



**Meeting of the States Parties
to the Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-first session

SUMMARY RECORD OF THE 1097th MEETING (Room B)

Held at the Palais Wilson, Geneva,
Monday, 16 January 2006, at 3 p.m.

Chairperson: Ms. KHATTAB

SUMMARY

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES(*continued*)

Second periodic report of Trinidad and Tobago (*continued*)

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The meeting was called to order at 3:05 p.m..

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES (agenda item 4) (*continued*)

Second periodic report of Trinidad and Tobago (CRC/C/83/Add.12; list of issues to be taken up (CRC/C/TTO/Q/2); State party's written replies (CRC/C/TTO/Q/2/Add.1) (*continued*)

1. *At the invitation of the Chairperson, the delegation of Trinidad and Tobago resumed their places at the Committee table.*

2. Ms. GITTENS (Trinidad and Tobago) said that children were placed in the big reception centres by the courts. Such placement decisions were a last resort, as the objective was always to reunite the family as soon as possible. A child's placement in a centre could be appealed to the Ministry of Social Development, which would evaluate the situation and decide whether the child could return to its family. A decision could also be made by social workers or parents, on account of momentary difficulties, to place a child in a small private reception centre. After placement the children attended external schools as usual. Kindergartens and primary schools within the big institutions also took in children from outside, to support social co-education.

3. Ms. ALUOCH wanted to know who was responsible for ensuring respect for the rights of the child at the private reception centres.

4. Mr. ZERMATTEN asked whether the children placed in these institutions could be isolated for disciplinary reasons, and if so, who would make that decision, and on what basis. Noting that most such institutions were managed by Christian associations, he asked whether it was possible to practise another religion there.

5. Ms. GITTENS (Trinidad and Tobago) said that children were sometimes isolated for disciplinary reasons and that officials of the Ministry of Social Development investigated when informed of such situations. If the placement in isolation was considered abusive, a dialogue was undertaken with the institution to find a solution. Private institutions were monitored by the Ministry of Social Development, which did not, however, have sufficient personnel for the task.

6. For the moment only the Christian religion, which was that of the great majority of children, was taught in those institutions, but there were plans to diversify religious teaching. With regard to single-parent families, the courts, which must resolve the paternity issue so that the child could be given social assistance, endeavoured to have fathers recognize their children. As these procedures could sometimes be very time-consuming, social services could provide help to tide the family over while it awaited the court's decision.

7. The CHAIRPERSON asked whether that meant that, when the father did not recognize the child, the family did not receive assistance.

8. Ms. GITTENS (Trinidad and Tobago) said that the father was supposed to provide for his children's needs; if he refused, the mother, in applying for social assistance, must also ask the court for an acknowledgement of paternity. When the father was untraceable, that court application was sufficient for her to be entitled to assistance. The procedure took at least three months in general.

9. Many parents emigrated and abandoned their children and no longer provided for their needs for lack of sufficient incomes. That issue had been referred to the Caribbean Community (CARICOM), which was seeking a solution to it through bilateral agreements.

10. There had always been an informal alternate protection system whereby families would take in other people's children and raise them at their expense. Since 1994, an official system had been in place, but there were still many administrative problems to be resolved as no legislation yet existed in this area. That being so, children were placed in foster families with their mother's consent and the government paid the cost of their education; Social Services trained, evaluated and monitored the foster families and arranged for the biological parents to visit in order to maintain a bond, as the objective was to return the children to their own families as soon as possible. To date, only two of the children placed through this official system had been permanently placed in institutions and three adopted; all others had returned to their families. That project was to be expanded, as it was now in effect only in a small part of the country.

11. The Ministry of Community Development and Gender Affairs had set up a unit to deal with family violence problems that ran 20 reception centres and had created a telephone hotline that referred people to the appropriate public services or other services managed by NGOs. Another NGO had set up a telephone hotline for children.

12. The CHAIRPERSON asked whether the hotline had been set up with the assistance of Child Helpline International or whether such cooperation was under consideration.

13. Ms. GITTENS (Trinidad and Tobago) said that she had no information in that regard but would convey the question to the proper authorities. Several NGO-managed homes would take in women and children who had been subjected to family violence, generally for a limited time, but seldom had the necessary resources to treat the psychosocial consequences of violence. In certain cases, they cooperated with the National Family Services Division and probation services, but much remained to be done to better meet victims' needs. Moreover, most of the homes could not, for lack of room, take in children more than 10 years old, so these children were generally separated from their families. The new law on family violence directed the courts to refer victims to the National Family Services Division, which would counsel them and, if family reunification appeared impossible, would help them to find housing and pay the rent and also take vocational training. In addition, police officers had received special training on dealing with family violence problems.

14. Mr. LIWSKI asked whether the new law on family violence gave women and children the right to remain in the marital home and provided for the violent spouse to be removed.

15. Mr. PARFITT, noting that in 2004 specialized centres for juvenile offenders—St. Michael's for boys and St. Jude's for girls—had taken in 13 boys and 117 girls, asked how that difference could be explained, and whether juvenile offenders were also placed at St. Dominic's and St. Mary's, which admitted children needing alternate protection.

16. Ms. GITTENS (Trinidad and Tobago) said that, unfortunately, placed children and juvenile offenders were sometimes mixed, especially inasmuch as children aged 7 or 8 years were placed at St. Michael's or St. Jude's by default. The difference between the number of girls and boys was explained by the fact that St. Michael's was an open home where boarders enjoyed great freedom but was easy to run away from.

17. Ms. MOREAN-PHILIP (Trinidad and Tobago) said that application could be made to the court for removal of the violent spouse.

18. Ms. ALUOCH asked why the community police force had been dismantled.

19. The CHAIRPERSON wanted answers to the questions relating to violence in the schools and to the regional consultations on violence. In particular, she wanted to know whether there was a plan of action to give effect to the conclusions of those consultations.

20. Ms. GITTENS (Trinidad and Tobago) said that the Ministry of National Security planned to restore the community police force, whose dismantlement had led to many problems, and to provide better training for officers. Over the last five years, NGOs had been engaged, along with foreign countries and international organizations, in training police officers to be better able to assist child victims of sexual violence. The Ministry of Education had adopted a ten-year plan of action and had taken numerous measures against violence in the schools. Thus, it had instituted numerous programmes for students expelled from school on account of violent actions and for the students' parents, and had created social worker positions in primary schools and given more prominence to the activities of those already working in secondary schools. Those measures had produced excellent results, in spite of a shortage of qualified staff, and the numbers of children expelled had clearly decreased.

21. The role of the National Coordinating Committee on Disability, created in 2002, was to advise the Government and to propose a policy and a national plan of action on children with disabilities. A national survey had been conducted in 2004 to establish a database on disabilities, but few questionnaires had been returned by the public.

22. As regards care for children with physical and mental disabilities, outpatient treatment was generally preferred to institutionalization; for that reason, the two centres specializing in the reception of children with disabilities had developed day programmes. An assistance fund had also been created to provide for the needs of persons with disabilities and, generally, that sector's budget had seen a considerable increase.

23. In view of the large number of underweight children, the Government had set up a school nutrition programme for children whose parents had so requested or who were designated by school principals. Thus, 813 schools in the country provided their students each day with balanced breakfasts and lunches in line with the cultural practices of the various communities in the country.

24. Adolescent mothers who did not wish to resume their schooling in the establishment they had attended before their pregnancy could, if they so desired, go to one of the country's five specialized centres, as there was a nationwide emphasis on the need for these girls to continue their studies.

25. In 2002, the Cabinet approved the institution of a scholarship system to help disadvantaged children to take training and engage in a certain number of recreational activities, and it intended to continue the experiment.

26. Mr. SABGA (Trinidad and Tobago) said that the National AIDS Coordinating Committee, which had been created in 2004, had defined a strategic policy that was partly financed by the World Bank, which therefore had a say in the use of the funds allocated. That policy, which aimed to reduce the incidence of HIV infection and mitigate its negative effects on the persons concerned, had five components: prevention, treatment, awareness and human rights, monitoring and research, and finally programme management, coordination and evaluation. In the field of prevention, it stressed abstinence, fidelity and condom use. To fight against the stigmatization of HIV-positive individuals and patients and to encourage young people to change their behaviour, several documentaries featuring teen favourites had been broadcast.

27. Mr. LIWSKI asked what structures had been put in place to allow early diagnosis of HIV infection and to see that antiretrovirals were manufactured at a price everyone could afford and that they were made generally available.

28. Mr. FILALI wanted to know how many HIV/AIDS screening centres there were outside the capital and whether adolescents must obtain their parents' consent to be tested.

29. Mr. SABGA (Trinidad and Tobago) said that the legislative subcommittee of the National AIDS Coordinating Committee had been assisted by UNDP consultants in reviewing all of Trinidad and Tobago's legislation regarding HIV/AIDS, and that that cooperation had led to the formulation of proposals for an amendment that was now under consideration by the Minister of Justice (v). It should be noted that antiretrovirals were henceforth available free of charge to the general public and that four screening centres had been set up across the country, including one in San Fernando, one on Tobago and one in Arima, together with roving units to give even the most remote communities access to these services.

30. The CHAIRPERSON asked what the policy of the State party was on breastfeeding and mother's milk substitutes and what social protection was afforded to nursing mothers.

31. Ms. GITTENS (Trinidad and Tobago) said that the law on breastfeeding was being drafted and that programmes encouraging the practice were already in operation at various hospitals in the country. Under those programmes, mothers received advice from personnel specially trained for the purpose—so that the programmes also created jobs. The law on maternity had been revised and now called for three months' maternity leave. Lastly, the promotion of substitutes for mother's milk had been prohibited at hospitals since 2003.

32. Mr. LIWSKI asked what the infant mortality rate was and whether the health sector reform undertaken in 1996 had had a positive impact on children's health.

33. Ms. MOREAN-PHILIP (Trinidad and Tobago) said that owing to a lack of human and financial resources, the Central Statistical Office had not been able to gather health data.

The meeting was suspended at 4:30 p.m.; it resumed at 4:45 p.m.

34. Ms. GITTENS (Trinidad and Tobago) said that a survey of schoolchildren carried out in 2001 by the International Labour Organization had shown that the worst forms of child labour did still exist in a certain number of sectors, namely agriculture, domestic service, prostitution and pornography. While child labour did appear to be a reality in Trinidad and Tobago, fewer than 1% of children between the ages of 5 and 14 years were thought to be involved, 1.2% of them in the worst forms of child labour.

35. As the survey had been done only in the educational environment, it had not been possible to gather the whole range of information necessary to the development of a comprehensive policy. Pending larger-scale studies, measures had been adopted at both the national and international level to deal with the problem. In this respect, it should be recalled that Trinidad and Tobago had ratified ILO Conventions 182, on the worst forms of child labour, and 138, on the minimum age for admission to employment, and had set the minimum age at 16 years. In August 2004 the Government had established the National Committee for the Prevention and Elimination of Child Labour. The Committee, whose responsibility it was to coordinate the authorities' whole effort against child labour, was supervising the development of Trinidad and Tobago's policy and plan of action for the prevention and elimination of the worst forms of child labour, which were currently under review by the Ministry of Labour with a view to their future adoption. The Committee had moreover been involved with the implementation of an ILO-financed project to rehabilitate children working at dump sites. Initially planned to last 18 months, the project had been extended and was benefiting 44 children and their families.

36. Mr. FILALI wanted to know whether the victims of the worst forms of child labour could receive vocational training, and also requested more information on child labour in the informal economy.

37. Ms. GITTENS (Trinidad and Tobago) said that the Government was taking the necessary measures to see that vocational training was accessible to as many people as possible, in all fields. It did appear that many children were working in the informal economy, even if exact statistics in that regard were unavailable.

38. As regards narcotics use by children, a joint survey of 4,058 students between the ages of 12 and 21 had been conducted by the Caribbean Drug Information Network (CARIDIN) and the Ministry of Social Development in 2001. The survey had shown that the use of legal drugs such as cigarettes and alcohol was more widespread than that of illicit substances. It also appeared that marijuana was the illicit drug most used by that segment of the population, whereas very few students had taken cocaine, crack, hallucinogens or ecstasy. Many awareness initiatives for children and their families on the consequences of narcotics use had been undertaken with schools under the National Alcohol and Drug Abuse Prevention Programme (NADAPP).

39. There were no reliable statistics to give an exact picture of the extent of the street child phenomenon; however, those concerned were known to be primarily children of African descent. A distinction needed to be made between children sent into the streets by their parents to augment the family's income and those forced to leave their family because of ill-treatment. Because the Government realized that street children were at particular risk of sexual exploitation, it had taken a number of measures to finance the actions of nongovernmental organizations to help street

children. The NGOs strove to facilitate children's return to their families. Those who could not return were cared for by homes that provided assistance, in particular, with their vocational training.

40. The Government was taking all necessary measures against the sexual exploitation of children. The small number of cases pending would indicate that few children were affected. However, the taboo surrounding such cases could lead a certain number of victims to keep silence and not file a complaint. The Government had implemented a series of sex tourism prevention programmes and the Ministry of Social Development was seeking more reliable data on the extent of the problem. Awareness programs were being implemented in the schools by the Ministry of Education and the Ministry of Health. Finally, it should be noted that tourism professionals had been invited to take part in several workshops organized under the sex tourism prevention policy.

41. Mr. SABGA (Trinidad and Tobago) said that the Constitution guaranteed all citizens, including children, the exercise of the right of association and freedom of expression. A Children's Parliament existed in Trinidad and Tobago whose members were selected by the Ministry of Education. The last session of the Children's Parliament, in September 2005, had received much media coverage. During the proceedings, broadcast live on television and radio, particular emphasis was placed on the importance of young people's participation in public life. As regards the exercise of the right of association within school establishments, it should be noted that each class elected its own representative. More generally, students were able to make their voices heard during the development of education policies.

42. Ms. SMITH asked whether children in the State party were free to form or join associations regardless of their age.

43. Mr. SABGA (Trinidad and Tobago) replied that the Constitution expressly recognized the right of all persons, including children, to freedom of association, but that restrictions, in particular with respect to age, could be imposed on certain types of organizations. That issue was however under review within the framework of the examination of the four laws yet to be promulgated to give effect in national law to the provisions of the Convention.

44. With respect to activities undertaken to increase knowledge and understanding of the Convention, it should be stressed that the Faculty of Law was now imparting knowledge of human rights, international human rights instruments and their implications to future professionals, and was organizing workshops and conferences on that subject.

45. The Human Rights Unit that had been formed within the Ministry of Justice also had the responsibility of making the general public aware of the various international human rights instruments to which Trinidad and Tobago was a party, emphasizing the tenor of their provisions as well as the resulting obligations. For that purpose, it was running a column entitled "The Law and You" in one of the country's three main daily newspapers and was drawing up the periodic reports that had to be submitted under the above-mentioned instruments. Moreover, it was providing the various ministries with legal advice on how to honour Trinidad and Tobago's obligations under the terms of the international instruments.

46. Every year on 10 December, Trinidad and Tobago celebrated Human Rights Day, whose theme, for 2005, was refugee law. In addition, the Ministry had recently

organized, in conjunction with the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration, an event to raise public awareness thereof.

47. Mr. PARFITT wanted to know the exact mandate, in terms of the promotion of the rights of the child, of the Human Rights Unit, the National Committee to Monitor Implementation of the National Plan of Action for Children and the Convention on the Rights of the Child, the Children's Authority and the Office of the Ombudsman.

48. Ms. MOREAN-PHILIP (Trinidad and Tobago) explained that the Office of the Ombudsman dealt only very indirectly with children's issues and that its activities were mainly administrative.

49. Mr. SABGA (Trinidad and Tobago) added that once all draft legislation had been promulgated, the duties and responsibilities of the four authorities mentioned would be complementary: the first and second would report to the executive branch, the third to the legislative branch, while the creation of the fourth was a constitutional requirement.

50. As regards training for primary and secondary teachers, the Ministry of Education would from now on be requiring all prospective teachers to hold a certificate or diploma granted by one of the new training institutes, which in particular gave rights of the child awareness courses.

51. Ms. SMITH would like to know the age of compulsory schooling and why girls' rate of high school enrolment was so low.

52. The CHAIRPERSON asked whether the school dropout rate was related to the teen pregnancy phenomenon.

53. Ms. MOREAN-PHILIP (Trinidad and Tobago) said that schooling was obligatory from the age of 6 to 12 and that primary, secondary and higher education was free, as were some graduate courses.

54. As regards vocational training, the Government was currently making a great effort to facilitate young people's access to employment. Free technical training schools had been set up. A new library, very popular with schoolchildren and students, had lately opened in the capital and other facilities were available elsewhere in the country. Four new multisport centres (athletics, swimming, cricket, etc.) had been opened in rural areas between 1996 and 2000.

55. Finally, as regards abortion, the Government had agreed, given the complexity of the issue and the multiconfessional nature of Trinidadian society (32% Catholic, 20% Anglican, 18% Hindu, and 11% Muslim) to allow the wide-ranging debate now under way among religious organizations to develop freely before giving an opinion.

56. Ms. GITTENS (Trinity-and-Tobago) said that for the year 2002-2003, the rate of enrolment in secondary education was about equal for boys and girls, and that in most cases school dropouts—which remained a marginal phenomenon—were due to poverty. In that regard, the Government had for several years been emphasizing enhanced social budgets and an improved for families. Noticeable improvements in school attendance could already be observed.

57. Mr. LIWSKI wanted to know whether the increase in the education budget held the promise of a longer period of compulsory schooling.

58. Ms. GITTENS (Trinidad and Tobago) said that the Government was indeed now working toward that, and was reviewing plans to align national legislation with the relevant Convention provisions.
59. The CHAIRPERSON wanted to know how prevalent trafficking in children was in the State party.
60. Ms. GITTENS (Trinidad and Tobago) said there were very few cases of trafficking in children.
61. Mr. SABGA (Trinidad and Tobago) added that the Trinidadian Government planned to accede to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography once all relevant internal laws had been duly aligned with the provisions of the Protocol. The integration of the provisions of the Convention into national legislation remained a priority.
62. Ms. SMITH wanted further information on juveniles' conditions of detention.
63. Ms. MOREAN-PHILIP (Trinidad and Tobago) said that juveniles were in no case held in prison with adults and that they were generally placed in specific institutions. Indeed, within the framework of the reform currently under way, the Government was now doing everything possible to provide juvenile offenders with restorative, rehabilitative justice. Thus, though a person under 18 could theoretically be sentenced to a life term of imprisonment, in practice that never happened. Similarly, the death penalty was still on the books but was never imposed.
64. Ms. ALUOCH wanted to know what progress had been made toward implementation of Article 40 and, in particular, whether the State party was taking measures to remedy the lack of professionalism of judges in general, and youth judges in particular, that was decried in the recent UNICEF study on youth justice in Trinidad and Tobago.
65. Ms. MOREAN-PHILIP (Trinidad and Tobago) explained that the Ministry of Justice had created an institute whose mission it was to train judges and magistrates in all fields of law.
66. Mr. FILALI thanked the delegation for the honest, direct and constructive dialogue it had engaged in with the Committee. He was pleased with the concrete efforts made by the State party, which had undertaken a process of harmonization of its laws with the Convention provisions despite the political and economic difficulties encountered.
67. In its concluding observations, the Committee would stress the following causes for concern: the shortcomings of poverty eradication programmes and the social protection system, the age of admission to employment and the age of marriage, the lack of any specific mechanism for recording and acting on complaints filed by children, the lack of training for persons working with children, corporal punishment, the practice of isolation as a disciplinary measure in placement institutions, infant mortality, HIV/AIDS propagation, the inadequacy of the measures taken to prevent teen pregnancies, the large number of students per teacher, the new phenomenon of homeless people and street children, the economic exploitation of children, the age of criminal responsibility, the use of alcohol and illicit substances, the care of children with disabilities and the living conditions of juvenile offenders in houses of detention.

68. Ms. MOREAN-PHILIP (Trinidad and Tobago) thanked the Office of the United Nations High Commissioner for Human Rights for the technical and administrative assistance provided for purposes of the presentation of Trinidad and Tobago's reports and informed committee members that their concerns, in particular with respect to the delay in implementing the provisions of the Convention, would be conveyed to the competent authorities.

The meeting rose at 6:00 p.m.