

TRINIDAD AND TOBAGO 2019 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 the 2015 elections, 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.

The Ministry of National Security oversees three major divisions: police, immigration, and defense. Police maintain internal security. The defense force, which includes the coast guard, is responsible for external security but also has certain domestic security responsibilities. The coast guard is the main authority responsible for maritime border security in places where there are no official ports of entry. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included: serious acts of corruption and laws criminalizing same-sex sexual conduct between adults, although those laws were not enforced and their constitutionality was being litigated.

The government took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses, but impunity persisted.

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.

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 law prohibits such practices, there were reports that police officers and prison guards sometimes used excessive force.

Prison and Detention Center Conditions

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

Physical Conditions: Gross overcrowding was a problem. All prisons had inadequate lighting, ventilation, and sanitation facilities. Conditions at the sole women's prison were better than those in other prisons.

Administration: Authorities conducted investigations of credible allegations of mistreatment.

Independent Monitoring: The government did not permit outside observers, such as the United Nations, the International Committee of the Red Cross, or other nongovernmental organizations (NGOs), to monitor the Immigration Detention Center. The government permitted monitoring of other prisons and detention centers by UN officials and independent human rights organizations.

Improvements: Government repair projects improved physical conditions at some detention facilities.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

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 must be charged and appear in court within 48 hours, and the government respected this standard. There is a functioning bail system, and bail is ordinarily available for those accused of most crimes. Persons accused of murder, treason, piracy, kidnapping for ransom, or hijacking, as well as persons convicted twice of violent crimes, are ordinarily ineligible for bail for 120 days. Authorities granted detainees immediate access to a lawyer.

The minister of national security may authorize preventive detention to protect public safety, public order, or national defense; the minister must state the grounds for the detention.

Pretrial Detention: Lengthy pretrial detention continued to be a problem. Pretrial detainees represented more than half the prison population. Most detainees' trials began seven to 10 years after their arrest, although some spent even longer in pretrial detention. The length of pretrial detention frequently equaled or exceeded the maximum sentence for the alleged crime. Officials cited several reasons for the backlog, including the burden of the preliminary inquiry process. The law requires anyone charged and detained to appear in person for a hearing before a magistrate every 10 days, even if it is only to have the case postponed for an additional 10 days. This case load created further inefficiency.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. Criminal defendants enjoy the right to a presumption of innocence; to be informed promptly of the charges; to receive a fair, timely, and public trial; to be present at their trial; to communicate with an attorney of their choice or have one provided at public expense if unable to pay; to have adequate time and facilities to prepare a defense; to receive free assistance of an interpreter for any defendant who cannot understand or speak English; to confront prosecution or plaintiff witnesses and present their own witnesses and evidence; not to be compelled to testify or confess guilt; and to appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights violations through domestic courts and may appeal adverse decisions to the Inter-American Commission on Human Rights.

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

The law prohibits 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 law provides 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, including for the press.

Freedom of Expression: The Sedition Act defines seditious intent as an intention to bring contempt and hatred to the government; to raise disaffection among inhabitants of Trinidad and Tobago; to engender or promote feelings of hostility against any class of citizens of Trinidad and Tobago distinguished by race, color, religion, or profession; or to promote violence against a particular group.

The government charged Watson Duke, president of the Public Services Association, a labor union, with sedition in August. The charges stemmed from Duke's statement at a press conference that his union members were willing to die if the government came to take their jobs. Some commentators expressed concern that Duke was targeted for his frequent criticism of the government, and they criticized the Sedition Act as an outdated colonial law. After the incident the government expressed willingness to update the law, but it did not drop the charges against Duke. Duke was free on bail awaiting trial.

Violence and Harassment: The government charged a police constable and the chief executive officer of A&V Oil Gas Limited with assaulting *Trinidad Guardian* photographer Kristian De Silva. The case was dismissed in September but later refiled by the director of public prosecutions. As of November the matter was pending.

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.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The law provides 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 <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. The government agreed to let the Office of the UN High Commissioner for Refugees (UNHCR) conduct refugee status determinations. Thousands of UNHCR's determinations affirmed refugee status. A positive determination by UNHCR, however, did not confer recognition by the government of an individual as a refugee or otherwise affect the person's legal status in the country.

Durable Solutions: The government collaborated with UNHCR to facilitate transit of a few refugees to countries that had offered them resettlement.

Temporary Protection: In response to a large influx of Venezuelans, the government conducted a one-off registration exercise in June and agreed to allow registrants to reside, work, and access emergency health services in the country for one year from their date of registration. Approximately 16,500 Venezuelans registered with the government. Registration was unavailable to those who arrived after or who failed to register during the June exercise. Refugee children could not access public education, however, even if they were registered.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The law provides 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 (PP), led by Kamla Persad-Bissessar, winning 23 parliamentary seats to the PP's 18 seats. Commonwealth observers considered the elections generally free and fair.

Participation of Women and Minorities: No laws limit participation of women 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 with impunity. There were reports of government corruption during the year.

Corruption: Corruption remained a problem at many levels of government. Senior police officials acknowledged that officers participated in corrupt and illegal

activities, often accepting bribes to facilitate drug, weapons, and human smuggling, as well as human trafficking.

Opaque public procurement processes continued to be of concern. There were continued allegations that some politicians and ministers had close relationships with gang leaders and facilitated procurement and contracting of road, bridge, and construction projects to companies owned and operated by criminal enterprises.

During the year high-profile corruption cases were initiated against current and former officials from each of the two main political parties. On May 2, police arrested former attorney general Anand Ramlogan and Senator Gerald Ramdeen. Prosecutors charged both with conspiring to engage in money laundering, corruption, and misbehavior in public office. On August 12, prosecutors charged Minister of Public Administration and Member of Parliament Marlene McDonald with seven criminal charges: three charges of misbehavior in public office, three charges of conspiracy to defraud the state, and one charge of money laundering.

Financial Disclosure: The law mandates that senior public officials disclose their assets, income, and liabilities to the Integrity Commission, which monitors, verifies, and publishes disclosures. The commission publishes a list annually of officials who failed to file by the deadline. The law provides criminal penalties for failure to comply, but there were no prosecutions.

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 and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Government Human Rights Bodies: The Office of 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 in cases of spousal rape. The law criminalizes domestic violence and 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 did so rarely.

Rape and domestic violence remained serious and pervasive problems. According to the UN Global Database on Violence against Women, 30 percent of women in the country experienced physical or sexual violence from an intimate partner in their lifetime, and 19 percent experienced sexual violence from a nonpartner.

Victims of rape and domestic violence had access to national crisis hotlines and through a law enforcement referral could access temporary shelter and psychosocial services. The police service provided resources to their Victim and Witness Support Unit to encourage reporting rape and domestic violence. The government was training a domestic violence unit of the police service.

Sexual Harassment: The law does not criminalize sexual harassment. In March Minister of Labour and Small Enterprise Development Jennifer Baptiste-Primus launched a national workplace policy on sexual harassment, citing the 2017 National Women's Health Survey for Trinidad and Tobago. The survey stated 13 percent of women experienced sexual harassment at work, in public transport, and in public spaces, and that as many as 84 percent of instances of sexual harassment were not reported.

The Ministry of Labour and Small Enterprise Development reported that disputes involving sexual harassment between 2016 and 2018 were 69 percent of all disputes reported during that period, a 38 percent increase since 2015.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for the same legal status and rights for women as for men, and the government enforced the law effectively.

Children

Birth Registration: Every person born in the country is a citizen at birth, unless the parents are foreign envoys accredited to the country. A child born outside the country can become a citizen at birth if either parent is a citizen. The law requires every child be registered within 42 days of birth. Registration is required to access public services.

Education: Education is free and compulsory between the ages of five and 16. There are significant differences between boys and girls in enrollment, attendance, and completion in public schools. Nearly 60 percent of all dropouts between 2012 and 2019 were boys. Boys' enrollment in primary schools exceeded that of girls, but by the upper secondary level girls outnumbered boys.

Child Abuse: The law prohibits corporal punishment of children. According to NGOs, however, abuse of children in their own homes or in institutional settings remained a serious problem. Penalties for child abuse can include a fine of up to 10,000 Trinidad/Tobago dollars (\$1,500), two years' imprisonment, or both.

Early and Forced Marriage: The legal minimum age of marriage is 18.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation of children through the sale, offering, or procuring for prostitution, and any practices related to child pornography. Authorities enforced the law.

The age of sexual consent is 18, and the age of consent for sexual touching is 16.

International Child Abductions: The country 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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There were fewer than 100 Jewish persons 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 <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination based on disability but does not mandate equal access for persons with disabilities. Persons with disabilities faced discrimination, stigma, and denial of opportunities, including access to employment and education. Persons who believe they are being discriminated against can file a complaint with the Equal Opportunity Commission for conciliation. Complaints that remained unresolved may be brought before the Equal Opportunity Tribunal, a superior court that has the power to impose fines, make orders for compensation, and grant injunctions.

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

The law criminalizes consensual same-sex sexual conduct between adults, but the government did not enforce it, and a court ruling deemed the law unconstitutional. The government's appeal of the ruling was pending and was intended to make the ruling settled law.

The law decriminalizes sexual exploration between minors who are close in age but specifically retains language criminalizing the same activity among same-sex minors.

The law does not specifically prohibit discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. There were reports of harassment and threats against LGBTI persons, but victims tended to avoid media attention, and discrimination did not appear to be serious or widespread.

HIV and AIDS Social Stigma

Stigmatization of persons with HIV persisted, especially of persons in high-risk groups, creating barriers to access and uptake of prevention and treatment services. The government's HIV and AIDS Unit coordinated 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 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. A union must have the support of an absolute majority of workers to obtain bargaining rights. Employees providing essential services do not have the right to strike; these employees negotiate with the government's chief personnel officer to resolve labor disputes. The law stipulates that only strikes over unresolved labor disputes may take place, and that authorities may prohibit strikes at the request of one party unless the strike is called by a union representing a majority of the workers. The minister of labor may petition the court to curtail any strike he deems harmful to national interests.

The law prohibits employers from discriminating against workers due to union membership and mandates reinstatement of workers illegally dismissed for union activities.

The law's definition of a worker excludes domestic workers (house cleaners, chauffeurs, and gardeners), but domestic workers had an established trade union that advocated for their rights.

The government effectively enforced applicable laws, although there was little information on specific penalties or on whether the penalties were sufficient to deter violations.

A union must have the support of an absolute majority of workers to obtain bargaining rights. This requirement limits 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 a further 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.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor. The government enforced the law effectively, and penalties were sufficient to deter violations.

In June police officers from Trinidad's Countertrafficking Unit rescued two Chinese nationals forced to work at a Chaguanas factory against their will. A businessman brought the couple to the country and told them they would be employed as chefs at a popular Chinese restaurant. After the couple arrived, their passports were taken away and they were forced to work in the factory.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

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

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, as domestic workers, or involved in commercial sexual exploitation as a result of human trafficking.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits employment discrimination on the basis of political opinion, sexual orientation, gender identity, language, age, disability, and HIV status or other communicable disease. The government generally enforced the law effectively, but discrimination in employment occurred with respect to disability, and women's pay lagged behind men's, especially in the private sector.

e. Acceptable Conditions of Work

The national minimum wage was greater than the official poverty income level.

Workers in the informal economy reported wages above the national minimum wage but reported other areas of labor laws, including limits on the number of hours worked, were not enforced.

The Ministry of Labor and Small Enterprise Development is responsible for enforcing labor laws related to minimum wage and acceptable conditions of work. The Occupational Safety and Health Agency enforced occupational safety and health and regulations. Resources, inspections, and penalties appeared adequate to deter violations. The law provides a range of fines and terms of imprisonment for violations of the law, but despite these penalties, a number of violations occurred.

Occupational safety and health (OSH) standards are appropriate for the main industries in the country. Responsibility for identifying unsafe situations remained with OSH experts and not the worker. The law gives workers the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities generally protected this right. According to government statistics, there were 81 critical accidents and 10 fatalities in the workplace between 2017 and 2018.

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.

Domestic workers, most of whom worked as maids and nannies, are covered by labor laws.