



# International Covenant on Civil and Political Rights

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## Human Rights Committee 139th session

### Summary record of the 4053rd meeting

Held at the Palais Wilson, Geneva, on Thursday, 19 October 2023, at 10 a.m.

*Chair:* Ms. Abdo Rocholl

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(continued)

*Fifth periodic report of Trinidad and Tobago (continued)* (CCPR/C/TTO/5;  
CCPR/C/TTO/QPR/5)

1. *At the invitation of the Chair, the delegation of Trinidad and Tobago joined the meeting.*
2. **The Chair** invited the members of the delegation to resume their replies to the questions raised by Committee members at the previous meeting.
3. **Mr. Rampersad** (Trinidad and Tobago) said that his Government was not currently planning to withdraw its reservation to article 4 (2) of the Covenant. It was incorrect to describe the detention of persons during the 2011 state of emergency as arbitrary, since the police had acted in accordance with the Anti-Gang Act that had been in force at that time. The incident involving the death in police custody of persons suspected of the murder of Andrea Bharatt had been referred to the Director of Public Prosecutions and was currently being investigated. With respect to questions concerning delays in investigations, the Police Complaints Authority was empowered by law to set time limits for responses to requests for information, which provided some checks and balances in terms of the actions of the Police Service. The Authority had recruited more investigators, and its current staff of 24 investigators were therefore able to take part in all inquests and to help the coroner conduct comprehensive investigations. The Authority was also empowered to retrieve information from the Inland Revenue Division.
4. If the Privy Council were to find that sections 13 and 16 of the Sexual Offences Act were constitutionally protected, Parliament could still amend those provisions. However, that could be done only after significant public consultation, as the Government sought to involve the community in decisions affecting fundamental rights. By the same token, if the Privy Council were to uphold the High Court decision, the Government would nonetheless need to consult the public owing to the sensitivity of the issue.
5. The Government's position in relation to the repatriation of 25 women and 75 children from the Syrian Arab Republic and Iraq was that, as a Member State of the United Nations, it was fully committed to ensuring the implementation of Security Council resolutions 2178 (2014) and 2396 (2017), which required countries to take steps to address threats from foreign terrorists and to prevent suspected terrorist fighters from entering or travelling through their territory. Notwithstanding the potential impact of persons returning to the jurisdiction of Trinidad and Tobago from conflict zones after being exposed to extreme violence and hardship, the Government had been taking all appropriate steps to allow for the repatriation of nationals who had been detained in conflict zones. Efforts were being made to ensure that the requisite legislative framework and arrangements were in place to manage the situation and achieve the deradicalization and reintegration of such persons. It was important for proper safeguards to be in place for the citizenry and for overall national security interests to be protected when dealing with such a multifaceted issue. The Government consulted international organizations and experts in order to learn of other countries' experiences and to ensure that its approaches were congruent with best practice. It was dedicated to promoting the appropriate physical, psychological and psychosocial reintegration of its nationals, including children. The Government was also cognizant of the importance of taking a holistic approach and of the role that civil society organizations could play in the rehabilitation, reintegration and resettlement of returnee nationals and their families.
6. The 2018 and 2021 amendments to the Anti-Terrorism Act had broadened the definition of the term "terrorist"; under section 2 of that law as amended in 2018, an individual who committed an offence under section 15A of the Anti-Terrorism Act was also defined as a foreign terrorist fighter. Accordingly, the definition now covered persons who travelled for the purpose of committing a terrorist act or who facilitated such an act. As terrorism continued to evolve, the Government was striving to ensure that Trinidad and Tobago would not become a safe haven for terrorists. Domestic legislation was being

tightened to erect a robust barrier to the financing of terrorism. Anti-terrorism laws had also been brought into line with international standards.

7. The Task Force Nightingale was responsible for drawing up recommendations related to the possible return to Trinidad and Tobago of nationals who had travelled to the Middle East in an attempt to join ISIS. It comprised law enforcement, legal, foreign affairs, defence, immigration and customs and excise officers and operated under the aegis of the Ministry of National Security. The Office of the Attorney General and Ministry of Legal Affairs was assisting with the review of the legislative and operational framework for the repatriation and reintegration of nationals currently detained in the Syrian Arab Republic and Iraq.

8. The proliferation of illegal firearms had given rise to an upsurge in criminal activity. The geographical position of his country made it a convenient location for transnational organized criminal activities such as the illegal narcotics trade, human trafficking and money laundering.

9. Law enforcement officers were trained to protect children in custody. All minors in custody were under the supervision of the courts. The Children's Authority and social workers acted on behalf of minors to ensure that their rights were protected. The Ministry of National Security was generally responsible for monitoring all detention centres and making certain that they were up to standard.

10. Several methods were used to inform women about the existence of domestic violence shelters. The domestic violence hotline offered round-the-clock counselling services, crisis intervention services and referrals to domestic violence shelters. In addition, when a victim appeared before a family court to request a protection order, the judge might refer that person to a shelter. The Gender and Child Affairs Division of the Office of the Prime Minister was responsible for monitoring and evaluating all non-governmental organizations that ran shelters for domestic violence victims. That Division, in partnership with the Spotlight Initiative, also sought to raise schoolchildren's awareness of the harm done by gender-based violence and bullying.

11. The Government welcomed the recommendation to establish a national human rights institution, but that possibility had to be viewed within the context of a list of competing interests. In order for the Government to facilitate a debate about the abolition of the death penalty, the people of Trinidad and Tobago must be placed in a position where they felt that inroads were being made into curbing violent crime.

12. **A representative of Trinidad and Tobago** said that, as of January 2020, there had been 45 persons on death row. The Whistleblower Protection Bill of 2022 was receiving its second reading in the House of Representatives. With respect to the issue of equal pay for work of equal value, the remuneration of persons holding office in the public sector was determined by the classification of their occupation, not by their gender. All government employees, men and women, received the same remuneration for positions at their respective grades under the Civil Service Act.

13. The matter of the possible re-accession to the first Optional Protocol to the Covenant was a matter for consideration by the Government. At the present time, the law made no provision for civil unions between persons of the same sex. The Ministry of Health offered a wide range of services to combat maternal mortality, including family planning, antenatal care, management of complications during childbirth, postnatal care, immunizations and testing. It had also introduced the perinatal information system developed by the Pan American Health Organization.

14. **The Chair**, speaking as a member of the Committee, said that, in the light of the rather confusing information supplied in paragraph 160 of the State party's report, she would be grateful if the delegation could clarify whether the age of criminal responsibility was 7 or 14 years of age. Since section 75 of the Children Act prohibited the imposition of the death penalty on minors, it was vital to know at what age a person was deemed to be an adult. Another question requiring clarification was whether juvenile detainees under the age of 18 could be held together with adult prisoners or whether they were held in separate sections of the prison. The Committee would also appreciate information about alternatives to prison for juvenile offenders. She wondered whether a register was kept of children in detention and

would like to know on what grounds minors could be imprisoned and for how long. It would be useful to have detailed information about the findings of the reports on children in institutions that were published by the Children's Authority. She was curious to know whether unruly or deprived children could in fact be held in adult prisons under section 78 (3) of the Children Act. She would like to receive official data showing the number of persons who were deprived of their liberty and the percentage of inmates who were being held in overcrowded prisons. Were the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) being applied?

15. **Mr. Helfer** said that he wished to know what steps the State party would take to reduce arbitrary arrests made without warrants under the quite broad provisions in that respect of the Police Service Act. Given that the detention of gang members was currently governed by the Anti-Gang Act of 2021, he would appreciate clarification as to whether the prevalence of arrests without warrants had been reduced and if steps were being taken to put an end to the cycle of detention, failure to bring charges, subsequent release and re-arrest. He wished to learn what specific additional measures the State party was prepared to take to identify and punish police officers who were involved in gang-related activities.

16. The Committee would appreciate information on how the Integrity Commission functioned in practice, on steps to remedy the failure of its members to submit declarations of interest and on general moves to improve the Commission's effectiveness.

17. It would also be grateful for information on initiatives to reduce the backlog of cases in the criminal justice system through the establishment of fast-track proceedings and judge-alone trials. Given that two thirds of the prison population was composed of pretrial detainees and remand prisoners, he would like to know what steps the State party was taking to reduce the imprisonment of individuals who had not been convicted. He would be grateful if the delegation could comment on whether all arrested and detained individuals were provided with legal representation in a timely manner. Would it consider making the Public Defender's Department, which, he understood, was a pilot project, permanent and increasing its staff and resources? The Committee would welcome a description of how the laws and regulations on bail and its alternatives were applied in practice. It also wished to know whether the State party was considering alternatives to pretrial detention. Specific examples of the improvements achieved under the criminal case management rules adopted in 2016 and the Practice Directive issued in 2017 would be welcome.

18. The Committee would like to know how the State party ensured the transparency of the judicial appointment process. It also wished to know what steps the State party had taken to ensure that the channels of accountability for judicial misconduct remained open. It would be grateful for an explanation of how, in practice, the Government ensured respect for the Statements of Principle and Guidelines for Judicial Conduct and was eager to learn what steps the State party was taking to enhance public trust in the efficacy and independence of the judiciary.

19. **Ms. Donders** said that she wished to invite the State party to provide information on the specific measures taken to detect, prevent and investigate cases of trafficking for labour or sexual exploitation and to punish the perpetrators. She would be grateful if the delegation could provide data on how many complaints of human trafficking had been lodged over the previous five years under the Sexual Offences Act, the number of criminal investigations and prosecutions initiated, the convictions secured, the nature of the sentences imposed, and the reparation and protection afforded to victims. She would also appreciate information on how the general public was informed about, and invited to participate in, national programmes to heighten awareness of human trafficking. What success had those programmes achieved in terms of public involvement?

20. She would also be interested to know what concrete measures the State party was taking to combat the complicity of public officials in trafficking offences and the exploitation of women for prostitution, to train law enforcement officials, judges and prosecutors in how to deal with victims of trafficking and to provide witnesses with effective support and protection, including access to medical and psychosocial assistance. An explanation of how the State party ensured that the rights and needs of trafficking victims were respected and

protected despite an absence of specialized shelters for trafficking victims would also be appreciated.

21. She wished to know how the State party ensured respect for the rights of migrants and asylum-seekers. In that regard, the Committee was concerned about the ongoing deportation of refugees to the Bolivarian Republic of Venezuela. Did it, for example, have specific measures in place for facilitating access to asylum procedures and legal aid? It would also be helpful for the delegation to explain what safeguards were in place to uphold the principle of non-refoulement, what criteria were used in deciding whether or not to detain refugees and migrants, and whether the safeguards for their due process rights included an individual assessment that took into account factors such as their health, age, gender identity and sexual orientation.

22. It would be helpful to how many refugees, asylum-seekers and migrants were present in the State party, how many persons had been deported and how many migrant reception centres there were. A description of the efforts made to establish the whereabouts of the reportedly large number of migrants who were unaccounted for would also be welcome. What steps had the State party taken to reduce the backlog of asylum applications?

23. In the light of alarming reports that women and children in the heliport facility were not separated from male detainees and that women and girls were being sexually abused there, she wished to invite the delegation to inform the Committee whether investigations had been launched, whether the women and girls in question were receiving legal assistance and health care and how the State party ensured that staff at the facility had the requisite skills to work with vulnerable migrants and asylum-seekers. She also wished to know whether family members, lawyers and humanitarian and human rights organizations had access to the facility and whether the human rights situation in that facility and other immigration and detention centres was monitored on a regular basis.

24. She would be grateful for details about the measures taken by the State party to facilitate the use of Spanish in immigration procedures, given that it was the language spoken by more than 90 per cent of the refugees and migrants who entered the country. She would also like to learn more about the legal and policy framework for immigration matters that the State party was planning to adopt and its timeline for doing so. Information on human rights protections provided for in the National Policy to Address Refugee and Asylum Matters and on the progress made in its implementation would also be welcome.

25. **Mr. Carazo** said that he would appreciate a detailed response to the request made by the Committee in paragraph 24 of the list of issues ([CCPR/C/TTO/QPR/5](#)) for information on the number of persons tried on the basis of the 2013 Libel and Defamation Act during the reporting period and on the charges brought against them and the sentences served. In view of reports that a number of media professionals had been denied access to a press briefing given by the Prime Minister in 2022, he wished to know what criteria were applied by the Government in deciding whether or not to admit journalists to press conferences. More generally, the Committee would like to know what safeguards existed in the State party to uphold freedom of expression and access to information under article 19 of the Covenant.

26. With respect to the right to participate in public life, he would like to know when the State party planned to establish a national commission for women's empowerment and gender equity, either as a stand-alone body or within a national human rights institution. He would also welcome information on the number of women currently holding non-traditional portfolios and the progress made with regard to the issue of maternity leave for parliamentarians. He also wished to know what measures had been taken to render the financing of political parties, campaigns and elections more transparent.

27. **Ms. Kpatcha Tchamdja** said that she would welcome information on the criteria for refusing permission to organize a public meeting, the number of such refusals and the reasons given for them. She invited the delegation to indicate the number of public meetings or demonstrations that had taken place in the State party over the previous three years in violation of the law and the measures taken against the organizers. She wondered whether the implementation of section 111 (1) and (3) of the Summary Offences Act might lead to abuses by law enforcement officers. Had there been cases during the preceding three years in which such abuses had been committed and, if so, could the delegation inform the

Committee of the number of such cases? She also wished to know whether officers received regular training in the application of those sections of the Summary Offences Act. Information on the number of essential service providers who had been prosecuted for striking and the punishments imposed on them would also be appreciated.

28. In view of reports of abuse of children in their own homes or in institutions, widespread child sex tourism, child and forced marriages, the mistreatment of migrant children in detention facilities and an extremely high number of teenage pregnancies, she was keen to learn what specific measures had been taken or were planned to protect children from all forms of violence. She would like to know how many perpetrators of violence against children had been prosecuted over the previous three years, what punishments they had received and what redress had been provided to the victims. Had steps been taken to prohibit the corporal punishment of children in all contexts? The Committee would be grateful for any information that was available on the status of the migrant children who were reportedly detained in various facilities.

*The meeting was suspended at 11 a.m. and resumed at 11.30 a.m.*

29. **Mr. Rampersad** (Trinidad and Tobago), drawing the Committee's attention to paragraphs 160 and 161 of the report (CCPR/C/TTO/5), said that only persons aged 18 years or over could be tried as adults and housed in prisons. Juvenile detention facilities included the Youth Training and Rehabilitation Centre. The criminal justice system had been progressively reformed to move towards a restorative approach. The Prison Service ensured that the daily health, hygiene, nutrition and social needs of inmates were met and that sanitary conditions were in keeping with international standards. The Service prepared inmates for release and reintegration into society through a combination of educational, vocational and other measures. It had forged partnerships with correctional professionals and agencies in Canada, the United Kingdom and the United States of America in order to improve institutional and staff capabilities and the management and control of all categories of inmates. Measures taken to alleviate prison overcrowding and meet other critical inmate needs included the establishment of 12 virtual courts to facilitate hearings via videoconferencing, the upgrading of the Remand Prison, the establishment of a health and safety committee to conduct monthly assessments of prison conditions and the development of a strategic plan to promote rehabilitation, including through the delivery of skills training and cultural, educational, recreational and religious programmes.

30. Domestic provisions granting police officers powers of arrest without a warrant remained in force. The 2011 and 2018 iterations of the Anti-Gang Act had contained a sunset clause and had consequently expired. In 2021, recognizing that the Anti-Gang Act was a fundamental piece of legislation, the Government had submitted a new bill to Parliament that did not include a sunset clause. The bill had been passed by a simple majority. The Anti-Gang Act of 2021 covered a variety of offences, including gang membership or the encouragement thereof, preventing an individual from leaving a gang, possession of a bulletproof vest, firearms or ammunition for use in gang-related activity and harbouring a gang member.

31. The Government had sought to relieve the judicial backlog and associated prison overcrowding through a multi-pronged approach involving legislative changes, the recruitment of judicial officers, the establishment of specialized courts and advances in information and communications technology. The Administration of Justice (Electronic Monitoring) (Amendment) Act of 2020 was aimed at promoting the use of electronic tagging for less serious offenders, while the Criminal Procedure (Plea Discussion and Plea Agreement) Act of 2017 enabled defendants to plead guilty in exchange for more lenient sentencing. The Office of the Attorney General had established various departments to enhance legal representation and to monitor the ways in which laws were applied, including the Public Defenders' Department within the Legal Aid and Advisory Authority.

32. **A representative of Trinidad and Tobago** said that, although the Public Defenders' Department had been established in April 2020 as part of a pilot project, it had since been made permanent and currently employed 30 lawyers, in addition to administrative staff. The Constitution provided for the right of defendants to retain and communicate with counsel of their choice without delay. It did not stipulate that such representation should be effective. However, the importance of affordable, accessible and effective counsel had been recognized

through the adoption of sections 17 to 19 of the Legal Aid and Advice (Amendment) Act of 2012 and the creation of the Public Defenders' Department. Accused persons could apply for means-tested legal aid. Persons charged with murder were assigned a lawyer with at least five years' post-qualification experience.

33. **Mr. Rampersad** (Trinidad and Tobago) said that there were currently 16 Court of Appeal judges, 44 High Court judges and 20 masters of the High Court. Information on the independence of the judiciary was provided in paragraphs 215 and 216 of the report.

34. The Government was working to improve the proactive detection and identification of victims and witnesses of trafficking by providing government employees with specialized training, among other measures. The Counter-Trafficking Unit also provided training on the topic for its own officers and for officers of other relevant agencies in collaboration with the International Organization for Migration and the United Nations Office on Drugs and Crime. The Ministry of National Security encouraged reporting through public service announcements and through awareness-raising campaigns in schools, at health centres, via the media and in public spaces, including signs at national points of entry. It also worked with non-governmental and international organizations to educate migrants about how to recognize and report forced labour. In 2023, the Ministry had marked the World Day Against Trafficking in Persons by organizing a large-scale public walk to promote awareness.

35. The Counter-Trafficking Unit provided assistance to trafficking victims and protected them against recapture and reprisals. Victims had the right to consult an attorney and had access to a range of services, including shelters, medical, dental and psychological care, sexual and reproductive health care, counselling, food hampers, employment and life skills guidance, and interpretation and translation. They could attend court hearings virtually, and there was a voluntary repatriation programme. Victims were assessed to determine their level of need and referred for counselling with a certified psychologist where appropriate.

36. The Counter-Trafficking Unit was responsible for identifying and investigating possible cases of trafficking in persons. It operated a hotline for people to use to report suspected cases. Once a potential case of trafficking had been identified, the Unit conducted a preliminary investigation during which it interviewed possible victims and gathered evidence. It then consulted the Director of Public Prosecution, who advised the Unit on whether to press charges and whether additional evidence was required. Victims could decide the extent to which they wished to participate in the court case. The Unit worked closely with other government agencies to identify cases.

37. A working group had been established to review the nation's progress in combating trafficking in persons. The group was chaired by the Minister for National Security, and its members included representatives of the main government stakeholders directly involved in combating trafficking in persons. The Government was considering adopting further legislation to address human trafficking.

38. **A representative of Trinidad and Tobago** said that, between 2013 and 2022, eight cases of trafficking in persons had been brought before the High Court, and seven cases had been brought before the Summary Court. Seventy individuals had been charged in connection with human trafficking offences. Between 2018 and 2020, the Counter-Trafficking Unit had received 103 reports of trafficking in persons. Between 2018 and 2022, it had screened 455 suspected victims of trafficking, of whom 250 had been identified as victims. No convictions had been achieved to date, however.

39. **Mr. Rampersad** (Trinidad and Tobago) said that, in 2000, his country had acceded to the Convention relating to the Status of Refugees and its Protocol. It had yet to ratify either instrument or incorporate them into national law, however. A significant amount of human and other resources would be required to implement those standards.

40. **A representative of Trinidad and Tobago** said that, in a recent case of a Venezuelan migrant who had appealed a deportation order, the High Court had ruled that, while the individual had been in possession of a refugee status card issued by the Office of the United Nations High Commissioner for Refugees (UNHCR) at the time of entry into the country, the Government was free to determine its own approach to handling persons who were seeking refugee status or asylum, given that Trinidad and Tobago was a dualist State

and that the Convention relating to the Status of Refugees had not been incorporated into domestic law. The Court had ruled that the principle of non-refoulement therefore did not apply and that the individual in question, having entered the country illegally, was subject to the provisions of the Immigration Act. The Court had also ruled that section 11 of the Immigration Act was not unconstitutional as it did not offend the rule of law or contravene the Constitution.

41. **Mr. Rampersad** (Trinidad and Tobago) said that migrants were never detained arbitrarily. All cases were investigated to determine the individual's identity and immigration status and verify whether any national laws had been violated. Irregular migrants who could not be positively identified or who had breached national law were placed in detention.

42. Detainees were screened for indicators of vulnerability. All detainees had access to medical care. Migrants who were determined to be minors were processed by the competent authorities. The Chief Immigration Officer could grant detainees conditional release with supervision, where appropriate. Immigration officers received training on border security, investigation and interview practices, indicators of trafficking in persons and the rights of refugees and asylum-seekers.

43. **A representative of Trinidad and Tobago** said that migrants were not repatriated if doing so would put them at risk of serious human rights violations. Most Venezuelan migrants could be classified as economic migrants, however, and were therefore subject to the relevant provisions of the Immigration Act.

44. **Mr. Rampersad** (Trinidad and Tobago) said that, in 2019, a migration registration framework had been introduced under which regular and irregular migrants could apply for a six-month minister's permit to allow them to work legally in the country. The permit could be extended to 12 months and could be renewed annually. Non-nationals were entitled to free emergency health care, including vaccination against the coronavirus disease (COVID-19). In addition, the Government worked with civil society and international organizations to provide services to vulnerable migrants to cover their basic needs.

45. The Government did not collect its own statistics on refugees and asylum-seekers. According to UNHCR, there were some 30,600 persons of concern in Trinidad and Tobago, of whom 26,200 were asylum-seekers and 3,300 were refugees. Many migrants who had entered the country illegally remained unaccounted for until they came into contact with the authorities. Illegal migration was perpetrated primarily by Venezuelan nationals and by smugglers using established networks and routines that facilitated transnational organized crime.

46. **A representative of Trinidad and Tobago** said that, while the country had no legislation on migrant smuggling as such, it continued to cooperate with neighbouring States and international organizations to raise awareness of the dangers of smuggling among potential migrants and to conduct search and rescue operations. It was also working with international organizations to build its capacities with a view to achieving a sustainable system of migration management.

47. **Mr. Rampersad** (Trinidad and Tobago) said that a revised version of the ad hoc policy on refugees originally adopted in 2014 was currently under review. Once adopted, the revised policy would enable the Government to implement phase 3 of the original policy, in which it would take full responsibility for determining refugee status.

48. **A representative of Trinidad and Tobago** said that the Libel and Defamation Act had been amended in 2014 to do away with the offence of malicious defamatory libel with a view to striking a balance between the right to freedom of speech and the right to protect one's reputation. That law remained in force, and the Government had no further plans to amend it.

49. Freedom of speech and freedom of the press were protected by the Constitution and by a number of other laws, including the Telecommunications Act, the National Broadcasting Code and the Freedom of Information Act. In general, journalism was encouraged; the country had three daily newspapers, four television stations and more than a dozen radio stations.



50. Freedom of association was also a constitutional right. The Constitution did not protect the right to strike or to join trade unions, however. All trade unions must be registered with the Government. Under the Industrial Relations Act, the courts could order the discontinuation of industrial action, and workers in certain essential services were prohibited from striking. No one had been prosecuted under the Industrial Relations Act for participating in a protest.

51. **Mr. Rampersad** (Trinidad and Tobago) said that women held various senior government positions, including the current and previous presidencies. Some 34 per cent of parliamentarians were women. In 2023, a parliamentary group of women legislators had been established. Liberal maternity leave arrangements were in place for parliamentarians.

52. While corporal punishment remained legal for offenders over the age of 18 years, no one had been sentenced to whipping with a cat-o'-nine tails in 25 years. Parents and guardians had the right to use corporal punishment on their children, but teachers did not have the right to use it on students. As corporal punishment was a heavily ingrained cultural practice, it would require a significant effort to change the public's behaviour. Violence against children could be reported to the Children's Authority and the Child Protection Unit of the Police Service. The Government worked with civil society in the area of child protection, with one example of that cooperation being a widely publicized child protection helpline.

53. **A representative of Trinidad and Tobago** said that the only restriction on freedom of assembly was the requirement to notify the police of a planned demonstration or other similar event 48 hours in advance. The police could refuse permission for the assembly if the applicants did not meet the criteria set out in the Summary Offences Act.

54. The Government was not aware of any public gatherings held without permission at which the police had used excessive force. Police officers were thoroughly trained in crowd management, and police policy on the use of force was dictated by the principles of necessity, reasonableness and proportionality. The relevant policy had been amended to discourage the use of taser guns and pepper spray.

55. In 2017, in response to treaty body recommendations, the Government had raised the age of marriage to 18 years for persons of both sexes and all religions.

56. **Mr. Rampersad** (Trinidad and Tobago) said that Cabinet had agreed in June 2021 to conduct an independent investigation into allegations of child abuse at residential institutions. The remit of the investigative team had included reviewing documentation, identifying and documenting abuse, reviewing policies and procedures and making recommendations to ensure that appropriate policies and procedures for the protection of children and the prevention of abuse were in place. Following a Cabinet review of the resulting report, which had been publicly laid before Parliament in April 2022, the recommendations made in the report had been reviewed by the Office of the Attorney General and Ministry of Legal Affairs, and a task force had been established to develop a work plan for their implementation.

57. Child migrants remained in the custody of their families while their cases were being processed by the Immigration Division; undocumented minors were referred to the Children's Authority until their identity or that of their parents or guardians could be determined. Detention centres designated for migrants or persons classified as illegal immigrants were not treated as prisons and, depending on the circumstances, families might be housed together at such facilities.

58. **A representative of Trinidad and Tobago** said that a bill to amend the Representation of the People Act, which was currently before a joint select committee of Parliament, would regulate donors, including anonymous donors, the amount of donations and political parties' membership and financial structures to ensure transparency. It would also provide that donors in receipt of State contracts must disclose certain information regarding their donations.

59. **Ms. Donders** said that she would be grateful if the State party could explain what it meant by the term "economic migrant" and whether such persons were automatically excluded from protection under the principle of non-refoulement even if they were at risk of other serious human rights violations in addition to economic hardship. Was the State party setting itself concrete targets with respect to combating violence and trafficking? She

wondered whether it might comment on what appeared to be very low figures regarding investigations and cases of trafficking for the period in question and the fact that no convictions whatsoever for that offence had been secured. Could the State party indicate how it planned to initiate and organize public consultations around such problems as discrimination, prejudice and misinformation regarding women, immigrants and other groups?

60. **Mr. Helfer** said that he would like to know what practical steps the State party was taking to ensure that laws permitting warrantless arrests were not being abused. What further measures could be taken to address the issue of police officers' involvement with transnational gangs engaged in trafficking? He would like to invite the State party to comment on concerns expressed by the Integrity Commission of Trinidad and Tobago over a lack of full cooperation with the Director of Public Prosecutions. He would be interested to know why the Prime Minister had refused to act on the results of an investigation conducted by the Law Association of Trinidad and Tobago into the alleged misconduct of Chief Justice Ivor Archie in 2018 and 2019.

61. **Mr. Carazo** said that he was looking forward to the delegation's response to his earlier question regarding the exclusion of certain journalists from a press conference organized by the Office of the Prime Minister in 2022. He would be interested to know what percentage of senior posts were occupied by women at the municipal level. He would also like to know how many people were classified as economic migrants in Trinidad and Tobago.

62. **Ms. Kpatcha Tchamdja** said that she would be interested to know whether the recommendations made following the investigation of abuse at institutions providing residential care for children had led to legal action against the perpetrators of that abuse.

63. **The Chair** said that she would be grateful to learn what data the State party had on overcrowding at detention centres and whether adults and minors were held in the same place of detention, even if they were separated into different blocks and did not mix in theory. What percentage of detained persons did not have access to legal representation?

64. **Mr. Rampersad** (Trinidad and Tobago) said that economic migrants were understood to be persons who migrated from one jurisdiction to another because of adverse economic circumstances in the original jurisdiction. It was not the case that a person classified as an economic migrant who might also suffer persecution for political reasons in the original jurisdiction would automatically be deported, as each case was considered on an individual basis and there might be extenuating circumstances that applied to different categories of migrants.

65. The need to properly collect and disaggregate data, while recognized by his Government, posed a capacity issue for a small developing nation. The reason why the number of prosecutions of cases of human trafficking appeared to be small was that the specific offence of trafficking had been placed on the books fairly recently.

66. In the event of any arrest that a person felt had been arbitrary, the person concerned could apply to the courts for redress. The delegation had no comment at that time concerning the alleged misconduct of the Chief Justice or concerning the criteria used to determine whether journalists were allowed to attend press conferences at the Office of the Prime Minister. The delegation did not have data on the government positions held by women at the municipal level to hand but would be willing to submit such information in writing.

67. **Mr. Gómez Martínez** said that he would like to know exactly what crimes in the State party could carry the death penalty. Given the large percentage of persons on death row in relation to the size of the general population of Trinidad and Tobago, he would be interested to learn whether the standards set in the Covenant – whereby the death penalty, if retained at all, should be retained only for the most serious crimes – were being adhered to. A list of the charges of which persons on death row had been found guilty would provide very useful information in that respect.

68. He would like to know whether the recommendations of the commission charged with investigating abuse at institutions providing residential care to children had been implemented and whether there were any statistics that might indicate how successful those measures had been in reducing child abuse.

69. **Ms. Tigroudja** said that she would appreciate more information as to why the adoption of the Whistleblower Protection Bill had been delayed.

70. **Mr. Rampersad** (Trinidad and Tobago) said that, in Trinidad and Tobago, the death penalty could be imposed only for murder and treason. The apparently high percentage, in statistical terms, of persons sentenced to death relative to the general population was attributable to the fact that some of the persons on death row had been sentenced quite a long time ago. His Government was willing to submit any further details that the Committee might wish to receive in writing.

71. The report on child abuse in residential care had been reviewed by the Cabinet quite recently, so not enough time had passed to gauge how effective the implementation of the recommendations had been. His Government would submit any available data in writing.

72. **A representative of Trinidad and Tobago** said that the work of the teams set up to review the recommendations arising from the investigation into child abuse was still under way, so no substantive data would be available until their work had been completed.

73. **Mr. Rampersad** (Trinidad and Tobago) said that whistleblower legislation was a priority for the Government of Trinidad and Tobago. The Prime Minister, the Attorney General and the Government had made anti-corruption efforts a high priority on the legislative agenda. His Government would submit supplementary information in writing.

74. **The Chair**, noting that a very wide range of subjects had been discussed and valuable information provided, thanked the delegation and all other persons involved in making the meeting possible.

*The meeting rose at 12:50 p.m.*