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Country:

Trinidad and Tobago

Year:

2018

Freedom Status:

Free

Political Rights:

2

Civil Liberties:

2

Aggregate Score:

81

Freedom Rating:

2.0

Overview:

Since independence, Trinidad and Tobago has maintained a robust parliamentary democracy with a vibrant media and civil society. However, organized crime contributes to high levels of violence, and corruption among public officials and within state institutions remains a challenge. In addition, there is significant discrimination against the LGBT (lesbian, gay, bisexual, and transgender) community.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 33 / 40

A. ELECTORAL PROCESS: 11 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president is chief of state, and is elected to a five-year term by a majority of the combined houses of Parliament. Anthony Carmona has held the presidential seat since 2013. The prime minister serves as head of government. Keith Rowley became prime

minister in 2015, after parliamentary elections resulted in a win for his party, the People's National Movement (PNM).

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Parliament consists of the directly elected, 41-member House of Representatives and the 31-member Senate appointed by both Parliament and the president; members of both houses serve five-year terms. In 2015 parliamentary elections, the People's Partnership (PP) government led by Kamela Persad-Bissessar was defeated by Keith Rowley's PNM. Commonwealth election observers expressed confidence in the elections' overall conduct.

Tobago is a ward of Trinidad, and is governed locally. The Tobago House of Assembly elections took place in January 2017, with the PNM taking a majority of seats.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Electoral laws are generally fair. The Elections and Boundaries Commission (EBC) is charge of organizing elections, and is generally trusted by the public to fulfill its mandate.

Following the 2015 elections, the Caribbean Community (CARICOM) and the Commonwealth election observation missions recommended that officials take steps to strengthen the transparency and accountability of campaign funding processes, and ensure that adequate training is provided for polling officials.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Trinidad and Tobago has a number of political parties. While the PNM had dominated the political landscape for several decades following independence, it has weakened somewhat in the last two decades, allowing greater competition. The political arena is now largely divided between the PNM and the PP.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

There are opportunities for opposition parties to increase their support or gain power through elections, although the country's "first-past-the-post" system has made it difficult for less established parties to gain seats in the House of Representatives.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4

People's political choices are generally free from external influences. However, ethnic identity is an important factor in politics.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Political parties are technically multiethnic, though the PNM is favored by Afro-Trinidadians, while the United National Congress (UNC), the majority PP member, is affiliated with Indo-Trinidadians.

Women's political participation in national-level politics has increased somewhat in recent years, but women remain generally underrepresented. Discrimination against the LGBT community is widespread, which impacts their ability to fully engage in political and electoral processes.

C. FUNCTIONING OF GOVERNMENT: 9 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The freely appointed and elected prime minister, cabinet, and members of Parliament generally determine government policies.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption remains a pervasive problem in Trinidad and Tobago, especially within the police force and among immigration officers. The government has sought to manage it through anticorruption legislation, but the laws are infrequently enforced.

C3. Does the government operate with openness and transparency? 3 / 4

Public officials are required to disclose their assets, income, and liabilities, but penalties against those who refuse to comply are limited. The Integrity Commission, which is tasked with overseeing these financial disclosures, has been criticized for its lack of effectiveness.

The public has the right to access government documents by law, although numerous public institutions are exempt. Furthermore, there is no enforcement of a provision that requires the government to respond to information requests within 30 days. A 2015 public procurement law was created to oversee and regulate procurement, but had not been fully implemented as of November 2017.

CIVIL LIBERTIES: 48 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16

D1. Are there free and independent media? 4 / 4

Freedom of speech and of the press are constitutionally guaranteed, and generally upheld in practice. Press outlets are privately owned and vigorously pluralistic.

Under the 2013 Defamation and Libel Act, “malicious defamatory libel known to be false” is punishable by up to two years in prison, as well as a fine.” However, at the end of 2017 it did not appear any journalists had been convicted under it in connection with their work.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The constitution guarantees freedom of religion, and the government generally honors this provision. However, some restrictions are placed on foreign missionaries; only 35 are allowed in the country at one time, and they cannot stay longer than three years.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally upheld.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Individuals are free to express their opinions in private conversations, and the government is not known to monitor online communications.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

The constitution provides for freedom of assembly, and the government generally respects this right.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights—and governance-related work? 4 / 4

Civil society is robust, with a range of domestic and international interest groups engaged in political processes.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Labor unions are well organized and politically active, though union membership has declined in recent years. Strikes are legal and occur frequently. In January 2017, approximately 4,500 refinery union workers threatened to strike against the state-owned oil company Petrotrin, resulting in wage increases for the workers.

The law contains a provision allowing the labor minister to petition the courts to end any strike deemed detrimental to national interests. Walkouts by workers considered essential, including hospital staff, firefighters, and telecommunication workers, are punishable by up to three years in prison and fines of up to \$6,000.

F. RULE OF LAW: 9 / 16

F1. Is there an independent judiciary? 3 / 4

The judicial branch is generally independent, but subject to some political pressure and corruption.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Due process rights are provided for in the constitution, but are not always upheld. Rising crime rates and institutional weakness have produced a severe backlog in the court system. Corruption in the police force, which is often drug-related, is endemic, and inefficiencies have resulted in the dismissal of some criminal cases. Intimidation of witnesses and jurors has been reported by the judicial officials.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

The government has struggled in recent years to address violent crime, which is mostly linked to organized crime and drug trafficking. The murder rate remained high in 2017, with 494 killings recorded—the most in a single year since 2009. In September, the Organized Crime Intelligence Unit was established “to pursue, target, dismantle, disrupt and prosecute” organized criminal groups and networks, which were linked to many of the murders that occurred during the year.

The police have been criticized for excessive use of force and many abuses by the authorities go unpunished. The US State Department reported in 2017 that more than 70 Trinidadian nationals were identified as fighting with ISIS in Syria as of the previous year, and raised concerns regarding the potential impact of their return. The report added that information sharing among state agencies dealing with counterterrorism was poor, due to corruption and inefficiencies.

Lengthy pretrial detention is a problem, and approximately 60 percent of the prison population is made up of pretrial detainees or remand prisoners. Many prisons are overcrowded and have poor sanitation.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Racial disparities persist, with Indo-Trinidadians comprising a disproportionate percentage of the country’s upper class. Human rights groups have criticized the government’s unwillingness to address discrimination and violence against the LGBT community. Immigration law does not adequately protect refugees, and cases of asylum seekers being forcibly returned to their country of origin (refoulement) have occurred due poor training of immigration officers.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

Freedom of movement and people's the right to choose their place of education and employment are generally respected.

In November 2017, protesters blocked roads into Port of Spain—in part with burning debris—for several hours in protest of a police operation against suspected gang leaders.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or non-state actors? 3 / 4

While the government of Trinidad and Tobago actively supports both national and foreign investment in businesses in the country, insufficient transparency, weak institutions, and corruption contribute to difficulties in starting and operating businesses. Property rights are constitutionally protected, but there are issues with inefficient regulations and complicated registration.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Violence against women remains a significant problem. Rape, including spousal rape, is illegal, but many occurrences of rape go unreported. There are no laws against sexual harassment, a problem that drew significant media attention in 2017.

The Marriage Act, which raised the legal marriage age to 18, was approved by lawmakers in June 2017 and took effect in September, officially making child marriage illegal.

Abortion is illegal in most cases, and a woman can be imprisoned for up to four years for obtaining an abortion.

Same-sex sexual relations are illegal, although in practice the relevant law is not often enforced. In March 2017, an LGBT activist filed suit against the law, claiming it is unconstitutional.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Trinidad and Tobago is a destination and transit country for forced labor and sex trafficking. The government has taken some action in recent years to prevent and prosecute human trafficking offenses, and has boosted efforts to identify victims.

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