



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Fifth periodic report submitted by Trinidad and
Tobago under article 40 of the Covenant pursuant
to the optional reporting procedure, due in 2019***

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* The present document is being issued without formal editing.



I. Introduction

1. The Government of Trinidad and Tobago is pleased to respond to the List of Issues Prior to Reporting presented by the Human Rights Committee in connection with the International Convention on Civil and Political Rights.
2. The International Law and Human Rights Unit (ILHRU) in the Ministry of the Attorney General and Legal Affairs of Trinidad and Tobago is responsible for the drafting of National Human Rights Reports including the List of Issues Prior to Reporting on the International Convention on Civil and Political Rights.
3. A consultative approach was adopted by hosting and attending conferences with both Government Stakeholders and Civil Society Organizations; such as the Prison Service, Crime And Problem Analysis (CAPA) branch of the Trinidad and Tobago Police Service under the auspices of the Ministry of National Security, Office of the Prime Minister, Gender and Child Affairs Division (OPM GCAD), Equal Opportunity Commission (EOC), Children's Authority, Judiciary, Police Complaints Authority, Ministry of Health, CEDAW Committee of Trinidad and Tobago (CCOTT), Institute of Gender and Development Studies (IGDS) of the University of the West Indies, respectively.

II. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

A. Mechanism for implementing concluding observations

4. Currently the following are the existing mechanisms via which recommendations and concluding observations may be implemented in Trinidad and Tobago:
 - Circulation of the recommendations and concluding observations to all Permanent Secretaries;
 - Ministers may make new regulations which implement a recommendation or concluding observation;
 - Ministers after receiving technical advice may take same to Cabinet for consideration, whereby the Office of the attorney General may be instructed to alter existing or create new legislation for the consideration of Parliament;
 - Development of new public policies and programmes.

B. Concluding observations not otherwise addressed

5. The Republic of Trinidad and Tobago maintains its commitment to the implementation of recommendations and concluding observations made by the Committee. Recommendations 12, 13 and 17 have been implemented in the following respective ways.

Recommendation 12: The adequacy of judicial remedy should be kept under review and legislation passed if necessary

6. Section 4 of the Constitution protects a person from being discriminated against on the basis of sex and from being denied their right to equality before the law and the protection of the law. A person may acquire redress under the Constitution by bringing a constitutional claim, which offers constitutional remedies.
7. The Equal Opportunity Act Chap 22:03, seeks to offer protection from sexual harassment and redress through the Equal Opportunity Act, Equal Opportunity Tribunal and the Industrial Court. Under this Act, sexual harassment is encompassed as unlawful sex, discrimination against a man or woman in the category of employment, in the way that the employer dismissed them or subjected them to a detriment treatment due to their sex. Access

to such recourse is free during the investigative process at the Equal Opportunity Commission and Conciliation Department of the Equal Opportunity Commission.

8. The common law, regarding the issue of sexual harassment provides judicial remedies since the decision of Trade Dispute 17/95 Bank Employees' Union and Republic Bank Limited, in which His Honour Bernard referred to a common law duty on employers to provide a safe system of work, stating, among other things. Further, T.D. 78 of 2009 All Trinidad General Workers' Trade Union and National Gas Company of Trinidad and Tobago; and T.D. 26 of 2007 (S) All Trinidad Sugar and General Workers' Trade Union and Aquil Limited, has collectively provided judicial guidance on sexual harassment and continues to demonstrate the Court's commitment to providing judicial remedies for sexual harassment.

9. The Occupational Safety and Health Act Chap. 88:08 (OSHA), prohibits sexual harassment in the workplace. In Section 6 of OSHA, the "General Duties of Employers to Employees" are identified and the Act places a statutory requirement on the employer to provide and maintain a working environment for their employees that is, so far as is reasonably practicable, safe, without risks to health, and adequate, as regards amenities and arrangements for their welfare at work. This mandate has allowed for many claims of sexual harassment to be settled by "financial settlements, promotion or reinstatement of the victim, or by the dismissal of the alleged perpetrator".

10. The Sexual Offences Act, Chap 11:28, provides for judicial remedy for sexual harassment claims that have become criminal offences liable on conviction in the criminal court. Section 15 identifies the offence of indecent assault as an assault accompanied by words or circumstances indicating an indecent intention, which can amount to sexual harassment.

Recommendation 13: Sentences of flogging or whipping should immediately be abolished

11. Trinidad and Tobago is governed by the Corporal Punishment (Offenders over Eighteen) Act Chap. 13:04, which applies to offenders who are convicted of serious offences by the High Court who are male and over the age of eighteen. The Act excludes females and people who have had their matters tried in the Magistrate's court. The practice of sentencing by flogging or whipping is limited and have been uncommon in recent years. Additionally, to ensure the safety of the offender, it is mandatory to have a medical officer determine if the offender is physically unfit to undergo the punishment, and the medical officer can request that it be suspended and must then report such to the President.

12. The Trinidad and Tobago Police Service (TTPS) is guided by Section 46 of the Police Service Act Chap. 15:01 which identifies the circumstances in which a police officer may arrest a person without a warrant. This does not contravene Article 9(1) of the Covenant as it provides specific guidelines in the exercise of police officers powers of arrest without a warrant.

Recommendation 17: The new publication and implementation of the new commission's report on giving effect to the Standard Minimum Rules for the treatment of Prisoners should be given priority

13. Trinidad and Tobago is governed by the Prisons Act Chap. 13:01, regarding functioning of the prison system. The 1943 Prison Rules functions as an arm of the criminal justice system and continues to be committed to the protection of society and prevention of crime by facilitating opportunities for habilitation and rehabilitation for offenders, while operating and maintaining control under safe, secure and humane conditions.

14. On the 19th May, 2017 there was an Inquiry into the Impact on Mental Health and Family Life of the Remandees at the Remand Prisons by the Joint Select Committee on Human Rights, Equality and Diversity at the third session of the Eleventh Parliament 2017/2018. The Committee adopted the following two (2) objectives to guide the inquiry:

(a) To evaluate the programmes and services to mitigate, against the effect of detention on remandees at the Remand Yard Prison; and

(b) To determine the impact on mental health and family life of remandees at the Remand Yard Prison.

15. The Committee utilized the United Nations Human Rights Office of the High Commissioner definition of human rights, and identified that the United Nations “Standard Minimum Rules for the Treatment of Prisoners” were adopted unanimously by the UN General Assembly on December 17, 2015. It went on to note that these rules are the “essential elements of the most adequate systems of today, to set out what is generally accepted as being good principles and practice in the treatment of prisoners and prison management.”

16. Trinidad and Tobago Prison Service remains committed to the protection of society and is in the process of proposing reformation to deal with the ongoing challenges experienced.

Extent of incorporation of Covenant

17. Trinidad and Tobago is a dualist State and as such, upon becoming a State Party of ICCPR, in order to implement the provisions of the Covenant, it must be duly incorporated into a domestic law. The ICCPR has been incorporated into several pieces of legislation. The rights of vulnerable groups are covered by numerous pieces of legislation when read in tandem, offer promotion and protection of human rights.

Awareness of Covenant

18. Trinidad and Tobago remains committed to raising awareness and understanding of the Covenant among the general public and State employees. The Government stands firmly on the principle of public awareness and public inclusion in decision making and as such, has conducted various public consultations on Constitutional Reform, Child Marriage, and Rights of Persons with Disabilities amongst other areas protected under the Covenant.

19. Further, various government institutions have embarked on awareness campaigns highlighting the need to protect the rights of specific groups as identified under the Covenant. For instance, the Office of the Prime Minister, Gender and Child Affairs Division (OPM GCAD) has designed awareness campaigns against gender-based violence in an attempt to change social and cultural patterns which causes deviant behaviours. OPM GCAD has also conducted the “Break the Silence” Campaign which raises awareness of the need to protect children from sexual violence and physical abuse.

20. The EOC conducts on-going awareness campaigns on the rights of vulnerable groups including, women and children and the rights of persons with disabilities. Additionally, the EOC has also launched guidelines to further inform the general public on matters concerning these vulnerable groups such as “*Guidelines for Employers on Disability in Trinidad and Tobago*” and “*Sexual Harassment in the Workplace*”.

21. The Ministry of Education often partners with OPM GCAD and EOC to conduct training sessions for teachers to increase their awareness of signs of abuse in children. Guidance Counsellors who have been equipped to identify children experiencing issues are also placed in primary and secondary schools.

22. The Ministry of National Security has also undertaken the task of conducting seminars and training sessions for law enforcement officials concerning the rights of various groups with whom they may encounter during their course of duty. Topics covered included *inter alia* human trafficking, domestic violence and child abuse.

23. The Ministry of Health has also carried out awareness campaigns for the doctors and nurses in its employ. These campaigns aim at teaching medical practitioners the human rights of various groups of patients whom they may encounter. The campaigns also highlight laws which protect patients and mandate procedures which the medical practitioners must follow in dealing with said patients. Campaigns covered topics such the treatment of victims of sexual abuse, persons with disabilities, persons living with HIV/AIDS amongst others.

24. The Law Association of Trinidad and Tobago (LATT) host regular seminars for its membership on the use, importance and amendment where necessary, of various pieces of legislation covering a wide range of issues identified under the Covenant. The Judicial

Education Institute of Trinidad and Tobago (JEITT) regularly coordinates training development programmes for all judges and judicial officers covering the widest range of topics, including those human rights covered by the Covenant in an attempt to ensure that there is steady judicial development in all aspects.

II. Specific information on the implementation of articles 1–27 of the Covenant, including with regard to the previous recommendations of the Committee

A. Constitutional and Legal framework within the Covenant is implemented (art. 2)

Reservations

25. Article 4(2) of the Covenant requires that there be no derogation of article 6 of said covenant, which refers to the death penalty. The legislation of Trinidad and Tobago has not been amended to remove the death penalty for certain offences such as murder and treason. Therefore, the reservation to article 4(2) remains.

26. Article 10(2)(b) requires that accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication. While the reservation to article 10(2)(b) remains, Trinidad and Tobago has made significant progress as it regards juveniles. Under section 53 of the Children’s Act 2012, where a child has been detained in a Police Station, the Commissioner of Police shall make arrangements for preventing the child from associating with an adult charged with or convicted of an offence. In relation to detention, Section 60 of the Act prevents the Court from ordering a child to be detained in an adult prison. However, according to section 60 (5) of the Act where a child is placed in any facility, they shall not be allowed to associate with adult prisoners, except with the express permission of the Court in respect of the adult prisoner named in the Order. In cases where a child is convicted of an offence which is punishable by imprisonment, the Court has several options as prescribed by the Act.

27. Under Section 60 (3) of the Act Children offenders between the age of 10 and under 18 years may be order by the Court to be place in a Rehabilitation Centre which is a facility for persons of this age group. Children offenders under the age of 10 charged before the Court may be ordered to be placed in Children’s Home for persons of this age group in accordance with section 60 (4) of the Act.

28. Young male persons between the ages of 16 and 18 who have been convicted of offences which are punishable by a term of imprisonment may be sent to the Youth Training and Rehabilitation Centre (Y.T.R. C), formerly the Youth Training Centre (Y.T.C.) though this is not a prison, the facility falls under the ambit of the Prison Service. The Y.T.R.C is located in a separate facility compound of the Golden Grove prison. Young persons at Y.T.R.C. do not have contact with adult offenders.

29. On 27 February 2018, the Family and Children Division Act 2016 came into force by way of proclamation as an addition to the Package of Children’s Legislation. The Act created a Division of the High Court to be called the Family and Children Division which would have jurisdiction exercisable over all family matters and children matters. This separation of children matters from other matters will allow for speedier adjudication of matters involving juveniles as the Children Court created under the Family and Children Division Act 2016 will specifically deal with children matters, utilizing a rehabilitative and less punitive approach.

30. While the reservation to article 10(3) of the Covenant remains, significant progress has also been made as it pertains to rehabilitation and social reformation of prisoners. The Prisons Service of Trinidad and Tobago is mandated by its Restorative Justice Policy to provide a prisons system that links offenders with skills, resources and opportunities that will enable them to successfully return to society. These rehabilitative programmes for inmates involve academic and vocational education, religious interventions, life-skill development,

sporting activities, music, culture and the arts, agriculture, aquaculture, aquaponics live-stock rearing, inmate radio station and candle making project.

31. Convicted persons are given access to education as classes are conducted at the prison institutions for all inmates other than inmates on death row. Prisoners have access to several educational programmes such as adult literacy, Caribbean Secondary Education Certificate (CSEC), course for the Caribbean Advanced Proficiency Examination (CAPE) and qualifications in barbering, tailoring and other vocational areas. The Government provides free instruction for these courses and arranges for the prisoners to sit the examinations under supervision free of charge.

32. Attempts are also made by prison welfare officers to secure job placements for inmates subsequent to their release.

33. There is a drug and alcohol rehabilitation program. This program also teaches self-awareness and anger management. These programmes were implemented to treat with those prisoners who entered the prison system convicted in drug related charges.

34. Additionally, there are non-governmental agencies that also provide rehabilitative support for ex-prisoners. The Vision on Mission NGO aids in the reintegration and rehabilitation of prisoners, ex-offenders, deportees/returning nationals, delinquent youths, and socially displaced persons by providing transitional housing, training and re-training opportunities, employment opportunities, reduced-rate rental facilities, banking opportunities through a money management programme, and assistance in acquiring government grants and loans. The NGO has even partnered with the Trinidad and Tobago Prison Service to facilitate a pre-release programme from the Trinidad & Tobago Prison System which uses various modules and workshops, tailored to prepare an inmate to successfully reintegrate into society.

35. Article 12(2) reservation remains, however there has been progress. Article 12(2) of the Covenant states everyone shall be free to leave any country including his own. All persons can freely leave Trinidad and Tobago provided that they have a valid travel document. However, a person may be prevented from leaving the jurisdiction by immigration authorities if the Immigration department has been informed that there is an outstanding warrant of arrest against that person or if a State of Emergency has been declared and such an order has been made by the President. Other than a valid travel document and an airline ticket, there are no other documents required to be produced before a person is permitted to leave the country.

36. All citizens and residents of this country are entitled to apply and be granted travel documents. There are very few instances when a person lawfully entitled to a travel document can be denied this. One instance is when the Court informs the Immigration department that a person's passport has been surrendered by Order of the Court and the Court instructs the Immigration department not to issue any new travel document to that person until further notice.

37. Article 14(5) reservation remains, however there has been progress. Article 14(5) of the Covenant requires that everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law. The right to access due process is afforded by Section 4(a) of the Constitution which provides that no person shall be deprived of his liberty without due process of the law.

38. The Court of Appeal has appellate jurisdiction to review decisions and judgments of the High Court and Magistrates Court in civil, criminal and family matters once an appeal is filed.

39. Civil or criminal appeals from the Court of Appeal lie with the Judicial Committee of the Privy Council as of right, or with leave of the Court in accordance with Section 109 of the Constitution. This Section provides that any decision of the Judicial Committee is to be enforced as if it were a decision of the Court of Appeal for any appeal.

40. A person convicted of a criminal offence in the High Court can appeal to the Court of Appeal in accordance with sections 42 to 65 of the Supreme Court of Judicature Act, 1962. Appeals against convictions on indictment are facilitated under section 43(a) to (d) which lists specified grounds of appeal.

41. Section 43(c) provides that a person convicted on indictment may appeal to the Court of Appeal against a sentence, unless the sentence is one fixed by law. Section 44(3) provides that on appeal against a sentence, the Court of Appeal has the power to quash the sentence passed at the trial, pass a lesser or more severe sentence as warranted in law or dismiss the appeal.

42. While the Court of Appeal may vary a sentence under section 44(3), section 43(c) prohibits any interference by the Court of Appeal of a lawfully imposed sentence. Therefore, the reservation to article 14(5) of the Covenant remains.

43. Article 14 (6) reservation remains. Article 14(6) provides that where a person who has been convicted of a criminal offence has later had his conviction reversed or has been pardoned due to the admission of fresh evidence not attributable to his own disclosure, must be compensated according to law. In Trinidad and Tobago, while the President, in accordance with the Constitution, has the power to grant a pardon or commutation of sentence to any person convicted of any offence in the country, there is no provision which states that the person must be compensated for time spent incarcerated. Neither section 87 of the Constitution nor sections 69 or 70 of the Criminal Procedure Act, Chap 12:01 provides that a person who has received said pardon or commutation of sentence is entitled to compensation as of right. However, a person who has a complaint that his Constitutional right to liberty, to not be unlawfully arrested or detained was breached by reason of the previous conviction is entitled to take civil action against the State for compensation.

44. Article 15(1) reservation remains, however there has been progress. Article (15)(1) of the Covenant provides that a person shall not be guilty of an offence for an act or omission which did not constitute a criminal offence under national or international law at the time it was committed. Nor shall a heavier penalty be imposed than the one applicable at the time when the criminal offence was committed. If after the commission of the offence a law is imposed giving a lighter penalty, the offender shall have the benefit of the lighter penalty.

45. In this jurisdiction it is an established rule of construction that a retrospective operation is not to be given to a statute so as to impair an existing right or obligation, other than the exception as regards a matter of procedure. Generally, if the enactment is expressed in language which is fairly capable of either interpretation, it ought to be construed as prospective. The general rule which applies is expressed in the maxim "*nova constitutio furturis formam imponere debet non praeteritis*" which means that any new law that is made affects future transactions, not past ones. A Court would be slow to construe an Act as retrospective thereby disturbing substantive rights unless Parliament expressly or by necessary implication has so decreed.

46. Parliament is not expressly prohibited under the Constitution from enacting retrospective criminal laws.

47. Where a law is repealed or revoked, section 27 of the Interpretation Act, Chapter 3:01 provides that the repeal or revocation of a written law does not affect the prior operation of the written law so repealed or anything done or suffered thereunder. Therefore the reservation to article 15(1) remains.

48. Article 21 reservation remains however, freedom of assembly is expressly recognized in section 4(j) of the Constitution. There are no restrictions on the freedom of assembly other than a requirement that notice be given to the Commissioner of Police at least 48 hours prior to the holding of the public meeting or public march under section 109 of the Summary offences Act, Chap. 11:02. The notification must include the purpose(s), approximate time, place or route of the meeting or march. If the Commissioner has reasonable apprehension that the holding of the public meeting would occasion serious public disorder he may impose conditions on the organizers that seem necessary for the preservation of public peace and order, or he may prohibit it in writing. In the case of a prohibition, he must state the reasons for it in writing and serve the notice personally on any of the signatories of the notification or leave it at their address. The fine for violation of the Act is a fine of ten thousand dollars and to two years imprisonment.

49. If an assembly is held on private lands, this may become a trespass. Further under section 50 (1) of the Highways Act, Chap 48:01 any person who without lawful authority or

excuse, in any way wilfully obstructs the free passage along a highway is liable to a fine of two thousand dollars. A constable of police may arrest without warrant any person whom he sees committing an offence against this section.

50. Article 26 reservation remains, however there has been progress. The right to the equality of all men is recognized in Section 4 of the Constitution, which provides that rights and freedoms enshrined therein are to be enjoyed by the people of Trinidad and Tobago free from discrimination based on race, origin, religion, colour or sex.

51. The Equal Opportunity Act 2000 protects a person from discrimination based on a comprehensive list of prohibited grounds of discrimination such as status, victimization and offensive behaviour. Section 3 of the Act defines "status" as "the sex which does not include sexual orientation, the race, the ethnicity, the origin, including geographical origin, the religion, the marital status, or any disability of that person."

52. While the High Court of Trinidad and Tobago continues to issue death sentences to persons convicted of murder under the Offences Against the Persons Act Chap 11:08, the stay on executions is primarily due to the ruling handed down by the Privy Council in the case of Pratt and Morgan v The Attorney General for Jamaica (1993), which requires the State to carry out a death sentence within five (5) years of conviction. This has effectively resulted in a de facto moratorium.

53. In every case since 1999, the time taken to exhaust the appeal process, including petitions to international human rights bodies has extended beyond five (5) years. As such, condemned prisoners on reaching the expiration of their five (5) year time limit are able to have their sentences commuted by law.

54. Trinidad and Tobago maintains the death penalty in its law. These circumstances will change when as a society a collective view is expressed that there is need to change the law. This can only occur through significant public consultation.

Remedies for violation of rights under Covenant

55. The Office of the Ombudsman was established under the Ombudsman Act Chap. 2:52 and functions solely for the purpose of giving assistance to persons who believe that they suffered injustices at the hands of public officers employed by Government agencies and departments.

56. The Ombudsman Act, Chap. 2:52, provides an administrative authority with jurisdiction for investigating and advising on alleged infringements of human rights. The Ombudsman investigates complaints made by individuals concerning administrative acts or decisions of Government agencies and departments with a view to redressing the mistakes, delays, rigidity and carelessness of said government bureaucracy. As a result of such investigations, the Ombudsman can make recommendations to Government departments and authorities aimed at the resolution of complaints and improvements in the delivery of public services. Upon failure to comply with such recommendations, the matter can be reported to Parliament. The Office of the Ombudsman is independent, non-political and maintains impartial oversight.

57. The Equal Opportunity Act Chap 22:03 also provides for protection from discrimination as it relates to employment, education, the provision of goods and services and the provision of accommodation. The Act seeks to promote equality of opportunity between persons of different status. However, the Equal Opportunity Act does not provide protection on the basis of sexual orientation, as "sex" as states in the Act does not include sexual preference or orientation.

58. The Act also established an Equal Opportunity Commission, which works towards the elimination of discrimination and the Equal Opportunity Tribunal, which functions as a superior court of records as it seeks to resolve matters in a fair and equitable manner. The Commission is mandated to work towards the elimination of discrimination; receive, investigate and as far as possible, conciliate allegations of discrimination; develop, conduct and foster research and programmes for the purpose of eliminating discrimination and promoting equality of opportunity and good relations between all people and to prepare and publish appropriate guidelines for the avoidance of discrimination.

59. The Tribunal is mandated to adjudicate matters referred to it by the Commission, where conciliation has been unsuccessful or is inappropriate to resolve the matter. Unlike the Ombudsman which is concerned with actions or decisions of public authorities, the provisions of the Equal Opportunity Act, extends the jurisdiction of the Commission to hear cases involving both public and private sectors that may arise.

60. The Equal Opportunity Commission reports that more than 30 discrimination complaints have been lodged at the commission since January 2012 and since the Commission and the Equal Opportunity Tribunal were established, more than 500 complaints were lodged. However, not all cases were investigated as some did not fall under their purview.

61. At this point the Government of the Republic of Trinidad and Tobago is considering the possibility of establishing a National Human Rights Institution (NHRI) which is properly accredited under the Paris Principles.

B. State of emergency and counter-terrorism measures (arts. 2, 3, 4, 7, 9, 10 and 14)

62. The laws relating to the declaration of a state of emergency in the Republic of Trinidad and Tobago are described in the Constitution. Section 7 confers the necessary powers to the President in the period of public emergency when there is a threat to the life of the nation, and allows the President to make Regulations, issue orders or instruments to confer on any person emergency powers. Section 8 identifies the conditions that must be satisfied for the President to declare a period of public emergency. Sections 9 and 10 make provisions for the duration of the proclamation of the state of emergency and any required extension of same. Section 11 states the provision available for the detentions of persons during the state of public emergency and makes provision for the review of detention cases by an independent and impartial tribunal established by law and presided over by a person appointed by the Chief Justice.

63. Section 11 allows for a person who has been lawfully detained in accordance with any instrument under section 7 to request that his case be reviewed by an independent and impartial tribunal, either during his detention or any time not earlier than 6 month thereafter.

64. These provisions facilitate protection to the State party during periods of public emergencies. These powers, while ensuring that national safety is paramount, aim to respect the prohibition on derogation contained in Article 4, as basic human rights such as the right to life, recognition as a person, no cruel or inhumane punishment and no false imprisonment, are still operable.

65. On the 21st day of August, 2011, the President by Proclamation declared a state of public emergency in the Republic of Trinidad and Tobago on the grounds that the President was “*satisfied that action has been taken or is immediately threatened by any person, of such a nature and on so extensive a scale as to be likely to endanger the public safety*”. A 9pm–5am curfew in six “hot spot” areas was also initiated. On the 4th September, 2011 this was then extended for a further three months.

66. There were reports of an incident which occurred on 1 September 2011 during the State of Public Emergency involving five member of the Trinidad and Tobago Regiment, including a Regiment Captain. The five soldiers were scheduled to appear before a military court-martial on the 4 December 2013 to be tried for a number of service offences under the Defence Act Chap 14:01. The charges included: conduct to the prejudice of good order and military discipline in particular bringing discredit to the force; breach of the Rules of Engagement issued by the Chief of Defence Staff and in particular excessive use of force; inhumane treatment of detainees; and committing a civil offence namely, assault occasioning actual bodily harm.

67. These acts are dealt with without delay as the Trinidad and Tobago Defence Force treat with disciplining of military service personnel who have been found to have exceeded the proportional and reasonable levels of force authorized to be used in the performance of their duties in accordance with Regulation 22(2) of the Emergency Powers Regulation 2011.

68. During the State of Public Emergency in 2011, Civil Military Affairs Officer of the Trinidad and Tobago Defence Force, Captain Al Alexander acknowledged that the Defence Force received nine complaints from members of the public concerning the conduct of soldiers during the State of Public Emergency. Five of the nine complaints were completed during the State of Public Emergency, with one being discontinued at the request of alleged victim. The punishments meted out to soldiers found guilty of said offences included confinement to barracks for as much as 14 days.

69. The Anti-Terrorism Act, 2005, Chap 12:07 (the “2005 Act”) was amended by the Anti-Terrorism (Amendment) Act, 2018 (the “2018 Amendment Act”) which was assented to on 23rd July 2018. Both the 2005 Act and the 2018 Amendment Act creates offences relating to terrorism whether committed inside or outside of Trinidad and Tobago and deal with issues relating to investigation of terrorist offences, jurisdiction and trial of offences, extradition and mutual assistance in criminal matters as well as disclosing and sharing of information foreign agencies.

70. Section 2 of the Anti-Terrorism Act 2005 defines a “terrorist” as including a person who:

- (a) Commits a terrorist act by any means directly or indirectly, unlawfully and willfully;
 - (b) Participates as an accomplice in terrorist acts or the financing of terrorism;
 - (c) Organizes or directs others to commit terrorist acts or the financing of terrorism;
- or
- (d) Contributes to the commission of terrorists acts or the financing of terrorism individual or by a group of persons acting with a common purpose where the contribution is intentionally made:
 - (i) With the aim of furthering the terrorist act or the financing of terrorism; or
 - (ii) With the knowledge of the intention of the group of persons to commit the terrorist acts or the financing of terrorism

71. Section 5 of the Anti-Terrorism (Amendment) Act 2018 repealed the definition of “terrorist act” under section 2 of the 2005 Act and replaced the definition of “terrorist act” to mean any act which constitutes and offence under Parts II, III or IIIA of the 2018 Amendment Act. The 2018 Amendment Act essentially widened the definition of “terrorist act” by including travelling for the purpose of committing a terrorist act which consequentially results in being listed as a foreign terrorist fighter; taking of preparatory steps to commit a terrorist act and coercing and encouraging someone to commit a terrorist act in addition to the previous definition. Terrorist acts under the 2005 Act included, any act whether committed in or outside of Trinidad and Tobago which causes or is likely to cause loss of human life or serious bodily harm; prejudice to national security or disruption of public safety including disruption in the provision of emergency services or compel a government or an international organization to do or refrain from doing any act; or intimidate the public or a section of the public, for the purpose of advancing a political, ideological or a religious cause.

72. Noteworthy are some of the provisions in the 2018 Amendment Act. For instance, the inclusion of Sections 15A–1E which allow the Attorney General to designate geographical locations as “declared geographical area” if he is convinced that a listed entity is conducting terrorist activities in that area. Further, if any citizen of Trinidad and Tobago intends to travel to a “declared geographical area”, he or she would have to make a Notice to Travel application on behalf of himself and his children or any child for which he/she is the guardian of, to the Commissioner of Police, stating the reasons for travel and the duration of stay.

73. Another noteworthy inclusion in the 2018 Amendment Act is section 22B which allows the Attorney General to investigate information received that any individual or entity that is acting on behalf of or for the benefit of a terrorist, a terrorist organization or a listed entity. Where the Attorney General was reasonable grounds to believe that an individual or entity has knowingly committed or facilitated the commission of a terrorist act, acted on behalf of or for the benefit of a terrorist, a terrorist organization or a listed entity or knowingly

committed an indictable offence with a terrorist, a terrorist organization or a listed entity, he can make an application to a judge to have the assets of such person or entity frozen.

74. Section 22BA of the 2018 Amendment Act allows for persons against whom a freezing order has been made is entitled to his/her property or specified part of thereof to make provision for reasonable living expenses, including but not limited to—expenses of dependants, including educational expenses; and medicine and the medical treatment of dependants; and provision for taxes, insurance premiums and public utilities; make provision for reasonable expenses to carry on trade, business, profession or occupation; and for the provision of legal fees.

75. Under section 3 of the Anti-Terrorism (Amendment) Act 2018, a person who commits a terrorist act is guilty of an offence and is liable on indictment to a fine of twenty-five million dollars and imprisonment for twenty-five years.

76. In November 2018, the first person was charged under the Anti-Terrorism Act for incitement to commit a terrorist act based on race, charges were also laid for sedition. Further, the Anti-Terrorism Desk of the Ministry of the Attorney General and Legal Affairs has thus far obtained a total of 98 Orders listing 508 individuals and entities as listed entities in accordance with section 22. In addition, 12 Orders delisting 19 of the aforesaid individuals were also obtained.

C. Non-Discrimination (arts. 2, 3, 20 and 26)

77. The laws of Trinidad and Tobago recognize and declare fundamental rights and freedoms and provide for the protection of persons with respect to discrimination such as: stigmatization, incitement to violence and violence against persons on discriminatory grounds.

78. Section 4 of the Constitution of Republic of Trinidad and Tobago, which is the supreme law of the land, outlines the enshrined fundamental rights and freedoms to be enjoyed by the people of Trinidad and Tobago free from discrimination based on race, origin, religion, colour or sex.

79. In addition to the Constitution, the Equal Opportunity Act 2000 protects a person from discrimination based on a comprehensive list of prohibited grounds of discrimination such as status, victimization and offensive behavior. Section 3 of the Act defines “status” as “(a) the sex; (b) the race; (c) the ethnicity; (d) the origin, including geographical origin; (e) the religion; (f) the marital status; or (g) any disability of that person.”

80. Section 4 of the Equal Opportunity Act prohibits discrimination in relation to employment, education, the provision of goods and services and the provision of accommodation, where the discrimination is on the ground of (i) status; (ii) by victimization; or (iii) offensive behaviour.

81. The Equal Opportunity Act 2000 established the Equal Opportunity Commission with the responsibility of investigating complaints of discrimination, as well as facilitating conciliation between parties.

82. The Sedition Act Chap 11:04 prohibits discrimination against any particular group with an intention to engender or promote feelings of ill-will towards, hostility to or contempt for any class of inhabitants of Trinidad and Tobago distinguished by race, colour, religion, profession, calling or employment.

83. The aforementioned legislative provisions include direct, indirect and intersecting forms of discrimination.

84. The Equal Opportunity Act also establishes the Equal Opportunity Tribunal which may adjudicate on matters that have been referred to it by the Commission in order to provide for effective judicial and administrative remedies. Further, as previously discussed the Ombudsman also provides for such remedies.

85. The records of the Police Complaints Authority (PCA) are not disaggregated to reflect discrimination specifically. Complaints are classified under the following heads:

- Police Corruption;
- Criminal Offences Involving Police Officers; and
- Serious Police Misconduct.

Persons with HIV/AIDS

86. The Constitution of Trinidad and Tobago provides general protection from discrimination as identified in Sections 4 and 5 above. While the Constitution does not specifically provide for the protection of persons from discrimination based on infection with HIV/AIDS, the State party does offer protection from discrimination to persons with disabilities within its other legislative framework.

87. In Trinidad and Tobago there is also the HIV Workplace Advocacy Advisory Board which has the mandate to protect the rights of HIV infected persons in the workplace. The Board functions to formulate, monitor and review “National Workplace Policy on HIV and AIDS, HIV Workplace Advocacy Unit’s Sustainability Plan, Work Plan and the Monitoring and Evaluation Framework on HIV and AIDS in the world of work”.

88. It also ensures the alignment of HIV Workplace Advocacy Unit activities with the goals and targets of the National Strategic Plan for HIV and AIDS, Regional and International conventions, recommendations and strategic frameworks. These measures all aid in furthering the goal of seeking to reduce and prevent discrimination of persons infected with HIV/AIDS within the State.

89. Trinidad and Tobago has taken significant steps combat the marginalization, stigmatization, lack of access to public services and discrimination against persons living with HIV/AIDS. Section 7 of Equal Opportunity Act 2000, (EOA) generally covers offensive behaviour. However, EOA does not explicitly cover HIV as a discriminatory factor. Equal Opportunity Act (Amendment) Bill 2011 which included HIV status as a ground for discrimination lapsed. However, the Equal Opportunity Commission, in practice, has included HIV in the definition for “disability” under the EOA.

90. The Ministry of Health has a universal access policy which allows everyone access to free health care. Within that access, sexual and reproductive care is free. HIV testing is free at sites throughout the Country with a dedicated Queen’s Park Counselling Centre and Clinic (QPCC&C) to counsel and test for STDs. The Ministry of Health has also developed the Elimination of Mother to Child Transmission of HIV and Syphilis in Trinidad and Tobago: Plan of Action 2019–2020 which is currently in draft. The vision of this Plan is to have a generation who are free of HIV and congenital syphilis whilst the goal is to eliminate mother-to-child transmission of HIV and syphilis by 2020. This Plan is specifically targeted towards pregnant women with confirmed HIV and/or syphilis in Trinidad and Tobago.

91. The National HIV/AIDS Workplace Advocacy and Sustainability Centre (HASC) since its establishment in 2011, continue to promote the implementation of the principles of Trinidad and Tobago’s National Workplace Policy on HIV and AIDS in all workplaces.

Persons with disabilities

92. In 2015 the Republic of Trinidad and Tobago ratified the Convention on the Rights of Persons with Disabilities (CRPD). Since ratification, the Government of Trinidad and Tobago has committed itself to meeting the obligations of that Convention by adopting appropriate legislation and policy, data collection, establishment of a reporting mechanism and measures to realize the human rights of those persons in the population with disabilities.

93. In July 2015, the National Enrichment Centre for Persons with Disabilities was commissioned with the purpose of partnering with a multitude of stakeholders to provide persons with disabilities with a range of opportunities, including but not limited to vocational and other training, rehabilitation, advocacy, research and consultative services.

94. In 2017, the Government of Trinidad and Tobago made a further attempt to ensure the rights of persons with disabilities by publishing the Draft National Policy on Persons with Disabilities. A revised draft was published in 2018. The object of the National Policy is to promote inclusivity and empowerment of persons with disabilities by providing a

comprehensive framework for achieving social inclusion and equality of opportunity for all persons with disabilities in Trinidad and Tobago.

95. The Government of Trinidad and Tobago envisages the revision of the Immigration Act.

96. Trinidad and Tobago is committed to providing inclusive and quality education to children with disabilities by providing the necessary human and physical resources. The Special Support Services Division (SSSD) of the Ministry of Education was established in 2004. The SSSD is responsible for coordinating the special education program throughout Trinidad and Tobago and delivers an array of psycho-social, educational and behavioural services for students to provide environments which support their healthy development, enabling them to become responsible, productive citizens.

97. In an effort to reduce the barriers to learning, the SSSD provides services to students enrolled at ECCE Centres, and Primary and Secondary Schools. Services include: auditory and visual screening; physical health intervention; psychomotor evaluation; and diagnosis and remediation of learning and behavioural problems. The Division also provides support for physically and sensory challenged students.

98. The SSS Division works closely with various stakeholders to ensure that its goal of providing every child in special education with the opportunity to achieve his or her highest potential. In so doing the SSS Division provides the requisite knowledge and tools via parental and family awareness and teacher education. Teams of service providers including special education teachers, school psychologists, guidance officers, and school social workers have been placed throughout the school system to provide the most comprehensive services available.

99. There are 17 schools that provide special education to children with varying disabilities.

LGBTI

100. The judgment delivered by Justice Rampersad in 2018 repealed sections 13 and 16 of the Sexual Offences Act 11:28 and ruled that the law violated the human right to privacy and expression.

101. On 20 September 2018, Justice Rampersad in giving his final judgment indicated that the sections should be read to include the concept of consent. Section 13 should read: *“In this section “buggery” means sexual intercourse without consent per annum by a male person with a male person or by a male person with a female person.”* Section 16 should read: *“A person who commits an act of serious indecency on or towards another is liable on conviction to imprisonment for five years... does not apply to an act of serious indecency committed in private between (a) a husband and his wife; (b) persons, each of whom is sixteen years of age or more, both of whom consent to the commission of the act”*.

102. The Government has since proposed to appeal the ruling to the Privy Council, so as to allow the highest court of the land to give a ruling which settles the law.

103. As it regards the inclusion of sexual orientation as a protected status from discrimination, the Government seeks to promote and protect human rights of all persons pursuant to section 4 of the Constitution.

104. As it regards raising awareness for non-discrimination against LGBTI persons, the Ministry of Social Development and Family Services has developed a number of policies and programmes to promote tolerance, non-discrimination and anti-bullying. Also, various civil society groups host events to raise awareness for the need for non-discrimination against LGBTI persons. These organizations provide assistance in creating awareness of human rights as they relate to Human and Sexual and Reproductive rights and provide safe spaces for persons of LGBTI community amongst other services. Civil Society Organizations observed Pride month between 28 June 2019 and 31 July 2019 by hosting parades and other events.

Representation of women

105. Trinidad and Tobago has achieved an appreciable level of participation and representation of women in politics and governance decision-making processes.

<i>Year</i>	<i>Women in House of Representatives (elected) %</i>	<i>Women in Senate (nominated) %</i>	<i>Women's Parliamentary Participation %</i>
1995	11.1	29.0	20.1
2002	19.4	32.3	23.2
2007	26.8	41.9	34.4
2010	28.6	25.8	27.2
2015	31.0	30.0	31.0
2017	31.0	29.0	30.0

106. Women currently hold portfolios such as President of the Senate and Speaker of the House of Representatives. The current Ministers of Planning and Sustainable Development, Trade and Industry, and Labour and Small Enterprise Development and the Parliamentary Secretary for the Ministry of Energy and Energy Industries are all women. Women have also held portfolios of Deputy Speaker of the House of Representative; Attorney-General and Minister of Finance. The Central Statistical Office, Labour Force Bulletin for the 4th quarter of 2014 indicated that women comprised 53.67% of professional and technical workers.

107. The General elections of 2010 produced the first female Prime Minister of Trinidad and Tobago. The 2015 General Elections saw the nomination of 38 female candidates which was 29% of the total slate of candidates. Trinidad and Tobago continued to make strides in woman leadership when the country saw its first female President, Her Excellency Madam Justice Paula Mae Weekes, inaugurated on 18 March, 2018.

108. Women have also made strides in leadership as members of civil society. In March 2018, the Government achieved a significant milestone when it presented the candidature of Professor Rhoda Reddock, Professor of Gender, Social Change and Development, The University of the West Indies, St. Augustine Campus, for membership of the Committee on the Elimination of Discrimination against Women (CEDAW). This was the first time since becoming a party to the Convention in 1990 that the country presented a candidate to the Committee. Professor Reddock was later elected as a Member of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) for the period 2019–2022.

D. Violence against women, including sexual and domestic violence (arts. 2, 3, 6, 7 and 26)

109. In Trinidad and Tobago there are several pieces of legislation which outline the procedures to be adopted as it regards investigation, prosecution and sanctions for cases of gender-based violence, including domestic violence and femicide.

110. The Domestic Violence Act, Chap 45:56 (as amended) (DVA) specifically protects persons from domestic violence. Section 3 of the DVA defines “domestic violence” as including physical, sexual, emotional or psychological or financial abuse committed by a person against a spouse, child, and any person who is a member of the household or dependent. Section 3 goes further to identify emotional or psychological abuse, financial abuse, physical abuse and sexual abuse, as four types of abuse which constitute the offensive act.

111. A commonly accessed remedy available to a victim who makes a complaint under the Domestic Violence Act is a Protection Order in accordance with section 5 of the Act. Once a person is convicted of any offence mentioned in section 3, they can be sentenced to the appropriate punishments, albeit a fine or imprisonment, under the Summary Offences Act, Chap 11:02, Malicious Damage Act, Chap 11:06, Sexual offences Act, Chap 11:28 (as

amended in 2012), the Offences Against the Person Act, Chap 11:28 (as amended in 2012) and the Children Act 2012, Chap 46:01 as referred to in the DVA as various pieces of legislation can be used in tandem with the Act to prosecute offenders.

112. Although “femicide” is not expressly defined under any specific piece of legislation in Trinidad and Tobago, the definition of “femicide” is discernible from section 9(2)(a) of the International Criminal Court Act 2006. Section 9(2)(a) defines the act of “genocide” as acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such killing members of the group. As “femicide” is defined as the violent death of women based on gender, and all women can be identified as a “group”, the violent killing of people on the basis that they are women is a criminal offence.

113. The Ministry of National Security has since equipped police officers with The Domestic Violence Procedural Manual for Police Officers. The Manual is a guide to Police Officers called upon to respond to and investigate a complaint of domestic violence, whether or not that complaint emanated from the alleged victim of the domestic violence, from a witness to the violence, or from personnel of the social services agencies. The Manual assists police officers of all ranks to effectively and sensitively respond to reports of domestic violence and to take appropriate criminal procedure measures to prosecute the suspect and protect the victim of domestic violence.

Disaggregated data

114. Data from the Crime and Problem Analysis (CAPA) Branch of the Trinidad and Tobago Police Services (TTPS) recorded the total number of women and girls killed for 2018 at 47. As it regards, Domestic Violence Reports, TTPS Data shows that ‘Assault by Beating’ accounted for 58% (533) of the reported offences, ‘Threats’ 24% (233) and ‘Breach of Protection Order’ 12% (115). Verbal Abuse, Psychological abuse, Malicious Wounding, Incest and Child Abuse constituted the remaining 6% of offences reported.

Assistance to victims

115. The Government through the Office of the Prime Minister’s Gender and Child Affairs Division (OPM GCA) has been engaged in several initiatives aimed at reducing the scourge of domestic violence and providing assistance to victims of gender-based violence. The following programs are provided by the OPM GCA:

- The Central Registry on Domestic Violence (CRDV) which was officially launched in April 2016. In 2017, The Office of the Prime Minister, Gender and Child Affairs embarked upon and successfully completed the Trinidad and Tobago Central Registry on Domestic Violence Data Report (January to December), 2017 which will be utilized to provide the foundation of draft legal and policy geared towards achieving Sustainable Development Goal #5, Achieve gender equality and empower all women and girls;
- The National Domestic Violence Hotline (800-SAVE-7283): The hotline was introduced in 1996 and is monitored by the NGO community and operated by Domestic Violence Shelters, the Trinidad and Tobago Police Service and an affiliated NGO. For 2017, the Hotline has thus far received over three thousand, six hundred (3,600) calls. Citizens who are experiencing acts of domestic violence are urged to use this toll free 24/7 service at any time to access listening, counselling and referral services;
- Government provided Domestic Violence Shelters and Safe Homes: Two (2) Centres for victims of violence (women and children) have been constructed and are expected to be operationalized in early 2018;
- Police Training: More than one thousand (1,000) officers in the Police Service have been trained using the Domestic Violence Investigative and Procedural Manual for police officers. This Manual was developed following the report of a working committee appointed in the Office of the Attorney General in 2007 to address this issue;

- The establishment of a dedicated Domestic Violence Unit in the Office of the Prime Minister's Gender and Child Affairs Division;
- The Office of the Prime Minister's Gender and Child Affairs Division has embarked upon the process to Draft National Strategic Action Plan (NSAP) on Gender Based Violence (GBV).

116. The Trinidad and Tobago Police Service (TTPS) has developed the Victim and Witness Support Unit to provide assistance to victims of gender-based violence. The Victim and Witness Support Unit has a cadre of professional psychologist and sociologists who provide support to victims of domestic violence, sexual offences and crimes of a highly sensitive and personal nature.

117. The Ministry of Health has also issued protocols for dealing with victims of criminal offences, victims of gender-based violence, as well as, crimes against minors.

118. There are numerous civil society organizations that aid in the fight to eliminate gender-based violence. Some noteworthy NGOs which assist victims of domestic violence are the Coalition Against Domestic Violence, the Rape Crisis Society of Trinidad and Tobago and Men Against Violence Against Women (MAVAW).

119. The Office of the Prime Minister, Gender and Child Affairs Division (OPM GCAD) has made significant efforts to raise awareness of gender-based violence and the need to change social and cultural patterns which cause such behaviours. OPM GCAD has conducted "Gender Sensitization/Training" with various government stakeholders such as persons from the Trinidad and Tobago Defence Force and Nursing Trainees in the Ministry of Health.

120. The OPM GCAD launched its "Break the Silence" Initiative in 2010 which targets children. The aim of the initiative is to reach victims and their families with a message to speak out and denounce child sexual abuse, incest and the implications of HIV/AIDS.

121. The OPM GCAD also conducted outreach programmes with children in schools to promote gender equality in the home amongst others initiatives.

Sexual Offenders Registry

122. The Sexual Offences (Amendment) Bill 2019 (the Bill) was passed in Parliament on 13th September 2019. The objective of the Bill is allow for the repeal and substitution of Part III of the Sexual Offenders Act, 1986 (the Act) to now permit the reestablishment of the National Sex Offender Register and the amendment of the notification requirements for registered sex offenders and the insertion of new provisions and Schedules into the Act.

123. The National Sex Offenders register now applies to sex offenders who are Trinidad and Tobago nationals or residents who were convicted of a sexual offence in or outside the country on or before September 25, 2000 and who have completed their sentence before commencement of this part or did not complete their sentence before commencement of this part, or is convicted of a registrable offence by a Court within or outside of Trinidad and Tobago on or after commencement of this part in accordance with section 45. However, this register does not apply to children who have committed sexual offences as they are protected under the Children Act 2012; or to persons who are mentally ill, in accordance with section 46. The Bill also allows for the police officers to record information of each registered sex offender including photographs, fingerprints, and DNA samples in accordance with section 54.

124. The management of the National Sex Offenders register shall be under the remit of the Commissioner of Police (section 47), who shall also hold the responsibility of creating a National Sex Offenders website designed for the publication of the information concerning offenders (section 48). Section 48 (1) requires the website to contain the information relating to a registered sex offender including their name, former names and aliases, date of birth, photograph, main address or secondary address, convictions of registrable offences committed by the registered sex offender, including the date of each conviction. It must be noted that section 48(5) prohibits the publication of information on sex offenders who have completed their sentence before the commencement of this Part IV.

125. Section 48 of the Bill provides safeguards for the information contained on the sex offenders' website against misuse by the public. Section 48 (2)(b) provides that notice warning of prosecution for intentional and unlawful reproduction, sharing and use of the information contained on the website must be placed in a conspicuous place. Section 48(4) goes on to create an offence for reproduction, sharing and use of the information with liability on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for three years.

126. The Sexual Offence (Amendment) Bill aims to protect those victims who have contacted sexually transmitted disease from their abusers. Section 37 of the Bill allows for a person charged with a sexual offence to be medically examined for a sexually transmitted infection (STI), with or without their consent, HIV is also included in the list. According to Section 44, if an examination shows the victim contracted an STI from the accused, then the accused, upon conviction, can be ordered to pay compensation to the virtual complainant or their representative.

127. As it relates to sexual offenders suffering from mental illnesses or those who were released from incarceration, the Commissioner of Police must be notified. Under Section 52, the Commissioner of Police must be informed in writing no later than four months before the discharge of a sex offender by the Commissioner of Prisons in the case of a prison or the Psychiatric Hospital Director in the case of a psychiatric hospital, of the date of discharge of the sex offender from the prison or psychiatric hospital.

128. Any sex offenders released from prison must report to the nearest police station of his main or secondary address within seven days of his discharge from prison or psychiatric hospital when convicted by a court in Trinidad and Tobago, or within seven days after discharge from prison.

129. If the offender was deported to T&T, he must report within seven days of his arrival in the country, or within 48 hours after being convicted by a court of law. The Chief Immigration Officer must also notify police of returning Trinidad and Tobago sex offenders convicted abroad. Under Section 51(1) where a citizen of Trinidad and Tobago or a resident does an act in a country outside Trinidad and Tobago which, if it were done in Trinidad and Tobago, would constitute a registrable offence under this Act, he shall be required to comply with the provisions of this Part on entry into Trinidad and Tobago. The Chief Immigration Officer shall inform the Commissioner of Police of the name and secondary address of any sex offender referred to in subsection (1), within forty-eight hours of the entry of the sex offender into Trinidad and Tobago. Additionally, under Section 59, any registered sex offenders travelling abroad must report to the police station nearest to his secondary or main address, details on his trip/s and provide a copy of his travel itinerary.

130. Under Section 57 if there is a change of any information initially provided by the registered sex offender then he shall report to the nearest police station and provide a designated officer with such information of the change within 14 days after the occurrence of the change and shall provide documentary evidence of the change.

131. Under Section 54(10), a sex offender who does not report to the police station, or comply with the request of the designated officer without reasonable excuse, commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and imprisonment of fifteen years.

132. Section 63 provides that a registered sex offender may upon the completion of his reporting period or based on any compelling reasons apply to the Court to have the information contained in the Register relating to him expunged.

E. Voluntary termination of pregnancy (arts. 3, 6, 7, 17 and 26)

133. Trinidad and Tobago is governed by the Offences Against the Person Act Chap 11:08, in which Sections 56 and 57 address termination of pregnancy. These sections have not been repealed. Under this Act, it is unlawful to undertake any measure that would result in the termination of pregnancy for anything other than a direct threat to the woman's life.

134. The courts of Trinidad and Tobago follow the dicta of MacNaghten J. in *R. v. Bourne* (1939) 1 KB 687 which held that the Act prohibited a person from acting unlawfully and concluded that there were lawful ways of procuring a miscarriage. For MacNaghten J., lawful ways included the procurement of an abortion to preserve the life of the mother. Cases following *Bourne* such as *R v. Newton and Stungo* (1958) *Criminal Law Review* p. 469 have extended the category of lawful termination of pregnancy to those required to preserve the mother's health, including her mental health.

Teenage Pregnancy

135. In Trinidad and Tobago, quality health care is offered at no cost through the public health system in an attempt to address the issues of teenage pregnancy and maternal mortality. The Ministry of Health offers family planning to women and girls (those under the age of 16 must be accompanied by a parent) in efforts to reduce teenage pregnancy.

136. Further, the CHOICES/Adolescent Mothers Programme (AMP) is a social intervention to provide a support system for pregnant teenagers and adolescent mothers by exposing them to counseling, reproductive health education, parenting and child care, and academic and vocational skills training. It was initiated in 1994 and was a collaborative effort between the Ministry of Health and the Child Welfare League of Trinidad and Tobago, a local NGO.

Maternal Mortality

137. The Ministry of Health also offers a plethora of services to combat maternal mortality including family planning, antenatal care, childbirth (normal delivery), caesarean section, management of other birth complications, postnatal care for mothers, immunization services for pregnancy, access to medicines and pharmaceutical products, testing and treatment for Sexually Transmitted Infections (including HIV and syphilis), and screening for cervical cancer.

138. Additionally, in an attempt to replace the obsolete antenatal record, Trinidad and Tobago introduced the Perinatal Information System (SIP) which was developed by the Pan American Health Organization (PAHO), to allow for real time generation of maternal and neonatal statistics at various levels within the health system. Training for health service providers began in 2015 and is ongoing to this day. SIP piloted in May 2017 in sixteen (16) sites, and mandated for use in all public health facilities by the Chief Medical Officer in August 2018.

Sexual and Reproductive Health and Contraception information

139. The Ministry of Health has taken significant steps to provide quality and evidence-based information and education to men and women, boys and girls on sexual reproductive health and affordable contraceptive methods. In addition to universal health care, the following services are offered to the public at no cost: sexual and reproductive care; HPV Vaccine for children; contraception and pap smears that are available with follow up at specialist clinics for abnormal results; breast examination clinics are done with follow-up investigations and specialist referral clinics available for abnormal results; antenatal clinics with blood and ultrasound services to monitor progress; HIV testing at sites throughout the Country with a dedicated Queen's Park Counseling Centre and Clinic to counsel and test for sexually transmitted diseases and infections; post-natal services with a mandate for District Health personnel to visit new mothers within seven (7) days of delivery to prevent complications in mother and child.

140. The Ministry of Health has also developed the Elimination of Mother to Child Transmission of HIV and Syphilis in Trinidad and Tobago: Plan of Action 2019–2020 which is currently in draft. The vision of this Plan is to have a generation who are free of HIV and congenital syphilis whilst the goal is to eliminate mother-to-child transmission of HIV and syphilis by 2020. This Plan is specifically targeted towards pregnant women with confirmed HIV and/or syphilis in Trinidad and Tobago.

141. The Ministry is currently working on the Finalization of the National Breastfeeding Policy, which includes guidelines for breastfeeding for HIV positive mothers, and will be

applicable to all childbearing women and their families, licensed childcare providers as well as other relevant stakeholders involved in feeding infants and children.

F. Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment, liberty and security of person, and treatment of persons deprived of their liberty (arts. 6, 7, 9, 10 and 24)

142. The death penalty, which has not been abolished in this jurisdiction, is reserved for the most heinous crimes. For murder the death sentence is mandatory as specified in section 4 of the Offences Against the Person Act, Chap. 11:08. Murder is defined as unlawfully killing another person with the intent to kill or to cause grievous bodily harm. A person may also be convicted of murder under the common law doctrine of joint enterprise.

143. Section 2A (1) of the Criminal Law Act, Chap. 10:04 provides that killing a person in the course of committing a violent offense is punishable as murder “even if the killing was done without intent to kill or to cause grievous bodily harm.”

144. The Treason Act Chap. 11:03, section 2 provides that any person “owing allegiance to the state” who forms the intention of making war upon the state or overthrowing the government or constitution and commits an overt act manifesting that intention, or who gives “aid or comfort” to the state’s enemies, has committed treason and is “liable to suffer death by hanging.” The penalty for treason is however discretionary.

145. The International Criminal Court Act, Chap. 4:26, section 9 provides that any person convicted of genocide will receive the same punishment as that provided for murder if the criminal act includes killing members of the targeted groups.

146. Section 19(2)(b) of the Anti-Terrorism Act, Chap. 12:07 (as amended) provides for the death penalty only for one specific type of terrorist act: the seizing by force or destruction of a “fixed platform on the continental shelf, or in the exclusive economic zone” of Trinidad, when death results from this offense.

147. The Children Act, 2012 section 75 provides that no sentence of death may be pronounced against a person if it appears to the Court that at the time when the offence was committed he was under the age of eighteen years.

148. Under section 62 of the Criminal Procedure Act, Chap 12:02 a pregnant woman who is convicted of a death-eligible offense shall instead be sentenced to life imprisonment upon a factual determination by the jury that she is pregnant. If the jury finds that she is not pregnant, she may appeal this finding to the Court of Appeal.

149. According to section 4A of the Offences Against the Person Act, Chap 11:08, the defence of diminished responsibility will be available to a person suffering from an abnormality of mind. Persons found to be “insane” cannot stand trial. According to section 66 of the Criminal Procedure Act, Chap 12:02, instead the jury may issue a verdict that the defendant is “insane” or a verdict that the defendant is guilty but was insane at the time of the act charged.

150. In Trinidad and Tobago persons on trial for crimes to which the death penalty applies are protected by universally recognized principles of fairness, embodied in the judicial system. The Constitution expressly protects a person’s right to fair hearing in accordance with the principles of natural justice. A person charged with a criminal offence also has the right to be informed promptly and clearly of the reasons for his arrest, the right to retain and instruct a legal adviser without delay, the right to be presumed innocent until proven guilty according to law, the right to a fair and public hearing by an independent or impartial tribunal, the right to reasonable bail, without just cause. Further, throughout the criminal procedure system there are various avenues for appeal and acquittal, namely, at the trial, on appeal from conviction in the court of first instance to the Court of Appeal, and as a matter of right from the Court of Appeal to the Judicial Committee of the Privy Council. A person on whom the death sentence has been pronounced also has the right to challenge the constitutionality of the carrying out of the death penalty in an application under section 14 of the Constitution.

Police matters

151. The Republic of Trinidad and Tobago remains steadfast in its commitment to ensuring that persons who suffer unjust treatment by members of the Trinidad and Tobago Police Service (TTPS), are suitably dealt with. As such, the Police Complaints Authority (PCA) was established by the Police Complaints Authority Act 2006 Chap. 15:05. The PCA provides civilian oversight of law enforcement in Trinidad & Tobago and operates independently of the TTPS, as it is mandated that no member of the PCA is attached to the TTPS.

152. Under Section 21(1) of the Police Complaints Authority Act, Chap. 15:05, the PCA is mandated to:

(a) Investigate criminal offences involving police officers, police corruption and serious police misconduct;

(b) Undertake inquiries into, or audits of, any aspect of police activities for the purpose of ascertaining whether there is police corruption or serious police misconduct or circumstances that may be conducive to both;

(c) Monitor an investigation conducted by any person or authority in relation to any matter mentioned in paragraph (a) and to undertake audits of those investigations;

(d) Advise the Police Service and other public authorities on ways in which police corruption and serious police misconduct may be eliminated;

(e) Gather evidence that may be admissible in the prosecution of a person who is not a police officer for a criminal offence in relation to the Police Service and to furnish that evidence to the Director of Public Prosecutions, or where an authority outside the State is concerned, the Attorney General;

(f) Gather evidence that may be used in the investigation of serious police misconduct and furnish such evidence to the Commissioner or the Commission for appropriate action;

(g) Gather evidence that can be used in the prosecution of a police officer involved in a criminal offence and furnish such evidence to the Director of Public Prosecutions; or

(h) Perform any other functions that may be conferred on it by any other written law.

153. In the performance of those functions, the PCA is able to make significant progress to addressing reports of police brutality and abuse of power especially through investigation and the use of the monitoring and auditing function.

154. The PCA operates as the independent body that investigates complaints against police officers involved in criminal offences, police corruption and serious police misconduct. The main objective of the PCA is to ensure that complaints received are dealt with fairly and thoroughly and also aims to increase public confidence in the Police Service.

155. After conducting its investigations, the PCA then furnishes the TTPS or the Director of Public Prosecutions (DPP) with the necessary evidence to be utilized in facilitating of swift disciplinary or criminal proceedings against convicted members of the police service.

156. At the end of an investigation or the exercise of another function, the PCA may refer the matter to the Commissioner of Police or Police Service Commission for consideration of initiating disciplinary proceedings or to the Director of Public Prosecutions for consideration of initiating criminal proceedings. The PCA may also under Section 30 of the PCA Act, refer a matter to the Commissioner and/or Director of Public Prosecutions for further work to be done, after the conduct of a preliminary investigation by the PCA.

157. The PCA is further able to create awareness and assist with removal of obstacles through its Outreach Sessions, an Educational Series on Facebook entitled, "Did you know" and through issuing advice to the Commissioner of Police pursuant to Section 21(1)(d) of the PCA Act. At these Outreach Sessions, which are conducted with members of the public and also with police officers at the Police Academy, the PCA provides information on its powers and functions and gives an avenue to interested persons to provide information to address reports of brutality, abuse of power, harassment and battery.

158. The PCA is independent of the Police Service and all of the Complaints Divisions/Units therein. There are two units of the TTPS with which the PCA interacts. These are the Police Complaints Division (PCD) which deals with disciplinary issues and the Professional Standards Bureau (PSB) which deals with criminal offences committed by police officers.

159. The PCA's interaction with the PCD has thus far been limited to requests by the PCA to the PCD for the provision of information and/or documents. The PCA has however, collaborated with the Professional Standards Bureau of the Trinidad and Tobago Police Service in matters involving serious criminal offences committed by police officers. The PCA has assisted by providing documents and information including statements from our Investigations Team. This has resulted in the proffering of charges against police officers and has aided in the successful prosecution of police officers. The PCA's independence has not been compromised as a result of this collaboration.

Juvenile Justice

160. In Trinidad and Tobago the age of criminal responsibility is seven years. Children below the age of seven years are considered incapable of forming criminal intent. Section 4 of the Miscellaneous Provision (Supreme Court of Judicature) Act 2018 which amends section 2 of the Summary Court Act Chap. 4:20, defines "younger child" as "any person who in the Court's opinion appears or is brought before it, who is seven years of age and under fourteen years of age". Any presumption of the incapacity of children to commit crime ceases upon the age of 14 after which the child is presumed to be capable of distinguishing right from wrong.

161. The Children Act, 2012 Section 75 prohibits the use of capital punishment as a sentence for children. Section 76(1) allows for placement of a child in a community residence in certain circumstances such as where a serious crime may be committed and the Court is of the opinion that there is no punishment under the Act that is appropriate.

162. In relation to detention, Section 60 prevents the Court from ordering a child to be detained in an adult prison. However, where a child is placed in any facility, they shall not be allowed to associate with adult prisoners, except with the express permission of the Court in respect of the adult prisoner named in the Order. In cases where a child is convicted of an offence which is punishable by imprisonment, the Court has several options. The Court may:

- (a) Order that they be placed in a Community Residence named in the Order for such term as may be specified in the order, not exceeding the term for which they may, but for this Part, be sentenced to imprisonment or committed to prison;
- (b) Order that the offender be deemed in need of care and protection and referred to the Authority, who shall investigate and seek any appropriate order of the Court with jurisdiction in family matters;
- (c) Order that the offender be referred to counselling or any other rehabilitative intervention or treatment;
- (d) Order that any family members, members of the offender's household or persons connected to the offender be referred to counselling;
- (e) Order that no conviction be recorded;
- (f) Order that the proceedings be sealed and not divulged without an order of the Court; or
- (g) Make any other order as the Court may deem fit.

163. In February 2018, the Children Court was established. It is attached to the Family and Children Division of the Judiciary of Trinidad and Tobago. It is the State's first specialised Court with exclusive jurisdiction to handle public law matters relating to children in need of care and protection and children in conflict with the law. In response to this development in the child protection laws and systems relating to the treatment of children in conflict with the law in Trinidad and Tobago, the Children's Authority established a dedicated Child Justice Unit (CJU) which is mandated to provide clinical support to the Court in relation to matters

involving children who are charged with criminal offences and /or are deemed to be Children in need of Supervision (CHINS).

164. This support includes the conduct of investigations and clinical assessments on the child in conflict with the law and his/her family with a view to assisting the Court in its determination of the appropriate interim and long-term placement and necessary interventions for the rehabilitation of the child and family.

165. Under Section 40 of the Family and Children Division Act 2016, a child charged with an offence, other than those prescribed in Schedule 4, who enters a guilty plea, may agree with the consent of the parent or guardian to allow the Children Court to refer the matter to a Court-annexed Peer Resolution for a recommendation of the appropriate sanctions to be imposed for the offence. Peer Resolution does not decide guilt or innocence but rather facilitates rehabilitation by using restorative justice concepts where the primary goal is to encourage the child to take responsibility for his or her actions and repair the harm caused. "Sanctions" include community service, behavioural programmes, education workshops, counselling, apology, curfew, restitution, and doing good work for others.

166. The Children Authority's staff is trained to use risk assessment tools including the Service/Case Management Inventory: Screening Research Versions which looks at both protective and risk factors while proposing interventions for care to avoid recidivism. To date the Authority has assisted the judicial officers of the Children Court with using both software.

167. The Authority has, however, by virtue of its experience within the Child Justice system, identified major gaps in the implementation of the system which has an effect on the general efficacy of the implementation of the laws relating to the child justice system to date.

168. To date, the Authority trained one hundred and fifty staff members at the Youth Training Rehabilitation Centre on the Convention on the Rights of the Child and on the suite of legislation proclaimed in 2015, to aid in the care and protection of children. Additionally, in preparation for the commencement of Children Court operations, the Child Justice Unit participated in the following training exercises *inter alia*:

- Juvenile Inventory for Functioning (J.I.F.F);
- Youth Level Service Inventory (YLS);
- Legislative Training (Children Package of Legislation, Family and Children Division Act 2016, Children Court Rules, Judges Rules);
- Child Abuse and Trauma Training;
- Case Notes and Report Writing Training for Child Protection Social Workers; and
- Child Rights Training.

169. Training Envisaged by the Authority's CJ Unit include:

- Clinical Interview Training;
- Forensic Interviewing;
- Motivational Interviewing4;
- Recognising Physical Neglect and Child Abuse;
- Sexual Violence Risk Assessment (SVR-20) (assessment tool);
- Juvenile Sex Offender Assessment Protocol 2 (JSOAP-2);
- Child Psychopathy Tool.

170. Section 60(1) of the Children's Act 2012 expressly prohibits the placement of any person under the age of 18 years in an adult prison. Further, the Child Rehabilitation Centres Act Chap. 13:08 which amends the Young Offenders Detention Act, 1926 outlines the jurisdiction of the Court to place a child between the ages of 10 to 18, who is denied bail, at a child rehabilitation centre. As a result of the legislation, the Authority along with other key stakeholders would have implemented Rehabilitation Centres so that children caught in conflict with the law, are not placed in adult facilities.

171. The Miscellaneous Provisions (Supreme Court of Judicature and Children) Act 2018, makes provision for an application to be made to the Court to grant permission to the Superintendent of a Rehabilitation Centre to allow a resident of a Rehabilitation Centre to remain at the facility until the age of 21, provided that the adult resident is not mixed with the child residents.

172. The Authority, as the agency charged with responsibility for the monitoring of Child Rehabilitation Centres, through its Licensing and Monitoring Unit, works to ensure that legislative stipulations in substantive law and Regulations are strictly adhered to.

173. In an effort to monitor the treatment of children placed in institutions, the OPM along with key stakeholders embarked on the creation of the Child Registry which will allow the Authority to track the progression of children in conflict with the law after they have exited Rehabilitation Centres.

Treatment of Prisoners

174. All prisoners have access to healthcare. Prison Medical Officers visit regularly, and trained Infirmiry Officers are assigned to all stations on a 24 hour basis. Inmates have access to the same general pharmaceutical supplies available at public health institutions. As it regards, lighting and ventilation, while all prisons were designed to provide adequate lighting and ventilation, newer prison facilities would have improved lighting and ventilation. It should be noted that all prisons are sanitised regularly with cleaning agents. Prisoners have access to potable water and adequate amounts of food.

G. Administration of justice, right to fair trial and independence of the judiciary (arts. 2, 10 and 14)

175. Under the Police Service Act, Chap 15:01 as amended in 2007, section 46 provides that a police officer may arrest without a warrant:

- (i) A person who is charged by another person with committing an aggravated assault in any case in which such police officer believes upon reasonable ground that such assault has been committed although not within his view, and that by reason of the recent commission of the offence a warrant could not have been obtained for the apprehension of the offender;
- (ii) A person who commits a breach of the peace in his presence;
- (iii) A person who obstructs a police officer while in the execution of his duty, or who has escaped or attempts to escape from lawful custody;
- (iv) A person in whose possession anything is found which may reasonably be suspected to have been stolen or who may reasonably be suspected of having committed an offence with reference to such thing;
- (v) A person whom he finds lying or loitering in any public or private place or building and who does not give a satisfactory account of himself;
- (vi) A person whom he finds in any public or private place or building and whom he suspects upon reasonable grounds of having committed or being about to commit an offence; or
- (vii) A person found having in his possession without lawful excuse any implement of housebreaking.

176. A police officer, and all persons whom he may call to his assistance, may arrest without a warrant a person who within view of such police officer commits an offence and whose name or residence is unknown to such police officer and cannot be ascertained by him. Even where the arrest occurred without a warrant, it is the duty of every police officer to inform the arrested person of the reason for his arrest.

177. Where a warrant has been issued in respect of a person charged with an offence, a police officer must read the content of the warrant to the accused at the time of the arrest. If

the officer does not have the warrant in his possession at the time of the arrest, he may proceed to charge the accused with the offence, but the warrant must be shown to the arrested person as soon as practicable thereafter.

178. The Anti-Gang Act 2018 aims to maintain public safety and order through discouraging membership of criminal gangs and the suppression of criminal gang activity. The 2018 Act seeks to create offences including but not limited to: (a) being a member of a gang; (b) being in possession of a bullet-proof vest; (c) participating in, or contributing to, the activities of a gang; (d) supporting or inviting support for a gang; or (e) harbouring or conceal gang members or recruit persons to a gang.

179. Under section 17 of the Anti-Gang Act 2018 a police officer may arrest a person who has committed or is suspected of committing an offence related to gang involvement under the Act, without a warrant and detain that person for a period not exceeding 72 hours without charging him of an offence. The officer must inform the person of the reason for his detention and record such reasons in the station diary.

180. Where the officer wishes to detain the person beyond the period of 72 hours for the purpose of obtaining or securing of evidence to support an offence under the Act or for the prevention of interference in an investigation of an offence committed under the Act, he must make an application to a Judge for the grant of a Detention Order. The extended period of detention shall be as the Court sees fit but shall not extend beyond fourteen days from the time of arrest and detention. A person detained for a period exceeding 72 hours in accordance with the grant of a Detention Order may make an application to a Judge showing cause why the detention order should be discharged.

181. Under the Bail (Amendment) Act 2019, the Court must not grant bail to a person over the age of 18 years charged with committing an offence under the Anti-Gang Act 2018 which is punishable by imprisonment for a term of ten (10) years or more. However, section 5 (4) provides that where a person is charged with any offence under the Anti-Gang Act that is subject to a punishment of a term of 10 years imprisonment and are brought before the Court but no evidence has been taken within 120 days of the reading of the charge, that person is entitled to make an application to a Judge for bail.

182. Section 5(5) of the Bail (Amendment) Act 2019 of the establishes that where a person is charged under Section 12(1) of the Anti-Gang Act 2018 with harbouring any child and is the parent or person acting in loco parentis of the child and is brought before the Court but no evidence has been taken within 60 days of reading the charge, then that person is entitled to make an application to a Judge for bail.

183. In Trinidad and Tobago there are various pieces of legislation in place to investigate, prosecute and impose sanctions against police officers, customs officers and immigration officers who accept bribes to facilitate illegal activity. Section 3 of the Prevention of Corruption Act, Chap. 11:11 prohibits a person from corruptly soliciting or receiving, promising or giving any gift, loan, fee, reward, or advantage whatsoever, in public office.

184. Under section 27 of the Integrity in Public Life Act, Chap. 22:01 a public officer is prohibited from accepting a fee, gift or personal benefit, that is unauthorized by law, that is connected directly or indirectly with the performance of the duties of his office.

185. Further, Section 68(2) of the Police Service Act 2007 provides that a bribe or gift of money coming into the possession of a police officer or the value of any goods given as a bribe to a police officer shall be paid to the credit of the Award Fund of the Police Service.

186. Section 217 of the Customs Act, Chap 78:01 (as amended) prohibits Customs officers from receiving a bribe or reward and creates a penalty of twenty thousand dollars, and be rendered incapable of holding any office in the service of the Government of Trinidad and Tobago once convicted. The person with whom the customs officer agreed to take the bribe from is liable to incur a penalty of twenty thousand dollars.

187. Under section 41 of the Immigration Act, Chap 18:01 (as amended) prohibits any immigration officer from accepting a bribe personally and creates an offence making him liable on summary conviction for a first offence to a fine of \$1000 dollars and to imprisonment for 12 months. Any subsequent conviction will be liable on summary

conviction to a fine of \$2000 and imprisonment for 18 months; and on conviction of indictment for a first offence to a fine of \$2000 and imprisonment for 18 months and on any subsequent conviction on indictment to a fine of \$4000 dollars and imprisonment for 2 years.

188. The Integrity Commission of Trinidad and Tobago was established by virtue of the Integrity in Public Life Act, 2000 (No. 83 of 2000) with a responsibility to preserve and promote the Integrity of Persons in Public Life and as well as those exercising public functions.

189. The Commission is required to regulate the conduct of “persons exercising public functions” through the receipt of declarations of income, assets and liabilities, and by monitoring compliance with the Code of Conduct presented in Part IV of the Integrity in Public Life Act, 2000. All Persons in Public Life are required under sections 11(1) and 14(1) to declare (on a prescribed form), on an annual basis, their income, assets and liabilities, along with that of their spouse and dependent children and a ‘statement of registrable interests’ which is a separate document respectively. This requirement is designed to act as anti-corruption initiatives as it allows for the discovery of unexplained accretion in wealth and to capture whether public officials have interests or material benefits that may influence or may be perceived to influence actions taken.

190. In the event of non-compliance the Act has provided the Commission with various tools to ensure compliance. Section 11(6) provides that the Commission may publish the names of those persons who have failed to file their declarations and statements of interest. Section 11(7) allows the Commission to make ex parte applications to the High Court. While section 21 (1)(a) allows the Commission to seek criminal prosecution against persons failing to comply.

191. In its 2018 report, The Commission noted that a total of one thousand two hundred and sixty-four person (1264) were supposed to submit declaration and statements of registrable interest for the year ending 31 December 2017 by May 31 2018. A total of five hundred and fifty-three (553) persons submitted the requisite information.

192. As it regards action taken against persons for non-compliance, the Commission in its 2018 report noted that it caused eight hundred and seventy-one (871) names to be published in one daily newspaper for failure to file their declarations and statements of interest. The Commission also identified that twenty-nine (29) ex parte applications were made to the High Court for orders to have persons in public life file their declarations and statements of interest. As it regards criminal prosecution, the Commission noted that while such sanctions are available under the Act, the Commission will only take such action when required.

Reformation of Judicial System

193. The Government of Trinidad and Tobago in conjunction with the Judiciary has since taken significant steps to reform the judicial system and counteract the severe backlog of criminal cases that have been reported.

194. The Judiciary has developed a Court Management and Reporting initiative in an attempt to review the backlog in criminal cases. This initiative categorizes outstanding cases in the following ways: Case Management Conference (formerly Cause List); Outstanding Bench Warrants; Re-trial; Sentence pending; Unable to locate File/No Minutes; Matters to be disposed of on the system (data entry backlog; Accused deceased; and Matters to be taken off list.

195. Further, a Committee Chaired by the Honourable Madame Justice Gillian Lucky was established to examine the records and make recommendations as to the way forward in the High Court. The Committee developed a working definition of backlog which was defined as, “*All indictments filed before 31 October 2012 and yet to be tried*”. The Committee also took some preliminary steps to address the cases that have been identified as backlog, these include:

- Furnishing the Registrar General’s Department, the Prisons Service and the Court and Process Branch of the Police Service with the list of outstanding bench warrants to ascertain the current status of the accused persons. The reports from these agencies are still outstanding;

- Providing a copy of the outstanding bench warrants to the Chief Immigration Officer for the purpose of identifying any accused that may attempt to leave the country; and
- Holding Case Management Conferences to deal with those outstanding Case Management Conferences that are not active in July for both the San Fernando and Port of Spain Criminal Assizes. There were no outstanding Case Management Conference matters in Tobago;
- Cleaning up the database whereby files that are categorized as “matters to be disposed” were disposed of on the system. This exercise required officers to input the necessary data/recreation of the matters in the Case Management Information System to ensure that the status of these matters read “disposed” as opposed to “to be disposed.

196. Another initiative implemented to test the process for reform was the re-introduction of the Fast Track Court, which operated as a Pilot Project during the 6-week Long Vacation of the High Court. In Tobago, the court sat for two (2) weeks during which time three (3) matters were disposed of and other matters were managed and determined as trial ready. In Port of Spain and San Fernando, the High Court sat for the entire six-week period.

197. “*Status Hearings*” were introduced as an initiative to ensure access to justice and procedural fairness for those persons on remand who are awaiting trial and who wished to either plead guilty or commence Maximum Sentence Indication (MSI) proceedings. One hundred and fifty-five (155) persons came before the Court and each person was given a full opportunity to be heard. Ninety-four (94) persons of the total number were on remand on murder charges. In most instances, the accused were unrepresented and so the Legal Aid and Advisory Authority ensured that an attorney was present for all hearings and that the attorney ensured that each accused had filled the requisite forms in order to have counsel assigned to his/her matter. This was an absolute necessity as it is only when an accused is legally represented, or has been given the full opportunity to have legal counsel appointed for him or her, that the matter then moves to the next stage. The Status Hearings are ongoing, and when the indictments in the matters are filed, the cases will be distributed among and heard by the judicial officers of the High Court.

198. The implementation of Judge Alone Trials has significantly impacted the backlog of cases in the criminal justice system. The Miscellaneous Provisions (Trial by Judge Alone) Act, 2017 came into operation on the 1st February 2019. The 2017 Act allows a person against whom an indictment has been filed to elect to be tried by a Judge without a jury. When elected by the accused, the Judge sitting without a jury has all the power, authority and jurisdiction to determine any question and to make any finding which would have been determined by a jury prior to the 2017 Act coming into force.

199. The Miscellaneous Provisions (Trial by Judge Alone) Act, 2017 provides safeguards for the accused person through mandating that the Court be satisfied that:

- (i) The accused has sought and received legal advice on the issue from an Attorney-at-law;
- (ii) Where the accused is not represented by an attorney, that the Accused has the requisite competence to make the decision and has waived his right to consult an Attorney-at-law for legal advice;
- (iii) In a case with multiple accused persons, that all the defendants have elected to be tried without a jury; and
- (iv) If the accused is to be tried for more than one offence, that the accused wishes to be tried by Judge alone for all offences.

200. Since its introduction in February 2019, five (5) Judge Alone Trials have been conducted across the different Court locations.

201. The Judiciary envisions that with increased use of Judge Alone Trials, the number of retrials ordered, the risk of jury interference and intimidation and the expenses related to jury service (the time and cost of empaneling and sequestering juries) will be reduced significantly.

202. The Criminal Procedure (Plea Discussion and Plea Agreement) Act 2017 creates a plea bargaining system which can take place between the prosecution and defence by way of written request to the Director of Public Prosecution (DPP) at any time before conviction.

203. The Act also provides safeguards for the accused person through:

- Prohibiting a prosecutor from concluding a plea agreement with an accused that require him to plead guilty to an offence for which evidence was not disclosed;
- Prohibiting a prosecutor from withholding or distorting evidence;
- Prohibiting the prosecutor from entering a plea agreement from an unrepresented accused, the prosecutor may enter into a plea agreement with an accused is not represented by an attorney where he has waived his right to consult an Attorney-at-law for legal advice, he agrees that an independent third party is present at the plea agreement and the plea discussion is recorded.

204. The Administration of Justice (Indictable Proceedings) (Amendment) (No.2) Act, 2019 which amends the Administration of Justice Indictable Proceedings Act No. 20 of 2011 was assented to on 21 June 2019. The Amendment No.2 Act provide for the abolition of preliminary enquiries and its replacement by the holding of initial and sufficiency hearings by a Master of the High Court where a person is charged with an indictable offence.

205. In addressing the backlog of matters in the criminal jurisdiction, both at the Magistrates and High Courts, the implementation of the Criminal Procedure Rules 2016 has resulted in a significant increase in matters ready for trial. The challenge remains, that while cases are ready to be heard, there is an insufficient number of judicial officers to determine the matters.

206. The Criminal Procedure Rules 2016 (CrPR) came into force in both the Magistrate' and Supreme Courts on the 18th April 2017. The CrPR 2016 introduces the concept of case management to criminal procedure. The overriding objective of the CrPR 2016 is to deal with criminal cases justly. A duty is imposed on the Courts and all parties and participants, at every stage of proceedings to:

- (a) Deal with the prosecution and the defence fairly;
- (b) Ensure the protection of all the rights of an accused person;
- (c) Consider the interests of the accused, witnesses, victims and jurors and keep them informed of the progress of the case, as necessary;
- (d) Deal with the case efficiently and expeditiously;
- (e) Ensure that appropriate information is available to the court particularly when bail or sentence is under consideration; and
- (f) Deal with the case in ways that take into account, the gravity of the offence, the complexity of the matter, the consequences for an accused and others who may be affected, the needs of other cases and allotting the case an appropriate share of the court's resources, while taking into account the need to allot resources to other cases.

207. Additionally, in December 2017, The Honourable Chief Justice issued a Practice Direction entitled "*Disclosure of the Defence under the Criminal Procedure Rules 2016*" which sought to provide clearer guidance on the expectations of Defence Attorneys in submission of their clients Defence Statement.

208. The CPR 2016 Rules, in tandem with, the 2017 Practice Direction now gives the Court capacity to drive the progress of a matter and more effectively manage and apportion the Court's scarce resources via the imposition of timelines, directions and sanctions where applicable. It is anticipate that active case management will assist in fostering among the various criminal court participants a culture of responsibility, awareness and collaboration thereby leading to a greater level of overall system efficiency.

Rights of Persons in Custody

209. Under the section 5 of the Constitution of Trinidad and Tobago, every person who is arrested or detained is entitled to the following fundamental human rights:

- (i) The right to be informed promptly of the reason for his arrest or detention;
- (ii) The right to retain and instruct a legal adviser of choice and to hold communication with him;
- (iii) The right to be brought promptly before a judicial authority;
- (iv) The remedy of habeas corpus for determination of the validity of a detention;
- (v) That Parliament may not authorize a court, tribunal, commission, board or other authority to compel a person to give evidence unless he is afforded protection against self-incrimination (the privilege entitles a witness to refuse to answer questions or produce documents which might tend to incriminate him by exposing him to any punishment, penalty or forfeiture under the law) and where necessary to ensure such protection, the right to legal representation;
- (vi) The right to be presumed innocent until proven guilty;
- (vii) The right to fair and public hearing before and independent tribunal;
- (viii) The right to reasonable bail without just cause;
- (ix) The right of a person to the assistance of an interpreter in any proceedings in which he is involved before a court, tribunal, commission or board.

210. Under the Judges' Rules, as soon as a charge is laid against an accused, he must be given a copy of the entry in the charge sheet or book. Particulars of the charge should be stated in simple language that the accused may understand it but should state the precise offence as stated in law. If the offence is a statutory one, its section should be quoted. The accused is allowed to telephone his attorney-at-law, family or friend. An interpreter is provided at the State's expense if one is so required. Notices of the rights of accused persons are posted at conspicuous places in all police stations. If a person is denied an opportunity to communicate with his legal advisor, he has an opportunity for redress under constitutional law. Further, if any of the accused person's constitutional rights are infringed upon, he may apply to the High Court under section 14 of the Constitution for relief, including monetary compensation.

211. Trinidad and Tobago is dedicated to ensuring that its citizens are afforded proper legal representation. The Legal Aid and Advisory Authority (LAAA) was established under The Legal Aid and Advisory Act, Chap 7:07 as amended by the Legal Aid and Advice (Amendment) Act 2012 to ensure the provision of legal advice and representation, subject to the requisite assessment and approvals, to those who would not otherwise be able to afford it.

Use and Rules governing bail

212. Bail is defined as pre-trial release. It may be considered a contract whereby an accused person is released on certain terms from custody to his surety/sureties. The surety/sureties responsibility is/are to ensure the defendant attend court at every hearing, until the case is heard and determined.

213. In Trinidad and Tobago the issue of bail is governed by the Bail Act Chap 4:60 as amended by The Bail (Amendment) Act 2019 which was assented to by a three-fifths majority in Parliament on the 5 August 2019. The purpose of the Act is to provide for the circumstances in which bail may be denied to a person who is charged with a listed offence that is punishable for a term of imprisonment of ten (10) years or more. These offences include:

- Offence under section 6(1) and 6(2) of the Firearms Act Chap 16:01 for possession of a firearm, ammunition or prohibited weapon under the Firearms Act Chap 16:01;
- Other offences under the Firearms Act Chap 16:01;

- Offences under the Anti-Gang Act No1 of 2018 committed by a person over the age of 18;
- Offences under the Offences Against the Person Act Chap 11:08;
- Offences under the Dangerous Drugs Act, Chap 11:25;
- Offences under the Kidnapping Act, Chap 11:26;
- Sexual Offences under the Sexual Offences Act, Chap 11:28 or the Children Act 46:01 where the victim is a child;
- Sexual offences under the Sexual Offences Act, Chap 11:28;
- Offences under the Anti-Terrorism Act, Chap 12:07;
- Offences under the Trafficking in Persons Act, Chap 12:10.

214. A person who has been detained and is eligible for bail may receive bail in one of the following forms:

- (i) Own Bail – This is where the Defendant signs the Bail Bond for himself;
- (ii) Bail with a named surety – This is where the Magistrate approves a named Bailor in Court, using a valid Trinidad and Tobago National Identification Card, Drivers' Permit or Passport only. No form of security is used;
- (iii) Bail With Surety to be approved by the Clerk of the Peace – The following documents are to be provided:
 - (a) A Certified copy of Deed;
 - (b) Most recent Land and Building Taxes Receipt;
 - (c) Identification Card, Passport/Drivers' Permit;

The person who is accepted as the surety or bailor must be approved by the Clerk of the Peace;

- (iv) Cash Bail – The person who is presenting himself as the surety for the cash bail is required to show proof of the source of funds. This requires the production of a recent bank statement (not more than 6 months) to the Clerk of the Peace;
- (v) Police Bail – A senior police officer may decide that a person charged for a minor offence may be granted bail. This is usually done where a person is in custody during hours when the court is not sitting e.g. weekend and public holidays. The magistrate will regularize the bail once the person attends court. If a person fails to attend Court after receiving bail by surety, the Magistrate will issue a warrant for the arrest of the defendant, the bail bond will be forfeited and a summons to show cause will be issued to the bailor to attend court.

Independence of the Judiciary

215. The Constitution insulated the judiciary from influence and interference by the executive. The Chief Justice is appointed by the President after consultation with the Prime Minister and the Leader of the Opposition party. The President appoints Judges acting on the advice of the Judicial and Legal Service Commission. The Commission is an independent body established by the Constitution comprising of the Chief Justice as Chairman, the Chairman of the Public Service Commission and three other members including a retired or sitting judge of the Commonwealth and two other persons with legal qualifications. A Member of Parliament or persons who have held public office within the period of three years preceding his proposed appointment are ineligible to sit on the Commission. Once appointed, a Judge could only be removed for inability to perform the functions of his office or for misbehaviour, but only after a through inquiry which requires the decision of the Judicial Committee of the Privy Council.

216. The Constitution and the Judicial and legal Services Act, Chap. 6:01 governs the appointment, tenure, salary and allowances of a judge. These and other terms of service of

Judges may not be altered to his disadvantage after his appointment. The Chief Justice and Judges hold office until age 65.

H. Elimination of Slavery and Servitude (art. 8)

217. The crime of human trafficking continues to be of high priority on the agenda of the Ministry of National Security. Since the proclamation of the Trafficking in Persons Act 2011, the operationalization of the Counter-Trafficking Unit in 2013 and the launch of the CTU Hotline in March 2013 (800-4288 04 800-4CTU), there have been significant efforts towards raising national awareness about trafficking in persons. The Unit continues to work in accordance with its mandate by joining forces with organizations such as the International Organization for Migration (IOM) as well as local non-governmental organizations to conduct national awareness programmes. On 24 January 2017 a four-day workshop on counter-trafficking, for social workers of the Ministry of Social Development and Family Services was hosted by the Port of Spain Office of the International Organization for Migration (IOM) in conjunction with the Counter Trafficking Unit of the Ministry of National Security.

218. The Ministry of Labour and Small Enterprise Development has continued to work to promote international labour standards, including those related to child labour. In this regard, the Labour Inspectorate of the Ministry continued to monitor for breaches of the law relating to the minimum age for employment and child trafficking. Given the increase in migration flows, labour inspectors have participated in workshops on forced labour and human trafficking which have included issues relating to child trafficking and the commercial exploitation of children. Labour inspectors are trained to identify and investigate cases of child labour, as well as, identify and report on indicators relating to possible cases of human trafficking and forced labour involving children for referral to the Counter-Trafficking Unit of the Ministry of National Security.

I. Treatment of aliens, including refugees and asylum seekers (arts. 7, 9, 10, 13 and 17)

219. Trinidad and Tobago is party to the Refugee Convention and the 1967 Protocol Relating to the Status of Refugees (“the Protocol”) having acceded to both on 10 November 2000. Trinidad and Tobago has not yet ratified either and therefore not yet implemented or incorporated the protections into domestic legislation.

220. In the dualist system which Trinidad and Tobago is part of, properly enacted domestic legislation takes precedence over an international convention to which the State is party to. Hence, only when international law is duly incorporated into a domestic Act do principles from said law become binding.

221. In Trinidad and Tobago, we have not yet incorporated the Refugee Convention or Protocol but in the interim have adopted an ad hoc policy approved by Cabinet in 2014, which was refined into Standard Operating Procedures (SOPs) that are used by the Ministry of National Security to process persons seeking status of refugee or asylum.

222. The SOPs cover the following regarding Identification and Registration (Part 1):

- Scenario 1: Asylum-seeker makes contact with the Living Water Community (LWC);
- Scenario 2: Asylum-seeker makes contact with the UNHCR; and
- Scenario 3: Asylum-seeker makes contact with an Immigration Officer.

223. The Immigration Procedures (Part 2) is done by the Refugee Unit, Immigration Division.

224. The SOPs cover Refugee Status Determination Procedures (Part 3) which is communicated to the asylum-seeker by UNHCR, and forwarded to the Immigration Division and the Living Water Community (LWC).

225. Lastly, SOPs cover On-going Case Management (Part 4) where cooperation and communication amongst all parties occurs post registration of a refugee or asylum-seeker.

226. Trinidad and Tobago like many other Small Island Developing States (SIDS) is working to bring itself in line with international standards in relation to the processing of persons seeking asylum and refugee status. In an environment of competing resources this is a particularly new challenge for us. In the last five years applications of this nature have gone from 50 to over 3000.

227. Currently, Trinidad and Tobago has a Draft Refugee Bill and the reliance on the SOPs discussed earlier is heavy. However, as long as these procedures are followed, property and persons present themselves voluntarily to the option of repatriation. It stands to reason that these circumstances do not in any way breach the principle of non-refoulement.

228. Recent developments have seen the introduction of further protective legislative measures towards migrants, as the State sought to address the influx of Venezuelan nationals within its borders. In 2019, in an attempt to acknowledge the need for protection of Venezuelan migrants and their rights, the Government of the Republic of Trinidad and Tobago granted them a 12 month amnesty under the Immigration (Amendment) Regulation 2019 and the Immigration (Amendment to the Second Schedule) Order 2019 in accordance with section 10 of the Immigration Act, Chap 18:01.

229. As it relates to arbitrary detention of migrants, Section 5 of the Constitution recognizes the right to be brought promptly before an appropriate judicial authority as well as the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations.

230. In Trinidad and Tobago, a person who has been arbitrarily detained may seek redress by challenging the arbitrariness and lawfulness of the deprivation of liberty by an action in tort (i.e. false imprisonment) or a constitutional motion (i.e. the right not to be arbitrarily detained or imprisoned).

231. The time in which a person may bring a constitutional motion in relation to the infringement of his fundamental rights and freedoms is also limited. Unlike actions in tort, the legislation does not give a strict limitation for constitutional motions. However, where there is inordinate delay in bringing a constitutional motion and the court finds that there is no reasonable excuse or cogent explanation for the delay, the court may choose to dismiss the claim and conclude that the claimant's constitutional motion is a misuse of the court's constitutional jurisdiction or an abuse of process. (*Durity v The Attorney General of Trinidad and Tobago* [2002] UK PC 20; *Smith v The Commissioner of Police and the Attorney General of Trinidad and Tobago* (1997) 51 WIR 409).

232. The Government of the Republic of Trinidad and Tobago remains committed to the protection of the human rights of vulnerable and undocumented migrants within the State. In 2011, the Ministry of National Security initiated consultation to develop a formal policy to deal with asylum seekers and refugees, whilst in 2014; a Draft National Policy was approved by Cabinet. This policy continues to provide a framework for the Republic of Trinidad and Tobago to conduct its own Refugee Status Determination procedure to ascertain claims for refugee status. The purpose for the implementation of this policy was to allow the Government to process asylum seeker and refugee applications more efficiently with a view to implement additional legislation.

233. The Living Waters Community (LWC) is an implementing agency of the United Nations High Commission for Refugees (UNHCR) and works together with UNHCR to resettle asylum seekers who come to Trinidad and Tobago. LWC conducts its operations in accordance with the Standard Operating Procedures (SOPs) used by the Ministry of National Security to process persons seeking status of refugee or asylum status. Upon initial contact, LWC conducts pre-screening for migrants or asylum seekers upon entry. Once the migrant or asylum seeker expresses fear of return to their country, LWC will assist in various ways such as providing counselling on how to complete the asylum seekers application and evaluate protection risk and psychosocial needs. LWC keeps files containing copies of the individuals' identification and travel documents amongst other details for each individual who completes an application. This file is then forwarded to UNHCR and to the point of

contact at the Immigration Division so as to keep track of the number of migrants and asylum seekers.

J. Freedom of expression (art. 19)

234. Section 4 of the Constitution enshrines the right to freedom of thought and expression and freedom of the press. The Government of Trinidad and Tobago acknowledges and respects that the role that journalists and media houses play in society and that the right to freedom of opinion and expression is a human right guaranteed to all. Investigative journalism is facilitated under the Freedom of Information Act, Chap 22:02 which gives journalists and media persons, as members of the public, a general right to access official documents of public authorities, with few exceptions.

235. The Libel and Defamation Act Chapter 11:16 functions as the main legislation in respect of defamatory words and libel. The provisions laid out in the Libel and Defamation Act, along with the inherent provision stated in the Constitution, allow for the delicate balance between freedom of speech and the necessary protection of reputation. In an environment of competing resources, Trinidad and Tobago does not currently intend to review the Libel and Defamation Act.

K. Freedom of assembly and association (arts. 21, 22)

236. Freedom of association is expressly guaranteed under Section 4 of the Constitution. The right to join a trade union and the right to strike however is not guaranteed in the Constitution. The establishment and operations of trade unions are regulated by the Trade Unions Act, Chap 88:02 and the regulations made thereunder. Every trade union, but for those whose purpose is unlawful, shall be registered under the Act. The Industrial Relations Act, Chap 88:01 empowers the Court *inter alia* to enjoin a trade union or other organization of workers or other person from taking or continuing industrial action. Some of the main trade unions are the Trinidad and Tobago Unified Teachers' Association; the Public Service Association of Trinidad and Tobago and the Oilfields Workers Trade Union.

237. The Industrial Relations Act, Chap 88:01 allows the right to take industrial action which includes the right to strike. However, the following categories of persons are prohibited from striking:

- A public officer, as defined by section 3 of the Constitution;
- A member of the Defence Force or any ancillary force or service thereof, or of the Police, Fire or Prison Service or of the Police Service of any Municipality, or a person who is employed as a rural constable or estate constable;
- A member of the Teaching Service as defined in the Education Act, or is employed in a teaching capacity by a university or other institution of higher learning;
- A member of staff and an employee of the Central Bank established under the Central Bank Act;
- A person who, in the opinion of the Board:
 - Is responsible for the formulation of policy in any undertaking or business or the effective control of the whole or any department of any undertaking or business; or
 - Has an effective voice in the formulation of policy in any undertaking or business;
 - Employed in any capacity of a domestic nature, including that of a chauffeur, gardener or handyman in or about a private dwelling house and paid by the householder;
 - An apprentice within the meaning of the Industrial Training Act.

238. There are no restrictions on the freedom of assembly other than a requirement that notice be given to the Commissioner of Police at least 48 hours prior to the holding of the public meeting or public march under section 109 of the Summary Offences Act, Chap 11:02. The notification must include the purpose(s), approximate time, place or route of the meeting or march.

239. Under section 111(1) of the Summary Offences Act, Chap 11:02, where a public meeting is held without approval by the Commissioner of Police or despite the prohibition of such meeting by the Commissioner or any condition imposed by the Commissioner is not observed by the holder of a public meeting, a police officer not below the rank of Sergeant may call upon the public meeting to be dispersed if he reasonably apprehends that participants are acting or are about to act in a manner prejudicial to public safety or public order. Section 111(3) provides that where the senior police officer referred to in subsection (1) fails or refuses to call upon the meeting to disperse any police officer in uniform may do so.

L. Marriage, family and the protection of minors (arts. 7, 23 and 24)

240. The protection of children from abuse, including sexual abuse is of significant importance to the Government of Trinidad and Tobago. The Children's Act 2012 protects minors against a wide range of offences including, sexual offences and other violent crimes. The Act permits a police officer to make an arrest without a warrant if he believes that a sexual offence is being committed against a child.

241. There are also legislation and policy that mandates the reporting of issues affecting children. For instance, section 31 of the Sexual Offences Act, 1886 mandates the reporting of the suspected abuse of minors. The Ministry of Education continues to maintain its standards for mandating the reporting of child sexual abuse as established in Circular Memorandum No. 76 of 2008. The procedure for school staff to report child sexual abuse is also published in the National School Code of Conduct 2009. The Ministry of Health has also issued protocols for dealing with victims of criminal offences, victims of gender-based violence, as well as, crimes against minors. Children affected by abuse of any kind can also call ChildLine at 131 or 800-4321; the National Domestic Violence Hotline (868) 800-SAVE (7283) and the Trinidad and Tobago Police Service Emergency number at 999.

242. Section 3 of the Trafficking in Persons Act, Chap 12:10 defines "sex tourism" as trips organized for profit within the tourism sector or outside that sector but using its structures and networks to facilitate sexual activity with trafficked persons. Sexual activity whatever the circumstances with a trafficked person is an offence under the Act. Therefore, it can be reasoned that sex tourism is also an offence and is prohibited in Trinidad and Tobago. The Counter-Trafficking Unit which was established under the Act is mandated to prepare and implement public awareness programmes with respect to educating citizens, residents and visitors to Trinidad and Tobago about sex tourism.

243. In 2016, the Government amended the definition of a "child" in domestic legislation by raising and unifying the age of consent to marriage in Trinidad and Tobago's various Marriage Acts, as well as, making said age of consent the same for males and females. On the 2 October 2017 the Miscellaneous Provisions (Marriage) Act, 2017 came into force by proclamation. The object of the Act was to amend the Marriage Act, Chap 45:01, the Muslim Marriage and Divorce Act, Chap. 45:03, the Orisa Marriage Act, Chap. 45:04 and the Matrimonial Proceedings and Property Act, Chap. 45:51, thus unifying each of them by raising the age of consent to eighteen years for both males and females.

244. In Trinidad and Tobago, the Children Act 2012, section 4(7) prohibits the use of corporal punishment in schools but allows its use by parents and guardians.

M. Right to participate in public life (arts. 25 and 26)

245. Section 4(e) of the Constitution recognizes the "right to join political parties and to express political views" as a fundamental human right and freedom. This guarantee assures

all citizens, including women, the right to take part in the conduct of public affairs, directly or through freely chosen representative.

246. Trinidad and Tobago has held free and fair elections every five years since 1956. Citizens and qualifying residents, once registered, are eligible to vote at Parliamentary and local government elections. There is universal adult suffrage. The election of members of the House of Representatives is by secret ballot and in accordance with the first-past-the-post system. Civil society is involved in General Elections as independent observers from the Commonwealth Caribbean that make up the Election Observation Mission.

247. Trinidad and Tobago has seen an increase in women currently hold non-traditional portfolios including President of the Senate and Speaker of the House of Representatives, Ministers and the Parliamentary Secretary. However, there are no statutory quotas for the inclusion of women in public life. In an environment of competing resources, the issue of maternity leave for parliamentarians is one still to be addressed. The Government of Trinidad and Tobago has placed legislation dealing with an increase in transparency of the financing of political parties, campaign funding and election on its legislative agenda.

248. The National Commission for Women's Empowerment and Gender Equity has not been established. However, Trinidad and Tobago has various institutions which deal with gender equality and equity. The Government through the Office of the Prime Minister Gender and Child Affairs Division handles matters relating to gender equality. Also the Equal Opportunity Commission plays an active role in educating persons on the importance of gender equity. The Institute for Gender and Development Studies (IDGS) at the University of the West Indies, St. Augustine Campus usually partners with government and other stakeholders to conduct training sessions and studies regarding gender.
