

# **TRINIDAD AND TOBAGO 2012 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The Republic of Trinidad and Tobago is a parliamentary democracy governed by a prime minister and a bicameral legislature. The island of Tobago has a House of Assembly that has some administrative autonomy over local matters. In the May 2010 elections, which observers considered generally free and fair, the People's Partnership coalition led by Kamla Persad-Bissessar of the United National Congress (UNC) defeated Prime Minister Patrick Manning's People's National Movement (PNM) government. Security forces reported to civilian authorities.

The most serious human rights problems were police killings during apprehension or in custody and poor treatment of suspects, detainees, and prisoners.

Other human rights problems involved inmate illnesses and injuries due to poor prison conditions, high-profile cases of alleged bribery, violence and discrimination against women, inadequate services for vulnerable children, and unsafe working conditions.

The government took some steps to punish security force members and other officials charged with killings or other abuse, but there continued to be a perception of impunity based on the open-ended nature of many investigations and the slow pace of criminal judicial proceedings in general.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

The government or its agents did not commit any politically motivated killings, but according to official figures, police shot and killed 21 persons during the year, compared with 39 in 2011. The independent Police Complaints Authority (PCA) conducted investigations into all fatal police shootings.

On August 21, police shot and killed Nigel Caesar. Police officers claimed that Caesar had a gun and fired first, but residents of the neighborhood where the shooting occurred disputed this claim. An autopsy revealed that Caesar was shot once in the back. The PCA monitored the police service's investigation into the matter, and the investigation continued at year's end.

Hearings for the six police officers charged in the July 2011 killings of Kerron Fernando Eccles, Abigail Johnson, and Alana Duncan in Barrackpore continued at year's end. In addition, hearings continued into all other police killings in 2011 and earlier years.

### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

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

On August 31, a video released via social media networks depicted a plainclothes police officer, Richard Kishore, slapping and then arresting a civilian, Terrance Augustine, after a tense verbal exchange. On October 18, Kishore appeared in court, charged with misbehaving in his official capacity and with falsely charging that Augustine had resisted arrest. The presiding judge adjourned the matter until March 2013.

Eight police officers remained under investigation for excessive use of force by the PCA during the state of emergency. Authorities scheduled January 2013 hearings for six police officers charged in October 2011 with beating and using Tasers on three suspects.

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

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

Physical Conditions: The country's prisons, with a design capacity for 4,886 inmates, held an average daily population of 3,800. Of those, 1,700 were convicted inmates, and 2,100 were in pretrial or other status. Some prisons suffered from extreme overcrowding, while others were not at full capacity. Authorities reported six prison deaths during the year.

The Port of Spain Prison, designed to hold 250 inmates, held 646 prisoners. Observers often described Port of Spain Prison as having particularly poor

conditions, with as many as 10 prisoners kept in 10- by 10-foot cells. Prisoners at the Port of Spain Prison had sufficient access to medical care because the facility is located close to the General Hospital. Medical professionals visited the prison two or three times a week. Prison officials reported that a new prison facility, opened in 2011, allowed them to begin reducing the population in Port of Spain Prison.

Authorities held 50 percent of the prison population in two of the six available prison facilities: the Port of Spain Prison and the Golden Grove Remand Yard. Neither of these facilities had adequate lighting or ventilation. Prisoners at all facilities had access to potable water. Authorities held pretrial detainees separately from convicted prisoners.

Although conditions at the women's prison were better than those in the Port of Spain men's prison, the prison occasionally became overcrowded, since it held both women on remand and those serving prison sentences. The daily average female prison population was 190.

Since there is no female youth facility, authorities placed some underage female prisoners in the custody of a Roman Catholic facility and others in a segregated wing of the Golden Grove women's prison.

Authorities held a daily average of 219 male juveniles separately from adults at the Youth Training Center and held fewer than 23 female juveniles in custody at Golden Grove.

There were 2,200 prison officers. Authorities charged a number of prison officers for offenses including larceny, drug trafficking, possession of marijuana, and smuggling of contraband to prisoners.

The government improved living conditions at the Immigration Detention Center, where authorities initially permitted detainees to be outside only five hours per week and conditions were worse than at the maximum-security prison. Most detainees were illegal immigrants who could not afford the cost of travel to their home country. The center had an intended capacity of 150 and generally held half that number. Men and women had separate facilities.

Administration: The Ministry of Justice has responsibility for the prison service. Prisoner recordkeeping was adequate. Authorities made use of alternative sentencing for some nonviolent offenders and worked to expand alternative sentencing options. In September the judiciary launched the Drug Treatment Court

Pilot, which offered an alternative to incarceration for drug-dependent, nonviolent offenders who agreed to treatment.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Prison authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and request investigations of credible allegations of inhumane conditions. Prisoners could also contact the Office of the Ombudsman, which has the authority to investigate complaints related to the functions and duties of most government departments. However, in no instances did the ombudsman advocate on behalf of prisoners or detainees. Authorities investigated and monitored prison and detention center conditions but did not document the results in a publicly accessible manner.

Monitoring: The government permitted prison visits by independent human rights observers upon approval of the Ministry of National Security.

Improvements: In July the Ministry of Justice took over responsibility for the Prisons Service from the Ministry of National Security. The Ministry of Justice thus has responsibility for the criminal justice process from arrest to release, and the Prisons Service focused on restorative justice and inmate rehabilitation, increased powers for prisons inspectors, improved prison infrastructure, and better working conditions for officers. However, prison officers protested the move due to fears that it could lead to privatizing the Prisons Service and concerns over the ability of the ministry to absorb a new responsibility with its greatly increased administrative requirements.

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

The constitution and the law prohibit arbitrary arrest and detention. While the government utilized broad powers of search and seizure granted by decree during the three-month state of emergency in 2011, it did not exercise these broad powers during the year. Reports of abuses by police remained under investigation at year's end. Unlike the previous year, there were no reports of abuses by military authorities.

The Anti-Gang Act bans membership in criminal gangs and gang-related activities as defined within the statute, and permits authorities to hold suspects detained under the law without bail for up to 120 days pending the filing of specific charges. Authorities detained approximately 450 suspects during the 2011 state of emergency pursuant to this act. The government eventually released nearly all of

them when prosecutors determined that evidence of gang activity pursuant to the law was lacking in most cases. Some of those arrested pursuant to the act during the state of emergency sued the government for wrongful arrest, malicious prosecution, false imprisonment, and damages.

During the year the courts made several awards in cases from prior years brought on grounds of wrongful arrest and imprisonment.

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

The Ministry of National Security oversees the police service, immigration division, and defense force. The police service maintains internal security, while the defense force is responsible for external security but also has certain domestic security responsibilities. Unlike in the previous year, when the defense force aided in internal law enforcement efforts as part of the state of emergency, the defense force largely remained focused on external security. On June 27, the minister of national security ordered the defense force to destroy the campsite of approximately 40 peaceful protesters. Members of the defense force often joined police officers in patrolling high-crime neighborhoods. The defense force members did not have arrest authority.

An independent body, the Police Service Commission, in consultation with the prime minister, appoints a commissioner of police to oversee the police force. That commission also makes hiring and firing decisions in the police service, and the ministry typically has little direct influence over changes in senior positions. During the year, however, there were reports that the minister of national security was involved with the resignation of the police commissioner and his deputy, effective August 7. Municipal police under the jurisdiction of 14 regional administrative bodies supplement the national police force. Public confidence in the police was very low because of high crime and perceived corruption.

The PCA investigates complaints about the conduct of police officers. During the year six investigators joined the PCA staff, which received 569 complaints and referred 244 of them to the police commissioner. At year's end the PCA had 366 pending complaints (including some from previous years). Based on the PCA's investigations, the Police Service Commission then has the power to suspend or dismiss police officers, while the Department of Public Prosecution has the power to charge officers. The police Professional Standards Unit, established in October 2011 to train officers and investigate complaints, became fully functional during the year.

## **Arrest Procedures and Treatment While in Detention**

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

Ordinarily, bail was available for minor charges. Persons charged with murder, treason, piracy, kidnapping for ransom, and hijacking, as well as persons convicted twice of violent crimes, are ineligible for bail for a period of 60 days following the charge. However, a judge may grant bail to such persons under exceptional circumstances. When authorities denied bail, magistrates advised the accused of their right to an attorney and, with few exceptions, allowed them access to an attorney once they were in custody and prior to interrogation.

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

Pretrial Detention: Lengthy pretrial detention resulting from heavy court backlogs and inefficiencies in the judicial system continued to be a problem. Many persons under indictment waited months, if not years, for their trial dates in the High Court. An added inefficiency resulted from the legal requirement that anyone charged and detained must appear in person for a hearing before a magistrate's court every 10 days, if only to have the case postponed for an additional 10 days pending conclusion of the investigation. Officials cited an increase in the number of arrests and an antiquated note-taking system in most magistrate's courts as explanations for the backlog.

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

The constitution and the law provide for an independent judiciary, and the government generally respected this provision in practice. Although the judicial process was generally fair, it was slow due to backlogs and inefficiencies. However, prosecutors and judges stated that witness intimidation remained a problem during the year.

## **Trial Procedures**

Magistrates try both minor and more serious offenses, but in cases of more serious offenses, the magistrate must conduct a preliminary inquiry. Trials are public, and the High Court uses juries. Defendants have the right to be present, are presumed innocent until proven guilty, and have the right to appeal. Authorities inform them promptly and in detail of all charges. All defendants have the right to consult with an attorney in a timely manner. Authorities provide an attorney at public expense to defendants facing serious criminal charges, and the law requires provision of an attorney to any person accused of murder. Although the courts may appoint attorneys for indigent persons charged with serious crimes, an indigent person may refuse to accept an assigned attorney for cause and may obtain a replacement. Defendants can confront or question witnesses against them, present witnesses and evidence on their own behalf, and access government-held evidence relevant to their cases. Defendants may not be compelled to testify or confess guilt.

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

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **Civil Judicial Procedures and Remedies**

The constitution and the law provide for an independent and impartial judiciary in civil matters, and citizens are free to file lawsuits against civil breaches in both the High Court and petty civil court. The High Court may review the decisions of lower courts, order parties to cease and desist from particular actions, compel parties to take specific actions, and award damages to aggrieved parties. The law authorizes the petty civil court to hear only cases involving damages of up to TT\$15,000 (\$2,400).

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

The constitution and the law prohibit such actions, and the government generally respected these prohibitions in practice. During the year the government did not use the expanded authority exercised during the 2011 state of emergency.

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

### **a. Freedom of Speech and Press**

The constitution and the law provide for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press.

Freedom of Press: There was a notable increase in government officials' publically criticizing journalists for having an alleged reporting bias. Minister of Communications Jamal Mohammed sent e-mails to two prominent journalists criticizing them for such a bias. International press freedom groups criticized the minister's actions.

Violence and Harassment: On February 9, police officers obtained a warrant and searched the offices of *Newsday*, a daily newspaper. Police seized a computer hard drive and a cell phone from journalist Andre Badoo, who had authored a story covering internal conflict at the Integrity Commission. Badoo also reported seeing police cars parked outside his home, with police officers allegedly monitoring his activities.

During the year at least two media outlets reported attempts by the government to organize advertising boycotts due to their criticism of the government.

Censorship or Content Restrictions: The law prohibits acts that would offend or insult another person or group on the basis of race, origin, or religion or that would incite racial or religious hatred. This law was not invoked during the year.

### **Internet Freedom**

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without judicial oversight. According to the International Telecommunication Union, 35 percent of households had Internet access and 55 percent of citizens used the Internet in 2011.

### **Academic Freedom and Cultural Events**

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

**b. Freedom of Peaceful Assembly and Association**

The constitution and the law provide for freedom of assembly and association.

**c. Freedom of Religion**

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

**d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

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

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

**Protection of Refugees**

Access to Asylum: The government has not passed legislation to implement its obligations under the relevant UN conventions. The government placed asylum seekers in the care of the Living Water Community (LWC), a local Roman Catholic social services agency, while the UNHCR reviewed their cases and reached a final resolution. Pending Parliament's approval of implementing legislation, the Ministry of National Security's Immigration Division handled all requests for asylum on a case-by-case basis. However, a lengthy government bureaucratic process took as long as four years to provide authorizations allowing free movement to persons granted refugee status. Even with these authorizations in place, refugees had no rights to work, open a bank account, or obtain a driver's license. Due to these challenges, the LWC continued to look for opportunities to resettle refugees in a foreign country. The LWC resettled two families in foreign countries during the year and at year's end had in its care 23 persons recognized as refugees.

Temporary Protection: The government did not provide temporary protection to persons who might not qualify as refugees. The LWC reported that many persons

who filed petitions eventually abandoned their applications and left the country, or simply walked away from the LWC because of the lack of guaranteed protection.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution and the law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

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

Recent Elections: The Caribbean Community observers found the 2010 national elections to be generally free and fair. However, during the campaign there were isolated incidents of vandalism and violence, and the then prime minister required all television stations to broadcast an interview without paying. Citizens voted the incumbent PNM party out of office and elected the People's Partnership coalition, which secured 29 of the 41 parliamentary seats. The PNM won 12 seats.

Participation by Women and Minorities: Voters elected 12 women to the House of Representatives, and there were six women in the appointed 31-member Senate. There were four women in the 32-member cabinet, including the prime minister. There were 11 female judges among the 38 judges on the High Court and the Court of Appeals.

All major political parties reached out to voters from relatively small ethnic minorities, such as the Chinese, Syrian, Lebanese, and European-origin communities, and members of these groups held important positions in government. One member of a minority, of Arab ancestry, served in the legislature.

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

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively. However, the World Bank's worldwide governance indicators reflected that government corruption was a problem.

Police corruption continued to be a problem, with some officials acknowledging some officers participated in corrupt and illegal activities. There were allegations

that some officers had close relationships with gang leaders. Prison guards were required to pass through screening devices to prevent the smuggling of contraband.

In July the attorney general announced he would pursue civil fraud charges against the former executive director of the Urban Development Corporation of Trinidad and Tobago, Calder Hart. Hart failed to appear in court for two scheduled hearings, one in July and a second in December. The judge adjourned the matter until March 2013.

On August 31, the government enacted select sections of an act to revise procedural requirements that slowed the judicial process. Proponents of the law touted the positive effect the law would have in reducing the backlog of criminal cases in the court system. Detractors, however, criticized the action because one section allowed for the dismissal of cases pending for more than 10 years, effectively paving the way for dismissal of charges against two high-profile businessmen, Ishwar Galbaransingh and Steve Ferguson. Both men stood accused of diverting public funds from an airport construction project. In response to the criticism, parliament repealed the section on September 13, and the prime minister fired the justice minister for misleading the cabinet in order to enact the law. One of the men filed a challenge to the law's repeal, and the matter was pending at year's end.

The law mandates that public officials disclose their assets, income, and liabilities to an Integrity Commission, which monitors, verifies, and publishes disclosures. Officials and candidates for public office were reluctant to comply with asset disclosure rules, primarily because of the perceived invasiveness of the process. The act stipulates a process when public officials fail to disclose assets and provides criminal penalties for failure to comply. The law clearly states which assets, liabilities, and interests public officials must declare. In addition it requires the declaration of assets and income of spouses and dependent children. By year's end the commission publicly listed 379 officials who failed to comply during 2009-10.

In 2008 the Privy Council in the United Kingdom ordered a new trial for former prime minister and UNC party chairman Basdeo Panday stemming from his 2006 conviction for failing to disclose a bank account in London. On June 26, a court acquitted Panday of all charges.

In addition to the Integrity Commission, the Anti-Corruption Investigations Bureau (ACIB), which falls under the attorney general, also works to combat corruption.

The unit is charged with investigation of alleged corruption cases. The Director of Public Prosecutions (DPP) is responsible for instituting and undertaking criminal prosecutions. Both the DPP and the ACIB had sufficient resources and operated effectively and independently. The ACIB found itself the subject of criticism for its involvement in the raid of *Newsday* (see section 2.a.).

The law provides for public access to government documents, upon application. It includes a sufficiently narrow list of exceptions outlining the grounds for nondisclosure, although some critics charged that a growing number of public bodies have been exempted from the law's coverage. The law has an appeal mechanism for review of disclosure denials. Critics also noted the law does not have any enforcement mechanism if the government does not respond within the prescribed 30-day period. There is no fee for requesting information, but requestors are required to pay the cost of copying documents. Criminal penalties, including imprisonment, exist for those who destroy documents of record, but there are no sanctions or other penalties for officials who do not comply with the procedural requirements of the law. The government maintained an easily navigable Web site on how to use the law effectively.

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

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

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

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

The government generally respected in practice the constitutional provisions for fundamental human rights and freedoms for all without discrimination based on race, origin, color, religion, social status, or gender.

## **Women**

Rape and Domestic Violence: Rape, including spousal rape, is illegal and punishable by up to life imprisonment; however, the courts often handed down considerably shorter sentences. The government and nongovernmental organizations (NGOs) reported that many incidents of rape and other sexual crimes were unreported, partly due to perceived insensitivity of police. The Crime and Problem Analysis Branch of the police service reported 933 cases of rape, incest, and other sexual offenses during the year, with 456 of those prosecuted or otherwise resolved. Although proper procedures were in place, there was little or no monitoring of rape and sexual assault cases. Police channeled further resources to its Victim Services Unit in an effort overcome the public perception of insensitivity.

Many community leaders asserted that abuse of women, particularly in the form of domestic violence, continued to be a significant problem. The law provides for protection orders separating perpetrators of domestic violence, including abusive spouses and common-law partners, from their victims. Courts may also fine or imprison abusive spouses. While reliable national statistics were not available, women's groups estimated that 20 to 25 percent of all women suffered abuse.

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

The Division of Gender Affairs in the Ministry of Gender, Youth, and Child Development operated a 24-hour hotline for victims of rape, spousal abuse, and other violence against women, referring callers to eight shelters for female survivors, a rape crisis center, counseling services, support groups, and other assistance.

Sexual Harassment: No laws specifically prohibit sexual harassment. Although related statutes could be used to prosecute perpetrators of sexual harassment, and some trade unions incorporated antiharassment provisions in their contracts, both the government and NGOs continued to suspect that many incidents of sexual harassment went unreported.

Reproductive Rights: Couples and individuals had the right to decide the number, spacing, and timing of children and had the information and means to do so free from discrimination. Access to information on contraception and maternal health was widely available from health-care providers and online sources. According to the UN Population Fund, skilled health personnel attended 98 percent of births and 38 percent of women ages 15-49 used a modern method of contraception.

Discrimination: Women generally enjoyed the same legal rights as men, including employment, education, and inheritance rights. No laws or regulations require equal pay for equal work. While equal pay for men and women in public service was the rule rather than the exception, both the government and NGOs noted considerable disparities in pay between men and women in the private and informal sectors, particularly in agriculture.

The Ministry of Gender, Youth, and Child Development had the government's primary responsibility for protecting women's rights and advancement, and sponsored income-generation workshops for unemployed single mothers and nontraditional skills training for women.

## **Children**

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

Child Abuse: The law provides protection for children abused at home. The Ministry of Education's Student Support Services Division reported that young schoolchildren were vulnerable to rape, physical abuse, and drug use, and that some had access to weapons or lived with drug-addicted parents. Authorities first assessed abused children removed from the home at a reception center for vulnerable children and then placed them with relatives, government institutions, or NGOs.

The law defines a child as less than 18 years of age, and the age of sexual consent is 16 years. Sexual intercourse with a girl under 14 is punishable by a maximum of life in prison. If the girl is over 14 but under 16, the maximum punishment is 12 years for a first-time offender and 15 years for a repeat offender. Sexual

intercourse with a boy under 16 is punishable by a maximum of five years in prison. Police received 219 reports of sexual intercourse with girls between 14 and 16 and 106 reports of sexual intercourse with girls under 14.

The Coalition against Domestic Violence, in partnership with the Ministry of Education and the Ministry of the People and Social Development, operated the National Child Hotline, a free and confidential round-the-clock telephone hotline for at-risk or distressed children and young persons up to age 25. During the year the National Child Hotline received 17,203 calls, 62 percent from women or girls. Of genuine calls, 23 percent involved physical abuse and 9 percent related to sexual abuse. The National Child Hotline referred all calls relating to physical or sexual abuse to police or to social service agencies.

The law prohibits corporal punishment of children, as well as sentencing a child to prison. Several children were abused in their own homes or in institutional settings. In January the Ministry of Education reported 43 teachers faced disciplinary charges, including some cases of sexual abuse. The National Parent Teacher Association called for strengthening the Teaching Service Tribunal to investigate claims of abuse better.

Child Marriage: Although the legal age for civil and Christian marriage is 18 for both men and women, the distinct laws and attitudes of the various religious denominations determine the minimum legal age for marriage. Under the Muslim Marriage and Divorce Act, the minimum legal age for marriage is 16 for men and 12 for women; under the Hindu Marriage Act, the minimum legal age for marriage is 18 for men and 14 for women; and the Orisa Marriage Act sets the minimum legal age for marriage at 18 for men and 16 for women. According to UNICEF, 8 percent of women married under the age of 18.

Sexual Exploitation of Children: Statutory rape is illegal. The age of sexual consent is 16 years for men and women; however, this does not apply if the parties are married. Courts can sentence persons found guilty of statutory rape to 12 years to life in jail. The law provides a penalty of up to 15 years' imprisonment for anyone who procures a child under 16 for prostitution. The law requires parents and guardians to report to police when they have reasonable grounds to suspect a sexual offense was being committed. Child pornography is illegal, and penalties for pornographers include a fine of TT\$2,000 (\$320) and four months' imprisonment.

International Child Abductions: The government is a party to the 1980 Hague Convention on International Child Abduction. For information see the Department of State's annual report on compliance at [travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

### **Anti-Semitism**

The Jewish community was very small. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The law neither prohibits discrimination on the basis of disability nor mandates equal access for persons with disabilities to the political process, employment, education, transportation, housing, health care, or other citizen services.

In practice persons with disabilities (an estimated 16 percent of the population) faced discrimination and denial of opportunities in the form of architectural barriers, employers' reluctance to make necessary accommodations that would enable otherwise qualified job candidates to work, an absence of support services to assist children with special needs to study, lowered expectations of the abilities of persons with disabilities, condescending attitudes, and disrespect.

Transportation was a particular concern. A special on-call transportation service operated only two buses accessible by persons with disabilities. The Public Transportation Services Corporation reportedly acquired 24 buses during the year that would be equipped to transport persons with disabilities. A majority of bus stops were located on high sidewalks without ramps. Most government buildings and public places were not accessible. There were no restrictions on access to information, communications, voting, or participation in civic affairs.

### **Indigenous People**

A very small group of persons identified themselves as descendants of the country's original Amerindian population. The government effectively protected their civil and political rights, and they were not subject to discrimination.

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

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

The Equal Opportunities Act does not specifically include lesbian, gay, bisexual, and transgender (LGBT) persons and specifically excludes sexual orientation. Other laws exclude same-sex partners from their protections. LGBT rights groups reported that a stigma related to sexual orientation in the country remained. In May activists supporting LGBT rights staged a walk to raise awareness about discrimination and to press for equal protection under the law. LGBT rights groups reported individual cases of violence against LGBT persons, as well as a reluctance to report crimes to police due to fear of harassment by police and court officials.

### **Other Societal Violence or Discrimination**

HIV/AIDS was a significant medical concern for the government and society, and stigmatization of those with HIV persisted. Incidents of violence against this group were isolated events. On September 11, the Ministry of Labor and Small and Micro Enterprise Development signed a memorandum of understanding with 16 entities from the public and private sectors to promote a national workplace policy on HIV and AIDS.

## **Section 7. Worker Rights**

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

The law, including related statutes and regulations, protects the right of most workers, including those in state-owned enterprises, to form and join independent unions of their choosing without prior authorization. Employees listed in essential services, such as police and teachers, do not have the right to strike, and walkouts can bring punishment of up to 18 months in prison. These employees negotiate with the government's chief personnel officer to resolve labor disputes. The law stipulates that only strikes over unresolved interest disputes may take place and

that authorities may prohibit strikes at the request of one party if not called by a majority union.

The law also provides for mandatory recognition of a trade union when it represents 51 percent or more of the workers in a specified bargaining unit. The law allows unions to participate in collective bargaining and mandates reinstatement of workers illegally dismissed for union activities.

The government's Registration and Certification Board determines whether a given workers' organization meets the definition of a bargaining unit and can limit union recognition by this means. The law does not recognize domestic workers (for example, maids, chauffeurs, and gardeners), and they do not have the right to join a union.

According to the International Trade Union Confederation, the requirement that to obtain bargaining rights, a union must have the support of an absolute majority of workers, restricted collective bargaining rights. Furthermore, collective agreements must be for a minimum of three years, making it almost impossible for such agreements to cover workers on short-term contracts.

According to the National Trade Union Center, the requirement that all negotiations must go through the Public Sector Negotiation Committee, rather than through the individual government agency or government-owned industry, is another onerous restriction that adds significant time delays. Some unions claimed that in practice the government undermined the collective bargaining process by pressuring the committee to offer raises of no more than 5 percent over three years. There were reports of public settlements during the year ranging from 5 to 9 percent.

The government enforced labor laws effectively, including with effective remedies and penalties. Worker organizations were independent of government and political parties in practice. A union may request the Industrial Court enforce the laws, and the court may order employers found guilty of antiunion activities to reinstate workers and pay compensation or may impose other penalties, including imprisonment.

Several public sector unions successfully negotiated with the government. There were no significant restrictions on strikes. Workers in nonessential services, such as the oil industry and the ports, participated in industrial actions during the year.

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

The law does not specifically prohibit forced or compulsory labor. There were anecdotal reports of forced labor in sectors such as construction and fishing, but the International Labor Organization (ILO) received no reports for forced labor during the year.

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

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

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

The Ministry of Labor and Small and Micro Enterprise Development and the Ministry of the People and Social Development are responsible for enforcing child labor laws, and authorities trained 19 inspectors to identify cases of child labor. The minister of labor may designate an inspector to gather information from parents and employers regarding the employment of a person under 18. The Industrial Court may issue a finding of contempt against anyone obstructing the inspectors' investigation. Although the government was generally effective in enforcing child labor laws, there were isolated reports of children working in agriculture or as domestic workers. The ILO reported that resources, inspections, and penalties appeared adequate.

The Ministry of the People and Social Development continued slowly to implement its Revised National Plan of Action for Children. The government did not have comprehensive mechanisms for receiving, investigating, and resolving child labor complaints. The ministry reported that it did not receive any child labor complaints. Available information suggested, however, that some children engaged in the worst forms of child labor in the small-scale agricultural sector and domestic service.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The national minimum wage was TT\$9 (\$1.44) per hour, although actual wages varied considerably among industries.

The law establishes a 40-hour workweek, a daily period for lunch or rest, and premium pay for overtime. The law does not prohibit excessive or compulsory overtime. The law provides for paid leave with the amount of leave varying according to length of service.

The Ministry of Labor and Small and Micro Enterprise Development was responsible for enforcing laws related to acceptable conditions of work. The law sets occupational health and safety standards, which the Occupational Safety and Health Agency (OSHA) enforced. The government's occupational health and safety regulations apply to all workers, regardless of citizenship. Local labor laws generally protected foreign laborers brought into the country, a stipulation usually contained in their labor contract.

In August a Taiwanese employer abandoned approximately 200 Indonesian, Vietnamese, and Chinese fishermen aboard their vessels off northwest Trinidad. The fishermen said they did not receive pay for months, and some reported employers beat them until they learned their jobs. After some delay the government, together with the Indonesian and Vietnamese governments, repatriated most of the fishermen, although some of the Indonesians were awaiting repatriation at the end of the year. The Chinese embassy repatriated its nationals quickly and without consultation with the government.

Safety standards were not always observed. During the year OSHA reported 18 on-the-job fatalities and 576 accidents.