

**Status of Human Rights in Trinidad and Tobago
for the 39th Session of the
Universal Periodic Review**

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting human rights around the world. The ECLJ holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to discuss the status of human rights in the Republic of Trinidad and Tobago (Trinidad and Tobago) for the 39th Session of the Universal Periodic Review.

Background

2. The nation of Trinidad and Tobago is comprised of two main islands and numerous small islands and has an estimated population of 1.4 million people¹. Approximately 32% of the population identify as Protestant, 21.6% as Roman Catholic, 18.2% as Hindu, 5% as Muslim, 1.5% as Jehovah’s Witness, 8.4% as other, and 11.1% unspecified².

3. Trinidad and Tobago’s previous review was held on 10 May 2016³. As a result of the review, Trinidad and Tobago received 157 recommendations, 79 of which it supported⁴. One recommendation in particular, which was supported by Trinidad and Tobago, was that Trinidad and Tobago “[i]ntroduce more rigorous anti-trafficking laws to better protect women and girls”⁵. Furthermore, another recommendation that was also supported by Trinidad and Tobago, was that the government “[c]ontinue to take steps to strengthen the protection for and assistance to victims, and to prosecute perpetrators, by ensuring the full implementation of the Trafficking in Persons Act”⁶.

Legal Framework

4. Under the Constitution of the Republic of Trinidad and Tobago, men and women are recognized as beings of dignity and worth with “equal and inalienable rights . . . endowed by their Creator”⁷. As such, “there should be adequate means of livelihood for all . . . [and] that labour should not be exploited or forced by economic necessity to operate in inhumane conditions but that there should be opportunity for advancement on the basis of recognition of merit, ability and integrity”⁸.

5. Part 1 of the Constitution enshrines protections for “the right of the individual to life, liberty, security, of the person and enjoyment of property and the right not to be deprived thereof except by due process of law” without regard to “race, origin, colour, religion, or sex”⁹.

6. Under Article 4 of Trinidad’s Trafficking in Persons Act:

The object of this Act is to prescribe measures to prevent and combat trafficking in persons including children, by –

- (a) protecting and assisting victims of trafficking;
- (b) facilitating the efficient investigation of cases of trafficking in persons;
- (c) facilitating the prosecution of individuals and organisations involved in trafficking in persons; and
- (d) promoting co-operation between Trinidad and Tobago and other States in order to prevent and suppress trafficking in persons and to punish offenders¹⁰.

7. In addition, Trinidad and Tobago has signed and ratified the International Covenant on Civil and Political Rights (ICCPR). Articles 7, 8, and 24 of the ICCPR address trafficking in persons, as well as forced child labour:

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation¹¹.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.
3. (a) No one shall be required to perform forced or compulsory labour¹².

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State¹³.

Human Trafficking

8. When compared with other English-speaking countries in the Caribbean Community (CARICOM), an organisation comprised of 15 member States dedicated to promoting cooperation and economic integration in the Caribbean, Trinidad and Tobago has the highest demand for sexual exploitation and prostitution¹⁴. An 8 month long study conducted between July 2019 and February 2020 found that approximately 4,000 Venezuelan women were trafficked to Trinidad and Tobago in just the last 4 years¹⁵. For example, one of those smuggled was a teenage girl who was sold for \$300 to be used for sex in Trinidad and Tobago¹⁶. She would however not live to make it to Trinidad and Tobago as she and 37 other victims drowned while crossing the Boca Dragón Strait on a small boat¹⁷.

9. In November 2019, a special operations unit carried out a raid against the Yihai Entertainment Sports Bar in Cunupia, Trinidad and Tobago¹⁸. As a result of the raid 7 individuals were arrested, including one police officer, and 50 women and girls were rescued¹⁹. Investigators reported that this bar was being used as “storage unit” for girls and women who are then taken to bars all across the country for use in forced prostitution²⁰. Individual police officers who are complicit in, or even involved with human traffickers is sadly not uncommon and is in fact part of a larger problem.

10. Dr. Justin Pierre, a human trafficking researcher, was commissioned with the assistance of CARICOM to conduct a study regarding human trafficking in Trinidad and Tobago²¹. Part of the study involved sending questionnaires to 342 suspected human traffickers in the region. Approximately 51 individuals responded to the questionnaire, uncovering a disturbing link between law enforcement and human trafficking²². According to the report:

Some of the gangs in the Tucupita region comprise and, in fact, are headed and operated by law enforcement officers including some from Trinidad and Tobago.

One alleged trafficker indicated that through his connection with elements in the Trinidad and Tobago Police Service, he has been assured of protection by some police officers who advise him where to enter the country.

Those officers also provide patrol and security for the safe houses where the women are kept before being distributed across Trinidad and Tobago in trucks, cars, maxi-taxis, and vans²³.

11. When questioned about police involvement in human trafficking Police Commissioner Gary Griffith stated that:

In fact, we have, via intelligence, a list of several police officers and we are monitoring their involvement in such. People may ask why we have not arrested them, but there is a difference between intelligence and evidence.

South Western Division deliberately turns a blind eye to these illegal activities. There is a very big market here and there is a sick demand, there is also child prostitution and child pornography²⁴.

12. Griffith also stated that that they are implementing procedures to catch and stop police involvement in human trafficking. One way they are doing this is through the implementation of polygraph tests²⁵. If an officer refuses to take a polygraph test it raises a red flag and that officer is immediately reassigned and will be monitored by the Professional Standards Bureau (PSB) and the Special Investigations Unit (SIU)²⁶. In 2019, 40 police officers had to be reassigned for refusing to take a polygraph test²⁷. Officers who take a polygraph test and fail are then referred to the Police Service Commission for further action²⁸.

Conclusion

13. It is critical that Trinidad and Tobago work to create more robust procedures for combatting human trafficking. This includes increased training and resources for police to investigate cases of human trafficking as well as stopping human trafficking before they enter the country. Furthermore, resources must be allocated to investigate, weed out, and punish police officers who are complicit in or directly involved with human trafficking.

¹ *Trinidad and Tobago 2021 (Live)*, WORLD POPULATION REVIEW, available at <https://worldpopulationreview.com/countries/trinidad-and-tobago-population>.

² *Trinidad and Tobago Religions*, INDEX MUNDI, available at https://www.indexmundi.com/trinidad_and_tobago/religions.html.

³ *Universal Periodic Review – Trinidad and Tobago*, UNHRC, available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/TTindex.aspx>.

⁴ *Trinidad and Tobago – Second Cycle Thematic List of Recommendations*, UNHRC, available at http://lib.ohchr.org/HRBodies/UPR/Documents/Session25/TT/UPR25_TrinidadandTobago_recommendations.docx.

⁵ *Id.* at A/HRC/33/15 – Para. 106.

⁶ *Id.*

⁷ *The Constitution of Republic of Trinidad and Tobago*, available at https://www.oas.org/juridico/english/mesicic3_tto_constitution.pdf.

⁸ *The Constitution of Republic of Trinidad and Tobago*, available at https://www.oas.org/juridico/english/mesicic3_tto_constitution.pdf.

⁹ *Id.* part 1.

¹⁰ *Trafficking in Persons Act art. 4*, available at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/88404/101075/F626722746/TTO88404%202015.pdf>

¹¹ *International Covenant on Civil and Political Rights*, Dec. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art.7

¹² *Id.* art. 8

¹³ *Id.* art. 24.

¹⁴ *4,000 Venezuelan Women Trafficked in Last 4 Years*, TRINIDAD & TOBAGO GUARDIAN (20 Jun. 2020), available at <https://www.guardian.co.tt/news/4000-venezuelan-women-trafficked-in-last-4--years-6.2.1140713.bf2d79d829>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Sex Trafficking in Plain Sight*, CARIBBEAN INVESTIGATIVE JOURNALISM NETWORK (5 Dec. 2019), available at <https://www.cijn.org/sex-trafficking-in-plain-sight/>.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Griffith: Cops Involved in Human Trafficking Under Watch*, TRINIDAD AND TOBAGO (31 Jan. 2021), available at <https://www.guardian.co.tt/news/griffith-cops-involved-in-human-trafficking-under-watch-6.2.1282621.521e7c4554>.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*