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Compilation on Trinidad and Tobago

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. It was recommended that Trinidad and Tobago ratify the International Convention for the Protection of All Persons from Enforced Disappearance,³ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁴ the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,⁵ the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,⁶ the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,⁷ the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,⁸ the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization (ILO),⁹ and the Convention against Discrimination in Education.¹⁰

3. The United Nations country team in Trinidad and Tobago and several special procedure mandate holders recommended that Trinidad and Tobago ratify the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).¹¹

4. The United Nations country team recommended that Trinidad and Tobago extend a standing invitation to all thematic special procedures.¹²

5. The United Nations country team noted that Trinidad and Tobago had supported recommendations from the second cycle of the universal periodic review to submit overdue reports to the treaty bodies,¹³ that it had submitted information on follow-up to the concluding observations of the Committee on the Elimination of Discrimination against Women in 2017, and that its other overdue reports remained outstanding. The United Nations country team recommended that the Government submit its overdue reports to the Human Rights



Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child.¹⁴

6. In 2020, the Office of the United Nations High Commissioner for Human Rights (OHCHR) had deployed a national human rights adviser in Trinidad and Tobago.¹⁵

III. National human rights framework¹⁶

7. The United Nations country team recommended that Trinidad and Tobago bring its domestic legislation into line with the international human rights instruments that it had ratified or to which it had acceded, and continue efforts to harmonize national legislation with international human rights norms, including a constitutional reform.¹⁷

8. The United Nations country team noted that Trinidad and Tobago had accepted all the recommendations from the second cycle of the universal periodic review that it establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), but that such institution had not yet been established.¹⁸

9. The United Nations country team noted that the mandate of the Equal Opportunity Commission included dealing with discrimination in relation to employment, education, and the provision of goods, services and accommodation. However, as the Commission fell under the purview of the Attorney General's Office and was dependent on it for funding, the Commission did not fulfil the independence requirements under the Paris Principles.¹⁹

10. The United Nations country team noted that the Office of the Ombudsman was tasked with the investigation of complaints of maladministration filed by members of the public against government departments and agencies.²⁰ The Committee on the Elimination of Discrimination against Women expressed concern that the Office of the Ombudsman was not in full conformity with the Paris Principles.²¹

11. The United Nations country team noted that the Equal Opportunity Commission and the Office of the Ombudsman were limited in their mandates, while a national human rights institution would address the full range of human rights: civil, political, economic, social and cultural. It recommended that Trinidad and Tobago establish a national human rights institution in accordance with the Paris Principles to undertake and oversee the further advancement of the human rights agenda.²² The Committee on the Elimination of Discrimination against Women made a similar recommendation.²³

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination²⁴

12. In 2019, the ILO Committee of Experts on the Application of Conventions and Recommendations asked the Government to take the opportunity provided by the amendments of the Equal Opportunity Act to include explicitly the grounds of "political opinion" and "colour" in the list of prohibited grounds of discrimination, to clarify the definition of "origin", and to provide information on the status of the amendments to the Act.²⁵

13. The United Nations country team noted that the Constitution prohibited discrimination on the basis of race, origin, colour, religion and sex, but that no specific legislation addressed discrimination based on sexual orientation or gender identity. The Equal Opportunity Act did not prohibit discrimination based on sexual orientation, gender identity or HIV status. The United Nations country team recommended that Trinidad and

Tobago amend the Equal Opportunity Act to include sexual orientation, gender identity and the status of living with HIV/AIDS as prohibited grounds for discrimination.²⁶

14. The United Nations country team noted that in a landmark judgment on 12 April 2018 in the matter of Jason Jones, which was currently being appealed by the State, the High Court of Trinidad and Tobago had ruled that national laws criminalizing same-sex relations were unconstitutional.²⁷ The 2012 Children Act had decriminalized consensual sexual relations for children of the opposite sex, but did not extend the same protection to children of the same sex.²⁸

15. The United Nations country team recommended that Trinidad and Tobago decriminalize sexual relations between consenting adults of the same sex by repealing articles 13 and 16 of the Sexual Offences Act, and amend the Children Act to decriminalize consensual sexual relations between minors of the same sex.²⁹

16. The United Nations country team recommended that the authorities continue to support initiatives to raise public awareness about non-discrimination and social inclusion.³⁰

2. Development, the environment, and business and human rights

17. The United Nations country team referred to the national development strategy, “Vision 2030”, which contained 16 long-term goals, aligned with the Sustainable Development Goals. National planning and programmes reflected those priorities.³¹

18. The United Nations country team recommended that Trinidad and Tobago review and update legislation related to the reduction of corruption.³²

B. Civil and political rights

1. Right to life, liberty and security of person³³

19. The United Nations country team noted that there was a de facto moratorium on the death penalty and that the latest execution had occurred in 1999. High rates of violent crime and impunity owing to the failures of the justice system had resulted in high public support for the death penalty as a deterrent to crime. The United Nations country team recommended that Trinidad and Tobago encourage an informed debate among the public on the death penalty and promote its abolition, and consider taking all the steps necessary to introduce a de jure moratorium on capital executions with a view to fully abolishing the death penalty.³⁴

20. The United Nations country team observed that the number of fatal police shootings had risen, leading to protests in 2020. In recent times, investigations by the Police Complaints Authority – an independent civilian body that oversaw police conduct and investigated allegations of serious misconduct by police officers – had seldom yielded results. The Authority was reliant on the police for evidence collection and forensic and eyewitness reports. The United Nations country team recommended amending the Police Complaints Authority Act to widen the powers of the Authority to investigate allegations of serious misconduct by police officers.³⁵

2. Administration of justice, including impunity, and the rule of law³⁶

21. The United Nations country team noted that in a survey of inmates in 2018, 37.2 per cent of respondents had indicated that they lived in overcrowded cells, and more than 41 per cent that the standard of health care that they received was either poor or very poor. The United Nations country team recommended that Trinidad and Tobago undertake prison reform by reviewing and updating the Prisons (Amendment) Act 2014 and operationalizing the national budget and other sectoral mechanisms, in order to provide standard quality health care for all and sexual and reproductive health services and supplies, particularly for women and girls in detention institutions, and to review and upgrade facilities, thereby providing humane conditions for all inmates.³⁷

22. The United Nations country team recommended that Trinidad and Tobago develop sustainable and human rights-centred training programmes for the police and judiciary regarding issues such as gender-based violence, human trafficking and forms of child abuse.³⁸

3. Fundamental freedoms and the right to participate in public and political life³⁹

23. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that defamation constituted a crime in Trinidad and Tobago, punishable by a fine and/or imprisonment of up to two years.⁴⁰ UNESCO recommended that Trinidad and Tobago decriminalize defamation and place it within a civil code that was in accordance with international standards.⁴¹

24. UNESCO recommended that Trinidad and Tobago ensure that laws regarding cybercrime were in line with international standards and did not have a chilling effect on freedom of expression online and press freedom, and specifically in connection with whistleblower protection.⁴²

4. Prohibition of all forms of slavery⁴³

25. The Committee on the Elimination of Discrimination against Women expressed concern that Trinidad and Tobago remained a source, transit and destination country for trafficking in persons. The Committee was particularly concerned at the prevalence of trafficking in women and girls for purposes of labour and sexual exploitation.⁴⁴

26. The United Nations country team reported that trafficking in persons was being further exacerbated by the humanitarian refugee crisis in a neighbouring third country, as persons became susceptible to trafficking when fleeing their home country. Trafficking in persons remained largely underreported and rates of prosecution and conviction were low.⁴⁵

27. The Committee expressed concern at information regarding the complicity of public officials – including law enforcement officers – in trafficking offences, at information on the complicity of law enforcement officers in the exploitation of women for prostitution even though it was illegal under the Sexual Offences Act to sell and buy sexual services, and at the lack of information on exit programmes for women who wished to leave prostitution.⁴⁶

28. The Committee also expressed concern at information that there were no shelters specifically designed for victims of trafficking, who instead were referred to shelters established for women who were victims of violence, including domestic violence.⁴⁷

29. The Committee recommended that Trinidad and Tobago intensify efforts to address the root causes of trafficking in women and girls and to ensure the rehabilitation and social integration of victims, including by providing them with legal, medical and psychosocial assistance, and increase awareness-raising programmes aimed at encouraging the reporting of trafficking offences and the early detection of women and girls who were victims of trafficking, as well as their referral to appropriate services.⁴⁸

30. The Committee also recommended that Trinidad and Tobago establish and provide adequate resources for specialized units within existing shelters that focused on the provision of assistance specifically to women and girls who were victims of trafficking.⁴⁹

31. The United Nations country team recommended that Trinidad and Tobago continue its efforts to address trafficking in children and the management of children on the move, and seek international assistance to fulfil its international obligations in that regard.⁵⁰

32. The Committee recommended that Trinidad and Tobago enforce anti-trafficking legislation by thoroughly investigating, prosecuting and punishing perpetrators, including public officials who were complicit in such crimes and those who aided and abetted the exploitation of women and girls in prostitution.⁵¹ The United Nations country team recommended that Trinidad and Tobago provide additional training to police and border control personnel regarding trafficking in persons.⁵²

33. The Committee recommended that Trinidad and Tobago intensify efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including by exchanging information and harmonizing legal procedures to prosecute traffickers, in particular with neighbouring States and other relevant States in the Caribbean Community.⁵³

5. Right to privacy and family life

34. The United Nations country team noted that several initiatives had been mounted during the coronavirus disease (COVID-19) pandemic to assist families financially and with the provision of food and other necessities. Existing national social and child protection systems needed to better engage families in ways that promoted safety and child and family well-being. The United Nations country team recommended that Trinidad and Tobago intensify efforts to ensure comprehensive, universally accessible family support in order to strengthen families, especially against the impacts of the COVID-19 pandemic.⁵⁴

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁵⁵

35. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) indicated that the employment rate was lower for women than for men, and that the unemployment rate for women was higher than for men.⁵⁶ The Committee on the Elimination of Discrimination against Women expressed concern at the limited labour participation of women, notwithstanding their high attainment rates in education, at the wide gender wage gap and persistent occupational segregation in the labour market, where women were often engaged in temporary work, and at the lack of an explicit provision guaranteeing the principle of equal pay for work of equal value.⁵⁷

36. The Committee recommended that Trinidad and Tobago intensify efforts to gradually transform and reduce the informal sector of employment, to eliminate structural inequalities and occupational segregation and to reduce the gender wage gap by guaranteeing and enforcing the principle of equal pay for work of equal value in all sectors.⁵⁸

37. The ILO Committee of Experts drew the attention of the Government to the fact that it was necessary when defining different jobs and occupations to use neutral terminology to avoid perpetuating stereotypes according to which certain occupations should be held by men and others by women. It asked the Government to amend the Schedule, Parts I–VI, of the Civil Service Regulations in order to ensure that it contained gender-neutral terminology.⁵⁹

38. In 2016, the Committee on the Elimination of Discrimination against Women recommended that Trinidad and Tobago adopt legislation providing for effective remedies for sexual harassment in the workplace, collect statistical data on the extent of the problem of sex discrimination in the workplace, including cases of sexual harassment, and conduct regular labour inspections aimed at enforcing compliance with labour laws.⁶⁰ The ILO Committee of Experts noted that the National Workplace Policy on Sexual Harassment, adopted in 2019, defined both “quid pro quo” and “hostile environment” sexual harassment and had the objective of defining and preventing sexual harassment in the workplace. The policy covered all employers, and took into account the specific situation of migrant workers. The ILO Committee of Experts asked the Government to provide information on the concrete steps taken to prevent and prohibit sexual harassment in employment and occupation, including in application of the policy.⁶¹ The United Nations country team recommended that the Government initiate discussions with a view to enacting legislation against the sexual harassment of women.⁶²

39. The Committee on the Elimination of Discrimination against Women recommended that Trinidad and Tobago amend the Industrial Relations Act to include domestic workers in the definition of a worker.⁶³

40. The ILO Committee of Experts noted that the National Child Policy (2018–2028) addressed a wide range of issues concerning the prevention and elimination of child labour and of the involvement of children in hazardous work.⁶⁴ It urged the Government to take the necessary measures to ensure the adoption of the list of hazardous types of work for children.⁶⁵ The United Nations country team recommended that Trinidad and Tobago build on the capacity of the Ministry of Labour and the Children’s Authority to address reports of child labour.⁶⁶

41. The ILO Committee of Experts noted that pursuant to section 69 of the Industrial Relations Act, penalties of imprisonment (involving compulsory labour under the Prison Rules) could be imposed on certain categories of workers for participation in an industrial action. It urged the Government to ensure that within the framework of the amendment of the Industrial Relations Act, no penalties of imprisonment might be imposed on persons for the peaceful participation in a strike, and requested the Government to provide information on any measures taken or envisaged to amend the Trade Disputes and Protection of Property Act in that respect.⁶⁷

2. Right to social security⁶⁸

42. The United Nations country team noted that the national minimum wage had been increased in 2019 and that support services and grants were available for several categories of persons, including older persons and persons with disabilities. Measures introduced by the Government during the pandemic had included rental and income subsidies. Further forms of social protection were needed for single mothers, female-headed households, low-income families, rural women, migrants and refugees and other vulnerable groups. The COVID-19 pandemic had made those groups even more vulnerable to income shocks and food and housing insecurity.⁶⁹

43. The United Nations country team recommended that Trinidad and Tobago continue the ongoing work to revamp the social protection network and increase social protection measures for vulnerable groups.⁷⁰

3. Right to health⁷¹

44. The United Nations country team noted that the National Sexual and Reproductive Health Policy had been approved. The policy had been developed jointly with the United Nations Population Fund and provided a path to comprehensive sex education and access to quality services and support. While the secondary curriculum contained modules on the self and interpersonal relationships, sexuality and sexual health, eating and fitness and management of the environment, the extent to which comprehensive sex education was actually incorporated and taught within that curriculum was questionable. The teaching of sex education in schools had been opposed by religious bodies, and conflicted with the religious beliefs of some teachers.⁷²

45. The United Nations country team observed that gaps remained in terms of access to comprehensive sex education for migrants and to sexual and reproductive health services for those under the age of 18.⁷³

46. The Committee on the Elimination of Discrimination against Women recommended that Trinidad and Tobago intensify the provision of the health and family life education curriculum and ensure that age-appropriate education on sexual and reproductive health and rights, including comprehensive sex education for adolescent girls and boys covering responsible sexual behaviour, continued to be systematically integrated into school curricula at all levels.⁷⁴ The United Nations country team and UNESCO made similar recommendations.⁷⁵

47. The Committee on the Elimination of Discrimination against Women recommended that Trinidad and Tobago intensify efforts to provide effective access for women and girls to comprehensive information on sexual and reproductive health and rights, including on the use of modern forms of contraception, in order to reduce the high rate of teenage pregnancy, and undertake a comprehensive evaluation of the adolescent mothers programme in order to assess its effectiveness.⁷⁶

48. The Committee recommended that Trinidad and Tobago amend the Offences against the Person Act to legalize abortion in cases of rape, incest and severe fetal impairment and to decriminalize abortion in all other cases.⁷⁷ It also recommended that Trinidad and Tobago provide data, disaggregated by age and region, on the incidence of unsafe abortion and the impact on women's health, including maternal mortality.⁷⁸

49. Noting that Trinidad and Tobago had supported a recommendation from the second cycle of the universal periodic review to ensure the right to health of persons living with

HIV/AIDS, the United Nations country team recommended that the Government finalize the draft policy on HIV/AIDS and continue its efforts to build public awareness and provide support and assistance to persons living with HIV/AIDS.⁷⁹

50. The Committee on the Elimination of Discrimination against Women recommended that Trinidad and Tobago address the root causes of the high prevalence of HIV/AIDS among women and girls between 15 and 24 years of age through, among other things, the implementation of preventive strategies to combat HIV, and that it continue to scale up the provision of free antiretroviral treatment to all women and men living with HIV and to pregnant women in order to prevent mother-to-child transmission.⁸⁰

4. Right to education⁸¹

51. The United Nations country team stated that education had consistently been a high priority for the Government, with large budgetary allocations. The enrolment rates were 85 per cent for early childhood education, 99 per cent for primary education and 88 per cent for secondary education.⁸²

52. UNESCO recommended that Trinidad and Tobago extend compulsory education to include at least one year of compulsory pre-primary education.⁸³

53. The ILO Committee of Experts requested the Government to continue to take measures aimed at increasing school enrolment and attendance rates and reducing the dropout rates and the number of out-of-school children.⁸⁴ The Committee on the Elimination of Discrimination against Women recommended that Trinidad and Tobago intensify efforts to reduce the dropout rate among girls by facilitating the re-entry into school of young mothers after having given birth.⁸⁵

54. The United Nations country team noted that the closure of schools due to the COVID-19 pandemic had presented challenges, as more than 60,000 students had no access to devices or connectivity. The possibility of learning loss, particularly among students from low economic backgrounds, might cause them to be left further behind.⁸⁶

55. The United Nations country team reported that child asylum seekers and refugees did not have access to mainstream public education. The Immigration Act required that non-nationals obtain a student permit to enter any educational establishment. Asylum seekers and refugees were often unable to obtain that permit because of their irregular status.⁸⁷

56. The United Nations country team recommended that Trinidad and Tobago ensure that all children in the State had equal access to all levels of the education system, by removing barriers such as administrative and legal status.⁸⁸

57. UNESCO recommended that Trinidad and Tobago enshrine in law the right to inclusive education and ensure that educational institutions met the diverse needs of all learners.⁸⁹ The United Nations country team recommended that Trinidad and Tobago take all necessary legislative and policy measures and allocate additional resources to ensure that children with disabilities had access to quality education.⁹⁰

D. Rights of specific persons or groups

1. Women⁹¹

58. The Committee on the Elimination of Discrimination against Women expressed concern at the persistence of discriminatory stereotypes and deep-rooted patriarchal attitudes regarding the roles and responsibilities of women and men in the family and in society. It was particularly concerned that Trinidad and Tobago had no comprehensive strategy to eliminate such patriarchal attitudes and discriminatory stereotypes.⁹² Similarly, the United Nations country team noted that discrimination against women still existed, that social and cultural beliefs reflected gender stereotypes, which perpetuated gender inequality and gender-based violence, and that the draft national gender policy had not yet been adopted.⁹³

59. The Committee on the Elimination of Discrimination against Women recommended that Trinidad and Tobago expand public education programmes on the negative impact of

discriminatory stereotypes on women's enjoyment of their rights, in particular in rural areas.⁹⁴ The United Nations country team recommended that it strengthen its approach to behaviour change through gender-positive messaging and by addressing gender stereotyping.⁹⁵

60. The Committee on the Elimination of Discrimination against Women reiterated its previous recommendations that Trinidad and Tobago adopt a comprehensive definition of discrimination against women in its national legislation in line with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women, in order to ensure that women were protected against both direct and indirect discrimination in all spheres of life, and that it expedite the adoption of the national policy on gender and development and ensure that the definition of the term "gender" was in line with the Convention.⁹⁶

61. The Committee recommended that Trinidad and Tobago adopt and fully enforce legislative provisions on temporary special measures to increase the participation of women in public life, education and employment, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, as a necessary strategy to accelerate the achievement of substantive equality of women and men in all areas of the Convention in which women were underrepresented or disadvantaged.⁹⁷

62. The Committee recommended that Trinidad and Tobago introduce measures, including temporary special measures in accordance with article 4 (1) of the Convention and the Committee's general recommendations No. 25 (2004) and No. 23 (1997) on women in political and public life, such as a statutory quotas, in order to accelerate the full and equal participation of women in elected and appointed bodies, including the judiciary, senior positions in the diplomatic service and academic institutions. Furthermore, it should adopt prescriptive measures in order to preserve the progress achieved in the representation of women in Parliament and to introduce maternity leave for parliamentarians.⁹⁸

63. The Committee expressed concern about the situation of female-headed households, widows, older women and women with disabilities, who often suffered intersecting forms of discrimination, especially with regard to access to employment, health care and social services.⁹⁹

64. The United Nations country team recommended that Trinidad and Tobago continue the development of initiatives surrounding women's economic empowerment and the development of sectors that could support sustainable livelihoods.¹⁰⁰

65. The Committee on the Elimination of Discrimination against Women expressed concern that domestic legislation allowed for girls to be married at 12, 14 and 16 years of age, which caused them to drop out of school and exposed them to health risks, including maternal mortality owing to early pregnancy. It recommended that Trinidad and Tobago amend the relevant legislation, which perpetuated the harmful practice of child marriage, by raising the minimum age of marriage to 18 years so that it was harmonized with the age of sexual consent.¹⁰¹ The Government reported the Miscellaneous Provisions (Marriage) Act (2017) had come into force in October 2017, amending the Marriage Act (1923), the Muslim Marriage and Divorce Act (1961), the Hindu Marriage Act (1945), the Orisa Marriage Act (1999), and the Matrimonial Proceedings and Property Act (1972). The 2017 Act raised the legal age of marriage to 18 years, thereby establishing a national minimum age with no exceptions.¹⁰²

66. The Committee expressed concern at the high prevalence of gender-based violence against women and girls, such as femicide committed by intimate partners and other forms of domestic violence, at the inadequate number of shelters, notwithstanding continuing efforts to open additional shelters, and at information about the low number of arrests for breaches of protection orders.¹⁰³

67. The United Nations country team observed that the Domestic Violence Act had been amended in 2020 to include several improvements geared towards widening the scope of the Act and to enable children to seek interim protection orders. However, challenges existed in the implementation of the Act owing to underreporting, delays in the justice system, a lack of legal representation, underresourced police stations, and sociocultural biases, which

affected those entrusted with implementation.¹⁰⁴ Furthermore, the United Nations country team noted that the procedural requirements, backlog and slow responses to court applications discouraged survivors from seeking assistance under the Act.¹⁰⁵

68. The United Nations country team noted that rape was addressed under the Sexual Offences Act. However, implementation and prosecution remained challenging owing to underreporting, the stigma surrounding rape, the difficulty in acquiring forensic evidence and the retraumatization of victims.¹⁰⁶

69. The United Nations country team recommended that Trinidad and Tobago enforce legislation related to gender-based violence.¹⁰⁷ The Committee on the Elimination of Discrimination against Women recommended that Trinidad and Tobago ensure that all cases of gender-based violence against women and girls were thoroughly and effectively investigated and that perpetrators were prosecuted and adequately punished.¹⁰⁸

70. The Committee recommended that Trinidad and Tobago ensure the effective enforcement of protection orders and promptly investigate and punish breaches, that it ensure that training for law enforcement officers focused on gender-sensitive investigation of cases of gender-based violence against women, including domestic violence, and that it adopt programmes, including mandatory courses, aimed at eliminating traditional attitudes concerning the treatment of domestic violence as a private matter.¹⁰⁹

71. The Committee recommended that Trinidad and Tobago undertake a needs assessment to establish the demand for shelters by women who were victims of violence and ensure that shelters were accessible throughout the State and sufficiently resourced.¹¹⁰

72. The United Nations country team recommended that Trinidad and Tobago prioritize gender-based violence and increase budgetary allocation to the Gender and Child Affairs Division and the Domestic Violence Hotline (800-SAVE); that it adopt and implement, in a consultative manner, a national gender policy with special measures for the prevention of sexual and gender-based violence, regardless of legal or migratory status, nationality, gender identity or sexual orientation; and that it approve and implement the national strategic action plan on gender-based and sexual violence.¹¹¹

2. Children¹¹²

73. The United Nations country team recommended that Trinidad and Tobago amend the Children Act to abolish all corporal punishment of children in the home, and advocate public discussions to reorient the thinking on corporal punishment of children at home and encourage alternative measures.¹¹³

74. The United Nations country team recommended that Trinidad and Tobago collaborate with religious bodies and the private sector to offer additional parenting programmes, and make those programmes available through tertiary and continuous education, with a special focus on parenting children who were differently abled and required special attention.¹¹⁴

75. The United Nations country team recommended that Trinidad and Tobago continue the work to ensure effectiveness in developing the mandatory child abuse reporting protocol, which detailed the roles of all stakeholder agencies in cases of child abuse.¹¹⁵

76. The United Nations country team recommended that Trinidad and Tobago innovate new programmes geared towards the holistic development of the youth, embracing the goal of Generation Unlimited – the global multisectoral partnership launched by the General Assembly at its seventy-third session, in September 2018 – to ensure that every young person aged 10–24 years was in some form of school education, learning, training or employment by 2030.¹¹⁶

3. Persons with disabilities¹¹⁷

77. The United Nations country team recommended that Trinidad and Tobago adopt domestic legislation to reflect the provisions and principles of the Convention on the Rights of Persons with Disabilities.¹¹⁸ UNESCO recommended that it amend all legislation that discriminated against persons with disabilities.¹¹⁹

4. Migrants, refugees and asylum seekers¹²⁰

78. The ILO Committee of Experts noted that the immigrant population amounted to 50,000 persons, constituting 3.7 per cent of the total population, and that a high percentage of migrant workers in Trinidad and Tobago worked in the informal economy.¹²¹

79. Several special procedure mandate holders expressed alarm about the State's criminalization of irregular migration, which resulted in people in vulnerable situations taking dangerous migration routes and therefore exposed them to the risk of being trafficked.¹²²

80. The United Nations country team noted an influx of persons from a third country seeking refuge in Trinidad and Tobago. As of December 2020, 3,098 refugees and 16,886 asylum seekers had been registered by the Office of the United Nations High Commissioner for Refugees (UNHCR) in Trinidad and Tobago. The Government considered them to be migrants, and registered persons had been given permission to remain and work in Trinidad and Tobago for an initial period of one year, which the Government had extended to December 2020. In March 2021, the Government had commenced a reregistration exercise for those persons registered under the 2019 exercise, thus further extending their permission to remain and work.¹²³

81. In September 2020, several special procedure mandate holders expressed concern about the disappearance of 58 migrants from a third country who had been on board two boats bound for Trinidad and Tobago. They expressed alarm about the smuggling of and trafficking in human beings from the third country to Trinidad and Tobago.¹²⁴

82. Several special procedure mandate holders expressed concern regarding the very broad grounds for refusing entry and for deporting foreigners established in the Immigration Act. Those provisions opened up the possibility of using discriminatory and political criteria to allow or restrict entry to the State, placing refugees at risk of deportation in violation of the State's obligation under the principle of non-refoulement.¹²⁵ OHCHR reported that in a number of cases, migrants had been deported in small boats while judicial proceedings had been pending.¹²⁶

83. The United Nations country team observed that in the absence of domestic legislation for the protection of refugees or the granting of asylum, refugees and asylum seekers did not have legal status recognizing them as persons in need of international protection, who had specific rights under the 1951 Convention relating to the Status of Refugees, including non-refoulement and non-penalization for irregular entry and presence. UNHCR had taken responsibility for registering asylum seekers and conducting refugee status determination of asylum seekers in Trinidad and Tobago.¹²⁷

84. The United Nations country team noted that Trinidad and Tobago had for the past five years been in the process of drafting legislation to implement its national policy to address refugee and asylum matters and to incorporate the 1951 Convention, but that it was still outstanding. The United Nations country team recommended that Trinidad and Tobago accelerate the adoption of legislation to incorporate the 1951 Convention into domestic law, create a fair and flexible national procedure for refugee status determination and grant access to secondary health care, education and social protection.¹²⁸

85. OHCHR called on the authorities of Trinidad and Tobago to safeguard the human rights of refugee and migrant children regardless of their status, including by ensuring access to due process and procedural safeguards, consistent with the principle of non-refoulement.¹²⁹

86. The United Nations country team recommended that Trinidad and Tobago develop regulations, policies and procedures and train government officials on access to territory and asylum to ensure the effective identification of persons in need of international protection, process their refugee status determination and ensure efficient referral to services.¹³⁰

87. The United Nations country team recommended that Trinidad and Tobago ensure that the detention of asylum seekers and refugees was used only as a measure of last resort, for as short a period as possible, and after conducting an individual assessment of its reasonableness, necessity and proportionality, as well as assessing all available alternatives

to detention; and end the detention of all children by amending legislation and establishing alternative care arrangements for families.¹³¹

5. Stateless persons

88. The Committee on the Elimination of Discrimination against Women recommended that Trinidad and Tobago ensure compulsory birth registration to prevent the risk of women and girls, in particular girls in remote areas, becoming stateless and vulnerable to trafficking.¹³²

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Trinidad and Tobago will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/TTindex.aspx.
- ² For relevant recommendations, see A/HRC/33/15, paras. 106.7–106.8, 108.2–108.25, 108.33–108.35 and 109.1–109.8.
- ³ United Nations country team submission for the universal periodic review of Trinidad and Tobago, p. 1, and CEDAW/C/TTO/CO/4-7, para. 46.
- ⁴ CEDAW/C/TTO/CO/4-7, para. 46.
- ⁵ Ibid.
- ⁶ United Nations country team submission, p. 1.
- ⁷ Ibid., p. 14.
- ⁸ CEDAW/C/TTO/CO/4-7, para. 42.
- ⁹ Ibid., para. 31 (c).
- ¹⁰ Submission by the United Nations Educational, Scientific and Cultural Organization (UNESCO) for the universal periodic review of Trinidad and Tobago, para. 10.
- ¹¹ United Nations country team submission, p. 1, and communication TTO 1/2019, pp. 1–2, available from <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24745>.
- ¹² United Nations country team submission, p. 2.
- ¹³ Ibid., p. 1–2. For the relevant recommendations, see A/HRC/33/15, para. 106.7 (Sierra Leone) and para. 106.8 (Ghana).
- ¹⁴ United Nations country team submission, pp. 1–2.
- ¹⁵ OHCHR, “Funding” and “UN Human Rights in the field”, in *OHCHR Report 2020*, pp. 129, 223 and 294.
- ¹⁶ For relevant recommendations, see A/HRC/33/15, paras. 106.1–106.2 and 108.26–108.32.
- ¹⁷ United Nations country team submission, pp. 1 and 3.
- ¹⁸ Ibid., p. 3. For the relevant recommendations, see A/HRC/33/15, para. 108.26 (Republic of Korea), para. 108.27 (Portugal), para. 108.28 (Senegal), para. 108.29 (Australia), para. 108.30 (Sierra Leone) and para. 108.31 (Barbados). See also A/HRC/33/15/Add.1, para. 7.
- ¹⁹ United Nations country team submission, p. 3.
- ²⁰ Ibid.
- ²¹ CEDAW/C/TTO/CO/4-7, para. 12.
- ²² United Nations country team submission, p. 3.
- ²³ CEDAW/C/TTO/CO/4-7, para. 13.
- ²⁴ For relevant recommendations, see A/HRC/33/15, paras. 108.36–108.50.
- ²⁵ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4013657:NO.
- ²⁶ United Nations country team submission, pp. 4–5.
- ²⁷ Ibid., p. 5.
- ²⁸ Ibid., p. 4.
- ²⁹ Ibid., p. 5.
- ³⁰ Ibid., p. 5.
- ³¹ Ibid., p. 3.
- ³² Ibid., p. 3.
- ³³ For relevant recommendations, see A/HRC/33/15, paras. 106.18, 108.51 and 109.9–109.19.
- ³⁴ United Nations country team submission, p. 6.
- ³⁵ Ibid., p. 5.
- ³⁶ For relevant recommendations, see A/HRC/33/15, paras. 106.6 and 106.19–106.20.
- ³⁷ United Nations country team submission, p. 6.
- ³⁸ Ibid., p. 4.
- ³⁹ For relevant recommendations, see A/HRC/33/15, para. 108.62.
- ⁴⁰ UNESCO submission, para. 4.

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- 42 Ibid., para. 12.
- 43 For relevant recommendations, see A/HRC/33/15, paras. 106.42–106.49.
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- 46 CEDAW/C/TTO/CO/4-7, para. 22 (b) and (d).
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- 48 Ibid., para. 23 (a). See also United Nations country team submission, p. 8.
- 49 CEDAW/C/TTO/CO/4-7, para. 23 (b).
- 50 United Nations country team submission, p. 8.
- 51 CEDAW/C/TTO/CO/4-7, para. 23 (c). See also United Nations country team submission, p. 8.
- 52 United Nations country team submission, p. 8.
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- 55 For relevant recommendations, see A/HRC/33/15, paras. 106.15–106.16 and 106.52.
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- 57 CEDAW/C/TTO/CO/4-7, para. 30 (a)–(b). See also www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:4019703 and ILO, *Women in Business and Management: Gaining Momentum in the Caribbean* (Geneva, 2018), p. 10.
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- 67 See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4040972:NO.
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- ⁹³ United Nations country team submission, p. 12. See also CEDAW/C/TTO/CO/4-7/Add.2, para. 10.
- ⁹⁴ CEDAW/C/TTO/CO/4-7, para. 19 (a).
- ⁹⁵ United Nations country team submission, p. 13.
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- ⁹⁷ CEDAW/C/TTO/CO/4-7, para. 17.
- ⁹⁸ Ibid., para. 25.
- ⁹⁹ Ibid., para. 38.
- ¹⁰⁰ United Nations country team submission, p. 11.
- ¹⁰¹ CEDAW/C/TTO/CO/4-7, paras. 18–19.
- ¹⁰² CEDAW/C/TTO/CO/4-7/Add.2, para. 10. See also United Nations country team submission, p. 12.
- ¹⁰³ CEDAW/C/TTO/CO/4-7, para. 20 (a)–(b) and (d).
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- ¹⁰⁵ Ibid., p. 3.
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- ¹⁰⁸ CEDAW/C/TTO/CO/4-7, para. 21 (a).
- ¹⁰⁹ Ibid., para. 21 (d)–(e). See also United Nations country team submission, p. 4.
- ¹¹⁰ CEDAW/C/TTO/CO/4-7, para. 21 (b).
- ¹¹¹ United Nations country team submission, pp. 4 and 12–13.
- ¹¹² For relevant recommendations, see A/HRC/33/15, paras. 106.4, 106.41, 108.50 and 108.60–108.61.
- ¹¹³ United Nations country team submission, p. 14.
- ¹¹⁴ Ibid., p. 8.
- ¹¹⁵ Ibid., p. 14.
- ¹¹⁶ Ibid., p. 9.
- ¹¹⁷ For relevant recommendations, see A/HRC/33/15, paras. 106.59–106.67.
- ¹¹⁸ United Nations country team submission, p. 15.
- ¹¹⁹ UNESCO submission, para. 10.
- ¹²⁰ For relevant recommendations, see A/HRC/33/15, paras. 106.70 and 108.65–108.67.
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- ¹²⁴ See communication TTO 1/2020, p. 3.
- ¹²⁵ See communication TTO 1/2017, p. 2, available from <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23058>. See also OHCHR, “Comment by UN Human Rights Office spokesperson Liz Throssell on Trinidad and Tobago’s deportation of 25 Venezuelans, including 16 children”, 25 November 2020.
- ¹²⁶ OHCHR, “UN Human Rights in the field: Americas”, in *OHCHR Report 2020*, p. 296.
- ¹²⁷ United Nations country team submission, p. 15.
- ¹²⁸ Ibid., pp. 15–16.
- ¹²⁹ See OHCHR, “Comment by UN Human Rights Office spokesperson Liz Throssell”.
- ¹³⁰ United Nations country team submission, p. 16.
- ¹³¹ Ibid.
- ¹³² CEDAW/C/TTO/CO/4-7, para. 27.