

TRINIDAD AND TOBAGO

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 has a House of Assembly that has some administrative autonomy over local matters. In the May 2010 elections, which observers considered generally free and fair, the People's Partnership coalition led by Kamla Persad-Bissessar of the United National Congress (UNC) defeated Prime Minister Patrick Manning's People's National Movement (PNM) government and secured a 29-to-12-seat majority in the Parliament. Security forces reported to civilian authorities.

On August 21, the president declared a state of emergency in the wake of a sudden spike in killings. Parliament approved a three-month extension on September 4. During the state of emergency, the government had broad powers to use military units in law enforcement, enter homes without a warrant, ban public demonstrations and strikes, and detain persons without charge. Authorities arrested and detained more than 7,000 persons during the state of emergency, some without charges, and eventually released hundreds of persons for lack of evidence. The state of emergency expired on December 4.

The most serious human rights problems were police killings during apprehension or custody, as well as poor treatment of suspects, detainees, and prisoners.

Other human rights problems involved 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.

The government took some steps to punish security force members and other officials charged with killings or other abuse, but there continued to be a perception of impunity based on the open-ended nature of many investigations and the slow pace of criminal judicial proceedings in general.

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. According to official figures, police shot and killed 39 persons during the year.

Authorities investigated or opened inquests into several of the killings and charged police officers with murder in one case.

On July 22, police officers shot and killed Kerron Fernando Eccles, Abigail Johnson, and Alana Duncan in Barrackpore. Officers said the three had fired at them, but other witnesses disputed the account. On October 28, authorities arrested six police officers in connection with the case. Hearings continued at year's end.

The government gradually disbanded its Special Anti-Crime Unit after allegations of improper intelligence activities were raised. The anti-gang task force known as the Repeat Offenders Program was disbanded in September 2010 after allegations of kidnapping and murder, although charges were never brought against any of the officers.

b. Disappearance

There were no reports of politically motivated disappearances.

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.

On October 28, authorities charged six police officers with beating and using Tasers on three suspects in March.

On October 27, a court awarded Kernell Sealy, a convicted rapist, TT\$120,000 (\$19,200) in damages after prison officials beat him in July 2010.

Prison and Detention Center Conditions

Conditions in some of the prison system's eight facilities continued to be harsh. The designed capacity of the prisons was 4,886 inmates. The average daily inmate population was reported to be 4,025. Of those, 1,927 were convicted inmates, and 2,098 were in pretrial or other status. Due to the thousands of arrests made during the three-month state of emergency, a new facility was opened and became part of the regular penitentiary system, expanding overall prison capacity by 500 during

the year. Some prisons suffered from extreme overcrowding, while others had not reached full capacity prior to the state of emergency. The Port of Spain Prison, designed to hold 250 inmates, has historically held twice that number and was often described as having particularly poor conditions, including 10 prisoners kept in 10- by 10-foot cells and insufficient medical care. Prison officials reported that the new prison facility allowed them to begin reducing the population in Port of Spain Prison.

The government improved living conditions at the Immigration Detention Center, where detainees initially were permitted to be outside only five hours per week and conditions were worse than at the maximum-security prison. The majority of detainees were illegal immigrants who could not afford the cost of travel to their home country. The center has an intended capacity of 150 and generally held half that number. Men and women had separate facilities.

Pretrial detainees were held separately from convicted prisoners, but the remand facility became severely overtaxed during the state of emergency, and authorities eventually opened another temporary facility.

Although conditions at the women's prison were better than those in the Port of Spain men's prison, it occasionally became overcrowded, since it held both women on remand and those serving prison sentences. The daily average female prison population was 111.

Since there is no female youth facility, some underage female prisoners were placed in the custody of a Catholic facility, and others were placed in a segregated wing of the Golden Grove women's prison.

An average of 210 male juveniles were held each day separately from adults at the Youth Training Center, and fewer than 20 female juveniles were in custody at Golden Grove.

There were 2,200 prison officers. Authorities charged a number of prison officers for offenses including larceny, drug trafficking, possession of marijuana, and smuggling of contraband to prisoners.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance.

Prison authorities permit prisoners and detainees to submit complaints to judicial authorities without censorship and request investigations of credible allegations of inhumane conditions. Authorities investigated and monitored prison and detention center conditions but did not document the results in a publicly accessible manner. Prisoners can also contact the Office of the Ombudsman, which has the authority to investigate complaints related to the functions and duties of most government departments. However, in no instances did the ombudsman advocate on behalf of prisoners or detainees.

The government permitted prison visits by independent human rights observers upon approval of the Ministry of National Security, and representatives of Amnesty International visited the Port of Spain Prison and the Women's Prison in December.

d. Arbitrary Arrest or Detention

The constitution and the law prohibit arbitrary arrest and detention. During the three-month state of emergency, the government utilized broad powers of search and seizure granted by decree.

On May 23, parliament passed an Anti-Gang Act that came into effect on August 15. The act bans membership in criminal gangs and gang-related activities as defined within the statute, and prescribes that suspects detained under the law may be held without bail for up to 120 days pending the filing of specific charges. Authorities detained approximately 450 suspects during the state of emergency pursuant to this act. The government eventually released nearly all of them when prosecutors determined that evidence of gang activity pursuant to the new law was lacking in most cases.

Authorities reported having arrested more than 7,000 persons during the state of emergency, many of whom were detained on charges ranging from unpaid traffic tickets to murder. The government established a temporary detention center that eventually became integrated into the regular penitentiary system. Many of those arrested during the state of emergency were processed through the normal criminal justice system, and significant numbers were simply released.

There were reports of abuses by police and military authorities. Military authorities investigated allegations made against several officers for using excessive force during the state of emergency, and proceedings continued at year's end.

During the year the courts made several awards in cases from prior years brought on grounds of wrongful arrest and imprisonment.

Role of the Police and Security Apparatus

The Ministry of National Security oversees the police service, immigration division, prison service, and defense force. The police service maintains internal security, while the defense force is responsible for external security but also has certain domestic security responsibilities. During the state of emergency, the defense force aided in law enforcement, including house searches and enforcing the curfew. An independent body, the Police Service Commission, in consultation with the prime minister, appoints a commissioner of police to oversee the police force. That commission also makes hiring and firing decisions in the police service, and the ministry has little direct influence over changes in senior positions. Municipal police under the jurisdiction of 14 regional administrative bodies supplement the national police force. Public confidence in the police was very low because of high crime and perceived corruption.

The Police Complaints Authority (PCA) investigates complaints about the conduct of police officers. It received 262 complaints during the year and referred 162 of them to the chief of police. Based on the PCA's investigations, the Police Service Commission then has the power to suspend or dismiss police officers, while the Department of Public Prosecution has the power to charge officers. During the year several investigators were added to the PCA staff, which had a backlog of more than 11,000 complaints spanning the 2007-11 period. On October 1, the police also established a Professional Standards Unit to train officers and investigate complaints.

Arrest Procedures and Treatment While in Detention

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 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 immediate access to a lawyer and to family members.

Ordinarily, bail was available for most minor charges. Persons charged with murder, treason, piracy, kidnapping for ransom, and hijacking, as well as persons convicted twice of violent crimes, are ineligible for bail 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 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. In November the minister utilized the preventive detention rules during the state of emergency to detain 16 men described as being involved in plots to destabilize the government and assassinate government leaders. The men were freed days later, and no charges were brought.

Lengthy pretrial detention resulting from heavy court backlogs and inefficiencies in the judicial system continued to be a problem. 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 an additional 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's 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, including during the state of emergency. Although the judicial process was generally fair, it was slow due to backlogs and inefficiencies. However, prosecutors as well as judges stated that witness intimidation increased during the year.

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.

Regional Human Rights Court Decisions

In 1999 the government withdrew from the American Convention on Human Rights. The convention states that such an action does not release a government from its obligations under the convention with respect to acts taken prior to the effective date of denunciation. From 1999 to 2009 the Inter-American Court of Human Rights issued rulings on cases predating the government's withdrawal. The government never provided any official or public reaction to these rulings.

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, order parties to cease and desist from particular actions, compel parties to take specific actions, or award damages to aggrieved parties. However, the petty civil court is authorized to hear only cases involving damages of up to TT\$15,000 (\$2,400).

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

The constitution and the law prohibit such actions except during a state of emergency, when authorities had the power to search vehicles, homes, and businesses without a warrant. During the state of emergency, the government

conducted searches without warrants but generally limited such searches to high-crime areas in an effort to confiscate illegal firearms and narcotics.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution and the law provide for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Censorship or Content Restrictions: The law prohibits acts that would offend or insult another person or group on the basis of race, origin, or religion or that would incite racial or religious hatred. This law was not invoked during the year.

On October 25, a television program broadcast a video allegedly showing the rape of a 13-year-old girl. The host of the program apologized but was accused of violating the Telecommunications Act and the Sexual Offences Act. On December 29, police searched the offices of the television station that broadcast the show and questioned several employees. The investigation continued at the end of the year.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the 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 freedom of assembly and association. However, during the state of emergency, authorities prohibited most public assemblies, including organized labor marches, political rallies, and religious

events. Some events, such as a charity walk, were permitted, but permission was difficult to arrange on a timely basis.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/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. However, during the state of emergency, the government initially imposed a 9 p.m. to 5 a.m. curfew in six areas of the country including the capital. Authorities later reduced the curfew to 11 p.m. to 4 a.m.

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

Protection of Refugees

Access to Asylum: The government has not passed legislation to implement its obligations under the relevant UN conventions. The government placed asylum seekers in the care of the Living Water Community (LWC), a local Catholic social services agency, while their cases were reviewed by the UNHCR and final resolution reached. Pending Parliament's approval of implementing legislation, the Ministry of National Security's Immigration Division handled all requests for asylum on a case-by-case basis. However, it took as long as four years for the government to provide identification cards or work permits to persons granted refugee status, due to a lengthy bureaucratic process. At year's end 23 persons recognized as refugees were in the care of the LWC.

Temporary Protection: The government did not provide temporary protection to persons who may not qualify as refugees. The LWC provided social services to 12 persons whose asylum applications were pending, six of whom were new filers. The LWC reported that many persons who filed petitions eventually abandoned

their applications and left the country, or simply walked away from the LWC, because of the lack of guaranteed protection.

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

Recent Elections: The Caribbean Community observers found the May 2010 national elections to be generally free and fair. However, during the campaign, there were isolated incidents of vandalism and violence, and the then prime minister required all television stations to broadcast an interview without paying. Citizens voted the incumbent party out of office and elected the People's Partnership coalition, which secured 29 of the 41 parliamentary seats. The PNM won 12 seats.

Participation by Women and Minorities: Voters elected 12 women to the House of Representatives, and there were seven women in the appointed 31-member Senate. There were four women in the 28-member cabinet, including the prime minister. There were 11 female judges among the 38 judges on the High Court and the Court of Appeals.

All major political parties reached out to voters from relatively small ethnic minorities, such as the Chinese, Syrian, Lebanese, and European-origin communities, and members of these groups held important positions in government. There was one member of these minorities, of Arab ancestry, in the legislature.

Section 4. Official Corruption and Government 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. Officials and candidates for public office were reluctant to comply with asset disclosure rules, primarily because of the perceived invasiveness of the process. The act articulates a process when public officials fail to disclose assets, and by year's end the commission had publicly listed in the newspaper 145 officials who had failed to comply.

Police corruption continued to be a problem, with some officials acknowledging there were officers who participated in corrupt and illegal activities. There were allegations that some officers had close relationships with gang leaders. Prison guards were required to pass through screening devices to prevent the smuggling of contraband.

In October the government announced it would initiate civil actions against the former executive director of the Urban Development Corporation of Trinidad and Tobago, Calder Hart, seeking millions in financial compensation for alleged corruption.

On November 7, a trial judge rejected a warrant to extradite businessmen Ishwar Galbaransingh and Steve Ferguson on corruption charges related to the construction of Piarco Airport. On December 19, the attorney general announced the government would not appeal the ruling and that the two men faced criminal charges in the country.

In 2008 the Privy Council in the United Kingdom ordered a new trial for former UNC party chairman Basdeo Panday stemming from his 2006 conviction for failing to disclose a London bank account. This retrial was delayed by a series of appeals but reconvened in June. In December a judge postponed the trial until May 14, 2012, pending resolution of unspecified court administrative constraints.

The Freedom of Information Act provides for public access to government documents, upon application. Critics charged, however, that a growing number of public bodies have been exempted from the act's coverage, which the government claimed was necessary to reduce the volume of frivolous requests. Critics also noted the act does not have any enforcement mechanism if the government does not respond within the prescribed 30-day time frame.

Section 5. 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.

Government Human Rights Bodies: 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 appropriate authority. 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 reliability of the Office of the Ombudsman and the ombudsman's annual report.

Section 6. 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 and Domestic Violence: Rape, including spousal rape, is illegal and punishable by up to life imprisonment; however, 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. The Crime and Problem Analysis Branch of the police service reported 512 cases of rape, incest, and sexual assault during the year.

Many community leaders asserted that abuse of women, particularly in the form of domestic violence, continued to be a significant problem. Some NGOs worried the curfew imposed during the state of emergency may have exacerbated the problem by forcing abusive spouses to remain home with their families.

The law provides for protection orders separating perpetrators of domestic violence, including abusive spouses and common-law partners, from their victims. Abusive spouses can also be fined or imprisoned. While reliable national statistics were not available, women's groups estimated that 20 to 25 percent of all women suffered abuse.

The NGO Coalition against Domestic Violence charged that police often were lax in enforcing domestic violence laws and asserted that rape and sexual abuse against women and children remained a serious and pervasive problem.

The Division of Gender Affairs (DGA) in the Ministry of Community Development, Culture, and Gender Affairs operated a 24-hour hotline 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.

Sexual Harassment: 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 continued to suspect that many incidents of sexual harassment went unreported.

Reproductive Rights: Couples and individuals had the right to decide the number, spacing, and timing of children and had the information and means to do so free from discrimination. Access to information on contraception and maternal health was widely available from health-care providers and online sources. According to the UN Population Fund, 98 percent of births were attended by skilled health personnel and 38 percent of women ages 15-49 used a modern method of contraception. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination: 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. According to the World Economic Forum's *2010 Global Gender Gap Report*, women earned 33 percent less than men on average.

The DGA had primary government responsibility for protecting women's rights and advancement and sponsored income-generation workshops for unemployed single mothers, nontraditional skills training for women, and seminars for men on redefining masculinity.

Children

Birth Registration: Children acquire nationality by birth; every person born in the country is a citizen at the date of birth, unless the parents are foreign envoys accredited to the country. Children born outside the country can become citizens at birth if on that date one or both of the parents is, or was, a citizen. The law provides that every child born alive must be registered within 42 days of birth.

Child Abuse: The Domestic Violence Act provides protection for children abused at home. The Ministry of Education's Student Support Services Division reported that young schoolchildren 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.

The Coalition against Domestic Violence operated Childline, a free and confidential telephone hotline for at-risk or distressed children and young persons up to age 25. In March Childline partnered with the Ministry of Education and the Ministry of the People and Social Development to become the National Child Hotline. The ministries promoted the hotline in schools, and the hotline increased its hours of operation from 16 hours a day to 24 hours a day seven days a week. These two changes resulted in a drastic increase in the number of calls. During the year Childline received 33,219 calls, 68 percent from females and 32 percent from males. Of genuine calls, 35 percent involved abuse; of those 78 percent were related to physical abuse, and 22 percent to sexual abuse. Childline referred 689 calls to the police or to social service agencies.

The law defines a child as less than 18 years of age, outlaws corporal punishment for children, and prohibits sentencing a child to prison. Several children were abused in their own homes or in institutional settings. In January the Ministry of Education reported 58 teachers were facing disciplinary charges, including some cases of sexual abuse. The National Parent Teacher Association called for strengthening the Teaching Service Tribunal to better investigate claims of abuse.

Child Marriage: The legal age for marriage is 18 for both men and women. However, in practice the minimum legal age for 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 for marriage is 16 for men and 12 for women; the Hindu Marriage Act and the Orisa Marriage Act set the minimum legal age for marriage at 18 for men and 16 for women.

In November the government held a national consultation on the standardization of the legal age for marriage. Minister of Gender, Youth, and Child Development Verna St Rose-Greaves said the country's four marriage acts conflict with international conventions to which the country is a signatory and called for a review of the laws among all interest groups to ensure protection of all the country's children.

Sexual Exploitation of Children: Children between the ages of 16 and 18 were suspected of being engaged in prostitution. The law provides a penalty of up to 15 years' imprisonment for anyone who procures a child under 16 for prostitution.

Statutory rape is illegal. The age of sexual consent is 16 years for males and females; however, this does not apply if the parties are married. The law required parents and guardians to report to the police when they have reasonable grounds to suspect a sexual offense was being committed. In October authorities charged a mother for failing to report her 15-year-old daughter's sexual activity. Persons found guilty of statutory rape can be sentenced from 12 years to life in jail. Child pornography is illegal, and penalties for pornographers include a fine of TT\$2,000 (\$320) and four months' imprisonment.

International Child Abductions: The government is a party to the 1980 Hague Convention on International Child Abduction. For country-specific information, see http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

The Jewish community was very small. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/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, or other citizen services.

In practice persons with disabilities (an estimated 16 percent of the population) 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.

Transportation was a particular concern, with only two buses accessible by persons with disabilities for a special on-call transportation service. A majority of bus stops were located on high sidewalks without ramps. Most government buildings and public places were not accessible. There were no restrictions on access to information, communications, voting, or participation in civic affairs.

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.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Although the law criminalizes consensual same-sex sexual activity, providing penalties of up to 25 years' imprisonment, the government generally did not enforce such legislation, except when paired with more serious offenses such as rape. Immigration laws also bar the entry of lesbian, gay, bisexual, or transgender (LGBT) persons into the country, but the legislation was not enforced.

The Equal Opportunities Act does not specifically include LGBT persons, and in fact it specifically excludes sexual orientation. Other laws, including the Domestic Violence Act and the Cohabitation Relationship Act, also include language that excludes same-sex partners from the laws' protections. LGBT rights groups reported that there remained a stigma related to sexual orientation in the country. There were no gay marches, although LGBT rights groups attended some election events with signs and clothing indicating their membership. LGBT rights groups reported individual cases of violence against LGBT persons, including cases where they were lured to a venue by Internet advertisements and then beaten. LGBT rights groups also reported a reluctance to report crimes to the police for fear of harassment by the police and court officials.

Other Societal Violence or Discrimination

HIV/AIDS was viewed as a significant medical concern for the government and society. Incidents of violence against this group were isolated events, and the Ministry of Labor partnered with the International Labor Organization to launch an HIV antidiscrimination program in the workplace.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides that all workers, including those in state-owned enterprises, may form and join independent unions of their choosing without prior authorization. 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. The law stipulates that only strikes over unresolved interest disputes may take place and that strikes may be prohibited at the request of one party if not called by a majority union.

The law also provides for mandatory recognition of a trade union when it represents 51 percent or more of the workers in a specified bargaining unit. The law allows unions to participate in collective bargaining and mandates that workers illegally dismissed for union activities must be reinstated.

The government's Registration and Certification Board determines whether a given workers' organization meets the definition of a bargaining unit and can limit union recognition by this means. The law does not recognize domestic workers (for example, maids, chauffeurs, and gardeners), and they do not have the right to join a union.

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.

According to the National Trade Union Center, the requirement that all negotiations must go through the Public Sector Negotiation Committee, rather than

with the individual government agency or government-owned industry, is another onerous restriction that adds significant time delays. Some unions claimed that in practice the government undermined the collective bargaining process by pressuring the committee to offer raises of no more than 5 percent over three years. The government denied this assertion.

The government enforced labor laws effectively. Worker organizations were independent of government and political parties in practice. A union 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. In December the cement workers union successfully challenged an injunction requiring them to return to work.

The government was consistently unwilling to negotiate with public sector unions. There were also heavy restrictions on strikes in practice. During the state of emergency, authorities denied unions permission to demonstrate or march. At other times, however, workers in nonessential services, such as the oil industry and the ports, both participated in industrial actions during the year.

b. Prohibition of Forced or Compulsory Labor

The law does not specifically prohibit forced or compulsory labor. In April the government returned three Indian nationals to their country after they were reportedly trafficked and forced to work under onerous conditions by a Trinidadian businessman.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for employment in public and private industries at 16. However, children ages 14 to 16 may work in activities in which only family members are employed or that have been approved as vocational or technical training by the minister of education. Children under age 18 are prohibited from working between the hours of 10 p.m. and 5 a.m., except in a family enterprise or within other limited exceptions. Violation of these regulations is punishable by fines.

The Ministry of Labor and Small and Micro Enterprise Development and the Ministry of the People and Social Development are responsible for enforcing child labor laws. The government trained 19 inspectors to identify cases of child labor. The minister of labor may designate an inspector to gather information from parents and employers regarding the employment of a person under 18. The Industrial Court may issue a finding of contempt on anyone obstructing the inspectors' investigation. Although the government was generally effective in enforcing child labor laws, there were isolated reports of children working in agriculture or as domestic workers.

The Ministry of the People and Social Development continued to slowly implement its Revised National Plan of Action for Children. 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. However, available information suggested that some children engaged in the worst forms of child labor in the small-scale agricultural sector and domestic service.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda/htm.

d. Acceptable Conditions of Work

The national minimum wage was TT\$9 (\$1.43) per hour, although actual wages varied considerably among industries. The government estimated that 200,000 people lived below the poverty line.

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.

The law sets occupational health and safety standards, which are enforced by the Occupational Safety and Health Agency. However safety standards were not always observed; during the year two employees of the Trinidad and Tobago Electricity Commission were killed on the job. Comprehensive nationwide data on workplace deaths were not available.

The government sets occupational health and safety regulations that apply to all workers, regardless of citizenship. Foreign laborers brought into the country were generally protected by local labor laws, a stipulation usually contained in their labor contract.

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.