

TRINIDAD AND TOBAGO NON-GOVERNMENTAL ORGANIZATIONS

The combined fourth to seventh periodic report of the Republic of Trinidad and Tobago on the United Nations Convention on the Elimination of All Forms of Discrimination Against Women

women's rights . human rights . political empowerment . end of child marriage
equality in education and employment . sustainable development . men and
family planning . adequate social services . domestic workers recognition .
economic equality . transparency and accountability . gender justice . quality
health care . good governance . gender responsive budgeting . participatory
democracy . gender mainstreaming . sexual and reproductive rights . women
with disabilities . National Gender Policy . women and ageing . indigenous
people . sustainable livelihoods . poverty and social assistance . women and
employment . sexual harassment in the workplace . women and girls in prison
. access to childcare . missing and murdered women . women and housing .
violence against women and girls . women being trafficked . exploitation of
women . non-sexist language . social and economic rights . sex roles and
stereotyping . women migrants . rural women and economic empowerment

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NETWORK OF NGOS
OF TRINIDAD AND TOBAGO
FOR THE ADVANCEMENT OF WOMEN

Introduction

The following shadow report is a compilation of feedback gained from the fore mentioned individuals and non-governmental organizations in Trinidad and Tobago on the contents of the combined fourth through seventh periodic report presented by the Government of Trinidad and Tobago. The NGOs who contributed to this report commend the Government for the production of the report and its efforts to include NGOs in its development.

This shadow report is both an attempt to critique the government's submitted report and to put forward recommended courses of action that may not have been included in the State's submission. We present this report in good faith and view its production as an essential tool in advancing the agenda of CEDAW.

While the State has made valiant strides in keeping with the articles of the convention and implementing the committee's recommendations coming out of the first periodic report in 2001, there is still much work to be done. This report will not address all articles, but aims to highlight issues collectively agreed upon that we believe are the most egregious and require immediate attention.

CEDAW and Trinidad and Tobago

Background

The ratification of CEDAW by the Government of Trinidad and Tobago in 1989 was a direct result of lobbying by the Network of NGOs of Trinidad and Tobago for the Advancement of Women, with the support of the women's arm of the then ruling party – the National Alliance for Reconstruction (NAR).

In 2002, when the initial report was submitted, the national machinery was very under-resourced. Since then, steps have been taken to increase staffing and to build the needed capacity for reporting and implementation. However, these have not been consistent.

An initiative undertaken by the Office of the Attorney General (AG) saw the establishment of an International Human Rights Unit. The main task of this unit was to deal with all the outstanding UN convention reports including CEDAW.

The Network has continued its lobby and support for the process of preparation of the reports to be as participatory as possible and for the capacity of the unit to be strengthened. The whole process is managed by the International Human Rights Unit of the AG's office,

The lesson learned — that a strategic alliance between NGOs, State agencies and academia — can be used to achieve the objective of gender justice for women and girls.

The major obstacle to the achievement of the objectives of the Convention now is the absence of a National Policy on Gender and Development.

Executive Summary

Over the past fourteen years, Trinidad and Tobago has implemented a number of recommendations emanating from the 2002 CEDAW report submission. It is also commendable that these implementations came under three separate and distinct administrations.

During this time, the Network of NGOs of Trinidad and Tobago for the Advancement of Women has worked in concert and solidarity with other Non-Governmental Organizations and civil society representing the women's network, including academia, for the implementation of the articles of CEDAW and for timely reporting. This advocacy was manifested in areas such as women's transformational leadership in politics; consumerism and the environment; women's health and reproduction; economic and political empowerment; the religious marriage acts; elimination of violence against women; international participation and representation through the Commonwealth, United Nations and Organization of American States; gender equality and equity; and continuous demand for a national gender policy.

Nonetheless, a National Gender Policy, one of the critical pieces of the framework essential to framing the manner in which the State articulates, structures and guides its interventions with its citizenry, in particular women and girls, continue to elude us.

While a number of pieces of legislation has been passed, several are seemingly in conflict with each other. For the purpose of this report the specific pieces of legislation recommended for review include:

- The Widows and Orphans Revision Act 1934
- The Industrial Relations Act 1972
- The Sexual Offences Act 2014
- The Children's Act 2012
- The Marriage Acts: Hindu, Muslim, Orisha and Civil Marriage Acts
- The Trafficking in Persons Act 2011
- The Domestic Violence Act 2013

This report aims to highlight the specific areas of incongruity within the country's constitutional and legislative framework as a guide to gaps in recommendations implemented, along with emerging or otherwise neglected issues.

Of greatest concern and utmost priority are:

- The lack of a National Policy on Gender and Development
- The inconsistent and conflicting laws around child marriage and the age of consent
- The exclusion of domestic workers as 'worker' in the Industrial Relations Act
- The unequal access to resources appropriate to underage girls convicted of criminal acts which includes appropriate housing facilities
- The adoption and ratification of the Optional Protocol

In addition to the above is the lack of human rights clarity and understanding within Government's Policy Framework and significant influence of Religious Bodies on Legislative Reform, as well as the lack of public education on Human Rights.

It is our hope that by highlighting these critical areas we can guide the State to a comprehensive approach to addressing issues that continue to elude us as a nation as we work within the framework of CEDAW.

Constitution, Legislative and Policy Framework - Article 2

The State lists, on p. 81 of its combined periodic report, pieces of legislation that guarantee rights to women in keeping with the convention. While this demonstrates intent, it is also incomplete as several of these pieces of legislation compete with or cancel each other out. Moreover, this intent has not successfully translated into action and changes in behaviour as is implied in the report. This inconsistency is evidenced throughout this shadow report.

The question remains whether the Convention has been invoked before domestic courts. This would provide valuable insight into the commitment of the State to fulfill its educational obligations in keeping with the recommendations made by the Committee in 2002 regarding the wide dissemination of information relating to the Convention (A/57/38; Para 166).

Given that the 2012 version of the Draft National Policy on Gender and Development was advanced by the State after the 2015 elections and is now the defacto document that would drive policy and requisite framework for ensuring that the articles of the Convention are met, it would be helpful to get clarity on the following:

- What exactly were the amendments that required Cabinet approval?
- What were the updated statistics and emerging issues required as stated in paragraph 7?
- To what extent has the State genuinely considered the effect of climate change on gender issues in Trinidad and Tobago as stated in paragraph 7?

The Draft National Policy on Gender and Development has undergone a series of changes since its first draft was compiled in 2009. The current version of the Draft National Policy — the 2012 version — has expanded upon the content of the 2009 version in a manner that pays homage to the research used in the latter while identifying a number of specific issues that need to be addressed. We not only welcome this expansion but find it very encouraging, as it signifies an awareness of the Government of Trinidad and Tobago of several issues that have previously been disregarded or dismissed, and are still subject to such treatment in popular discourse. We hope that this acts as a catalyst via which the population of this nation will begin to treat with these issues in a constructive and positive manner.

The Draft Policy, however, displays several shortcomings, the majority of which are related to the definition of gender advanced in the 2012 version. The 2009 version defines “gender” as *the social roles, responsibilities, behaviours, attitudes and identities deemed particular to men and women, and boys and girls, as*

a consequence of social, cultural and historical factors, leaving a significant amount of room for interpretation regarding the benefits afforded people with non-binary gender identities under the Draft Policy. Of course, this is not ideal as all gender identities deserve recognition in the law and in policy, and as those which are especially vulnerable deserve protection.

The 2012 version, however, was more restrictive, inextricably linking the definition of “gender” to “sex,” which it defined as *the biological and physiological characteristics that define male and female*. Out of this definition, “gender” was made to refer to *the roles and responsibilities, attitudes and behaviours, and attributes and expectations associated with being male and female, which are denoted by the terms masculine and feminine*. This definition rigidly enforces the harmful notion of a gender binary, not necessarily framing it as natural, but as norm from which deviation can occur. The 2012 version does acknowledge the role of socialization in the transfer and perpetuation of notions of masculinity and femininity. The content of the 2012 version of the Draft Policy, therefore, is meant to benefit cisgender (maybe just put a brief def of this concept here or in a footnote) citizens of Trinidad and Tobago. It is obvious that this actively and generally disempowers non-cisgender citizens, and we find that in a number of very specific cases, and at a number of very specific intersections, this can be especially harmful.

It is both clear and indisputable that people with non-binary gender identities are subject to a number of harmful thoughts, words and actions. They are ascribed a degree of difference that is not only used to deny access to basic amenities and rights, but that is used to justify inflicting harm upon their physical and emotional persons. The adherence of the Draft National Policy to a gender binary therefore compounds the suffering of otherised groups, first by denying their existence, and arguably their very right to exist, and by denying them access to the benefits supposedly to be achieved through the Draft Policy’s implementation.

- Where the Draft Policy addresses Gender-Based Violence and Human Security, and prioritises education as a means of combatting such, it neglects to treat with the danger non-cisgender people face and prevents them from accessing redress tailored to their unique needs.
- Where the Draft Policy deals with Health and Well-being, and where it specifically deals with access to resources for people with HIV/AIDS, the exclusion of non-cisgender people is especially glaring. Where the Draft Policy aims to decrease the impact of anti-HIV/AIDS stigma, it ignores the vulnerability of non-cisgender people whether or not they engage in sex work. This is not just a matter of access and comfort in access, however. It is a matter of the rights to life and medical care, which are not at all dealt with.
- Where Education and Human Capital Development are addressed, the exclusion of non-cisgender people from consideration is again demonstrated, first by not acknowledging their specific needs regarding protection in and out of explicitly marked educational spaces, and then by not promoting education geared towards their acceptance and integration into wider society.

¹ Cisgender - denoting or relating to a person whose self-identity conforms with the gender that corresponds to their biological sex; not transgender.

- In addressing the needs of the Youth population, and in treating with the issue of *youth at risk*, the Draft Policy addresses criminality and educational attainment while ignoring the reluctance of non-cisgender youth to become involved in activities that would aid in their personal development. While the Government reasons that youth “is a time of embedding values, attitudes and behaviours related to manhood and womanhood, derived from competing social norms” its non-approach to non-binary gender identities compounds their difference and makes them more vulnerable to all kinds of harm, including carrying these and other problems with them into adulthood. This is not just a matter of emotional and physical functionality, but it could easily amount to social death, and it is especially worrying given the Government’s assurances of its commitment to the rights and well-being of children.

This Draft Policy manages to offer a series of genuinely progressive changes, while lauding the value of and inputs to be made by women. It stresses inclusiveness on this front, while simultaneously denying personhood to people who do not fit within the confines of cisgender-normativity. It is our contention that a gender policy must not just acknowledge the existence of non-cisgender people, but treat with their issues, or it runs the risk of sanctioning continued gender-based violence against them. At special risk are transgender men and women who could reasonably be denied access to benefits that are in keeping with their gender identities, on the grounds of their assigned genders at birth.

Apart from the several issues associated with the restrictive definition of gender used in the 2012 version of the Draft Policy, one clear difference in content is notable: the removal of consideration of the issues faced by men, as laid out in the 2009 version. This issue is not only omitted, but was not incorporated into the 2012 version in any substantial or meaningful manner under any other section or sub-section.

The 2009 version, by including a section on Manhood and Masculinity recognises Trinbagonians masculinity and its relation to the well-being of women. Its omission affects both men and women. Where men are concerned, the 2009 version acknowledged and sought to address the intersections at which discrimination against and disenfranchisement of certain groups of men occur. We believe that fixing the harms caused at these intersections is important in an effort to fight increasing inequality, its closely related ever-increasing crime rate, and it is important for the promotion of positive approaches to the education of men. Where the power dynamics that inform violence against women are concerned, where it is clear that the disenfranchisement of certain groups of men inevitably endangers the well-being of all women, especially those afforded minimal social protection, and those to whom disenfranchised men are most closely situated, the omission of this section from the 2012 draft acts as a disservice to the overall aim of the Draft Policy.

This, however, is unfortunately in keeping with the nature of the 2012 version, with its emphasis on specificity and identifying key issues to be tackled. Perhaps the greatest achievement of the 2009 version was that it acknowledged gender-based violence as a pervasive structural issue, and addressed it as such, and while there are clear hold-overs in the 2012 draft, it is clear that as deep an appreciation of this

structure is not present. This is not solely demonstrated in the content of the 2012 version if a comparative reading is undertaken, but is apparent where methodology is concerned. Instead, a decidedly institutional approach is taken, with implementation of the Policy, once approved, to occur within a deeply flawed system of interconnected Ministries, Agencies and Gender Focal Points.

Further highlighting the decreased importance of structural analysis to the issue of gender-based violence, the 2012 version implies a hierarchy of methodologies or approaches, giving preference to statistical representations where more in-depth analysis is required. It is also clear from the fact that descriptive analysis is engaged where statistics are not readily available. We believe that where human beings are concerned, there is value in dissecting experiences, and that this cannot be done via statistical work alone. We do not dismiss the value of statistics to the monitoring and evaluation of the issues described in the Draft Policy, but we argue that research of the kind necessitated by the Draft Policy needs to adopt a more human character.

State inventory of existing laws which discriminate against women while accurately reflecting both the existing law and the recognition of statutes that still do exist, in itself does not provide a solution to address the issue. One such issue highlighted is The Widows and Orphans Pension Act, 1934, which was enacted to regulate pensions of deceased public officers, and which excludes women from the definition of “public officer”. **Women are indeed ‘public officers’ and the act should be updated to reflect that immediately.**

- How does the proposed Draft National Policy on Gender and Development address The Widows and Orphans Pension Act, 1934?

It is noted that one cited piece of legislation was enacted prior to the Independence of Trinidad and Tobago and the Ratification of CEDAW. The following questions remain:

- What has been done to change said legislation since 1990? It should be noted that at a recent public forum on Human Rights, the Attorney General stated that there were several pieces of legislation up for review. This could be taken as an intention, and as such, is commendable. However, decisive action is critical and the State should be held accountable.

Recommendation

The urgent adoption and implementation of an all-inclusive National Policy on Gender and Development. Critical here are the issues of its structure, implementation approach and its monitoring and evaluating components.

National machinery for the advancement of women - Article 3

The current Gender Affairs Division through the Office of the Prime Minister, and the Ministry of Gender, Youth and Child Development as it was previously designated made strides toward building the necessary foundation for addressing gender equity and parity. It is, however, difficult to achieve solid footing without the necessary legislative framework or policy. The absence of a National Gender Policy for Gender Equity and Development continues to undermine the work that can and should be done in

this regard and begs the question of the commitment of the State to honour the tenets of the convention. Some of the achievements of the Gender Division were appropriately documented, which raises several additional questions.

Achievements	Questions
“Meeting with senior officials of the budget divisions of the Ministry of Finance, and Ministry of Planning and Development”	<ul style="list-style-type: none"> ▸ How have these meetings translated to a gender responsive budget? ▸ What autonomous body ensures that institutional strengthening is accomplished?

While the State has accurately indicated that a substantial portion of its budgetary allocation has been dedicated to annual subventions to Non-Governmental Organisations, shelters and Civil Society Groups, the State can make better use of NGO participation through expanding funding and dialogue.

Challenges

While the State has listed, in paragraphs 32-35 of the it's original submission CEDAW/C/TTO/4-7, the mechanisms in place to address the recommendations for institutional strengthening, those mechanisms require consistent input from the named and identified gender focal points in order to fully realize the positive impact of this initiative. The State is obligated to create a new plan to meet the recommendations despite changes in focal points, etc. Failure to keep the focus on these commitments constitutes a breach of trust between the State and the national community. This raises issues of representation which ought to be fundamental to a participatory democracy. Staff movement, cabinet reshuffling and changes in agenda cause disruption in the system of Gender Focal Points. They may be dealt with in the following manner:

- Instead of naming persons as focal points, the State should establish positions that perform desired functions regardless of the individual occupying the position.
- Ministry specific toolkits should be prepared and used for training in gender mainstreaming.

In March 2015, it was announced that a National Commission for Women's Empowerment and Gender Equity would be established. The Commission, was reported, will function as an advocate for greater levels of gender sensitivity and equity through the identification of gender legislation, policies and practices and serve as the official voice for women and girls in Trinidad and Tobago in order to bring their issues to the fore. The areas of interest to the Commission will include education, economic empowerment, women's political participation, poverty alleviation, social development, gender-based violence, health and safety and youth and children. The Commission will work with relevant Ministries and Government Agencies, including the Protective Services, Non Governmental Organisations,

Community-based Organisations and Faith-based organisations in the execution of its mandate." The Commission will be appointed by the President. The State should be made to answer the following:

- What is the status of the commission?
- What are the short, medium and long term plans of the commission?
- What is the structure of the commission?

Gender responsive budgeting (GRB)

In spite of a process to make the national budget more gender sensitive which began in 2012, the National Budget continues to be both gender blind in some areas and gender neutral in others. The information provided by the Government on the process of introducing Gender Responsive Budgeting in Trinidad and Tobago is an accurate representation of what has taken place thus far. It falls short, however, of presenting the **specific steps** to be taken to bridge the gap between political administrations and facilitating the process of getting GRB implemented. It is these steps that are key to changing the situation of gender blindness and gender neutrality in the budget.

Recommendation

The immediate comprehensive review and continued targeted strengthening of the national machinery geared towards the advancement of women.

Temporary special measures – Article 4

The State accurately points out that there is no legislative framework which seeks to ensure that there are certain percentages of women in decision-making bodies, and that action on this issue requires a policy decision. Furthermore, the increased inclusion of women in such positions has happened organically, as a matter of social change and external influence, and expanded access to education. These factors are not influenced by gender-sensitive policies, and the Government of Trinidad and Tobago should not take credit for them. It is also questionable whether this organic change has affected the frequency with which women are subjected to different types of violence. Data gathering on this issue is sporadic and unreliable. The information available is closely guarded and largely inaccessible to the public, again highlighting the extent to which public education and engagement is lacking.

In this light, when the State further points to the election of Trinidad and Tobago's first female Prime Minister as exemplifying the inclusion of women in decision-making bodies, it does not consider a fundamental contradiction. The State does not address the question of the process of legislative review. That is, how is it that discriminatory legislation against women was not reviewed during the tenure of the first female Prime Minister of Trinidad and Tobago? Now that there has been a change in administration, the Committee would be well advised to review the legislation cited in the State report and question the Government of Trinidad and Tobago on its apparent comfort with upholding this discriminatory framework.

This necessarily begs the question of how aware the State is of less tangible effects of gender-based discrimination, and the extent to which legislation is informed by discriminatory and toxic baseline attitudes, especially considering the frequency and comfort with which gender-insensitive statements are made by decision-makers.

Recommendation

Thorough review of the legislation cited in the State's submitted report.

Renewed commitment to gender budgeting and mainstreaming, with special attention being paid to its impact on policy formulation and implementation.

Stereotypes and harmful practices – Article 5

The State through its submission has not substantively addressed the issue of combatting stereotypes and harmful practices through legislation or by programmes designed to affect behavioural change. The State should address the following:

- What concrete provisions have been put in place to treat with modifying baseline behaviour? Are these provisions enough, given the pervasive nature of gender discrimination in Trinidad and Tobago? This should provide valuable insight into the level of the government's awareness of this problem, and indicates the amount of effort that would be put into dealing with said problem.
- What are the means by which this is proposed to be done?
- How can a National Draft Policy that has not yet been approved be leveraged?
- What specific changes at the governmental level are being alluded to?
- How will this be assessed?

The Gender Affairs Division presented a series of television programmes in 2008 entitled "Gender on Your Agenda: You've Got Male..." There is no indication of the extent and success of this programme's reach and what community outreach activities and/or initiatives have transpired since the noted undertaking.

The Distinguished Lecture/Workshop series referenced in the combined report failed to indicate who benefited from this workshop what, if any, follow-up has been done since the workshop, date of the workshop, etc. As commendable as the Defining Masculinity Excellence Programme is, it highlights the efforts from private sector involvement.

Though these topics must be made a focus of constant dialogue among the adult population, it signifies a distinct lack of commitment to holistic change and development. These topics are much needed in a youth context, similarly creating gender sensitivity behaviour change by specifically targeting the boys and girls who attend primary and secondary schools. The school Health and Family Life Education (HLFE) curriculum needs to be revised to address issues on Gender Based Violence such as Sexual Harassment to be discussed with the above mentioned age groups. This age group must also be educated on the shared responsibilities in family life as they pertain to both men and women. At the

same time, the importance of promoting female participation in typically male-dominated jobs, and vice-versa for their male equals, should not be overlooked nor neglected.

Stimulating both a national acceptance and gender parity amongst the citizenry can therefore be done with the inclusion of sexual harassment as an offense, in either the Sexual Offences Act or/and the national labour laws. This will prohibit the use of sexualised and objectifying language from all levels of co-worker and focus a mandate that allows companies to have a ‘no tolerance’ policy for sexual harassment in the workplace. With regard to encouraging gender parity and family roles, men should be entitled to paternity leave and this should be considered law or national policy.

Having human rights means that all persons must be considered equal to ensure a culture of tolerance is practiced. This can be done through the removal of laws that criminalise same-sex relations, persons with HIV and the use of one’s body in consenting sex, namely the Buggery Act, the Sexual Offences Act where it pertains to sex work, and the Romeo Clause of the Children’s Act that criminalises children that engage in same-sex practice while not criminalising heterosexual activity in the same manner. Good its here!

Recommendation

Renewed commitment to gender budgeting and mainstreaming, with special attention being paid to its impact on policy formulation and implementation.

Adequate, appropriate and multi-disciplinary resourcing of the Gender Affairs Division and the International Law and Human Rights Unit.

Child Marriage – Articles 2/3/6

The Citizens of the Republic of Trinidad and Tobago Act 1976 defines a minor as “being a person who has not attained the age of 18 years”, while the minimum legal age of marriage is determined by the specific laws and practices of the various religious denominations. The age of consent in Trinidad and Tobago is governed by both statutory law and common law. Trinidad and Tobago’s four Marriage Acts which represent the country’s multi-ethnic population have different provisions for the minimum age of marriage for young girls.

Marriage Acts of the Republic of Trinidad and Tobago

Marriage Acts	Age of consent – Male	Age of consent – Female
Civil (Common-Law)	14	(no stated minimum age)
Hindu	18	14 (w/parental consent)
Muslim	16	12 (w/father’s permission)
Orisha	18	16 (w/parental consent)

Due to the multiplicity of marriage acts of Trinidad and Tobago, girls as young as 12 through the Civil Marriage Act (which includes Common-Law), since no minimum age is explicitly stated, and girls who are members of the Muslim community can, with the permission of their father or guardian enter into the act of marriage. Additionally, girls as young as 14 and 16 with a parent or guardian's consent under the Hindu Marriage Act and the Orisha Marriage Act, respectively, can also enter into marriage.

The State should not only come to a consistent definition of what constitutes a “minor” but should harmonise the age of marriage, making it unlawful for a male or female to enter into a marriage before the age of 18 with or without the consent of a parent or guardian, and not earlier than the age of 16.

Preventing Issues of Child Marriage

The National Hindu Women's Organization (HWO) of Trinidad and Tobago engaged in an extensive campaign to change the Marriage Acts which allowed for child marriages. Their work in this area began in November 2011 with a publication funded by the UNFPA followed by two public discussions along with a petition with close to 1,000 signatures which was finally presented to the Minister of Legal Affairs on May 1st 2013.

This thrust to change the laws pertaining to child marriage was publicized by several newspaper reports and supported by the UNFPA, the local women's movement and by two Independent Senators in the Parliament after much lobbying. On May 31, 2013 the issue was raised when the Government of Trinidad and Tobago signed a Memorandum of Understanding with the Minister of Gender from the Government of India. The HWO again engaged in a televised interview programme to highlight the issue.

Again, the issue was brought to the government's attention in the Second Report by the Chairman of the Child Protective Task Force in March 2014 when it was pointed out that sexual activity with under-age girls constitute statutory rape according to the Sexual Offences Act. Inasmuch as the opposition by the hierarchy of two religious bodies — namely Hindus and Muslims — to changing the law was intense, a new strategy is being proposed.

- The proposal is to amend the Civil Marriage Act to set an example for the other Acts to follow. This will allow ALL ethnicities and religious faiths to mobilize around changing the age of marriage in the Civil Marriage Act.

The HWO detected a contrived delay in treating with this issue on the part of the Government of the day because of the heavier hand of religious authorities which oppose this change similar to what has been occurring with the National Gender Policy. During discussions there was also a call for the Marriage Acts: 01: 02 and 03 to be amended so that the female parent has the equal right of giving consent to the marriage of a minor as the male parent.

In May 2016, Child Marriage became the subject of heated national debate, where those in favour of abolition advocated for such, especially via social media. Research done by citizens and independent journalists revealed the following statistics, as of May 2016:²

Year	Muslim Marriages	Hindu Marriages	Christian Marriages	Total
2012	15	42		57
2013	19	43	22	84
2014	21	47	26	94
2015	8	38	19	65
2016	2	3	7	12
Total	65	173	74	312

There was significant resistance from some members of the religious community with the Inter-Religious Organisation (IRO) calling for the maintenance of the acts. Reasons given by the IRO included:

- That girls, especially, were engaging in sexual activity and that, once pregnant, they needed to be married for security and stability;
- That the laws, by virtue of being established for as long as they were, were correct and should not be subject to question or revision; and
- That governmental interference in the affairs of religious bodies infringed upon the rights of those groups, which could legitimately be considered special groups in need of protection.

Representations made by the IRO's leadership also linked child marriage, and its supposed positive functions, to the prevention of abortion and the introduction of same-sex marriages.

The Government of Trinidad and Tobago has engaged these bodies in consultations during the reporting period. In May 2016 at Trinidad and Tobago's Universal Periodic Review it indicated that this approach was necessary for the age of marriage to be harmonised with the age of majority as stated in the Children Act 2012, and in keeping with universal standards. This highlights two very serious problems:

- I. That the Government considers, and often accedes to, the demands and opinions proffered by bodies which unapologetically hold these clearly discriminatory views, much to the detriment of

² <https://www.facebook.com/thewholeiswhole/posts/625989134223431>

several sectors of Trinidad and Tobago society. Further, that these bodies are well-represented and passionately defended does not bode well for those subject to religious and other discrimination who do not have the means to defend themselves or agitate for positive change. This is especially evident in the case of Child Marriage given the lack of direct access children have, not just to means of redress, but to recognition that legitimises their problems.

2. That there is profound misunderstanding of human rights as a discipline. They are inalienable and they are to be guaranteed to all, regardless of whatever characteristics deem them “other.” Out of this we are concerned that the Government has not fulfilled its obligation to educate the public on the nature of Rights and the benefits of guaranteeing such to all citizens. We are especially frustrated with the pattern of behaviour entrenched in the Government’s policy framework that defers to sentiment, tradition, emotion, opinion and fear rather than on a series of principles arrived at via, and supported by, research.

Note: Since the initial undertaking of preparing this shadow report, the Marriage Amendment Bill listed on the Government’s legislative agenda for the 2019-2020 period has been brought forward. It has recently been reported that the Attorney General “is moving swiftly to ensure that legislation to amend the age of consent for marriage to 18 years goes to Cabinet and eventually to Parliament”.

Recommendation

Review and updating of the laws of Trinidad and Tobago in keeping with Article 2 of the Convention, with appropriate amendments to ensure effective respect for the rights of women and girls.

The rationalisation of the age of consent, the age of majority and the legal age of marriage to address issues of child marriage, particularly between adults and children, as well as to create a legal and policy context within which sexual health services can be provided to adolescents without risk to minors or sexual health services providers.

Violence Against Women including Trafficking – Article 6

The State should be commended for its efforts to combat violence against women, including the recently launched Domestic Violence Registry in March 2016. At the same time, it is important to highlight the inconsistencies in the laws regarding the protection orders. While the laws are in place, training of law enforcement officers and prosecutors to effectively target violent crimes against women, including crimes of sexual assault and domestic violence, should be mandated.

The State should also address plans for any changes envisioned to the Trafficking in Persons Act 2011. Additionally, the State should indicate its plans for addressing the Human Rights of trafficked persons.

Recommendation

Mandatory training of law enforcement officers and prosecutors to effectively target violent crimes against women, including crimes of sexual assault and domestic violence.

Amendment of the current law to address persons trafficked to have access to State resources, protection and benefits such as safe housing.

Employment – Article 13

The State accurately represented statistics from the 2009 United Nations Development Programme Human Development Report. However, more recent data and analysis should be provided to more accurately represent the current state of women's average income as a percentage of men's.

With respect to sexual harassment as a form of gender-based discrimination, the State does not provide current information on the referenced established steering committee for action against Discrimination and Sexual Harassment in the workplace that was put in place to oversee the conduct of a national study on the issue.

Again, reference to the Draft National Policy on Gender and Development is made without a relevant update on the status of the policy.

The State has represented a desire to address the inclusion of domestic workers within the definition of “worker” under the Industrial Relations Act (IRA) by hosting consultations to amend the IRA and reviewing proposed amendments made by all stakeholders, in addition to the recommendations of the **INDUSTRIAL RELATIONS ADVISORY COMMITTEE (IRAC)** which recommended that domestic workers be included as workers under the Act. However, no plan of action was outlined for this proposed solution. Despite the CEDAW recommendation that domestic workers be included within the definition of “worker” the situation remains the same. While a register has been implemented as indicated by the State, there has been very little activity. If the State is serious about getting data on domestic workers to assist with the development of policies that will enable them to live a decent life, the register should be a mandatory process. The register, in conjunction with an advertisement campaign, was implemented in 2015 and was short lived. While the register is important, the inclusion under the Industrial Relation Act (IRA) as a worker is more important, as workers will be independent and be able to keep their autonomy.

The National Union of Domestic Employees was started in 1974 and registered as a trade union in 1982 under the Trade Union Act in Trinidad and Tobago to protect the interest of domestic workers and has been campaigning since its inception for the inclusion of domestic workers under the IRA, but their burning issue remains the same: the non-recognition of domestic workers as workers under the IRA. Inclusion of domestic workers under the IRA would change the way they regard themselves and the way society regards them. This law indirectly discriminates against them which exacerbates workplace violence and constitutes a human rights violation. They are denied the right to organize and engage in collective bargaining, a right under the ILO Convention 189 to which Trinidad and Tobago has not acceded.

Their inclusion under the Act will undermine all other forms of discrimination, giving them the right to be included under all the other labour legislation currently enjoyed by other workers, e.g. Retrenchment and Severance Benefits Act; Occupational Safety and Health Act.

Recommendation

The State should identify its proposed plan/practice to address equal pay for work of equal and comparable value in order to overcome inequality in pay as recommended.

Inclusion of domestic workers under the Industrial Relations Act.

Rural women –Article 14

While the seven initiatives provided by the State, which include the Prime Minister's Best Village Trophy Competition, are impressive, there is no indication that these programmes and initiatives address the larger issues of :

- How they combat the negative impact of structural adjustment programmes on women, and in particular households headed by women
- Assurance that these programmes and initiatives have demonstrated the eradication of poverty, incorporate a gender perspective and do not marginalize women
- Provide information on a particular barometer used to monitor and/or evaluate the programmes so as to address the impact.

While it is not clear as to how the Prime Minister's Best Village Programme is geared towards reducing poverty, there are two other programmes that, while not geared towards women solely, benefit women in greater numbers than men. They are the Targeted Conditional Cash Transfer Programme (TTCCP) ,commonly called the Food Card; and Sowing Empowerment through Entrepreneurial Development (SEED).

The Targeted Conditional Cash Transfer Programme (TCCTP) is a short-term food assistance and development programme aimed at providing social protection, by promoting nutritional and food security to vulnerable households. The TCCTP will enable families in need to purchase nutritionally sound basic food items, thereby enhancing the health and dignity of those households and reducing the incidents of poverty. The programme is also developmental in nature, and seeks to improve the quality of life of the household through skills training and assistance in securing gainful employment.

The SEED grant aims to provide a mechanism to empower those citizens who are considered poor and vulnerable, and who have an interest in starting or improving their own business but are unable to gain access to funding in the more established and formal spaces.

The SEED grant provides financial assistance to persons in difficult social and economic circumstances to establish or expand micro projects or develop competencies and skills through training, which will

enhance their chances for employment or self-employment. The primary objective of the SEED grant is to contribute to reducing poverty and improving the standard of living for the poor and vulnerable.

Recommendation

Conducting independent, agenda-free research with a view to better understanding gender relations in economic, political and social structures, with special reference to education, labour, domestic violence, sexual harassment, incest and child abuse.

The need to complete a review of the land registry system and land tenure relations given the low levels of women's land ownership.

Disadvantaged women – Article 3

“Women with disabilities are recognized to be multiply disadvantaged, experiencing exclusion on account of their gender and their disability.

Women and girls with disabilities are particularly vulnerable to abuse.”

(UN Facts about Person with Disabilities)

Additionally, there is generally a lack of knowledge as to where persons with disabilities can go for assistance. This results in many persons, including women with disabilities, being kept away from opportunities for basic education, skills and vocational training and employment. The response (CEDAW/C/TTO/4-7 para. 125) also states that the National Enrichment Centre for Persons with Disabilities was opened in July 2015 and provides a number of services. It should be noted that while the Centre was formally opened in July 2015, it remains non-operational. There are currently no services being offered to persons with disabilities by the National Enrichment Centre for Persons with Disabilities. The Minister of Social Development and Family Services, in a response to Questions during a sitting of the House of Representatives on March 11th, 2016, indicated that due to remedial works to be done at the facility she could not give a date for its operationalisation. There is also need for clarification on the role that the National Enrichment Centre for Persons with Disabilities would play.

It should also be noted that Trinidad and Tobago ratified the UN Convention on the Rights of Persons with Disabilities on June 25th 2015. As such the State Party has a number of responsibilities and actions that it must undertake in order to assist this group of disadvantaged women.

Women with disabilities face the same challenges as women without disabilities, but to a greater level of disadvantage. As indicated above, women with disabilities are especially vulnerable to abuse and this vulnerability is compounded by their lack of empowerment. Many times women do not know where to go for help and may be reluctant to seek assistance due to their level of dependence, financial or otherwise. While a number of support and empowerment programmes exist for women, as was identified in the State response, the extent to which women with disabilities are included are limited, if

they are included at all. Persons with disabilities are such a marginalised population that many times they are simply left out as the need for interpreters, Braille or tactile material and accessibility issues are not considered.

In addition, in Trinidad and Tobago there are no State agencies, institutions or NGOs with specific responsibility for women with disabilities. There are, however, a number of NGOs of and for persons with disabilities, such as the National Centre for Persons with Disabilities (NCPD) that are involved with the empowerment of such persons. So, for example, if a woman with a disability, who is accessing a service from the NCPD requires intervention due to domestic violence, rape, or other abuse, NCPD assists by referring her to an appropriate agency and provides support, such as counseling, to the individual. Additionally, as part of the wider goal of NCPD for an inclusive society for all, all individuals who approach NCPD, even though there may not be space to enroll them in a programme, are provided with information to lend to the empowerment and improvement in the quality of lives, of persons with disabilities. However, NCPD and other NGOs are aware that they serve only an iota of the disadvantaged population.

The response to question 18 (CEDAW/C/TTO/4-7 para. 124) quotes Census data that 50.2% of all persons with disabilities are women. However, it should be noted that the census data grossly understates the number of persons with disabilities as it categorises disability as involving Seeing, Hearing, Walking, Gripping and Speaking. A number of other types of disability including, but not limited to, developmental other physical disabilities, and hidden disabilities are not recorded.

The Ministry of Social Development and Family Services has indicated that it will be developing a disability register in order to have a record of persons with disabilities. However, one issue that may hamper this project is lack of diagnoses of disabilities stemming from a lack of resources in the health sector including relevant qualified personnel to make these diagnoses.

Recommendation

Adoption and ratification of the optional protocol.

Concluding Comments and Recommendations

The gaps and recommendations outlined in this report are absolutely not exhaustive. Rather, this was an attempt by women's organisations in Trinidad and Tobago to represent the realities experienced by women and girls as completely as we could have. While we are best placed to account for these realities, there were several times throughout this exercise when we noted that we had more questions than we did answers. This is troublesome on a number of different levels, but it has also provided us with a clear path forward regarding the work we have ahead of us.

Ideally, we would have equipped the Committee to ask a series of informed questions of the Government of Trinidad and Tobago with a view to promoting dialogue amongst all stakeholders, and we acknowledge that in some situations, we have been unable to do so. This is in part, a representation

of our simultaneous hope and frustration, for and with ourselves and our movement, our people and our Government. Throughout this process, it was repeatedly made evident, the degree to which we need to improve our capacity for research, recording and analysis. We have started to work on this. We have realised that the quality and success with which we represent our respective bases will only improve as a result of this effort.

It is telling that we had more questions than answers because of blatant misrepresentations of reality on the ground. The Government's report was a very optimistic view of the de jure situation of women in Trinidad and Tobago, and this is a source of serious worry. This points to an obliviousness of our de facto reality that we consider troubling. However, despite our bluntness, we genuinely welcome greater engagement with the Government because our aims are aligned. We have done much, but we want to do more. We want to ensure the creation of an equal society, where disadvantages that span race, age, sex and gender, sexual orientation and other differences are first understood, then dismantled through collective work. We want to talk, debate, share resources and information. We want to participate more consistently than we participate conveniently. We seek collaboration, not combat, on the issues that affect us and the women and girls we have undertaken to represent. We do not demand action as much as we appeal for it.

While our recommendations may be inferred from the content of this report, we think it suitable to outline them specifically, and in doing so, we reiterate our openness to collaboration, regardless of how this shadow report is received. We recommend the following:

- # The urgent adoption and implementation of an all-inclusive National Policy on Gender and Development. Critical here are the issues of its structure, implementation approach and its monitoring and evaluating components.
- # The immediate review and continued targeted strengthening of the national machinery geared towards the advancement of women.
- # Renewed commitment to gender mainstreaming, with special attention being paid to its impact on policy formulation and implementation.
- # Adequate, appropriate and multi-disciplinary resourcing of the Gender Affairs Division and the International Law and Human Rights Unit.
- # Review and updating of the laws of Trinidad and Tobago in keeping with Article 2 of the Convention, with appropriate amendments to ensure effective respect for the rights of women and girls.
- # The rationalisation of the age of consent, the age of majority and the legal age of marriage.
- # Conducting independent, agenda-free research with a view to better understanding gender relations in economic, political and social structures, with special reference to education, labour, domestic violence, sexual harassment, incest and child abuse.
- # The need to complete a review of the land registry system and land tenure relations given the low levels of women's land ownership.