

Trinidad & Tobago

Mid-term Implementation Assessment



Promoting and strengthening
the Universal Periodic Review
<http://www.upr-info.org>

Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and one half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created a follow-up process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on and to implement their commitments. States should implement the recommendations that they have accepted and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate the index is described at the end of this document.

Geneva, 17 July 2014

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

http://followup.upr-info.org/index/country/trinidad_and_tobago

We invite the reader to consult this webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

4 stakeholders' reports were submitted for the UPR. 6 NGOs were contacted. 4 UN agencies were contacted. The Permanent Mission to the UN was contacted. The National Human Rights Institution (NHRI) was contacted as well.

2 NGOs responded to our enquiry. 1 UN agency responded. The State under Review did not respond to our enquiry. The NHRI did not respond to our enquiry either.

The following stakeholders took part in the report:

1. **UN Agency:** (1) United Nations High Commissioner for Refugees (UNHCR)
2. **NGOs:** (1) Global Initiative to End All Corporal Punishment of Children (GIEACPC) (2) Reporters sans frontières (RSF)

IRI: 8 recommendations are not implemented, 2 recommendations are partially implemented, and 1 recommendations are fully implemented. No answer was received for 107 out of 118 recommendations and voluntary pledges.

2. Index

Hereby the issues that the MIA covers:

| rec. n° | Rec. State | Issue | IRI | page |
|---------|---------------|--|-----------------|--------|
| 100 | Chile | Migrants | partially impl. | page 5 |
| 91 | Costa Rica | Rights of the Child, Torture and other CID treatment | partially impl. | page 6 |
| 90 | Hungary | Rights of the Child, Torture and other CID treatment | not impl. | page 6 |
| 15 | Nigeria | General | not impl. | page 7 |
| 70 | Slovakia | International instruments | not impl. | page 5 |
| 87 | Slovenia | Rights of the Child, Torture and other CID treatment | not impl. | page 6 |
| 92 | Spain | Detention conditions, Rights of the Child, Torture and other CID treatment | not impl. | page 6 |
| 14 | Sri Lanka | General | not impl. | page 7 |
| 30 | United States | Labour, Trafficking | fully impl. | page 6 |
| 88 | Uruguay | Rights of the Child, Torture and other CID treatment | not impl. | page 6 |
| 89 | Uruguay | Rights of the Child, Torture and other CID treatment | not impl. | page 6 |

3. Feedback on recommendations

Minorities

Recommendation n^o100: *Strengthen the protection safeguards, in particular the control mechanisms that allow the detection of cases of migrants with special needs for international protection (Recommended by Chile)*

IRI: *partially implemented*

United Nations High Commissioner for Refugees (UNHCR) response:

Despite the application of alternatives to detention for asylum-seekers, protection safeguards need to be strengthened. The refugee policy that is expected to be approved by the Government in the coming month and the subsequent elaboration of a comprehensive asylum framework with the support of UNHCR should provide enhanced access of asylum-seekers to RSD procedures, stronger safeguards against refoulement and better integration opportunities for recognized refugees. Referral mechanisms from the Immigration Detention Centre (and ports of entry and other strategic locations could be established, leaflets for asylum-seekers produced to inform them about the RSD procedure and their rights and duties throughout their stay in Trinidad & Tobago.

Recommendation n^o70: *Ratify the 1961 Convention on the Reduction of Statelessness (Recommended by Slovakia)*

IRI: *not implemented*

UNHCR response:

The Government of Trinidad & Tobago indicated that "while Trinidad & Tobago is not seriously challenged by 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. Recently, the Government reaffirmed that it will be assessing the possibility of accession to this international statelessness instrument as part of its UPR mid-term report to be presented in June 2014.

Women & Children

Recommendation n^o30: *Enact draft human trafficking legislation to improve prosecution of trafficking offenders and protections for victims of forced labour and sex trafficking* (Recommended by United States)

IRI: *fully implemented*

UNHCR response:

The Government adopted a "Trafficking in Persons Act" in 2011, which established a Counter-trafficking Unit. IOM is providing ongoing technical advice.

Recommendation n^o87: *Prohibit all corporal punishment of children in all settings and enact legislation to achieve this* (Recommended by Slovenia)

IRI: *not implemented*

+

Recommendation n^o88: *Prohibit all forms of corporal punishment of children in any context (including in the home)* (Recommended by Uruguay)

IRI: *not implemented*

+

Recommendation n^o89: *Adopt a legal definition of the crime of corporal punishment of children in all circumstances and places* (Recommended by Uruguay)

IRI: *not implemented*

+

Recommendation n^o90: *As a matter of priority, review its criminal law provisions and enact legislation prohibiting all forms of corporal punishment of children in all settings* (Recommended by Hungary)

IRI: *not implemented*

+

Recommendation n^o91: *Adopt legislation to prohibit corporal punishment in public and private schools* (Recommended by Costa Rica)

IRI: *partially implemented*

+

Recommendation n^o92: *Forbid the corporal punishment of children through the abolition of the laws that permit its use in the home, schools and detention centres for minors* (Recommended by Spain)

IRI: *not implemented*

Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:

The Children Act 2012 prohibits corporal punishment of children in all settings outside the home; it confirms that parents and guardians may use corporal punishment. However, although the Act was assented to in August 2012, as at April 2014 it is still awaiting proclamation and has not been brought into force. For this reason, there has been no change in the legality of corporal punishment of children since the initial review of Trinidad and Tobago in 2011 - it is lawful in the home, alternative care settings, day care, schools, penal institutions and as a sentence for crime.

Other

Recommendation n°14: *Continue with its efforts to promote and protect human rights* (Recommended by Sri Lanka)

IRI: *not implemented*

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Recommendation n°15: *Continue to build on its laudable achievements in promoting and protecting the fundamental freedoms and human rights of the good people of Trinidad and Tobago* (Recommended by Nigeria)

IRI: *not implemented*

(2) Reporters sans frontières (RSF) response:

La liberté d'information connaît encore certaines contraintes en Trinité & Tobago, notamment en raison de mesures prises par les autorités. Le 9 février 2012, sans approbation d'un juge, des agents de police ont perquisitionné les bureaux du journal Newsday, vraisemblablement après des révélations sur un conflit interne au sein d'un organe étatique. En 2012 également, la journaliste du Trinidad Guardian, Anika Gumbs-Sandiford, a quant à elle été la cible d'écoutes téléphoniques, encore une fois en raison d'investigations sur des conflits au sein d'institutions publiques. C'est une entreprise d'Etat, vraisemblablement à la requête de hauts fonctionnaires, qui a effectué ces interceptions. De telles pratiques constituent de graves violations du principe de protection des sources, pilier fondamental du droit de la presse. Par ailleurs, toujours en 2012, le ministre de la Sécurité nationale, Jack Warner, a ordonné de bloquer tout accès aux statistiques officielles de la criminalité dans le pays. Un tel black out sur des informations mettant en jeu l'intérêt public porte atteinte au droit des citoyens à l'information, et menace ainsi la confiance entre ces derniers et le gouvernement.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we apply the same procedure for data collection about all States:

1. We contact the Permanent Mission to the UN either in Geneva or New York;
2. We contact all NGOs that took part in the process. Whenever NGOs were part of coalitions, each NGO is contacted individually;
3. The National Institution for Human Rights is contacted, whenever one exists.
4. UN Agencies, which sent information for the UPR, are also contacted.

We post our requests to the States and send e-mails to NHRIs, NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation are not contacted and those stakeholders' submissions are not taken into account.

However, since the UPR is meant to be a process that aims to share best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

The stakeholders that we contact are encouraged to use an Excel sheet, which we provide, that includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split among recommendations to which we think it belongs. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention whether the recommendation was “fully implemented” or “not implemented”, *UPR Info* usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered to not directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the

recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

| Percentage: | Implementation level: |
|-------------|-----------------------|
| 0 – 0.32 | Not implemented |
| 0.33 – 0.65 | Partially implemented |
| 0.66 – 1 | Fully implemented |

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation is given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

Contact

UPR Info

Rue de Varembé 3
CH - 1202 Geneva
Switzerland

Website:

<http://www.upr-info.org>



Phone:

+ 41 (0) 22 321 77 70

General enquiries

info@upr-info.org



<http://twitter.com/UPRInfo>



<http://www.facebook.com/UPRInfo>