

TRINIDAD & TOBAGO UPR CIVIL SOCIETY RECOMMENDATIONS*

Trinidad & Tobago civil society stakeholders jointly urge UN member states to advance 15 priority recommendations at the State's 10 May 2016 second-cycle Universal Periodic Review

Institutional Mechanisms

Human rights accountability measures are weak, UPR first-cycle follow-through was ineffectual, anti-discrimination legislation is exclusionary, and rightsbearers are effectively denied access to most supranational adjudication mechanisms that would backstop weaknesses in national institutions.

1. **Human Rights Education.** Urge Trinidad & Tobago to fulfil its voluntary undertaking, during the first cycle of the UPR, to implement a nationwide human rights awareness campaign using effective mechanisms that reach the widest demographic (A/HRC/19/7, para. 32); and to ensure that such a campaign addresses rights of persons with disabilities, women, and children; the right to non-discrimination; rights of ethnic, sexual and religious minorities; and prevention of school bullying.
2. **Human Rights Oversight, NHRI, NMRF.** Encourage the State to guarantee to rights holders within its jurisdiction the safeguards of human rights oversight mechanisms by:
 - a) taking steps to endow new or existing institutions (e.g. the Equal Opportunity Commission, or the Office of the Ombudsman) with the legislative framework, financial resources and guarantees of independence, compliant with the Paris Principles;
 - b) establishing a National Mechanism for Human Rights Reporting & Followup
 - c) (re)acceding to optional protocols of the ICCPR, ICESCR, CEDAW, CRPD and CRC(IC);
 - d) re-ratifying the American Convention on Human Rights, and acceding to the contentious jurisdiction of the Inter-American Court on Human Rights; and
 - e) re-establishing independent parliamentary oversight over human rights.
3. **Equal Opportunity Act.** Encourage the Government of Trinidad & Tobago to adopt the recommendations of the Equal Opportunity Commission to amend the Equal Opportunity legislation to protect age, HIV status and sexual orientation from discrimination; and to review the inclusion of parental status and gender identity in such legislation.

Disability Rights

The 2015 milestone of CRPD ratification now requires significant technical cooperation, commitment of resources, the inclusion and leadership of people with disabilities, setting priorities and benchmarks, to ensure state accountability for its Convention obligations. These include removing built environment barriers, revising lunacy and other legislation, realizing mainstreaming, and effecting shifts in culture.

4. **CRPD Implementation.** Commend Trinidad & Tobago on its ratification of the Convention on the Rights of Persons with Disabilities. Additionally, urge the State to expand the number, range and

*These recommendations are drawn from and supported by UPR stakeholder submissions to UN OHCHR by seven diverse domestic and regional NGOs: **Living Water Community** (a Catholic social ministry and UNHCR implementing partner for two decades that provides protection to vulnerable migrants); **Squeaky Wheels** (an awareness advocacy initiative on everyday disability issues); and jointly **CAISO** (a sex/gender diversity nation-building group), **Caribbean Forum for Liberation & Acceptance of Genders & Sexualities** (a regional coalition of LGBTI NGOs), **Family Planning Association of Trinidad & Tobago** (a provider and advocate for sexual and reproductive health and rights), **Friends for Life** (a pioneering collective for working-class GMT), and **Silver Lining Foundation** (a youth organization focused on bullying, discrimination, suicide and sexual diversity). The **Association of Civil Society Organizations of Trinidad & Tobago**, **Caribbean Centre for Human Rights** and **Women's Institute for Alternative Development** are also partners in the process. All submissions are available at: <http://tiny.cc/uprptt>. 25 March 2016.

gender of persons with disabilities serving in decision-making roles on the oversight committee responsible for implementation of the Convention, and encourage the State to share the number and roles of such additional persons during the adoption of the UPR report.

Urge the State to adopt a functional budget and timeline for the implementation of CRPD, and encourage the State to share these during the adoption of the UPR report.

5. **Built Environment Standards.** Offer technical support to Trinidad & Tobago in drafting and promulgating disability accessibility standards for new public accommodations, including sidewalks; and invite the State to report on progress on these at the next UPR.
6. **International Classification on Functioning.** Endorse the use of ICF as an effective planning tool, encourage its adoption by the State and its National Statistical Institute-in-development, and invite the State to share its implementation plans, including budget and timeline.
7. **Mainstreaming:** Highlight the impact mainstreaming has in assisting states achieve CRPD obligations at minimal cost. Encourage the State to mainstream disability issues by including in its Cabinet Note Proforma a clause with the heading 'Disability Impact'. Offer technical support.

Sexual Rights

By supporting CARICOM's bloc approach to international negotiation of gender, reproductive and sexual rights norms (which pegs each member state's development to the lowest ambition of any of its peers), Trinidad & Tobago fails to fulfil its obligation to guarantee its citizens the highest attainable standard of health and to progressive realization of ESC rights. Political leaders repeatedly declare that fulfilment of sexual and reproductive rights is subject to the will of the majority. Adolescent pregnancy rates remain unacceptably high. Maternal mortality has risen. Sexually active adolescents' access to reproductive health services and access by women living in poverty to abortion at public facilities are unduly restrictive. Sexuality education is poorly implemented. Sweeping child protection legislation enacted since the first-cycle review failed to outlaw child marriage and entrenched their spouses' immunity from sexual offences. It also increased criminal penalties for children's same-sex exploration to life imprisonment, explicitly withholding decriminalization provisions it extends when sexual conduct between minors is non-coercive and they are close in age and opposite in sex. A first-cycle UPR promise to enact a gender policy (A/HRC/19/7/Add.1, para. 15) has gone unfulfilled; and a state authority's recommendation to legislate protection against discrimination based on HIV (A/HRC/19/7, para 8; A/HRC/19/2, para. 479) and sexual orientation remains unaddressed.

8. **Child, Early & Forced Marriage.** Draw the State's attention to Human Rights Council resolutions 29/8 of 2 July 2015 and 24/23 of 27 September 2013 *Strengthening efforts to prevent and eliminate child, early and forced marriage*; and General Assembly resolution 69/156 of 18 December 2014 *Child, early and forced marriage*. Urge the State to urgently make 18 years the universal age for marriage, express strong concern that statute law allows girls as young as 12 to be married by their parents and exempts minors' spouses from sexual offences, and urge the state to repeal the legislation forthwith.
9. **Sexual Education/Health Access.** Urge the State to take urgent and concrete measures to improve sexual and reproductive health and decrease unwanted pregnancy by ensuring that:
 - a) comprehensive sexuality education is available to all young people at the appropriate age, as well as to their parents, in both school and community settings;
 - b) reproductive health services are accessible to all adults and sexually active minors; and
 - c) gender-specific benchmarks for sexual and reproductive health are established and monitored.
10. **Fulfilment of Rights of LGBTI Persons.** Call the State's attention to its support for Recommendations 86.10 and 86.23 during the first cycle. Make offers of technical cooperation and political dialogue to Trinidad & Tobago to strengthen its political will to recognize and fulfil the rights of LGBTI persons (A/HRC/19/7/Add.1, para. 24), and to build state capacity to develop policy and programmatic responses to the needs of LGBTI members of the national community.

- 11. Decriminalization.** Propose that Trinidad & Tobago give force to the State’s declaration during the first cycle of the UPR that laws criminalizing same sex activity are not enforced (A/HRC/19/7, para. 71):
- a) by instituting a formal and immediate moratorium by the public prosecutor of such prosecutions of consensual adult activity;
 - b) by repealing paragraphs 20(1)(c), 20(2)(c) and 20(3)(c) of the Children Act, 2012 (which went into force on 18 May 2015) which criminalize non-coercive sexual exploration between minors of the same sex with life imprisonment; and
 - c) by ensuring anal rape is prosecuted under sections 4/4A of the Sexual Offences Act, Chap. 11:28, as the State indicated the law was amended in 2000 to allow (A/HRC/19/7/Add.1, para. 27), and use of section 13 to obtain “buggery” convictions, without proving lack of consent, ceases.

Migrant Rights

Trinidad & Tobago’s migration system is characterized by lengthy administrative delays, criminalization of illegal entry, substandard detention conditions, costly deportation, complaints of ill-treatment and nationality-based discrimination, confinement of persons in need of international protection in general prisons without proper access to advocates, and high suspicion of corruption among national security forces that inhibits reporting and prosecution of trafficking. Ineffective migration regulation, an antiquated Immigration Act, no domestic legislation to give effect to Refugee Convention obligations, and lack of accession to conventions on statelessness and torture leave numerous protection gaps.

- 12. Migrant Rights.** Strongly encourage the State to take the following measures to ensure its treatment of migrants, irrespective of status, adheres to international human rights norms:
- a) reform the Immigration Act, Chap. 18:01 to ensure that it is rights-based and protects the dignity of migrants, with particular emphasis on vulnerable groups such as LGBTI persons, children and the family unit, pregnant, lactating and single women, elderly and disabled persons;
 - b) establish an overarching migration regulation unit to gather, analyze and report data, monitor and enforce migrant rights and liaise with stakeholders, and reconvene the National Consultative Committee on Migration and other mechanisms for civil society partnership.
 - c) undertake a comprehensive review and independent monitoring of the Immigration Detention Centre, in partnership with civil society and complete a National Plan of Action on Migration Detention, including community and other measures deliberated during the UNHCR Global Roundtable on Reception & Alternatives to Detention; and
- 13. Asylum & Refugee Rights.** Welcome the establishment of a National Policy to Address Refugee & Asylum Matters (‘Refugee Policy’) (A/HRC/19/7/Add.1, para. 29), and call upon the State to further guarantee the rights of asylum-seekers and refugees, as follows:
- a) enact domestic legislation, drafted in a participatory fashion, to fulfil international standards;
 - b) continue to implement the Refugee Policy, and immediately granting refugees the right to work and access to avenues to pursue naturalisation;
 - c) facilitate public education to increase social acceptance, advance local integration and strengthen support for refugees;
 - d) train immigration and police officers and ensuring protection-sensitive sea and border procedures to detect and refer persons in need of international protection.
- 14. Countering Statelessness.** Urge the State to ratify the 1961 Convention on the Reduction of Statelessness, and to identify protection gaps in domestic legislation.
- 15. Trafficking in Persons & Torture.** Call upon the State to ratify the Convention Against Torture and its Optional Protocol, and urge the State to bolster public trust in its Counter Trafficking Unit through public awareness campaigns, strengthened partnerships with all stakeholders, and support for complementary civil society roles in victim identification, care and assistance.