



## Universal Periodic Review of Trinidad and Tobago: Third Cycle

The Family Planning Association of Trinidad and Tobago (FPATT) recognizes the efforts of the Government of Trinidad and Tobago to address human rights violations faced by the LGBTI community and the need for Comprehensive Sexuality Education for our young people. The 2018 ruling of the High Court that the ‘buggery’ law was unconstitutional as it infringed on the rights of LGBTI citizens, criminalized consensual sexual acts between adults and violated the human rights to privacy, liberty and freedom of expression<sup>i</sup> was an important win. Also, with its first introduction in 1986 and subsequent revisions, the Health and Family Life Education (HFLE) is still an important life skill for our young people.

Notwithstanding these advancements, further actions are needed to realize the equal and equitable access to sexual and reproductive health and rights (SRHR) by the LGBTI community and young people, in particular by addressing discriminatory laws and implement of frameworks to address their lack of legal protection.

### **Need for Legislative Changes and Legal Protection against Discrimination or Hate Crimes**

Many existent laws perpetuate discrimination against LGBTI people. Family and relationship laws provide recognition and protection for non-marital, cohabiting relationships, but define these relationships as only between persons of the opposite sex. One clear example is the Domestic Violence Act (1997) (Ch. 45:56), which provides, inter alia, for survivors of domestic violence to obtain a protection order from the Court which can order the abuser to vacate any premises, compensate the victim for losses, pay maintenance for the applicant and any child, but same sex couples are left out.<sup>ii</sup> Also, there are no legal protections against discrimination or hate crimes based on sexual orientation, gender identity or expression (SOGIE) in Trinidad and Tobago,<sup>iii</sup> and no legal recognition of gender identity, leaving transgender people particularly vulnerable. The Equal Opportunity Act, which prohibits specific forms of discrimination, does not include LGBTI people.

### **Need for Country Data on Prevalence**

Because hate crimes against people based on real or perceived SOGIE are not recognized, there is no reliable country data on its prevalence, but community organizations and NGOs on the ground confirm the high rate of violence and discrimination the LGBTI community, especially transgender women, face in nearly every aspect of their lives. Qualitative civil society research sheds valuable light on the everyday experiences of LGBTI+ people living in Trinidad and Tobago. The Silver Lining Foundation and UNESCO report, *Trinidad and Tobago School Climate Report: Bullying and Gender-Based Violence in Secondary Schools* demonstrates that the higher rates of discrimination and violence faced by LGBTI+ people starts early: LGBT students experienced verbal, physical, sexual and cyber bullying at higher rates than non-LGBT students in secondary school, with Sexual Orientation/Gender Expression in the top three most common causes of verbal teasing, harassment or intimidation. Both girls and LGBT students showed more fear of bullying than male and non-LGBT peers.<sup>iv</sup>

### **Need for more robust Comprehensive Sexuality Education Programme**

As a party to the Montevideo Consensus (2013) and as agreed with other CARICOM countries, Trinidad and Tobago committed to “Ensure that adolescents and youth obtain universal access to affordable, quality health care and youth-friendly services, including comprehensive sexual education and reproductive health services.”<sup>v</sup> Trinidad and Tobago does have a Health, Family and Life Education program, but objective evaluation of the curriculum finds that it scores only 24% when analyzed by the “Sexuality Education Curriculum Review and Assessment Tool for Latin America and the Caribbean (SECRAT-LAC)” developed by UNESCO, which demonstrates that the HFLE in Trinidad and Tobago lacks

a legal framework, programmatic commitments, reporting mechanisms, training for facilitators, outreach campaigns and budget allocation, and only meets 53% of curricular content requirements.<sup>vi</sup>

**To address these challenges, FPATT highlights the following recommendations:**

1. Take steps to establish a national human rights mechanism in line with the Paris Principles, which includes discrimination and violence against people based on SOGIE within its mandate, with appropriate resources dedicated to its functioning.
2. Amend the Equal Opportunity Act to end the legal discrimination of persons on the basis of sexual orientation and to add LGBTI status as a protected status under the act.
3. Revise the existing HLFE to align with international guidelines on sexuality education and dedicate funding for on-going training of facilitators and implementation of the curriculum for all primary and secondary students.

<sup>i</sup> <https://www.theguardian.com/world/2018/apr/13/trinidad-and-tobago-sexual-offences-act-ruled-unconstitutional>;  
<https://web.archive.org/web/20180412164145/https://www.gaystarnews.com/article/trinidad-tobago-gay-sex-ruling/>;  
<https://www.hrw.org/news/2018/04/13/trinidad-and-tobago-court-overturms-same-sex-intimacy-ban#>

<sup>ii</sup> Laws of Trinidad and Tobago, Domestic Violence Act (1997) (Ch. 45:56)  
[https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/45.56.pdf](https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/45.56.pdf)

<sup>iii</sup> <https://www.amnesty.org/en/countries/americas/trinidad-and-tobago/report-trinidad-and-tobago/>

<sup>iv</sup> United Nations Educational, Scientific and Cultural Organization, Associated Schools Network (UNESCO ASP) *Trinidad and Tobago School Climate Report: Bullying and Gender-Based Violence in Secondary Schools* (2017)

<sup>v</sup> CARICOM *Forum on Population, Migration and Development, 'The Road Map for Population, Migration and Development beyond 2014'*, 2013, para 24

<sup>vi</sup> Mira Que Te Miro, Trinidad and Tobago, Comprehensive Sexuality Education  
<https://miraquetemiro.org/en/countries/TTO/42/>