



## U.S. DEPARTMENT of STATE

### Trinidad and Tobago

#### Country Reports on Human Rights Practices - [2007](#)

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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 elections on November 5, 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). 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 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, 29 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, 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 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. Authorities conducted an inquiry but did not file any charges against the officers.

On August 17, police shot and killed four men in a vehicle (as well as an innocent bystander) who allegedly shot at the officers who were investigating suspicious actions by the vehicle's occupants. On December 4, the Director of Public Prosecutions (DPP) sent the case back to the police for further investigation.

On May 2, a court discontinued proceedings in the case against coast guard mechanic Quincy Allum, the suspect in the 2006 shooting death of Shazard Mohammed during a military exercise. A 2006 internal coast guard investigation found no reason to charge anyone with the shooting, and authorities dropped the case when the prosecution failed to prove Allum was not acting in self-defense.

There were no developments in investigations or inquests into the 2006 police killings of Stefan Mills and Noel French.

During the year authorities extradited four of the 12 suspects charged with the 2005 kidnapping and killing of Balam Bachu Maharaj; four others voluntarily left, while the remaining four awaited an extradition hearing. Two of the remaining four were members of the defense force.

There was no 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.

On April 26, the chief magistrate freed three police officers from charges of fatally shooting Galene Bonadie in 2004. The magistrate not only found the eyewitness testimony to be unreliable but also ruled that the proceedings of the inquest be submitted to the DPP to determine whether to take action against those witnesses.

In July a court denied an appeal by former police constable Dave Burnett, sentenced to death in the 2004 killing of teenager Kevin Cato.

On August 30, the coroner began an inquest into the death of Sherman Monsegue, who was killed by police in 2004 when Monsegue and his friend Kurt Holder allegedly fired at them.

In July 2006 a court acquitted two prison officers charged with the 2001 death of prisoner Anton Cooper.

#### b. Disappearance

There were no reports of politically motivated disappearances, and the number of criminal kidnappings increased to 162 from 150 in 2006.

At year's end authorities continued investigating the two special reserve police officers arrested in 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 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 harsh. According to the prison service commissioner, the number of prisoners at the Port of Spain prison, originally designed to accommodate 250 inmates, increased to 599, compared to 554 in 2006. The average number of prisoners in each 10- by 10-foot cell increased to a maximum of eight.

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.

On August 3, Letroy Beepath died from alleged blunt trauma to the chest while in remand at Golden Grove Prison. On August 22, police completed their investigation into Beepath's death and submitted the case to the chief of homicide investigations, where it remained at year's end.

On September 19, Golden Grove Prison inmate Kurt Alexander hanged himself in his cell while awaiting trial for sexually assaulting a four-year-old boy in 2004. Despite recommendations that he be isolated due to two unsuccessful suicide attempts, Alexander was kept in a cell with six other prisoners.

The July arrest of 71 women led to serious overcrowding at the women's prison at Golden Grove, where most of the women did not have beds or proper accommodation. After holding the prisoners in the remand section, the police released many of the women for deportation.

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. There also were allegations that some underage female prisoners were placed in the mainstream prison system due to overcrowding.

There was no resolution of the complaint filed by death row inmate Alladin Mohammed against the prison service for limiting "airing" time due to staff shortages.

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.

In January police arrested Inshan Ishmael under the 2005 Anti Terrorism Act but charged him the following day on lesser charges of printing flyers without his name and address on them. The flyers called for private businesses to close for two

days across the nation in order to bring media attention to the spiraling crime situation. Ishmael had received permission to make this appeal, but the government revoked that decision. However, the DPP did not consider it in the public interest to try him under the Summary Offences Act, and the charges were dropped.

#### 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 national police force comprises nine 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.

Police corruption continued to be a problem, with some officials suggesting there were officers who participated in corrupt and illegal 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 authority had no power to investigate complaints and because those investigating complaints against the police were themselves police officers.

On June 23, police arrested a reserve police officer related to an active duty police official, along with three other suspects, after a fight. According to media accounts, a senior police officer telephoned the police station and instructed that all four suspects be released from custody. Two station diary pages and a telephone register page documenting the time of call also allegedly disappeared.

#### 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 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 an inefficient judicial system continued to be a problem. Out of a prison population of 3,510, 578 inmates awaited trial at year's end. 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 a further 10 days, pending conclusion of the investigation.

On July 19, police arrested two teenagers and interrogated them at the Sangre Grande Police Station without their parents' consent and without advising them of their right to remain silent or to consult with a legal advisor before answering any questions. The police did not file any charges. The parents filed a constitutional motion charging that their 12- and 15-year-old children's rights had been breached.

On September 10, authorities released Ulric Merrimick from prison six months after his original sentence ended; due to delays in the court system and administrative oversight, he remained in custody while awaiting a hearing on his appeal.

#### 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.

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.

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 yet passed legislation for it to play this role. The CCJ has a separate original jurisdiction whereby it interprets and applies the treaty that established CARICOM as well as the agreement creating the Caribbean Single Market and Economy.

On August 28, the written statement of a witness afraid to testify in a murder inquiry was tendered as evidence for the first time. The preliminary inquiry concluded that there was enough evidence to send the case to trial. Past allegations of death threats and other forms of witness intimidation resulted in dismissal of several high-profile cases because witnesses who agreed to submit evidence remained silent in the witness box or simply stayed away from the courthouse.

#### 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, 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.

#### 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.

#### 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 these freedoms, and the government generally respected these rights in practice.

#### c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice. The government established public holidays for every religious group with a large following.

The government limits the number of foreign missionaries allowed in the country to 30 per religious group 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 reenter after a year's absence.

#### Societal Abuses and Discrimination

On August 3, unidentified vandals desecrated a prominent Hindu temple in central Trinidad. As a result, the nongovernmental Inter Religious Organization called a meeting to discuss security in the nation's places of worship. Police continued to investigate the case at year's end.

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

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

#### 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 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.

In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

The government did not provide temporary protection to persons who may not qualify as refugees. The Living Water Community provided such persons with needed social services and reported 20 new asylum seekers and 100 refugees seeking assistance.

#### 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

Observers found the November 5 national elections to be generally free and fair, although during the campaign period there were incidents of vandalism and violence that, while mild, were more pronounced than in past elections. 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, the Congress of the People (COP), formed in 2006, failed to win any seats in the latest election. The COP and all other parties state their goal is to create a broad-based national political consensus spanning all racial, ethnic, and religious groups.

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, 23 were women; there were 11 women in the 28-member cabinet; and 11 female judges among the 38 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.

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. However, there was a widespread and growing public perception of corruption. According to the World Bank's worldwide governance indicators, government corruption was a problem.

The Integrity in Public Life Act mandates that public officials disclose their assets, income, and liabilities to an Integrity Commission. In the past, many 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 kidnappings for ransom. No candidate in the November election made the required disclosures by year's end; however, the deadline for reporting was in 2008, and preliminary statements indicated that all members of Parliament would comply.

In April 2006 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 being relieved of his opposition leadership post and his seat in Parliament, he voluntarily resigned his UNC party chairmanship. Later, he resumed leadership and pursued his appeal through the legal system. In a related series of events, Chief Justice Satnarine Sharma was accused of trying to influence the case against Panday. A three-member tribunal concluded that there was insufficient evidence to refer the case to the Privy Council, which allowed Sharma to return as chief justice. Panday regained his parliamentary seat in the November election, and the Privy Council was scheduled to hear his case in February 2008.

On December 31, a judge ruled that the evidence against former PNM minister of energy and energy industries Eric Williams for 2005 bribery charges was tenuous and unreliable. The allegations against former PNM minister of works and transport and party chairman Franklin Khan 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.

An investigation continued into the 2006 charges against Hafeez Karamath, part owner of a desalination company, who was accused of 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.

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. Both the public and government had confidence in the integrity and the reliability of the office of the ombudsman and the ombudsman's annual report.

The ombudsman resolved 1,210 complaints during the year. In 2006 the office received 1,557 new complaints, which represented a 16 percent increase over the average number of complaints received in previous years. Important factors contributing to the increased inflow 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 3,216 complaints from previous years.

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 still 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, 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 there were 100 new cases of rape reported during the year in the populous northern region of the country, but its full report had not been completed by year's end.

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, 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.

NGOs charged that police were often lax in enforcing the law. 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.

Prostitution is illegal, and the authorities continued to monitor, investigate, and prosecute major operators believed to be engaged in soliciting for prostitution. On July 21, police arrested 71 foreign women involved in a prostitution ring. Many of the women entered the country illegally. The police allegedly warned 200 men located on the hotel premises and then allowed all but three to leave. The authorities deported many of the women and arrested the owner of the hotel, who awaited trial at year's end.

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 suspected that many incidents of sexual harassment went unreported.

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.

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

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. 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. Females performed better than males in both mathematics and language arts. 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.

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 126 child sexual abuse cases, an increase from 38 cases in 2006. Officials believed that this indicated that a greater percentage of cases were being reported, not necessarily that more cases occurred. 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. During the year Childline received 3,129 calls, 74 percent from girls and 26 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, tortured. In the case of the 2006 death of four-year-old Amy Emily Annamunthodo, a victim of rape, sodomy, suffocation, and inhuman treatment, her mother was released on April 16 due to the failure of a police constable and other witnesses to appear at scheduled court dates. The father awaited trial at year's end.

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. The government continued to cooperate with the International Organization for Migration, which began a Strengthening Technical Capacity (STC) project. The STC's goal was to bolster capabilities of the Immigration Division and other law enforcement agencies. 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 persons with disabilities to the political process, employment, education, transportation, housing, health care, and other citizen services.

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 shoppers with disabilities.

On July 20, the San Fernando High Court ruled that the Hall of Justice's lack of wheelchair access violated the freedom of persons with disabilities, and construction of a wheelchair ramp began.

#### 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.

#### 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.

#### Other Societal Abuses and Discrimination

The Equal Opportunities Act does not specifically include gays and lesbians. However, there are no laws that discriminate based on sexual orientation. HIV/AIDS was viewed as a significant medical concern for the government and society. Any incidents of violence against this group were usually isolated events.

Kenny Mitchell, a self-identified homosexual, filed a lawsuit against the state for being arrested in December 2006 and detained at Couva Police Station for three days without being charged. He claimed that he was taunted by officers for being homosexual and was denied access to his diabetes medication.

#### 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. 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 with International Labor Organization 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 was allied with the UNC.

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.

##### 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. 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.

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.

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.

e. Acceptable Conditions of Work

The national minimum wage is \$1.66 (TT\$10) 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.

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.



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