



U.S. DEPARTMENT of STATE

Trinidad and Tobago

Country Reports on Human Rights Practices - [2006](#)

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Trinidad and Tobago is a parliamentary democracy governed by a prime minister and a bicameral legislature. The population was approximately 1.3 million. Tobago has a House of Assembly that has some administrative autonomy over local matters on that island. In the 2002 elections, which observers considered generally free and fair, Prime Minister Patrick Manning's People's National Movement (PNM) secured a 20 to 16 seat victory over the United National Congress (UNC). The 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 injuries in riots over poor prison conditions and other grievances, high-profile attempts to pervert the course of justice and 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, 11 persons died during the year while in police custody or at the hands of law enforcement authorities. Authorities investigated or opened inquests into all such killings.

On June 21, police shot and killed Sherwin Daniel, a suspect in five murders and several robberies, after he reportedly opened fire on police officers who were attempting to arrest him.

On July 29, a coast guard vessel came upon an alleged fishing boat carrying Shazard Mohammed and two other men. In a confusing series of events, Mohammed was shot in the head and transported unconscious to a hospital where he died on August 4. An internal coast guard investigation found no reason to charge anyone with the shooting, but a police investigation led to charges of murder against Quincy Allum, reportedly a defense force mechanic. At year's end the case was still being heard in magistrate's court.

On August 14, Stefan Mills, a construction worker and alleged gang member, died in a hospital two days after police officers shot him in the face and chest, as he attempted to abduct two teenage girls.

On September 21, police shot and killed Noel French near his home, after he reportedly opened fire on police officers who were attempting to execute an outstanding arrest warrant.

On January 27, authorities arrested three members of the defense force and charged them, along with 12 civilian accomplices, with the April 2005 kidnapping and killing of Balram Bachu Maharaj, whose dismembered body was found buried in a wooded area. At year's end extradition hearings in this case continued in magistrate's court.

There was no definitive resolution of most of the investigations into persons killed by police during 2005 (including Mervyn Caton, Jameel Alexander, Anthony Ellis, Calvin Campbell, and Damian Gould) or during 2004 (including Galene Bonadie and Noel Stanley).

In a landmark case, however, police Constable Dave Burnett became the first officer in the country's history to be convicted of murder while on duty. In March a judge sentenced him to death after a jury found him guilty of the 2004 killing of teenager Kevin Cato at a party.

The police had yet to fulfill the director of public prosecutions' (DPP) 2005 request for a police report of the circumstances surrounding the 2001 death of Marcel McLeod, allegedly killed in a shootout with police.

In August 2005 authorities ordered a retrial in the case of a prison officer charged with the 2001 death of prisoner Anton Cooper, but it had not taken place by year's end.

In January after losing an appeal of his manslaughter conviction, police Constable Mihiset Greene began a 10-year sentence for killing Neil Sutherland in 1995.

b. Disappearance

There were no reports of politically motivated disappearances, and there was a sharp decrease in the number of general kidnappings: during the year, there were 126 such kidnappings, compared with 235 during 2005. The number of kidnappings for ransom also decreased dramatically, to 17, as compared with 54 in 2005. This significant decline was widely attributed to the arrest of the three defense force members and their accomplices in connection with the Balram Bachu Maharaj case (see section 1.a.).

At year's end authorities were still investigating the two special reserve police officers arrested in August 2005 for their alleged role in a kidnapping characterized by the media as "high-profile" because the two victims were sons of a well-known businessman and one of the police officers was himself a member of a prominent family.

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

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

At year's end investigations and legal proceedings continued in the 2004 case of Camille Mitchell, who claimed that she suffered a miscarriage as a result of police mistreatment during a search of her home.

At year's end a 2003 lawsuit in which Danesh Mahabir charged police officers with assault, battery, and unlawful detention continued in the courts.

Prison and Detention Center Conditions

Conditions in the prison system's eight facilities were somewhat upgraded but continued to be harsh. According to the prison service commissioner, the number of prisoners at the Port of Spain prison, originally designed to accommodate 250 inmates, was reduced from 650 in 2005 to 554 at year's end. The number of prisoners in each 10- by 10-foot cell remained at five. The recently built maximum-security prison in Arouca helped relieve the overcrowding at the Port of Spain prison.

Staff shortages compelled the prison service to limit the "airing" time provided to prison inmates. This issue served as the basis of a complaint filed against the prison service by death row inmate Alladin Mohammed, which was still pending at year's end.

According to prison authorities, at year's end they had brought charges against 23 prison officers for assault and battery or for poor conduct on the job, including possession of narcotics and provision of cell phones to inmates.

In March authorities charged a prison guard with intent to sell marijuana in the prison. The prison service commissioner told a parliamentary committee that a "rogue element" of prison guards regularly trafficked drugs, cell phones, and weapons within the country's jails.

In August and September, inmates in the remand section of the Golden Grove Prison rioted over poor prison conditions, including alleged beatings by prison officers, bad food, denial of prison visits by relatives, and an order depriving inmates of their cell phones. During the riots, inmates injured prison guards, broke electrical fixtures, and set fires in their cells. Faced with a situation of near-anarchy, the prison service commissioner entered into direct negotiations with the inmates. The prison officers' association criticized this initiative and called for a prison guard "sick-out." By year's end relations between the prison commissioner and the association had improved.

Pretrial detainees were held separately from convicted prisoners, usually in the remand section of the same facilities as convicted prisoners. However, convicted prisoners often were held in the remand section until they exhausted their appeals.

The government permitted prison visits by independent human rights observers, but the Ministry of National Security must approve each visit.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The Ministry of National Security oversees the police service, the prison service, and the 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 government sponsored training programs and sought expert advice with a view to professionalizing and enhancing the effectiveness of the police and prison services.

The national police force comprises nine countrywide divisions, including 17 specialized branches, with approximately 7,000 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. During the year the government hired 39 British police officers who assisted police in the investigation of crimes.

Police corruption continued to be a problem. On a number of occasions during the year, the authorities apprehended members of the police in connection with illegal drugs, firearms possession, and other illicit activities. 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 simply 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 Police Complaints Authority had no power to investigate complaints and because those investigating complaints against the police were themselves police officers.

Arrest and Detention

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 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 prompt access to a lawyer and to family members.

There is a functioning bail system, although persons charged with murder, treason, piracy, and hijacking are ineligible, as are persons charged with kidnapping for ransom for a period of 60 days following the charge and persons already convicted twice of violent crimes. However, a judge may grant bail to such persons under exceptional circumstances, which occurred in July when Imam Yasin Abu Bakr, leader of the extremist Jamaat al-Muslimeen group, jailed on charges of sedition, incitement, and terrorism, was granted bail on grounds of ill health. 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 an inefficient judicial system continued to be a problem. Out of a prison population of 3,750, 1,402 inmates were waiting to be tried at year's end. Many criminal indictees 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 a further 10 days, pending conclusion of the investigation.

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.

In July the president suspended the chief justice after the Court of Appeal ruled against the latter in a case in which he was charged with attempting to influence the outcome of a high-profile integrity trial of the party chairman and parliamentary leader of the opposition UNC (see section 3). Referring to this development at the September opening of the Supreme Court of Judicature, the acting chief justice appealed for the restoration of public trust in the independence and apolitical nature of the judiciary.

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. While 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 the provision of an attorney to a person accused of murder. Although the courts may appoint attorneys for indigent persons charged with indictable offenses (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.

The regional Caribbean Court of Justice (CCJ), inaugurated in 2005, was intended to be a final court of appeal for the 15 member states of the Caribbean Community (CARICOM). However, the government has not passed legislation for it to play this role. The CCJ has a separate original jurisdiction whereby it interprets and applies the treaty which established CARICOM as well as the agreement creating the Caribbean Single Market and Economy.

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 law suits against civil breaches, in both the High Court and petty civil court. The High Court may review the decisions of lower courts, may order parties to cease and desist from particular actions, may compel parties to take specific actions, or may award damages to aggrieved parties. However, the petty civil court is authorized to hear only cases involving damages of up to \$2,500 (TT\$15,000).

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 although slow and inefficient judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

During the year, parliament established a cable television channel exclusively dedicated to the live broadcast of parliamentary proceedings in their entirety. According to the guidelines governing the new service, if a member of parliament or a witness makes allegedly false statements about a person who is outside parliament, that person has the right to apply to have a rebuttal placed on the parliamentary record, in which case, media that had reported the original allegation are required also to report the rebuttal.

On July 4, the Privy Council ordered the government to issue immediately a commercial FM broadcasting license to Sanatan Dharma Maha Sabha (SDMS), the principal Hindu organization in the country. In its decision, which concluded a six-year-long quest by the Hindu community for its own radio station, the Privy Council determined that the government had subjected the SDMS to unequal treatment under the law and, in the process, had denied it the right to freedom of expression. Amid threats of further legal action, the government granted the license in September, and at year's end the SDMS was about to begin its radio broadcasting operations.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and the law provide for freedom of assembly, and the government generally respected this right in practice.

In October security guards ordered a symposium on health issues, sponsored by the newly formed opposition Congress of the People (COP) party, to halt its proceedings and disperse. The Minister of Health claimed that the venue had been booked in a manner designed to conceal the political identity of the sponsoring organization and that the COP had violated an unwritten rule that the government-owned Eric Williams Medical Sciences Center could not be booked for political meetings. The COP leadership charged that the government violated the party's right to freedom of assembly, claiming that promotional advertisements for the symposium not only had named the COP as the event sponsor but had highlighted the apolitical nature of the symposium agenda.

Freedom of Association

The constitution and the law provide for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion

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

The government limits the number of foreign missionaries allowed in the country to 30 per denomination at any given time. Missionaries must meet standard requirements for an entry visa and must represent a registered religious group. They may not remain in the country for more

than three years per visit but may re-enter after a year's absence.

Societal Abuses and Discrimination

The return visit of a controversial Pentecostal preacher prompted the head of the Hindu community to demand that he be barred from coming or arrested upon arrival under the Summary Offenses Act for remarks made on his first visit. However, the Pentecostal preacher came and preached without incident.

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

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The constitution and the law provide for these rights, and the government generally respected them in practice.

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

Although the government acceded to the 1951 UN 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, a local Catholic social services agency, while their cases were reviewed by 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.

The government did not provide temporary protection to persons who may not qualify as refugees, but the Living Water Community provided such persons with needed social services.

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

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

Elections and Political Participation

The most recent national election was held in 2002, and observers found it to be generally free and fair. The two major political parties that contested the 2002 election were the PNM, which is primarily but not exclusively Afro-Trinidadian, and the UNC, which is primarily but not exclusively Indo-Trinidadian. A majority of voters in the 2002 national election supported the PNM, which retained control of the government. In September a substantial number of UNC representatives and senators split away from the UNC to form the COP, with the aim of creating a broad-based national political consensus spanning all racial, ethnic, and religious groups in the country.

There were 18 women in the 67-seat legislature, excluding the female president of the Senate; six women in the 25-member cabinet; and 10 female judges on the High Court and the Court of Appeal. 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 six members of these minorities in the legislature and three members of minorities in the cabinet.

Government Corruption and Transparency

There was a widespread and growing public perception of serious corruption in the country.

The Integrity in Public Life Act mandates that public officials disclose their assets, income, and liabilities to an Integrity Commission. However, a growing number of officials and candidates for public office were reluctant to comply with this provision, claiming that such disclosures would make them and their families a target of criminals engaged in kidnappings for ransom. At year's end the High Court, in response to a 2005 request by the Integrity Commission, had yet to issue its interpretation of the Integrity in Public Life Act, clarifying whether judges were exempt from the act's disclosure provisions.

In April a magistrate's court convicted UNC Party Chairman and Parliamentary Opposition Leader Basdeo Panday of failing to disclose a London bank account under the act. After a week in prison, the court released Panday on health grounds and gave him bail, pending an appeal of his case. However, under the law, he was relieved of his opposition leadership post and prevented from retaining his seat in parliament. Although he voluntarily resigned his UNC party chairmanship, he resumed it in September, following the formal split in the UNC, and in December was called back to serve as interim political leader of the party. At year's end Panday was still pursuing his appeal through the legal system.

In a related series of events, Chief Justice Satnarine Sharma was accused of attempting to pervert the course of justice by trying to influence the chief magistrate's decision in the Panday case in Panday's favor. When the DPP ordered the police to arrest the chief justice in July,

Sharma applied for judicial review to the High Court, which granted his request. When the state appealed this ruling to the Court of Appeal, the chief justice removed himself from his judicial responsibilities, retaining only his administrative duties. However, when the Court of Appeal reversed the High Court's ruling for judicial review, the president suspended the chief justice from all his functions. At this point, the state and the chief justice jointly decided to take the chief justice's request for judicial review to the Privy Council. In November the Privy Council dismissed the chief justice's request for judicial review and ordered him to answer the case against him in criminal court.

At year's end the 2005 bribery cases and allegations against former PNM minister of works and transport and party chairman Franklin Khan and against former PNM minister of energy and energy industries Eric Williams continued to be heard in the courts and to be investigated by the authorities.

The courts continued to hear a case that implicated the most senior members of the 1995-2001 UNC government in embezzlement and bid-rigging on the Piarco Airport expansion project. At year's end the corruption case against then prime minister Panday, charging that he had accepted a bribe that led his government to favor a contractor on the project, was still being heard in the courts.

In June authorities brought charges in magistrate's court against Hafeez Karamath, part-owner of a desalination company, for conspiring in 1998-99 to enrich himself by manipulating a bid on a contract for supplying desalinated water to the government's Water and Sewerage Authority. Karamath was released on bail, and investigation into the matter continued at year's end.

A committee of experts continued to work on reform of the public procurement regime that would enhance public accountability and reduce opportunities for corruption by government officials.

The Freedom of Information Act provides for public access to government documents, upon application. However, critics charged that a growing number of public bodies were exempted from the act's coverage. The government countered that the exemptions were intended to avoid frivolous requests and searches for information.

Section 4 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 authority competent to take appropriate remedial action. The ombudsman has a quasi-autonomous status within the government and publishes a comprehensive annual report. In 2005 the ombudsman received 1,344 new complaints and made 183 inquiries, which represented a 34 percent increase over the average number of complaints received in previous years. Important factors contributing to the increased inflow of complaints included a greater awareness of the services provided and a growing demand by citizens for state agencies to provide better services. In addition, the ombudsman continued to investigate 2,600 complaints carried over from previous years. During the year the ombudsman resolved 699 complaints.

In 1999 the government withdrew from the American Convention on Human Rights. The convention states that such an action does not release a government from its obligations under the convention with respect to acts taken prior to the effective date of denunciation. In 2005 the Inter-American Court of Human Rights issued rulings on cases predating the government's withdrawal; by year's end the government had not provided any official or public reaction to the rulings.

Section 5 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, or gender.

Women

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 the perpetrators of domestic violence, including abusive spouses, from their victims, as well as for penalties that include fines and imprisonment. While reliable national statistics were not available, women's groups estimated that from 20 to 25 percent of all women suffered abuse. Increased media attention to domestic violence resulted in a clear shift in public opinion from past views that had held that abuse of women in the home was a private matter.

Nongovernmental organizations (NGOs) charged that police enforcement of the law often was lax. The Division of Gender Affairs (DGA) in the Ministry of Community Development, Culture, and Gender Affairs operated a 24-hour hot line 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.

Although rape, including spousal rape, is illegal and punishable by life imprisonment, the courts often handed down considerably shorter sentences. Both the government and NGOs estimated that many incidents of rape and other sexual crimes were unreported, partly due to perceived insensitivity on the part of the police.

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

for prostitution. Authorities deported the 26 Colombian and two Venezuelan women arrested in 2005 for prostitution and illegal entry into the country.

There are no laws specifically prohibiting sexual harassment. Although related statutes could be used to prosecute perpetrators of sexual harassment, and although some trade unions have incorporated antiharassment provisions in their contracts, both the government and NGOs suspected that many incidents of sexual harassment went unreported.

Women generally enjoyed the same legal rights as men, including employment, education, and inheritance rights. There are no laws or regulations requiring 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.

The DGA had primary government responsibility for the protection of 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

A lack of funds and expanding social needs challenged the government's ability to carry out its commitment to protect the rights and welfare of children.

Education is compulsory up to the age of 12, and public education is free for all elementary and secondary students up to the age of 20. In addition, higher education is free for nationals enrolled in undergraduate programs at the country's public institutions as well as in approved programs at private institutions. The Ministry of Education estimated that 89 percent of school-age children attended school, and most students achieved the equivalent of a high school diploma. Some parts of the public school system failed to meet the needs of the school-age population due to overcrowding, substandard physical facilities, and occasional classroom violence. The government committed resources to building new facilities and expanded access to free secondary education.

Medical care for children was widely available, with equal access for girls and boys.

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 38 child sexual abuse cases, a decrease from 49 cases in 2005. The Coalition against Domestic Violence operated Childline, a free and confidential telephone hot line for at-risk or distressed children and young persons up to age 25. From January through June, Childline received 1,614 calls, 83 percent from girls and 17 percent from boys.

There were a number of cases of children who, either in their own homes or in institutional settings, were abused or, in some cases, brutally tortured to the point of death. Most notably, 4-year-old Amy Emily Anamethodo, although known to the police and to the social service establishment, was raped, sodomized, suffocated, and burned with cigarettes throughout her life by people close to her, until she died in May. At year's end authorities held two of her relatives in custody awaiting trial for the crimes.

The law defines a child as under 18 years of age, outlaws corporal punishment for children, and prohibits sentencing a child to prison. One law sets the minimum legal age of marriage at 18 for both males and females; however, in practice the minimum legal age of 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 of marriage is 16 for males and 12 for females, while under the Hindu Marriage Act and the Orisa Marriage Act, the minimum legal age of marriage is 18 for males and 16 for females.

Trafficking in Persons

Although the law does not specifically prohibit trafficking in persons, there were no substantiated reports that persons were trafficked to, from, or within the country. In the event of trafficking, perpetrators can be prosecuted under several related laws, with penalties ranging from seven years' to life imprisonment. There were no prosecutions during the year.

The government had not designated a specific agency to combat trafficking in persons, and it sponsored no public awareness campaigns to address this issue during the year. However, in September the government cooperated with the International Organization for Migration in a seminar on trafficking in persons as a first step in promoting an understanding of trafficking in persons and assessing the extent of its prevalence in the country. Domestic NGOs were available to provide care and protection to trafficking victims.

Persons with Disabilities

There are no statutes either prohibiting discrimination on the basis of disability or mandating equal access for the disabled to the political process, employment, education, transportation, housing, health care, and other citizen services. In December 2005 the government approved a national policy on persons with disabilities, and the Ministry of Social Development was developing guidelines to implement the policy.

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, the majority of public schools and most government and commercial facilities were inaccessible to wheelchair users, and there were only five buses modified to accommodate the country's 125,000 persons with disabilities. However, the national library was widely regarded as a model of barrier-free design and genuinely equal service to patrons with disabilities. In addition, a few commercial facilities, such as some supermarkets, made parking spaces available to disabled shoppers.

National/Racial/Ethnic Minorities

The country's diverse racial and ethnic groups lived together in what appeared on the surface to be peace and mutual respect. However, nonviolent racial tensions regularly emerged between Afro-Trinidadians and Indo-Trinidadians who each made up approximately 40 percent of the population.

Indo-Trinidadians and persons of European, Middle Eastern, and Asian descent predominated in the private sector, and Indo-Trinidadians also predominated in agriculture. Afro-Trinidadians were employed heavily in the civil service, the police, and the defense force. Some Indo-Trinidadians asserted that they were not equally represented in senior civil service and security force positions and among winners of state-sponsored housing grants and scholarships. In 2005 some in the Indo-Trinidadian community challenged the constitutionality of the Trinity Cross, the country's highest honor, claiming that its Christian motif was not representative of a multireligious society and was therefore discriminatory. In May a civil court judge ruled that the Trinity Cross was in fact indirectly discriminatory, and the government removed the cross from the year's roster of Independence Day honors and undertook to replace it in the future with an alternative nondiscriminatory award.

Indigenous People

A very small group of people 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.

Section 6 Worker Rights

a. The Right of Association

The law provides that all workers, including those in state-owned enterprises, may form and join 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 bargaining unit and can limit union recognition by this means.

According to the National Trade Union Center, one of two umbrella organizations in the labor movement, some 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 was allied with the UNC. 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.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, to participate in collective bargaining and to strike, although there were heavy restrictions on strikes and collective bargaining. 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. There was no official response to the International Labor Organization (ILO) request that parliament pass legislation to narrow the definition of "essential services."

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, including by children, there were no reports that such practices occurred. Laws do, however, mandate that workers should be paid and impose fines on employers who violate this law.

d. Prohibition of Child Labor and Minimum Age for Employment

The minimum legal age for workers is 12 years. Children from 12 to 16 years of age may work only in family businesses. Children under the age of 18 may work legally only during daylight hours, with the exception that 16- to 18-year-olds may work at night in sugar factories. The Ministry of Labor and Small and Micro Enterprise Development and the Ministry of Social Development are responsible for enforcing child labor provisions. However, enforcement was not consistent since there was no comprehensive government policy on child labor and no formal mechanisms for receiving, investigating, and resolving child labor complaints.

There was no organized exploitation of child labor. A 2004 study by the UN Children's Fund estimated that 2 percent of children from five to 14 years of age were engaged in paid work.

The government had not passed implementing legislation for ILO conventions 182 and 138, both of which it has ratified. In 2005 the National Steering Committee on the Prevention and Elimination of Child Labor completed a comprehensive draft national policy on child labor, but the cabinet had not yet approved it by year's end.

e. Acceptable Conditions of Work

The national minimum wage is \$1.50 (TT\$9.00) per hour, which did not provide a decent standard of living for a worker and family. Actual wages varied considerably among industries. There were press reports of minimum wage violations with no enforcement by the government.

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. Media carried reports about workers who did not receive premium pay for their overtime work.

During the year the government updated its occupational safety and health legislation, which establishes standards and provides for inspections to monitor and enforce compliance. By year's end, however, the government had not yet fully established the occupational safety and health administration within the Ministry of Labor and Small and Micro Enterprise Development. Labor unions and business organizations criticized the delay, especially in light of a number of high-profile industrial accidents after the law entered into force.

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.