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Universal Periodic Review

## Report of the Working Group on the Universal Periodic Review\*

### Trinidad and Tobago

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\* The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twelfth session from 3 to 14 October 2011. The review of Trinidad and Tobago was held at the 5th meeting on 5 October 2011. The delegation of Trinidad and Tobago was headed by Dennis Francis, Permanent Representative, Permanent Mission of Trinidad and Tobago to the United Nations Offices at Geneva. At its 9th meeting held on 7 October 2011, the Working Group adopted the report on Trinidad and Tobago.
2. On 20 June 2011, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Trinidad and Tobago: the Philippines, United States of America and Peru.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Trinidad and Tobago:
  - (a) A national report submitted and a written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/12/TTO/1);
  - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/12/TTO/2 and Corr.1);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/TTO/3).
4. A list of questions prepared in advance by the Netherlands, Slovenia and the United Kingdom of Great Britain and Northern Ireland was transmitted to Trinidad and Tobago through the troika. These questions are available on the extranet of the universal periodic review (UPR).

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. Trinidad and Tobago stated that it views the review process as a welcome opportunity to share with the international community and the Council its progress in human rights and to receive the Council's views on how best any gaps might be filled. It was added that, since 31 August 1962, when Trinidad and Tobago became a sovereign, democratic State, it has adopted policies and practices to recognize and protect the fundamental rights and freedoms of its citizens. These rights are enshrined in its Constitution.
6. Trinidad and Tobago explained that in preparing for the review it had undertaken a thorough consultation process involving all the relevant stakeholders, including Government ministries and departments and civil society organizations.
7. Trinidad and Tobago also indicated that the Government had given priority to the protection of women and children, poverty reduction and reducing the incidence of violent crime in Trinidad and Tobago. Additionally, it is committed to raising the standard of living of persons by enhancing the educational system, providing a higher level of accessibility and support to differently abled persons and improving the welfare of those living with HIV/AIDS.

8. It was explained that, in an effort to stimulate public awareness and stem problems related to stigma and discrimination of those infected and affected by HIV/AIDS in the workplace, the Government had adopted a National Workplace Policy on HIV/AIDS and established an Advocacy and Sustainability Centre for its implementation. Additionally, the Equal Opportunity Amendment Bill, 2011, had been drafted to include among the various classifications of discrimination “HIV/AIDS” and “age” as categories under which protection should exist.

9. Trinidad and Tobago explained that, in a small society with very conservative values and deep religious traditions, effecting change to personal attitudes and community values was no easy task. This notwithstanding, it was noteworthy that, in recent debates on the Statutory Authorities (Amendment) Bill, the need to have definitive deliberations to resolve issues related to the treatment of same sex couples was raised in the Parliament.

10. Trinidad and Tobago stated that the Government had made the reduction of violent crime a top priority. It had therefore taken drastic steps with the enactment of various pieces of legislation such as the Anti-Gang Act, 2011 and the Trafficking in Persons Act, 2011.

11. It was added in that regard that, on 21 August 2011, Prime Minister Persad-Bissessar had announced that the Government had agreed to impose a State of Emergency to deal with escalating crime. In explaining the Government’s rationale for the state of emergency, the Prime Minister linked the recent surge in violent criminal activity to the success of the police in the seizure of large drug hauls and described the current situation in Trinidad and Tobago with the imposition of the State of Emergency as “a war on crime”. The duration of the state of emergency was initially declared for 15 days, but was subsequently extended for three months.

12. Trinidad and Tobago noted that it was mindful of the potential for the state of emergency to impact on the civil liberties of the citizenry and had therefore put in place mechanisms to minimize intrusions, including the requirement that security forces avoid abuse to the population. It was added that the Government had repeatedly stated in public that it had no intention of curtailing the constitutional freedoms and rights of the people of Trinidad and Tobago for a minute longer than was adjudged to be absolutely necessary.

13. Trinidad and Tobago indicated further that the Government had also established the Financial Intelligence Unit to focus specifically on transnational crime and had moved swiftly to make the country compliant with international standards through the enactment of the Anti-Terrorism (Amendment) Act, 2010, and the Interception of Communication Act, 2010, which criminalized the financing of terrorist activities.

14. Moreover, the Government had taken steps to protect its citizens from technology related crimes through the passage of the following laws: the Computer Misuse Act, 2000, the Electronic Transfer of Funds Crime Act, 2000 and the Data Protection Act, 2011, to afford protection to electronically stored personal data.

15. It was highlighted that the Government was vigorously addressing the bottlenecks that existed in the judicial system particularly in relation to pretrial detention. The Ministry of Justice is in the process of reviewing the Indictable Offences (Preliminary Enquiry) Act, 1917, with the goal, in principle, that once charged, accused persons should be brought before the Courts in one year.

16. Trinidad and Tobago noted that the Government had created a mechanism allowing members of the public to lodge complaints against police officers and to curb the use of unnecessary force by the police service. Additionally, the Police Service had recently implemented the “Policing for People Initiative” to provide officers with the training required to improve the overall quality of policing. It had also been the practice in recent

years for middle-rank officers of the Police Service to participate in regional training programmes on the relationship between human rights and policing.

17. Trinidad and Tobago then recalled that section 4 (a) of the Constitution recognized the right of the individual to life, liberty and the security of the person and the right not to be deprived thereof except by due process of law. It added that Trinidad and Tobago, which retained the death penalty as part of its domestic legal system, was of the view that the application of the death penalty was a matter of criminal justice.

18. It was noted further that implementation of the death penalty had been in abeyance since 1999. The Government was currently reviewing its laws with respect to the death penalty and recently piloted the Constitutional (Amendment) (Capital Offences) Bill, 2011, to create three categories of murder limiting the death penalty to the most heinous crimes with life imprisonment as an alternative punishment. That legislation was defeated in the Parliament.

19. Trinidad and Tobago stated that the Government was mindful that support existed for the retention of the death penalty and that, given the alarming murder statistics, the timing was not optimal for its repeal. It was further noted that the Government was also obliged to take into account the ruling of the Privy Council in the judgment of *Charles Mathew v. The State 2004*, which determined that the sentence of death for murder in Trinidad and Tobago was mandatory and not discretionary. It was indicated that a vibrant debate persisted within the national community on the issue to which Government must be sensitive.

20. Trinidad and Tobago explained that various policy mechanisms were in place to protect and promote the rights of prisoners. The Penal Reform and Transformation Unit was established in 2002 to review the penal system. Since then, further reforms towards a system of restorative justice had been implemented. It was also noted that the treatment of prisoners was based on the Standard Minimum Rules for the Treatment of Prisoners. Moreover, initiatives were under way to update these standards. Strategies had also been adopted to meet the needs of incarcerated parents in order to ensure that relationships with their children were maintained.

21. Trinidad and Tobago then indicated that, with a view to protecting the human rights of victims of human trafficking, illegal immigrants, undocumented workers, asylum-seekers and refugee claimants, the State had established in November 2009 the Immigration Detention Centre.

22. Trinidad and Tobago addressed the social aspect of human rights promotion and protection. Regarding poverty reduction as it related to women, the Ministry of Gender, Youth and Child Development had developed the “Women in Harmony” and the “Non-traditional Skills Training” programmes to improve the status of unskilled women who headed households as single parents.

23. It was added that the State recognized that more needed to be done to achieve gender equality and sensitivity throughout the society. Trinidad and Tobago highlighted that the coming to office of the Honourable Kamla Persad-Bissessar as the first female Prime Minister of Trinidad and Tobago telescoped important messages to the society about the multivariate contribution that women can make to the development of Trinidad and Tobago. The Prime Minister recently announced the adoption of a gender-sensitive formula for the allocation of financial resources in the budget for fiscal 2011/12.

24. Moreover, the Gender Equity Institute had also been established with responsibility for the implementation of programmes and projects to advance gender equity and promote the elimination of discrimination.

25. It was also stated that the Government recognized that, as in any society, women fell victim to domestic violence, sexual harassment and other forms of emotional and verbal abuse. Accordingly, in addition to specific legislation covering many of these offences, women were also protected under the Sexual Offences Act, 1986.

26. Trinidad and Tobago had adopted and strengthened its policies to promote the better integration of differently abled persons into society while preserving their independence and dignity. A Disability Affairs Unit and a National Coordinating Committee on Disability were established and functioning. Moreover, a Draft National Policy on Persons with Disabilities and a Draft Disabilities Bill are under consideration.

27. Trinidad and Tobago also referred to the Government's initiative to improve the standard of living of the differently abled, the availability of fully-funded home care and assistance from health care professionals. Additionally, special provision had been made for the integration of children living with disabilities into the educational system.

28. Trinidad and Tobago stated that the Government regarded the protection of the human rights of its children as an extremely serious matter and strongly believed that children were not mini-human beings with mini-human rights. Thus, along with various programmes, grants and activities geared towards child development, the Children's Life Fund with the accompanying legislation, the Children's Life Fund Act, 2010, have been established.

29. Trinidad and Tobago noted that, while the defence of the rights of children was an ongoing national concern, society in the country had traditionally practised corporal punishment as a legitimate form of discipline for youngsters. It was added that this was of concern to the Government and that practical steps had been taken to reverse it. The Ministry of Education, in its National School Code of Conduct, May 2009, specifically forbade the use of corporal punishment.

30. Moreover it was indicated that currently, the Children's Bill 2011 was being considered by the Cabinet as a preparatory step to having it laid in Parliament. This Bill would address the sale of children, child pornography, and child prostitution. Additionally, under the Trafficking in Persons Act, 2011, child pornography was a form of criminal exploitation.

31. Trinidad and Tobago noted that, as a small island developing State, it was cognizant of the distinct link between global climate change and human rights. Thus, with financial assistance from the European Union, the Office of Disaster Preparedness and Management had produced a National Response Framework related to the management of natural disasters compatible with the Hyogo Framework for Action.

32. Trinidad and Tobago further indicated that the Ministry of the Attorney General in conjunction with the Equal Opportunities Commission was in the process of developing a nationwide human rights awareness campaign. A feasibility study was conducted to determine the most effective mechanism to reach the widest demographic by the International Law and Human Rights Unit of the Ministry.

33. It was highlighted that two specific Millennium Development Goals (MDGs) towards which Trinidad and Tobago had made significant progress were the reduction of extreme poverty and surpassing the target for universal primary education, with citizens now benefiting from free preschool, primary, secondary and tertiary education. Trinidad and Tobago declared nevertheless that it is conscious of the challenges that remain. It must be borne in mind that national capacity to fully implement certain human rights obligations were constrained by increased pressure on available national resources. The Government of Trinidad and Tobago therefore wished to express its appreciation to its international partners for their support for national development initiatives.

34. Trinidad and Tobago noted that its national report detailed the country's commitments, priorities, achievements and challenges. It welcomed an engaging dialogue with the Council, and stated that it was keen to hear recommendations as it looked forward to a fruitful discourse. The State's commitment to continuing to work purposively on human rights issues and maintaining a high level of ambition accordingly was underscored.

35. Trinidad and Tobago recognized, however, that ensuring respect for international human rights and meeting its obligations under various international treaties was a continuous and complex process. Trinidad and Tobago was prepared to undertake an objective evaluation of the comments and recommendations of members of the Council with a view to assisting in further strengthening the national framework for the promotion and protection of human rights.

36. In closing, Trinidad and Tobago restated the Government's full commitment to furthering its efforts to address any identifiable gaps in implementation. It was recalled that, as proudly declared in Trinidad and Tobago's National Anthem, every creed and race, must find an equal place in Trinidad and Tobago. It was added that, while not explicitly stated in those words, in modern Trinidad and Tobago, the Government was resolute in its belief that so too must gender.

## **B. Interactive dialogue and responses by the State under review**

37. During the interactive dialogue, 38 delegations made statements. Recommendations made during the dialogue are to be found in chapter II of the present report.

38. Algeria noted the engagement of Trinidad and Tobago with human rights manifested in its programmes, notably the Programme of Financial Aid for needy patients and those suffering chronic diseases. It noted the "eConnect and Learn" programme and its considerable advances in the fight against discrimination. It noted that the situation of women remained a challenge. It made recommendations.

39. Sri Lanka commended Trinidad and Tobago for the National Cultural Policy based on respect for ethnic and cultural diversity. It noted the reduction of extreme poverty and the achievement of the MDG on education and welcomed its commitment to providing free public education. It hoped that the Children's Bill would be passed. Sri Lanka commended Trinidad and Tobago for providing State-funded medication for non-communicable diseases. Sri Lanka made recommendations.

40. Singapore noted that Trinidad and Tobago had made remarkable progress achieving Millennium Development Goals. It welcomed Trinidad and Tobago commitments' to poverty reduction and economic growth. Singapore noted that Trinidad and Tobago provided free education to all. Singapore commended Trinidad and Tobago for improving the legal and operational framework of child protection. Singapore made recommendations.

41. Malaysia commended Trinidad and Tobago for its commitment to improving socioeconomic development. It noted that Trinidad and Tobago made progress towards meeting the MDG goals. Malaysia also noted that Trinidad and Tobago had implemented new measures to safeguard and protect the security of its citizens from criminal activity and inquired how such legislation could mitigate the impact of criminal activity. Malaysia made recommendations.

42. Cuba noted the progress of Trinidad and Tobago in the fields of health and education, despite the challenges that persisted in the Caribbean country. It noted the country had achieved universal primary and secondary education and achieved goal 3 of the third Millennium Development Goal by eliminating disparities between sexes in primary and secondary education. It also highlighted the "eConnect and Learn" programme and the

creation of the Fund for Life of Children and programmes for the treatment of non-communicable diseases, cancer and antiretroviral drugs. It made recommendations.

43. United Kingdom welcomed the Government's ongoing review of the death penalty. It hoped that the adoption of a multitiered classification for murder would hand presiding judges the power to make a decision on sentencing, and preclude the mandatory imposition of the death penalty. It recognized the work undertaken to address discrimination against women. It asked when existing legislation on sexual harassment and violence against women would be implemented and when specialized rape and sexual offences units would become operational within police stations. It noted that measures concerning a State of Emergency should be fully justified and used only in exceptional circumstances. It made recommendations.

44. France noted that Trinidad and Tobago was party to a number of international and regional human rights instruments and that its Constitution recognized fundamental rights and freedoms. It noted that, even if the last execution in the country was in 1999, the death penalty was still in force. It welcomed the establishment of an independent and impartial entity to deal with police complaint, noting however its mandate remained undefined. France also noted that certain provisions of the Criminal Code criminalized sexual relations between consenting adults of the same sex. It made recommendations.

45. Slovenia commended the Government for the establishment of the national steering committee for the prevention and elimination of child labour and encouraged it to continue its efforts on this field. Slovenia noted that it was not a party of some core universal human rights treaties, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights and some others. Slovenia regretted that the Government had decided to withdraw from the First Optional Protocol to the International Covenant on Civil and Political Rights. It made recommendations.

46. Nicaragua noted the progress of Trinidad and Tobago in the construction of a solid legislative and institutional framework. It noted that, despite the current global economic and financial crisis, Trinidad and Tobago had kept its priorities and congratulated it for its social programmes. It highlighted health and education programmes and financial assistance to the most vulnerable. It also highlighted the country's achievements in security for citizens through weapons control, fight against drug trafficking, terrorism and human trafficking. It made recommendations.

47. Australia welcomed the Government's commitment to better protecting the rights of women, children, the elderly and the disabled, and advancing the economic and social rights of its citizens. Australia continued to be concerned by reports of excessive use of police force and by reports on the treatment of detainees. Australia encouraged Trinidad and Tobago to thoroughly investigate claims by members of the public of extrajudicial killings by police and urged it to make the findings of those investigations public. It urged Trinidad and Tobago to establish a moratorium on the death penalty as an interim measure towards full abolition. It made recommendations.

48. Canada commended the establishment of the Victim Support Units within the Police Service, but raised its concern over the issue of violence against women and children. It regretted that death sentences continued to be handed down by courts and was concerned by the bill aimed at reforming the Constitution regarding the death penalty. It was also concerned about reports of problems related to the police force and the persistence of discrimination based on sexual orientation and gender identity. It made recommendations.

49. New Zealand noted that successive Governments had repudiated the use of torture and acknowledged the need to make improvements in prison conditions. It also noted that



the Government was currently considering a draft national policy on persons with disabilities and a draft disabilities bill. Additionally, it highlighted that girl children deserved protection from early marriage and noted that violence against women remained a problem. It suggested that prevention of HIV/AIDS infection became easier when sexual relations between same sex adults were legal. It made recommendations.

50. Brazil commended Trinidad and Tobago for its progress in achieving MDGs, such as the elimination of gender disparity in education. It noted that, in 2010, it had elected its first female Prime Minister and commended the introduction of strategies to increase the number of women in decision-making bodies. It expressed concern over the high incidence of violence against women and praised the establishment of the Victim Support Units. It also commended the country's HIV/AIDS policy. It made recommendations.

51. Ghana applauded Trinidad and Tobago for its provision of free education from primary to tertiary levels. It also commended the wide array of social intervention schemes and legal frameworks, including the domestication of international conventions, in support of the weak in society. It noted the incidence of violent crime in the country. It made recommendations.

52. Regarding questions and observations on the death penalty, Trinidad and Tobago drew attention to the fact that, although no declaratory statement had been made by the Government on a moratorium on the death penalty, in fact, since 1999 there had been a functional moratorium on such penalties, none of which had been implemented since that year. It was added that a rich debate within the Government and society regarding the issue was continuing. Trinidad and Tobago noted that in a situation where violent crime was widespread it was a great challenge for a Government to risk giving the impression that it was not adequately combating crime.

53. Trinidad and Tobago acknowledged that violence against women remained an area of concern and that the Government was committed to dealing with the issue. Nevertheless, there were resource constraints, particularly regarding the ability to fund the mechanisms and facilities that afforded protection to women in such situations. Therefore, the gap tended to be filled by non-governmental organizations (NGOs) with the support of the Government. It clarified that some victim support units had been established within police service. Moreover, awareness exists of the importance of sensitizing the police establishment on that issue.

54. Germany noted that Trinidad and Tobago had imposed a state of emergency in August 2011 in response to violent crime. It understood the country's preoccupation with the high crime rate but noted concerns over unjustified violence during arrests. It asked how the country plans to step up efforts to ensure the observance of human rights standards by security forces. It noted an initiative for constitutional reform in order to render the death penalty legally feasible again and expressed concern over the criminalization consensual same-sex relations between adults. It made recommendations.

55. Uruguay noted the efforts of Trinidad and Tobago to achieve MDGs, especially its advances in the reduction of extreme poverty, free education, and the elimination of gender disparity in education. It expressed concern over stereotypes regarding men and women in society and family, and the presence of gender violence. It noted that the death penalty in the country was only applied in cases of homicide and treason and had been suspended since 1999. It noted the revision of the law that forbade corporal punishment. Uruguay made recommendations.

56. Slovakia commended Trinidad and Tobago for the establishment of the National Steering Committee for the Prevention and Elimination of Child Labour. It also took note of the support rendered by the Government towards the organization of the regional workshop on establishing national human rights institutions in compliance with the

principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), in cooperation with OHCHR, in 2011. Slovakia made recommendations.

57. South Africa commended the attention afforded by Trinidad and Tobago to the advancement of economic, social and cultural rights. It noted concerns expressed by the Committee on the Rights of the Child related to education such as inadequate infrastructure, material shortages in schools and reports of classroom violence and asked for further information on the steps taken in this regard. South Africa welcomed the priority given to the health sector. It inquired about steps taken to address the high rate of infant and maternal mortality and efforts undertaken to strengthen prenatal and postnatal care. It made recommendations.

58. Turkey commended efforts by Trinidad and Tobago to achieve millennium development goals 2 and 3. It also noted that Trinidad and Tobago was the first country in the world to adopt legislation for the recording and economic valuation of the unremunerated work by women. Turkey welcomed the enactment of the Anti-Terrorism Act, the Interception of Communications Act and the Financial Intelligence Unit. Turkey appreciated the ongoing public debate and Government consideration regarding the limitation of the death penalty only to certain types of crime. It made a recommendation.

59. Argentina welcomed the significant progress of Trinidad and Tobago in 2011 in the approval of legislation to prevent human trafficking and for the achievements seen in political participation of women. It made recommendations.

60. Hungary expressed appreciation of recent efforts to combat criminal activity through the implementation of various measures, including the adoption of the 2011 Anti-Gang Act and the 2011 Trafficking in Persons Act. Hungary was concerned about widespread allegations of excessive use of force by law enforcement and prison officers, including alleged unlawful killings and ill-treatment cases. It applauded efforts to address child abuse and negligence, although it regretted that the Children's Authority Act had not been fully implemented. It made recommendations.

61. Spain welcomed the country's progress in the democratization of its institutions and encouraged it to continue achieving better levels of well-being for its citizens. It noted in particular efforts to offer universal access to primary and secondary education. It made recommendations.

62. China recognized achievements in protecting human rights, noting particularly progress in gender equality, promoting education and development, protecting the rights of the child and protecting victims of domestic violence. China was conscious of the numerous difficulties facing Trinidad and Tobago as a developing country. It appealed to the international community to provide constructive support to Trinidad and Tobago. China suggested that Trinidad and Tobago would remain committed to reducing poverty, removing the gap between the rich and poor, and providing better social security to people in poverty.

63. Maldives inquired on measures being considered to strengthen safeguards for young women in relation to the prevention of teen pregnancies. Additionally it inquired how OHCHR could help in current efforts to eliminate violence against women. It also asked for the Government's view on how working with national and international NGOs and the treaty body mechanism could strengthen its custodial and penitentiary system to prevent torture. Finally, it asked for elaboration on how the adverse effects of climate change affected the enjoyment of human rights. It made recommendations.

64. Ecuador congratulated Trinidad and Tobago for its efforts, underpinned by political stability and economic growth. It highlighted advances in the achievement of the

Millennium Development Goals; the ratification of a good part of international human rights conventions; approval of legislation to allow for better access to justice; implementation of social programmes, especially those related to vulnerable peoples; and initiatives to achieve gender equality and end racial discrimination. It welcomed the election of the country's first female Prime Minister. It made recommendations.

65. Romania noted that Trinidad and Tobago is a vibrant democracy and welcomed the commitment towards meeting the Millennium Development Goals. It appreciated the fact that the national report identifies the challenges in the human rights protection and promotion system. It congratulated the country for the establishment of comprehensive system for protection of human rights and the action of the Government to ensure the economic, social, and cultural rights. It made recommendations.

66. Chile highlighted the advances of Trinidad and Tobago in its human rights agenda, particularly in economic, social and cultural rights. It also highlighted the creation of policies for disaster risk reduction. It noted that the country had achieved the second millennium development goal on universal education. It highlighted "eConnect and Learn" programME and congratulated the country for its measures to promote gender equality, in particular for its first female Prime Minister. It made recommendations.

67. Latvia noted that country has cooperated with special procedures mandate holders. It also noted that Special Rapporteur on extrajudicial, summary or arbitrary executions had expressed willingness to visit Trinidad and Tobago in 2006; however, the request had not been accepted yet. It made a recommendation.

68. Mexico recognized the country's progress in poverty reduction and the achievement of gender equality in primary and secondary education. It noted with satisfaction the country's long-term vision through its "seven pillar" strategy to promote sustainable development. It made recommendations.

69. Trinidad and Tobago stated that violence in the school system was an issue of grave concern and that the Government had established a violence prevention programme in primary and secondary system which had begun to yield results.

70. Trinidad and Tobago clarified that several existing laws addressed the phenomenon of gender-based violence. It added that such behaviour was not acceptable in society and that increasingly intervention programmes targeting men had been implemented in the community.

71. It clarified that laws criminalizing same-sex activity were not enforced, although it was acknowledged that there were very entrenched views in some sectors of society regarding the matter. Nevertheless a dialogue on the issue had begun.

72. It explained that the immigration laws were being reviewed and it was not yet clear what the result of the review would be. Moreover a new policy to afford easier access to HIV care and services for migrants was being developed.

73. Trinidad and Tobago clarified that the law that currently stated that the mandatory age for education of 5–12 years would be changed to 5–16 under the Children's Bill and that the practice was already widely thus. Regarding gender equity, in Trinidad and Tobago women had, over the last decade, consistently performed much better than men, a phenomenon, which was a challenge.

74. Trinidad and Tobago provided details of the recent changes and effects of climate change on the country, particularly rising food prices resulting from flooding, and action taken by the Government in that regard.

75. Guatemala congratulated Trinidad and Tobago for its progress in poverty reduction and combating crime through its 2001 Anti-Gang Law. It also congratulated the country for

its achievements in the field of education and the Millennium Development Goals, especially for free primary and secondary education and for eliminating gender disparity in education. It encouraged the Government to continue cooperating with the treaty bodies and committees by presenting its reports. It made recommendations.

76. Morocco welcomed the fact that Trinidad and Tobago was ranked third in the ranking of the best place to raise a girl, in the 2001 study entitled “Because you are a girl, Growing up in the commonwealth”. Morocco encouraged the Government to move forward in the drafting of national gender policy. It noted measures undertaken towards persons with disabilities and welcomed the “direct effect” initiative, which was relative to both the disabled and elderly. Morocco welcomed the National Policy on Ageing launched in 2007. In that regard, it asked for more information on the 12 areas of intervention of the State outlined in the report. It made recommendations.

77. Israel commended the open society of Trinidad and Tobago and noted that rule of law and adherence to fundamental human rights and freedoms were priorities of the Government. It applauded the country’s efforts to achieve the Millennium Development Goals, particularly with regard to poverty reduction, provision of education and welfare of citizens living with HIV/AIDS. It welcomed the 2001 Trafficking in Persons Act and made recommendations.

78. Costa Rica noted that there was a strong institutional framework in Trinidad and Tobago which allowed it to implement policies consistent with the rule of law, develop democracy and administer justice. Costa Rica congratulated Trinidad and Tobago for the emphasis placed on providing education at all levels and recognized its efforts made to comply with the International Labour Organization’s conventions. Costa Rica made recommendations.

79. Jamaica noted efforts made and the country’s commitment to the principle of the rule of law, constitutional guarantees and legal safeguards. It indicated that, as Caribbean nations, Trinidad and Tobago and Jamaica were faced with unique and structural challenges due to their geographical location and physical size, which posed unique challenges for its development. Jamaica noted the challenges Trinidad and Tobago had identified, particularly, violent crime exacerbated by the scourge of narco-trafficking. Jamaica asked for more information about the steps that the Government was taking on the challenges associated with gender and education and care for the elderly.

80. Barbados acknowledged the efforts of Trinidad and Tobago to improve housing standards for the most vulnerable and promote gender equality, the rights of children, persons with disabilities and decent work for all, including through the adoption of the minimum wages order 2010. It noted steps to review legislation so as to ensure due process and the equal treatment of all before the law. It highlighted the difficulties in policing, noting the illicit proliferation of small arms, drug trafficking and the presence of organized transnational criminal gangs which severely undermined the capacity of resource-constrained States and underscored the need for greater collaboration at both the national and international level in addressing issues of crime and violence. It called on the international community to assist the efforts of small States in addressing that issue where possible.

81. Indonesia took note of the various mechanisms instituted by the Government in protecting human rights, including the Police Complaints Authority, the Advisory Committee on the Power of Pardon, the Criminal Injuries Compensation Board, the Advisory Committee Centre and the Penal Reform and Transformation Unit. It applauded efforts to reform the prison system and implement policies for the fulfilment of the right to health, housing and education, noting that there was free education for all children all the

way through the tertiary level. It also commended the efforts to fulfil the rights of persons with disabilities. It made recommendations.

82. Nigeria noted the Government's recognition of the link between health and human development and commended the country for the policies it had put in place to enable the enjoyment of the right to health. It applauded the Government for eliminating the incidence of mother-to-child transmission of HIV in Tobago and reducing it to 3 per cent in Trinidad as of 2010. Nigeria noted that Trinidad and Tobago was not a signatory to the Convention against Torture. It commended the Government for the measures it had taken to safeguard the security of its citizens. Nigeria made recommendations.

83. The United States of America commended Trinidad and Tobago for its commitment to human rights, including significant efforts to expand access to education and health care, assist those with disabilities and create greater safeguards for those with HIV/AIDS. It looked forward to further cooperation to strengthen human rights in the country and throughout the region. However, the United States noted that significant challenges related to the growth of crime continued to undermine the full protection of human rights in the country. This included the use of extreme force by police, allegations of violations of due process and poor prison conditions. It made recommendations.

84. Trinidad and Tobago stated that it had always placed great emphasis on establishing a strong and efficient judicial system, although some problems existed, such as a shortage of judges and magistrates which could lead to delays and other problems. The Government was now addressing the issue and had given it top priority.

85. In conclusion, Trinidad and Tobago thanked the members of the Human Rights Council for a very rich discussion. It stated that the Government was open to an objective evaluation of all the recommendations received and would take on board recommendations that were within its capacity to implement in the short term, while examining the practical reality of implementing others within the context of its resource constraints and human resource capability. Trinidad and Tobago took note of recurring themes such as the death penalty, violence against women and girls and complaints of the alleged use of excessive force by the police, especially in the context of the current state of emergency.

## II. Conclusions and/or recommendations\*\*

86. **The recommendations formulated during the interactive dialogue and listed below enjoy the support of Trinidad and Tobago:**

86.1. **Continue promoting the process of penal reform, taking into account the international obligations that the State has undertaken in the field of human rights (Nicaragua);**

86.2. **Continue promoting equality, participation and empowerment of women in public policy-making and decision-taking (Nicaragua);**

86.3. **Reinforce women's rights within the labour market (Brazil);**

86.4. **Maintain its efforts in favour of prevention, punishment and eradication of all forms of violence against women (Argentina);**

86.5. **Strengthen legislation and policy measures aimed at preventing and addressing violence against women (Brazil);**

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\*\* Conclusions and recommendations have not been edited.

- 86.6. Investigate allegations of possible human rights violations by public security officials and reinforce the capacity to sanction those responsible and avoid impunity (Mexico);
- 86.7. In line with an earlier recommendation made by the Human Rights Committee, exercise the full authority of the law and all means at its command, while ensuring respect for human rights, to eradicate the scourge of violence (Ghana);
- 86.8. While carrying out measures to combat violence, ensure full respect for human dignity and the protection of human rights (Hungary);
- 86.9. Work to reduce the case backlog and address the inefficiencies in the judicial system that contribute to lengthy pretrial detentions and exacerbate difficult prison conditions (United States);
- 86.10. Undertake proactive policies to promote the rights of individuals, especially with regard to their sexual orientation and HIV/AIDS status (Canada);
- 86.11. Continue applying the country's strategies and socioeconomic development plans in order to advance towards the materialization of the Millennium Development Goals, (Cuba);
- 86.12. Further efforts aimed at combating extreme poverty (Brazil);
- 86.13. Consider technical assistance in the provision of education infrastructure and in ICT development (Sri Lanka);
- 86.14. Continue with its efforts to promote and protect human rights (Sri Lanka);
- 86.15. Continue to build on its laudable achievements in promoting and protecting the fundamental freedoms and human rights of the good people of Trinidad and Tobago (Nigeria).
87. The following recommendations enjoy the support of Trinidad and Tobago which considers that they are already implemented or in the process of implementation.
- 87.1. Harmonize its national legislation with CEDAW, in particular regarding the explicit prohibition of discrimination against women and carry out an inventory to ensure that the national legislative framework does not allow for direct or indirect discrimination (Mexico);
- 87.2. Undertake every effort to fully implement the Children's Authority Act (Hungary);
- 87.3. Continue its significant efforts to promote gender equality, in particular the implementation of the "*Draft National Gender Policy*" (Chile);
- 87.4. Fulfil its international reporting obligations (Slovenia);
- 87.5. Adopt measures so that traditional stereotypes referring to the roles of men and women in society and family can be overcome (Uruguay);
- 87.6. Intensify efforts to combat practices and beliefs that undermine human rights, including the rights of women and children (Indonesia);
- 87.7. Take prompt, appropriate, efficient measures towards the improvement of the living conditions in prisons and detention centres,

including the inmates' access to food, medical care and social services (Slovakia);

87.8. Continue to strengthen legislation aimed at the elimination of gender based violence, including through public awareness campaigns (South Africa);

87.9. Strengthen efforts to effectively implement the legislation in force on the subject of gender violence in order to reduce the current percentages of mistreated women. Put in place awareness raising campaigns to combat rejection in society and increase protection for victims (Spain);

87.10. Police be trained to provide improved investigation and prosecution services to women subjected to violence including rape, and that resources be made available to improve access to shelters (New Zealand);

87.11. Undertake more effective measures to address the problems of sexual abuse and violence against women and girls, including through strengthening of law enforcement and the judicial system and intensive media and education programmes aimed at increasing public awareness and sensitivity on the rights of women and girls (Malaysia);

87.12. Place high priority on measures aimed at combating violence against women in the family and in society, increase the population's awareness about violence against women as well as strengthen support programs aimed at the elimination of sexual violence and incest, and prostitution as a form of exploitation (Uruguay);

87.13. Address, as a matter of urgency, the reportedly widespread violence against women, including a pursue of appropriate public awareness raising campaigns against the traditional negative social attitudes and stereotypes (Slovakia);

87.14. Raise public awareness to counter deeply rooted traditional patriarchal attitudes which lead to violence against women, as recommended by CEDAW (Israel);

87.15. Enact draft human trafficking legislation to improve prosecution of trafficking offenders and protections for victims of forced labor and sex trafficking. (United States);

87.16. Introduce further measures to raise public awareness about violence against women and children, and strengthen its activities and programs to focus on sexual violence and human trafficking for the purpose of sexual exploitation (Canada);<sup>1</sup>

87.17. Continue to develop and implement measures aimed at protecting the rights of all children, particularly those in vulnerable situations (Singapore);

87.18. Step up measures to curb the incidence of drug and alcohol abuse by children including through intensive public education awareness campaigns (Malaysia);

87.19. Take the necessary steps to ensure police and security forces operate with greater respect for human rights, such as including comprehensive human

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<sup>1</sup> The recommendation as read during the interactive dialogue: "Introduce further measures to raise public awareness about violence against women and children, and strengthen its activities and programs to focus on sexual violence and prostitution (Canada);"

- rights and rule-of-law components in training for security forces (United States);
- 87.20. Establish a modern Juvenile Justice System to consolidate the protection of the rights of children (Maldives);
- 87.21. Ensure that life imprisonment sentences cease to be administered to minors and juveniles (Slovakia);
- 87.22. Provide for a separation of juvenile offenders from adult inmates (Slovakia);
- 87.23. Increase measures to ensure that violence and discrimination against members of vulnerable groups, such as women and lesbians, gay, bisexual, and transgender persons, are both prevented and prosecuted (United States);
- 87.24. Intensify programs to combat crime and extreme poverty (Algeria);
- 87.25. Further action to reduce maternal mortality (Sri Lanka);
- 87.26. Continue and strengthen current efforts to increase the accessibility and quality of health services and education for all its citizens (Cuba);
- 87.27. Allocate adequate resources to strengthen services for children with disabilities, support their families, train professionals in the field and encourage the inclusion of children with disabilities into the regular educational system and their integration into society (Israel);
- 87.28. Adopt and implement the Draft National Community Care Policy to ensure health and social support serves to older persons in the community (Israel);
- 87.29. Continue action in order to ensure the full exercise of human rights by the senior citizens of the country (Romania);
- 87.30. Finalize reforms of the educational system, notably by establishing mandatory schooling for children between 6 and 15 years of age (Algeria);
- 87.31. Continue to implement its policies and programmes aimed at promoting universal education and developing a knowledge-based society for long-term sustainable development (Singapore);
- 87.32. Include Human Rights education and training among its educational programmes, in accordance with the guidelines of the United Nations World Programme for Human Rights Education and Training, both in the first and second stages (Costa Rica);
- 87.33. Endeavour to sustain the maximum humane care for “illegal immigrants” and assist them to utilize, on a timely basis, the prevailing legal system in the country to address their situation (Ghana).
88. The following recommendations will be examined by Trinidad and Tobago which will provide responses in due time, but no later than the 19<sup>th</sup> session of the Human Rights Council in March 2012:
- 88.1. Ratify and fully implement, step by step, all core universal human rights treaties (Slovenia);
- 88.2. Consider acceding to CAT, OP-CAT, CRPD and OP-CEDAW (Brazil);
- 88.3. Consider the possibility of ratifying CAT, CED, and ICRMW (Argentina);



- 88.4. Envisage acceding to the Convention against Torture (Morocco);
- 88.5. Consider acceding to the Convention against Torture (Nigeria);
- 88.6. Analyse the possibility of subscribing to CAT (Ecuador);
- 88.7. Ratify CED, CAT and OP-CAT, CRPD and OP-CRPD, as well as the two optional protocols to CRC (Uruguay);
- 88.8. Sign and ratify CAT, CED and ratify CRPD (Spain);
- 88.9. Continue to expand the legal framework for the promotion and protection of human rights, including through the ratification of CAT, CRPD, and CED (Indonesia);
- 88.10. Strengthen its judicial arsenal by adhering to international human rights conventions to which it is not yet a party, in particular CAT, CED and OP1-ICCPR (France);
- 88.11. Become party to the Convention on the Rights of Persons with Disabilities (New Zealand);
- 88.12. View positively the reconsideration of the denunciation of the Optional Protocol to ICCPR (Ecuador);
- 88.13. Become a party to and implement the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Australia);
- 88.14. Ratify the Convention against Torture and its Optional Protocol (Costa Rica);
- 88.15. Act on its commitment to end impunity in matters of ill treatment and torture by acceding to the UN Convention against Torture (Hungary);
- 88.16. Become party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as its Optional Protocol (New Zealand);
- 88.17. Accede to the Convention against Torture and its Optional Protocol and set up a National Preventive Mechanism accordingly (Maldives);
- 88.18. Ratify the optional protocol to the Convention against Torture and other cruel, inhumane or degrading treatment or punishment (United Kingdom);
- 88.19. Ratify the optional protocols to CRC, as requested by CRC, ICRMW and CAT (Guatemala);
- 88.20. Accede to the two Optional Protocols under the Convention on the Rights of the Child (Maldives);
- 88.21. Ratify the Convention on the Rights of Persons with Disabilities signed in 2007 (Morocco);
- 88.22. Ratify the 1961 Convention on the Reduction of Statelessness (Slovakia);
- 88.23. Comply with CEDAW's suggestion to incorporate the Convention on the Elimination of All Forms of Discrimination against Women into its national legislation, in particular article 1 which defines discrimination against women (Guatemala);

- 88.24. Amend national legislation to ensure the minimum age for marriage is in line with its obligations under the Convention on the Rights of the Child (Israel);
- 88.25. Consider establishing a national human rights institution in accordance with the Paris Principles (South Africa);
- 88.26. Consider the possibility of establishing a national human rights institution, in accordance with the Paris Principles (Argentina);
- 88.27. Put in place a national institution for the promotion and protection of human rights in accordance with international standards in force (Algeria);
- 88.28. Fully explore the possibility of establishing an independent national human rights institution in compliance with the Paris Principles (Malaysia);
- 88.29. Act on its commitment to enhance the promotion and protection of Human Rights by establishing a National Human Rights Body in conformity with the Paris Principles, as well as by ratifying and implementing outstanding core international human rights treaties (Hungary);
- 88.30. Establish an independent National Human Rights Institution which conforms to the Paris Principles, either by strengthening the existing Ombudsman's Office or through the creation of a new body (Indonesia);
- 88.31. Strengthen the Police Complaints Authority's capacity (Hungary);
- 88.32. Ensure the adoption and coordinated implementation of the National Policy on Gender and Development (Canada);
- 88.33. Issue a standing invitation to all Special Procedures (Spain);
- 88.34. Issue a standing invitation to all Special Procedures of the Human Rights Council (Uruguay);
- 88.35. Seek technical expertise from the Special Procedure mechanism by issuing a standing invitation to all Rapporteurs (Maldives);
- 88.36. Consider positively the request for visit by Special Rapporteur on extrajudicial, summary or arbitrary executions and eventually extend a standing invitation to all special procedures of the Human Rights Council (Latvia);
- 88.37. Legislation be introduced to ensure that the age of marriage is the same for males as for females (New Zealand);
- 88.38. Take steps to address the 19.7 per cent gender pay gap (Ghana);
- 88.39. Prohibit all corporal punishment of children in all settings and enact legislation to achieve this (Slovenia);
- 88.40. Prohibit all forms of corporal punishment of children in any context (including in the home) (Uruguay);
- 88.41. Adopt a legal definition of the crime of corporal punishment of children in all circumstances and places (Uruguay);
- 88.42. As a matter of priority, review its criminal law provisions and enact legislation prohibiting all forms of corporal punishment of children in all settings (Hungary);
- 88.43. Adopt legislation to prohibit corporal punishment in public and private schools (Costa Rica);

- 88.44. **Forbid the corporal punishment of children through the abolition of the laws that permit its use in the home, schools and detention centres for minors (Spain);**
- 88.45. **Take all necessary measures to fight efficiently against impunity, notably by providing the necessary means to the organ charged with systematically investigating all allegations of torture and ill-treatment and by clarifying its status (France);**
- 88.46. **Ensure better control of the State's Security Forces, especially by promoting independent investigations into the cases of human rights violations in which they have been implicated (Spain);**
- 88.47. **Continue implementing measures to bring police officers responsible for abuses to justice, such as the amendment to the Police Complaints Authority Act, enabling investigation on criminal offences involving police officers, like corruption and serious misconduct (Canada);**
- 88.48. **Repeal as soon as possible the provisions in the Penal Code and particularly articles 13 and 16 of the law on sexual offences of 1986, penalizing sexual relations between consenting individuals of the same sex (France);**
- 88.49. **Repeal all provisions of domestic law that criminalise same sex relations between consenting adults including the Sexual Offences Act (New Zealand);**
- 88.50. **Repeal all provisions that criminalize consensual same sex relationships between adults or discriminate against homosexuals (Germany);**
- 88.51. **Regarding the situation of LGBT community, adopt legislative and political measures to establish a specific framework of protection from discrimination for sexual preference. Additionally, put in place public awareness raising campaigns on the matter (Spain);**
- 88.52. **Strengthen the protection safeguards, in particular the control mechanisms that allow the detection of cases of migrants with special needs for international protection (Chile).**
89. **The recommendations below did not enjoy the support of Trinidad and Tobago:**
- 89.1. **Consider re-acceding to the American Convention on Human Rights (Mexico);**
- 89.2. **Consider positively the acceptance of the contentious jurisdiction of the Inter-American Court of Human Rights (Mexico);**
- 89.3. **Repeal the death penalty (Canada);**
- 89.4. **Abolish the death penalty (Brazil);**
- 89.5. **Abolish the death penalty definitively in accordance with the Second Optional Protocol to ICCPR (Uruguay);**
- 89.6. **Abolish the death penalty and to consider ratifying the second Optional Protocol to ICCPR. (Romania);**
- 89.7. **Establish a moratorium on the death penalty, accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, and take all necessary steps to remove the death penalty from Trinidad and Tobago law (Australia);**

- 89.8. **Formally establish a moratorium on use of the death penalty with a view to abolition (United Kingdom);**
- 89.9. **Declare, as soon as possible, a moratorium on executions, with a view to definitively abolishing the death penalty (France);**
- 89.10. **Establish an official moratorium on executions with a view to abolishing the death penalty (Turkey);**
- 89.11. **Re-impose an immediate formal moratorium on the death penalty with a view of a complete abolition of the capital punishment (Slovakia);**
- 89.12. **Continue promoting a dialogue that could lead to the abolition or establishment of a moratorium on the death penalty (Chile);**
- 89.13. **Maintain the moratorium on the implementation of the death penalty as a step towards its definitive abolition (Spain);**
- 89.14. **As a first step, consider establishing an official moratorium and supporting the next resolution of the General Assembly on a global moratorium on the death penalty, with a view to abolishing it in the future (Germany);**
- 89.15. **Commute all death sentences to prison sentences (France);**
- 89.16. **Whilst the death penalty remains in place, adopt a 3 tiered classification of murder that would abolish mandatory imposition of the death penalty and hand decision making power to the presiding judge. (United Kingdom);**
- 89.17. **Set up an independent inquiry into the justification for calling a State of Emergency which would inter alia investigate the actions of the security services during the State of Emergency (United Kingdom);**
- 89.18. **Investigate thoroughly complaints from citizens about excessive use of force and other serious alleged abuse by the police and make public the findings of these investigations (Australia).**
90. **All conclusions and or recommendations contained in the present report reflect the position of the submitting States and the State under review. They should not be construed as endorsed by the Working Group as a whole.**

## Annex

### Composition of the delegation

The delegation of Trinidad and Tobago was headed by H.E. Ambassador Dennis Francis, Permanent Representative of the Republic of Trinidad and Tobago to the United Nations Office at Geneva and composed of the following members:

- Ms. Simone G. Young, Counsellor, Permanent Mission of the Republic of Trinidad and Tobago to the United Nations Office at Geneva;
  - Mr. Ian Rampersad, Senior Legal Executive, International Law and Human Rights Unit Ministry of the Attorney-General;
  - Ms. Jessie Jordan, Legal Officer, International Law and Human Rights Unit, Ministry of the Attorney-General Uniz;
  - Mrs. Anesa Ali-Rodriguez, First Secretary, Permanent Mission of the Republic of Trinidad and Tobago to the United Nations Office at Geneva;
  - Mr. Justin Sobion, First Secretary, Permanent Mission of the Republic of Trinidad and Tobago to the United Nations Office at Geneva;
  - Ms. Merlana Henry, Second Secretary, Permanent Mission of the Republic of Trinidad and Tobago to the United Nations Office at Geneva.
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