

**Submission by the Global Shapers Port of Spain Hub  
Universal Periodic Review: 3<sup>rd</sup> Cycle**

**TRINIDAD AND TOBAGO**

**I. BACKGROUND INFORMATION**

The Global Shapers Port of Spain Hub is part of the Global Shapers Community, an initiative of the World Economic Forum. The Hub consists of a diverse group of passionate Trinidadians who are committed to creating lasting positive impact within our local community. We support three main pillars in our efforts to drive dialogue, action and change:

1. Equity and Inclusion
2. Education & Employment
3. Climate & Environment

Through this network of skilled young professionals, we ideate around the most pressing needs of our city, then plan and execute sustainable, impactful projects to address these needs within our resources & capacity.

**II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS**

**Positive developments linked to 2<sup>nd</sup> cycle UPR recommendation**

**Linked to 2<sup>nd</sup> cycle UPR recommendation 106.31** enjoyed the support of the Government: “Continue its efforts in the fight against violence and discrimination against women, and ensure the effective implementation of existing legislation, particularly legislation on the minimum legal age of marriage” (France)

In June 2017, the Trinidad and Tobago Parliament passed the Miscellaneous Provisions (Marriage) Act prohibiting the marriage of minors and establishing the minimum age for contracting marriage at eighteen years old. Additionally, the Domestic Violence Amendment Act 2020 was passed which strengthened support for victims of domestic violence, including wider scope of protection orders and stronger protection for children who are exposed to gender-based violence at home. In January 2020, the Gender Based Violence unit within the Trinidad and Tobago Police Service was created which will focus heavily on domestic violence cases and breaches of restraining orders.

**Linked to 2<sup>nd</sup> cycle UPR recommendation no. 108.66** noted by the Government: “Take measures to enact relevant regulatory legislation to provide adequate attention to the migrant population and their human rights” (Mexico)

In 2019, the Government registered 16,523 persons aged 16 and over and 2,421 children below 16 from Venezuela. The Government considers these Venezuelans to be migrants and registered persons were given permission to remain and work in Trinidad and Tobago for an initial period of one year, which the Government continues to extend. Global Shapers Port of

Spain Hub encourages the Government to conduct a second registration exercise for persons of other nationalities and Venezuelans who did not have the opportunity to register and further extend their access to basic rights.

### III. KEY HUMAN RIGHTS ISSUES, CHALLENGES AND RECOMMENDATIONS

#### Issue 1: Combatting gender-based violence

**Linked to 2<sup>nd</sup> cycle UPR recommendation 106.24** enjoyed support of the Government:

“Take steps to strengthen policies aimed at addressing gender-based violence, domestic violence, sexual harassment, rape and child sexual abuse” (Ghana)

In February 2021, the abduction and murder of twenty-three-year-old Andrea Bharratt prompted national outcry at the prevalence of violence against women. Bharratt’s murder came only two months after a teenager, Ashanti Riley, faced a similar fate. The nationwide protests highlighted the culture of misogyny and gender-based violence that led up to these events and called for real change to be effected.

The Inter-American Development Bank’s 2018 National Women’s Health Survey for Trinidad and Tobago<sup>1</sup> found that more than 30 per cent of women reported having experienced either physical or sexual partner violence or both, at least once. Close to one in three women experienced sexual violence, including rape, attempted rape, unwanted touching, and reported sexual violence. For many, this happened before the age of 18.

The Children’s Authority in a statement marking World Children’s Day in November 2020 warned of an increase in reports of emotional abuse against minors amidst the COVID-19 pandemic. The Authority reported receiving over 4,000 cases of abuse every year and that children continue to be abused by those whom they trust.

Reid, Reddock and Nickenig (2014)<sup>2</sup> developed a model intervention for “breaking the silence” on child sexual abuse in Trinidad and Tobago which showed promising results including increased knowledge of child sexual abuse, increased willingness to discuss child sexual abuse, and impact beyond the target communities.

#### **Recommendations:**

Global Shapers Port of Spain Hub recommends that the Government of Trinidad and Tobago:

- a) Provide more adequate spaces and services for women leaving violent domestic situations.

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<sup>1</sup> Pemberton, C. & Joseph, J. (2018) National Women’s Health Survey. Inter-American Development Bank, see: <http://dx.doi.org/10.18235/0001006>

<sup>2</sup> Reid, S. D., Reddock, R. & Nickenig, T. (2014) Breaking the Silence of Child Sexual Abuse in the Caribbean: A Community-Based Action Research Intervention Model. *Journal of Child Sexual Abuse*, 23(3), 256-277. doi: 10.1080/10538712.2014.888118

- b) Strengthen policies to ensure survivors are protected and have access to medical, legal and psychological services.
- c) Implement educational campaigns that deconstruct the gendered attitudes that fuel male violence.
- d) Implement a community-based action model for “breaking the silence” on child sexual abuse within a national framework which takes into account the sociocultural meanings associated with child sexual abuse in various ethnic, religious, class, and geographical contexts.
- e) Provide similar targeted community-based training to law enforcement in the areas of human rights and gender sensitivity.
- f) Set up rehabilitation programmes for sexual offenders in prison.

## **Issue 2: Rights of Refugees**

**Linked to 2nd cycle, UPR recommendation no. 106.70** enjoyed the support of the Government: “Effect the National Policy on refugee and Asylum Seekers matters the Cabinet approved in 2014” (Kenya); and **no. 108.67** noted by the Government: “Adopt national legislation that grants legal effect to the protection of refugees and the respect for the principle of non-refoulement in accordance with the relevant international instruments” (Uruguay)

Global Shapers Port of Spain Hub commends the positive steps taken by the Government to commence collaboration between the Ministry of the Attorney General and Legal Affairs and the Ministry of National Security to draft legislation on issues relating to asylum-seekers and refugees.<sup>3</sup> In the absence of such legislation, refugees and asylum-seekers do not have a legal status recognising them as persons in need of international protection who have specific rights under the *1951 Refugee Convention*, including the non-refoulement and non-penalisation for irregular entry and presence. Creating a national legal framework of laws and policies to identify vulnerable individuals will enhance Trinidad and Tobago’s protection of asylum-seekers and refugees and safeguard their rights. Without these specific guarantees, persons in need of international protection (asylum-seekers and refugees) or whose needs are not screened, including children, are often detained and deported. Furthermore, children are unable to attend mainstream education and are at risk of being left behind and not integrating with the local population.

### **Recommendations:**

Global Shapers Port of Spain Hub recommends that the Government of Trinidad and Tobago:

- a) Accelerate the adoption of the legislation to incorporate the *1951 Refugee Convention* into domestic law and to create a fair and flexible national refugee status determination procedure and to grant access to secondary health care, education and social protection;

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<sup>3</sup> Joint Select Committee on Human Rights, Equality and Diversity, *The Ministry of Attorney General and Legal Affairs: Ministerial Response – The Tenth Report of the Joint Select Committee on Human Rights, Equality and Diversity on the Treatment of Detainees at the Immigration Detention Centre* (2019) 3, available at <http://www.ttparliament.org/reports/p11-s4-J-20190430-HRED-r10-mr-MAGLA.pdf>

- b) Enhance dialogue and consultation with relevant national institutions, civil society and international organisations to strengthen the protection of persons in mixed flows;
- c) Ensure the detention of asylum-seekers and refugees is only as a measure of last resort, for as short a period as possible, and only after conducting an individual assessment of its reasonableness, necessity and proportionality, as well as assessing all available alternatives to detention; and
- d) End the detention of all children by amending legislation and establishing alternative care arrangements for families.

### Issue 3: The Right to a Healthy Environment

In the 2018 report to the UN General Assembly, the Special Rapporteur implored that the human right to a safe, clean, healthy and sustainable environment be officially recognized. The Global Shapers Port of Spain Hub recommends that the Government of Trinidad and Tobago frame all future environmental and human rights legislation with the full understanding of the nexus between human rights and the environment. That being, the safe, clean, and sustainable environment is integral to the realization of key human rights, including the rights to life, health, food, water and development; while simultaneously, the protection of the environment is invariably linked to humans' rights to information, participation and remedy.<sup>4</sup>

The Human Rights Council has recognized that environmental damage disproportionately affects vulnerable individuals and communities, including children, persons living in poverty, the elderly, persons with disabilities, and displaced persons. Such vulnerabilities were exacerbated in Trinidad during the severe incidences of flooding in 2018 and 2019, in addition to threats posed to rural and coastal communities by large development projects, such as the Toco Ferry Port, purportedly halted due to COVID-19, not widespread outcry by environmental groups.

Despite a forthright pronouncement of dedication to transnational cooperation and environmental protection, Trinidad and Tobago has shown its reluctance to fully engage in multilateral efforts to enshrine human rights to a healthy environment by having yet to sign and ratify the Escazú Agreement, despite having strong legal, regulatory and policy mechanisms in place to support its implementation.<sup>5</sup> Escazú is the first regional environmental treaty for Latin America and the Caribbean, aiming to guarantee the full and effective implementation in the region of the rights of access to environmental information, public participation in the environmental decision-making process and access to justice in environmental matters.<sup>6</sup>

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<sup>4</sup> UN Human Rights Council, 'Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment' (2018) UN Doc A/73/188, see: <https://undocs.org/A/73/188>

<sup>5</sup> <https://canari.org/trinidad-and-tobago-sign-and-ratify-the-escazu-agreement/#:~:text=The%20Escaz%C3%BA%20Agreement%20is%20the,environmental%20protection%20and%20human%20rights.&text=If%20implemented%20successfully%2C%20this%20Agreement,in%20the%20years%20to%20come>

<sup>6</sup> <https://www.cepal.org/en/escazuagreement>

## Recommendations:

- a) Promote and enforce environmental democracy, by effectively consulting stakeholders in the environmental decision-making process; presenting relevant information to all stakeholders; and allowing the timely opportunity to judicially challenge environmental decisions;
- b) Sign and ratify the Escazú Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean;
- c) Building upon the National Environmental Policy drafted in 2018 by ensuring that economic development cannot take priority over environmental protection, but rather there should exist a symbiotic relationship between the two;
- d) Enforce greater transparency in the conduct of Environmental Impact Assessments on large scale infrastructure projects;
- e) Conduct regular environmental vulnerability assessments to mitigate the loss of life, property and livelihood due to natural disasters; and
- f) To continually generate multi-stakeholder consultation and collaboration to renew and revise roadmaps for sustainable development in the rapidly changing context of globalization and recovery post-Pandemic.