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## 2009 Human Rights Report: Trinidad and Tobago

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2009 Country Reports on Human Rights Practices](#)

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Trinidad and Tobago is a parliamentary democracy governed by a prime minister and a bicameral legislature, with a population of approximately 1.3 million. Tobago has a House of Assembly that has some administrative autonomy over local matters on that island. In the 2007 elections, which observers considered generally free and fair, Prime Minister Patrick Manning's People's National Movement (PNM) secured a 26- to 15-seat victory over the United National Congress (UNC). Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas: police killings during apprehension or custody, inmate illness and injuries due to poor prison conditions, high-profile cases of alleged bribery, violence against women, inadequate services for vulnerable children, and unsafe working conditions.

### RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

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

The government or its agents did not commit any politically motivated killings; however, 46 persons died during the year while in police custody or at the hands of law enforcement officers. Authorities investigated or opened inquests into some of the killings, but only 6 percent of inquiries into police killings of civilians have been completed since 1999. In cases where charges were brought, 50 percent of the officers were acquitted.

On January 23, a police officer shot and killed George Ashby. Friends and family of the deceased protested for two days until police officials promised an investigation. At year's end, no formal finding had been made in the case, and the police officer remained on active duty.

On October 1, police officers shot four men suspected of murder when they saw them in a vehicle. The shots killed three men; the survivor claimed that the police targeted the men because they were suspects in previous cases. Police began an initial investigation of the incident, but by year's end the Director of Public Prosecution had not decided whether to conduct a full inquiry.

There were no reported developments in the inquiries into the 2008 police killings of Mustapha Edwards, Karim Saint Aimee, and Russel Samuel. Authorities took no action following a June 2008 forensics report that found no gunshot residue on any of the four men killed by police in 2007 while sitting in a vehicle in Laventille.

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#### b. Disappearance

There were no reports of politically motivated disappearances.

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

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

##### Prison and Detention Center Conditions

Conditions in the prison system's eight facilities were somewhat upgraded but continued to be difficult. The designed capacity of the prisons was 4,380 inmates, and they held approximately 4,000 prisoners at year's end. However, some prisons suffered from extreme overcrowding, while others had not reached full capacity. The Port of Spain prison, originally designed to accommodate 250 inmates, held 506 prisoners, compared with 528 in 2008. At peak times, up to 10 prisoners were kept in 10- by 10-foot cells. The maximum security prison, designed to accommodate 2,453 inmates, held 1,273. Inmates complained of insufficient medical care for illness and injuries. No new prisons were constructed during the year, but one facility was converted into a detention center for illegal immigrants. It had an intended capacity of 150 and held 46 persons at year's end.

Pretrial detainees were held separately from convicted prisoners. There were 1,403 inmates awaiting trial, compared with 1,595 at the end of 2008. However, convicted prisoners often were held in the remand section until they exhausted their appeals. Since there is no female youth facility, some underage female prisoners were placed in the Golden Grove women's prison. Of the 158 female prisoners, 50 awaited trial at year's end. Although conditions at the women's prison were better than those in Port of Spain prison, it occasionally became overcrowded, since it held both women on remand and those serving prison sentences.

The minister of national security told Parliament that corrupt prison guards were complicit in the smuggling of cell phones to prisoners. Prison authorities reported bringing charges against 40 prison officers for assault and battery or for poor conduct on the job, including possession of narcotics and provision of cell phones to inmates.

On October 2, a High Court judge awarded damages of TT\$243,848 (\$41,000) to a former inmate who was beaten by a group of prison officers in 2008 while serving a 30-month sentence. The judge described the attack as "depraved and inhumane treatment" and stated that the conduct of the officers involved was "oppressive, arbitrary, and unprofessional."

At year's end a trial was pending of a police constable charged with the March 2008 rape of a woman who visited the Arouca police station to inquire about a domestic violence report.

An army and a police investigation continued into the March 2008 alleged rape at gunpoint by two soldiers of a woman who had sneaked into a military camp to visit another soldier.

The government permitted prison visits by independent human rights observers upon approval of the Ministry of National Security; however, there were no such requests during the year.

#### d. Arbitrary Arrest or Detention

The constitution and the law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

On October 8, a High Court judge awarded 22-year-old Shastri Ramnarine TT\$50,000 (\$8,000) in compensation for unlawful detention in 2005 associated with murder charges on which he was ultimately acquitted.

#### Role of the Police and Security Apparatus

The Ministry of National Security oversees the police service, immigration division, prison service, and defense force. The police service maintains internal security, while the defense force is responsible for external security but also has certain domestic security responsibilities. An independent body, the Police Service Commission, makes hiring and firing decisions in the police service, and the ministry has little direct influence over changes in senior positions. The commission criticized the police force for insubordination, absenteeism, and failure to appear in court to testify; it also noted persistent public complaints of police unresponsiveness.

The national police force comprises nine divisions, including 17 specialized branches, with approximately 5,000 members. The Police Service Commission, in consultation with the prime minister, appoints a commissioner of police to oversee the police force. Municipal police under the jurisdiction of 14 regional administrative bodies supplement the national police force. The Special Anticrime Unit, composed of both police and defense force personnel, combats violent crime--including kidnappings for ransom--and carries out other security operations.

Police corruption continued to be a problem, with some officials suggesting there were officers who participated in corrupt and illegal activities. Authorities suspended 29 officers on corruption charges during the year.

The Police Complaints Authority receives complaints about the conduct of police officers for transmittal to the Complaints Division of the Police Service, where uniformed officers investigate them. The authority monitors the division's investigations and its disciplinary measures. Police Service Commission restrictions limited the division's ability to dismiss police officers. The public had little confidence in the police complaints process because the authority had no power to investigate complaints and because those investigating complaints against the police were themselves police officers.

In August the Criminal Investigation Unit carried out an investigation of the St. Joseph Police Station after four unregistered firearms and a quantity of narcotics were discovered in the office of a senior officer. Following the incident, authorities transferred 38 officers to other police stations and continued their investigation at year's end.

#### Arrest Procedures and Treatment While in Detention

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

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

The minister of national security may authorize preventive detention in order to preclude actions prejudicial to public safety, public order, or national defense, in which case the minister must state the grounds for the detention. There were no reports that the authorities abused this power.

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

#### e. Denial of Fair Public Trial

The constitution and the law provide for an independent judiciary, and the government generally respected this provision in practice. Although the judicial process was generally fair, it was slow due to backlogs and inefficiencies. Additionally, prosecutors as well as judges stated that witness intimidation increased.

The judiciary is divided into the Supreme Court of Judicature and the magistracy. The Supreme Court is composed of the High Court and a Court of Appeal. The magistracy includes the summary courts and the petty civil courts.

#### Trial Procedures

Magistrates try both minor and more serious offenses, but in the case of more serious offenses, the magistrate must conduct a preliminary inquiry. Trials are public, and juries are used in the High Court. Defendants have the right to be present, are presumed innocent until proven guilty, and have the right to appeal. All defendants have the right to consult with an attorney in a timely manner. An attorney is provided at public expense to defendants facing serious criminal charges, and the law requires provision of an attorney to any person accused of murder. Although the courts may appoint attorneys for indigent persons charged with serious crimes, an indigent person may refuse to accept an assigned attorney for cause and may obtain a replacement. Defendants can confront or question witnesses against them, can present witnesses and evidence on their own behalf, and have access to government-held evidence relevant to their cases.

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

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

The constitution and the law provide for an independent and impartial judiciary in civil matters, and citizens are free to file lawsuits against civil breaches, in both the High Court and petty civil court. The High Court may review the decisions of lower courts, order parties to cease and desist from particular actions, compel parties to take specific actions, or award damages to aggrieved parties. However, the petty civil court is authorized to hear only cases involving damages of up to TT\$15,000 (approximately \$2,500).

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

The constitution and the law prohibit such actions, and the government generally respected these prohibitions in practice.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

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

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to the International Telecommunication Union, there were 17 Internet users per 100 inhabitants in 2008.

#### Academic Freedom and Cultural Events

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

### b. Freedom of Peaceful Assembly and Association

The constitution and the law provide for freedom of assembly and association, and the government generally respected these rights in practice.

In April, before the Fifth Summit of the Americas, the police denied permission for a group calling itself the People's Summit to demonstrate at the heads of government meeting, citing security concerns. The police did not interfere when the group rallied outside of the established security perimeter.

### c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice.

#### Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community was extremely small.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at [www.state.gov/g/drl/rls/irf/](http://www.state.gov/g/drl/rls/irf/).

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

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

The law prohibits forced exile, and it was not used.

#### Protection of Refugees

Although the government acceded to the 1951 Convention relating to the Status of Refugees and its 1967 protocol, it had not passed legislation to implement its obligations under the convention. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The government placed asylum seekers in the care of the Living Water Community (LWC), a local Catholic social services agency, while their cases were reviewed by the UNHCR and final resolution reached. Pending Parliament's

approval of legislation implementing the UN convention and its protocol, the Ministry of National Security's Immigration Division handled all requests for asylum on a case-by-case basis.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular political group, or political opinion. However, it took as long as four years for the government to provide identification cards or work permits to persons granted refugee status, due to a lengthy bureaucratic process.

The government did not provide temporary protection to persons who may not qualify as refugees. The LWC provided such persons with needed social services and reported in November that 67 previously filed asylum applications were still pending and that 63 new applications had been filed during the year. The government recognized only five persons as refugees.

In February migrants from Ghana, Senegal, and Nigeria staged a hunger strike at the Maximum Security Prison, calling for the government to pay for their return home. On October 22, the Ministry of National Security chartered a plane to return 52 migrants to Africa, with stops in Accra and Lagos. The ministry provided migrants from other countries plane tickets to their home countries from Lagos or Accra.

On November 11, the government opened a detention center to hold undocumented immigrants, except those facing criminal charges, who were formerly held in prison. The detention center can only accommodate men, and undocumented female immigrants continued to be held in prison. The facility can support approximately 150 persons pending deportation or other means of return to their countries.

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

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

#### Elections and Political Participation

Observers found the 2007 national elections to be generally free and fair. However, during the campaign period, there were incidents of vandalism and violence. A plurality of voters supported the PNM, which retained control of the government. The two major political parties are the PNM, which is primarily but not exclusively Afro-Trinidadian, and the UNC, which is primarily but not exclusively Indo-Trinidadian. A third party formed in 2006, the Congress of the People, failed to win any seats in the latest election.

For the fourth consecutive year, the government postponed local elections. In spite of the constitutional mandate that local elections be held every three years, the last such election was held in 2003. The government asserted as its reason that the review of the municipal boundaries and other local government reforms were yet to be completed.

Voters elected the 41-member House of Representatives, and there is an appointed Senate composed of 31 persons. Of the 72 persons in both houses of Parliament, 24 were women; there were 11 women in the 28-member cabinet and 10 female judges among the 34 judges on the High Court and the Court of Appeals.

All major political parties reached out to voters from relatively small ethnic minorities, such as the Chinese, Syrian, Lebanese, and European-origin communities, and members of these groups held important positions in government. There were no members of these minorities in the legislature or in the cabinet.

### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. However, the World Bank's worldwide governance indicators reflected that government corruption was a problem. Authorities suspended 29 police officers on corruption charges during the year (see section 1.c.).

The Integrity in Public Life Act mandates that public officials disclose their assets, income, and liabilities to an Integrity Commission. However, at year's end there was no functioning Integrity Commission, because all five members the president appointed in April resigned. This followed the February resignation of the five original appointees, after a judge ruled that they acted in bad faith and were guilty of misfeasance in public office. Critics charged that the commission lacked credibility as it was often used as a political tool. In the past, officials and candidates for public office were reluctant to comply with asset disclosure rules due to fear of kidnappings for ransom. The act does not address public officials' reluctance to disclose assets, and there was no progress toward amending it.

In May the Director of Public Prosecutions launched an investigation to determine whether the prime minister and his PNM party breached the Prevention of Corruption Act or other provision of the law in regard to an alleged agreement with the organization Jamaat al Muslimeen prior to the 2002 general elections. Unconfirmed reports circulated that the group's leader Yasin Abu Bakr agreed to support the prime minister's party in exchange for a promise that his property would not be seized to pay a state debt. In October a High Court judge ruled that 10 of Abu Bakr's properties be auctioned off to pay the debt to the government.

In January a commission of inquiry into the construction industry commenced hearings to review 2008 allegations involving activities of the state-owned Urban Development Company. The commission resumed meetings in December and was asked to present its final report by February 28, 2010.

In April 2008 the Privy Council ordered a new trial for UNC Party Chairman and Parliamentary Opposition Leader Basdeo Panday, stemming from his 2006 conviction for failing to disclose a London bank account. However, the trial had not begun by year's end.

The Freedom of Information Act provides for public access to government documents, upon application. Critics charged, however, that a growing number of public bodies have been exempted from the act's coverage, which the government claimed was necessary to reduce the volume of frivolous requests.

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

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

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

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

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

#### Women

Rape, including spousal rape, is illegal and punishable by up to life imprisonment, but the courts often handed down considerably shorter sentences. The government and nongovernmental organizations (NGOs) reported that many incidents of rape and other sexual crimes were unreported, partly due to perceived insensitivity on the part of the police. One group, the Rape Crisis Society, stated that it provided services to 62 new rape victims and 91 returning victims. The Crime and Problem Analysis Branch of the police service reported that there were 231 cases of rape during the year, 71 of which resulted in prosecution and conviction. There were 326 rape investigations under way at year's end, including many from prior years.

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

The NGO Coalition Against Domestic Violence charged that police were often lax in enforcing domestic violence laws and asserted that rape and sexual abuse against women and children remained a significant problem.

The Division of Gender Affairs (DGA) in the Ministry of Community Development, Culture, and Gender Affairs operated a 24-hour hotline for victims of rape, spousal abuse, and other violence against women, referring callers to eight shelters for battered women, a rape crisis center, counseling services, support groups, and other assistance.

Prostitution is illegal, and the authorities continued to monitor, investigate, and prosecute major operators believed to be engaged in soliciting for prostitution.

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

Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Access to information on contraception, and skilled attendance at delivery and in postpartum care were widely available. Women and men were given equal access to diagnostic services and treatment for HIV/AIDS and sexually transmitted diseases.

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

Civil service regulations require female civil servants to report their marriages to the Public Service Commission. The government argued that this was merely an administrative device to account for name changes. However, the Committee of Experts of the International Labor Organization (ILO) recommended that the government amend its regulations to include such reporting from both men and women who marry while in the public service.

The DGA had primary government responsibility for protecting women's rights and women's advancement and sponsored income-generation workshops for unemployed single mothers, nontraditional skills training for women, and seminars for men on redefining masculinity.

## Children

Children acquire nationality by birth; every person born in the country is a citizen at the date of birth, unless the parents are foreign envoys accredited to the country. Children born outside the country can become citizens at birth if on that date one or both of the parents is, or was, a citizen. The Births and Deaths Registration Act provides that every child born alive must be registered within 42 days of birth.

The Domestic Violence Act provides protection for children abused at home. The Ministry of Education's Student Support Services Division reported that young school children were vulnerable to rape, physical abuse, and drug use and that some had access to weapons or lived with drug-addicted parents. Abused children removed from the home were first assessed at a reception center for vulnerable children and then placed with relatives, government institutions, or NGOs. According to the Rape Crisis Society, there were 28 child sexual abuse cases, a decrease from 81 cases in 2008. The Coalition against Domestic Violence operated Childline, a free and confidential telephone hotline for at-risk or distressed children and young persons up to age 25. During the year Childline received 13,864 calls, 62 percent from females and 38 percent from males.

Several children were abused in their own homes or in institutional settings. On August 5, authorities charged a woman for allegedly burning a 10-year-old child's hand in a hot pot of rice. The child, who lived with her father, was staying at the woman's home while her father worked. The woman pleaded not guilty and was granted TT\$12,500 (\$2,100) bail. The case was pending at year's end.

The law defines a child as less than 18 years of age, outlaws corporal punishment for children, and prohibits sentencing a child to prison. The legal age for marriage is 18 for both men and women. However, in practice the minimum legal age for marriage is determined by the distinct laws and attitudes of the various religious denominations. Under the Muslim Marriage and Divorce Act, the minimum legal age for marriage is 16 for men and 12 for women; the Hindu Marriage Act and the Orisa Marriage Act set the minimum legal age for marriage at 18 for men and 16 for women.

Statutory rape is illegal under the Sexual Offenses Act. The age of sexual consent is 16 years for males and females; however, this does not apply if the parties are married. Persons found guilty of rape can be sentenced from 12 years to life in jail.

Child pornography is illegal, and penalties for pornographers include a fine of TT\$ 2,000 (\$330) and four months' imprisonment.

## Trafficking in Persons

The law does not specifically prohibit trafficking in persons, but perpetrators could be prosecuted under several related laws. The government made significant efforts to counter the possibility of trafficking and continued to state that trafficking of its citizens did not occur and that trafficking was not a major problem. However, occasional media reports asserted that some trafficking occurred, and there were five reported trafficking cases in Trinidad involving Colombian women.

The Sexual Offenses Act prohibits procurement of a person for the purpose of sexual intercourse or to work in a brothel. It also states that procurement of minors for prostitution or sexual offenses is punishable with penalties up to life imprisonment if the child is under 14 years of age. The Kidnapping Act provides that if a person takes, entices away, abducts, seizes, or detains any person without his consent, or with his consent obtained by fraud or duress, or if a person is held, confined, restricted or imprisoned without lawful excuse; the one who performs these acts commits an offense.

Penalties for violations of these laws range from seven years' to life imprisonment. There were no prosecutions under these laws during the year.

The government has worked with the International Organization for Migration (IOM) since 2006 for training and data-sharing, and held a joint workshop on trafficking jointly with the IOM and the government of Colombia, source of some trafficking victims. The IOM has an office within the Ministry of National Security's Immigration Division.

The Department of State's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

There are no statutes either prohibiting discrimination on the basis of disability or mandating equal access for persons with disabilities to the political process, employment, education, transportation, housing, health care, or other citizen services. The labor minister publicly called upon employers both in the private and public sectors to end discriminatory practices against persons with disabilities and to create inclusive work environments.

In practice persons with disabilities faced discrimination and denial of opportunities in the form of architectural barriers, employer reluctance to make necessary accommodations that would enable otherwise qualified job candidates to work, an absence of support services to assist children with special needs to study, lowered expectations of the abilities of persons with disabilities, condescending attitudes, and disrespect. According to the NGO Disabled People's International (DPI), an estimated 16 percent of the population had some form of disability, although no census data were available. The government provided some funding to NGOs such as the DPI.

#### National/Racial/Ethnic Minorities

The country is racially and ethnically diverse, with Afro-Trinidadians and Indo-Trinidadians each accounting for approximately 40 percent of the population.

#### Indigenous People

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

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

Although the law criminalizes consensual homosexual relations, providing penalties of up to 10 years' imprisonment, the government generally did not enforce such legislation.

The Equal Opportunities Act does not specifically include lesbians, gays, bisexual, or transgender (LGBT) persons. LGBT rights groups reported that there remained a stigma related to sexual orientation in the country.

#### Other Societal Violence or Discrimination

HIV/AIDS was viewed as a significant medical concern for the government and society. Incidents of violence against this group were usually isolated events, and the Ministry of Labor partnered with the ILO to launch an HIV antidiscrimination program in the workplace.

#### Section 7 Worker Rights

##### a. The Right of Association

The law provides that all workers, including those in state-owned enterprises, may form and join independent unions of their own choosing without prior authorization. The law also provides for the mandatory recognition of a trade union when it represents 51 percent or more of the workers in a specified bargaining unit. The government's Registration and Certification Board, however, determines whether a given workers' organization meets the definition of a bargaining unit and can limit union recognition by this means. The Industrial Relations Act (IRA) does not recognize domestic workers (maids, chauffeurs, gardeners, etc.), and they do not have the right to join a union. The government was consistently unwilling to negotiate with public sector unions and refused to amend its legislation on "essential services" and collective bargaining to conform to ILO conventions.

According to the National Trade Union Center, one of two umbrella organizations in the labor movement, 22 to 24 percent of the workforce was organized in approximately 25 active unions. Most unions were independent of government or political party control, although the Sugar Workers' Union historically aligned itself with the UNC.

The law allows unions to conduct their activities without interference; however, there were heavy restrictions on strikes. Employees in essential services, such as police and teachers, do not have the right to strike, and walkouts can bring punishment of up to 18 months in prison. These employees negotiate with the government's chief personnel officer to resolve labor disputes. The IRA stipulates that only strikes over unresolved interest disputes may take place and that strikes may be prohibited at the request of one party if not called by a majority union.

#### b. The Right to Organize and Bargain Collectively

The law allows unions to participate in collective bargaining, although there were heavy restrictions on the practice. According to the International Trade Union Confederation, collective bargaining was restricted by the requirement that, to obtain bargaining rights, a union must have the support of an absolute majority of workers. Furthermore, collective agreements must be for a minimum of three years, making it almost impossible for workers on short-term contracts to be covered by such agreements.

The law mandates that workers illegally dismissed for union activities must be reinstated. A union also may bring a request for enforcement to the Industrial Court, which may order employers found guilty of antiunion activities to reinstate workers and pay compensation or may impose other penalties, including imprisonment.

During the year the government-owned Telecommunication Services of Trinidad and Tobago (TSTT) suspended 30 employees without pay after they delivered a petition calling for pay increases. The company applied to the Industrial Court to declassify the bargaining union on the grounds of improper industrial action but later withdrew the complaint after government intervention.

The Public Transport Service Corporation (PTSC) moved to terminate negotiation rights to the Transport and Industrial Workers Union representing bus drivers after a bus strike in September.

On October 15, the government intervened to stop TSTT, a statutory corporation, and PTSC, a state enterprise, from requesting decertification of two recognized bargaining unions.

There are several export processing zones, where the same labor laws are in effect as in the rest of the country.

#### c. Prohibition of Forced or Compulsory Labor

Although the law does not specifically prohibit forced or compulsory labor, there were no reports that such practices occurred.

#### d. Prohibition of Child Labor and Minimum Age for Employment

A 2007 law sets the minimum age for employment in public and private industries at 16. However, children ages 14 to 16 may work in activities in which only family members are employed or that have been approved as vocational or technical training by the minister of education. Children under the age of 18 are prohibited from working between the hours of 10 p.m. and 5 a.m. except in a family enterprise or within other limited exceptions. One such exception permits children from 16 to 18 to work at night in sugar factories, but sugar production all but ended in 2007. Violation of these regulations is punishable by fines. Although there was no significant evidence of children working, the government acknowledged that street children did work.

The Ministry of Labor and Small and Micro Enterprise Development and the Ministry of Social Development are responsible for enforcing child labor laws. The government trained 19 inspectors to identify cases of child labor. The minister of labor may designate an inspector to gather information from parents and employers regarding the employment of a person under the age of 18. The Industrial Court may issue a finding of contempt on anyone obstructing the inspectors' investigation.

The Ministry of Social Development continued to implement its Revised National Plan of Action for Children, which includes specific goals for combating commercial sexual exploitation of children and exploitive child labor. The government also participated in a regional initiative to combat the worst forms of child labor, implemented by the ILO's Program for the Elimination of Child Labor. However, the government did not have comprehensive mechanisms for receiving, investigating, and resolving child labor complaints. Consequently, it was unclear how many complaints related to child labor were received and if any children who work might have been involved in exploitive labor situations.

#### e. Acceptable Conditions of Work

The Ministry of Labor has a tripartite minimum wage committee, with input from trade unions and private sector leaders. The committee provides a recommendation for setting the minimum wage, which then is brought to cabinet by the minister. The national minimum wage was TT\$9 (approximately \$1.45) per hour, which did not provide a decent standard of living for a worker and family. The government provided limited food assistance for poor families through a conditional cash transfer program. Actual wages varied considerably among industries.

The law establishes a 40-hour workweek, a daily period for lunch or rest, and premium pay for overtime. The law does not prohibit excessive or compulsory overtime.

Health and safety regulations apply to all workers, regardless of citizenship. Foreign laborers brought into the country were generally protected by local labor laws, a stipulation usually contained in their labor contract. In October some of the 3,000 Chinese workers in the country protested the way payments were handled by their Chinese employers, who claimed the workers agreed in advance that the last two paychecks would be provided once the worker returned to China.

The law protects workers who file complaints with the labor ministry regarding illegal or hazardous working conditions. If complainants refuse to comply with an order that would place them in danger, and if it is determined upon inspection that hazardous conditions exist in the workplace, the complainants are absolved from blame.