

# TRINIDAD AND TOBAGO 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Republic of Trinidad and Tobago is a parliamentary democracy governed by a prime minister and a bicameral legislature. The island of Tobago's House of Assembly has some administrative autonomy over local matters. In elections in 2015, which observers considered generally free and fair, the opposition People's National Movement, led by Keith Rowley, defeated the ruling People's Partnership, led by Kamla Persad-Bissessar.

Civilian authorities maintained effective control over the security forces.

Human rights issues included refoulement of refugees and corruption.

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

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

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

There were no reports that the government or its agents committed arbitrary or unlawful killings. According to official figures, police shot and killed 28 persons through October 9, compared with 46 in 2017. There were occasional discrepancies between the official reporting of shooting incidents and the claims made by witnesses regarding who fired the first shot and whether the officers fired in self-defense. Police investigated all police shooting deaths.

#### **b. Disappearance**

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

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

Although the law prohibits such practices, there were some reports that police officers and prison guards sometimes mistreated individuals under arrest or in detention.

Officials from the Police Complaints Authority (PCA), a civilian oversight body that investigates complaints about the conduct of police officers, reported receiving few cases of cruel and inhuman treatment.

### **Prison and Detention Center Conditions**

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

Physical Conditions: Convicted inmates constituted approximately 37 percent of the country's prison population, while the others were in pretrial status, according to figures from 2017, the most recent data available. Most prisons suffered from extreme overcrowding, although the maximum-security prison was not at full capacity. Observers noted the Port of Spain Prison, the remand prison, and the immigration detention center had particularly poor conditions and severe overcrowding, with as many as nine prisoners kept in cells of 80 square feet. The Port of Spain Prison, designed to hold 250 inmates, held 595, and the remand prison, designed to hold 655 inmates, held 1,049, according to figures from 2016, the most recent data available. By contrast, the maximum-security prison held inmates in three-person cells, each with a toilet and shower.

The remand section of the Port of Spain Prison had particularly poor lighting, ventilation, and sanitation facilities.

Although conditions at the women's prison were better than those in the Port of Spain Prison, the women's facility occasionally became overcrowded, since it held both women on remand and those serving prison sentences. The daily average female prison population was 109 in facilities with a maximum capacity of 158, according to figures from 2017. Since there was no female youth facility, authorities placed some underage female prisoners in a segregated wing of the women's prison and returned others to their families. Observers raised concerns the prison held young girls who had not committed any offense but were merely in state custody.

The government also operated the Immigration Detention Center (IDC) to house irregular immigrants waiting to be deported. The average length of detention was

one week to two months, depending on the speed with which the government secured public funding for deportation, as well as transit passports and visas. In some cases detention lasted more than four years. Observers reported the men's section continued to be overcrowded.

In June a group of Cubans, Venezuelans, and Africans held at the IDC staged two protests against the conditions of the detention center and length of their stay in the facility. Some of those protesting had been at the IDC for more than one year, even after requesting repatriation.

Administration: Authorities generally conducted proper investigations of credible allegations of mistreatment.

Independent Monitoring: The government did not permit outside observers, such as the United Nations, International Committee of the Red Cross, or other nongovernmental organizations (NGOs), free access to conduct monitoring visits or interviews in the IDC. Other than the IDC, the government permitted regular and open prison visits by UN officials and independent human rights observers upon approval of the Ministry of National Security. These observers enjoyed a reasonable degree of independence.

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

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements. Reports of abuses by police remained under investigation at year's end.

In May the government passed an updated version of the Anti-Gang Act, which bans membership in criminal gangs and gang-related activities and permits authorities to hold suspects detained under the law without a warrant for up to 14 days, subject to a court order authorizing the detention. The opposition party raised human rights concerns; however, the government rarely relied upon measures contained in the act.

#### **Role of the Police and Security Apparatus**

The Ministry of National Security oversees three major divisions--the police service, immigration division, and defense force. The police service maintains internal security, while the defense force, which includes the coast guard, is

responsible for external security but also has certain domestic security responsibilities. The coast guard is the main authority responsible for border security along the coastlines where there are no official ports of entry. The Customs and Excise Division and the Immigration Division are responsible for security at the ports. Members of the defense force often joined police officers in patrolling high-crime neighborhoods but do not have arrest authority (apart from the coast guard, which can arrest in territorial waters and the Southern Caribbean).

The independent Police Service Commission (PSC), in consultation with the prime minister, appoints a commissioner of police to oversee the police force. In August the PSC appointed former minister of national security Gary Griffith as the new commissioner of police. The PSC also makes hiring and firing decisions in the police service, and the Ministry of National Security typically has little direct influence over changes in senior positions. The PSC has the power to dismiss police officers, the commissioner of police can suspend officers, and the police service handles the prosecution of officers. Municipal police, under the jurisdiction of 14 regional administrative bodies, supplement the national police force. Public confidence in police was very low because of high crime rates and perceived corruption.

The PCA investigates complaints about the conduct of police officers, including fatal police shootings; however, it received insufficient funding and had limited investigative authority. By law the PCA is free from the direction or control of any other person in the performance of its functions. The PCA had 25 investigators, and from October 2017 through August 27, the unit received 373 complaints, 300 of which were pending as of November. Through investigations by the PCA and other bodies, authorities charged police officers with a number of offenses, including attempted murder and corruption. The Police Professional Standards Unit and the Police Complaints Division, both nonindependent bodies within the police service, also investigated complaints against police.

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

A police officer may arrest a person based on a warrant issued or authorized by a magistrate, or without a warrant if the officer witnesses the commission of an offense. Detainees, as well as those summoned to appear before a magistrate, must appear in court within 48 hours. In cases 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. Authorities granted detainees immediate access to

a lawyer and to family members. Attorneys representing individual clients in the IDC also generally were allowed to visit them in the center.

Ordinarily, bail was available for 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 up to 120 days following the charge, but a judge may grant bail to such persons under exceptional circumstances. When authorities denied bail, 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 to preclude actions prejudicial to public safety, public order, or national defense, in which case the minister must state the grounds for the detention.

Arbitrary Arrest: Instances of false arrest, although infrequent, were reported. Victims may pursue legal redress and the right to a fair trial through an independent judiciary.

Pretrial Detention: Lengthy pretrial detention resulting from heavy court backlogs and inefficiencies in the judicial system continued to be a problem. Pretrial detainees or remand prisoners represented more than half the prison population. Most persons under indictment waited seven to 10 years for their trial dates in the High Court, although some waited much longer. Officials cited several reasons for the backlog, including an understaffed prosecutorial office, a shortage of defense attorneys for indigent persons, and the burden of the preliminary inquiry process. Additionally, the law requires anyone charged and detained to appear in person for a hearing before a magistrate's court every 10 days, if only to have the case postponed for an additional 10 days, resulting in further inefficiency.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality. Although the judicial process was generally fair, it was slow due to backlogs and inefficiencies. Prosecutors and judges stated that witness and jury intimidation remained a problem.

#### **Trial Procedures**

The law provides all defendants with the right to a fair and public trial, and an independent judiciary generally enforced this right. Magistrates try both minor and more serious offenses, but in the latter cases, the magistrate must conduct a preliminary inquiry. Defendants have the right to be present, to be presumed innocent until proven guilty, and to appeal. Authorities inform them promptly and in detail of all charges. Defendants have the right to consult with an attorney in a timely manner and have adequate time and facilities to prepare a defense. Authorities provide an attorney 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 adverse witnesses and present witnesses and evidence on their own behalf. Defendants may not be compelled to testify or confess guilt. The government provides free foreign language interpreters as well as sign-language interpreters as necessary in court 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.

### **Civil Judicial Procedures and Remedies**

Individuals or organizations are free to file lawsuits against civil breaches of human rights 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, and award damages to aggrieved parties. Court cases may be appealed to the Inter-American Commission on Human Rights.

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

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

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Violence and Harassment: In contrast with 2017, there were no credible reports of journalists subjected to violence, harassment, or intimidation due to their reporting.

### **Internet Freedom**

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

According to the International Telecommunication Union, 77 percent of citizens used the internet in 2017.

### **Academic Freedom and Cultural Events**

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

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

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

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government forced some asylum seekers to return to their home country.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons and other persons of concern under its mandate; however, this cooperation was considerably strained in numerous cases. Refugees and asylum seekers were often the subjects of immigration enforcement actions and deportations, affecting their freedom of movement.

### **Protection of Refugees**

Refoulement: On April 21, the government deported 82 Venezuelans to their home country, some of whom were seeking asylum. Some of the deported asylum seekers expressed a well founded fear of Venezuelan authorities learning their identities, yet officials overseeing the deportation sought the assistance of the Venezuelan embassy during the process.

In principle, refugees are granted full protection from refoulement and detention if presented to the Immigration Division upon applying for asylum. In practice, however, the lack of adequate legal protection meant that valid, registered refugees and asylum seekers were often arrested and detained on immigration charges.

Access to Asylum: In the absence of national refugee legislation, UNHCR registered all asylum seekers, conducted refugee status determinations on behalf of the government, and attempted to promote durable solutions for all refugees recognized under UNHCR's mandate.

The law does not provide for any exemption or nonpenalization of irregular entry or stay of asylum seekers or refugees, although the government adopted a refugee policy in June. Persons who expressed a need for international protection could be subject to detention if they entered via irregular ways or exceeded their permitted length of stay without having presented themselves voluntarily to the authorities.

The Living Water Community (LWC), a local Roman Catholic NGO and UNHCR's operational partner, was the first point of contact for persons in need of international protection. It provided reception services, orientation, and counseling, and it notified the Ministry of National Security's Immigration Division of the respective asylum applications. In coordination with UNHCR, the LWC engaged in case management and provided psychosocial care and



humanitarian assistance, including cash, housing assistance, and legal aid, among other services.

The Ministry of National Security's Immigration Division authorized the stay of asylum seekers and refugees through the issuance of orders of supervision. These orders provided for protection against detention or deportation. In exchange for issuing an order of supervision, however, immigration authorities often confiscated the passports of refugees and asylum seekers and retained custody of their passports until the refugees or asylum seekers provided a financial deposit equivalent to a return flight ticket to their home country. This inhibited the freedom of movement of many refugees and asylum seekers and, in many cases, effectively trapped them in a country where they were not legally allowed to work and where their access to public services was considerably hindered. Many refugees and asylum seekers experienced xenophobia and discrimination, and sexual and gender-based violence was a particular concern for women.

Employment: In the absence of implementing legislation, neither refugees nor asylum seekers were permitted to work. They were sometimes subjected to exploitation, including sexual exploitation.

Access to Basic Services: Refugee and asylum-seeking children did not have access to public education, because by law they do not qualify for the required student permit. Refugees and asylum seekers struggled to access all but emergency public-health facilities. They did not have access to identity documents and were obliged to surrender their passports to the Immigration Division to remain in the country legally.

Durable Solutions: Due to the absence of national legislation that would allow for local integration, resettlement was traditionally the only durable solution for refugees in the country, but this was difficult due to lack of available spaces. UNHCR, the LWC, and the International Organization for Migration continued to collaborate on the identification, submission, and transfer of refugees in need of resettlement.

Some refugees and asylum seekers abandoned their claims and left the country due to the lengthy processing time and lack of rights, particularly the right to work. Many also feared harassment and discrimination.

The government also collaborated with UNHCR to facilitate the resettlement of a few refugees to smaller Caribbean islands by allowing them to stay temporarily in

the country to complete the formalities required for resettlement and then directly travel to their new asylum country.

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

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

#### **Elections and Political Participation**

Recent Elections: In 2015 elections the opposition People's National Movement (PNM), led by Keith Rowley, defeated the ruling People's Partnership (PP), led by Kamla Persad-Bissessar, winning 23 parliamentary seats to the PP's 18 seats. Commonwealth observers considered the elections generally free and fair. During the campaign, however, observers noted the "lack of transparency and accountability regarding the financing of political parties." Many experts raised concerns that the lack of campaign finance rules gives any incumbent party an advantage.

Following the election, former prime minister Persad-Bissessar initiated a court challenge to overturn the election results. The former prime minister challenged the results in six key swing constituencies where the results were close and where the PP argued a last-minute decision by the Elections and Boundaries Commission to extend voting helped the PNM. The courts found that the commission was wrong to extend voting but that the action did not change election results.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials sometimes engaged in corrupt practices. There were reports of government corruption during the year, and the World Economic Forum and Transparency International ranked corruption as a problematic factor for doing business in the country. There were no documented instances of an individual receiving a criminal punishment for corruption.

Corruption: Corruption in police and immigration services continued to be a problem, with senior officials acknowledging that officers participated in corrupt

and illegal activities. There were allegations that some police officers had close relationships with gang leaders and that police, customs, and immigration officers often accepted bribes to facilitate drug, weapons, and human smuggling as well as human trafficking.

In September, two police officers were arrested for kidnapping and holding an innocent person for ransom. The minister of national security and commissioner of police worked quickly on the case, ensuring the safe release of the victim and arresting the suspected police officers. As of November the case was pending, but all charged officers remained incarcerated.

There were continued allegations that some ministers used their positions for personal gain.

Financial Disclosure: The law mandates that public officials disclose their assets, income, and liabilities to the Integrity Commission, which monitors, verifies, and publishes disclosures. Officials and candidates for public office were reluctant to comply with asset disclosure rules, primarily due to the perceived invasiveness of the process. The act stipulates a process when public officials fail to disclose assets and provides criminal penalties for failure to comply. The law clearly states which assets, liabilities, and interests public officials must declare.

While the commission undertook numerous investigations, it seldom referred cases to law enforcement authorities, and prosecution of those officials who refused to comply with asset disclosure rules was very limited.

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

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

Government Human Rights Bodies: The Office of the Ombudsman investigates citizens' complaints concerning the administrative decisions of government agencies. Where there is evidence of a breach of duty, misconduct, or criminal offense, the 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**

### **Women**

Rape and Domestic Violence: Rape of men or women, including spousal rape, is illegal and punishable by up to life imprisonment, but the courts often imposed considerably shorter sentences. Police channeled resources to the Victim and Witness Support Unit in an effort to encourage reporting.

The law provides for protection orders separating perpetrators of domestic violence, including abusive spouses and common-law partners, from their victims. Courts may also fine or imprison abusive spouses, but it was rarely done.

The NGO Coalition against Domestic Violence charged that police often hesitated to enforce domestic violence laws and asserted that rape and sexual abuse against women and children remained a serious and pervasive problem.

Sexual Harassment: No laws specifically prohibit sexual harassment. Related statutes could be used to prosecute perpetrators of sexual harassment, and some trade unions incorporated antiharassment provisions in their contracts.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women generally enjoyed the same legal status and rights as men. No laws or regulations require equal pay for equal work.

### **Children**

Birth Registration: Every person born in the country is a citizen at 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 requires registration of every child born alive within 42 days of birth.

Child Abuse: Child abuse cases continued to increase. During the fiscal year 2017, the Children's Authority received and investigated more than 4,200 reports

of child abuse and maltreatment. More than half (55 percent) of all cases involved female children. Neglect and sexual abuse accounted for 24 percent and 26 percent of the cases, respectively. The law prohibits both corporal punishment of children and sentencing a child to prison. According to NGOs, however, abuse of children in their own homes or in institutional settings remained a serious problem.

Early and Forced Marriage: Child marriage is illegal. The law defines a child as younger than age 18. In June 2017 parliament passed legislation changing the legal marriage age to 18. The president formally proclaimed the enactment of the Marriage Act in September 2017.

Sexual Exploitation of Children: The age of sexual consent is 18, and the age of consent for sexual touching is 16. Sexual penetration of a child is punishable by a maximum sentence of life in prison. The law creates specific offenses such as sexual grooming of a child (gaining the trust of a child, or of a person who takes care of the child, for the purpose of sexual activity with the child) and child pornography. The law prescribes penalties of 10 years' to life imprisonment for subjecting a child to prostitution.

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

### **Anti-Semitism**

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

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

Disability rights advocates were not aware of any efforts by the government to implement the Convention on the Rights of Persons with Disabilities, which it

ratified in 2015. Prior to the ratification, the law prohibited discrimination based on disability but did not mandate equal access for persons with disabilities.

Persons with disabilities faced discrimination and denial of opportunities. Such discrimination could be traced to architectural barriers, employers' reluctance to make necessary accommodations that would enable otherwise qualified job candidates to work, an absence of support services to assist students with disabilities to study, and social stigma accompanied by lowered expectations of the abilities of persons with disabilities, condescending attitudes, and disrespect.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

On September 20, the High Court issued a final ruling on the country's Sexual Offenses Act, removing an "antibuggery" law and effectively decriminalizing same-sex sexual conduct between consenting adults. High Court Judge Devindra Rampersad first ruled in April that the law was unconstitutional and expressed his intent to amend the law, which criminalized same-sex sexual conduct between consenting adults. Although the legislation was not struck out completely, the ruling provides that consenting adults will not be liable to criminal charges if engaging in consensual sexual acts. Immigration laws also bar the entry of "homosexuals" into the country, but the legislation was not enforced during the year.

The law identifying classes of persons protected from discrimination does not prohibit discrimination based on sexual orientation or gender identity. The 2012 Children Act decriminalizes sexual exploration between minors who are close in age but specifically retains language criminalizing the same activity among same-sex minors. Other laws exclude same-sex partners from their protections.

### **HIV and AIDS Social Stigma**

Stigmatization of those with HIV persisted, especially among high-risk groups, including men who have sex with men. There were reports of discrimination against this group but no clear evidence of violence. The government's HIV and AIDS Unit coordinates the national response to HIV/AIDS, and the government employed HIV/AIDS coordinators in all ministries as part of its multisector response.

## Section 7. Worker Rights

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

The law provides for the right of most workers, including those in state-owned enterprises, to form and join independent unions, bargain collectively, and conduct legal strikes, but with some limitations. Neither employers nor employees listed in essential services, such as hospital, firefighting, and external communications (telephone, telegraph, wireless) industries, have the right to strike, and walkouts can bring punishment of up to 36 months in prison and a fine of TT\$40,000 (\$6,000). These employees negotiate with the government's chief personnel officer to resolve labor disputes. The law stipulates that only strikes over unresolved labor interest disputes may take place and that authorities may prohibit strikes at the request of one party if not called by a majority union. The minister of labor may petition the court to curtail any strike he deems harmful to national interests.

The law also provides for mandatory recognition of a trade union when it represents more than 50 percent of the workers in a specified bargaining unit. The law allows unions to participate in collective bargaining, prohibits employers from dismissing or otherwise prejudicing workers due to their union membership, and mandates reinstatement of workers illegally dismissed for union activities. The government's Registration, Recognition, 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 Registrar's Office requires accounting for union funds and can audit and restrict accounts of a union on demand. The Industrial Relations Act's definition of a worker excludes domestic workers (house cleaners, chauffeurs, and gardeners), but domestic workers have an established trade union that advocates for their rights. Separate legislation governs the employment relationship between the government and its employees, including civil servants, teachers, and members of the protective services (fire, police, and prison services). The Industrial Relations Act prohibits employees in essential services from taking industrial action. The government effectively enforced applicable laws, although there was little information on specific penalties or on whether they were sufficient to deter violations.

A union must have the support of an absolute majority of workers to obtain bargaining rights. This requirement limited the right of collective bargaining. Furthermore, collective agreement negotiations are subject to mandatory mediation and must cover a minimum of three years, making it almost impossible for such

agreements to include workers on short-term contracts. According to the National Trade Union Center, the requirement that all negotiations go through the Public Sector Negotiation Committee, rather than through the individual government agency or government-owned industry, provided a further restriction that added significant delays. Some unions claimed the government undermined the collective bargaining process by pressuring the committee to offer raises of no more than 5 percent over three years.

The government enforced labor laws with effective remedies and penalties. Resources, inspections, and remediation were adequate, although some observers called for an increased number of unannounced inspections and additional industrial court judges. A union may request that the Industrial Court enforce the laws, and the court may order employers found guilty of antiunion activities or otherwise in violation of the Industrial Relations Act to reinstate workers and pay compensation or may impose other penalties, including imprisonment. There was no information on specific penalties or on whether they were sufficient to deter violations.

Authorities generally respected freedom of association and the right to collective bargaining. Authorities did not use excessive force to end strikes or protests or otherwise retaliate against workers seeking to exercise their rights.

In August the government announced its intentions to close portions of the state-owned oil company, Petrotrin, on November 30. The shutdown could affect an estimated 2,600 permanent jobs. Following the announcement the Oilfield Workers Trade Union filed an injunction in the Industrial Court to stop Petrotrin from dismissing all its workers. President of the Industrial Court Deborah Thomas-Felix granted the injunction by the union, and it was to remain in effect until the issue of the closure of Petrotrin was fully resolved in the court or if the company successfully appealed the decision.

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

The law prohibits forced and compulsory labor. Upon conviction, perpetrators of forced labor are subject to a fine of at least TT\$500,000 (\$74,600) and imprisonment for at least 15 years. Penalties were sufficient to deter violations. The Counter-Trafficking Unit, housed within the Ministry of National Security, is responsible for investigating potential forced labor cases and referring cases for prosecution.



In September a businesswoman, Radica Persad, was charged with trafficking a Bolivian man for the purpose of labor exploitation. As of November the matter was pending a decision from the magistrates' court. There were no other reports of forced labor during the year.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

There were anecdotal reports of children engaged in the worst forms of child labor in the small-scale agricultural sector and domestic service. The law sets the minimum age for employment in public and private industries at 16. Children ages 14 to 16 may work in activities in which only family members are employed or that the minister of education approved as vocational or technical training. The law prohibits children younger than age 18 from working between the hours of 10 p.m. and 5 a.m. except in a family enterprise or within other limited exceptions. There is no clear minimum age for hazardous activities.

Violation of child labor laws is punishable by six months' imprisonment or a fine of TT\$2,500 (\$375). In cases of child trafficking, including forced or exploitive child labor, perpetrators are subject to fines of TT\$ one million (\$150,000) and 20 years' imprisonment. These penalties were sufficient to deter violations.

The government was generally effective in enforcing child labor laws, and the penalties were sufficient to deter violations, but there were anecdotal reports of children working in agriculture or as domestic workers. The Ministry of Labor and Small Enterprise Development and the Ministry of the People and Social Development are responsible for enforcing child labor laws. There were 18 labor inspectors in the Labor Inspectorate Unit in 2016--compared with 10 in 2015--trained to investigate and identify cases of child labor and to identify and report on indicators relating to possible cases of forced labor involving children.

The Minister of Labor and Small Enterprise Development may designate an inspector to gather information from parents and employers regarding the employment of a person younger than age 18. The Industrial Court may issue a finding of contempt against anyone obstructing the inspectors' investigation.

The government did not have comprehensive mechanisms for receiving, investigating, and resolving child labor complaints.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings](http://www.dol.gov/ilab/reports/child-labor/findings).

#### **d. Discrimination with Respect to Employment and Occupation**

The law and regulations prohibit employment discrimination on the basis of political opinion, sexual orientation, gender identity, language, age, disability, or HIV status or other communicable disease. The government effectively enforced those laws and regulations. Discrimination in employment occurred with respect to disability, and women's pay lagged behind men's, especially in the private sector.

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

The national minimum wage was greater than the official poverty income level of TT\$665 (\$100) per month.

The law establishes a 40-hour workweek, a daily period for lunch or rest, and premium pay for overtime. The law does not prohibit excessive or compulsory overtime. The law provides for paid leave, with the amount of leave varying according to length of service. Workers in the informal economy reported wages above the national minimum wage but reported other areas of labor laws, including the number of hours worked, were not enforced. There were an estimated 30,000 domestic workers, most of whom worked as maids and nannies, not covered by labor laws.

The law sets occupational health and safety standards, which were current and appropriate for the main industries in the country. The Ministry of Labor and Small Enterprise Development was responsible for enforcing labor laws related to minimum wage and acceptable conditions of work, while the Occupational Safety and Health Agency enforced occupational health and safety regulations, which apply to all workers in the formal economy, regardless of citizenship. Local labor laws generally protected foreign laborers brought into the country, a stipulation usually contained in their labor contract. Resources, inspections, and penalties appeared adequate to deter violations. The Occupational Safety and Health Act provides a range of fines and terms of imprisonment for violations of the law, but despite these penalties, a number of violations occurred.

The Occupational Safety and Health Act provides workers the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities generally protected this right.