

TRINIDAD AND TOBAGO 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Trinidad and Tobago is a parliamentary democracy governed by a prime minister and a bicameral legislature. The island of Tobago's House of Assembly has some administrative autonomy over local matters. In the August 10 parliamentary elections, the ruling People's National Movement, led by Keith Rowley, defeated the opposition United National Congress led by Kamla Persad-Bissessar. Local media observers considered the elections generally free and fair.

The Ministry of National Security oversees three major divisions: police, immigration, and defense. Police maintain internal security. The defense force, which includes the coast guard, is responsible for external security but also has certain domestic security responsibilities. The coast guard is responsible for maritime border security in places where there are no official ports of entry. Civilian authorities maintained effective control over the security forces. There were reports of significant abuses by the security forces.

Significant human rights issues included: unlawful or arbitrary killings by police, refoulement of asylum seekers, and serious acts of corruption.

The government took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses, but impunity persisted because of open-ended investigations and the generally slow pace of criminal judicial proceedings.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were credible reports that police committed arbitrary or unlawful killings. Witnesses and videos called into question the accuracy of official reports on killings by police. In June, hours after a police officer was shot and killed in Morvant, a community on the island of Trinidad, police officers went into the area and killed three men who officers said fired upon them. Security camera footage of the incident, however, showed at least one of the men raised his arms to surrender. Following this incident, Police Commissioner Gary Griffith put seven officers on administrative duty and 11 officers on desk duty. The Police

Complaints Authority investigated the case. The incident led to protests in the capital for three days.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

Although the law prohibits such practices, there were reports that police officers and prison guards sometimes used excessive force.

Despite government steps to punish security force members and other officials charged with killings or other abuses, open-ended investigations and the generally slow pace of criminal judicial proceedings created a climate of impunity.

Prison and Detention Center Conditions

Conditions in some of the prison system's nine facilities continued to be harsh due to overcrowding.

Physical Conditions: Gross overcrowding was a problem. All prisons had inadequate lighting, poor ventilation, and inadequate sanitation. Conditions at the sole women's prison were better than those in other prisons.

In April, amid growing fears of contracting COVID-19, a group of inmates, mainly Venezuelans, at the Immigration Detention Center protested the detention center's conditions and their length of stay at the facility.

In October, 139 international prisoners ended a nearly three-week hunger strike following hearings with their respective embassy officials. The prisoners feared contracting COVID-19 and protested for speedy trials, the immediate release of individuals awaiting trial, and reasonable bail for petty offenders to reduce the number of prisoners.

Administration: Authorities investigated credible allegations of mistreatment.

Independent Monitoring: The government did not permit outside observers to monitor the Immigration Detention Center. The government permitted monitoring

of other prisons and detention centers by UN officials and independent human rights organizations.

Improvements: Government repair projects improved physical conditions at some detention facilities.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

A police officer may arrest a person based on a warrant issued or authorized by a magistrate, or without a warrant if the officer witnesses the commission of an offense. Detainees must be charged and appear in court within 48 hours, and the government respected this standard. There is a functioning bail system, and bail is ordinarily available for those accused of most crimes. Persons accused of murder, treason, piracy, kidnapping for ransom, or hijacking, as well as persons convicted twice of violent crimes, are ordinarily ineligible for bail for 120 days. Authorities granted detainees immediate access to a lawyer.

The minister of national security may authorize preventive detention to protect public safety, public order, or national defense; the minister must state the grounds for the detention.

In September the government amended the law to allow courts to use electronic monitoring devices as a condition of bail, probation, or community service.

Arbitrary Arrest: Independent reporting confirmed instances in which airline officials, with government permission, took individuals who were denied entry into the country and detained them in unofficial holding facilities. The individuals were taken out of the airport and into the country without legal entry and placed into a guarded hotel room until a return flight was available.

Pretrial Detention: Lengthy pretrial detention was a problem. Pretrial detainees constituted more than two-thirds of the prison population. Most detainees' trials began seven to 10 years after their arrest, although some spent even longer in pretrial detention. The length of pretrial detention frequently equaled or exceeded

the maximum sentence for the alleged crime. Officials cited several reasons for the backlog, including the burden of the preliminary inquiry process. The law requires anyone charged and detained to appear in person for a hearing before a magistrate every 10 days, even if only to have the case postponed for an additional 10 days. This increased the caseload and created further inefficiency.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. Criminal defendants enjoy the right to a presumption of innocence; to be informed promptly of the charges; to receive a fair, timely, and public trial; to be present at their trial; to communicate with an attorney of their choice or have one provided at public expense if unable to pay; to have adequate time and facilities to prepare a defense; to receive free assistance of an interpreter for any defendant who cannot understand or speak English; to confront prosecution or plaintiff witnesses and present their own witnesses and evidence; not to be compelled to testify or confess guilt; and to appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights violations through domestic courts and may appeal adverse decisions to the Inter-American Commission on Human Rights.

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

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:**a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press. The government generally respected this right; however, the government sometimes used the antiquated Sedition Act to limit freedom of expression, according to some nongovernmental organizations (NGOs). An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

In July police officers fired shots into the air and arrested at least 72 persons who were protesting the killing of three men in Morvant by police. Protesters blocked roads in and out of the capital city and burned tires and debris. Police Commissioner Griffith stated the protests were driven by criminal elements and not fueled by anger over police brutality.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to asylum seekers, stateless persons, and other persons of concern.

Refoulement: On September 18, the government reported it had deported 79 Venezuelans to Venezuela, some of whom were allegedly seeking asylum. Media and some NGOs said the figure was closer to 95. Some of the deported asylum seekers stated they expressed to government authorities a fear of abuse or retaliation from Venezuelan authorities.

On November 22, media reported 16 Venezuelan minors and nine women were placed by the coast guard on boats to Venezuela prior to an emergency court hearing and left them stranded at sea. Some of the children's parents registered in the government's June 2019 temporary amnesty exercise, and others held UNHCR cards. The group returned two days later and was placed in state quarantine. Among the more than 300 Venezuelans who were potentially refouled between January and July, some were registered with UNHCR.

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to asylum seekers. The government agreed to let UNHCR conduct refugee status determinations. Thousands of UNHCR's determinations affirmed refugee status. A positive determination by UNHCR, however, did not confer recognition by the government of an individual as a refugee or otherwise affect the person's legal status in the country. Access to asylum remained a significant challenge for detained individuals, since there are no formal procedures to register those who seek asylum. The refugee NGO Living Water Community and UNHCR did not have access to the Immigration Detention Center to register asylum seekers.

Access to Basic Services: Refugee and asylum-seeking children had no access to public education because they do not qualify for the required student permit under the Immigration Act.

Durable Solutions: The government collaborated with UNHCR to facilitate transit of a few refugees to countries that had offered them resettlement.

Temporary Protection: In response to a large influx of Venezuelans, the government conducted a one-time registration exercise in June 2019 and agreed to allow registrants to reside, work, and access emergency health services in the country for one year from their date of registration. Approximately 16,500 Venezuelans registered with the government. Registration was unavailable to those who arrived after or who failed to register during the June 2019 exercise. In June the government extended the status of those registered through the end of the year due to the COVID-19 pandemic.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In the August 10 parliamentary elections, the ruling People's National Movement, led by Keith Rowley, defeated the opposition United National Congress, led by Kamla Persad-Bissessar, winning 22 parliamentary seats to the United National Congress's 19 seats. While there were no international election observers due to COVID-19 travel restrictions, local media observers considered the election to be generally free and fair.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not enforce the law effectively, and officials sometimes engaged in corrupt practices with impunity. There were reports of government corruption during the year.

Corruption: Corruption was a problem at many levels of government. Opaque public procurement processes were a concern. There were allegations that some politicians and ministers had close relationships with gang leaders and facilitated procurement and contracting of road, bridge, and construction projects to companies owned and operated by criminal enterprises.

During the year authorities initiated high-profile corruption cases against opposition-party officials. A High Court judge ruled there was sufficient evidence for a corruption trial against one opposition member of parliament and others related to contracts with a government agency for road rehabilitation projects in 2015.

In September, Police Commissioner Griffith suspended Assistant Commissioner of Police Irwin Hackshaw after the Police Complaints Authority recommended several criminal charges against Hackshaw. Hackshaw was accused of using his official position to collect more than two million Trinidad and Tobago dollars (TTD) (\$290,000) from local businesses while on vacation based on providing security services. Additionally, Hackshaw was accused of collecting money to offset costs for official social events for police. An internal investigation was not completed before Hackshaw retired on November 30.

Senior police officials acknowledged that police officers participated in corrupt and illegal activities and often accepted bribes to facilitate drug, weapons, and human smuggling, as well as human trafficking. On September 22, police and soldiers serving as special reserve police responding to a breach of COVID-19 restrictions discovered a pyramid scheme led by a soldier and seized 22 million TTD (\$3.2 million). Video footage of a soldier stuffing cash into his uniform subsequently went viral on social media. Police authorities returned 18 million TTD (\$2.6 million) with no explanation to the suspected head of the scheme. Four police officers were suspended and 11 were transferred pending investigations. Police officers from the United Kingdom and Barbados were called in to assist with the investigation.

Financial Disclosure: The law mandates that senior public officials disclose their assets, income, and liabilities to the Integrity Commission, which monitors, verifies, and publishes disclosures. The commission publishes an annual list of officials who fail to file by the deadline. The law provides criminal penalties for failure to comply, but there were no prosecutions.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

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

Government Human Rights Bodies: The Office of 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 ombudsperson may refer the matter to the appropriate authority. The ombudsperson 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 reliability of the Office of the Ombudsman and the ombudsperson's annual report.

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

Women

Rape and Domestic Violence: Rape of men or women, including spousal rape, is illegal and punishable by up to life imprisonment. The government generally enforced the law, but the courts often imposed considerably shorter sentences in cases of spousal rape. The law criminalizes domestic violence and provides for protection orders separating perpetrators of domestic violence, including abusive spouses and common-law partners, from their victims. Victims reported incidents but often claimed police trivialized the matter. Courts may fine or imprison abusive spouses but rarely did so.

Rape and domestic violence remained serious and pervasive problems. According to the UN Global Database on Violence against Women, 30 percent of women in the country experienced physical or sexual violence from an intimate partner in their lifetime, and 19 percent experienced sexual violence from a nonpartner.

Victims of rape and domestic violence had access to national crisis hotlines and could access temporary shelter and psychosocial services through a law enforcement referral. The police Victim and Witness Support Unit encouraged reporting of rape and domestic violence.

In January police launched a gender-based violence unit in response to the growing number of domestic violence cases. In April the police commissioner noted an increase in domestic violence cases and stated the spike was consistent with global trends due to COVID-19 stay-at-home measures.

Sexual Harassment: The law does not criminalize sexual harassment. Despite the lack of specific sexual harassment legislation, citizens reported cases, and the Equal Opportunity Commission can provide legal remedy. The commission has the power to receive, investigate, conciliate, and refer sexual harassment complaints to the Equal Opportunity Tribunal.

In June police launched a sexual offenses unit for highly sensitive cases, including intimate partner abuse.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The law provides for the same legal status and rights for women and men, and the government enforced the law effectively. There is no law mandating equal pay for equal work between men and women. Married women are required to produce all marriage certificates to verify name changes, while married men are not required to do so.

Children

Birth Registration: Every person born in the country is a citizen at birth, unless the parents are foreign envoys accredited to the country. A child born outside the country can become a citizen at birth if either parent is a citizen. The law requires every child be registered within 42 days of birth. Registration is required to access public services.

Child Abuse: The law prohibits corporal punishment of children. According to NGOs, however, abuse of children in their own homes or in institutional settings was a serious problem. Penalties for child abuse can include a moderate fine, two years' imprisonment, or both.

A 2019 report by the Children's Authority of Trinidad and Tobago noted that of the reported cases of child abuse, 54 percent of the victims were female while 43 percent were male. The gender of the remaining 3 percent of the victims was not identified. Cases involved sexual abuse (23 percent), neglect (21 percent), and

physical abuse (14 percent). The Children's Authority also reported in November an increase in reports of emotional abuse against minors during the COVID-19 pandemic.

Child, Early, and Forced Marriage: The legal minimum age of marriage is 18.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation of children through the sale, offering, or procuring for prostitution, and any practices related to child pornography. Authorities enforced the law.

The age of sexual consent is 18. The age of consent for sexual touching is 16.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There were fewer than 100 Jewish persons in the country. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination based on disability but does not mandate equal access for persons with disabilities. Persons with disabilities faced discrimination, stigma, and denial of opportunities, including access to employment and education. Children with learning disabilities generally did not attend mainstream schools. Persons who believe they were discriminated against may file a complaint with the Equal Opportunity Commission for conciliation. Complaints that remained unresolved may be brought before the Equal Opportunity Tribunal, a superior court that has the power to impose fines, make orders for compensation, and grant injunctions.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law criminalizes consensual same-sex sexual conduct between adults, but the government did not enforce it, and a court ruling deemed the law unconstitutional. As of November the government's appeal of the ruling was pending.

The law decriminalizes sexual exploration between minors who are close in age. The law specifically retains language criminalizing the same activity between same-sex minors.

The law does not specifically prohibit discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. There were reports of harassment and threats against LGBTI persons, but victims tended to avoid media attention, and discrimination did not appear to be serious or widespread.

HIV and AIDS Social Stigma

Persons with HIV or AIDS faced persistent stigmatization, especially persons in high-risk groups. This created barriers to access and use of prevention and treatment services. The government's HIV and AIDS Unit coordinated the national response to HIV and AIDS, and the government employed HIV and AIDS coordinators in all ministries as part of its multisector response.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of most workers, including those in state-owned enterprises, to form and join independent unions, bargain collectively, and conduct legal strikes, but with some limitations. A union must have the support of an absolute majority of workers to obtain bargaining rights. Employees providing essential services do not have the right to strike; these employees negotiate with the government's chief personnel officer to resolve labor disputes. The law stipulates that only strikes over unresolved labor disputes may take place, and that authorities may prohibit strikes at the request of one party unless the strike is called by a union representing a majority of the workers. The minister of labor may petition the court to curtail any strike he deems harmful to national interests.

The law prohibits employers from discriminating against workers due to union membership and mandates reinstatement of workers illegally dismissed for union activities.

The law's definition of a worker excludes domestic workers (house cleaners, chauffeurs, and gardeners), but domestic workers had an established trade union that advocated for their rights.

The government effectively enforced applicable laws, and penalties were commensurate with penalties for other laws involving denials of civil rights, such as discrimination.

A union must have the support of an absolute majority of workers to obtain bargaining rights. This requirement limits the right of collective bargaining. Furthermore, collective agreement negotiations are subject to mandatory mediation and must cover a minimum of three years, making it almost impossible for such agreements to include workers who are on short-term contracts. According to the National Trade Union Center, the requirement that all negotiations go through the Public Sector Negotiation Committee, rather than through the individual government agency or government-owned industry, was a further restriction that added significant delays. Some unions claimed the government undermined the collective bargaining process by pressuring the committee to offer raises of no more than 5 percent over three years.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor. The government enforced the law effectively, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Forced labor cases are referred to the labor inspectorate for investigation. The government collaborated with India to extradite a forced labor suspect.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for employment at 16. Children ages 14 to 16 may work in activities in which only family members are employed or that the minister of education approves as vocational or technical training. The law prohibits

children younger than age 18 from working between the hours of 10 p.m. and 5 a.m. except in a family enterprise. There is no separate minimum age for working in hazardous activities.

The government was generally effective in enforcing child labor laws, but penalties were not commensurate with those for analogous crimes, such as kidnapping. There were anecdotal reports of children working in agriculture, as domestic workers, or in commercial sexual exploitation as a result of human trafficking.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits employment discrimination based on political opinion, sexual orientation, gender identity, language, age, disability, and HIV or other communicable disease status. The government generally enforced the law effectively, but discrimination in employment occurred with respect to disability. Penalties were not commensurate with laws related to civil rights, such as election interference. Women's pay lagged behind men's, especially in the private sector. The law does not require equal pay for equal work between men and women.

e. Acceptable Conditions of Work

The national minimum wage was greater than the official poverty income level.

Workers in the informal economy reported wages above the national minimum wage but reported other labor laws, including limits on the number of hours worked, were not enforced. There was a sharp drop in demand for labor, with job advertisements in print media declining by 43 percent from 2019. Although manufacturing businesses dismissed only 363 persons, they furloughed many more, along with cutting pay and reducing work hours.

The Ministry of Labour is responsible for enforcing labor laws related to minimum wage and acceptable conditions of work. The Occupational Safety and Health Agency enforced occupational safety and health (OSH) regulations. Penalties were commensurate with those for similar crimes. Resources, inspections, and penalties appeared adequate to deter violations. The labor inspectorate faced a partial

moratorium during the year because of COVID-19; however, inspectors conducted follow-up telephone and virtual meetings.

OSH standards are appropriate for the main industries in the country. Responsibility for identifying unsafe situations remained with OSH experts and not the worker. The law gives workers the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities generally protected this right. According to government statistics, 24 fatalities and 1,403 accidents were reported from August 2019 through July.

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 provides for paid leave, with the amount of leave varying according to length of service. Workers in the informal economy reported wages above the national minimum wage but noted that other labor laws, including on the number of hours worked, were not enforced.

Domestic workers, most of whom worked as maids and nannies, are covered by labor laws.

In July the Ministry of Labour implemented national workplace guidelines to mitigate the spread of COVID-19, including a provision for pandemic leave.