**OPENING STATEMENT**

**BY**

**THE GOVERNMENT OF TRINDAD AND TOBAGO ON THE OCCASION OF THE UNIVERSAL PERIODIC REVIEW,**

**MAY 10TH, 2016**

**Mr. President,**

**Excellencies,**

**Distinguished Members of the Working Group for the Universal Periodic Review,**

**Delegates,**

**Ladies and Gentlemen.**

The Republic of Trinidad and Tobago has the honour to participate in our Second Cycle Review as the Working Group for the Universal Periodic Review continues its mandate of examining the record and performance of countries with respect to the safeguarding, protection and the promotion of human rights at its twenty-fifth (25th) Session.

**Mr. President**,

Our record as a sovereign state in the area of human rights protection has been hailed by many commentators. We have been able to do so since independence in 1962 because our country has amongst its pillars, respect for and adherence to the rule of law. Flowing from these cardinal principles, our Constitution enshrines in the Bill of Rights, the fundamental rights and freedoms of our citizens. It essentially guarantees the right of any individual, who alleges that his or her fundamental rights have been infringed or are likely to be, to apply to the High Court to obtain redress**.** These rights are further protected by other laws which also give effect to obligations which stem from international commitments, be they treaties or conventions or relevant resolutions adopted by multilateral entities such as the United Nations.

**Mr. President**,

Trinidad and Tobago recognizes, however, that ensuring respect for international human rights and meeting our obligations under the international treaties to which we are party, is a continuous and complex process. Hence, Trinidad and Tobago is ready for examination of its human rights record by our peers, members of the Working Group. We wish to indicate that in preparation of the national report, we adopted a transparent and inclusive approach which involved various stakeholders including Government Ministries, other State agencies, and representatives of Civil Society. We intend to conduct additional consultations involving all of these stakeholders based on the recommendations emanating from this Review.

**Mr. President**,

As a multi-ethnic and culturally diverse society, Trinidad and Tobago is required to meet obligations which flow from the numerous international human rights conventions to which it is a State Party. Trinidad and Tobago has cultivated harmonious relations among its diverse population through mechanisms which ensure that peaceful co-existence is maintained.

**Mr. President**,

Permit me here to highlight some of the measures that Trinidad and Tobago has implemented in fulfilling its human rights obligations. The Government of Trinidad and Tobago, based on the immediate needs of the population, has prioritized human rights protection, as evidenced in the National Report. Some of these priorities are the protection of the rights of women and children, poverty reduction, improvement in the administration of justice and reducing the amount of violent crime in Trinidad and Tobago. We remain committed to raising the standard of living of persons, the enhancement of the educational system, improving the delivery of health care and providing a higher level of accessibility and support to persons with disabilities.

**Mr. President**,

Violent crime continues to increase given this country’s vulnerability to drug trafficking and other evils, including the illegal arms trade, due to its geographical location. The Government has taken steps to address these issues, for example, with the passage of various pieces of legislation such as the Trafficking in Persons Act, 2011. This Act criminalizes human trafficking and persons have been prosecuted under this Act.

The Financial Intelligence Unit is one mechanism which deals with transnationalcrimes, such as, money laundering which often result from other forms of violent criminal activity. As such, the country is compliant with international standards in relation to Anti-Money Laundering and the Counter-Financing of Terrorism through the enactment of the ***Anti-Terrorism (Amendment) Act, 2010***, as well as the ***Interception of Communication Act, 2010*** which provide for the criminalization of financing of terrorism. This legislation is further supported by the ***Proceeds of Crime Act*** and the ***Financial Obligations Regulations***. The Government is also in the process of reviewing its anti-terrorism regime to further address issues such as the financing of terrorist activity, and the phenomenon of Foreign Terrorist Fighters. Various multi-sectoral committees have been established by Cabinet to look at different aspects of terrorism so that the issue may be addressed through stronger legislative mechanisms.

**Mr. President**,

The Government continues to improve the administration of justice in an effort to reduce the backlog of cases before the Courts, specifically as it relates to the length of time that a person may be detained when accused of committing a crime before being brought before Courts. To address this issue, ***The Administration of Justice (Indictable Proceedings) Act, 2011 and The Indictable Offences (Committal Proceedings) Act, 2014*** were enacted.

The Police Complaints Authority of Trinidad and Tobago, offers a safe, independent environment in which complaints may be lodged and investigated. This service is offered free of charge as an accessible mechanism for members of the public to submit complaints against police officers and to curb the use of unnecessary force by the Police Service of Trinidad and Tobago in the conduct of their work.

The Trinidad and Tobago Police Service has also implemented the “Policing for People Initiative” to provide officers with the training required to improve the quality of policing. The aim is to change the culture of the police service in its interaction with the public in order for there to be a closer alliance between the Police Service and the public, with the concomitant effect of greater cooperation in the fight against crime.

**Mr. President**,

Section 4 (a) of the Constitution of the Republic of Trinidad and Tobago recognizes the right of the individual to life, liberty and the security of the person and the right not to be deprived thereof except by due process of law. You will recall that when we appeared before the Council in 2011, we indicated and wish to reiterate that the application of the death penalty or any other penalty is a criminal justice matter that falls within the national jurisdiction of sovereign States.

In Trinidad and Tobago, the death penalty is only applicable for crimes of murder and treason. In applying the death penalty for the most serious crimes, Trinidad and Tobago submits that it is not acting inconsistent with the provisions of Article 6 of the International Covenant on Civil and Political Rights.

It should also be recognized that before applying the death sentence, due process is carefully observed, through the imposition of several safeguards. These safeguards include commutation of the death sentence if not carried out within 5 years; appeals to the Court of Appeal and to the Judicial Committee of the Privy Council the final Court of Appeal; and the right of a prisoner to apply to the Advisory Committee on the Power of Pardon by virtue of section 89 of the Constitution.

It should be duly noted that implementation of the Death Penalty has been in abeyance since 1999 as a consequence of the decisions handed down by our highest court.

**Mr. President**,

**Prisoners**

Various policy mechanisms are in place to protect and promote the rights of prisoners. The Penal Reform and Transformation Unit was established in 2002 to review the penal system. Since then, further reforms in the criminal justice system have been implemented towards a more restorative system of justice. The Trinidad and Tobago Prison Service is guided by the Standard Minimum Rules for the Treatment of Prisoners. Strategies have also been adopted to meet the needs of imprisoned women to ensure that the mother-child relationship is maintained and to address women’s health needs especially related to pregnancy and revenue earning.

Inmates are able to benefit from the rehabilitative system. This involves religious/spiritual programmes of all faiths, psychological services, medical services, cognitive/moral programmes relating to leadership, conflict resolution, drug rehabilitation, counseling, adolescent development, self-esteem and anger management, social/sporting programmes, educational programmes ranging from academic to vocational, some of which are hosted by the prison service.

The Ministry of National Security has embarked upon the introduction and implementation of a system of Offender Management. This system seeks to establish a seamless process for offenders from the point of arrest through to the point of release. At its core, is the delivery of a managed set of interventions, sequenced and tailored to respond to the risks and needs of the individual offender.

In light of the accepted recommendation to improve the living conditions in prisons and detention centres, the ***Prison Service Act, 1965*** was amended by the ***Miscellaneous Provisions (Prisons) Act, 2014*** along with the Prison Rules to provide for, among other things, the removal of an Inspector of Prisons and the creation of an Inspectorate of Prisons and the establishment of an Appeals Tribunal in respect of disciplinary actions against prisoners. The Inspectorate is charged with the responsibility to inspect and report on the conditions in prisons, industrial institutions, the treatment of prisoners, prisoner complaints and programmes, facilities, services and opportunities available to promote the rehabilitation of prisoners and young offenders.

As a nation that continues to safeguard its democracy, the administration of justice is fundamental to democratic governance. Trinidad and Tobago has sought to treat with the accepted recommendation to reduce the case backlog and address the inefficiencies in the judicial system that contribute to lengthy pre-trial detentions and exacerbate difficult prison conditions. In September 2015, the Chief Justice of Trinidad and Tobago announced the approval of Criminal Case Management Rules that would facilitate early disclosure and disposal of preliminary issues, impose stricter timelines and also impose a positive obligation on all parties, including Judicial Officers to assist in progressing cases in accordance with the overriding objective of dealing with cases justly and expeditiously.

**Mr. President**,

**Poverty reduction and Women**

I now wish to address the social aspect of human rights promotion and protection. With specific reference to poverty reduction as it relates to women, I wish to indicate that these matters are now addressed under the Office of the Prime Minister with a Minister of State having responsibility for gender affairs. In this regard, the “Women in Harmony” Programme continues to provide financial assistance to women who head households as single parents with little or no skills and low or no income. It has been successfully operational for more than a decade.

Another initiative geared towards the enhancement of women with specific needs is the “Non-traditional Skills Training Programme for Women”. It is designed to provide specialized, technical/vocational education and training to low income women. This programme is aimed at raising the economic productivity among unskilled, unemployed women between the ages of 18 – 50 years. Since 2001, the non-traditional skills training programme for women has trained over 3000 women in non-traditional fields.

We continue to honour our obligations on the international plane as far as the safeguarding of the rights of women is concerned. Earlier this year, Trinidad and Tobago submitted to the Committee on the Elimination of All Forms of Discrimination Against Women, its Combined Fourth to Seventh Periodic Reports and is due to be reviewed by the Committee in July 2016.

**Mr. President**,

**Persons with Disabilities**

Trinidad and Tobago has also paid attention to the needs of persons with disabilities. A Disability Affairs Unit, within the Ministry Social Development and Family Services, and a National Coordinating Committee on Disability have been established. Additionally, a Draft National Policy on Persons with Disabilities and a Draft Disabilities Bill are under consideration. Broad programmes have also been developed to ensure the safety and independence of the differently-abled. The Government provides financial assistance to purchase aids and assistance devices and the Public Transport Service Corporation provides a dial-a-ride service to transport differently-abled persons to work, to school, to Government offices and to the supermarket.

Efforts have been made by the Ministry of Labour and Small Enterprise Development to promote and encourage the integration of persons with disabilities into the labour market in both the public and private sectors.

The efforts undertaken by Trinidad and Tobago in safeguarding the rights of persons with disabilities have been further crystallized with the ratification in 2015 of the United Nations Convention on the Rights of Persons with Disabilities. Work has already begun on the domestification of the provisions of this Convention in our national laws. An Inter-Ministerial Committee was established to operationalize the articles of the Convention.

In July 2015, the National Enrichment Centre for Persons with Disabilities formerly known as the National Development Centre for Persons with Disabilities was commissioned to enhance the quality of life of persons with disabilities. The Centre is earmarked to provide rehabilitation services, opportunities for vocational training and employment, independent life skills programmes, socially interactive activities and therapeutic services for persons with disabilities. It is intended that the therapeutic and related services to be provided at the Centre would strengthen and support the existing services offered at the various private and public health facilities. All services at the Centre would be at no cost to persons with disabilities.

The right of children with disabilities, to access education has also been recognised and is supported by the Special Education Unit of the Student Support Services Division of the Ministry of Education. The role of the Special Education Unit includes:

* servicing special education needs of students diagnosed with a disability;
* providing initial diagnostic assessment for students suspected of having a disability or a special education need;
* provision of alternative intervention strategies to teachers;
* identifying and referring students for specialised assessment and therapeutic services where necessary; and
* sensitizing regular education teachers to respond to students’ identified special education needs.

**Mr. President**,

**Children**

Trinidad and Tobago received various recommendations during its initial review concerning the full implementation of the Children’s Authority and the proclamation of the Children Act, 2012. As a country, we have recognized the merit in these recommendations and sought to implement them.

On 18 May 2015, the Children Act, 2012 was proclaimed which resulted in the immediate operationalization of the Children’s Authority. The Children Act, 2012 along with other legislation and the Children’s Authority represent an overhaul of the former child protection system to a new regime. The Children Act, 2012, repealed and replaced the Children Act, 1925. The new legislation is wide ranging in its scope and deals with, among other things, sexual conduct against children, cruelty, juvenile justice, corporal punishment, compulsory school age, evidence and procedures in relation to children in criminal proceedings, Children’s Attorneys and the employment of children. The Children’s Authority which was established by the Children’s Authority Act, 2000 serves as the hub of the new national child protection system and performs several key functions geared towards safeguarding and improving the lives of children in Trinidad and Tobago. The Children’s Authority receives and investigates reports of the mistreatment of children and, in order to deliver the most effective service, has established a 24-hour Helpline where reports can be made anonymously. It has also established an Emergency Response Team which is available to investigate reports of the mistreatment of children on a 24-hour basis.

The protection of the rights of the children of Trinidad and Tobago is sacrosanct. Consequently, the Government of Trinidad and Tobago has devised a number of programmes and initiatives to promote and protect the rights of children. The objective is the total development and protection of the child. Additionally, ***the Family and Children Division Bill, 2016*** seeks to make jurisdiction for all family matters and children matters exercisable in a specific Division of the High Court.

As a country, we are also conscious of international norms relating to the protection of children. As a consequence, Trinidad and Tobago is a State Party to a number of these instruments namely the Convention on the Rights of the Child and the ***1980 Hague Convention on the Civil Aspects of International Child Abduction.*** Our national laws also give effect to the provisions of these treaties, for example, the ***International Child Abduction Act, 2008.*** Administratively, a Civil Child Abduction Unit under the Ministry of the Attorney General and Legal Affairs, serves a Central Authority, in matters of parental abduction. Other measures include the Child Advocacy Unit which operates out of the Solicitors General’s Department.

Other measures include the establishment of a Child Protection Unit (CPU) within the Trinidad and Tobago Police Service (TTPS) which is staffed by specially trained officers. The unit’s mandate is to investigate all matters pertaining to child abuse. CPU’s exist in more than half of the police geographical divisions.

**Mr. President**,

**Corporal Punishment**

From the information provided, it is clear that Trinidad and Tobago is a country which defends the rights of its children but is mindful of comments which come out of the UPR process.

On the last occasion, Trinidad and Tobago provided information on the National School Code of Conduct on the use of corporal punishment in schools. Since then, Trinidad and Tobago has passed legislation, namely, the ***Children Act, 2012*** which prohibits the use of corporal punishment in schools. The said Act also addresses the issues relating to the sale of children, child pornography, and child prostitution. These actions are supported by the ***Trafficking in Persons Act, 2011*** which also provide some protection for children under heinous crimes.

**Mr. President**,

The protection of the rights of the women of Trinidad and Tobago is of fundamental importance to the Government. The Government has recognized that, as in any society, women fall victim to domestic violence, sexual harassment and other forms of emotional and verbal abuse. In addition to specific legislation covering many of these offences, women are also protected under the ***Sexual Offences Act, 1986.*** Other legislation which protects women from abuse and discrimination include the ***Domestic Violence Act, 1999, Trafficking in Persons Act, 2011 and Equal Opportunities Act, 2000.*** In 2012, ***the Maternity Protection Act, 1998*** was amended by the ***Miscellaneous Provisions (Maternity Protection and the Masters and Servants Ordinance) Act, 2012***. These specific pieces of legislation supplement the provisions of Section 4 of the Constitution which entrenches the fundamental rights and freedoms of all citizens***.***

**Mr. President**,

**Public Awareness**

The Government of Trinidad and Tobago is of the view that the protection of the human rights of the citizens of the country is everyone’s business. In keeping with this objective, the Government continues to examine measures for an effective nation-wide human rights awareness/ education campaign.

**Mr. President**,

In 2011, we did inform of the progress made as a country in the reduction of extreme poverty and the fact that we had surpassed certain targets addressed in the Millennium Development Goals in relation to universal primary education. Education has always been at the forefront of the Government’s investment in sustainable development. In 2015, Trinidad and Tobago achieved Universal Early Childhood Care and Education (ECCE), which is coupled with the already existing Universal Primary and Universal Secondary education, as well as Universal Tertiary education up to the undergraduate level.

Further to these policy measures, there have also been important legislative changes that promote the right to education. With the proclamation of the ***Children Act, 2012***, the age of compulsory schooling has increased from 6-12 to 5-16 years.

**Sustainable Development Goals**

Despite the progress achieved under the MDGs, like other countries, we have recognized the need for a new agenda which promotes the sustainable development of our people. Consequently in September 2015, Trinidad and Tobago joined the rest of the international community in adopting the the 2030 Sustainable Development Agenda. We have embarked of the implemtation of this global development agenda in the context of the Government’s national development plan, Vision 2030.

**Mr. President**,

We remain convinced that one of the most significant benefits of the UPR for Trinidad and Tobago is the opportunity of having our human rights protective mechanisms extensively reviewed which would serve to re-energize our own national human rights agenda. Additionally, we are also committed to putting in place measures and mechanisms to meet our international human rights obligations for the benefit of all.

**Mr. President**,

As was indicated on the last occasion, we would welcome, Mr. President, any recommendations emanating from this Working Group which would assist us in protecting the human rights of all citizens. Trinidad and Tobago underscores further the importance of this multilateral approach in examining our human rights record and wishes to thank all those delegations which have submitted questions and those which would be making comments and recommendations at a later stage in this process.

I thank you.