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U.S. Department of State

Trinidad and Tobago Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

TRINIDAD AND TOBAGO

Trinidad and Tobago, a member of the Commonwealth of Nations, is a parliamentary democracy in which there have been free and fair general elections since independence from the United Kingdom in 1962. A bicameral Parliament and a Prime Minister govern the country. Parliament elects the President, whose office is largely ceremonial. A 12-member elected House of Assembly handles local matters on the island of Tobago.

The Ministry of National Security controls the police service and the defense force, which are responsive to civilian authority. An independent body, the Police Service Commission, makes all personnel decisions in the police service, and the Ministry has little direct influence over changes in senior positions.

The country's mixed economy is based primarily on the petroleum and natural gas industries, but efforts are being made to diversify the economy into services, manufacturing, and tourism. The Government has historically owned many businesses wholly or partially; however, under a major divestment program a number of state-owned corporations have been privatized either partially or completely. The rate of real economic growth was about 3.1 percent, and annual per capita income was about \$4,391.

Citizens enjoy a wide range of civil liberties and individual rights. Nonetheless, increased violent crime and narcotics trafficking strained the justice system, which was severely bogged down by excessive delays. Human rights abuses also included overcrowded prisons and violence against women.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killing.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits the imposition of cruel or unusual treatment or punishment, and there were no allegations of police brutality in 1996.

Courts frequently order the flogging of prisoners, but this is not actually carried out in practice. The relevant statute requires that the punishment be carried out within 6 months of sentencing; defendants appeal all flogging sentences, and courts do not hear the appeals before the 6-month deadline.

Overcrowding is a serious problem in men's prisons, where shortages of guards and unsanitary conditions have led to serious social and health problems. Conditions are most serious in the older facilities: Port of Spain prison, for example, was designed for 250 inmates, but houses 977. Diseases such as chicken pox, tuberculosis, AIDS, and other viruses spread easily, and prisoners generally must purchase their own medication. A new maximum security facility was supposed to open but had not been completed at year's end. Facilities for, and treatment of, women prisoners appear to be better, with a strong and successful orientation toward rehabilitation.

The Government admits independent human rights monitors into prisons, according to the Ministry of National Security.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary detention, imprisonment, or exile of any person. A police officer may arrest a person either based on a warrant issued or authorized by a magistrate or without a warrant when the officer witnesses commission of the alleged offense. For less serious offenses, the authorities typically bring the accused before a magistrate within 24 hours; for indictable offenses, the accused must appear within 48 hours. At that time the magistrate reads the charge and determines whether bail is appropriate. Magistrates may deny bail to violent or repeat offenders. If for some reason the accused does not come before the magistrate, the case comes up on the magistrate's docket every 8 to 10 days until a hearing date is set. The courts notify persons of their right to an attorney and allow them access to an attorney once they are in custody and prior to any interrogation. The authorities do not always comply with these standards, however.

The Minister of National Security may authorize preventive detention in order to prevent actions prejudicial to public safety, public order, or national defense, and the Minister must state the grounds for the detention. A detainee under this provision has access to counsel and may have his detention reviewed by a three-member tribunal established by the Chief Justice and chaired by an attorney. The Minister must provide the tribunal with the grounds for the detention within 7 days of the detainee's

request for review, which shall be held "as soon as reasonably practicable" following receipt of the grounds. There have been no reports that the authorities abused this procedure.

As noted, exile is forbidden by the Constitution and is not practiced.

e. Denial of Fair Public Trial

The judiciary is independent in practice and is not influenced by the executive or legislative branches or the military.

The court system consists of high courts, a system of magistrate's courts, and a national court of appeal. The high courts handle all civil cases and most "serious" offenses, such as capital crimes. All criminal cases are first sent to a magistrate's court, but for serious offenses, the magistrate only hears the case to record whether the defendant pleads guilty or innocent. Appeals may be made to the national court of appeal and then to the Privy Council in London.

The Constitution provides the right to a fair public trial for persons charged with criminal offenses. It also provides for presumption of innocence, reasonable bail, fair and public hearing by an independent and impartial tribunal, and an interpreter for non-English speakers. The authorities generally respected these rights in practice. All criminal defendants have the right to an attorney. In practice, the courts sometimes appoint attorneys for those persons charged with indictable offenses (serious crimes) if they cannot retain one on their own behalf. The law requires a person accused of murder to have an attorney. An indigent person may refuse to accept an assigned attorney for cause and obtain a replacement. In spite of these provisions, however, there were several allegations by prisoners charged with narcotics trafficking offenses that the authorities did not provide them with attorneys even after they specifically requested counsel.

Despite serious efforts to improve the judiciary, severe inefficiency remains in many areas. Several criminal cases were dismissed due to judicial or police inefficiency. On October 11, the courts acquitted a defendant charged with murdering a police officer in March 1982; the authorities had held him in custody for over 14 years. Over 20,000 criminal cases introduced since 1986 await trial.

The limited availability of transport to take defendants from prisons to courts is a serious problem contributing to the delay in trials. Despite efforts to provide more transportation, prisoners continue to miss court dates because of a lack of vehicles, and there have been charges by inmates that transport operators demand bribes in order to transport prisoners.

There were no reports of political prisoners.

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

The law prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction. Police must obtain search warrants to enter private property.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of the press, and the Government respects this right in practice.

An independent press and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

The three major daily newspapers freely and often criticize the Government in editorials. Widely read weekly tabloids tend to be extremely critical of the Government. All newspapers are privately owned. The two local television newscasts, one of which appears on a state-owned station, are sometimes critical of the Government but generally do not editorialize.

In April a reporter with the Trinidad Guardian newspaper said that plainclothes police grabbed him after he photographed the arrest of a robbery suspect. The reporter said that a police officer forced him to open the camera, took out the film, and exposed it. He reported the matter to the San Fernando police, but the authorities took no action.

A Board of Film Censors is authorized to ban films it considers to be against public order and decency or contrary to the public interest. This includes films which it believes may be controversial in matters of religion, seditious propaganda, or race. In practice, films are rarely prohibited.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the rights of freedom of assembly and association, and the Government respects these rights in practice. Registration or other governmental permission to form private associations is not required. The police routinely grant the required advance permits for street marches, demonstrations, or other outdoor public meetings.

Political activity by trade associations or professional bodies is not restricted, and these organizations affiliate freely with recognized international bodies in their fields.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the authorities respect this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government respects them in practice. Residents are free to emigrate, return, and travel within or outside the country, as well as to change residence and workplace.

There is no provision for persons to claim or be classified as refugees or asylum seekers; any such cases are handled on a case-by-case basis by the Ministry of National Security's Immigration Division. The issue of the provision of first asylum did not arise. There were no reports of forced return of persons to a country where they feared persecution.

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

Citizens choose their government by secret ballot in free and fair multiparty elections held at intervals not to exceed 5 years. Elections for the 12-member Tobago House of Assembly are held every 4 years. The Constitution extends the right to vote to citizens as well as to legal residents with citizenship in other Commonwealth countries who are at least 18 years of age.

In November 1995 general elections, the former opposition United National Congress (UNC) and the

ruling People's National Movement (PNM) each won 17 seats in Parliament. The National Alliance for Reconstruction (NAR) won two seats and joined with the UNC in forming a new government. Basdeo Panday became the country's first Prime Minister of East Indian descent. The PNM is primarily but not exclusively Afro-Trinidadian; the UNC is primarily but not exclusively Indo-Trinidadian.

There are no specific laws that restrict the participation of women or minorities in government or the political parties. Women hold many positions in the Government and political party leadership. Four out of 36 elected members of the House of Representatives and 9 out of 31 appointed Senators are female, with 3 serving as ministers. Prime Minister Panday appointed a woman as Attorney General. She was the first female Attorney General, and she has since moved to the position of Minister of Legal Affairs.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several small nongovernmental human rights groups operate freely without government restriction or interference. An independent Ombudsman receives complaints relating to governmental administrative issues and investigates complaints of human rights abuse. The Ombudsman can make recommendations but does not have authority to force government offices to take action.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Government respects in practice the constitutional provisions of fundamental human rights and freedoms to all without discrimination based on race, origin, color, religion, or sex.

Women

Physical abuse of women continued to be an extensive problem; murder, rape, and other crimes against women are frequently reported. There are several shelters for battered women, and a rape crisis center offers counseling for rape victims and perpetrators on a voluntary basis; as of September 30, 154 people had voluntarily requested counseling, and 54 incidents of rape had been reported. Law enforcement officials and the courts are generally not sensitive to family violence problems.

Many women hold positions in business, the professions, and government, but men tend to hold the most senior positions. There is no law or regulation requiring equal pay for equal work.

The Division of Women's Affairs in the Ministry of Community Development, Women's Affairs, and Culture is charged with protecting women's rights in all aspects of government and legislation. Several active women's rights groups also exist.

Children

The Government's ability to protect children's welfare is limited by a lack of funds and expanding social needs. Some parts of the public school system seriously fail to meet the needs of the school age population due to overcrowding, substandard physical facilities, and occasional classroom violence by gangs. There is no societal pattern of abuse directed at children. The Domestic Violence Act provides protection for children abused at home. Abused children are usually placed with relatives if they are removed from the home. If there is no relative who can take them, there are several government institutions and nongovernmental organizations (NGO's) which accept children.

People With Disabilities

There is no legislation that specifically enumerates or protects the rights of disabled persons nor mandates the provision of access to buildings or services, although NGO's lobbied Parliament to pass such legislation. Lack of access to transportation, buildings, and sidewalks is a major obstacle for the disabled. Only two vans in the country are equipped with hydraulic lift devices for access by disabled persons. One such van broke down in 1995 and was not repaired; the other broke down in 1996. The Government provides some public assistance and partial funding to a variety of NGO's which, in turn, provide direct services to disabled members or clients.

Indigenous People

Members of a very small group in the population identify themselves as descendants of the original Amerindian population of the island. They maintain social ties with each other and other aboriginal groups and are not subject to discrimination.

National/Racial/Ethnic Minorities

Various ethnic and religious groups live together peacefully, generally respecting each other's beliefs and practices. However, at times racial tensions appear between Afro-

Trinidadians and Indo-Trinidadians. Each group comprises about 40 percent of the population. The private sector is dominated by Indo-Trinidadians and people of European, Middle Eastern, or Asian descent. Indo-Trinidadians also predominate in agriculture. Afro-Trinidadians tend to find employment in disproportionate numbers in the civil service, police, and military. Some Indo-Trinidadians assert that they are excluded from equal representation in the civil service due to racial discrimination. Since Indo-Trinidadians constitute the majority in rural areas and Afro-Trinidadians are in the majority in urban areas, competition between town and country for public goods and services often takes on racial overtones.

In October there were reports that several popular recreational clubs were refusing entry to Afro-Trinidadians and dark skinned Indo-Trinidadians. The reports created a great outcry in the local press against racism, and the Government pledged to implement a law banning racial discrimination in entry policies for private clubs.

Section 6 Worker Rights

a. The Right of Association

The 1972 Industrial Relations Act provides that all workers, including those in state-owned enterprises, may form or join unions of their own choosing without prior authorization. Union membership has declined, with an estimated 20 to 28 percent of the work force organized in 14 active unions. Most unions are independent of the Government or political party control, although the Sugar Workers' Union is historically allied with the UNC. The Prime Minister was formerly president of the Sugar Workers' Union.

The law prohibits antiunion activities before a union is legally registered, and the Ministry of Labor enforces this provision when it receives a complaint. A union may also bring a request for enforcement to the Industrial Court. All employees except those in "essential services," such as government employees and police, have the right to strike.

In August junior doctors at Port of Spain and San Fernando general hospitals began a series of sick-outs

and work-to-rule actions to protest poor working conditions and insufficient pay. During these actions, several wards were frequently out of service at Port of Spain general hospital, including the intensive care ward. In late October, some of the junior doctors stopped their work-to-rule policy and began settlement negotiations with the Ministry of Health and the regional health authority. In September public school teachers began a series of work-to-rule actions and sick-outs. The Trinidad and Tobago Unified Teachers Association called for salary increases and improved working conditions.

The Labor Relations Act prohibits retribution against strikers and provides for grievance procedures if needed. A special section of the Industrial Court handles mandatory arbitration cases. Arbitration agreements are enforceable and appealable only to the Industrial Court.

Unions freely join federations and affiliate with international bodies. There are no restrictions on international travel or contacts.

b. The Right to Organize and Bargain Collectively

The Industrial Relations Act establishes the right of workers to collective bargaining. The Ministry of Labor conciliation service maintains statistical information regarding the number of workers covered by collective bargaining agreements and the number of antiunion complaints filed.

The Industrial Court may order employers found guilty of antiunion activities to reinstate workers and pay compensation, or it can impose other penalties including imprisonment. When necessary, the conciliation service also determines which unions should have senior status.

There are several newly organized export processing zones (EPZ's). The same labor laws apply in the EPZ's as in the country at large.

c. Prohibition of Forced or Compulsory labor

The law does not explicitly prohibit forced or compulsory labor, but there were no reports that it was practiced.

d. Minimum Age for Employment of Children

The minimum legal age for workers is 12 years. Children from 12 to 14 years of age may only work in family businesses. Children under the age of 18 may legally work only during daylight hours, with the exception of 16- to 18-year-olds, who may work at night in sugar factories. The probation service in the Ministry of Social Development and Family Services is responsible for enforcing child labor provisions, but enforcement is lax. There is no organized exploitation of child labor, but children are often seen begging or working as street vendors. Some are used by criminals as guards and couriers.

e. Acceptable Conditions of Work

There is no national minimum wage. The Government has set minimum wages for 53 job categories in 5 nonunionized occupational groupings. The minimum pay ranges from \$26 (TT\$130.45) per week to \$57 (TT\$285) per week. These rates were to be adjusted for cost-of-living increases at regular intervals, but Parliament has never considered an adjustment since passing the laws. The Ministry of Labor enforces the minimum wage regulations. A minimum wage is not sufficient to support a worker and family, but most workers earn more than the minimum.

The standard workweek is 40 hours. There are no restrictions on overtime work. Daily rest periods and paid annual leave form part of most employment agreements. For those sectors covered, the minimum wage laws also stipulate holiday pay, 2 weeks' vacation, and 14 days' sick leave per year.

The Factories and Ordinance Bill of 1948 sets requirements for health and safety standards in certain industries and provides for inspections to monitor and enforce compliance. The Industrial Relations Act protects workers who file complaints with the Ministry of Labor regarding illegal or hazardous working conditions. Should it be determined upon inspection that hazardous conditions exist in the workplace, the worker is absolved in refusing to comply with an order that would have placed him or her in danger.

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