

# TRINIDAD AND TOBAGO 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Republic of Trinidad and Tobago is a parliamentary democracy governed by a prime minister and a bicameral legislature. The island of Tobago's House of Assembly has some administrative autonomy over local matters. In elections in 2015, which observers considered generally free and fair, the opposition People's National Movement, led by Keith Rowley, defeated the ruling People's Partnership, led by Kamla Persad-Bissessar, and the political transition was smooth.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included police and prison officials' mistreatment of detainees; refoulement of refugees due to poor training of officials; official corruption; laws that criminalize same-sex sexual activity, although such laws were not enforced during the year; and continued criminalization of the status or conduct of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

The government took some steps to punish security force members and other officials charged with killings or other abuse, but open-ended investigations and the generally slow pace of criminal judicial proceedings created a climate of impunity.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings. According to official figures, police shot and killed 33 persons through September 26, more than double the 16 persons police shot and killed in 2016. Officials from the Police Complaints Authority (PCA) reported receiving more cases of police killings of mentally challenged persons than in previous years; the police killed three mentally challenged persons for the year. Analysts speculated that police shootings had increased in tandem with the rise in violent crime committed by an increasingly well-armed criminal element. Police acknowledged the shooting deaths. There were occasional discrepancies between

the official reporting and the claims made by witnesses regarding who fired the first shot and whether the officers fired in self-defense.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

Although the constitution and the law prohibit such practices, there were credible reports that police officers and prison guards mistreated individuals under arrest or in detention.

Police shot and killed Paul Marchan, an outpatient of St Ann's mental hospital, after he reportedly attacked two separate groups of police officers. Marchan's family claimed the circumstances police attributed to causing his death were false. The file was under investigation by the PCA.

### **Prison and Detention Center Conditions**

Conditions in some of the prison system's nine facilities continued to be harsh.

Physical Conditions: Convicted inmates constituted approximately 37 percent of the country's prison population, while the others were in pretrial status, according to figures from 2016, the most recent data available. Most prisons suffered from extreme overcrowding, while the maximum-security prison was not at full capacity. Observers often described the Port of Spain Prison, the remand prison, and the immigration detention center as having particularly poor conditions and severe overcrowding, with as many as nine prisoners kept in cells of 80 square feet. The Port of Spain Prison, designed to hold 250 inmates, held 610, and the remand prison, designed to hold 655 inmates, held 1,071, according to figures from 2016, the most recent data available. By contrast, the maximum-security prison held inmates in three-person cells, each with a toilet and shower.

The remand section of the Port of Spain Prison had particularly poor lighting, ventilation, and sanitation facilities.

Although conditions at the women's prison were better than those in the Port of Spain Prison, the women's facility occasionally became overcrowded, since it held

both women on remand and those serving prison sentences. The daily average female prison population was 130 in facilities with a maximum capacity of 158, according to figures from 2016, the most recent data available. Since there was no female youth facility, authorities placed some underage female prisoners in a segregated wing of the women's prison and returned others to their families.

Authorities held a daily average of 10 female juveniles at the women's prison in 2016, the most recent year for which data was available. Observers raised concerns that the prison held young girls who had not committed any offense but who were merely in state custody.

The government also operated the Immigration Detention Center to house irregular immigrants waiting to be deported. The average length of detention was one week to two months, depending on the speed with which the government secured public funding for deportation, as well as transit passports and visas. In some cases detention lasted more than four years. Observers reported that the men's section continued to be overcrowded.

In August the minister of national security announced that the Cabinet approved 53.6 million Trinidad and Tobago dollars (TT\$) (\$7.9 million) to upgrade the remand section of the Golden Grove Prison, which would enable prisoners to use toilets and not pails.

Administration: Independent authorities investigated and monitored prison and detention center conditions but did not document the results in a publicly accessible manner.

Independent Monitoring: The government permitted regular and open prison visits by UN officials and independent human rights observers upon approval of the Ministry of Justice. These observers enjoyed a reasonable degree of independence.

#### **d. Arbitrary Arrest or Detention**

The constitution and the law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government generally observed these requirements. Reports of abuses by police remained under investigation at year's end.

The Anti-Gang Act bans membership in criminal gangs and gang-related activities and permits authorities to hold suspects detained under the law without being

charged for up to 120 days, after which the suspect may apply to a judge for bail if the case has not yet reached trial. Authorities continued to arrest many individuals pursuant to the anti-gang law but subsequently released most arrestees.

Three men charged under the Anti-Gang Act during the 2011 state of emergency won their malicious prosecution lawsuits in September and received TT\$220,000 (\$32,000) in compensation. Many lawsuits filed by some of the approximately 450 other suspects remained pending before the courts.

### **Role of the Police and Security Apparatus**

The Ministry of National Security oversees the police service, immigration division, and defense force, which includes the coast guard. The police service maintains internal security, while the defense force is responsible for external security but also has certain domestic security responsibilities. The coast guard is the main authority responsible for border security along the coastlines where there are no official ports of entry. The Customs and Excise Division and the Immigration Division are responsible for security at the ports. Members of the defense force often joined police officers in patrolling high-crime neighborhoods. Defense force members do not have arrest authority, apart from the coast guard, which can arrest in territorial waters and the Southern Caribbean.

The independent Police Service Commission, in consultation with the prime minister, appoints a commissioner of police to oversee the police force, although there has not been a permanent commissioner assigned since 2012. The commission also makes hiring and firing decisions in the police service, and the ministry typically has little direct influence over changes in senior positions. The Police Service Commission has the power to dismiss police officers, the commissioner of police can suspend officers, and the police service handles the prosecution of officers. Municipal police under the jurisdiction of 14 regional administrative bodies supplement the national police force. Public confidence in police was very low because of high crime rates and perceived corruption.

The PCA is a civilian oversight body that investigates complaints about the conduct of police officers, including fatal police shootings; however, it received insufficient funding and had limited investigative authority. By law the PCA is free from the direction or control of any other person in the performance of its functions. The PCA had 22 investigators, and from October 1, 2016, through September 30, the unit received 283 complaints, 211 of which were pending as of November. Through investigations by the PCA and other bodies, authorities

charged police officers with a number of offenses, including attempted murder and corruption. The Police Professional Standards Unit and the Police Complaints Division, both nonindependent bodies within the police service, also investigate complaints against police.

### **Arrest Procedures and Treatment of Detainees**

A police officer may arrest a person based on a warrant issued or authorized by a magistrate, or without a warrant if the officer witnesses the commission of an offense. Detainees, as well as those summoned to appear before a magistrate, must appear in court within 48 hours. In cases of more serious offenses, the magistrate either commits the accused to prison on remand or allows the accused to post bail, pending a preliminary inquiry. Authorities granted detainees immediate access to a lawyer and to family members.

Ordinarily, bail was available for minor charges. Persons charged with murder, treason, piracy, kidnapping for ransom, and hijacking, as well as persons convicted twice of violent crimes, are ineligible for bail for a period of up to 120 days following the charge, but a judge may grant bail to such persons under exceptional circumstances. When authorities denied bail, magistrates advised the accused of their right to an attorney and, with few exceptions, allowed them access to an attorney once they were in custody and prior to interrogation.

The minister of national security may authorize preventive detention to preclude actions prejudicial to public safety, public order, or national defense, in which case the minister must state the grounds for the detention.

Arbitrary Arrest: False arrest, although infrequent, occurred. Victims may pursue legal redress and the right to a fair trial through an independent judiciary.

Pretrial Detention: Lengthy pretrial detention resulting from heavy court backlogs and inefficiencies in the judicial system continued to be a problem. Pretrial detainees or remand prisoners represented approximately 63 percent of the prison population. Most persons under indictment waited seven to 10 years for their trial dates in the High Court, although some waited much longer. Officials cited several reasons for the backlog, including an understaffed and underfunded prosecutorial office, a shortage of defense attorneys for indigent persons, and the burden of the preliminary inquiry process. Additionally, the law requires anyone charged and detained to appear in person for a hearing before a magistrate's court every 10

days, if only to have the case postponed for an additional 10 days, resulting in further inefficiency.

#### **e. Denial of Fair Public Trial**

The constitution and the law provide for an independent judiciary, and the government generally respected judicial independence and impartiality. Although the judicial process was generally fair, it was slow due to backlogs and inefficiencies. Prosecutors and judges stated that witness and jury intimidation remained a problem.

#### **Trial Procedures**

The constitution and the law provide all defendants with the right to a fair and public trial, and an independent judiciary generally enforced this right. Magistrates try both minor and more serious offenses, but in the latter cases, the magistrate must conduct a preliminary inquiry. Defendants have the rights to be present, to be presumed innocent until proven guilty, and to appeal. Authorities inform them promptly and in detail of all charges. All defendants have the right to consult with an attorney in a timely manner and have adequate time and facilities to prepare a defense. Authorities provide an attorney at public expense to defendants facing serious criminal charges, and the law requires provision of an attorney to any person accused of murder. Although the courts may appoint attorneys for indigent persons charged with serious crimes, an indigent person may refuse to accept an assigned attorney for cause and may obtain a replacement. Defendants can confront or question adverse witnesses and present witnesses and evidence on their own behalf. Defendants may not be compelled to testify or confess guilt. The government provides free foreign language as well as sign-language interpreters as necessary in court cases.

Both civil and criminal appeals may be filed with the Court of Appeal and ultimately with the Privy Council in the United Kingdom.

#### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

#### **Civil Judicial Procedures and Remedies**

Individuals or organizations are free to file lawsuits against civil breaches of human rights in both the High Court and petty civil court. The High Court may review the decisions of lower courts, order parties to cease and desist from particular actions, compel parties to take specific actions, and award damages to aggrieved parties. Court cases may be appealed to the Inter-American Commission on Human Rights.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and the law prohibit such actions, and there were no reports that the government failed to respect these prohibitions.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

The constitution and the law provide for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression.

Freedom of Expression: The law prohibits acts that would offend or insult another person or group on the basis of race, origin, or religion or that would incite racial or religious hatred.

Violence and Harassment: In September a *Trinidad Guardian* newspaper photojournalist, Kristian De Silva, was assaulted while on the job. The incident took place on the compound of a company accused of defrauding the government. One of the journalist's attackers was a police officer, Corporal Billy Ramsundar, who was later charged with assault and damaging a camera. The matter was before the court at year's end.

#### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 69 percent of citizens used the internet in 2016.

## **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution and the law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The constitution and various laws provide for freedom of internal movement, foreign travel, emigration, and voluntary repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern under its mandate.

## **Protection of Refugees**

Refoulement: Due to a lack of training and awareness of refugee rights by officers at points of entry, reported cases of refoulement continued to occur at airport and ports.

Access to Asylum: The government has not passed legislation to implement its obligations under the 1951 UN Convention and its 1967 Protocol Relating to the Status of Refugees. In the absence of national refugee legislation, UNHCR registered all asylum seekers, conducted refugee status determinations on behalf of the government, and promoted durable solutions for all refugees recognized under UNHCR's mandate.

The immigration law neither adequately considers the needs of persons in need of international protection nor provides for the granting of refugee status. The law does not provide for any exemption or nonpenalization of irregular entry or stay of asylum seekers or refugees. Persons who expressed a need for international protection could be subject to detention if they entered via irregular ways or overstayed their permitted time of entry without having presented themselves voluntarily to the authorities. Generally, the government observed the principle of nonrefoulement, but there were reported cases of persons who claimed asylum at the border or while in detention being returned to their country of origin. In principle refugees were granted full protection from refoulement and detention if presented to the Immigration Division upon applying for asylum. They lived throughout the country, worked illegally, and had access to public-health facilities and in limited circumstances, public education.

The Living Water Community (LWC), a local Roman Catholic nongovernmental organization (NGO) and UNHCR's operational partner, was the first point of contact for persons in need of international protection. It provided orientation and counseling and notified the Ministry of National Security's Immigration Division of the respective asylum applications. In close coordination with UNHCR, the LWC engaged in case management and provided psychosocial care and humanitarian assistance, including cash, housing assistance, and legal aid, among other services.

Pending parliament's approval of implementing legislation, the Ministry of National Security's Immigration Division authorized the stay of asylum seekers and refugees through the issuance of orders of supervision.

Employment: In the absence of legislation, neither refugees nor asylum seekers were permitted to work. They were sometimes subject to exploitation, including sexual exploitation.

Access to Basic Services: Refugee and asylum-seeking children had access to education, but the majority faced difficulty in enrolling in public schools due to insufficient spaces and other administrative obstacles. Refugees and asylum seekers had access to most primary health-care services. They did not have access to identity documents and were obliged to surrender their passports to the Immigration Division.

Durable Solutions: Due to the absence of national legislation that would allow for local integration, resettlement was traditionally the only durable solution for

refugees in the country, but this was a difficult, due to lack of available spaces. UNHCR, the LWC, and the International Organization for Migration continued to collaborate on the identification, submission, and transfer of refugees in need of resettlement.

The government also closely collaborated with UNHCR by facilitating the resettlement of a few refugees recognized under its mandate in smaller Caribbean islands by allowing them to stay temporarily in the country to complete the formalities required for resettlement and then directly travel to their new asylum country.

In the first half of the year, seven individuals were resettled to the United States through this mechanism of regional cooperation.

Some refugees and asylum seekers abandoned their claims and left the country due to the lengthy processing time and lack of rights, particularly the right to work.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and the law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: In 2015 elections the opposition People's National Movement, led by Keith Rowley, defeated the ruling People's Partnership, led by Kamla Persad-Bissessar, winning 23 parliamentary seats to the Partnership's 18 seats. Commonwealth observers considered the elections generally free and fair. During the campaign, however, observers noted the "lack of transparency and accountability regarding the financing of political parties." Many experts raised concerns that the lack of campaign finance rules gives any incumbent party an advantage.

Following the election, former prime minister Persad-Bissessar initiated a court challenge to overturn the election results. The former prime minister challenged the results in six key swing constituencies where the results were close and where the People's Partnership argued that a last-minute decision by the Elections and Boundaries Commission to extend voting helped the opposition. The courts found

that the commission was wrong to extend voting but that this action did not change the results of the election.

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political process, and they did participate.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials sometimes engaged in corrupt practices. There were reports of government corruption during the year, and the 2016-17 World Economic Forum *Global Competitiveness Report* ranked corruption as the second-most problematic factor for doing business in the country. There were no documented instances of individuals receiving a criminal punishment for corruption.

Corruption: Corruption in the police and immigration services continued to be a problem, with senior officials acknowledging that officers participated in corrupt and illegal activities. There were allegations that some police officers had close relationships with gang leaders and that police, customs, and immigration officers often accepted bribes to facilitate drug, weapons, and human smuggling and trafficking. There is no internal affairs unit responsible for investigating incidents of professional misconduct attributed to law enforcement officials.

In February a Trinidad and Tobago Police Service officer was convicted and fined TT\$40,000 (\$5,925), for soliciting and accepting money from a driver to forgo charges in an accident. The officer was on suspension from duty.

There were continued allegations that some ministers used their positions for personal gain.

Financial Disclosure: The law mandates that public officials disclose their assets, income, and liabilities to the Integrity Commission, which monitors, verifies, and publishes disclosures. Officials and candidates for public office were reluctant to comply with asset disclosure rules, primarily because of the perceived invasiveness of the process. The act stipulates a process when public officials fail to disclose assets and provides criminal penalties for failure to comply. The law clearly states which assets, liabilities, and interests public officials must declare.

While the commission undertook numerous investigations, it seldom referred cases to law enforcement authorities, and prosecution of those officials who refused to comply with asset disclosure rules was very limited.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating human rights cases and publishing their findings. Government officials generally were cooperative and responsive to their views.

Government Human Rights Bodies: The ombudsman investigates citizens' complaints concerning the administrative decisions of government agencies. Where there is evidence of a breach of duty, misconduct, or criminal offense, the ombudsman may refer the matter to the appropriate authority. The ombudsman has a quasi-autonomous status within the government and publishes a comprehensive annual report. Both the public and the government had confidence in the integrity and reliability of the Office of the Ombudsman and the ombudsman's annual report.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

#### **Women**

Rape and Domestic Violence: Rape of men or women, including spousal rape, is illegal and punishable by up to life imprisonment, but the courts often imposed considerably shorter sentences. Police channeled resources to the Victim and Witness Support Unit in an effort to encourage reporting.

The law provides for protection orders separating perpetrators of domestic violence, including abusive spouses and common-law partners, from their victims. Courts may also fine or imprison abusive spouses, but it was rarely done.

The NGO Coalition against Domestic Violence charged that police often hesitated to enforce domestic violence laws and asserted that rape and sexual abuse against women and children remained a serious and pervasive problem.

Sexual Harassment: No laws specifically prohibit sexual harassment. Related statutes could be used to prosecute perpetrators of sexual harassment, and some trade unions incorporated anti-harassment provisions in their contracts.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: Women generally enjoyed the same legal status and rights as men. No laws or regulations require equal pay for equal work.

## **Children**

Birth Registration: Every person born in the country is a citizen at birth, unless the parents are foreign envoys accredited to the country. Children born outside the country can become citizens at birth if on that date one or both of the parents is, or was, a citizen. The law requires registration of every child born alive within 42 days of birth.

Child Abuse: Child abuse cases continued to increase; from October 1, 2015, to September 30, 2016, the Children's Authority received and investigated 5,522 reports of abuse. More than one-half of all cases involved female children. Neglect and sexual abuse accounted for 27 percent and 25 percent of the cases, respectively. The law prohibits both corporal punishment of children and sentencing a child to prison. According to NGOs, however, abuse of children in their own homes or in institutional settings remained a serious problem.

Early and Forced Marriage: Child marriage is illegal. On June 9, parliament passed legislation changing the legal marriage age to 18. The president formally proclaimed the enactment of the Marriage Act on September 28.

Sexual Exploitation of Children: The law defines a child as less than 18 years of age. The age of sexual consent is 18, and the age of consent for sexual touching is 16. Sexual penetration of a child is punishable by a maximum sentence of life in prison. The law creates specific offenses such as sexual grooming of a child (gaining the trust of a child, or of a person who takes care of the child, for the purpose of sexual activity with the child) and child pornography. The law

prescribes penalties of 10 years' to life imprisonment for subjecting a child to prostitution.

International Child Abductions: The government is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

There were fewer than 100 Jews in the country. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

Disability rights advocates were aware of no efforts by the government to implement the Convention on the Rights of Persons with Disabilities, which it ratified in 2015. Prior to the ratification, the law prohibited discrimination based on disability but did not mandate equal access for persons with disabilities.

Persons with disabilities faced discrimination and denial of opportunities. Such discrimination could be traced to architectural barriers, employers' reluctance to make necessary accommodations that would enable otherwise qualified job candidates to work, an absence of support services to assist students with disabilities to study, lowered expectations of the abilities of persons with disabilities, condescending attitudes, and disrespect.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

Although the law criminalizes consensual same-sex sexual activity, providing penalties of up to 25 years' imprisonment, the government generally did not enforce such legislation, except in conjunction with more serious offenses such as rape. Immigration laws also bar the entry of "homosexuals" into the country, but the legislation was not enforced during the year.

The law identifying classes of persons protected from discrimination does not prohibit discrimination based on sexual orientation. The 2012 Children Act decriminalizes sexual exploration between minors close in age but specifically retains language criminalizing the same activity among same-sex minors. Other laws exclude same-sex partners from their protections.

### **HIV and AIDS Social Stigma**

Stigmatization of those with HIV persisted, especially among high-risk groups, including men who have sex with men. There were reports of discrimination against this group but no clear evidence of violence. The government's HIV and AIDS Unit coordinates the national response to HIV/AIDS, and the government employed HIV/AIDS coordinators in all ministries as part of its multisector response.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, including related statutes and regulations, provides for the right of most workers, including those in state-owned enterprises, to form and join independent unions, bargain collectively, and conduct legal strikes, but with some limitations. Neither employers nor employees listed in essential services, such as hospital, fire, and external communications (telephone, telegraph, wireless), have the right to strike, and walkouts can bring punishment of up to 36 months in prison and a fine of TT\$40,000 (\$5,970). These employees negotiate with the government's chief personnel officer to resolve labor disputes. The law stipulates that only strikes over unresolved labor interest disputes may take place and that authorities may prohibit strikes at the request of one party if not called by a majority union. The minister of labor may petition the court to curtail any strike he deems harmful to national interests.

The law also provides for mandatory recognition of a trade union when it represents more than 50 percent of the workers in a specified bargaining unit. The law allows unions to participate in collective bargaining, prohibits employers from dismissing or otherwise prejudicing workers due to their union membership, and mandates reinstatement of workers illegally dismissed for union activities. The government's Registration, Recognition, and Certification Board determines whether a given workers' organization meets the definition of a bargaining unit

and can limit union recognition by this means. The Registrar's Office requires accounting for union funds and can audit and restrict accounts of a union on demand. The Industrial Relations Act definition of a worker excludes domestic workers (house cleaners, chauffeurs, and gardeners), but domestic workers have an established trade union that advocates for their rights. Separate legislation governs the employment relationship between the government and its employees, including civil servants, teachers, and members of the protective services (fire, police, and prison services). The Industrial Relations Act prohibits employees in essential services from taking industrial action. The government effectively enforced applicable laws.

A union must have the support of an absolute majority of workers to obtain bargaining rights. This requirement limited the right of collective bargaining. Furthermore, collective agreement negotiations are subject to mandatory mediation and must cover a minimum of three years, making it almost impossible for such agreements to include workers on short-term contracts. According to the National Trade Union Center, the requirement that all negotiations go through the Public Sector Negotiation Committee rather than through the individual government agency or government-owned industry, provided an additional onerous restriction that added significant delays. Some unions claimed the government undermined the collective bargaining process by pressuring the committee to offer raises of no more than 5 percent over three years.

The government enforced labor laws with effective remedies and penalties. Resources, inspections, and remediation were adequate, although some observers called for an increased number of unannounced inspections and additional industrial court judges. A union may request that the Industrial Court enforce the laws, and the court may order employers found guilty of antiunion activities or otherwise in violation of the Industrial Relations Act to reinstate workers and pay compensation or may impose other penalties, including imprisonment. There was no information on specific penalties or on whether they were sufficient to deter violations.

Authorities generally respected freedom of association and the right to collective bargaining. Authorities did not use excessive force to end strikes or protests or otherwise retaliate against workers seeking to exercise their rights.

In January and February, the Industrial Court ordered 11 companies to pay approximately TT\$11,000,000 million (\$1.6 million) to 26 workers who were wrongfully dismissed. The largest individual judgement was against the natural

gas company BG Trinidad and Tobago Limited in which the employee was awarded TT\$ three million (\$500,000).

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced and compulsory labor. Upon conviction, perpetrators of forced labor are subject to a fine of at least TT\$500,000 (\$74,600) and imprisonment for at least 15 years. Penalties were sufficient to deter violations. The Counter-Trafficking Unit, housed within the Ministry of National Security, is charged with investigating potential forced labor cases and with referring cases for prosecution.

There were no confirmed cases of forced labor, or specific cases reported by NGOs or media. There were no prosecutions or convictions through October. One of the cases brought to the court in 2015 concluded in the magistrate court, with a decision pending as to whether it would progress to the High Court.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum age for employment in public and private industries at 16. Children ages 14 to 16 may work in activities in which only family members are employed or that the minister of education approved as vocational or technical training. The law prohibits children under 18 from working between the hours of 10 p.m. and 5 a.m. except in a family enterprise or within other limited exceptions. There is no clear minimum age for hazardous activities.

Violation of child labor laws is punishable by six months' imprisonment or a fine of TT\$2,500 (\$373). In cases of child trafficking, including forced or exploitive child labor, perpetrators are subject to fines of TT\$ one million (\$150,000) and 20 years' imprisonment. These penalties were sufficient to deter violations.

The government was generally effective in enforcing child labor laws, and the penalties were sufficient to deter violations, but there were anecdotal reports of children working in agriculture or as domestic workers. The Ministry of Labor and Small Enterprise Development and the Ministry of the People and Social Development are responsible for enforcing child labor laws. There were 18 labor inspectors in the Labor Inspectorate Unit in 2016, compared with 10 in 2015,

trained to investigate and identify cases of child labor and also to identify and report on indicators relating to possible cases of forced labor involving children.

The minister may designate an inspector to gather information from parents and employers regarding the employment of a person under 18. The Industrial Court may issue a finding of contempt against anyone obstructing the inspectors' investigation.

The government did not have comprehensive mechanisms for receiving, investigating, and resolving child labor complaints. There were anecdotal reports of children engaged in the worst forms of child labor in the small-scale agricultural sector and domestic service.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The law and regulations do not prohibit employment discrimination on the basis of political opinion, sexual orientation, gender identity, language, age, disability, or HIV status or other communicable disease. The government effectively enforced those laws and regulations. Discrimination in employment occurred with respect to disability, and women's pay lagged behind men's outside the public sector.

#### **e. Acceptable Conditions of Work**

The national minimum wage was greater than the official poverty income level of TT\$665 (\$99) per month.

The law establishes a 40-hour workweek, a daily period for lunch or rest, and premium pay for overtime. The law does not prohibit excessive or compulsory overtime. The law provides for paid leave, with the amount of leave varying according to length of service. Workers in the informal economy reported wages above the national minimum wage but reported other areas of labor laws including the number of hours worked were not enforced. There were an estimated 30,000 domestic workers not covered by labor laws.

The law sets occupational health and safety standards, which were current and appropriate for the main industries in the country. The Ministry of Labor and Small Enterprise Development was responsible for enforcing labor laws related to

minimum wage and acceptable conditions of work, while the Occupational Safety and Health Agency enforced occupational health and safety regulations, which apply to all workers in the formal economy, regardless of citizenship. Local labor laws generally protected foreign laborers brought into the country, a stipulation usually contained in their labor contract. Resources, inspections, and penalties appeared adequate to deter violations. The Occupational Safety and Health Act provides a range of fines and terms of imprisonment for violations of the law, but despite these penalties a number of violations occurred.

The Occupational Safety and Health Act provides workers the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities generally protected this right.