

# **Trinidad and Tobago 2023 Human Rights Report**

## **Executive Summary**

There were no significant changes in the human rights situation in Trinidad and Tobago during the year.

Significant human rights issues included credible reports of: arbitrary or unlawful killings; refoulement of refugees; serious government corruption; trafficking in persons, including forced labor; and laws criminalizing consensual same-sex conduct between adults, although not enforced.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

## **Section 1. Respect for the Integrity of the Person**

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

There were reports that police and defense force personnel committed arbitrary or unlawful killings during the year.

In January, a man was kidnapped and killed by four men dressed in tactical police uniforms who were using a vehicle registered to a law enforcement agency. Three members of the Trinidad and Tobago Defense Force Personal

Protection Detail were arrested later that month and charged with murder, kidnapping, and aggravated assault.

## **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, and Other Related Abuses**

The law prohibited such practices, but there were reports that police and prison guards sometimes used excessive force against detainees and prisoners.

Despite government steps to punish security force members and other officials charged with unlawful 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 facilities were harsh due to overcrowding and inadequate sanitation.

**Abusive Physical Conditions:** Gross overcrowding was a problem. Prisons had inadequate lighting, poor ventilation, and inadequate sanitation.

Conditions at the women's prison were better than in other prisons but were still inadequate.

**Administration:** Authorities investigated and prosecuted credible allegations of mistreatment.

**Independent Monitoring:** The government permitted occasional monitoring of prisons and other detention centers by UN officials and independent human rights organizations. The government did not generally permit outside observers to monitor the immigration detention centers in Arima and at the heliport facility in Chaguaramas but allowed one inspection team in the reporting period.

## **d. Arbitrary Arrest or Detention**

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

### **Arrest Procedures and Treatment of Detainees**

Police needed a warrant issued or authorized by a magistrate to arrest a person. Police did not need a warrant if an officer witnessed the commission of an offense. Detainees had to be charged and appear in court within 48 hours, and the government respected this standard. There was a functioning bail system, and bail was ordinarily available for those accused

of most crimes. Persons accused of murder, treason, piracy, trafficking in persons, kidnapping for ransom, or hijacking, as well as persons convicted twice of violent crimes, were ordinarily ineligible for bail for 120 days.

Authorities granted detainees immediate access to a lawyer.

The minister of national security could authorize preventive detention to protect public safety, public order, or national defense. The minister was required to state the grounds for the detention.

**Arbitrary Arrest:** The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

In June, courts ordered the government to pay journalist Akile Simon 150,000 Trinidad and Tobago dollars (\$22,300) in compensation for his arrest while filming a crime scene in 2018. He was detained for 12 hours before being released on bond and made several court appearances before his case was discontinued.

Courts ordered the government to pay attorney Kareem Marcelle and his two brothers 618,000 Trinidad and Tobago dollars (\$91,900) for their wrongful arrest during a raid of their home in 2018 using an arrest warrant that was maliciously procured.

**Pretrial Detention:** Lengthy pretrial detention was a problem. Pretrial

detainees constituted approximately 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 and limited use of plea bargaining. The law required 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 provided for an independent judiciary, and the government generally respected judicial independence and impartiality.

### **Trial Procedures**

The law provided for the right to a fair and public trial, and the judiciary generally enforced this right.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **f. Transnational Repression**

Not applicable.

## **g. Property Seizure and Restitution**

Not applicable.

## **h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

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

# **Section 2. Respect for Civil Liberties**

## **a. Freedom of Expression, Including for Members of the Press and Other Media**

The law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press combined with a functioning democratic political system to promote freedom of expression.

Some nongovernmental organizations (NGOs) criticized the government's use of the antiquated Sedition Act to limit freedom of expression.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content.

## **b. Freedoms of Peaceful Assembly and Association**

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

## **c. Freedom of Religion**

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

## **d. Freedom of Movement and the Right to Leave the Country**

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

## **e. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection to refugees, returning refugees, or asylum seekers, as well as

other persons of concern.

**Access to Asylum:** The law did not provide for granting asylum or refugee status, and the government had not established a system for providing protection to refugees. The government allowed UNHCR to conduct refugee status determinations. A positive determination by UNHCR, however, did not confer recognition by the government of an individual as a refugee, protect them – including those granted status in third countries – from deportation in some cases, or otherwise affect the person’s legal status in the country.

Access to asylum remained a significant problem for detained individuals, since there were no formal procedures to register those who sought asylum. The International Committee of the Red Cross, the domestic NGO Living Water Community, and UNHCR did not have regular access to immigration detention centers to register asylum seekers or screen for other needs, including in one case involving credible allegations of human trafficking.

**Refoulement:** Various international agencies and NGOs reported individuals adjudicated by UNHCR as having refugee status or having cases in process continued to be grouped with irregular migrants and deported.

In July, a High Court ruling held that any refugee, migrant, or asylum seeker – including those registered with UNHCR – could be deported for any infringement of the law.



In July, a UNHCR-recognized Venezuelan refugee approved for resettlement in another country was arrested with 200 other migrants and held in custody for a month. The individual claimed to have been forced to sign deportation papers under threat of imprisonment despite his claim that he possessed a valid registration permit and had no criminal activity.

**Abuse of Refugees and Asylum Seekers:** Media and NGOs reported allegations of lengthy and arbitrary detentions and sexual exploitation and abuse, including human trafficking, by authorities at the Chaguaramas heliport detention facility.

**Access to Basic Services:** Refugee children had no access to public education because by law they did not qualify for the required student permit.

**Temporary Protection:** In January, the Ministry of National Security extended the temporary work permits originally granted to approximately 16,500 Venezuelans in 2019. Some individuals, however, reported they were given deportation orders when they attempted to renew their permits.

## **Section 3. Freedom to Participate in the Political Process**

The law provided 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

**Abuses or Irregularities in Recent Elections:** National elections were widely reported to be fair and free of abuses and irregularities.

## Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, but the government did not effectively implement the law. There were numerous credible reports of government corruption during the year.

**Corruption:** Corruption was a problem at many levels of government and at many stages of the procurement process. There were reports of opaque public procurement processes. Lack of oversight for public service contracts allegedly allowed for gang leaders to personally profit from government contracts. Statutes governing conflicts of interest were rarely enforced, making nepotism and corruption commonplace. There were reports of government ministries and public companies manipulating or bypassing established procurement procedures to favor specific vendors unfairly. In April, the Public Procurement and Disposal of Public Property Act of 2015 entered into effect; it aimed to reduce opportunities for corruption in public procurement. During the year, it was not possible to discern the effects of this law on official corruption.

NGOs reported widespread corruption by immigration, police, customs, and Coast Guard officials. Government officials acknowledged cases of corrupt officials with direct involvement in human trafficking.

For additional information regarding corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights**

Several domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were sometimes cooperative and responsive to the requests of these groups.

**Government Human Rights Bodies:** The Office of the Ombudsman investigated citizens' complaints concerning the administrative decisions of government agencies. Where there was evidence of a breach of duty, misconduct, or criminal offense, the ombudsperson could refer the matter to the appropriate authority. The ombudsperson had a quasi-autonomous status within the government and published 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. Observers believed the office was independent and effective.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Rape of women or men, including spousal rape, domestic or intimate partner rape, and other forms of domestic and sexual violence, as well as so-called corrective rape of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons, was illegal and punishable by up to life imprisonment. The government generally enforced the law, but courts often imposed considerably shorter sentences in cases of spousal rape. The law criminalized domestic violence and provided for protection orders separating perpetrators of domestic violence, including abusive spouses and common-law partners, from their victims. Victims reported incidents but often said police trivialized the matter.

Domestic violence and rape were serious and pervasive problems. Survivors 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's Victim and Witness Support Unit encouraged reporting of rape and domestic violence, especially in cases involving children.

**Other Forms of Gender-based Violence or Harassment:** The law did not criminalize sexual harassment. The Equal Opportunity Commission could provide legal remedy when sexual harassment constituted “indecent assault,” sexual discrimination, or general harassment of a person.

**Discrimination:** The law provided the same legal status and rights for women and men, and the government effectively enforced the law. No law mandated equal pay for equal work between men and women. Women’s pay lagged men’s pay, especially in the private sector. Married women were required to produce all marriage certificates to verify name changes, while married men were not required to do so. Additionally, men and women filing for divorce had different filing requirements.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Barriers to access contraception included cost, availability, locality, and parental consent for children. The law set the age of sexual consent and marriage at 18 and carried mandatory reporting requirements for health-care providers and parents. The reporting requirements, intended to prevent abuse, had the unintended effect of dissuading children from seeking (and health-care providers from facilitating) sexual and reproductive health-care services.

The government reported that through the Ministry of Health and its

network of health facilities, survivors of sexual violence and rape had access to emergency care, postexposure prophylaxis, and emergency contraception.

The government provided free prenatal health care to all pregnant women, including Venezuelan refugees and migrants, at public health facilities. There were, however, reports of limited access to these services for Venezuelan refugees, migrants, and other noncitizens, in part due to language barriers.

## **Systemic Racial or Ethnic Violence and Discrimination**

The law prohibited discrimination based on race, ethnicity, or origin. The government generally enforced the law effectively, investigating and addressing racial or ethnic discrimination practices.

## **Children**

**Birth Registration:** Registration was required to access public services.

There were frequent reports that refugees and migrants had difficulties obtaining birth registrations when they could not present requisite identification documents to authorities.

**Education:** Irregular migrant and refugee children were not allowed to attend public or private schools.

**Child Abuse:** The law prohibited abuse of children. The government enforced the law effectively. According to reports from the Children's Authority, however, abuse of children in their own homes or in institutional settings was a serious problem, particularly for girls. Penalties for child abuse could include a moderate fine, two years' imprisonment, or both. Observers noted that cases meeting the definition of trafficking in persons, and thus warranting higher sentences, were sometimes characterized simply as abuse.

A 2021 report by a cabinet-appointed team noted allegations of sexual and physical abuse, overcrowding, and poorly maintained facilities for children. The report revealed that migrant children were also abused at many of the facilities where they were held. The report noted the Children's Authority failed to meet its mandate as required by law.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage was 18. The government enforced the law effectively.

**Sexual Exploitation of Children:** The law prohibited the sale, grooming, or use of children for commercial sexual exploitation, including sex trafficking, and practices related to child pornography. NGOs reported cases of child sex tourism. The age of sexual consent was 18. The age of consent for "sexual touching" was 16. The government enforced the law effectively.

## Antisemitism

There were fewer than 100 Jewish persons in the country. After the Hamas attack in Israel in October, Manwar Ali of the Islamic Missionaries Guild and others led a series of small rallies and accused “the Jewish-controlled media” of covering up “a genocide.” A group calling itself the Concerned Muslims of Trinidad and Tobago called for severing ties with Israel and, among other things, to “free Palestine” and remove the Star of David from the symbol of the police services, where it was featured prominently.

For further information on incidents of antisemitism, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, please see the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## Trafficking in Persons

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

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



## Sex Characteristics

**Criminalization:** The law criminalized consensual same-sex sexual conduct between adults, but the government did not actively enforce the law.

The law decriminalized sexual exploitation between children who were close in age but specifically retained language criminalizing the same activity among same-sex children.

**Violence and Harassment:** There were no reports of government or nonstate violence specifically targeted against LGBTQI+ individuals.

**Discrimination:** The law did not specifically prohibit discrimination against LGBTQI+ persons. International LGBTQI+ experts believed several laws perpetuated discrimination against LGBTQI+ persons, including the Cinematograph Act, Sedition Act, Hotel Proprietors Act, and Immigration Act.

There were reports of discrimination against LGBTQI+ persons, but victims tended to avoid media attention due to stigmatization. The law did not recognize LGBTQI+ couples and their families and did not grant them rights equal to rights of other persons.

**Availability of Legal Gender Recognition:** There was no legal method by which individuals could update their gender markers on identity documents.

**Involuntary or Coercive Medical or Psychological Practices:** The law did not

prohibit so-called conversion or reparative therapy practices intended to change a person's sexual orientation. There were no reports of widespread use of so-called conversion therapy practices. There were no reports of medically unnecessary and irreversible "normalization" surgeries performed on children or nonconsenting adult intersex persons.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

There were no restrictions on freedom of expression, association, or peaceful assembly related to LGBTQI+ matters.

**Persons with Disabilities**

Persons with disabilities faced discrimination, stigma, and denial of opportunities, including lack of access to employment, education, and civic participation. The law prohibited discrimination based on disability but did not mandate equal access for persons with disabilities. The law did not require providing access to buildings and transportation to persons with disabilities, nor did it require that information and forms be available in accessible formats.

Public schools did not have sufficient resources to support the needs of children with disabilities. The law stated the compulsory school age was five to 16. Schooling was compulsory at the primary level but not at the high school level. Students at the high school level with disabilities were often required to seek private education.

## **Other Societal Violence or Discrimination**

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.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provided 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.

The law's definition of a worker excluded publicly appointed or elected officers in government; members of the defense force, police, fire, and prison services; educators; managers; members of the Central Bank; apprentices; and domestic workers (house cleaners, chauffeurs, handymen, and gardeners).

Domestic workers had an established trade union that advocated for their rights. A broad range of civil servants, including public servants and teachers were members of unions such as the Public Services Association and Trinidad Teachers Unified Teachers' Association. Unions were required

to be officially registered, and penalties could be applied to officers of unions that did not have official registration. Unions were precluded by law from engaging in political activities, and the government could unilaterally deregister a union under a variety of conditions.

The law prohibited employers from discriminating against workers due to union membership. The law mandated reinstatement of workers illegally dismissed for union activities. Penalties for breaking these laws were commensurate with penalties for other laws involving denials of civil rights, such as discrimination. The government effectively enforced these laws, and penalties were sometimes applied against violators.

By law, only officially registered unions could engage in collective bargaining. Unions had to demonstrate the support of an absolute majority of workers to be certified as a recognized majority union and engage in bargaining. Observers noted this requirement limited the right of collective bargaining.

Collective agreement negotiations were subject to mandatory mediation and had to cover a minimum of three years and no more than five years, making it almost impossible for such agreements to include workers who were on short-term contracts. The requirement that all negotiations go through the government's chief personnel officer rather than through the individual government agency or government-owned industry 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.

There were significant impediments to exercising the right to strike. Strikes had to have prior authorization, which required the ministry to certify that a dispute was unresolved. Authorities could prohibit strikes at the request of one party unless the strike was called by a union representing a majority of the workers. Strikes regarding political issues and sympathy or solidarity strikes were considered unlawful. Employees providing a broad range of public services, including police, fire, prison, teaching, central bank, public health, public utilities, communication services, public transport, civil aviation, and meteorological services, did not have the right to strike. These employees were referred to a special tribunal in the Industrial Court to resolve labor disputes. The minister of labor could petition the court to curtail any strike the minister deemed harmful to national interests.

## **b. Prohibition of Forced or Compulsory Labor**

See the Department of State's annual *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 prohibited all of the worst forms of child labor. The law provided

for a minimum age of employment of 16, which applied to all sectors. Children ages 14 to 16 were allowed to work in activities in which only family members were employed or that the Minister of Education approved as vocational or technical training. There was no separate minimum age for working in hazardous activities. The government enforced the applicable laws, and penalties were commensurate with similar labor violations. Penalties were sometimes applied to violators.

#### **d. Discrimination (see section 6)**

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law provided for a national minimum wage that covered all sectors. The minimum wage was greater than the official poverty income level. The law established a 40-hour workweek, a daily period for lunch or rest, and premium pay for overtime. The law did not prohibit excessive or compulsory overtime. The law provided for paid leave, with the amount of leave varying according to length of service.

**Occupational Safety and Health:** Occupational safety and health (OSH) standards were appropriate for the main industries in the country. Responsibility for identifying unsafe situations remained with OSH experts and not the worker. The government proactively identified unsafe conditions. The law gave workers the right to remove themselves from situations that endangered health or safety without jeopardy to their

employment; authorities generally protected this right.

**Wage, Hour, and OSH Enforcement:** The government effectively enforced minimum wage, overtime, and OSH laws. The Ministry of Labour was responsible for enforcing labor laws related to minimum wage and acceptable conditions of work.

Penalties for wage, overtime, and OSH violations were less than penalties for similar violations such as negligence. Penalties were regularly applied against violators. There were insufficient labor inspectors to enforce compliance. Inspectors were able to make unannounced inspections and initiate sanctions.

In 2017, the Inter-American Development Bank estimated the informal sector was 26-33 percent of the workforce. The government enforced labor laws in this sector.