



United Nations Trinidad and Tobago Country Team Report prepared in accordance with paragraph 15(B) of resolution 5/1 of the HR Council For the Third Universal Periodic Review of the Republic of Trinidad and Tobago

I. INTRODUCTION

This report is a joint undertaking of the United Nations Country Team (UNCT) in Trinidad and Tobago for the period of 2016 to the first quarter of 2021. UN Women, UNICEF, UNFPA and UNHCR have contributed to this report which highlights the main issues.

II. BACKGROUND AND FRAMEWORK

Theme: A12 Scope of international obligations/ Acceptance of norms

During the previous UPR cycle, several recommendations were made for the country to accede to or ratify various international human rights treaties.

Trinidad and Tobago ratified the Arms Trade Treaty on 25 September, 2013, which then entered into force on 24 December, 2014.¹

Recommendations:

- Ratify additional international human rights treaties instruments including the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.
- Trinidad and Tobago should bring its domestic legislation framework in line with the international human rights instruments that it has ratified or acceded to.
- Ratify the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú).

III. COOPERATION WITH HUMAN RIGHTS MECHANISMS

Theme: A22 Cooperation with treaty bodies

Trinidad and Tobago supported recommendations to submit outstanding reports to the treaty bodies. Following its second cycle UPR, Trinidad and Tobago submitted its State-Party report on follow-up to concluding observations on CEDAW in 2017. The other overdue reports remain outstanding.

¹ Linked to A/HRC/33/15 (Costa Rica) UPR 2016

Recommendations:

- Submit the overdue treaty body reports for ICCPR, CEDAW, CERD, ICESCR, CRC.
- Request technical assistance from the OHCHR to assist with the preparation of the treaty body reports.

Theme: A24 Cooperation with special procedures

Trinidad and Tobago has not extended a standing invitation to any of the thematic special procedures. The country has received visit requests from the Working Group on people of African Descent on 10th November 2017, the Special Rapporteur on Racism on 7th February 2018, the International Expert on International Solidarity on 2nd April 2019 and the Working Group on Mercenaries on 28th August 2020. The aforementioned requests are still pending. A visit request from the Special Rapporteur on the Environment was accepted but postponed in 2016 and a reminder request was made on 16th August 2018. A visit request was postponed on 17th December 2019 for the Working Group on discrimination against women and girls.

Recommendation:

- Extend a standing invitation to all thematic special procedures.

Theme: A28 Cooperation with other international mechanisms and institutions

Trinidad and Tobago submitted and presented the Voluntary National Review in 2020, detailing progress towards the implementation of the Sustainable Development Goals.

Recommendation:

- Avail itself of technical assistance from OHCHR towards implementation of its obligations under international laws and treaties.

Theme: A3 Inter-state cooperation and development assistance

Trinidad and Tobago supported the recommendation to increase its collaboration with regional and hemispheric partners to address high levels of violence and organized crime. To that end, the government continues to collaborate with UNLiREC, UNODC, IOM and UNDP.

Theme: A41 Constitutional & legislative framework

Within the reporting period, several pieces of legislation have been amended or submitted for consideration. Among these, notably, are the Domestic Violence (Amendment) Act 2020, the Sexual Offences (Amendment) Act 2019, the Miscellaneous Provisions (Proceeds of Crime and Central Bank) Act 2019, the Anti-Gang Act 2018, The Miscellaneous Provisions (Proceeds of Crime, Anti-Terrorism and Financial Intelligence Unit of Trinidad and Tobago) Act, 2018.

While many laws have been introduced, gaps remain with respect to the required enforcement. The Public Procurement and Disposal of Public Property Act 2017, lacks support, as well as the Bail (Access to

Bail) Amendment Act 2017, among other laws required to confront issues of corruption and to reduce impunity.

Moreover, despite the wide coverage of the Domestic Violence Act, Chapter 45:56 and the Domestic Violence (Amendment) Act 2020, the principal challenge remains that the procedural requirements, backlog and slow responses to court application discourage survivors requiring protection from seeking assistance under the Acts.

Recommendations:

- Establish a parliamentary caucus to canvas support for critical legislation.
- Request that a Joint Select Committee is established to monitor and report on implementation of legislation.
- Review and update legislation related to reducing corruption.
- Continue efforts to harmonize national legislation with international human rights norms which includes constitutional reform.

Theme: A45 National Human Rights Institution (NHRI)

Trinidad and Tobago supported all of the recommendations to establish an NHRI in accordance with the Paris Principles.² To date, the NHRI has not been established. The Equal Opportunity Commission has a mandate that includes dealing with discrimination in relation to employment, education, the provision of goods and services and the provision of accommodation. However, the Equal Opportunity Commission falls under the purview of the Attorney General's Office and is dependent on the office for funding and therefore does not comply with the independence requirements as laid out in the Paris Principles. The Office of the Ombudsman is tasked with the investigation of complaints of mal-administration made by members of the public against government departments and agencies. These bodies are limited in their mandates, while a NHRI will address the full range of human rights: civil, political, economic, social and cultural. The country's implementation of human rights obligations will be strengthened by the creation of a NHRI.

Recommendation:

- Establish a NHRI in accordance with the Paris Principles to undertake and oversee the further advancement of the human rights agenda.

Theme: A46 National Plans of Action on Human Rights (or specific areas)

The National Development Strategy, Vision 2030, 16 goals were presented over the long term (2016-2030), which were aligned to the UN Sustainable Development Goals, and national planning and programmes have reflected these priorities, under five thematic priorities. The National Child Policy was laid in Parliament in December 2020, along with the National Sexual and Reproductive Health Policy. The

² Linked to recommendation 108.31 A/HRC/33/15 (Barbados) UPR 2016

Spotlight Initiative is a three-year partnership between the EU and the UN to end violence against women and girls, and the Government of Trinidad and Tobago has approved this programme in the Parliament. The Government has partnered with UN agencies in Trinidad and Tobago in the implementation of this programme. Under the Spotlight Initiative, the National Strategic Action Plan on Gender-Based Violence will also be reviewed and updated, towards adoption and implementation between 2020-2024.

Recommendations:

- Approve and implement the National Strategic Action Plan on Gender Based and Sexual Violence;
- Approve and implement the draft National Gender Policy (Green Paper);
- Continued strengthening and monitoring of sectoral plans and programmes.

Theme: A53 Professional training in human rights

Under the Spotlight Initiative, gender-responsive training and due diligence tools are geared toward the capacity building of the police and judiciary to ensure a human rights and gender-sensitive approach to law enforcement.

Recommendations:

- Develop sustainable and human rights-centered training programmes for the police and judiciary on topics such as gender-based violence, human trafficking, and forms of child abuse.

Theme A54: Awareness raising and dissemination

There are ongoing campaigns by the Government on key issues, such as during the 16 Days of Activism Against GBV, International Women's Day and World AIDS Day, annually. However, at a national level, there has been no campaign on human rights.

IV. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Theme: B 31 Equality and non-discrimination

Main issues/ gaps: The constitution prohibits discrimination on the basis of race, origin, colour, religion or sex but no specific legislation addresses discrimination based on sexual orientation or gender identity. Likewise, the Equal Opportunity Act did not ban discrimination based on sexual orientation, gender identity or HIV status.³

The recommendation to decriminalize consensual sexual relations between minors of the same sex was noted in the previous UPR but the Children Act of 2012 which decriminalizes consensual sexual relations for children of the opposite sex, does not extend the same protection to children of the same sex.⁴

³ Linked to recommendation 108.38 A/HRC/33/15 (Canada) UPR 2016

⁴ Linked to recommendation 108.50 A/HRC/33/15 (Chile) UPR 2016

A landmark judgment was given in the High Court of Trinidad and Tobago on 12th April 2018 in the matter of Jason Jones. The judgment, which is currently being appealed by the State, ruled that the country's laws which criminalize same sex relations are unconstitutional.

Recommendations:

- Decriminalize sexual relations between consenting adults of the same sex by repealing articles 13 and 16 of the Sexual Offences Act.
- Amend the Children Act to decriminalize consensual sexual relations between minors of the same sex.
- Continue to support initiatives to raise public awareness around non-discrimination and social inclusion.
- Amend the Equal Opportunity Act to include sexual orientation, gender identity, persons living with HIV/AIDS as prohibited grounds for discrimination.

Theme B51- The right to an effective remedy

Main issues/gaps: The number of fatal police shootings rose from 17 in 2015 to 55 in 2020. This marked increase also triggered a series of fiery and violent protests in 2020 that were unprecedented. The Police Complaints Authority (PCA) is an independent civilian body with oversight for police conduct with a mandate to investigate allegations of serious misconduct by police officers. In recent times, investigations by the PCA have seldom yielded results. As a civilian body, the PCA does not have the ability to process crime scenes or collect evidence. Thus, the PCA is and is the reliant on the Police Service for these major parts of their investigations, and they experience inordinate delays when seeking to obtain forensic and eye witness reports from the police. The PCA has called for legislative reform to widen its powers and end its reliance on the same police service that they are supposed to be holding accountable.⁵

The Miscellaneous Provisions (Special Reserve Police and Police Complaints Authority) Bill 2020 seeks to strengthen the scope of the PCA by mandating that the Commissioner of Police respond in writing within 3 months of a recommendation made by the PCA and also ensuring that officers from the Municipal police service also fall under their purview. However, extension legislative reform is still required to give the PCA wider powers to investigate and uphold accountability.

Recommendations:

- Amend the Police Complaints Authority Act to widen the powers of the PCA to investigate allegations of serious misconduct by police officers.
- Request technical assistance and human resource support from the UN to process crime scenes and collect evidence.

Theme D23- The death penalty

⁵ Linked to recommendation 106.18 A/HRC/33/15 (Botswana) UPR 2016

Main issues/gaps: Trinidad and Tobago neither supported nor implemented recommendations to abolish or to establish a moratorium on the death penalty during the previous UPR cycle. Trinidad and Tobago has neither signed nor ratified the Second Optional Protocol to the ICCPR, aimed at abolishing the death penalty.

While the mandatory death penalty remains the law, there has been a de facto moratorium on the death penalty, and the last execution occurred in 1999. Trinidad and Tobago falls under the jurisdiction of the London-based Judicial Committee of the Privy Council as the final court of appeal. In the judgment of *Pratt and Morgan v. Attorney General of Jamaica*, the Privy Council held that a prolonged delay in carrying out a death sentence could amount to inhuman punishment, thus creating a five year window for the death penalty to be carried out after sentencing.

The current Attorney General has indicated the government's intention to apply the law, that is, resume the death penalty but he has acknowledged that the slow administration of justice needs to be addressed first so that there would be persons eligible for execution within the five year window.

Public support for the death penalty remains high in Trinidad and Tobago. High rates of violent crimes and the impunity due to the failures of the justice system have resulted in the public turning to the death penalty as a deterrent to crime. This is also owing to the lack of restorative justice interventions that can assist in the recidivism rates.

Recommendations:

- Encourage an informed debate among the public on the topic of the death penalty and promote its abolition.
- Consider taking all necessary steps to introduce a de jure moratorium of capital executions with a view to fully abolish the death penalty.

Theme D25: Torture and other Cruel, Inhuman or degrading treatment and punishment and Theme D 26: Conditions of detention

Main issues/gaps: Trinidad and Tobago has neither signed nor ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁶

The Trinidad and Tobago Inmate Survey, financed by the IDB, was conducted in Trinidad and Tobago from July to August 2018. 37.2 % of respondents indicated that they lived in overcrowded cells, and at least 41% indicated that the healthcare they received was either poor, or very poor.

Recommendations:

- Prison reform is recommended, through a review and update of the Prisons (Amendment) Act 2014 and through the operationalization of the National Budget and other sectoral mechanisms, to provide standard quality healthcare for all, and sexual and reproductive health services and supplies, particularly for women and girls within the various detention systems, and to review and upgrade the facilities thereby providing humane conditions for all inmates.

⁶ Linked to recommendation 108.11 A/HRC/33/15 (Portugal) UPR 2016

- Seek technical assistance and human resource support from the UN in this regard.

Theme D 27: Prohibition of slavery/trafficking

Achievements/Best practices: Trinidad and Tobago ratified the United Nations Convention Against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2007. The country also ratified the BELÉM DO PARÁ Convention, which states that women ought to be protected from all forms of violence including trafficking (Article 2(b)) and women have the right to have their inherent dignity respected (article 4(e)).

The Trafficking in Persons Act of 2011), introduced the offence of trafficking in persons in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Under this Act, the Counter-Trafficking Unit (CTU) was established to investigate cases of trafficking and the National Task Force against Trafficking in Persons (NTFATIP) was established to develop policies and a national plan of action for identification of and assistance to victims of trafficking, prosecution of traffickers, repatriation of victims, and work in partnership with non-governmental and intergovernmental organizations and other States.⁷

The Trafficking in Persons Act also seeks to protect children, as it defines vulnerable groups to include, children below the age of eighteen years. It criminalizes with heavy penalties, child pornography, sexual exploitation and trafficking in children.

Main issues/gaps: Despite the laws being in place, trafficking goes largely underreported and lacking in prosecution and convictions. Trafficking is further exacerbated by the humanitarian refugee crisis in Venezuela, as persons become susceptible to human trafficking when fleeing their home country.

Apprehensions about the growing numbers of refugees and migrants, along with the continuing deterioration of the Venezuelan situation and COVID-19 prevention measures, have resulted in the enforcement of stricter restrictions on regular migration, such as introducing visa requirements, or temporary border closures with Venezuela. Requirements for existing migratory and regularization pathways are often difficult to meet, and access to alternative legal pathways which consider the specific situations of arriving Venezuelans, remains limited. Additional gaps include : (i)the inability to integrate due to lack of documentation or residency status which permits work, and xenophobia (ii) Insufficient shelter and alternative care options: limited beds, lack of appropriate shelters with adequately trained staff, 24-hour services, limited family and community-based care options for unaccompanied and separated children (UASC), language barriers and cultural differences, limited security, (iii) limited access to psychosocial support and immediate medical and sexual and reproductive health services and (iv) the lack of short and medium-term livelihood options: Venezuelans face intense

⁷ Linked to recommendation 106.49 A/HRC/33/15 (Egypt) UPR 2016

pressure to send money home, language barriers, and may be unable to work formally without navigating local permits and legal options.

Recommendations:

- Continue to take steps to strengthen the protection for and assistance to victims, and to prosecute perpetrators, by ensuring the full implementation of the Trafficking in Persons Act;
- Continue its efforts to address trafficking in children and management of children on the move and seek international assistance to fulfil its international obligations in this regard;
- Greater allocation towards fighting the import/export of drugs, and human trafficking at a national budgetary level;
- Additional training of police and border control personnel on human trafficking, strengthening of the laws and policies around participation in human trafficking and enforcement of the laws resulting in great convictions.

Theme: D8 Rights related to marriage & family

Achievements/Best practices: Programmes to strengthen families are provided by the Children's Authority and the Ministry of Social Development and Family Services, and several NGOs, such as Families in Action, which receive subventions from the government. During the pandemic, several initiatives have been mounted to assist families financially and with the provision of food and other necessities, including house repairs.⁸

Main issues/gaps: Existing national social and child protection systems need to better engage families in ways that promote safety, permanency, and child and family well-being, as siloed programming can occur due to the separate institutional arrangements.

Recommendations:

- Intensify efforts to assure comprehensive, universally accessible family support, in order to strengthen families, especially against the impacts of the COVID-19 pandemic.
- Increase the budgetary allocation to the Children's Authority and the Ministry of Social Development and Family Services;
- Collaborate with religious bodies and the private sector to offer additional parenting programmes and make these available through tertiary and continuous education, with special focus on parenting children who are differently abled and require special attention.

Theme: E1 Economic, social & cultural rights - general measures of implementation

Achievements/Best practices: The work of the Ministry of Youth Development and National Service and with the work of the Ministry of Community Development, Culture and the Arts contributes to the programmes designed to foster the development of the economic, social and cultural rights of children and youth.⁹

⁸ Linked to recommendation 106.50 A/HRC/33/15 (Uganda) UPR 2016

⁹ Linked to recommendation 106.4 A/HRC/33/15 (Cuba) UPR 2016

Recommendations:

- Innovate new programmes geared toward the holistic development of the youth, embracing the Generation Unlimited's goal which is to make sure that every young person aged 10 – 24 is in some form of school, learning, training or employment by 2030.

Theme: E21 Right to an adequate standard of living-general and Theme: E31 Right to work

Achievements/Best practices: The Ministry of Labour and Small Enterprise Development (MOLSED) increased the National Minimum Wage from \$15.00 to \$17.50 per hour, effective December 01, 2019. In addition, through the Ministry of Social Development and Family Services, support services and grants are available for several categories of persons, including the elderly, those with disabilities, the socially displaced. Among the measures introduced by the Government during the pandemic, a number of grants have been made available including rental and income subsidies.

Main gaps/issues: Further forms of social protection are needed for single mothers, women-headed households, low-income families, rural women, migrants and refugees and other vulnerable groups. COVID-19 has made these groups further vulnerable to income shocks and food and housing insecurity.

Recommendations:

- Continue the ongoing work to revamp the social protection network and increase social protection measures for vulnerable groups.

Theme: E41 Right to health (general) and Theme: E 42 Access to health-care (general)

Achievements/Best practices: The recommendation to ensure the right to health of persons living with HIV/ AIDS was supported and to that end, the draft HIV/AIDS policy is being finalized.¹⁰ In 2017, Cabinet approved the National Workplace Policy on HIV/AIDS which provides guidelines to employers on how to minimize discrimination against persons living with HIV/AIDS. Further, the National HIV/ Aids Prevention and control programme incorporates youth empowerment programmes, voluntary counselling and testing and prevention of mother-to child transmission of HIV and free antiretroviral treatment to manage the infection.

Main issues/gaps: There are continuing challenges with limited resources to provide medicine and other resources for education campaigns and combatting negative attitudes.

Recommendation:

- The Government of Trinidad and Tobago should finalize the draft HIV/AIDS policy and continue its efforts at building public awareness and giving support and assistance to persons who are living with HIV/AIDS.

¹⁰ Linked to recommendation 106.57 A/HRC/33/15 (Colombia) UPR 2016

Theme: E43 Access to sexual and reproductive health services

Achievements/Best Practices: The National Sexual and Reproductive Health Policy has been approved. This Policy was developed jointly with UNFPA and provides a path to comprehensive sexual education (CSE) and access to quality services and support. One of the activities under the Spotlight initiative is being carried out by the Institute for Gender and Development Studies at UWI, a UNFPA implementing partner, is to assess and update the Health and Family Life Education in Primary and Secondary Schools Curricula, and conduct training of teachers accordingly in collaboration with the Ministry of Education.

Main issues/gaps: While the secondary school curricula contains modules on self and interpersonal relationships, sexuality and sexual health, eating and fitness and managing the environment, the extent to which CSE is actually incorporated and taught within this curriculum is questionable.¹¹ Challenges to the provision of CSE include the religious bodies that have opposed CSE being taught in schools and also the teaching of CSE conflicting with the religious beliefs of the teachers. Gaps remain, for example, with migrant access to CSE and access to sexual and reproductive health services for those under the age of 18.

Recommendations:

- Approve the National Parenting Guidelines on Health and Family Life Education.
- Ensure comprehensive sexuality education, with a view to preventing teen pregnancies and the spread of sexually transmitted infections, in particular HIV.

Theme: E51 Right to Education (general):

Achievements/Best practices: Education has consistently been a high priority by the government with large budgetary allocations. In terms of early childhood education in the 3-4 age group, there is an 85 per cent enrolment. For primary age school children, 99 per cent are in schools whilst for secondary school, the enrolment figure is 88 per cent.

Main issues/gaps: The closure of schools due to COVID-19 presented challenges as over 60,000 students did not have access to devices or connectivity. The possibility of learning loss, particularly among those students from low economic backgrounds may cause them to be further left behind.

Child asylum-seekers and refugees do not have access to mainstream public education. The Immigration Act requires that non-nationals obtain a student permit to enter any educational establishment. Asylum-seekers and refugees are often unable to obtain this permit due to their irregular status.

In 2019, the Prime Minister indicated that primary school-aged children of registered Venezuelans could be allowed to enter religious board-run schools which have the space to accommodate them. However, this group remains excluded as the Ministry of National Security has not yet furnished the necessary legal permission to allow for their enrolment.

¹¹ Linked to recommendation 108.64 A/HRC/33/15 (Slovenia) UPR 2016

UNHCR, in collaboration with UNICEF and the local NGOs Living Water Community and Trinidad and Tobago Venezuela Solidarity Network, has created a blended learning system called *Equal Place* to service the educational needs of these children. The program is designed to provide children with access to accredited education at the primary and secondary levels, as well as to foster smoother transition into the local system when that opportunity arises. Due to limited spaces, out of the 2,571 children aged between 5 and 17 registered with UNHCR, only 1,080 children are currently registered in the system, which means that 1,491 children are unable to access their right to education.

Recommendations:

- Ensure that all children in Trinidad and Tobago have equal access to all levels of the education system, by removing barriers, such as administrative and legal status.
- Build on the capacity of the Ministry of Labour and the Children's Authority to address reports of child labour.

Theme: F 11 Advancement of Women:

Achievements/ best practices: The SheTrades initiative, developed by the International Trade Centre (ITC) was launched in October 2020. Trinidad and Tobago is the first country in the Caribbean to officially launch a SheTrades Hub. The platform offers opportunities for Trinidad and Tobago's female-owned Micro Small and Medium Enterprises, as it promotes their inclusion into global supply chains, facilitates Business-to-Business (B2B) and Business-to-Consumer (B2C) linkages. It provides a pathway for business expansion, enabling female entrepreneurs to receive technical training, professional mentorship, compete in international tender and procurement processes and attend international trade and business events and workshops.¹²

Recommendation:

- Continue the development of initiatives surrounding women's economic empowerment and the development of sectors which can support sustainable livelihoods such as agri-business, the blue economy, STEM.

Theme: F12 Discrimination against women:

Achievements/Best practices: The Office of the Prime Minister (Gender and Child Affairs), is mandated to effectively promote Gender Equity and Gender Justice through the process of Gender mainstreaming in all Government Policies, Programmes and Projects. The Division has undertaken a number of programmes, initiatives and campaigns towards ending gender-based violence, promoting gender equality, and striving towards global conventions such as CEDAW.

Main issues/gaps: The Draft National Gender Policy has not yet been approved and adopted. Forms of discrimination still exist and social and cultural beliefs reflect gender stereotypes which perpetuate

¹² Linked to recommendation 106.13 A/HRC/33/15 (Pakistan) UPR 2016

gender inequality and GBV.¹³

Recommendation:

- The National Gender Policy and NSAP-GBV should be adopted, along with advocacy campaigns at the community level to address harmful stereotypes.

Theme: F13 Violence against women and Theme D28: Gender-based violence

Achievements/Best practices: The Gender-based Violence Unit was established within the Trinidad and Tobago Police Service in January 2020 and focuses heavily on domestic violence cases and breaches of restraining orders. Significant training has been provided to the Gender-based Violence Unit of the TTPS to ensure efficient operation. The Government has also opened a GBV shelter and has had a Domestic Violence hotline in place through 800-SAVE.

An Inter-Ministerial Committee (IMC) to co-ordinate strategies to reduce Domestic Violence (DV) was established in 2020, and comprises representation from Government Ministries, the Police, the Judiciary, Civil Society, and the UN. The Committee meets at least on a Quarterly basis and has recently implemented a sub-committee to support case management of GBV in Trinidad and Tobago.

The Domestic Violence Act was amended in 2020 to include several improvements geared towards widening the scope of the Act and also enables children to seek interim protection orders.

Under the Spotlight initiative, the National Strategic Action Plan on SGBV, will be reviewed and updated along with the strengthening of the Domestic Violence Registry and the training of national statistical officers in the collection and analysis of data on VAWG.

Many recommendations for the abolition of child marriage were made by various States. These have borne fruit as they have yielded positive results. The Miscellaneous Provisions (Marriage) Act, 2016, abolished child marriage and raised the minimum age for marriage to 18. This law was proclaimed on October 2, 2017.

Main issues/gaps: Huge challenges still exist in the implementation of the Domestic Violence Act as a result of under reporting, delays in the justice system, lack of legal representation, under-resourced police stations, and socio-cultural biases, which impact those entrusted with implementation.

Rape is addressed under the Sexual Offences Act. However, implementation and prosecution remain challenges due to under reporting, stigma attached with rape, difficulty in acquiring forensic evidence and re-traumatization of victims.

The Draft Gender Policy and the Draft Strategic Action Plan to End Gender-Based and Sexual Violence, remain in front of the Cabinet without receiving approval.

¹³ Linked to recommendation 106.12 A/HRC/33/15 (Norway) UPR 2016

Venezuelan women and girls have experienced harassment in the streets by men and have also been victims of SGBV. Due to lack of legal status and local social networks, many asylum-seekers and refugees do not report criminal complaints due to fear of being detained.

In 2019, the National Policy on Sexual Harassment in the Workplace received approval and in 2018, the Equal Opportunity Commission released Guidelines on Sexual Harassment in the workplace. While a drafting Committee has been set up at the Ministry of the Attorney General to draft related legislation, this remains a work in progress, with no proclaimed legislation to date. The GORTT is collaborating with the Joint EU-UN Spotlight Initiative to support the National Trade Union Centre of Trinidad and Tobago and the Employers Consultative Association in implementing the aforementioned policy.

Recommendations:

- Prioritize gender-based violence and increase budgetary allocation to the Gender and Child Affairs Division, shelters, the Domestic Violence Hotline 800-SAVE.
- Develop, adopt and implement in a consultative manner a national gender policy with special measures for the prevention of sexual and gender-based violence against all women, girls, men and boys, regardless of legal or migratory status, nationality, gender identity or sexual orientation.
- Develop and strengthen existing administrative regulations, policies and procedures and train first responders to address incidents of SGBV on survivor-centred approaches.
- Strengthen coordination with NGO and civil society to build an effective and communicative national case management system or network of organisations to ensure survivors' access to services and throughput for survivors in the justice system.
- Strengthen approach to behaviour change through gender positive messaging, addressing gender stereotyping and normalisation of gender equality at all stages of social development.
- The Government of Trinidad and Tobago should build on the successful collaboration with stakeholders who worked on amending the Domestic Violence Act and move to initiate discussion with a view to enacting legislation on sexual harassment of women and enforcing legislation related to GBV.

Theme: F32 Children: family environment and alternative care

The Children Act prohibits corporal punishment of children in schools but reserves to parents the common law defence of reasonable chastisement in respect of corporal punishment of their children.

Continued advocacy is needed to re-orient the thinking of the national community on the issue of corporal punishment of children in the home.¹⁴

Recommendations:

- Amend the Children Act to abolish all corporal punishment of children in the home.
- Advocate for public discussions to re-orient the thinking on corporal punishment of children at home and encourage seeking alternate measures.

¹⁴ Linked to recommendation 108.61 A/HRC/33/15 (Honduras) UPR 2016

Theme: F33 Children: protection against exploitation

Achievements/Best practices: Recent developments in the law, practice and procedure now facilitate proper investigation of child abuse in Trinidad and Tobago. The Child Protection Unit, an arm of the Trinidad and Tobago Police Service, was established in March 2015 by a Departmental Order which created it as a special unit to investigate all crimes committed against children. This Unit works closely with the Children's Authority in child abuse and neglect cases, abandonment, and ill treatment of children and together they investigate reports of child abuse.¹⁵

The Children Act, which was enacted in 2012 contains provisions to combat and penalize trafficking in children, child pornography and child prostitution. CTU and the Children's Authority work to provide services to victim such as housing, care and appropriate support and special programmes and facilitating arrangements, whenever safe and possible, for children to be reunited with their family members in Trinidad and Tobago, or in their country of origin .

Main issues/gaps: Additional resources should be allocated to improve the functioning of the Children's Authority in light of an increasing case load. Ratification of the Optional Protocol on the Sale of children, child prostitution and child pornography remains imperative.¹⁶

Recommendations:

- Continue the work to ensure the effectiveness in developing the mandatory child abuse reporting protocol, which details the roles of all stakeholder agencies in cases of child abuse.
- Ratify the Optional Protocol of the CRC on the sale of children, child prostitution and child pornography.

Theme: F4 Persons with disabilities

Achievements/ Best practices: In 2017, the Accessibility Code was included in the regulations of the Planning and Facilitation of Development Act.

Main issues/gaps: Trinidad and Tobago ratified the Convention on the Rights of Persons with Disabilities on June 25, 2015 and although a national policy on persons with disabilities was adopted, national legislation has not been passed.¹⁷The education of children with disabilities needs to be addressed as schools face many challenges including lack of adaptability of the primary school curriculum and inadequate collaboration between stakeholders.

Recommendations:

- Take all necessary legislative and policy measures and expend more resources to ensure that children with disabilities have access to quality education;
- Adopt domestic legislation to reflect the provisions and principles of the Convention on the Rights of Persons with Disabilities.

¹⁵ Linked to recommendation 106.41 A/HRC/33/15 (Germany) UPR 2016

¹⁶ Linked to recommendation 108.9 A/HRC/33/15 (Guatemala) UPR 2016

¹⁷ Linked to recommendation 106.62 A/HRC/33/15 (South Africa) UPR 2016

Themes: G4 Migrants and G5 Refugees and Asylum Seekers

Achievements/Best Practices: In 2019, the Government registered 16,523 persons aged 16 and over and 2,421 children below 16 from Venezuela. The Government considers these Venezuelans to be migrants and registered persons were given permission to remain and work in Trinidad and Tobago for an initial period of one year, which the Government had extended up to December 2020. In March 2021, the Government commenced a re-registration exercise for those persons registered under the 2019 exercise which grants another extension of the permission to remain and work.

Main Issues/ Gaps: Significantly, since the last cycle, the worsening socio-economic and political situation in Venezuela has seen an influx of Venezuelans seeking refuge in Trinidad and Tobago. As of December 2020, 3,098 refugees and 16,886 asylum-seekers were registered by UNHCR in Trinidad and Tobago. 88% of all asylum-seekers and refugees in Trinidad and Tobago are from Venezuela. While Venezuela is the largest country of origin by number hosted in Trinidad and Tobago, there are asylum-seekers and refugees from 40 other regional and extra-region.

The Republic of Trinidad and Tobago acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol in November 2000 (hereinafter jointly referred to as the 1951 Refugee Convention). Since then, the Government of Trinidad and Tobago did not implement a domestic legislation for the protection of refugees or the granting of asylum under the international refugee instruments. In the absence of such legislation, refugees and asylum-seekers do not have a legal status recognizing them as persons in need of international protection who have specific rights under the 1951 Refugee Convention, including the non-refoulment and non-penalization for irregular entry and presence.¹⁸

Under its mandate, UNHCR has taken the responsibility for registering asylum-seekers and conducting refugee status determination of asylum-seekers in Trinidad and Tobago.

The country has been in the process of drafting legislation to implement the National Policy to address refugee and asylum matters in the Republic of Trinidad and Tobago (the Refugee Policy) and to incorporate the 1951 Refugee Convention for the past five years but it is still outstanding. Without these specific guarantees, persons in need of international protection or whose needs are not screened, including children, are often detained while attempting to access the territory or while already on the territory and are deported to their country of origin.

Recommendations:

- Accelerate the adoption of the legislation to incorporate the 1951 Refugee Convention into domestic law and to create a fair and flexible national refugee status determination procedure and to grant access to secondary health care, education and social protection;
- Develop regulations, policies and procedures and train government officials on access to territory and asylum to ensure the effective identification of persons in need of international protection, process their refugee status determination and to ensure efficient referral to

¹⁸ Linked to recommendation 108.67 A/HRC/33/15 (Uruguay) UPR 2016

services;

- Enhance dialogue and consultation with relevant national institutions, civil society and international organizations to strengthen the protection of persons in mixed flows;
- Ensure the detention of asylum-seekers and refugees is only as a measure of last resort, for as short a period as possible, and only after conducting an individual assessment of its reasonableness, necessity and proportionality, as well as assessing all available alternatives to detention; and
- End the detention of all children by amending legislation and establishing alternative care arrangements for families.