



## 2008 Human Rights Report: Trinidad and Tobago

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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 November 2007 elections, which observers considered generally free and fair, Prime Minister Patrick Manning's People's National Movement (PNM) secured a 26 to 15 seat victory over the United National Congress (UNC). Civilian authorities generally maintained effective control of the security forces.

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

### RESPECT FOR HUMAN RIGHTS

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

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

The government or its agents did not commit any politically motivated killings; however, 43 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 April 10, police killed Mustapha Edwards during an alleged shootout with Edwards and another assailant. Eyewitnesses claimed that police harassed Edwards before shooting him in an alleged execution style. An investigation continued at year's end.

On October 6, police officers shot and killed Karim Saint Aimee near his home in Laventille. According to police reports, Saint Aimee was running in an area where residents had reported a gunman, and the police returned shots after Saint Aimee pointed and fired his gun. However, an eyewitness account claimed that Aimee did not fire his weapon. An investigation continued at year's end.

On October 9, police officers shot and killed Russel Samuel. According to police reports, when police approached him, Samuel pulled a firearm from his waist and shot toward the police. Autopsy reports indicated that Samuel died from internal and external bleeding and trauma to the chest. The report also stated that Samuel had three entry wounds in his back. A police investigation continued at year's end.

On February 27, a preliminary judicial inquiry ruled that Sheldon Des Visgnes was accidentally killed by crossfire in November 2007 when a police officer was defending himself.

On June 6, a forensic report contradicted an earlier police report and confirmed that none of the four men seated in a vehicle in Laventille whom police shot and killed in August 2007 had gunpowder residue on their hands. In addition no guns were found, and eyewitness accounts allegedly confirmed that no one inside the car fired a shot. At year's end the Special Branch police report had yet to be submitted.

On July 29, a coroner's inquest concluded that the police officers who shot and killed Joel Charles in April 2007 did so 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 the remaining four suspects, two of them former members of the defense force, charged with the 2005 kidnapping and killing of Balram Bachu Maharaj.

On February 26, a judge acquitted the police officers responsible for Sherman Monseque's 2004 death, citing a lack of evidence.

#### b. Disappearance

There were no reports of politically motivated disappearances. Criminal kidnappings remained a serious problem, increasing to 178 from 162 in 2007.

#### 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 Port of Spain prison, originally designed to accommodate 250 inmates, held 528 prisoners, compared with 599 in 2007. At peak levels, the maximum number of prisoners in a 10- by 10-foot cell increased from eight to 10.

On October 3, a High Court judge ruled in favor of convicted murderer Colin Edghill's complaint that the conditions at the Port of Spain prison were debasing and dehumanizing to both prisoners and to prison officers. In the ruling, the judge cited concerns about air, light, sanitation, hygiene, exercise, and food. According to the prison commissioner, two new prisons were under construction, and temporary converted storage facilities might be used to remedy the situation.

Prison authorities reported bringing charges against 25 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 May 30, Sunil Ali, who allegedly raped and murdered eight-year-old Hope Arismendez, hanged himself while in custody at the Golden Grove prison. An official report made public on October 8 indicated that an inmate assisted Ali with his suicide.

On September 24, a judge ruled that prison officers used excessive force in beating inmate Fitzroy Campo in 2006 at the Port of Spain prison. He awarded Campo financial compensation for general and exemplary damages.

There were no developments in the inquest into the August 2007 death of Golden Grove prisoner Letroy Beepath, who allegedly died from blunt force to the chest while in remand custody.

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. Since there is no female youth facility, some underage female prisoners were placed in the Golden Grove women's prison. Although conditions at the women's prison were better than those in Port of Spain prison, it occasionally became overcrowded, since it held both women on remand and those serving prison sentences.

The 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.

On February 27, a High Court judge ruled that the government was liable for Shastri Ramnarine's unlawful detention and verbal abuse by police officers in 2004 and ordered compensation for Ramnarine.

#### 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 March 4, a woman claimed that police constable Stephen Jerome raped her during a visit to the Arouca police station where she had gone to inquire about a domestic violence report. The court prosecutor asserted that Jerome refused to provide a DNA sample; the judge set bail and ordered collection of DNA. At year's end, the trial was pending.

On March 19, two soldiers allegedly raped a woman at gunpoint after she snuck into Camp Ogden to visit another soldier. Medical examiners confirmed that she was sexually assaulted. Both an army and police investigation were

underway at year's end.

On March 24, a senior police officer allegedly swam nude with four female Colombian detainees, fed them, and then returned to the police station where he proceeded to have sex with them. An official investigation began after another officer confirmed the allegation.

On May 8, authorities brought charges against three detectives who allegedly robbed the son of a senior police officer in 2006. Although the investigation was completed in January 2007, all three accused were still serving officers and were to provide testimony in several pending cases at year's end.

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

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

Lengthy pretrial detention resulting from heavy court backlogs and an inefficient judicial system continued to be a problem. Out of a prison population of 3,803, 1,595 inmates awaited trial at year's end, compared with 578 in 2007. Of the 212 female prisoners, 108 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. Officials cited an increase in the number of arrests and an antiquated note-taking system in most magistrate courts as explanations for the backlog.

#### e. Denial of Fair Public Trial

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

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

#### Trial Procedures

Magistrates try both minor and more serious offenses, but in the case of more serious offenses, the magistrate

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

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

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

The constitution and the law provide for an independent and impartial judiciary in civil matters, and citizens are free to file lawsuits against civil breaches, in both the High Court and petty civil court. The High Court may review the decisions of lower courts, 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 TT\$15,000 (approximately \$2,500).

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

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

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

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

On November 4, the prime minister visited a local radio station to protest the manner in which two newscasters were commenting on the government's budget, and the station manager subsequently suspended the two broadcasters. Some government critics responded by charging intimidation and abuse of authority. The prime minister defended his action by asserting that no intimidation took place and that he acted within the rights provided every citizen to counter false or incorrect information. Commenting on the matter, the minister of information underscored the government's commitment to press freedom, but urged all media to report "accurately and with balance."

#### 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.

#### Societal Abuses and Discrimination

In 2006 a High Court judge ruled that the country's highest award, the Trinity Cross, was discriminatory to non-Christians. That ruling did not alter the name of the award, and in August, the government officially renamed it the Order of the Republic of Trinidad and Tobago.

On August 8, unidentified vandals broke into a prominent Hindu temple where they defiled religious idols. This desecration occurred almost exactly one year after a 2007 break-in at a Hindu temple in the central part of the country. The nongovernmental Inter Religious Organization did not believe the vandalism was religiously motivated. Police had not made any arrests in the cases 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 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### 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 the expulsion or return of refugees to countries where their lives or freedom would be threatened.

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 18 new asylum seekers and 115 refugees seeking assistance as of October 31.

### 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 2007 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 formed in 2006, the Congress of the People (COP), 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 12 female judges among the 37 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, the World Bank's worldwide governance indicators reflected that 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. Critics charged that the commission lacks credibility as often it was used as a political tool. In the past, many officials and candidates for public office were reluctant to comply with the disclosure provisions, claiming that such disclosures would make them and their families a target of kidnappings for ransom. The attorney general reportedly was reviewing the act to determine who could be exempt.

In June several allegations of corruption were made against the Urban Development Company, a state enterprise. The prime minister agreed to establish a commission of inquiry, which was scheduled to begin hearings in January 2009.

In February the Privy Council heard the case of UNC Party Chairman and Parliamentary Opposition Leader Basdeo Panday, convicted in 2006 of failing to disclose a London bank account, and ruled that he should receive a retrial. At year's end the matter was pending.

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 for a contract to supply desalinated water to the government's Water and Sewer Authority. The case was in abeyance pending extradition

proceedings.

The 2005 bribery 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. In a related case, the director of public prosecutions applied to the High Court to reconsider trying former PNM minister of energy and energy industries Eric Williams on seven corruption charges, but no decision had been made by year's end.

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.

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

#### 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 229 new cases of rape reported during the year, in addition to 615 continuing investigations. Over 60 percent of its clients were between 12 and 26 years of age.

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. Citing a 10 percent increase in the number of domestic violence cases filed in the magistrate's court during the previous year's law term, outgoing Chief Justice Sharma asserted that domestic abuse was a detriment to the country's peace and security. In January the Attorney General's Office provided a domestic violence manual

to law enforcement officials.

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 January 20, police arrested 42 women involved in a prostitution ring, many of whom had entered the country illegally. The authorities deported many of them.

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. 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 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 81 child sexual abuse cases, a decrease from 126 cases in 2007. Officials believed that this may not be a result of a decrease in incidents, rather a decrease in reporting. Other sources cited training and distribution of the new domestic abuse handbook as a possible reason for fewer cases. 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 9,475 calls, 46 percent from girls and 54 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. On May 24, eight-year-old Hope Arismendez was reported missing, and police found her dead body in a cane field five days later. The girl had been beaten, raped, and her throat slit, allegedly by her mother's common-law husband.

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

The law does not specifically prohibit trafficking in persons, but perpetrators could be prosecuted under several related laws. Although media reports asserted that trafficking in persons was a growing problem, law enforcement officials stated that they had no reports of trafficking of nationals to, from, through, or within the country. They acknowledged occasional irregular migration by foreign women, often for purposes of prostitution, who were deported when discovered.

The Sexual Offenses Act prohibits procurement of a person for the purpose of sexual intercourse with another person, and procuring a person to become an inmate of a brothel or to frequent a brothel. The Kidnapping Act also provides that if a person takes, entices away, abducts, seizes, or detains any person without his consent, or with his consent obtained by fraud or duress, and if a person without lawful excuse is held, confined, restricted or imprisoned, the one who performs these acts commits an offense. Penalties for violations of these laws range from seven years' to life imprisonment. There were no such 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 cooperated with the International Organization for Migration, which continued a Strengthening Technical Capacity project to bolster capabilities of the Immigration Division and other law enforcement agencies. Domestic NGOs were available to provide care and protection to trafficking victims.

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

#### Persons with Disabilities

There are no statutes either prohibiting discrimination on the basis of disability or mandating equal access for persons with disabilities to the political process, employment, education, transportation, housing, health care, 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 (DPI), 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.

The Hall of Justice's wheelchair access was completed in response to a 2007 high court ruling. In addition the government completed work making five stadiums, seven indoor sports arenas, and five community pools accessible to persons with disabilities. According to DPI officials, although the pace is slow, improvements

continued. They estimated that 16 percent of the total population were persons with disabilities, although no census data were available. The government provides some funding to NGOs such as the DPI.

#### 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

Although the law criminalizes consensual homosexual relations, providing penalties of up to 10 years' imprisonment, the government generally did not enforce such legislation. The Equal Opportunities Act does not specifically include gays and lesbians. Gay rights groups reported that there remained a stigma related to homosexuality in the country.

HIV/AIDS was viewed as a significant medical concern for the government and society. Incidents of violence against this group were usually isolated events.

#### 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 a 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, 22-24 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 allows unions to conduct their activities without interference and to strike, although there were heavy restrictions on strikes. Employees in essential services, such as police and teachers, do not have the right to strike, and walkouts can bring punishment of up to 18 months in prison. These employees negotiate with the

government's chief personnel officer to resolve labor disputes.

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

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

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

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.

The Ministry of Social Development continued to implement its Revised National Plan of Action for Children, which includes specific goals for combating commercial sexual exploitation of children and exploitive child labor. However, the government did not have comprehensive mechanisms for receiving, investigating, and resolving child labor complaints. Consequently, it was unclear how many complaints related to child labor were received and if any children who work might have been involved in exploitive labor situations.

#### e. Acceptable Conditions of Work

The Ministry of Labor has a tripartite minimum wage committee, with input from trade unions and private sector leaders. The committee provides a recommendation for setting the minimum wage, which then is brought to cabinet by the minister of labor. The national minimum wage was TT\$9 (approximately \$1.45) per hour, which did not provide a decent standard of living for a worker and family; however, since 2006 the government provided limited food assistance for poor families through a national cash transfer program. Actual wages varied considerably among industries. There were occasional 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.