in particular mother-to-child transmission and its wide prevalence.<sup>91</sup> CESCR had also noted with concern the continuing high rate of HIV/AIDS, especially among young women.<sup>92</sup>

54. CRC remained concerned at the growing incidence of substance abuse by children, and recommended that Trinidad and Tobago continue its efforts to combat drug and alcohol abuse by children, including through public education awareness campaigns.<sup>93</sup>

55. CRC was also concerned about the lack of sufficient resources allocated to the health service sector. It recommended that Trinidad and Tobago increase and strengthen measures to improve the health infrastructure, including through international cooperation.<sup>94</sup>

## **8. Right to education and to participate in the cultural life of the community**

56. In 2011, UNESCO indicated that the Education Act of 1966 enshrines compulsory, free education for all children aged 6 to 12 in public schools. It noted that this Act is currently being revised.<sup>95</sup>

57. A 2011 UNESCO report noted that attendance rates in pre-school programmes in Trinidad and Tobago varied from 65 per cent of children in the poorest 20 per cent of households to 89 per cent in the wealthiest 20 per cent.<sup>96</sup>

58. While welcoming the introduction of free education at primary and secondary levels, CRC was concerned about inadequate educational infrastructure, including overcrowding, material shortages in schools and reports of classroom violence; the hidden costs of education; the fact that approximately one third of the school-age population do not attend secondary school; the unsatisfactory length of compulsory schooling; the significant number of pregnant teenagers who do not continue their education.<sup>97</sup> CRC recommended that Trinidad and Tobago take further measures to facilitate accessibility to education for

children from all groups; take measures to increase school attendance and reduce the dropout and repetition rates; address the educational needs of pregnant students and teenage mothers.<sup>98</sup>

#### **9. Minorities and indigenous peoples**

59. In 2004, the Special Rapporteur on racism noted that censuses neglect to mention the existence of descendants of the Amerindian Caribs, but that he had met representatives of their community, who stated that they numbered about 500.<sup>99</sup> In 2001, CERD encouraged Trinidad and Tobago to include the indigenous population as a separate ethnic group in all statistical data, and actively to seek consultations with them.<sup>100</sup>

#### **10. Migrants, refugees and asylum-seekers**

60. In 2011, UNHCR indicated that Trinidad and Tobago was both a destination and a transit country for mixed migratory flows and received arrivals via air and sea, often through human smuggling networks. Although most of the foreigners entering Trinidad and Tobago in an irregular manner were economic migrants seeking job opportunities and a better life, there were nonetheless persons with international protection needs within these migratory flows. In this regard, UNHCR recommended that Trinidad and Tobago strengthen its migration management by introducing protection safeguards, specifically by, inter alia, adopting mechanisms to screen migrants for international protection needs.<sup>101</sup>

61. UNHCR indicated that, since Trinidad and Tobago did not facilitate local integration for refugees, those who did not qualify for resettlement or who could not safely repatriate to their home countries were left in a legal limbo. UNHCR recommended that Trinidad and Tobago develop a framework for refugee solutions, including a local integration regime.<sup>102</sup>

62. Additionally, UNHCR stated that recognized refugees in Trinidad and Tobago did not receive refugee documentation, nor were they entitled to any form of legal status or documentation that would entitle them to work legally. They were placed under supervision orders by the Immigration Department, which provided a measure of security. However, due to the lack of temporary residency rights and/or work permits, refugees might face, inter alia, detention, prosecution for illegal work, increased vulnerability to labour exploitation and obstacles to accessing social services. UNHCR recommended that Trinidad and Tobago grant temporary residency documents, refugee identification documents and work permits to recognised refugees, to ensure they may exercise their rights.<sup>103</sup>

### **III. Achievements, best practices, challenges and constraints**

N/A

### **IV. Key national priorities, initiatives and commitments**

#### **Specific recommendations for follow-up**

63. Until 2004, the HR Committee adopted Views in 25 communications against Trinidad and Tobago under ICCPR-OP 1, mostly in relation to procedures in the application of the death penalty. In 23 communications, HR Committee found violations covering the right to life,<sup>104</sup> the prohibition of torture and other cruel, inhumane or degrading treatment,<sup>105</sup> the right to be brought promptly before a judge,<sup>106</sup> the right to a fair

trial,<sup>107</sup> the right of persons deprived of their liberty to be treated with dignity,<sup>108</sup> the right to privacy<sup>109</sup> and/or freedom of religion.<sup>110</sup>

64. Trinidad and Tobago has provided follow-up responses with regard to five of these Views, one of which was considered satisfactory by the HR Committee. Follow-up dialogue is ongoing with regard to 22 Views.<sup>111</sup>

## V. Capacity-building and technical assistance

65. CRC recommended that Trinidad and Tobago seek technical assistance from, inter alia, UNICEF for the implementation of the National Plan of Action for Children; UNICEF and OHCHR in order to establish an independent national human rights institution;<sup>112</sup> UNICEF and WHO to further prevent child abuse and neglect and concerning children with disabilities.<sup>113</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.

<sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>5</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>6</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva

Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

- <sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>8</sup> See [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-5&chapter=4&lang=en#1](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-5&chapter=4&lang=en#1).
- <sup>9</sup> CCPR/CO/70/TTO, para. 7.
- <sup>10</sup> E/C.12/1/Add.80, para. 12.
- <sup>11</sup> CRC/C/TTO/CO/2, para. 76.
- <sup>12</sup> E/C.12/1/Add.80, para. 35.
- <sup>13</sup> UNHCR submission to the UPR on Trinidad and Tobago, p. 4.
- <sup>14</sup> UNESCO submission to the UPR on Trinidad and Tobago, para. 13.
- <sup>15</sup> CCPR/CO/70/TTO, para. 8.
- <sup>16</sup> CEDAW concluding observations, 2002 (A/57/38), paras. 139–140.
- <sup>17</sup> E/C.12/1/Add.80, para. 9.
- <sup>18</sup> CEDAW concluding observations, 2002 (A/57/38), paras. 141–142.
- <sup>19</sup> CRC/C/TTO/CO/2, paras. 26–27.
- <sup>20</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No.182), 2011, Geneva, doc. No. (ILOLEX) 092011TTO182, 2nd para.
- <sup>21</sup> *Ibid.*, 1st and 3rd paras.
- <sup>22</sup> CRC/C/TTO/CO/2, para. 71.
- <sup>23</sup> UNHCR submission to the UPR on Trinidad and Tobago, pp. 1 and 4.
- <sup>24</sup> For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/16/77, annex.
- <sup>25</sup> CRC/C/TTO/CO/2, para. 17.
- <sup>26</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Minimum Age Convention, 1973 (No.138), 2011, Geneva, doc. No. (ILOLEX) 092011TTO138, 1st and 2<sup>nd</sup> paras.
- <sup>27</sup> CRC/C/TTO/CO/2, paras. 14–15.
- <sup>28</sup> UN Women submission to the UPR on Trinidad and Tobago, p. 1.
- <sup>29</sup> The following abbreviations have been used for this document:
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|--------------|--|
| CERD         | Committee on the Elimination of Racial Discrimination        |
| CESCR        | Committee on Economic, Social and Cultural Rights            |
| HR Committee | Human Rights Committee                                       |
| CEDAW        | Committee on the Elimination of Discrimination against Women |
| CRC          | Committee on the Rights of the Child                         |
- <sup>30</sup> CEDAW concluding observations, 2002 (A/57/38), para. 134.
- <sup>31</sup> E/CN.4/2004/18/Add.1.
- <sup>32</sup> The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2007 and 1 June 2011. Responses counted for the purposes of this

- section are those received within the relevant deadlines, and referred to in the following documents:
- (a) A/HRC/6/15, para. 7; (b) A/HRC/7/6, annex; (c) A/HRC/7/8, para. 35; (d) A/HRC/8/10, para. 120, footnote 48; (e) A/62/301, paras. 27, 32, 38, 44 and 51; (f) A/HRC/10/16 and Corr.1, footnote 29; (g) A/HRC/11/6, annex; (h) A/HRC/11/8, para. 56; (i) A/HRC/11/9, para. 8, footnote 1; (j) A/HRC/12/21, para. 2, footnote 1; (k) A/HRC/12/23, para. 12; (l) A/HRC/12/31, para. 1, footnote 2; (m) A/HRC/13/22/Add.4; (n) A/HRC/13/30, para. 49; (o) A/HRC/13/42, annex I; (p) A/HRC/14/25, para. 6, footnote 1; (q) A/HRC/14/31, para. 5, footnote 2; (r) A/HRC/14/46/Add.1; (s) A/HRC/15/31/Add.1, para. 6 – for list of responding States, see <http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/ContributionsPSP.aspx>; (t) A/HRC/15/32, para. 5; (u) A/HRC/16/44/Add.3; (v) A/HRC/16/48/Add.3, para 5 endnote 2; (w) A/HRC/16/51/ Add.4; (x) A/HRC/17/38, see annex 1.
- <sup>33</sup> Report of the Secretary-General on the role of national institutions for the promotion and protection of human rights (forthcoming).
- <sup>34</sup> OHCHR, *2009 Report: Activities and Results*, p. 199.
- <sup>35</sup> CEDAW concluding observations, 2002 (A/57/38), paras. 138 and 148.
- <sup>36</sup> E/C.12/1/Add.80, para. 14.
- <sup>37</sup> *Ibid.*, para. 37; see also CCPR/CO/70/TTO, para. 11.
- <sup>38</sup> CRC/C/TTO/CO/2, para. 49.
- <sup>39</sup> *Ibid.*, para. 50.
- <sup>40</sup> E/C.12/1/Add.80, para. 15.
- <sup>41</sup> A/63/PV.70, pp. 16–17 – vote on General assembly resolution 63/168, Moratorium on the use of the death penalty; and A/65/PV.71, pp. 18–19 – vote on General Assembly resolution 65/206, Moratorium on the use of the death penalty.
- <sup>42</sup> Report of the Secretary-General on Capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, 18 December 2009 (E/2010/10), p. 59.
- <sup>43</sup> *Ibid.*, para. 22.
- <sup>44</sup> *Ibid.*, p. 59.
- <sup>45</sup> CCPR/CO/70/TTO, para. 7
- <sup>46</sup> *Ibid.*, para. 12.
- <sup>47</sup> E/C.12/1/Add.80, para. 26.
- <sup>48</sup> CCPR/CO/70/TTO, para. 17.
- <sup>49</sup> UN Women submission to the UPR on Trinidad and Tobago, p. 1.
- <sup>50</sup> CEDAW concluding observations, 2002 (A/57/38), para. 146.
- <sup>51</sup> E/C.12/1/Add.80, para. 45.
- <sup>52</sup> CRC/C/TTO/CO/2, para. 45.
- <sup>53</sup> *Ibid.*, para. 47.
- <sup>54</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Abolition of Forced Labour Convention, 1957 (No. 105), 2011, Geneva, doc. No. (ILOLEX) 062011TTO105, 1st -3rd paras.
- <sup>55</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Forced Labour Convention, 1930 (No. 29), 2011, Geneva, doc. No. (ILOLEX) 092011TTO029, 1st para.
- <sup>56</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138), 2011, Geneva, doc. No. (ILOLEX) 092011TTO138, 4th and 5th paras.
- <sup>57</sup> CRC/C/TTO/CO/2, paras. 39-40.
- <sup>58</sup> E/C.12/1/Add.80, para. 52.
- <sup>59</sup> CRC/C/TTO/CO/2, para. 66.
- <sup>60</sup> CCPR/CO/70/TTO, para. 14.
- <sup>61</sup> E/C.12/1/Add.80, para. 53.
- <sup>62</sup> UN Women submission to the UPR on Trinidad and Tobago, p. 2.
- <sup>63</sup> CRC/C/TTO/CO/2, para. 74.
- <sup>64</sup> E/CN.4/2004/18/Add.1, para. 53.
- <sup>65</sup> CEDAW concluding observations, 2002 (A/57/38), paras. 157–158.
- <sup>66</sup> E/C.12/1/Add.80, para. 37.

- 67 UN Women submission to the UPR on Trinidad and Tobago, p. 2.
- 68 CEDAW concluding observations, 2002 (A/57/38), paras. 149–150.
- 69 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Equal Remuneration Convention, 1951 (No. 100), 2011, Geneva, doc. No. (ILOLEX) 062011TTO100, 2nd para.
- 70 UN Women submission to the UPR on Trinidad and Tobago, p. 2.
- 71 CEDAW concluding observations, 2002 (A/57/38), para. 151.
- 72 E/C.12/1/Add.80, para. 17.
- 73 CEDAW concluding observations, 2002 (A/57/38), para. 151.
- 74 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2011, Geneva, doc. No. (ILOLEX) 062011TTO111, 3rd para.
- 75 UN Women submission to the UPR on Trinidad and Tobago, p. 2.
- 76 CEDAW concluding observations, 2002 (A/57/38), paras. 153–154.
- 77 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Freedom of Association and Protection of the Right to Organise Convention, 1948 (No.87), 2011, Geneva, doc. No. (ILOLEX) 062011TTO087, 1st and 3rd paras.
- 78 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 2011, Geneva, doc. No. (ILOLEX) 062011TTO098, 2nd para.
- 79 UN Women submission to the UPR on Trinidad and Tobago, p. 2.
- 80 CEDAW concluding observations, 2002 (A/57/38), para. 155.
- 81 E/C.12/1/Add.80, para. 27.
- 82 CEDAW concluding observations, 2002 (A/57/38), para. 156.
- 83 CRC/C/TTO/CO/2, paras. 57–58.
- 84 Ibid., paras. 51–52.
- 85 Ibid., para. 51.
- 86 UNICEF, *State of the World's Children 2011* (New York, 2011), p. 90, available at [http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report\\_EN\\_02092011.pdf](http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf).
- 87 E/C.12/1/Add.80, para. 23.
- 88 CCPR/CO/70/TTO, para. 18.
- 89 CRC/C/TTO/CO/2, paras. 53–54.
- 90 CEDAW concluding observations, 2002 (A/57/38), para. 157.
- 91 CRC/C/TTO/CO/2, para. 55.
- 92 E/C.12/1/Add.80, para. 24.
- 93 CRC/C/TTO/CO/2, paras. 63–64.
- 94 Ibid., paras. 51–52.
- 95 UNESCO submission to the UPR on Trinidad and Tobago, para. 3.
- 96 UNESCO, Education for All (EFA): Global Monitoring Report 2011, Regional Overview Latin America and Caribbean (Paris, 2011), p. 2, available at <http://unesdoc.unesco.org/images/0019/001914/191433e.pdf>.
- 97 CRC/C/TTO/CO/2, para. 59.
- 98 Ibid., para. 60.
- 99 E/CN.4/2004/18/Add.1, para. 43.
- 100 A/56/18, para. 351.
- 101 UNHCR submission to the UPR on Trinidad and Tobago, pp. 1 and 4.
- 102 Ibid., pp. 2 and 4.
- 103 Ibid., pp. 2 and 3.
- 104 CCPR/C/74/D/845/1998, CCPR/C/64/D/594/1992, CCPR/C/74/D/580/1994, CCPR/C/39/D/232/1987.
- 105 CCPR/C/73/D/928/2000, CCPR/C/74/D/845/1998, CCPR/C/64/D/752/1997, CCPR/C/74/D/721/1996, CCPR/C/74/D/684/1996, CCPR/C/47/D/362/1989.
- 106 CCPR/C/81/D/938/2000, CCPR/C/73/D/928/2000, CCPR/C/77/D/908/2000, CCPR/C/75/D/899/1999, CCPR/C/74/D/845/1998, CCPR/C/72/D/818/1998, CCPR/C/74/D/721/1996, CCPR/C/74/D/677/1996, CCPR/C/63/D/672/1995, CCPR/C/60/D/533/1993, CCPR/C/57/D/523/1992, CCPR/C/53/D/447/1991.

- <sup>107</sup> CCPR/C/81/D/938/2000, CCPR/C/73/D/928/2000, CCPR/C/77/D/908/2000, CCPR/C/75/D/899/1999, CCPR/C/74/D/845/1998, CCPR/C/72/D/818/1998, CCPR/C/64/D/752/1997, CCPR/C/74/D/721/1996, CCPR/C/74/D/683/1996, CCPR/C/74/D/677/1996, CCPR/C/63/D/672/1995, CCPR/C/64/D/594/1992, CCPR/C/74/D/580/1994, CCPR/C/61/D/554/1993, CCPR/C/60/D/533/1993, CCPR/C/57/D/523/1992, CCPR/C/53/D/447/1991, CCPR/C/55/D/434/1990, CCPR/C/39/D/232/1987.
- <sup>108</sup> CCPR/C/81/D/938/2000, CCPR/C/77/D/908/2000, CCPR/C/75/D/899/1999, CCPR/C/74/D/845/1998, CCPR/C/72/D/818/1998, CCPR/C/64/D/752/1997, CCPR/C/74/D/721/1996, CCPR/C/74/D/684/1996, CCPR/C/74/D/683/1996, CCPR/C/74/D/677/1996, CCPR/C/64/D/594/1992, CCPR/C/62/D/569/1993, CCPR/C/60/D/533/1993, CCPR/C/57/D/523/1992, CCPR/C/57/D/512/1992, CCPR/C/47/D/362/1989.
- <sup>109</sup> CCPR/C/74/D/721/1996.
- <sup>110</sup> CCPR/C/74/D/721/1996.
- <sup>111</sup> A/64/40 (Vol. I), pp. 158–160.
- <sup>112</sup> CRC/C/TTO/CO/2, paras. 13 and 17.
- <sup>113</sup> *Ibid.*, paras. 47 and 50.
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