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Rockville

Trinidad and Tobago's Second Periodic Report under the Convention on the Rights of the Child

June 2003

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INTRODUCTION

This document is the Second Periodic Report of the Republic of Trinidad and Tobago submitted in accordance with article 44, paragraph 1(b) of the Convention on the Rights of the Child.

It has been written in accordance with the general guidelines regarding the form and content of periodic reports which were adopted by the Committee on the Rights of the Child at its 343rd meeting (thirteenth session) on 11 October 1996 (CRC/C/58). To assist the reader in understanding the structure of the Report, the text of the 1996 guidelines has been incorporated into the Report.

Trinidad and Tobago ratified the Convention on the Rights of the Child (hereinafter referred to as "the Convention") on 5 December 1991 and it entered into force on the 4 January 1992. Trinidad and Tobago's Initial Report which was due in 1994 was submitted in February 1996 (CRC/C/11/Add.10) (hereinafter referred to as "the Initial Report"). The Initial Report was submitted by the Ministry of Social Development after consultation with other Government and Non-Governmental Organisations working with children.

The Initial Report was considered by the Committee on the Rights of the Child during its sixteenth session at its 414th to 416th meetings, held on 2 and 3 October 1997. At that time, the Government of Trinidad and Tobago provided additional written information in response to the issues raised by the pre-sessional working group of the Committee on the Rights of the Child with regard to the initial report (CRC/C/Q/TRI/1).

In accordance with article 44(1) (b) of the Convention, Trinidad and Tobago's Second Periodic Report covering the five-year period 1994 to 1999 should have been submitted in January 1999. However, given that the Initial Report and the supplementary information provided to the Committee on the Rights of the Child covered the period up to mid 1997, the Second Periodic Report covers the five-year period 1997 to 2002.

The Report provides information on the measures adopted by the Government of Trinidad and Tobago to give effect to the rights enshrined in the Convention and on the progress made in the enjoyment of those rights.

This Second Periodic Report was compiled by the Human Rights Unit of the Ministry of the Attorney General. The Human Rights Unit which was formed in 1999 has been assigned responsibility *inter alia* for preparing periodic reports due under international human rights instruments to which Trinidad and Tobago is a party.

The Human Rights Unit received information for the preparation of the Second Periodic Report from a thirteen member Cabinet appointed standing Inter Ministerial Committee called the Human Rights Consultative Committee. The Committee comprises representatives of key Government ministries and the Tobago House of Assembly. Members of this Committee are required to supply the Human Rights Unit with information from their respective Ministries for preparation of periodic reports in accordance with the relevant United Nations reporting guidelines. By establishing this Inter Ministerial Committee, the Government has created a mechanism to ensure that periodic reports contain accurate and up to date information on the legislative, administrative and other measures taken by the Government in accordance with the country's obligations under international human rights treaties.

In an effort to ensure the objectivity of this report, the Human Rights Unit also invited written contributions and/or met with several NGOs and members of civil society working in the field to elicit their perspective on the progress made in the enjoyment of the rights contained in the Convention and any shortcomings and challenges in this regard.

I. GENERAL MEASURES OF IMPLEMENTATION (articles 4, 42 and 44, para. 6 of the Convention)

Q. 11 In the spirit of the World Conference on Human Rights, which encouraged States to consider reviewing any reservation with a view to withdrawing it, please indicate whether the Government considers it necessary to maintain the reservations it has made, if any, or has the intention of withdrawing them.

1. Trinidad and Tobago has not registered any reservations to the Convention.

Q.12 State Parties are requested to provide relevant information pursuant to article 4 of the Convention, including information on the measures adopted to bring national legislation and practice into full conformity with the principles and provisions of the Convention, together with details of:

- **Any comprehensive review of the domestic legislation to ensure compliance with the Convention;**

- **Any new laws or codes adopted, as well as amendments introduced into domestic legislation to ensure implementation of the Convention.**

2. In 1998, the Government of Trinidad and Tobago appointed an inter-ministerial Committee (comprising representatives of the Ministry of the Attorney General and the Ministry of Social Development) to examine and review the existing laws relating to children and to prepare a comprehensive package of legislation to bring the national legislation into conformity with the provisions of the Convention on the Rights of the Child. The package (which consists of the following five pieces of legislation) was enacted by Parliament in October 2000. The Articles of the Convention on the Rights of the Child (the Convention) which correspond to the domestic statutes described below are identified in brackets.

I. **The Children's Authority Act, No. 64 of 2000.** This Act establishes a body corporate known as the Children's Authority of Trinidad and Tobago. The Authority, when established, would be responsible for *inter alia* investigating complaints of staff, children and parents of children with respect to any child who is in the care of a community residence, foster home or nursery. **[Article 19 (1)]**

The Authority is authorised under the Act to issue, revoke and withdraw licences of community residences and nurseries and to investigate complaints or reports of mistreatment of children in their homes.

Section 11 of the Act provides that the Authority shall have a Co-ordinating Unit, an Administrative Unit, a Technical Unit and a Research Unit. The Technical Unit shall comprise an Intake Centre and a Reception Centre.

Section 22 of the Act empowers the Authority to receive a child into its care. **[Article 20(1)]**

Section 14(3) provides that the Reception Centre shall be responsible for the temporary care of children received by the Authority.

The Authority shall also be the Central Authority for the purposes of the Hague Convention on the Civil Aspects of International Child Abduction.

The Authority shall be managed by a Board of Management consisting of eleven persons including: a child psychologist; a child psychiatrist; a qualified social worker; a public health specialist; an educator; a person under the age of twenty-five years (representing the youth) and a representative of an NGO which has as its objectives the promotion of the welfare and protection of children. These persons are to be appointed by the President. The Board is required to appoint a Director who shall be responsible for the day-to-day functions of the Authority.

This legislation has been enacted by Parliament, and will come into force by Presidential Proclamation once the necessary administrative and other arrangements for the Authority have been put into place.

II. **The Children's Community Residences, Foster Homes and Nurseries Act, No. 65 of 2000.** This Act provides that no person shall operate a community residence (which means a children's Home or rehabilitation center and includes industrial schools and orphanages) without a residence licence issued by the Children's Authority. Upon the coming into force of the Act, all existing community residences would be required to apply to the Authority for a residence licence.

The requirements for the grant of a residence licence are set out in S.6 of the Act. This section provides *inter alia* that the applicant must satisfy the Authority that the building has been approved by relevant Health and Building Authorities as to its fitness for the

purpose; that it has adequate staff with a proper staff to child ratio and that the staff has adequate training and experience in child care. Residence licences would be valid under the Act for a period of one year. **[Article 3(3)]**

Section 28 of the Act provides for the establishment by the Minister of a system of foster care. Where a person wishes to become a foster parent he shall apply to the Minister for approval in the prescribed form. The Minister shall cause a Register of approved foster parents to be maintained. The Minister is required under S.31 to cause suitable foster parents to be trained in their roles, functions and duties. Section 42 of the Act provides that no person shall operate a nursery without a nursery licence issued by the Authority.

This Act (which has already been passed by Parliament) will come into force by Presidential Proclamation, once the required administrative and other mechanisms have been put into place.

III. **The Miscellaneous Provisions (Children) Act, No. 66 of 2000**. This Act has amended the domestic statutes identified below (emphasis added). This Act came into force by Proclamation on November 6, 2000.

(a) **The Citizenship of the Republic of Trinidad and Tobago Act, Chap.1:50**. By S.6 of this Act, as amended, where an adoption order is made by a competent Court in respect of a person who has not attained the age of eighteen years and who is not a citizen of Trinidad and Tobago, in the case of a joint adoption, if either of the adopters is a citizen of Trinidad and Tobago, the minor shall become a citizen of Trinidad and Tobago as from the date of the order. Previously in the case of a joint adoption, citizenship only passed to the minor if the male adopter was a citizen of Trinidad and Tobago. **[Article 2(1)]**

(b) **The Summary Offences Act, Chap.11:02.** Section 5(1) of this Act has been amended to allow a Magistrate to impose a custodial sentence on any person found guilty of committing an assault or battery of an aggravated nature on a male child whose age does not exceed eighteen years. Previously the section only covered male children below fourteen years of age. **[Article 3(2)]**

(c) **The Corporal Punishment (Offenders Not Over Sixteen) Act, Chap.13:03.** This Act was repealed so that the Court is no longer

empowered to impose corporal punishment as a penal sanction against children below sixteen years of age.

(d) **The Corporal Punishment (Offenders Over Sixteen) Act, Chap.13:04.** The title of this Act has been amended by deleting the word "Sixteen" and replacing it with the word "Eighteen". The Court is thereby only empowered to impose corporal punishment as a penal sanction upon male offenders above the age of eighteen years.

(e) **The Young Offenders Detention Act, Chap.13:05.** Section 13 of this Act has now been repealed. This section permitted the Minister to commute to a term of imprisonment, any unexpired residue of the term of detention of an inmate of the Youth Training Centre, if such person was reported by the Commissioner of Prisons to be incorrigible or to be exercising a bad influence on the other inmates of the Centre.

(f) **The Defence Force Act, Chap.14:01.** Section 19 of this Act has been amended so that a person below the age of sixteen years can no longer be enlisted into the Defence Force. Further, persons between the ages of sixteen years and eighteen years can only be enlisted if parental consent is obtained. Previously any child below the age of eighteen years could be enlisted once parental consent was obtained. **[Article 38 (3)]**

(g) **The Age of Majority Act, Chap.46:06.** Section 5(5) of this Act has been repealed. Under S.5 the Court may make an order requiring either parent of a ward of Court to pay such weekly or other periodical sums towards the maintenance and education of the ward as the Court thinks reasonable. Subsection 5, which has been repealed, provided that no order could be made under S.5 at a time when the parents of the ward were residing together.

(h) **The Liquor Licences Act Chap. 84:01.** Section 60 of the Act has been amended so that it is now an offence to sell intoxicating liquor to any child under the age of eighteen years. Previously intoxicating liquor could be sold to a child over sixteen years of age. **(Article 33)**

(i) **The Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap.46:08.** This Act has been amended as follows:

- Section 16(3) provides that where a person has ceased to be a minor but has not attained the age of twenty one, the court may make an order requiring either parent to pay such periodical sums towards his maintenance as the court thinks reasonable. Section 16(4), which has now been repealed, prohibited the making of an order under subsection (3) if the parents of the person in question were residing together.

- Section 19 of the Act has been amended by inserting additional criteria which the court may consider in making maintenance orders under specified sections of the Act. The new criteria introduced by the amendment are: (f) the manner in which the minor was educated or trained and the manner in which the parents expected him to be so educated or trained, and (g) the standard of living enjoyed by the family while the members of the family resided together.

- Section 25(8) has been repealed and replaced with a new subsection which states that the term of an order for periodical payments or a lump sum, made by a Magistrate (upon application of either party to a marriage) under S.25 (1)(c) and (d) shall not extend beyond the death of the minor. The former S.25 (8) provided that such order should not extend beyond the death of either party to the marriage or on the remarriage of the party in whose favour it was made.

- A new subsection 8A has been inserted after S.25 (8) to provide that if an order for periodical payments is made by a Magistrate under S.25 (1) and the marriage of the parties affected by the order is subsequently dissolved or annulled, the order shall cease to have effect on the remarriage of the party in whose favour it was made.

- A new subsection 8B has been inserted after S.25 (8) which provides that where a Magistrate makes an order under S.25 (1) (c) for the payment to an applicant of periodic payments for the benefit of a minor, S.16 of the Act would apply, thereby allowing the Magistrate to require that such payments continue until the minor has attained the age of twenty one years.

IV. **The Adoption of Children Act, No. 67 of 2000.** This Act would repeal the existing **Adoption of Children Act, Chap. 46:03**.The long title of this Act states that it is an Act to make provision for the regulation of procedures governing the adoption of children and to give effect to the Convention on the Rights of the Child. The Act (which was passed by Parliament) will come into effect on a date to be proclaimed.

Section 3 establishes an Adoption Board which shall consist of a Chairman and eight other members to be appointed by the Minister. They shall include *inter alia* a member of the Children's Authority; a psychologist; a professional social worker; a medical practitioner and an NGO which has as its main objective, the promotion of the welfare and protection of children.

Section 9 of the Act provides that no person other than the Board shall make arrangements for the adoption of a child. The Board, in making arrangements for the adoption of a child, is required by S.11 to have regard to all the circumstances and first consideration shall be given to the need to safeguard and to promote the welfare of the child.

So far as is practicable, the Board is also required to ascertain the wishes of the child and give due consideration to them, having regard to the age and understanding of the child. **[Article 12 (2)]**

In placing a child with adopters, the Board shall have regard to the wishes of the child's parents or guardians as to the religious upbringing of the child. **[Article 14(2)]**

Section 14 of the Act provides that where a person has made representations to the Board to adopt a child and the Board is of the opinion that the adoption of the child by that person would not be in the best interests of the child, the Board shall notify the person accordingly and that person may appeal the decision of the Board to a Judge of the High Court. **[Article 3(1)]** (emphasis added)

Section 15(1) of the Act provides that where a person makes an application to the Board to adopt a child and the Board accepts that application, the Board shall apply to the Court for an order declaring that child available for adoption.

Section 18 of the Act provides that upon an application for an adoption order by any person, whether or not resident or domiciled in Trinidad and Tobago, the court may make an order authorising the applicant to adopt a child. **[Article 21(b)]** (emphasis added)

Section 33 of the Act requires the Registrar General to establish and maintain at his office a Register to be called the Adopted Children Register and every adoption order shall contain a direction to the Registrar General to make an entry recording the adoption in that Register.

V. **The Children (Amendment) Act, No. 68 of 2000.** This Act has amended a number of sections in the **Children Act Chap. 46:01** to bring the legislation into conformity with provisions of the Convention. Some of the more notable amendments (emphasis added) are summarised below:

(a) The definition of a child in S.2 of the Act has been amended so that a child is now defined as a person under the age of eighteen years instead of a person under the age of fourteen years, as was previously stipulated. **(Article 1)**

(b) The definition of young person has been amended so that a young person means a child who is over the age of fourteen years and under the age of eighteen years. A young person was previously defined as a person between the ages of fourteen and sixteen years.

(c) A new Section 2A has been introduced after section 2 of the Act. Section 2A (1) provides that guiding principles for parents in relation to their children are respectively contained in Parts A and B of the Second Schedule to the Act. Section 2A (2) provides that guiding principles describing the rights and responsibilities of children are respectively contained in Parts C and D of the Second Schedule to the Act. **[Article 18(2)]**

(d) Section 12 has been amended in subsection (1) by providing that where a person having custody or care of a child has been convicted of an offence, the Court may order that the child or young person be committed to the care of a relative or some other fit person until he attains the age of eighteen years. Previously, a child could only be committed by the Court to a relative until he attained the age of sixteen years. **[Article 9(1)] and [Article 5]**

(e) Section 18 has been amended so that where on the trial on indictment of a person for an offence of cruelty or any offence under the Schedule, the court is satisfied (by the evidence of a medical practitioner) that the attendance before the court of any child would involve serious danger to the life or physical, mental or psychological health of the child, any deposition of the child shall be admissible in evidence, if it purports to be signed by the Magistrate before whom it is taken. Previously, the section only applied in circumstances where there was danger to the life or health of the child. **[Article 40(3) (b)]**

(f) Section 21 of the Act has been renumbered S.22 (1). Section 22(1) provides that nothing in this Part shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child or young person to administer reasonable punishment to such child or young person. However, this amending Act has introduced a new S.22 (2) into the Act which provides that in respect of a teacher, reasonable punishment referred to in S.22 (1) does not include corporal punishment. By this amendment, teachers are prohibited from administering corporal punishment to school children. **[Article 28(2)]**

(g) Section 24 of the Act has been amended so that it is an offence for a person to sell cigarettes to any child below the age of eighteen years. Previously only children below the age of sixteen were covered by this section. The penalties for contravention of this section have also been increased. **(Article 33)**

(h) Section 61 has been amended so that a Magistrate is no longer empowered to direct the imprisonment of a youthful offender of the age of sixteen years or upwards, if he, being detained in a Rehabilitation Centre (previously called Industrial School), is found guilty of a serious and wilful breach of the rules of the school.

(i) Section 62 has been amended by removing the power of a Magistrate to order the imprisonment for three months of a youthful offender of the age of sixteen years or upwards, who being detained in a Rehabilitation Centre, has escaped from the Centre. In lieu thereof, the Magistrate may send the offender to an Industrial Training Centre (established by the **Young Offenders Detention Act, Chap.13:05**) for a term of three months.

(j) Section 78 of the Act has been amended to restrict its application to a child under the age of fourteen years. It now provides that a child under the age of fourteen shall not be sentenced to imprisonment for any offence or committed to prison in default of payment of a fine, damages or costs. By this amendment, the court is prohibited from sentencing a child below the age of fourteen years to imprisonment.

(k) Section 83 of the Act has been amended by deleting subsections (g) and (l). Previously under this section, where a child charged with any offence was tried by any court and the court was satisfied of his or her guilt, the court was empowered *inter alia* (g) to order the offender to be whipped and (l) where the offender was a young person, to sentence him to imprisonment. A young person was previously defined as a person between the ages of fourteen to sixteen years. With the deletion of these subsections, a court, when trying an offender, is no longer authorised to order the whipping of a child below the age of eighteen years or to order the imprisonment of a young person between the ages of fourteen and sixteen years. **[Article 40(1)]**

(l) The Act has been amended by deleting the words "school" and "certified school" wherever they occur and substituting the words "Community Residence"; by deleting the words "Industrial School" or "certified Industrial School" wherever they occur and substituting the words "Rehabilitation Centre"; by deleting the words "Orphanage" or "certified Orphanage" wherever they occur and substituting the words "Children's Home" and by deleting the words "detention order", "detention" and "detained" wherever they occur and substituting the words "placement order", "placement" and "placed" respectively.

Q.13 Please indicate the status of the Convention in domestic law:

- **With respect to recognition in the Constitution or other national legislation of the rights set forth in the Convention;**

- **With respect to the possibility for the provisions of the Convention to be directly invoked before the courts and applied by the national authorities;**

- **In the event of a conflict with national legislation.**

3. In Trinidad and Tobago, when the Government ratifies or accedes to a human rights treaty, or any other treaty, be it regional or international, that treaty is not automatically incorporated into municipal law. A treaty becomes part of the municipal law only when it is incorporated into domestic statute (approved by Parliament) or if the terms of the treaty represent binding rules of customary international law. The Government, upon ratification or accession of a treaty, therefore has an obligation under international law to take positive action to incorporate the terms of a treaty into municipal law.

4. Normally, the text of a treaty is not incorporated verbatim by Parliament in domestic statutes. Existing domestic statutes which are in breach of a treaty are usually amended, so as to be brought into conformity with the treaty. If there is no existing domestic statute which corresponds with a provision of the treaty, new legislation is enacted to transform that provision into municipal law.

5. The Government has made a concerted effort to give effect to a number of Articles of the Convention on the Rights of the Child, with the enactment of the comprehensive package of legislation described in response to question 12 of the Guidelines above.

6. The status of international conventions in the domestic law of Trinidad and Tobago was explained by the Judicial Committee of the Privy Council in Darren Roger Thomas and Anor v Cipriani Baptiste and Others [2000] Appeal Cases 1 at page 23 B as follows:

> *Their Lordships recognise the constitutional importance of the principle that international conventions do not alter domestic law except to the extent that they are incorporated into domestic law by legislation. The making of a treaty, in Trinidad and Tobago as in England, is an act of the executive government, not of the legislature. It follows that the terms of a treaty cannot effect any alteration to domestic law or deprive the subject of existing legal rights unless and until enacted into domestic law by or under authority of the legislature. When so enacted, the Courts give effect to the domestic legislation, not to the terms of the treaty. The many authoritative statements to this effect are too well known to need citation. It is sometimes argued that human rights treaties form an exception to this principle. It is also sometimes argued that a principle which is intended to afford the subject constitutional protection against the exercise of executive power cannot be invoked by the executive itself to escape from obligations which it has entered into for his protection. Their Lordships mention these arguments for completeness. They do not find it necessary to examine them further in the present case.*

7. The rights under the Convention are therefore only justiciable in the Courts in so far as they have been incorporated by statute into domestic law or if the Courts accept the argument that these rights represent binding rules of customary international law.

8. The Courts give effect to the domestic legislation however, not to the terms of the treaty. In deciding matters pertaining to children, the Courts are free to take judicial notice of the Convention and of the country's international obligations under the treaty. It is only if there is a conflict with domestic legislation that the domestic legislation will prevail.

9. **The 1976 Constitution of the Republic of Trinidad and Tobago** is the supreme written law and all domestic statutes must be passed in accordance with the Constitution (with the exception of any existing law saved upon the enactment of the Constitution). While the Convention is not expressly recognised in the Constitution, Chapter 1 of the Constitution is entitled "The Recognition and Protection of Fundamental Human Rights and Freedoms" and contains the following section:

> *S. 4. It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely:-*
>
> *(a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;*
>
> *(b) the right of the individual to equality before the law and the protection of the law;*
>
> *(c) the right of the individual to respect for his private and family life;*
>
> *(d) the right of the individual to equality of treatment from any public authority in the exercise of any functions;*
>
> *(e) the right to join political parties and to express political views;*
>
> *(f) the right of a parent or guardian to provide a school of his own choice for the education of his child or ward;*
>
> *(g) freedom of movement;*
>
> *(h) freedom of conscience and religious belief and observance;*
>
> *(i) freedom of thought and expression;*
>
> *(j) freedom of association and assembly; and*
>
> *(k) freedom of the press.*

10. Referring to the Trinidad and Tobago 1976 Constitution, the Judicial Committee of the Privy Council in the Darrin Thomas case observed at page 17 F of their judgment as follows:

> *Their Lordships observe that the fundamental rights and freedoms enshrined in the Constitution (though not section 4(a) which has an English and remoter ancestry) are*

framed in light of the Universal Declaration of Human Rights 1948 and the European Convention for the Protection of Human Rights and Fundamental Freedoms (1953).

Q.15 Please provide information on judicial decisions applying the principles and provisions of the Convention.

12. The State has been unable to find any examples of judgments in which reference was made to the Convention. This can no doubt be attributed to a general lack of awareness on the part of legal practitioners and judges about the Convention. There are however, many instances when the Court has regarded the welfare of the child as of paramount importance. Three examples are described below:

(i) In Debbie De Gannes v Rene De Gannes, (Unreported H.C.A. No. 426 of 1999), a custody case involving an infant, a High Court Judge stated at page 4 of her judgment as follows:

The Court is concerned with what is in the best interest of the child and while noting the emotional difficulty experienced by the Applicant, I cannot let that difficulty obscure what is the prime concern....Access to both parents and the security of their loving ministrations to her will redound to the emotional well-being of the infant...

(ii) In Colin Hamilton v Marlene Wong Hamilton, (Unreported, H.C.A. No. M-967 of 1996), a custody case involving two children, it was observed by the High Court Judge at page 2 of his judgment as follows:

In resolving this dispute, I begin with my duty under Section 3 of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap.46:08 to regard the welfare of the minor as the first and paramount consideration, disregarding whether from any other point of view, the father's claim is superior to the mother's or vice versa...

In this case, the Judge met and considered the views of the children before arriving at his decision.

(iii) In Marguerita Abraham v Stephen Abraham (Unreported, HCA 242 of 1998), an application for custody of three children, the High Court Judge in his judgment observed:

> *...When marriages break up and an application for custody of the children is made, the welfare of those children is of paramount importance and the Court will act in a manner to ensure that the future interests of the children are best served having regard to all the circumstances.*
>
> *...The term "welfare" is at the cornerstone of custody applications and must be given its widest possible meaning if the interests of the children are to be properly secured and protected.*

Q.16 Please provide information on remedies available in cases of violation of the rights recognised by the Convention.

13. The remedies for violation of Convention rights are contained in the Constitution and other domestic statutes which give effect to provisions of the Convention.

- The fundamental rights and freedoms recognised in S.4 of the Constitution are guaranteed to all individuals including children without discrimination on the basis of race, origin, colour, religion or sex **(Article 2)**. The protected rights include:

  -the right to life; **(Article 6)**

  -freedom of expression; **(Article 13)**

  -freedom of thought, conscience and religious belief and observance; **(Article 14)**

  -freedom of association and assembly; and **(Article 15)**

  -the right not to be deprived of liberty except by due process of law. **[Article 37(b)]**

Section 5 of the Constitution recognises *inter alia* the following rights of the individual:

-to be presumed innocent until proven guilty; **[Article 40(2)(b)(i)]**

-to be informed promptly and with sufficient particularity of the reason for his arrest and detention;

-to retain and instruct without delay a legal adviser; [**Article 40(2)(b)(ii)]**

-to a fair and public hearing by an independent and impartial tribunal; **[Article 40(2)(b)(iii)]** and

-to the assistance of an interpreter. **[Article 40(2)(b)(vi)]**

If a child's constitutional rights as aforesaid are violated, a constitutional motion can be filed on behalf of that child against the State, in accordance Section 14 of the Constitution. These cases are heard by the High Court on a priority basis and monetary compensation is routinely awarded when there are proven violations of an individual's constitutional rights. The law provides a right of appeal to the Court of Appeal and to the Judicial Committee of the Privy Council.

- **The Equal Opportunity Act, No. 69 of 2000** has been enacted by Parliament and will come into force on a date to be proclaimed. The Act seeks to prohibit discrimination on the grounds of a person's status which is defined as: the sex, the race, the ethnicity, the origin (including geographical origin), the religion, the marital status or any disability of that person. It applies to discrimination in the fields of employment, education, the provision of goods and services and the provision of accommodation. Section 30 of the Act provides that a person who alleges that some other person has discriminated against him may lodge a written complaint with the Equal Opportunity Commission to be established under the Act. The Commission may initiate proceedings with the Equal Opportunity Tribunal, if the matter cannot be resolved by conciliation. There is a right of appeal to the Court of Appeal under this Act. The Equal Opportunity Commission and Tribunal have not yet been established. A Bill to effect certain amendments to the Act has been drafted, and is being considered by the Attorney General.

- **The Children's Authority Act, No. 64 of 2000** will come into force on a date to be proclaimed. It provides in S.5 that the Authority shall have as one of its functions and duties to-

(c) investigate complaints of-

(i) staff;

(ii) children; and

(iii) parents or guardians of children,

with respect to any child who is in the care of a community residence, foster home or nursery, of the community residence's, foster home's or nursery's failure to comply with requisite standards as prescribed under the Children Community

Residences, Foster Homes and Nurseries Act, and any incidences of mistreatment of children in such places. **[Article 3(3)]**

Under S. 22 of the Act, the Authority may receive a child into its care *inter alia* in circumstances where a child has lost or has been and remains abandoned by his parents or guardians; is exposed to moral danger; or is ill-treated or neglected in a manner likely to cause him suffering or injury to health. **[Article 20(1)]**

- **The Adoption of Children Act, No. 67 of 2000** was enacted to repeal and replace **the Adoption of Children Act Chap. 46:03**. This new Act will come into effect on a date to be proclaimed. Section 9 (2) of the new Act provides:

  For the purposes of this Act, a person who takes part in the arranging of an adoption or in the management or control of a body of persons other than the Board which exists wholly or in part for the purpose of making arrangements for the adoption of children is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for two years. **[Article 21 (a)]**

- **The Sexual Offences Act, No. 27 of 1986** (as amended) protects persons, including children from all forms of sexual abuse. **[Article 19(1)]**

  Under S.6 of the Act, it is an offence punishable with imprisonment for life for a male person to have sexual intercourse with a female person who is not his wife and who is under the age of fourteen years, whether or not the female consented to the intercourse.

  Under S.7(1) if a male person has sexual intercourse with a female between the ages of fourteen and sixteen, he would be liable on conviction to imprisonment for twelve years for a first offence and to imprisonment for fifteen years for a subsequent offence. Section 8 provides that where a female adult has sexual intercourse with a male person who is not her husband and who is under the age of sixteen years, she is guilty of an offence and is liable on conviction to imprisonment for five years.

  Section 9(2) of the Act provides that a person who commits the offence of incest is liable on conviction to life imprisonment, and if committed between minors fourteen years of age or more, for two years.

  Section 31 of the Act now provides for mandatory reporting of suspected sexual offences to the police by parents, guardians, doctors, nurses and persons having temporary custody,

care or control of a minor, including teachers. This is a penal section punishable by fines and/or imprisonment.

Q.17 Please indicate any steps taken or envisaged to adopt a comprehensive national strategy for children in the framework of the Convention, such as a national plan of action on children's rights and relevant goals established.

14. Subsequent to Trinidad and Tobago's ratification of the Convention on the Rights of the Child and the World Declaration for the Survival, Protection and Development of Children, an Inter Ministerial Committee was convened in 1992 to formulate the National Plan of Action for the Survival, Protection and Development of Children (NPA). The NPA was accepted by Cabinet in 1993. A decision was taken by Cabinet in June 1995 to formally constitute an Inter Ministerial Committee, with the mandate to coordinate Inter-Ministerial and NGO efforts towards this end. Based on the recommendations of the NPA Committee, in July 1997, Cabinet agreed to the reconstitution and expansion of the Committee to include participation *inter alia* from the NGO sector and a member of the youth. The Committee was mandated *inter alia* to coordinate activities of Government and NGO agencies working towards implementation of the NPA. The last meeting of that NPA Committee took place in May 2000.

15. In October 2001 the NPA Committee was revived and reconstituted for a period of two years with effect from November 30, 2001. The Committee has been renamed *The National Committee to monitor implementation of the National Plan of Action for Children and the Convention on the Rights of the Child* (hereinafter called the NPA Committee). The terms of reference of the reconstituted NPA Committee's are listed below (emphasis added):

a) Review of Trinidad and Tobago's National Report on follow up to the World Summit for Children;
b) Review and comment on the Final Outcome Document "A World Fit for Children" to be submitted by the Preparatory Committee for the Special Session of the General Assembly on Children;
c) Revise Trinidad and Tobago's National Plan of Action (NPA) in the context of the anticipated global agenda and plan of action;
d) Facilitate and monitor implementation of the NPA as well as the Convention on the Rights of the Child;
e) Ensure integration of the NPA and CRC with national planning and budgetary allocation processes;
f) Ensure that a high priority is accorded to programmes for the well-being of children in sectoral plans, programmes and policies;

g) *Facilitate the participation of children, families, communities, local government agencies, non-governmental and community based organisations, social, cultural, religious, business and media related organisations in the implementation of the NPA;*

h) *Facilitate the development of mechanisms for the regular and timely collection, analysis and publication of data to monitor social indicators relating to the well-being of children; and*

i) *Submit to the now Minister of Social Development... an Interim Report and Plan of Action with respect to a), b) and c) above.*

16. Cabinet has agreed that the reconstituted Committee be comprised as follows:

- Chief Technical Officer of the now Ministry of Social Development –Chairperson;
- Director, National Family Services of the now Office of the Prime Minister-Deputy Chairperson;
- Coordinator, National Plan of Action of the now Ministry of Social Development (who serves as Secretary to the Committee);
- Director, Gender Affairs Division of the now Ministry of Community Development and Gender Affairs;
- Director, Planning and Research of the now Ministry of Labour, and Small and Micro Enterprise Development ;
- Senior Planning Officer, Ministry of Education;
- Senior Economist, Monetary Fiscal and Trade Division, Ministry of Finance;
- Senior Statistician, Central Statistical Office of the now Ministry of Planning and Development;
- Senior Planning Officer, Ministry of Planning and Development;
- Legal Officer, Ministry of Social Development ;
- Policy Analyst, Ministry of Health;
- A representative of the Ministry of the Attorney General;
- A representative of the Ministry of National Security (Community Police Division);
- A representative of the Tobago House of Assembly;
- A representative of the Trinidad and Tobago Chamber of Commerce;
- A Youth Representative;
- A representative of the Trinidad and Tobago Coalition for the Rights of the Child (NGO); and
- A representative of SERVOL (NGO).

17. While the NPA Committee has been established to, *inter alia*, monitor the implementation of the Convention on the Rights of the Child, the implementation process is still piecemeal and has not been undertaken as a collaborative programme at the national level. The new National Plan of Action for Children is currently being drafted to reflect the goals set by the United Nations General Assembly Special Session for Children which was held in 2002. A consultation process has been employed to gain the input of the widest cross section of stakeholders. Stakeholder consultations are to be followed by a national consultation in 2003. It is envisioned that with the revision of the National Plan of Action a more holistic and integrated approach to promoting the goals and objectives of the CRC will be adopted.[1]

Q. 18 Please provide information on existing or planned mechanisms at the national, regional and local levels for ensuring implementation of the Convention, for coordinating policies relevant to children and for monitoring progress achieved, including information on:

- **The governmental departments competent in the areas covered by the Convention, the steps taken to ensure the effective coordination of their activities, as well as to monitor the progress made by them;**

18. The following government departments are competent in the areas covered by the Convention:

19. **The Ministry of Social Development**

Within the last five years, there have been a number of title changes to this Ministry, from the Ministry of Social Development to the Ministry of Social and Community Development, to the Ministry of Community Empowerment, Sport and Consumer Affairs in 2001. Over the years, the focus of the State has been to provide, through this Ministry, non-contributory social security benefits, probation and legal aid services, family and adoption services and substance abuse rehabilitation.[2]

In 2002, the Ministry reverted to its initial title of the Ministry of Social Development with a broad mandate of social sector policy planning and research and social sector development. The main difference between the old and the new is that the delivery aspect of its mandate was removed and placed under the ambit of Office of the Prime Minister (Social Services Delivery). With this shift, the Ministry of Social Development has assumed the role of the core social sector agency charged

[1] According to information submitted by the representative of Ministry of Social Development on the Human Rights Consultative Committee by correspondence submitted on 20/11/02 and 30/04/03 respectively.
[2] Report of the Auditor General on the Operations of the National Family Services Division-2002 at p.13.

with the formulation of Government's overall social development objectives.[3] As regards children, the Ministry deliverables and other programmes and projects include:

- Introduction of a comprehensive programme for adolescent mothers;
- Establishment of a Children's Authority;
- Development of a National Plan of Action for Children and sensitisation of the population on the Convention on the Rights of the Child;
- Establishment of a Remand Home for young male offenders at Aripo;
- Follow up Study to the Multiple Indicator Cluster Survey (MICS);
- Establishment of a Probation Hostel for young males at Centeno;
- Development of a plan for addressing child poverty; and
- Development in collaboration with the Office of the Prime Minister (Social Services Delivery) of a Central Registry for monitoring the status of Children in Need of Special Protection (CNSP Project).

It is envisaged that the new organisational structure of the Ministry will include a Social Investigations Division, a Policy and Programme Planning and Development Division, and a Monitoring and Evaluation Division among others. The Policy and Programme Planning Development Division will have overall responsibility for policy development in the social sector. One of the functions of this Division will be to monitor the implementation of the Convention on the Rights of the Child.

20. **Office of the Prime Minister (Social Services Delivery)**

The delivery of social services has been placed under the ambit of Office of the Prime Minister (Social Services Delivery). Prior to 2002, the Ministry of Social Development was responsible for social services delivery. The following Divisions/Programmes fall under (Social Services Delivery):

- **National Family Services Division**. This Division was established in 1991 in Trinidad and in 1995 in Tobago. The Division operates under the Division of Health and Social Services in Tobago. The authorised roles and functions of the Division[4] are as follows:

  -Collects national information and data reflecting the present situation of families; prepares profiles of families and identifies family related issues and problems.

[3] Position Paper on the Ministry of Social Development (2003).
[4] Supra,fn.2 at p.4

-Maintains effective communication with national bodies and organisations concerned with family related issues such as the Police Juvenile Bureau and Counselling Centres.

-Encourages incorporation of family programmes into national development strategies as integral and effective components.

-Examines and monitors the care and safety of children housed at Government institutions (e.g. Industrial Schools and Orphanages) and at homes managed by private persons and organisations.

-Counsels and makes referrals to various agencies and members of the public on request.

Since its establishment, the actual work done by the National Family Services Division has been as follows:[5]

-Providing counselling services to individuals, groups, families and communities on issues relating to family functioning-abuse: including child and other abuse, domestic violence, rape, buggery; interpersonal relationship problems including conflict and anger management, self esteem, human sexuality and communication. Especially since the enactment of the new domestic violence legislation, survivors of domestic violence are routinely referred to the Division by the Court for counselling;

-Monitoring groups and homes in communities that offer protection to children in need;

-Coordinating and conducting public education programmes including distribution of booklets and pamphlets, training workshops for managers and caregivers of various types of community homes, seminars and lectures to groups and organisations on topics re: promoting and sustaining healthy family functioning, including human rights, sexuality and abuse, with priority on child abuse;

-Assessing/evaluating organisations re: subventions to non governmental agencies that cater to different groups of vulnerable persons, with priority on children;

[5] According to Information supplied by the Director, National Family Services (June 2 2003).

-Conducting investigations, evaluations, making recommendations and doing follow-up for regional and International Agencies with respect to the care of children of Trinidad and Tobago, who are in "at risk" situations revolving around migration.

-Recommending grants for training courses to children affected by violence-to equip them with skills for their future employment e.g. in the areas of computer and basic literacy, welding and hair dressing.

-Foster Care Unit. This also falls under the portfolio of the National Family Services Division. A pilot project for formal fostering of children in Trinidad and Tobago was approved by Cabinet in 1994. However, numerous administrative and legislative issues constrained against placement until 2000. A system of voluntary placement, approved in 1999 has facilitated the formal fostering of 27 children, although more than 150 requests were received. At this time, further Cabinet approval is pending.[6]

- **Social Welfare Division**. This Division provides grants of Old Age Pension, Public Assistance and Urgent Temporary Assistance. Old Age Pension: Although targeted at elderly persons 65 years or older who qualify, children in the care of elderly persons benefit indirectly from this social scheme. Since 1995, the Old Age pension has increased progressively. In 1997 it was raised from TT$356 to $420 per month. In 1998, it was raised to $520. In 1999, it was raised to $620.[7] In 2000, it was raised to $720. The Government has agreed to a further increase in the Old Age Pension from $800 per month to $1,000 per month with effect from January 1 2002.[8] Public Assistance provides assistance to necessitous children where the head of the household is dead, living in an institution, has deserted the family and cannot be found or is not supporting in accordance with a court order.

- **Adoption Case/Work Section**. Adoption requests are processed by the Adoption Board. The Board is responsible for screening persons who wish to give up their children for adoption. Pregnant women who wish to place their children up for adoption can approach any of the Adoption Board Offices for assistance.

- **Industrial Schools and Orphanages.** Two certified Industrial Schools (St. Michael's and St. Jude's) and two certified Orphanages (St. Dominic's and St. Mary's) are completely

[6] Supra fn.5
[7] Budget Statement 2000-2001 at p.8 (www.finance.gov.tt)
[8] Budget Statement 2003 at p.8.

funded by Government through the Office of the Prime Minister (Social Services Delivery). Access to children's Homes is assigned by the courts. Persons who wish to have their children admitted to these Homes must see a Justice of the Peace who will arrange an appointment for the matter at the Magistrate Court in their district. The Court will decide whether or not to recommend admittance to one of the Homes. Industrial Schools are correctional institutions. The Courts assign admittance to these Schools. However, children can be placed in smaller children's Homes without a court order.

- **Probation Department**. The Probation Department makes available to the Courts the services of probation officers. There are legal obligations assigned to the Department under various domestic statutes. The main thrust of probation work is the supervision of offenders released on probation in lieu of a custodial sentence. Probation Officers are expected to make visits to homes, schools and places of employment as part of their supervision plan. The Department also prepares pre-sentence reports which offer magistrates and judges a critical analysis of the offender's circumstances, the risk of re-offending and the steps which might be taken to lessen that risk. The Department also offers counselling for domestic violence, for juvenile delinquency and child abuse cases among others. The Court also requests social enquiry reports from the Department on matters before the Court. The Department also prepares reports on child abuse referrals, child custody matters, orphanage releases and mercy committee reports on condemned prisoners, among others.

- **Disability Affairs Unit**. This Unit was formally established in August 1999 to serve as a resource and referral centre for persons with disabilities. It is a resource centre for documentation, materials and information pertaining to disability matters. It provides technical support and referral services for persons with disabilities, their families and interested persons. It networks with NGOs, the media and research offices to collect information on persons with disabilities. It also increases sensitisation and public awareness of the disabled. The Unit is about to embark on an intensive research agenda which would serve to guide the review of the National Policy on Persons with Disabilities and to inform programming in the area of disability.

- **The National Alcohol and Drug Abuse Prevention Programme (NADAPP)**. This programme facilitates the provision of information on drug abuse and alcohol prevention to schools, groups, organisations and members of the public. This is conducted via the setting up of displays, booths, brochures and pamphlets. NADAPP provides motivational lectures to schools and organisations on drug abuse and alcohol prevention. These lectures are provided on request and are conducted at the school or business organisation. NADAPP provides assistance and technical advice about treatment and rehabilitation for drugs and alcohol abuse to NGOs involved in these activities.

- **Change Management Unit for Poverty Eradication and Equity Building(CMU/PEEB)**. Although not specific to children, the roles of this Unit (which was established in 1997) are: i) To bring about improved coordination and collaboration in the design and implementation of anti-poverty initiatives across Ministries, sectors and agencies. ii) To ensure that all stakeholders including the poor themselves are full participants in the process of development and iii) To facilitate the formulation of a national poverty reduction framework which would underpin the above. The CMU has been identified as the implementing agency responsible for the European Commission sponsored Poverty Reduction Programme. An innovative and successful programme of this Unit has been the 'Adopt a Community' Programme which was launched in May 1998. The main strategy is the creation of a partnership between business organisations and poor communities to improve the quality of life and facilitate the sustainable development of these communities. As at the end of 2001 some 25 communities had benefited from corporate sponsorship in the areas of education and training, income generation programmes, social development, sport, culture and infrastructure.

- **Social Help and Rehabilitative Efforts (SHARE) Programme**. This programme offers temporary emergency relief to poor and needy persons, through the distribution of food hampers (with a system of referral relevant to Government Ministries/Agencies that provide social rehabilitation programmes). Food hampers are distributed to household representatives between the ages of 18 and 65 years of age on a (six month) rotational basis. In 2002, the value of the hamper was increased from TT$150 to TT$200. The programme involves a rehabilitative component and is conducted in collaboration with a network of one hundred and twenty-nine NGOs throughout the country. As at August 2001, eighty one hundred families benefited from the programme.

- **Relief Centres Programme**. This programme provides hot meals to destitute persons at three Centres in Port of Spain. Approximately 22,000 hot meals are distributed to walk in clients on a monthly basis and a training component has been added to achieve Government's thrust towards empowerment and sustainable development.

21. **The Ministry of Education**

- **The School Supervision Division** contains the following Units:

-Early Childhood Care and Education Unit: with overall responsibility for the provision and management of early childhood care and education.

-Special Education Unit: responsible for the provision, organisation and management of special education.

-Guidance Unit: with overall responsibility for the provision of guidance and counselling services within the school system.

- **The Curriculum Development Division**. This Division is responsible for the design, development, implementation and evaluation of the curriculum for primary and secondary schools.

- **The Educational Services Division**. This Division is responsible for overseeing and coordinating the operations of the following Units, among others:

  - The School Broadcasting Unit: which develops and delivers radio programmes in support of the school curriculum at the various levels.

  - The Publications Unit: which is responsible for publishing and printing educational and other material for dissemination to schools throughout the country.

- **The Division of Educational Research and Evaluation**. This Division is responsible *inter alia* for developing and managing a system for the continuous assessment of the performance of students at all levels of the education system.

- **Technical and Vocational Education and Training Division**. This Division is responsible for the provision and administration of all vocational education and training programmes in secondary schools. It *inter alia* monitors and supervises the implementation of technical and vocational education and training curriculum in schools, technical institutes, vocational centres and technical teacher education establishments.

- **Secondary Education Modernisation Programme Coordination Unit (SEMPCU)**. The Unit is responsible for the management and implementation of projects under the Ministry of Education, the Inter American Development Bank and Secondary Education Modernisation Programme (SEMP). The duration of the programme is scheduled for seven years 1998-2006.

- **The Education Project Co-ordinating Unit (EPCU)**. The Unit is responsible for the management of all activities connected with implementation of the Ministry of Education/International Bank for Reconstruction and Development (IBRD) Fourth Basic Education Programme. The programme promotes school and community participation in

the preparation, implementation and management of primary school improvement plans preparation, and encourages the increased involvement of principals, teachers, students, parents and other groups in sub-projects designed to improve the schools in their communities.

22. **The Ministry of Health**

- **National AIDS Programme-Reduction of Mother to Child Transmission Programme**. This programme includes voluntary counselling and testing; anti-retroviral therapy for HIV positive mothers; and anti-retroviral treatment for newborn infants of HIV positive mothers. There is a Rap Port Youth Information and Counselling Centre located in Port of Spain. Emphasis is now being placed on the adolescent as regards service delivery.

- **Breast Feeding Programmes**. These Programmes which have a major educational component are implemented through a National Committee, regional committees and various NGOs. The Sangre Grande Hospital recently achieved the status of a baby-friendly hospital by UNICEF. Work is currently being undertaken in the other major hospitals with the objective of achieving the same status.

- **School Inspection**. Inspections are done by a multi-disciplinary health team. Emphasis is placed on the environment and on the personal hygiene of children. The teams concentrate (to a greater extent) on beginners and school leavers. School leavers are checked for STDs and drug use. The Public Health Inspectorate monitors the quality and food safety practices of the School Nutrition Programme. Water and chlorine content are also frequently monitored at all schools.

- **Vision Screening**. The Eastern Regional Health Authority has accomplished total 'vision and hearing' screening in all schools in that region. However to date, the other Regional Health Authorities have only managed to accomplish this level of effort with the school beginners and leavers in their respective regions.

- **Expanded Immunisation Programme**. Over 90% coverage has been achieved to date. However, there have been no known cases of: polio since 1972; measles since 1991; rubella since 1999; and neonatal tetanus since 1997.

- **Nutrition and Metabolism**. There is a system of surveillance which involves indicators in pregnancy. There are 'well baby' clinics in all hospitals and health centres which monitor *inter alia* the growth of infants between the ages of 0-4 years. There are also established milk-feeding programmes conducted by multidisciplinary teams. The data is collected to

track trends in growth development, which would identify young children in need of milk supplements. Attempts are made by the State to meet the needs of such children. Special emphasis is placed on meeting the needs of children born to HIV positive parents as well as HIV positive children. The Ministry conducts (and is expected to conduct) surveys to access anthropometrics indices among primary school students. The last such survey was done in 1999 and included social and economic indices. A national survey is currently being conducted in secondary schools to evaluate the nutritional status of these students.

- **Maternal and Child Care**. More than 90% of the antenatal cases are seen at public institutions. Neo natal services are provided at the General Hospital, Port of Spain and the Eric Williams Medical Sciences Complex. There is also a new Paediatric Hospital at the Complex.

23. **The Ministry of Public Administration and Information**

Government Information Services is mandated *inter alia* to provide an enhanced public education facility. It comprises:

- **A Television Unit**. This Unit produces television programmes and documentaries on national, social and cultural issues and provides coverage of Government activities.

- **A Radio Unit**. The Radio Unit informs the public about Government's activities, projects and policies and broadcasts features relating to national and international events. Its radio programmes are distributed to radio stations on a daily basis.

- **A Print and Photographic Unit**.

- **A Research and Library Unit**. This Unit is the repository for collected information and a source for reference material. It serves the needs of the Division, government agencies and members of the public. The Research arm of this Unit is responsible for producing magazines and other publications, pamphlets and leaflets, brochures, posters etc. of national interest to the public.

24. **The Ministry of Community Development and Gender Affairs**

The Gender Affairs Division provides:

- **Community Based Drop-In Information and Support Centres**. There are nineteen (19) drop in centres in communities throughout Trinidad. This service offers victims the

opportunity to discuss domestic violence matters with trained social workers/counsellors. At these centres, members of public can also access assistance including counselling and information on rape, sexual assault and family disputes within communities.

- **Male Support Programme**. A Male Support Committee which was established in 2000 solicited male support in addressing issues of domestic violence, in re-socialising men and boys, as well as in offering support to vulnerable men in society. The Committee evolved into a Male Support Programme headed by a male coordinator who operates out of the Gender Affairs Division. In January 2000, the Male Support Programme conducted gender-based training with first form students in selected schools.

- **Domestic Violence Emergency Hotline**. Help can also be accessed through this 24-hour per day toll free hotline operated by the Unit (800-SAVE) which is funded by the Government. The line is operated by a supervisor/counsellor and eight active listeners. This service networks with all social service agencies and the police. Counselling is given on request and accommodation arranged at safe houses, if deemed necessary.

- **National Youth Outreach Caravan**. This re-socialisation programme was embarked upon in seven primary schools in the year 2000 by the Gender Affairs Division. The programme was carried out in twelve primary schools in 2001. It seeks to investigate gender relations among young students about to enter secondary schools and uses theatre and drama techniques to enlighten students about non-violent conflict resolution and alternative means of communication. The programme was not undertaken in 2002.

- **Public Awareness**. The Division conducts public awareness programmes (which specifically target women and children) by the use of lectures, seminars/workshops, posters, brochures, booklets, newspaper supplements and art competitions.

The Community Development Division:

The Division works closely with community-based organisations, which are local groups with bases of operation in villages or regional communities. The Division provides:

- **Geriatric Adolescent Partnership Programme**. This programme provides training to young persons between the ages of 17 to 25 (for three months) in geriatric skills at basic level. Advanced training is conducted for graduates of the basic level training. This programme provides a placement agency through which caregivers can be accessed to care for the elderly or the incapacitated elderly persons in private homes or institutions.

- **Community Development Division-Best Village Programme Development**. This service provides for the implementation of the Best Village cultural programme (through which communities participate in a number of activities such as dance, drama and food presentation). These events are organised at the community level. Community Development Officers assist communities in organising their members to participate in these activities.

- **Community Education**. The Division promotes non-formal education to complement the activities of the formal education system managed by the Ministry of Education. The underlying objective of the Community Education Programme is to expose citizens to training, skills development activities and information to enhance their life chances. The Programme consists of four components including the Domestic Support Projects; Entrepreneurial Development Projects, Leadership and Management Training Courses and the Community Awareness and Sensitisation Project.

- **Community Development Building Programme**. The Community Development Division constructs, maintains and refurbishes community centres. The centres (which are managed by the village council) are public venues designed to encourage communities to plan, organise and implement programmes for improving the quality of life of citizens. Programmes include: group and community meetings; seminars and conferences; educational activities (such as lectures on parenting); multiculturalism and civil responsibility; management and leadership training; health care programmes (aimed at preventing the onset of lifestyle diseases and improving the management of health related problems); indoor sports and recreational activities; vocational and handicraft training programmes; and homework assistance classes.

25. **<u>The Ministry of Culture and Tourism</u>**

The Culture Division provides the following programmes for children:

- **Open School For the Arts Programme**. This programme provides courses in visual arts (i.e. painting drawing, sculpture), wire bending, pan sinking, pan blending, songwriting, drama, dance, and music literacy. Young persons between the ages of twelve to twenty years participate in this programme.

- **"Bring Art and Come Project"**. Young amateur artists are invited to bring out their art for advice and evaluation by a local professional artist. Young persons between the ages of 12-20 participate in this programme.

- **Cultural Immersion Programme**. The cultural heritage of Trinidad and Tobago is brought to both primary and secondary schools by the cultural experts in the Division of Culture. Children are exposed to the cultural heritage of Trinidad and Tobago including the Carnival Arts, Dance, Drama and Music (for instruments such as the sitar, pan, and drums including the *tabla* and African Drums). Children are encouraged to experiment in the various art forms and to explore their artistic talents.

26. **The Ministry of Sports and Youth Affairs**

The Youth Affairs Division provides:

- **Youth Services**. This programme includes: youth group support; leadership development for group leaders and youth workers; skills training for young people in vocational skills; and entrepreneurship development activities.

- **Youth Group Leadership Training and Capacity Building**. This programme helps young leaders acquire skills to enhance group performance.

- **Youth Community Projects/Community Service Programme**. Young persons concerned about social issues can visit a district office and get information on how to develop a community project.

- **Youth Health/Information and Training**. Information and training are provided on STDs, HIV/AIDS, drugs and other health related issues affecting youth.

- **Youth Exchange Programmes**. This programme facilitates young persons interested in meeting people in Trinidad and Tobago, the Caribbean and internationally.

- **Youth Resource and Information Centre**. Information is provided on careers, education and training, health, community issues, volunteering, parenting, the environment, leisure and the specially challenged.

- **Youth Development and Apprenticeship Centres/Youth Facilities and Trade Centres**. These centres offer a variety of training programmes (residential and non residential; full time and part time) for young men and women between the ages of 15 to 25. Participants are offered level I Craft Training.

- **Youth Placement Centres**. Graduates of the Apprenticeship Centres, Trade Centres and Youth Facilities can benefit from placement services for young persons aged 17-25 years.

Placement officers liaise with the private and public sector to get information on employment opportunities.

- **Youth Development/Annual Special Programmes**. These include: International Youth Day held in August; model CARICOM Programme held in July; Model United Nations Programme held in October and Recreational Vacation Camp held in July/August. These programmes are offered to school children between the ages of 13-18 years old, youth groups and organisations. Model CARICOM is held every other year alternating with the Model United Nations Programme.

27. **The Ministry of Legal Affairs**

- **Legal Aid and Advisory Authority**. Legal aid is provided to persons who are eligible under the Legal Aid and Advice Act. Matters for which legal aid is available include proceedings for and in relation to an application under the Status of Children Act 1981, the Family Law (Guardianship of Minors Domicile and Maintenance) Act 1981, the Domestic Violence Act 1999 and the Attachment of Maintenance Act, 1988. All persons below 18 years of age are treated as children.

28. **The Ministry of National Security**

- **Cadet Force Division**: Youths age 12-19 are recruited through the school system. The child's parents and the school's principal must give their consent for students to become cadets.

- **Youth Training Centre**. Young male persons between the ages of sixteen years and eighteen years who have been convicted of an offence other than murder, which is punishable by a term of imprisonment in the case of an adult, may be sent to the Youth Training Centre (Y.T.C.), which is under the control of the Commissioner of Prisons. In December 2002,[9] there were 218 inmates in YTC ranging from 14 to 22 years. Of this amount, 175 were convicted and 43 were remanded. Young persons at the Y.T.C. do not have any contact with adult offenders. The aims and objectives of the Institution are, *inter alia*, to provide secure custody and physical care, to foster mature development, to minimise the detrimental effects of being incarcerated and to provide constructive and satisfying activities, including academic instruction and technical training.

[9] Trinidad Express Newspaper, December 16, 2002

29. **The Tobago House of Assembly**

In Tobago, the Division of Health and Social Services of the Tobago House of Assembly is vested with overall responsibility for protecting the social welfare of children. This Division provides counselling and care for children through its Family Services Unit and protects children under the law through its Probation Unit. The Division of Health and Social Services also provides financial assistance through subventions to non-governmental organisations and grants to necessitous patients to assist in the provision of services to children. The Division of Education is responsible for the provision of basic education in Tobago. The Gender Affairs Unit provides gender mainstreaming, gender socialisation and provides protection for women and children through the Domestic Violence Unit, the Domestic Violence hotline and drop-in counselling centres. The Division of Health and Social Services is also vested with the responsibility for the provision of, *inter alia* health care to children.[10]

- **The steps taken to ensure effective coordination of activities between central, regional and local authorities;**

30. Trinidad and Tobago is a small island state with a highly centralised system of governance. The responsibility for ensuring implementation of the Convention, coordinating policies and activities relevant to children and monitoring progress achieved lies with the relevant Ministries of Central Government including Office of the Prime Minister (Social Services Delivery), Ministry of Social Development, the Ministry of Health and the Ministry of Education. Strategic planning and coordination of activities generally take place within the confines of the respective Ministries.

31. The National Plan of Action Committee (described in response to question 17 of the Guidelines) is responsible for ensuring effective coordination of activities among Ministries and NGOs concerned with the progressive realisation of the Convention on the Rights of the Child. Representatives of key Ministries are members of the Committee. In addition to the NPA, in 2002 Cabinet appointed a "Social Sector Coordinating Committee" which is chaired by the Prime Minister. The Committee comprises the Permanent Secretaries of the Social Sector Ministries. The Committee's mandate is to examine all the programmes across the social sector Ministries with a view to eliminating duplication of programmes and strengthening their efficacy. The Committee includes representation from *inter alia* the Ministry of Sport and Youth Affairs, the Ministry of Social Development, the Office of the Prime Minister, the Ministry of Culture and Tourism, the Ministry of Community Development and Gender Affairs as well as the Ministry of National Security.

[10] Administrator, Health and Social Services, Tobago House of Assembly by memorandum dated 12 March 2001.

- **Any governmental institutions created to promote the rights of the child and monitor implementation, and how they relate to non-governmental organisations;**

32. Upon establishment, the Children's Authority (described in response to question 12 of the guidelines) will have such a role. The Authority will be a body corporate, the functions of which are set out in S. 5 of the **Children's Authority Act, No. 64 of 2000.**

33. Section 5 provides:

5. The Authority may have and exercise such powers, functions and duties as are imposed on it by this Act and in particular-

(a) advise the Minister on matters relating to the operation of this Act;

(b) monitor community residences, foster homes and nurseries and conduct periodic reviews to determine their compliance with such requirements as may be prescribed;

(c) investigate complaints of-
(i) staff
(ii) children; and
(iii) parents or guardians of children,

with respect to any child who is in the care of a community residence, foster home or nursery, of the community residence's foster home's or nursery's failure to comply with requisite standards as prescribed under the Children Community Residences, Foster Homes and Nurseries Act, and any incidences of mistreatment of children in such places;

(d) issue, revoke and withdraw licences of community residences and nurseries as provided under the Children Residences, Foster Care and Nurseries Act;

(e) monitor agencies which address children's issues;

(f) investigate complaints or reports of mistreatment of children in their homes;

(g) act as an advocate for the rights of all children in Trinidad and Tobago; and

(h) do all such things as may be necessary or expedient for the proper performance of its duties.

34. According to S.7 of the Act, the Authority shall be managed by a Board of Management which will be in charge of the administration of the Act. The Board shall consist of eleven persons, namely: a child psychologist; a child psychiatrist; a qualified social worker; a public health specialist; an educator; an accountant; an attorney at law; a person under the age of twenty-five years representing the youth; a person nominated by the Tobago House of Assembly; a police officer who has experience in children issues and a representative of an NGO which has as its objectives the promotion of the welfare and protection of children.

35. The Ministry of Social Development is in the process of taking steps to have members of the Board of Management of the Authority appointed in accordance with the provisions of the Act.

36. At the present time, the Authority has not yet been operationalised in any way and it is expected that the operations of the Authority will become the responsibility of the Office of the Prime Minister (Social Services Delivery).

37. While there is no definite time frame for the establishment of the Children's Authority, budgetary allocations have been made for it in 2003/2004 fiscal year. However, accommodation and other physical arrangements for the Authority still need to be finalised.[11]

38. Section 5 A(1) of the Act provides that the Children's Authority shall be the Central Authority for the purposes of the Hague Convention on the Civil Aspects of International Child Abduction.

39. The National Family Services Division of the Office of the Prime Minister (Social Services Delivery) is serving as the interim Central Authority for the purposes of the Hague Convention on the Civil Aspects of International Child Abduction until the establishment of the Children's Authority.

- **Any independent body established to promote and protect the rights of the child, such an Ombudsperson or a Commissioner.**

40. Part II of Chapter 6 of the1976 Constitution establishes the Office of the Ombudsman in Trinidad and Tobago. Section 93 of the Constitution provides that the principal function of the Ombudsman shall be to investigate any decision or recommendation made, including any advice

[11] Minutes of the 14th meeting of the NPA Committee dated 30 January 2003.

given or recommendation made to a Minister, or any act done or omitted by any department of Government. **The Ombudsman Act, Chap. 2:52** makes provision for giving effect to Part II of Chapter 6 of the Constitution. The Ombudsman has a role with regard to children. For example, children who are detained at the Youth Training Centre which is run by the Prisons Division can send their written complaints to the Ombudsman who is empowered to investigate any violation of the rights of these children.

41. Some NGOs have expressed the view that there is a need for the appointment of an Ombudsman to specifically promote and protect the rights of the child. It should be mentioned however, that the Children's Authority to be established will serve to register and investigate all complaints from and on behalf of children concerning violations of their rights under the law, primarily with respect to all forms of abuse.

- **The measures taken to ensure the systematic gathering of data on children and their fundamental rights and to assess existing trends at the national, regional and local levels, as well as the steps taken to develop mechanisms for the identification and gathering of appropriate indicators, statistics, relevant research and other relevant information as a basis for policy-making in the field of children's rights.**

42. It was stated in paragraph 14 of the Initial Report under the Convention that no mechanisms existed for the continuous collection of statistical and other data to inform policy formulation. Related information was also provided in response to question 4 of the issues raised by the pre-sessional working group with regard to the initial report.

43. The Central Statistical Office (which operates under the Ministry of Ministry of Planning and Development) is responsible for collecting and collating most of Government's statistical data. Data on the situation of children is collected through traditional means such as the National Census (which is conducted every ten years) and the Survey of Living Conditions (which is conducted every five years). Data from the 1997/1998 Survey of Living Conditions is still being analysed and the report has not yet been published. Data from the 2000 National Census is also not yet available. One NGO has highlighted an urgent need for legislation governing the operations of the Central Statistical Office to be updated and for the Office to be provided with adequate funding and staffing.

44. Over the reporting period, the Government has taken the initiative to improve data collection with a view to informing policy decisions. The Government in the process of establishing two databases with respect to children, namely: the Child Indicator Monitoring System (CIMS) and the "Children in Need of Special Protection" (CNSP) Monitoring System.

The Child Indicator Monitoring System

45. The Central Statistical Office with technical and financial assistance from UNICEF embarked on a Child Indicator Monitoring System (CIMS) project in November 1999. The objective of CIMS is to provide comprehensive data and indicators for enabling the continuous assessment and review of the situation of children, from birth through their developmental stages, and enabling the updating of the National Plan of Action goals. While this project does not specifically address the areas covered by the Convention, it does seek to collect and analyse data on the goals of the 1990 World Summit for Children.

46. The basic areas of focus are:

- Health;
- Education;
- Access to amenities;
- Fulfillment of Basic Needs Requirement;
- Disability;
- Home Environment;
- Living Standards;
- Social Conditions;
- Adult Literacy;
- Early Childhood Development; and
- Adolescence and Youth.

47. The project is being undertaken in different phases. In phase one, a consultant was engaged to conduct a capacity assessment of Government Ministries, Departments and Specialised Units responsible for the care and protection of children, and other non-governmental and private organisations which also provide service, in order to determine the following:

- The extent of existing data generation capacity and the nature of existing data gathering activities in relation to the CIMS;
- Adequacy of data being produced, for the generation of indicators;
- Ways of achieving improvement and efficiency through training;
- Ways of sustaining activity for the servicing of the CIMS;
- Identification of the need for capacity building and the training of personnel to operate and maintain the enhanced data systems; and
- Reasons for the deficiencies in the existing systems that will need to be addressed.

48. In April 2002, the Central Statistical Office and UNICEF held a Workshop to present the findings of the consultant on the assessment phase of the CIMS project and to consider

recommendations for proceeding to Phase II- Planning and Implementation. The summary report of Phase I of CIMS concluded *inter alia* as follows:

> *Almost all of the data required for producing the indicators are generated in some form but, if the CIMS is to be serviced in the manner required, considerable work has to be done in harmonising existing systems and procedures, and eliminating overlaps in both data collection efforts and in the generation of statistics of the same nature.*

49. Some of the activities in Phase II of the project include:

- The recruitment of a consultant and system analyst/programmer;
- To review of the system of indicators in Phase I;
- To ascertain the training needs of the human resources;
- To review, design and test existing databases;
- To modify data collection instruments;
- To design and test data flow system cycle; and
- To prepare a report, including the data collected on the indicators.

50. Work is currently being done to ensure that all the necessary requirements for the activities in Phase II are met. This is to ensure the success of the CIMS project.

The CNSP Project

51. The now Ministry of Social Development has also finalised a proposal for undertaking, in collaboration with UNICEF, a project entitled "Children in Need of Special Protection (CNSP) Monitoring System". The system involves the establishment of a computerised database to monitor in the first instance, the status of children in especially difficult circumstances. In its initial stages, the CNSP will collect and analyse data on four categories of children: abused and neglected children, institutionalised children, children with disabilities and children in conflict with the law. Data will be collected from Government agencies as well as from NGOs who already collect data on children living in especially difficult circumstances. The data from this project will serve to inform Government on policy development and the strategies to use in dealing with these issues. It will also serve to guide advocacy and public education activities.

52. The implementation of this project has been hindered by an inadequate budget and the unavailability of staff in the executing agency.[12] The executing agency is the National Family Services Division of the Office of the Prime Minister (Social Services Delivery). The Ministry of Social Development has engaged in preliminary project activities (such as an assessment of the

data collection capability of the agencies that will be participating in the project and the selection of a research programmer and a systems analyst).

53. Allocations were made for this project in the 2003/2004 National Budget and the Ministry of Social Development is awaiting the re-release of UNICEF funding, following the close of the organisation's financial year in November 2002.

Multiple Indicator Cluster Survey

54. The 2000 Trinidad and Tobago Multiple Indicator Cluster Survey (MICS) is a nationally representative survey of households, women and children. The three primary objectives of the Trinidad and Tobago MICS are as follows:

- To provide up-to-date and reliable information for assessing the situation of children and women in Trinidad and Tobago at the end of the decade and for looking forward to the next decade;

- To furnish data needed for monitoring progress towards goals established at the World Summit for Children and as a basis for future action;

- To contribute to the improvement of data and monitoring systems in Trinidad and Tobago and to strengthen technical expertise in the design, implementation and analysis of such systems; and

- To establish an adequate baseline to be used as a reference for future child indicator monitoring.

55. The Trinidad and Tobago MICS was commissioned to cover a nationally representative sample of 4,500 households. The Central Statistical Office in collaboration with the now Ministry of Social Development conducted the Trinidad and Tobago MICS. The Central Statistical Office designated a senior official as the Technical Coordinator of MICS. The technical co-coordinator was guided and supported by a Technical Committee which provided technical expertise in the planning and implementation of the Trinidad and Tobago MICS. The Technical Committee comprised representatives of the Ministries of Health and Education, the Central Statistical Office and the University of the West Indies. The Ministry of Social Development was also represented on the MICS Technical Committee. UNICEF provided the services of a demographer and a social

[12] Representative of the Ministry of Social Development on Human Rights Consultative Committee (correspondence of January 2003)

policy consultant. The UNICEF Regional Office in Barbados and the UNDP provided technical support and funding for the entire exercise.

56. The Ministry of Finance has been mandated by Cabinet to provide funding for the implementation of the MICS final report (in the 2003/2004 budget). The projects emanating from the recommendations of the MICS report are related mainly to health and education.[13] The results of the survey are set out in the pertinent sections of this report.

The 1997 Situational Analysis of Children and their Families

57. The study was commissioned by UNICEF, on behalf of the Government of Trinidad and Tobago, for the purpose of informing programme planning for these vulnerable groups. The study was completed and addressed the broad areas identified by the 1990 World Summit for Children: Survival, Protection and Development of children. The findings were presented to key stakeholders at a Round Table Discussion to facilitate inputs and queries.

58. The document has not yet been finalised or formally launched since the Ministry of Education had a number of concerns that had to be addressed before the body of work could be published and made available to the Government and other stakeholders.[14]

The Survey into the Nature and Extent of Child Prostitution, Child Pornography and the Sale of Children in Trinidad and Tobago

59. In 1996-1997, Government commissioned an exploratory study "Survey into the Nature and Extent of Child Prostitution, Child Pornography and the Sale of Children in Trinidad and Tobago". The study identified economic hardship and adverse social and domestic circumstances as the contributing factors for the involvement of persons under the age of eighteen years in commercial sexual activity. The survey findings indicated that there was no evidence of the sale of children.[15]

60. In response to these findings, the Government devised a programme of action that includes the following measures[16]:

- The conduct of public awareness programmes on the existence of commercial sexual exploitation in Trinidad and Tobago (in the context of a human rights issue);

[13] Supra, fn.11
[14] Supra, fn.12 (by correspondence submitted 15 January 2003).
[15] National Report on the Follow up to the World Summit for Children at p. 15
[16] Supra, fn.12 (by correspondence submitted 15 January 2003).

- The stipulation that advertisements in the tourism industry should not in any way suggest Trinidad and Tobago is a destination for sex tourism;

- The sensitisation of law enforcement agencies to the seriousness of the phenomena addressed by the survey as criminal activities and accordingly, the imposition of stiffer penalties for these offences; and

- More in-depth and expansive research into commercial sexual exploitation of children and the institution of systematic data collection and analysis systems to inform programme formulation in these areas.

Report on Commercial Sexual Exploitation

61. A country report on commercial sexual exploitation was prepared by the then Ministry of Community Empowerment, Sport and Consumer Affairs for submission to the Regional Governments Consultation scheduled to take place in Uruguay from November 7th to 9th 2001.

- **The steps taken to ensure a periodic evaluation of progress in the implementation of the Convention at the national, regional and local levels, and where appropriate at the federal and provincial levels, including through the preparation of any periodic report by the Government to the Parliament.**

62. In April 1997, the Government in collaboration with UNICEF hosted a sensitisation workshop entitled "Toward a Collaborative Programme of Action for Children in Trinidad and Tobago" with a view to evaluating the progress made in the implementation of the Convention. The workshop targeted Government Ministries, NGOs, educational institutions and the youth.[17] The session was conducted to disseminate information about the National Plan of Action for children and the Convention on the Rights of the Child, as well as:

- To examine the specific action being undertaken by NGOs and other groups to meet the goals outlined in the NPA and the CRC;

- To examine the vision of agencies involved in the delivery of like services to facilitate greater collaboration and networking among these organisations, and

- To develop a joint programme of action from which projects could be developed.

[17] Supra, fn.15 at p.5

63. One of the mandates of the "National Committee to monitor implementation of the National Plan of Action for Children and the Convention on the Rights of the Child" is to ensure periodic evaluation of progress in the implementation of the Convention.

64. As a signatory to the Declaration for the Survival, Protection and Development of Children, Trinidad and Tobago has actively participated in Regional Ministerial Meetings on Children and Social Policy during the 1990s, culminating with the fifth meeting in October 2000.[18] Periodic reviews on the attainment of the World Summit Goals have been facilitated through preparation of reports for the biennial Ministerial Meetings on Children and Social Policy in the Americas (1996, 1998, 2000) and the preparation of in June 2001 of the National Report on Follow-up to the World Summit for Children.

The Ministry of Health

65. The Ministry of Health's data collection system is structured to collect data based on local demographics and internationally tested WHO health indicators. The Ministry's data collection network comprises the Health Policy and Planning Unit, County Medical Officers of Health Offices and Medical Records departments. As part of the Ministry's Health Sector Reform initiative, a new Health Information/Technology System is being created to improve data quality, storage and retrieval.

Q. 19 Please indicate any initiatives taken in cooperation with the civil society (for example, professional groups, non-governmental organisations) and any mechanisms developed to evaluate progress achieved.

66. The Government through the National Family Services Division of (Social Services Delivery) Office of the Prime Minister provides subventions to organisations that work towards the protection, survival and development of the child. Government funds 55% of the costs of large organisations, which provide homes for children, and 60% of the costs of smaller organisations. The following is a list of the Children's Homes in receipt of Government subventions under Office of the Prime Minister (Social Services Delivery):[19]

- Islamic Home for Children;
- Ferndean's Place Children's Home;
- The Shelter for Women and Children;
- National Home for Family Reconciliation;
- Hope Centre;

[18] Status Report on UNICEF/Trinidad and Tobago Programme of Cooperation (2001-2003) July 2001 at p.1

- Child Welfare League of Trinidad and Tobago;
- Jayalakshmi Children's Home;
- Business and Professional Women's Club Halfway House for Battered Women and Children;
- Young Men's Christian Association (YMCA);
- Ark of the Covenant Home for Distressed Children;
- The Cyril Ross Nursery (for children living with HIV/AIDS); and
- Social Establishment for the Welfare of All (SEWA).

67. The Government through the Office of the Prime Minister (Social Services Delivery) funds two projects which address the problem of street children, the Credo Drop-in Centre for Socially Displaced Children (at Nelson Street) and the Credo Aylward House (at Gonzales). The latter is a transitional facility for homeless boys. The Centre at Nelson St. was formally opened in 1997 but Credo Foundation, an NGO, had been providing similar services since 1994 at another location. The Centre caters for homeless children under the age of fifteen years and provides counselling, remedial education, primary medical care, change of clothing and three meals per day. With financial assistance from the Government an additional wing was added in 1998 to cater for short-term emergency residential accommodation for the children. At any given time there are some twenty children at the Centre, primarily boys. In 2001, the transitional facility was officially opened. Credo with Government funding is also in the process of establishing a programme for girls.

68. The now Ministry of Social Development has also celebrated Child Rights Month for the period 1999-2002 in collaboration with NGOs, CBOs, the media and other Ministries of Government. The Trinidad and Tobago Coalition for the Rights of the Child in conjunction with the Ministry of Education, the Ministry of Social Development, the Office of the Prime Minister, and the Young Men's Christian Association have actively participated in the events organised during Child Rights Month as detailed later in the Report.

Q.20. Using indicators or target figures where necessary, please indicate the measures undertaken to ensure the implementation at the national, regional and local levels, of the economic, social and cultural rights of children to the maximum extent of available resources, including:

- **The steps undertaken to ensure coordination between economic and social policies;**

[19] Supra, fn.12 (by correspondence dated March 2003).

- **The proportion of the budget devoted to social expenditures for children, including health, welfare and education, at the central, regional and local levels, and where appropriate at the federal and provincial levels;**

- **The budget trends over the period covered by the report;**

- **Arrangements for budgetary analysis enabling the amount and proportion spent on children to be clearly identified;**

69. While the Budget does not have a specific allocation for the enhancement and protection of the human rights of children, allocations are made through different Ministries for various initiatives and projects.

70. According to the Director of Budgets of the Ministry of Finance,[20] the Central Government Budget is not structured in a way whereby information on expenditure for children can be easily extracted. While Government's social policies encompass all sectors, moneys appropriated for a specific purpose are categorised along the lines of the Expenditure Estimates.

71. The format of the Estimates of Expenditure is according to economic classification and by Ministerial Head thus limiting any retrieval of data to specific items and not functional categories.

72. In providing the information, the Ministries of Education, Social Development and Sport and Youth Affairs were examined. In the case of the Ministry of Education expenditure incurred by this Ministry was largely interpreted as money spent on children. Data was extracted from line items under the other named Ministries and presented in the table appearing on the following three pages.

Budget Division [Statistics] -Extracted Data 1992-2002
Expenditure for Children

Description	Actual 1992 $	Actual 1993 $	Actual 1994 $	Actual 1995 $	Actual 1996 $	Actual 1997 $
Ministry of Sport and Youth Affairs	**16,853,720**	**16,587,586**	**3,949,538**	**5,912,931**	**5,219,149**	**4,890,882**
Youth Affairs [Personnel Expenditure]	11,366,910	11,860,252	1,406,904	1,393,160	1,591,953	1,457,900
Youth Affairs [Goods and Services]	150,713	243,323	175,655	335,602	238,983	228,971
Youth Affairs [Minor Equipment Purchases]	51,959	16,000	0	10,494	1,680	165,301
Youth Camps	2,495,617	2,438,289	0	0	0	0
Trade Centres	98,264	28,971	0	0	0	0
Youth Centres	419,661	288,502	359,049	292,798	0	0
National Youth Apprenticeship Development Centres [Personnel Expenditure]	0	0	0	0	0	0
National Youth Apprenticeship Development Centres [Goods and Services]	0	0	0	0	0	0
National Youth Apprenticeship Development Centres [Minor Equipment Purchases]	0	0	0	0	0	0
Youth Centres [Goods and Services]	0	0	0	0	0	0
President's Award Scheme	24,380	24,380	24,380	24,380	24,380	0
National Youth Conference	2,700	2,700	2,700	0	0	0
Youth Centres	326,281	341,825	338,898	340,060	352,138	333,679
Youth Training	953,012	746,868	706,157	1,292,439	969,728	1,429,604
Boy Scouts Association	5,000	10,000	10,000	10,000	10,000	0
Girl Guides Association	2,000	3,000	3,000	3,000	3,000	0
National Service	957,223	583,476	922,795	2,210,998	2,027,287	1,275,427

Description	Actual Jan - Sept 1998 $	Actual 1999 $	Actual 2000 $	Actual 2001 $	Budget 2002 $
Ministry of Sport and Youth Affairs	**2,274,962**	**17,242,169**	**19,601,062**	**20,679,675**	**27,837,100**
Youth Affairs [Personnel Expenditure]	1,109,209	1,418,976	1,286,978	1,537,711	3,409,600
Youth Affairs [Goods and Services]	178,689	304,844	350,034	324,906	316,000
Youth Affairs [Minor Equipment Purchases]	0	0	0	0	65,000
Youth Camps	0	0	0	0	0
Trade Centres	0	0	0	0	0
Youth Centres	0	0	0	0	0
National Youth Apprenticeship Development Centres [Personnel Expenditure]	0	11,380,787	11,366,241	11,966,452	15,944,500
National Youth Apprenticeship Development Centres [Goods and Services]	0	1,852,830	2,393,261	2,236,460	3,009,000
National Youth Apprenticeship Development Centres [Minor Equipment Purchases]	0	0	113,269	0	100,000
Youth Centres [Goods and Services]	0	201,724	459,874	408,342	276,000

[20] By memorandum dated July 2002

Description	Actual Jan - Sept 1998 $	Actual 1999 $	Actual 2000 $	Actual 2001 $	Budget 2002 $
Ministry of Sport and Youth Affairs	**2,274,962**	**17,242,169**	**19,601,062**	**20,679,675**	**27,837,100**
President's Award Scheme	0	24,380	24,380	0	630,000
National Youth Conference	0	0	0	0	0
Youth Centres	287,183	910,783	1,749,804	1,820,802	1,587,000
Youth Training	510,836	841,150	1,115,113	1,201,426	1,000,000
Boy Scouts Association	0	10,000	10,000	0	0
Girl Guides Association	0	3,000	3,000	0	0
National Service	189,045	293,695	729,108	1,183,576	1,500,000

Description	Actual 1992 $	Actual 1993 $	Actual 1994 $	Actual 1995 $	Actual 1996 $	Actual 1997 $
Ministry of Human Development, Youth and Culture	**0**	**0**	**27,479,066**	**36,003,661**	**18,000,000**	**22,900,000**
The Integrated Civilian Conservation Corps/ Youth Training and Employment Partnership Programme	0	0	27,479,066	36,003,661	18,000,000	22,900,000

Description	Actual Jan - Sept 1998 $	Actual 1999 $	Actual 2000 $	Actual 2001 $	Budget 2002 $
Ministry of Human Development, Youth and Culture	**15,320,000**	**0**	**15,000,000**	**21,185,000**	**16,000,000**
The Integrated Civilian Conservation Corps/ Youth Training and Employment Partnership Programme	15,320,000	0	15,000,000	21,185,000	16,000,000

Description	Actual 1992 $	Actual 1993 $	Actual 1994 $	Actual 1995 $	Actual 1996 $	Actual 1997 $
Ministry of Health	**6,046,130**	**5,758,317**	**5,926,445**	**6,438,816**	**6,973,326**	**6,922,615**
Christ Child Convalescent Home	255,500	255,500	255,500	255,000	253,000	253,000
Princess Elizabeth Home for Handicapped	2,169,866	2,095,136	2,092,251	2,224,870	2,449,866	2,511,050
Trinidad and Tobago Home for Retarded	3,294,700	3,106,875	3,274,800	3,637,953	3,956,700	3,826,365
Tobago Council for Handicapped	326,064	300,806	303,894	320,493	313,760	332,200

Description	Actual Jan - Sept 1998 $	Actual 1999 $	Actual 2000 $	Actual 2001 $	Budget 2002 $
Ministry of Health	**5,671,298**	**7,905,491**	**9,266,685**	**8,836,301**	**11,214,450**
Christ Child Convalescent Home	184,000	239,950	266,050	0	0
Princess Elizabeth Home for Handicapped	2,187,100	3,023,502	3,996,183	3,496,000	4,682,750
Trinidad and Tobago Home for Retarded	2,997,740	4,199,254	5,004,632	5,340,301	6,531,700
Tobago Council for Handicapped	302,458	442,785	0	0	0

Description	Actual 1992 $	Actual 1993 $	Actual 1994 $	Actual 1995 $	Actual 1996 $	Actual 1997 $
Ministry of Education [Total]	**811,152,046**	**835,761,827**	**1,005,922,761**	**1,128,047,927**	**1,123,639,097**	**1,192,775,316**
Ministry of Education [Recurrent]	**772,379,040**	**805,170,352**	**911,719,804**	**984,761,144**	**1,031,593,832**	**1,067,968,305**
of which School Feeding Programme	20,143,903	28,942,746	59,525,615	65,740,484	66,969,782	67,406,141
of which Statutory Boards	319,653	294,863	240,013	319,376	309,914	346,175
Board of Industrial Training	286,215	263,088	209,705	267,193	237,049	225,665
UNESCO	33,438	31,775	30,308	52,183	72,865	120,510
Ministry of Education [Development Programme]	**38,773,006**	**30,591,475**	**94,202,957**	**143,286,783**	**92,045,265**	**124,807,011**

Description	Actual Jan - Sept 1998 $	Actual 1999 $	Actual 2000 $	Actual 2001 $	Budget 2002 $
Ministry of Education [Total]	**928,373,315**	**1,194,362,032**	**1,415,873,178**	**1,821,889,104**	**2,072,117,525**
Ministry of Education [Recurrent]	**876,214,782**	**1,151,430,395**	**1,207,844,872**	**1,686,129,082**	**1,897,687,525**
of which School Feeding Programme	42,220,679	64,857,281	68,452,743	80,198,321	97,100,000
of which Statutory Boards	458,676	536,497	578,674	762,954	1,153,260
Board of Industrial Training	185,956	270,207	278,833	223,856	563,260
UNESCO	272,720	266,290	299,841	539,098	590,000
Ministry of Education [Development Programme]	**52,158,533**	**42,931,637**	**208,028,306**	**135,760,022**	**174,430,000**

Description	Actual 1992 $	Actual 1993 $	Actual 1994 $	Actual 1995 $	Actual 1996 $	Actual 1997 $
Ministry of Social Development	**223,195**	**232,620**	**232,620**	**237,620**	**222,620**	**316,600**
Nursery Association	32,920	32,920	32,920	32,920	32,920	32,900
Child Welfare League	42,000	42,000	42,000	42,000	42,000	76,000
Servol	28,275	37,700	37,700	37,700	37,700	37,700
Islamic Home for Children	40,000	40,000	40,000	40,000	20,000	60,000
Sai Krishna Children's Home	40,000	40,000	40,000	45,000	60,000	60,000
Ferdean's Place Children's Home	40,000	40,000	40,000	40,000	30,000	50,000

Description	Actual Jan - Sept 1998 $	Actual 1999 $	Actual 2000 $	Actual 2001 $	Budget 2002
Ministry of Community Empowerment, Sport & Consumer Aff.	**6,064,404***	**472,196**	**389,204**	**14,809,976***	**30,000,000**
Nursery Association	*	24,690	32,920	*	*
Child Welfare League	*	219,806	278,584	*	*
Servol	*	37,700	37,700	*	*
Islamic Home for Children	*	40,000	0	*	*
Sai Krishna Children's Home	*	60,000	0	*	*
Ferdean's Place Children's Home	*	90,000	40,000	*	*

Average expenditure $300,000 per annum for total items as listed by asterisks

Description	Actual 1992 $	Actual 1993 $	Actual 1994 $	Actual 1995 $	Actual 1996 $	Actual 1997 $
Industrial Schools and Orphanages	**12,854,058**	**11,226,340**	**11,488,200**	**12,426,590**	**15,257,000**	**15,657,000**
St. Michael's School for Boys	2,408,460	2,114,000	2,375,860	2,527,140	3,300,000	3,400,000
St. Jude's Home for Girls	1,431,926	1,286,605	1,286,605	1,355,790	2,000,000	2,100,000
St. Mary's Children's Home	3,697,284	3,500,000	3,500,000	3,692,300	4,670,000	4,770,000
St. Dominic's Children's Home	5,316,388	4,325,735	4,325,735	4,851,360	5,287,000	5,387,000

Description	Actual Jan - Sept 1998	Actual 1999 $	Actual 2000 $	Actual 2001 $	Budget 2002 $
Industrial Schools and Orphanages	**14,247,250**	**18,580,000**	**19,698,000**	**22,816,300**	**23,153,330**
St. Michael's School for Boys	3,363,000	3,730,000	3,886,000	4,435,300	4,547,670
St. Jude's Home for Girls	1,923,500	3,039,000	3,200,000	3,826,000	3,726,545
St. Mary's Children's Home	4,295,750	5,925,000	6,220,000	7,034,000	7,184,000
St. Dominic's Children's Home	4,665,000	5,886,000	6,392,000	7,521,000	7,695,115

Description	Actual 1992 $	Actual 1993 $	Actual 1994 $	Actual 1995 $	Actual 1996 $	Actual 1997 $
GRAND TOTAL	**847,129,149**	**869,566,690**	**1,054,998,630**	**1,189,067,545**	**1,169,311,192**	**1,243,462,413**

Description	Actual Jan - Sept 1998 $	Actual 1999 $	Actual 2000 $	Actual 2001 $	Budget 2002 $
GRAND TOTAL	**971,951,229**	**1,238,561,888**	**1,479,828,309**	**1,910,216,356**	**2,180,322,405**

- **The steps taken to ensure that all competent national, regional and local authorities are guided by the best interests of the child in their budgetary decisions and evaluate the priority given to children in their policy-making;**

73. While there are no known mechanisms in place to ensure that competent authorities are guided by the best interests of the child in their budgetary decisions, the Government has always accorded the highest priority to the well-being of children, as evidenced by the fact that budgetary allocations during the period of structural adjustment were either maintained or increased across the social sector, specifically in the areas of health, education and social protection.[21]

74. This issue will be specifically addressed when the reconstituted National Committee to monitor implementation of the National Plan of Action for Children and the Convention on the Rights of the Child reviews the current National Plan of Action for Children. The terms of reference of 2001 NPA Committee include ensuring the integration of the National Plan of Action and the Convention on the Rights of the Child with national planning and budgetary allocation processes and ensuring that a high priority is accorded to programmes for the well-being of children in sectoral plans, programmes and policies.

- **The measures taken to ensure that disparities between different regions and groups of children are bridged in relation to the provision of social services;**

75. During the period 1997 to 2000, attempts were made by the National Family Services Division to extend social services to rural areas. Initially clinics were set up in the outlying regions of Pt. Fortin, Siparia, Rio Claro and Caroni.

76. Efforts to decentralise (Social Services Delivery) were intensified in the year 2000, with the introduction of seven offices across the seven counties within Trinidad. Each of the counties is provided with an office that is serviced by a community based family caseworker/child care officer with training in Social Work. Efforts are being made to house all social service offices in one building within each county, as has been piloted in the Couva community where the full range of services are offered in one building. At present however, some citizens still experience problems accessing social services in one region and have to go to different regions depending on the service they require.

[21] Supra, fn. 15 at p. 4

- **The measures taken to ensure that children, particularly those belonging to the most disadvantaged groups, are protected against the adverse effects of economic policies, including the reduction of budgetary allocations in the social sector.**

77. Attempts have been made to mitigate the circumstances of the poor by increasing the quantum of assistance provided under existing social welfare programmes and by enhancing the level of efficiency in the delivery of social services through targeted programmes and identification of recipients. Focus has also been placed on the skills training, rehabilitation of vulnerable groups, job creation and the financing of small-scale ventures. These provisions directly and indirectly impact on the lives of children. These mechanisms include:

- **Grants to Necessitous Children**[22]

Education Grant. This grant is for the children of welfare recipients and other needy families whose household income is less than $500.00 per month. The grant is for children who are attending secondary school.

Type of Grant	Existing Maximum Rate	New Maximum Rate (With effect from 2003)
One child (Education Grant)	$80 per month	$140 per month (per child) (maximum of four children)
Two (2) children	$120 per month	
Three or more children	$150 per month	

Special Child Grant: A parent with a child who is physically or mentally handicapped and who is under eighteen years of age and living under needy circumstances may apply for this grant.

Type of Grant	Existing Maximum Rate	New Maximum Rate (With effect from 2003)
Supply and services for children with disabilities This grant targets mentally and physically challenged children to assist with transport arrangements to and from schools, and other special requirements.	One child: $80 per month Two children: $120 per month Three children $150 per month	$300 (maximum of 4 children)

[22] Tables on Education Grant, Special Child Grant supplied by Director, Social Welfare Division (memo:11/03/03).

- **Uniform Grant.** Reserved for victims of disasters and necessitous persons (maximum of four children). Each application is dealt with on its merits. The grant is a new one introduced in 2003 with a new maximum rate of $200.

- **Education: Book Grant.** This grant is to assist with the purchase of schoolbooks in extenuating circumstances, for children attending primary or secondary school. This grant seeks only to assist students in dire need, where books may have been destroyed by fire, flood or other disaster. The existing maximum rate is $500 per child to a maximum of four children. Government in the fiscal year commencing September 2002 also implemented a Book Grant Scheme for all secondary level students by providing to the parent/guardian of each student a book grant of $1000. The Government has also agreed to provide free schoolbooks to all primary school students at an estimated cost of $37.6 million.

- **School Nutrition Programme:** This programme provides daily nutritionally balanced lunches to students who so request at pre-school, primary and secondary schools. There is also a breakfast programme introduced on a pilot basis in January 2001 and formalised in September 2002. Breakfast meals are served under this programme to children in primary schools.

- **CHOICES Programme:** The Child Welfare League in collaboration with the Ministry of Health set up a programme for pregnant teenagers in 1994 called CHOICES (Choices, Happiness, Organisation, Ideals, Communication, Education and Self-Awareness). This project targets at risk teenaged girls and adolescent mothers between the ages of thirteen and nineteen years. Day care facilities for teenaged mothers and their babies are available at three CHOICES Centres located in La Horquetta, Sangre Grande and Woodbrook. On September 06, 2002 the Ministry of Social Development in conjunction with the Child Welfare League also launched an Adolescent Mothers Programme. This initiative entails the expansion of the existing CHOICES Programme. The expanded programme would increase the number of centers from (3) to (10) and would include a preventative component as well as target young men and fathers.

- **Hearing Aids Grant:** The Government in its 2001-2002 Budget promised "to provide hearing aids, free of charge to all hearing impaired persons who are so assessed by Diagnostic Research Educational and Therapeutic Centre for the Hearing Impaired (DRETCHI).[23] As at July 2002, a total of 767 persons were tested for hearing deficiencies by DRETCHI and 336 persons were fitted with hearing aids. According to the

[23] Budget Statement 2001-2002, p. 38.

Government's 2002-2003 Budget Presentation, 122 children have received hearing aids. The Government has allocated $3 million to this programme.

- **Youth Training and Employment Partnership Programme (YTEPP) Limited:** The YTEPP programme has three (3) components: Career Enhancement Training; Vocational Skills Training and Entrepreneurial Development and Support Services. The programme provides part time training and supervised work experience for school leavers and unemployed youths between the ages of 15 to 25. As at August 2000, two cycles of training of approximately 6,000 trainees had been completed at the pre-craft level in a variety of areas including auto maintenance and repair, beauty culture, metal design and fabrication, food preparation, garment construction and secretarial and business support.[24]

- **Relief Centres:** In 1995, the Government created three Relief Centres in Cocorite, Port of Spain (North), South and in John-John, Laventille. These centres have been renamed Transformation and Development Centres. To date more than one million meals have been served to the needy and 14,000 people have benefited from training at the centers. The Government in its 2002-2003 Budget presentation has stated its intention to add twenty one relief centres throughout Trinidad and Tobago. Seventeen of these centres will be located in Trinidad and four will be located in Tobago.

- **Public Assistance:** This is governed by the **Public Assistance Act, Chap. 32:03**. The public assistance grant is paid monthly to needy individuals and families. The grant is usually given to the head of a family, whose needs are deemed to include those of the dependant. Public Assistance is also paid to necessitous children where the head of household is dead, living in an institution, has deserted and cannot be found or is in breach of a court order for child support. An individual under the current system receives $222 per month while the maximum payment a family can receive is $720. A review of the Programme has been conducted and the quantum of the various grants is being increased in keeping with the current cost of living. The Government proposes to implement the following increases in the grant in 2003:[25]

Household Size	Current Benefit (since 2000)	Proposed Benefit
1 person	$222	$320
2 persons	$428	$560
3 persons	$625	$770
4 persons	$720	$940

[24] Public Sector Investment Programme 2001(published August 2000, Ministry of Finance) at p. 16.
[25] Budget Statement 2003 (www.finance.gov.tt) at p.19

- **Social Help and Rehabilitation Efforts (SHARE):** This Government programme has made a significant contribution towards filling the gap in the system by targeting needy persons between the ages of eighteen (18) and (65) who do not receive Public Assistance or Old Age Pension. According to the Budget Statement for 2002-2003, presented on October 21, 2002, the Government intends to "increase the number of food hampers distributed to needy households from 8,000 to 15,000 hampers per month. In addition, each eligible household will receive one food hamper per month for six months instead of three months" The Government has allocated TT$23 million to the SHARE programme in the 2003 fiscal year. The SHARE programme also facilitates training for its clients via links with other Government agencies. This programme no doubt indirectly benefits children.

- **Emergency Cases Fund (ECF)**[26]

Type of Grant	Existing Maximum Rate $T.T.	Existing Rate
Household Help for Disaster Victims	1500	3500
Housing Repairs	3000	5000
Medical Equipment (wheelchairs etc.)	1500	5000
Home Help	200	350 (for a period of no more than 3 months)
Dietary Grant	100	115 (per month)
Clothing (Reserved for disaster victims and necessitous persons)	200 per person (to a maximum of 3 persons $400)	200 per person (to a maximum of 4 persons)

NO. OF RECIPIENTS OF WELFARE BY TYPE OF PROGRAMME –1998 to 2002[27]

Year	Old Age Pension	Public Assistance	Grants to Necessitous Children	Special Child Grant	Emergency Cases Fund Grant	Urgent Temporary Assistance
1997	59,112	30,460	64	16	481	245
1998	59,634	27,611	86	40	436	105
1999	60,474	27629	78	70	605	123
2000	61,190	24,991	116	87	641	109
2001	62,027	25,246	77	49	448	116
2002	63,221	24,889	93	84	279	137

[26] Circular Memorandum No.1 of 2003 from Director Social Welfare to All Supervisors.
[27] Tables on Welfare supplied by the Director, Social Welfare by memorandum dated March 11, 2003.

EXPENDITURE ON WELFARE ($T.T.)BY TYPE OF PROGRAMME-1997 to 2002.

SOCIAL WELFARE PROGRAMME	1997	1998	1999	2000
Old Age Pension	267,490,650	331,515,893	439,207,089	473,373,632
Public Assistance	54,601,057	53,340,437	57,741,864	91,541,889
Disability Assistance	48,280	17,551,793	36,056,279	47,321,751
Food Subsidy[28]		95,566,819	39,682,786	-
Dietary Grants	2,400	7,500	5,300	6,600
Special Child Grants	46,836	21,440	47,680	71,580
Education Grant[29]	37,240	28,240	29,340	55,400
Emergency Cases Fund	749,940	396,077	810,252	703,369
Other Urgent Temporary Assistance	21,036	14,631	18,870	26,980

SOCIAL WELFARE PROGRAMME	2001	2002
Old Age Pension	547,754,017	639,543,738
Public Assistance	107,595,216	105,417,155
Disability Assistance	50,253,137	60,601,500
Dietary Grants	2,900	3,200
Special Child Grants	110,480	176,400
Education Grant	95,640	130,680
Emergency Cases Fund	830,665	542,664
Other Urgent Temp Assistance	17,183	19,243

Q. 21. Please indicate the extent to which international cooperation relevant to the State party is designed to foster the implementation of the Convention, including economic, social and cultural rights of children. Please indicate the proportion of international aid at the multilateral and bilateral levels allocated to programmes for children and the promotion of their rights and, where appropriate, the assistance received from regional and international financial institutions. Please also indicate the percentage of international cooperation contributed during the reporting period in the total government budget, as well as the percentages of such cooperation respectively allocated to the health sector, to the education sector, to the social sector and to other sectors. Please further indicate any relevant measures adopted as a follow-up to the Declaration and Programme of Action of the World Summit for Social Development.

[28] With effect from May 1999, the Food Subsidy Grant was amalgamated into the overall categories of Public Assistance Grants.

[29] In the years 1998-2000, the Education Grant was called Grants to Necessitous Children

78. Tables 1-3 below illustrate the quantum of international funding provided to the Government of Trinidad and Tobago during the period 1997-2002:

Table 1: Financing the Public Sector Investment Programme[30]: 1997 and 1998-1999

SOURCES OF FINANCE	1997 TT $Mn.	% of Total PSIP	1998-1999 TT$Mn.	% of Total PSIP
Central Government Programme	**1696.98**	**95.6**	**1,097.1**	**100.00**
External Sources	**599.26**	**33.8**	**424.7**	**38.7**
Loans	**520.11**	**29.3**	**352.6**	**32.1**
IDB			213.7	19.5
IBRD			114.4	10.4
Caribbean Dev. Bank			24.5	2.2
Grants	**79.14**	**4.5**	**72.0**	**6.5**
IDB			1.3	0.1
European Community			64.1	5.8
Other External Agencies			6.6	0.6
Domestic Sources	**1097.72**	**61.8**	**672.4**	**61.3**
Loans	**24.88**	**1.7**	**5.0**	**0.5**
Republic Fin. & Merchant Bank			5.0	0.5
General Revenues	**1042.32**	**60.1**	**642.4**	**58.5**
Government of T&T			642.4	58.5
Roads Fund			**25.0**	**2.3**
Government of T&T			25.0	2.3
State Enterprise Programme	**78.08**	**4.4**		
External Sources	**32.58**	**1.8**		
Loans				
Domestic Sources	**45.50**	**2.6**		
Internally Generated Funds	45.50	2.6		
General Revenues	0	0		
GRAND TOTAL	**1775.06**	**100.0**	**1097.1**	**100.0**

[30] The Public Sector Investment Programme (PSIP) is one of the most important instruments available to Government for implementing public policy in quantifiable terms. This programme as it currently exists, was established in 1990. For the period 1997-2002, the programme has been used as an effective tool in targeting financial investments in critical areas and lagging sectors and in reducing regional and sectoral imbalances while maintaining the economy on an even keel of self-sustaining growth.

Table 2: Financing the Public Sector Investment Programme: 1999-2000 and 2001

SOURCES OF FINANCING	1999-2000 TT $Mn.	% of Total PSIP	2001 TT$Mn.	% of Total PSIP
Central Government Programme	**1552.485**	**99.043**		
External Sources	**479.397**	**30.584**		
Loans	**435.044**	**27.754**	**307.2**	**31.28**
IDB	282.753	18.039	195.1	19.87
IBRD	103.641	6.612	80.1	8.16
Caribbean Dev. Bank	48.65	3.104	25.0	2.54
People's Republic of China			7.0	0.71
Grants	**44.353**	**2.830**	**15.7**	**1.59**
IDB	3.928	0.251	6.6	0.68
IBRD	3.090	0.197	0.5	0.05
European Community	35.095	2.239	8.5	0.87
Other External Agencies	2.240	0.143		
Domestic Sources	**1073.088**	**68.459**	**658.9**	**67.12**
Loans	**131.890**	**8.400**	**0.5**	**0.05**
Republic Fin. & Merchant Bank	131.890	8.400		
General Revenues	**916.198**	**58.450**	**633.5**	**64.53**
Government of T&T	916.198	58.450		
Roads Fund	**25.000**	**1.595**	**25.0**	**2.55**
Government of T&T	25.000	1.595		
State Enterprise Programme	**15.000**	**0.957**		
Domestic Sources	**15.000**	**0.957**		
General Revenues	**15.000**	**0.957**		
Government of T&T	15.000	0.957		
GRAND TOTAL	**1,567.485**	**100.000**	**981.8**	**100.00**

Table 3: Financing the Public Sector Investment Programme: 2002

SOURCES OF FINANCING	2002 TT$Mn.	% of Total PSIP
External Sources		
Loans	**404.644**	**30.2**
IDB	265.464	19.8
IBRD	78.790	5.9
Caribbean Development Bank	53.390	4.0
People's Republic of China	7.000	0.5
Grants	**23.255**	**1.7**
IDB	8.665	0.6
IBRD	0.000	0.0
European Community	14.590	1.1
Domestic Sources	**912.096**	**68.1**
Loans	1.000	0.1
General Revenues	886.096	66.1
Roads Fund	25.000	1.9
GRAND TOTAL	**1,339.995**	**100.0**

79. The 1997 PSIP Report illustrates that the World Bank funded the Basic Primary Education Project, by a loan of US $51 million.[31] Additionally, in that same year, the World Bank funded the continuation of the Youth Training and Employment Partnership Programme (YTEPP), (with an allocation of $20 million).[32] In respect of health, The Health Sector Reform Programme advanced significantly in 1997, with commencement of loan funding from the Inter American Development Bank. The entire programme is estimated to cost a total of US $192 million, and is to be expended over a period of seven (7) years.[33]

80. In 1998, an allocation of $210.70 million (or 13 percent of the total PSIP) was made for the furtherance of the goals and objectives of education and training in Trinidad and Tobago. This allocation is inclusive of financing received from international agencies. The major component for the investment programme (1998) was the International Bank of Reconstruction and Development (IBRD) Fourth Education Programme. The total sum budgeted for the programme was $78.9 million. Of an allocation of $67.3 million to the Ministry of Education, approximately $31 million was actually spent by the end of the shortened fiscal year.[34] Progress was made in the construction

[31] See Public Sector Investment Programme (1997), note 100, p.23.
[32] Supra, fn.31, note 103 p.25.
[33] Supra, fn.31, note 116, p.28.
[34] 1998 PSIP as a shortened fiscal year due to the enactment in September of Act No. 23 of 1998 which effected the change to a new financial year October 1 to September 30 which limited the PSIP to the period of January to September 1998 page 12.

of six primary schools at Valencia South, Bamboo Settlement, Carapichaima, Cedros, Beetham Estate, and Gran Couva.[35]

81. Of a total allocation of $36 million for construction works under the World Bank's Education Programme, approximately $20 million was utilised in the 1998 fiscal year. Components of the World Bank Programme included:

- The Early Childhood Care and Education (ECCE) programme (the completion of seven new centres at Frederick Settlement, Gran Couva, Penal, Pt. Fortin, Rose Hill, Tableland and Barrackpore and the upgrading of five other centres at Rancho Quemado, Arima, Cumana, La Pastora and Tabaquite);

- The introduction of the Bachelor of Education programme at the University of the West Indies (successfully completed in June 1998);

- The Assessment and Testing Reform programme (with some advancement made in the implementation of the Continuous Assessment Programme);

- Preparation of designs for over twenty Primary and Secondary schools; and

- The completion of final designs and working drawings for the Mason Hall Secondary School in Tobago.[36]

82. Despite the above, other components of the World Bank programme did not achieve similar rates of progress in 1998. These include: the provision of library books and textbooks (due to the non-approval of titles) and the provision of Instructional Materials and the School-Based Management Programme (in which 4 School Improvement Plans, out of ten, had been approved for implementation under the Accelerated Pilot Programme).[37]

83. In 1998, the Ministry of Health was allocated $127.25 million to continue implementation of the Inter-American Development Bank (IDB) assisted Health Sector Reform Programme (HSRP). The main areas of focus were: Human Resource Support (including provision for an initial injection of $50 million for the Pension Fund); Technical Support and Training; and Physical Infrastructure. At the close of 1998, expenditure on the programme amounted to $14 million.[38]

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[35] See Public Sector Investment Programme (1998-1999), note 55, p.12.
[36] Supra, fn.35, note 57, p.12-13.
[37] Supra, fn.35, note 58, p.13.
[38] Supra, fn.35, note 64, p.14.

84. The following activities were advanced:

- Appointment of the Health Sector Reform Advisor;
- Completion of a Draft of Trust Deed/Rules for the Pension Plan;
- Finalisation of a priority list of 1998 physical works submitted to NIPDEC to facilitate the procurement process;
- Continuation of Phase I Upgrade works in the North West Region;
- Hosting of several Health promotion fairs throughout the country;
- Start-up of Population Registration System Operations to be completed by December 1998;
- Development of the Curriculum for Certificate in Health Systems Management tenable at the Institute of Business, UWI;
- Finalisation of Quality 2001 Stately and establishment of a Health Service Accreditation Steering Team; and
- Delivery of 13 ambulances.

85. The preparation for the physical infrastructure component of the programme was advanced under the IDB assisted Multi-Sectoral Pre-Investment Programme. Work commenced on the preparation of design specifications and costing for 11 district health facilities and enhanced health centres with an allocation of $4.4 million.[39]

86. For the period 1999-2000, one major area of focus was the IDB-assisted Community Development Fund (CDF), which was allocated a total of $26.3 million. The number of social programmes being executed by the CDF had been expanded to include new components. One new component is the Community Care Project, to which was allocated the sum of $2 million to assist NGOs to expand or refurbish their existing buildings. Additionally, within this period, the YTEPP Community-based Programme was supported by the CDF (whereby an amount of $3.1 million had been provided to conduct fifty (50) skills training courses for 1500 young persons in low-income communities).[40] In this same year, the World Bank-assisted Fourth Basic Education Programme was the main focus of Government's investment in education and training, with an allocation of $118.8 million.

87. In respect of health, the IDB-assisted Health Sector Reform Programme (HSRP) had been allocated a total sum of $156.5 million in the 1999-2000 period to continue the activities started in the previous fiscal year.[41]

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[39] Supra, fn.35, note 65, p.14-15.
[40] See Public Sector Investment Programme (1999-2000), note 152, p.38.
[41] Supra, fn.40, note 170, p.43.

88. In the period 2001, the implementation of the World Bank-assisted Fourth Basic Education Programme became a significant focus of the investment programme in education, with an allocation of $73.0 million.[42] Additionally, the IDB-assisted Secondary Education Modernisation Programme (SEMP) had been advanced through an allocation of $23.5 million, the benefits of which will have an impact throughout the secondary education sub-sector.[43] In respect of health, the implementation of the IDB-funded HSRP had been significantly advanced with an allocation of $139.1 million in the 2001 fiscal year. A total of $61.0 million (or 44% of the resources provided to the health sector) had been allocated to the Regional Health Authorities to undertake activities related to the construction and upgrading of physical facilities.[44] With regard to social and community services, the IDB-assisted Community Development Fund (CDF) continued its programme of assistance to low-income communities, with an allocation of $10.4 million.[45]

89. In 2002, the World Bank-assisted Fourth Basic Education Programme received a provision of $108.7 million for investment purposes.[46] Additionally, under the IDB-assisted SEMP programme, construction of 12 secondary schools commenced in 2002.[47] In respect of health, the 2002 PSIP allocated a total of $179.8 million (or 13.4 percent of the total PSIP) for investment in the health sector. Of this amount the largest proportion ($147.7 million) was made to the HSRP, co-funded by the IDB.[48]

90. In 2002, the European Union funded the Poverty Alleviation Programme, which utilised TT$4.4 million to support the Government in formulating and implementing a National Poverty Reduction Strategy, including decentralisation of the delivery system to enable it to become more responsive to the needs of the most vulnerable groups of the population. Furthermore, the non-traditional training for women project will continue to train low-income women in specialised skill areas (such as automotive repairs, masonry, tiling, bricklaying, cabinet-making, joinery and carpentry). This product is partially funded by the IDB, and a total provision of $1.2 million had been made to fund the activities scheduled for 2002.[49]

91. With respect to the Social, Cultural and Community Services, the IDB-assisted Community Development Fund (CDF) continued its programme of activities in 2002 with a total allocation of $11.5 million. Of this allocation, the sum of $4.0 million had been provided to the National

[42] Supra, fn.40, note 173, p.33.
[43] Supra, fn.40, note 175, p.34-35.
[44] Supra, fn.40, notes 179-180, p.36.
[45] Supra, fn.40, note 193, p.39.
[46] See Public Sector Investment Programme (2002), notes 169, p.34.
[47] Supra, fn.46, notes 171, p.35.
[48] Supra, fn.46, note 178, p.37.
[49] Supra, fn.46, note 204, p.41.

Commission for Self Help Ltd. (NCSHL) to continue/complete community-based infrastructure projects throughout the country.[50]

92. Government's efforts in the prevention and reduction of drug abuse were advanced with resources totaling $3.2 million from United Nations Drug Control Programme (UNDCP) European Development Fund (EDF). Phase II of the National Alcohol and Drug Abuse Prevention Programme involved the launching of the School Prevention and Public Education Programmes. Five Communities: Couva; Pt. Fortin; Toco/Matelot; Laventille; and Tobago, have been selected for research on the profile of drug users. A basic survey was completed and information was processed as a pre-cursor to other interventions into this problem. Government approved the establishment of a Substance Abuse Rehabilitation Farm Project at Piparo as another vehicle to be employed in the strategy to address the long-term treatment of victims of substance abuse.

93. The Inter-American Development Bank (IDB) continued to be the main source of external loan financing in Fiscal Year 2002, accounting for approximately 20 percent or $265.5 million of financial resources being accessed from that source. These resources were utilised to finance on-going and new programmes.

94. Among the main areas being supported by IDB funds were main roads and highways, agriculture, education, health, settlements, squatter regularisation community development and poverty alleviation.

95. Loans amounting to $79 million were provided by the World Bank in support of the 2002 PSIP.[3] These resources were used to finance activities geared towards enhancing the quality of and access to primary education under the Fourth Basic Education Programme, and supporting reforms in the Postal Sector.

96. Approximately $53.4 million of loan resources were sourced from the Caribbean Development Bank (CDB) to fund the 2002 PSIP. Resources from the CDB continue to support the Southern Roads Development Project, involving the extension of the Solomon Hochoy Highway from Tarouba to Cipero Road, as well as the establishment of the Trinidad and Tobago Institute of Technology (TTIT).

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[50] Supra, fn.46, note 19 at p.40.

97. The Government of the People's Republic of China also provided a loan in the sum of TT$7 million to support the small business sector.

98. The European Union continues to be the main source of grant funds for on-going projects such as the Small Business Development Programme, support to Caribbean Business Services Ltd, the Rural Electrification Programme, the establishment of a CARIFORUM Cultural Centre and poverty alleviation. Another source of grant funds is the IDB.[51]

Q.22. States are requested to describe the measures that have been taken or are foreseen, pursuant to article 42 of the Convention, to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike. In this regard, reports should also indicate:

- **The extent to which the Convention has been translated into the national, local, minority or indigenous languages. In this connection, an indication should be given of the number of languages into which the Convention has been translated and the number of copies translated into the minority languages during the reporting period;**

- **The specific steps taken to make the Convention widely known to children and the extent to which it has been reflected in the school curricula and considered in parents' education campaigns. An indication should be given of the number of copies of the Convention distributed in the educational system and to the public at large during the reporting period;**

99. Over the period 1997 to 2000, approximately 10,000 brochures on the Convention on the Rights of the Child were produced by the then Ministry of Social and Community Development. The brochures contain a summary of the Articles of the Convention extracted from the UNICEF publication "Convention on the Rights of the Child". The brochures were distributed as follows:[52]

- Between 1998-1999, 1000 brochures were distributed via community workshops. Parents, caregivers and children in the communities of Chaguanas, Cedros, Carenage and Maloney participated in these workshops. The community workshops were conducted under a programme entitled "Promotion of Child Rights in Communities" with funding from UNICEF. Information dissemination was also done through interactive drama and panel discussions. A workshop was also conducted in Tobago.

[51] Supra, fn.46, note 17, p.6

- 7,500 brochures were distributed to primary and secondary schools between 1997-2000.

- 1000 brochures were distributed in Tobago over the period 1998-1999 as part of a youth outreach programme focusing on sensitising young people to the Convention.

100. The School Publications Department of the Ministry of Education prepared and printed 6,000 copies of a booklet dated October 2001 entitled "Convention on the Rights of the Child".[53] This illustrated booklet summarises each Article of the Convention in simple language. These booklets were distributed in all eight of the educational districts in Trinidad and Tobago at a ratio of two for every five teachers at primary and secondary schools.

101. UNICEF has also distributed a pamphlet entitled "Children's rights in plain English" and "The Convention on the Rights of the Child-Questions Parents Ask". No information is available on the extent of distribution.

102. For those schools participating in the National Certificate of Secondary Education (N.C.S.E.) Programme, the Ministry of Education has developed an Instructional Strategies Booklet, entitled *"Lesson Plans and Literature in the Module-Rights of the Child"*. Included in the Booklet are data and excerpts from documents produced by UNICEF. The contents of the Booklet include:

- What are Rights/Responsibilities?
- What are Human Rights?
- What is the Universal Declaration of Human Rights?
- What is the Convention on the Rights of the Child?
- What are the Rights of the Child as stated in the Convention?.

- **The measures adopted to publicise the Convention and create widespread awareness of its principles and provisions. In this connection, an indication should be given of the number of meetings (such as parliamentary or governmental conferences, workshops, seminars) held, the number of programmes broadcast on radio or television and the number of publications issued explaining the Convention on the Rights of the Child during the reporting period;**

- **The steps taken to promote understanding of the principles and provisions of the Convention by the mass media and by information and publishing agencies;**

[52] Memorandum dated 9/11/01 from the then Coordinator, NPA for Children to Human Rights Unit.

- **The involvement of non-governmental organisations in awareness and advocacy campaigns on the Convention, as well as any support provided to them. In this connection, an indication should be given of the number of non-governmental organisations who participated in such events during the reporting period;**

- **The participation of children in any of these activities.**

- **The measures adopted to provide education on the Convention to public officials, as well as to train professional groups working with and for children, such as teachers, law enforcement officials, including police, immigration officers, judges, prosecutors, lawyers, defence forces, medical doctors, health workers and social workers;**

Child Rights Week, 1997

103. In commemoration of the Convention, the first ever "Child Rights Week" was celebrated in November 1997. The National Family Services Division of the then Ministry of Social Development, the NPA Coordinator and the YMCA, Port of Spain coordinated the event. The objectives were:

- To disseminate information on the Convention on the Rights of the Child to the general public;
- To involve children in activities which promote self-expression; and
- To promote Child Rights among children, and out of school youth by disseminating information to schools and other programmes that serve youth.

104. The activities held in 1997 were as follows:[54]

November 16	Television Address to the Nation by the then Minister of Social Development.
	Newspaper supplement on Child Rights Week published in the Sunday Express.
November 17	Dateline (local television talk show)-UNICEF Representative: UN Convention on the Rights of the Child.
	"Child Rights Jamboree"-Queen's Park Savannah.

[53] Information supplied by representative of the Ministry of Education on Human Rights Consultative Committee.

November 18	Dateline- Discussion on Youth Forum.
November 19	Youth Forum-Speak Your Rights, City Hall, Port of Spain.
	Issues Live (local television talk show)- 'Corporal Punishment in Schools'.
	Dateline: NGOs helping children.
November 20	Morning Edition (local television programme): Government agencies helping children-Family Services and the Probation Division.
	Dateline-Children's Perspective.
November 21st	Dateline-Towards the future.

105. The week started with a Children's Jamboree where children presented depictions of the right they determined to be most important. The "right to play" was the most popular. A cultural performance followed, after which children were exposed to information concerning their rights. Display booths were mounted by various organisations which offer services to children and Popular Theatre productions highlighted some child rights issues.

106. On November 19, primary and secondary school children came together at a Youth Forum: *Speak Your Rights*. The participants included children from primary and secondary schools, children's institutions, special groups and well as community youth groups. The topics discussed were "How should the family and schools help protect Children's Rights" for the primary age group and "Rights come with responsibilities. What should children's responsibilities be?" for the secondary age group.[55] The objectives of the forum were to initiate dialogue between children and the authorities about the CRC and to start the process of youth empowerment and their involvement in the decision making process.

107. An Essay Writing Competition was also held on the following topics:

- How should families and schools help protect Children's Rights?
- How can children help other children protect their rights?
- Rights come with responsibilities. What should children's responsibilities be?

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[54] Child Rights Week, November 16-21, 1997, Diary of Events

108. Information on the Convention was disseminated to all the schools including Early Childhood Care and Education Centres in Trinidad and Tobago through the Ministry of Education.

Child Rights Week, 1998

109. Child Rights Week, 1998 was hosted by the then Ministry of Social and Community Development in collaboration with UNICEF, UNIGEM, and YMCA, Port of Spain, from November 15-21. The theme for the week was "No Excuse for Child Abuse" with a focus on Article 19 of the Convention.

110. During the week, fourth to sixth form secondary school students and children from institutions were invited to participate in a Youth Forum at City Hall conducted by UNIGEM, a youth organisation on the topic: Teenage Sexuality/HIV/AIDS. It included film, lectures, discussion and interactive drama.[56]

111. Children from selected primary schools and institutions were invited on November 20 to take part in another youth forum organised at the Rudranath Capildeo Learning Centre in Couva on the topic of child abuse.

112. An art competition was organised by the National Family Services Division of the then Ministry of Social and Community Development for children under the age of eighteen years. Children were invited to submit drawings, paintings, collages or mosaics depicting ways in which Children's Rights may be implemented to stop Child Abuse.

113. The week ended with an intergenerational Walk for Child Rights around the Queen's Park Savannah, Port of Spain, on November 21.

114. Programmes were featured[57] daily on the local television programme, Dateline as follows:

- 17 November-UN Convention on the Rights of the Child: UNICEF Representative from the Caribbean Area, Barbados

- 18 November-The Youth Forum 'Speak Your Rights'-Mr. Gregory Sloane Seale, YMCA, Port of Spain and Ms. Sharon Marriott, NPA Coordinator, Ministry of Social Development.

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[55] Pamphlet on Child Rights Week, November 16-21st 1997.
[56] Pamphlet, Child Rights Week, November 15-21st, 1998 "No Excuse for Child Abuse" –Ministry of Social and Community Development.
[57] Request from Ministry of Social Development to Dateline, October 31, 1997.

- 19 November- Child Welfare League, the oldest NGO serving the needs of children in Trinidad and Tobago. Ms. Gay, President and Ms. Baptiste, Coordinator of CHOICES Programme for teenage mothers. Ms. Maureen Bowen, Families in Action.

- 20 November- The Children's Perspective. Two Youth Representatives.

- 21 November-Towards the Future: Ms. Eunice Gittens, Ministry of Social Development; Ms. Christine Norton, UNICEF and Ms. Pat Hinds, Ministry of Sport and Youth Affairs.

115. A newspaper supplement was also published in the Sunday Express newspaper on November 15, 1998. Some of the featured articles included "The United Nations Convention on the Rights of the Child", a "Message from UNICEF Caribbean Office" and "Solutions to ensure the Rights of the Child"-an excerpt from the 1996 Caribbean Conference on the Rights of the Child.

Child Rights Month, 1999

116. Following the 10th anniversary of the adoption of the Convention by the General Assembly of the United Nations, Child Rights Week was extended to a month long celebration designated as "Child Rights Month" in 1999. The theme of Child Rights Month 1999 was "Listen to me: It's my right" with a focus on Articles 12, 13 and 14 of the Convention.

117. Numerous events were coordinated during the month by a "Child Rights Committee" spearheaded by the then Ministry of Social and Community Development. The Committee comprised representatives of the following:

- Family Services Division of the Ministry of Social and Community Development (as it then was);
- The Trinidad and Tobago Coalition for the Rights of the Child (TTCRC) an NGO;
- UNICEF
- YMCA, Port of Spain
- Community Policing, Ministry of National Security
- Families in Action
- Ministry of Education, Guidance Unit
- Ministry of Culture and Gender Affairs (as it then was)
- Probation Department
- The Rape Crisis Society of Trinidad and Tobago
- Ministry of Information

118. The objectives of the month of activities were to:

- Sensitise the national community to children's rights;
- Give children the opportunity to voice their feelings and opinions about current concerns and situations affecting them;
- Give children and youth the opportunity to be involved in planning, implementing, evaluating events and disseminating information on child rights;
- Empower children and youth by educating them about their rights, responsibilities and proactive strategies which may be used to protect their rights;
- Sensitise the media about children's rights so that they may become child rights advocates.

119. Some of the activities undertaken in 1999 were as follows:

- The month started with a breakfast launch, to which members of the media and corporate citizens were invited. Activities for the month were covered in newspaper articles. A Sunday newspaper supplement commemorating the month was also published. It featured articles such as "A message from UNICEF", "Discipline-A Parent's Guide", "Let's Start the Healing" and "The art of really listening". Radio call-in programmes stimulated public debate on children's issues. Two Morning Edition shows (a local television talk show) were aired by TV 6. The first dealt with corporal punishment in the Trinidad and Tobago context and the second gave an overview of the CRC by a UNICEF representative.

- Four community youth Talk Shops were conducted at three different venues: Port of Spain, Point Fortin and Arima. A total of three hundred and fifty students participated in the Talk Shops. Areas of discussion included: laws affecting children; age of consent and criminal responsibility; the role of the police in ensuring the rights of the child; access to education and keeping children off the streets; parenting education, counselling and family support, and the role of the church in promoting child rights. Primary and secondary schools from the communities were invited to send youth representatives to these sessions; out of school youth were also invited. Professionals in the field were invited as panelists to make short presentations and address questions.[58]

- *Arts in Action*, an experienced interactive drama group, was contracted to conceptualise and perform vignettes which examined the rights of children according to articles 12, 13 and 14. The group was featured *inter alia* on TTT's Issues Live, a call in television show.

- A pamphlet explaining Articles 12, 13 and 14 of the Convention was published for distribution to schoolchildren. In the pamphlet, teachers were asked to work with children

to raise and discuss any issues connected with child rights. Schools were invited to create and perform a fifteen-minute skit/drama on the theme.

- A Youth Rally was held at the Queen's Park Savannah on November 26 1999. This event marked the end of the month's activities and took the form of exhibits from organisations which serve the needs of children, dramatic presentations addressing the month's theme and cultural performances by children and youth. Schools from all sectors of the educational system, including special schools were in attendance- a total of seven hundred children. The purpose of the rally was to disseminate information on child rights and display some of the talent of the nation's children in a festive atmosphere.[59]

Tobago

120. The Tobago Coalition for the Rights of the Child also organised activities for Child Rights Month, 1999 as follows:

November 8-19	All Schools in Tobago preparing for Logo, Essay and Debating Competition
November 22-23	Judging of all competitions
November 17	Presentation on the Rights of the Child at Fairfield Complex during National Public Servant Awareness Week
November 19	A Booth Promoting Child Rights at 1st Citizen Mall Scarborough, Tobago at the National Public Servants Awareness Week activities
November 20	Presentation on the Rights of the Child at the Scarborough Seventh Day Adventist Church
November 25	Culmination of Activities of Child Rights Month at Roxborough Cultural Complex- for Tobago Windward
November 26	Culmination of Activities of Child Rights Month for the Leeward District of Tobago at Shaw Park Cultural Complex, Scarborough, Tobago

[58] Report on Child Rights Month, 1999 prepared by Sharon Marriott of the Trinidad and Tobago Coalition on the Rights of the Child.
[59] Supra, fn.58.

Child Rights Month 2000

121. The Trinidad and Tobago Coalition for the Rights of the Child held the following workshops:

- **Caregivers' Workshop**[60]

A total of twenty-one caregivers from governmental and private Children's Institutions registered for this workshop. In his Opening Remarks, participants were addressed on the importance of spreading the message of the Convention on the Rights of the Child and getting Children's Institutions to use its articles in their daily operations. The UNICEF Representative brought greetings from her organisation, which sponsored the commemoration of Child Rights Month 2000. She spoke of what she thought was the plight of children in Trinidad and Tobago and UNICEF's initiative in getting the articles of the Convention observed on a day- to-day basis. The audience was given an opportunity to express their opinion and concerns about their work environment in Children's Institutions. Many spoke of lack of training and therefore lack of understanding of the psychological condition of children coming into care. They spoke of long work hours and the child to care ratio. The topics covered in the workshop included "Caring For Yourself", "The Rights and Responsibilities of Caregivers" and "Psychological Profile of a Child in Care".

- **Legal Sensitisation Workshop**[61]

This was a half-day workshop to sensitise legal professionals about the Convention on the Rights of the Child particularly as it pertains to children facing the juvenile justice system. A total of twenty-two participants which included lawyers, probation officers, welfare officers and social workers registered for the workshop. In her welcome address, then Senator Diana Mahabir Wyatt discussed the newly amended Children Act and the upcoming Children's Authority. In his Opening Remarks, Gregory Sloane Seale stressed the importance of using the articles of the Convention to guide the treatment of children as they face the legal system. The topics discussed included the following:

Articles of the Convention that focus on children's rights in the judicial process-H.W. Halcyon Yorke Young, a Magistrate discussed the types of issues facing her and other Magistrates such as the lack of options when sentencing a juvenile and poor rehabilitative care programmes. She stated that having a child centred approach to dealing with cases that involved young people was a personal decision and Magistrates are not necessarily trained to handle children differently from adults.

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[60] Information on Workshop quoted from document entitled "Child Rights Month, 2000", Evaluation Comments-Trinidad and Tobago Coalition on the Rights of the Child.

[61] Supra, fn.60.

A representative of the Chief Parliamentary Counsel's Department of the Ministry of the Attorney General, took the participants through all of the changes in the amended Children Act and answered questions and concerns from the audience. She also explained the function of the Children's Authority and how it will affect the operations of the childcare system in Trinidad and Tobago. It was observed that most of the participants did not have any idea of the Convention and the new laws.

Garnet Lake, a young man, described his journey from the time he left home at 6 years of age to life on the streets to youth detention and ultimately to prison. He discussed the police brutality he faced and the many ways his rights were infringed by his family, the society and the juvenile justice system.

- **CRC-365- Youth Workshop**[62]

CRC-365 was held on December 12, 2000. The workshop was designed to get young people interested and active in the implementation of the CRC throughout their communities. Sixteen fourth to sixth form students from various secondary schools across the country attended the workshop. The whole-day workshop included a Video Presentation that informed participants about the CRC. The group was given pamphlets with the articles of the CRC. The audience was then divided into four groups. Each group was given a poster to look at and to determine which rights were being violated in the posters. The participants then discussed Children's Rights within a local context and examined the major issues facing Trinidad and Tobago.

Child Rights Month, 2001

122. The Trinidad and Tobago Coalition on the Rights of the Child (TTCRC), in conjunction with the Ministry of Education and the then Ministry of Community Empowerment observed Child Rights Month in November 2001 with a theme of "Education is of Life/Living". A newspaper article entitled "Child Rights Month to focus on education" was published in a daily newspaper explaining Article 29 of the Convention.[63]

123. To commemorate Child Rights Month 2001, TTCRC together with UNICEF invited children below the age of 18 years to participate in a mural painting competition, the theme of which was "Children's Rights and Responsibilities". The mural was to be painted by children on a school wall or prominent wall in the community with the assistance of teachers and or members of their art community. A photograph of the completed mural was to be submitted to the Coalition by November 9 for judging.

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[62] Supra, fn.60.

124. During the month, the Newsday daily newspaper published a Child Rights Supplement with articles such as *Human Rights for Children, How can I be involved in my child's education?* and *What should young children be learning?*

125. In November 2001, the Child Welfare League, an NGO and the Education Committee of the Arima Corporation hosted a one-day workshop for children from primary schools in the Arima district to discuss a child's right to education. Ninety students from fifteen schools attended the workshop which was led by the children.

Government Information Services

126. Government Information Services of the Ministry of Public Administration and Information disseminates information about the Government's activities including the work of Ministries, the Cabinet, the President and the Judiciary. It also covers issues of regional and international interest as well as issues of a national interest affecting children, women and the disabled among others. There is a Radio Unit, a Television Unit, a Print and Photographic Unit and a Research and Library Unit. The material is usually presented in a manner that can be easily understood by children.

127. While not specific to the Convention, the Government Information Services produced the following children's television programmes[64] for the period 2000 to 2002:

- 43 Linkages of 2 to 3 minutes duration including school feeding and nutrition, environmental awareness, the use of art and craft as methods of learning and training in schools;

- 15 Fifteen minute programmes in the area of culture; calypso, steel band and parang. Sports and skills training in school; and

- 9 Half hour programmes including culture; carnival, calypso, steel band, music festivals and drama used in learning.

[63] The Guardian Newspaper, November 12, 2001 at p., 10

128. Some of the programmes relating to children and their rights which were produced by Government Information Services for January 1997- December 10, 2002 on Radio (AM and FM) are listed below:

1997

January	Carnival, Aids and the Teenager: #1,2&3- Family Life Educator; Medical Social Worker; Students.
	Let's Rap-Deviant Behaviour Among Youth-St. Francois Girls' College.
	Let's Rap-Censorship-Students of Hillview College talk about censorship.
February	Let's Rap-Adolescence and AIDS-San Fernando Government Secondary School.
	Let's Rap-Role of the Media in a Developing Society-Students from Q.R.C., St. Joseph's Convent, Hillview College, St. Francois Girls'.
March	Let's Rap: Role of the Media in Nation Building-Students from Holy Name Convent, Q.R.C, Hillview College, St. Joseph's Convent, Bishops.
	On the Labour Scene: Equipping our Youth for the 21st century: Excerpts from Youth Employment Seminar.
April	Let's Rap:Youth Day-Panel Discussion on issues pertaining to youth including-National Youth Day Celebrations, Tourism and Youth Symposium.
May	Let's Rap: National Unity- A Youth Perspective.
July	Trinidadian Youth Group wins U.N.E.P. award.
August	Let's rap: Emancipation Special-Kwame Ture talks to young people at National Heritage Library.
	Let's rap: (Youth) Tips on interviews and workplace ethics: Feature on a young achiever.

[64] Director of Information by memorandum dated December 10,2002

1999

November 09,10	Child Rights Month: Care for the Future Generation.
November 11	Child Rights: What rights?
November 13	Let's rap: Rights of the Child (Talk-shop).
November 16	Child Rights Month: Excerpts of President Robinson's Address at Youth Forum.
November 25	Child Rights Month: The Voice of Youth.
December 08,10	An act to amend the law relating to children: Attorney General (R.L. Maharaj).

2000

January 03,05,07	Senate Debate: Maintenance Orders Bill.
February 24	Youth Speaks Out: Excerpts of Youth Workshop on Human Rights, Freedoms and Responsibilities.
March 20	Monday's Child: Excerpts from the formal launch of the year of the Child.
August 02	It's your right: Late Registration of Births.
August 15- 16	Late Registration of Births: Protecting the Rights of the Child (Infomercial).
August	Excerpts from the Consultation on the Draft National Youth Policy.
September 19	Act Now: Late registration of births.
November 06	Child Rights Month: Protecting the Meek.
November 09	Child Rights Month: Freedom for all.
November 10	Child Rights Month: A better life for our children.

2001

January	The Law and You: The Constitution and the Law-then Attorney General, Ramesh Maharaj speaks with students at Diego Martin Secondary Government School
May 07	The Children's Act: Corporal Punishment-then A.G.- R.L. Maharaj.
	The Children's Act: Street Children and Adoption-then A.G.- R.L. Maharaj.
November 05	Civil Society 21st century: Media, gender equity and the rights of the child.
November 11	Info Sound Round Table: Child Rights Month-Education for Life, "Speak up child, the people are listening"-Children discuss issues of the day-YMCA, UN Youth Representatives, CAFRA(NGO), Primary Schools Students.
November 16	Child Rights Month: Creating the Future, today.
November 23	Child Rights Month: Families-The Building Blocks of Nations.
November 25	Say Yes for Children-Rights and Responsibilities: National Family Services, Diana Mahabir Wyatt, National Coalition on the Convention on the Rights of the Child; Gregory Sloane Seale. YMCA; 3 young persons.
December	Info Sound Round Table: Youth at the Controls (International Day of Children's Broadcasting)-Secondary and Primary School Representatives; Marionettes Youth Chorale; Woodbrook Government Secondary Performers; St. Joseph's Boys' R.C. School Parang Group.

2002

January	On 1 Level: Youth Speak Out and Sports Plans-Minister of Sport and Youth Affairs.
February	On 1 Level: Youth Speak Out-Five young persons representing schools and NGOs discuss issues impacting their lives.

	On 1 Level: Youth Speak Out: Youth icons, Brian Lara and others talk to students at schools across the nation.
February 14	"Valentine's Heart Beat"-When a child hurts.
February 28	The Global Movement for Children: The role of all stakeholders in providing a better world for children.
March 02	On 1 Level: Youth speak out-Ezekiel Yorke, young calypsonian "A Child's Right"; Joan French, UNICEF Regional Coordinator; Gregory Sloane Steele, YMCA; Ministry of Social Development Representative.
May 12	Building a beautiful family culture in a turbulent world.
May 15	The 7 Habits of Highly Effective Families.
May 16	Looking up in T&T: Child Nutrition-A Lifetime Investment.
June	My Health, My Responsibility: Excerpts from Youth Forum Prize Giving Ceremony.
July 08,09	A place to call home: excerpts from seminar on "adoption".
September	*Zing ta la la*: The National Youth Folk Festival Training for Life: National Re-training Programme-Masonry trainees.
October	Shine on: Interview with Scholarship winner from St. George's College. Shine on: Interview with Scholarship winner from St. Joseph's College.
November	Youth Platform: Peer Counselling and Youth Expressions-Families in Action Representative: Various Youth Songs and Words.
	Pan in the classroom project: Pan to be phased in as instrument of choice in school curriculum-Features Views of Students
December	Our Fragile World: Secondary Schools Students talk about protecting and conserving our environment.

- **The extent to which the principles and provisions of the Convention have been incorporated in professional training curricula and codes of conduct or regulations;**

129. With the exception of the training mentioned during Child Rights Month 2000 by the Coalition on the Rights of the Child, the training of professionals by the Government and NGOs, specifically with regard to the Convention has been extremely limited, occurring infrequently on an *ad hoc* basis.

130. The training for police officers includes a component entitled "Human Rights & International Humanitarian Law" although the Convention is not covered as a separate topic.

131. In July and August 2002, the Ministry of Social Development conducted three sector consultations with stakeholders including the police, immigration officers, lawyers, health and social workers, Ministry officials, members of NGOs and representatives of the youth.

132. The discussions were on the following topics:
- Providing quality education;
- Promoting healthy lives;
- Protecting against abuse, exploitation and violence; and
- Combating HIV/AIDS.

133. Participants at these sector consultations were sensitised about the Articles of the Convention with a view to devising strategies for implementation. These sector consultations are intended to assist in the formulation of a new National Plan of Action for Children consistent with the dictates of the United Nation's General Assembly Special Session on Children outcome document and the specific needs of children in Trinidad and Tobago.

134. There is admittedly a need, as emphasised by some NGOs, for targeted training of teachers, the police, judges, prosecutors, lawyers and other professionals on the principles and provisions of the Convention.

Q. 23. States are also requested to describe the measures undertaken or foreseen, pursuant to article 44, paragraph 6, to make their reports widely available to the public at large in their own countries. In this regard, please indicate:

- **The process of preparation of the present report, in particular the extent to which governmental departments, at the central, regional and local levels participated, and non-governmental organisations were involved. An**

indication should also be given of the number of non-governmental organisations which participated in the preparation of the report;

135. A Human Rights Unit was formed in July 1999 within the Ministry of the Attorney General. The Human Rights Unit is responsible for the preparation of all periodic reports due for submission to the United Nations under international human rights instruments. When the Unit was formed there was a backlog of periodic reports to be completed. The Unit has completed the following reports (which have already been examined by the relevant international human rights bodies):

- Third and Fourth Periodic Reports under the International Covenant on Civil and Political Rights;
- Second Periodic Report under the International Covenant on Economic, Social and Cultural Rights;
- Eleventh, Twelfth, Thirteenth and Fourteenth Periodic Reports under the International Convention on the Elimination of All Forms of Racial Discrimination; and
- Initial, Second and Third Periodic Reports under the Convention on the Elimination of All Forms of Discrimination against Women.

136. The Second Periodic Report under the Convention on the Rights of the Child is the only outstanding periodic report of Trinidad and Tobago due under international human rights instruments. When completed, Trinidad and Tobago will be fully up to date in its reporting obligations.

137. The Human Rights Unit has been assisted in its work by a Standing Human Rights Consultative Committee. This Committee which is chaired by the Human Rights Unit comprises representatives of some thirteen Ministries and the Tobago House of Assembly. Representatives of the various Ministries on the Committee are responsible for supplying the Human Rights Unit with data from their respective Ministries for preparation of periodic reports.

138. Much of the information contained in this report was obtained from the pertinent Ministries of Government via their representatives on the Human Rights Consultative Committee.

139. The Human Rights Unit of the Ministry of the Attorney General also consulted with more than a dozen NGOs in the preparation of this report: On December 1, 2000 the Human Rights Unit hosted a consultation with NGOs working in the field. In attendance at the meeting were

representatives of the Child Welfare League of Trinidad and Tobago, the Credo Centre, the Association for Early Childhood Education, the Trinidad and Tobago Association for Retarded Children and the Lady Hochoy Home for Children among others.

140. In the preparation of this Report, the Human Rights Unit also made written requests to NGOs for information. However, only a few of these NGOs responded to the requests. Some written information was provided *inter alia* by the Child Welfare League, The Association for Early Childhood Education, The Association for Retarded Children and The Association for Developmental Education.

141. Members of staff of the Human Rights Unit also met with representatives and/or received information on the work of NGOs such as SERVOL, the Trinidad and Tobago Coalition on the Rights of the Child and the Credo Drop-in and Developmental Centre.

142. In December 2002, a representative of the Human Rights Unit interviewed Mr. Gregory Sloane Seale and Ms. Diana Mahabir Wyatt, two prominent child rights activists and representatives of NGO organisations.

- **The steps taken to publicise the report, to translate and disseminate it in the national, local, minority or indigenous languages. An indication should be given of the number of meetings (such as parliamentary and governmental conferences, workshops, seminars) held, the number of programmes broadcast on radio or television, the number of publications issued explaining the report and the number of non governmental organisations which participated in such events during the reporting period.**

- **The measures adopted or foreseen to ensure wide dissemination and consideration of the summary records and the concluding observations adopted by the Committee in relation to the State party's report, including any parliamentary hearing or media coverage. Please indicate the events undertaken to publicise the concluding observations and summary records of the previous report, including the number of meetings (such as parliamentary or governmental conferences, workshops, seminars) held, the number of programmes broadcast on radio or television, the number of publications issued explaining the concluding observations and summary records, and the number of non-governmental organisations which participated in such events during the reporting period.**

143. As regards efforts to publicise the Initial Report, these appear to have been very limited in scope. The Concluding Observations were also not widely circulated by the Government as recommended. It may be noted that before the consideration of the initial report under the Convention, an NGO representative reported to the Committee on the Rights of the Child giving the perspective of some twenty-five (25) NGOs on the situation of children in Trinidad and Tobago.[65] However, NGO efforts to publicise the Concluding Observations and Summary Records of the Initial Report also appear to have been limited.

144. In 2000, the Human Rights Unit circulated the Concluding Observations of the Initial Report to all the Ministries represented on the Human Rights Consultative Committee, as well as to NGOs who participated in the consultations with the Human Rights Unit. Representatives of the relevant Ministries were asked to report on the implementation of the Committee's recommendations. Many of these comments have been incorporated into this Report.

145. Once approved by Cabinet, it is expected that this Second Periodic Report under the Convention will be launched at a ceremony to be hosted by the Attorney General. NGOs, Government representatives as well as members of media will be invited to the launch of the Report.

146. With Cabinet's approval, the Report will be printed and laid in Parliament by the Attorney General. All members of Parliament will be provided with a copy of the Report. A statement will also be read by the Attorney General upon the laying of the report in Parliament, explaining the Convention and summarising the Report.

147. A copy of the report will be published shortly thereafter on the Government's website and the soon to be established website of the Ministry of the Attorney General.

148. Upon consideration of the report by the Committee, the Ministry of the Attorney General in consultation with the relevant Ministries intends to take steps to convene a public meeting to discuss the report and the Concluding Observations of the Committee.

[65] "The Child Rights Context"-presented by Sharon Marriot at a Seminar hosted by the Inter-American Institute in collaboration with the Ministry of Social Development, Trinidad and Tobago June 15, 1998 (at p.4)

II. DEFINITION OF THE CHILD (art.1)

Q.24. Under this section, States parties are requested to provide relevant information with respect to article 1 of the Convention, including on:

- **Any differences between national legislation and the Convention on the definition of the child;**

149. There are varying definitions of a child under different domestic statutes as follows:

S.2 of the **Children Act, Chap. 46:01** provides:

" child" means a person under the age of fourteen years.

" young person" means a person who is fourteen years of age or upwards and under the age of sixteen years.

150. **The Children and Young Persons (Harmful Publications) Act, Chap.11:18** provides that "child" and "young person" have the meanings assigned to them by section 2 of the Children Act.

151. **The Children (Amendment) Act, No. 68 of 2000** has amended the definition of "child" in the **Children Act**, by deleting the word "fourteen" and substituting the word "eighteen". The upper age limit of a child has accordingly been raised from fourteen to eighteen years, in conformity with the definition of a child under the Convention.

152. **The Children (Amendment) Act, No.68 of 2000** has also deleted the definition of "young person" set out above, and substituted the following definition:

"young person" means a child who is over the age of fourteen years of age and under the age of eighteen years.

153. **The Children (Amendment) Act, No.68 of 2000** is part of the package of legislation described in response to question 12 of the reporting guidelines. This legislation (although passed by Parliament) requires Presidential Proclamation to come into force. The legislation is expected to be proclaimed as soon as the Children's Authority has been established. Until this amending legislation is proclaimed however, a "child" continues to be defined under the Children Act as "a person under the age of fourteen years".

154. **The Adoption of Children Act, Chap. 46:03** defines a child as "a person under the age of eighteen years who has never been married". A new **Adoption of Children Act, No. 67 of 2000** has been enacted to replace this Act. The new Act also defines a child as "a person under the age of eighteen years who has never been married". The new Act also requires Presidential Proclamation to come into force.

155. **The Children's Authority Act, No. 64 of 2000** (which will come into force on a date to be proclaimed) defines a child as "a person under the age of eighteen years".

156. **The Status of Children Act, Chap. 46:01** (which is an Act to remove the legal disabilities of children born out of wedlock) defines a child as including "a person who has not attained the age of eighteen years".

157. **The Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08** (which is an Act to define and regulate the authority of parents as guardians of their minor children, whether or not born in wedlock, their power to appoint guardians, and the powers of Courts in relation to the guardianship, custody and maintenance of minors) defines a "minor" as a person under the age of eighteen years.

158. **The Factories Ordinance, Chap. 30. No. 2**, in S.3(1) (which applies to persons employed in factories) defines a "child" as "a person who has not attained the age of fourteen years" and a young person as "a person who has attained the age of fourteen and has not attained the age of eighteen years".

159. The Occupational Health and Safety Bill (which has been drafted to replace the **Factories Ordinance**, and when enacted, would apply to all persons at work) defines a young person in clause 4(1) as "a person who has attained the age of fourteen but has not attained the age of eighteen years".

160. By virtue s. 2(1) of the **Age of Majority Act, Chap.46:06**, a person shall attain full age on attaining the age of eighteen instead of on attaining the age of twenty-one. This subsection applied for the purposes of any rule of law, and in the absence of a definition or of any indication of a contrary intention, for the construction of "full age", "infant", "infancy", "minor" and "minority".

- **The minimum legal age defined by the national legislation for the following:**
  - **Legal and medical counselling without parental consent;**

161. The law does not regulate the age at which a child may seek legal counselling without parental consent. Children below the age of eighteen years do not have legal capacity to sue and can only bring an action through a "next friend", such as a parent. Accordingly, legal counselling is normally only provided to children below the age of eighteen years on condition that parental consent is given.

162. There is no domestic statute which prescribes a minimum legal age at which a child may seek medical counselling without parental consent. In practice, parental consent is required for medical counselling and/or treatment of a child or minor.

163. If parental consent cannot be obtained, the medical practitioner or the attending physician is normally guided by the principles enunciated in the British House of Lords case of Gillick v West Norfolk and Wisbech Area Health Authority & Anor. [1986] A.C. 112. The main question in this appeal was whether a doctor could lawfully prescribe contraception for a girl under 16 years of age, without the consent of her parents. At page 188 H-189A Lord Scarman stated:

> *...I would hold that as a matter of law the parental right to determine whether or not their minor child below the age of 16 will have medical treatment terminates if and when the child achieves a sufficient understanding and intelligence to enable him or her to understand fully what is proposed. It will be a question of fact whether a child seeking advice has sufficient understanding of what is involved to give a consent valid in law. Until the child achieves the capacity to consent, the parental right to make the decision continues, save only in exceptional circumstances. Emergency, parental neglect, abandonment of the child, or inability to find the parent are examples of exceptional situations justifying the doctor proceeding to treat the child without parental knowledge and consent: but there will arise, no doubt other exceptional situations in which it will be reasonable for the doctor to proceed without the parent's consent.*

164. It was held that a girl under the age of 16 years had the legal capacity to consent to medical examination and treatment, including contraceptive treatment, if she had sufficient maturity and intelligence to understand the nature and implications of the proposed treatment.

165. In Trinidad and Tobago, when a female under the age of sixteen years seeks medical treatment, it is the practice for a female member of staff to be present when the patient is being examined or treated. However, this is not usually done in the case of youthful males unless specifically requested by the patient.

166. In the case of a medical emergency, the practice is to obtain written parental consent. If such consent cannot be reasonably obtained and where in the opinion of the physician the life of the child is at risk, the practice has been to tend to the medical needs of the child, whether male or female, without parental consent. This includes surgical intervention.

- **The minimum legal age defined by the national legislation for the following:**
  - **Medical treatment or surgery without parental consent;**

167. With respect to surgery, the established practice of the medical profession, at both private and public health institutions, has been to seek written parental consent at all times where surgery is required for persons under the age of 16 years. The consent is required by statute in private health institutions. **The Private Hospitals Regulations Chap. 29:03** provides:

> *S.10(1) Subject to subregulation (2), no surgical operation shall be performed on any patient in a private hospital without the written consent of that patient. In the case of a patient who is a minor the written consent of his parent or guardian is required. Consents shall be in the form set out in the Schedule.*

- **The minimum legal age defined by the national legislation for the following:**
  - **End of compulsory education;**

168. In Trinidad and Tobago the age of compulsory schooling is regulated by the **Education Act, Chap. 39:01** which provides in S.76 as follows:

> *S.76(1) In this Act the expression "a compulsory school age" means any age between six and twelve years and accordingly a person shall be deemed to be of compulsory school age if he has attained the age of six years and has not attained the age of twelve years, and a person shall be deemed to be over the compulsory school age as soon as he has attained the age of twelve years.*

- **The minimum legal age defined by the national legislation for the following:**
  - **Admission to employment or work, including hazardous work, part-time and full-time work;**

169. **The Children Act, Chap. 46:01**, regulates the employment of children. The minimum age of employment of children is twelve years but the employment of children between the ages of twelve and eighteen is regulated by the Act. The relevant sections of the Act are quoted below:

S.90(1) An employer who employs a person under the age of eighteen years at night in any public or private industrial undertaking, or any branch thereof; other than an undertaking in which only members of the family of the proprietor or owner are employed... is guilty of an offence.

S.90(2) Persons over the age of sixteen years may be employed during the night in the following industrial undertakings on work which by reason of the nature of the process, is required to be carried on continuously day and night:

(a) manufacture of raw sugar;

(b) any other undertaking which may be declared to come under the exception created by this subsection by Order of the President.

S. 91(1) Children under the age of fourteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed; and any person who employs such child or permits him to work in contravention of this section is guilty of an offence.

S.93.(1) Children under the age of fourteen years shall not be employed or work on any vessel other than a vessel upon which only members of the same family are employed; and any person who employs any such child or permits him to work in contravention of this section is guilty of an offence.

S.*94(1) A child under the age of twelve shall not be employed.*

170. The following provisions of domestic statutes also regulate the employment of children as follows:

(i) **The Shipping Act, No. 24 of 1987**

S. 108(1) No person under the age of sixteen years, shall be employed in any Trinidad and Tobago ship, except-

(a) upon work approved by the Director on board a school-ship or training ship;

(b) where the Director certifies that he is satisfied, having due regard to the health and physical condition of the person and to the

prospective and immediate benefit to him of the employment, that the employment will be beneficial to him.

(ii) **The Industrial Training Act, Chap. 39:54**

S.2 In this Act-
"apprentice" means any boy or girl, being under the age of eighteen years, employed in or in connection with any trade or craft mentioned in the Schedule, with the object or purpose of learning or acquiring any skill, dexterity, cunning, process, or method therein, and whether such boy or girl is or is not bound to any master by contract or agreement.

S.11.(1)It shall be lawful for the father or the mother of any boy or girl above the age of thirteen and under the age of eighteen years...to bind such boy or girl, with the approval of the Board, for any term not exceeding five years to be an apprentice in any of the trades mentioned in the Schedule...and every such contract shall be as effectual to all intents and purposes as if such boy or girl, being of full age, by deed of covenant had bound himself.

(iii)**The Factories Ordinance Chap. 30 No. 2**

S.32. A young person shall not be employed to lift, carry or move any load so heavy as to be likely to cause injury to him.

S.43. No child shall be employed in any factory, or in the business of a factory outside the factory, or in any business, trade or process, ancillary to the business of a factory.

(iv) **The Recruiting of Workers Act, Chap. 88:10**

Section 6 of this Act allows for the recruitment of a child between the ages of fourteen and eighteen provided that:

(a) The consent of the parent or guardian was acquired;

(b) The conditions of employment are stated in writing and approved by the Magistrate of the district in which the person is recruited or to be employed; and

(c) *The Magistrate satisfies himself that the work is suitable and that the welfare of the juvenile is sufficiently safeguarded.*

This Act does not apply to the recruiting of workers within Trinidad and Tobago for employment therein. It also does not apply to the recruiting of personal or domestic servants or non-manual workers for employment in Trinidad and Tobago.

- **The minimum legal age defined by the national legislation for the following:**
  - **Marriage;**

171. In recognition of the religious diversity of the population, the Government of Trinidad and Tobago has enacted domestic statutes to give legal recognition to marriages performed under Christian, Muslim, Hindu and *Orisa* rites respectively. However, there is no uniform minimum age of marriage under the various marriage laws. The minimum age at which a marriage can be contracted under each of these statutes differs as a result of the traditional attitudes and beliefs of the respective religious groups. There are also disparities in the minimum age of marriage based on gender.

The Marriage Act, Chap. 45:01

172. Under this Act, consent is required for the marriage of a minor from his or her parents. Males must be at least fourteen (14) years of age and females at least twelve (12) years (which are the minimum ages of capacity for marriage at common law).

The Muslim Marriage and Divorce Act, Chap. 45:02, Act No.7 of 1961.

173. Under this Act, the age at which a person, being a member of the Muslim community, is capable of contracting marriage is sixteen (16) years in the case of males and twelve (12) years in the case of females.

The Hindu Marriage Act, Chap. 45:03, Act No.13 of 1945.

174. Under this Act, the age at which a person being of the Hindu faith, is capable of contracting a marriage shall be eighteen (18) years in the case of males and fourteen (14) years in the case of females.

The Orisa Marriage Act, No. 22 of 1999.

175. Under this Act, the age at which a person, being a member of the Orisa faith or religion, is capable of contracting marriage shall be eighteen (18) years in the case of males and sixteen years (16) in the case of females.

Committee to Review Marriage Laws

176. In 1998, the Government agreed to the establishment of a Committee to review all existing marriage laws (namely, **The Marriage Act, The Hindu Marriage Act, The Muslim Marriage and Divorce Act** and the then proposed Orisa Marriage Bill which was enacted on August 16 1999) and to make recommendations for their harmonisation. The Committee was mandated to address four main areas: age, registration, consent and notice. A Committee comprising representatives of all the major religions, the relevant Ministries and other interested parties was formed. That Committee had its first meeting in November 1998. Out of that meeting, a legal sub-committee was appointed to review the present marriage laws. The report of the legal sub-committee (which was submitted in March 1999) recommended *inter alia* that:

-The laws relating to marriage be harmonised into one Marriage Act;
-There be uniformity in the divisions of the marriage districts;
-The age of capacity for a female to marry be raised to 16 years for all religions; and
-*De facto* guardians should be recognised as persons capable of giving consent for minors to marry.

177. The full Committee held its second meeting in April 1999, and the report of the legal sub-committee was adopted as a working paper and the starting point of the Committee's deliberations on the topic. It was evident from the ensuing discussions at that meeting that the members of the Committee had very strong views with respect to certain issues that were raised in the report's recommendations. These included the minimum permissible age for marriage, minimum age of consent and the notice requirement of intended marriages. The Committee felt that further consultations on these areas were needed.

178. As a result, consultations were held at three venues in Trinidad and Tobago from June 24 to July 6 1999. One of the issues which remained contentious following these consultations was the proposed harmonisation of the minimum age of marriage under the different statutes. The official position of representatives of the Muslim and Hindu groups was that the minimum ages represented in the Muslim and Hindu Marriage Acts should not be altered, largely because of their traditional beliefs.

179. A further consultation was convened in 2000 by the (then) Attorney General with representatives of the main religious groups to try to achieve consensus. However, thus far the Government has not been able to achieve harmonisation of the minimum age of marriage under the various domestic statutes with the Convention because of the official position which the Hindu and Muslim groups (who represent a significant percentage of the population) continue to take.

180. The table below sets out the number of persons below 18 years of age who were married during the period 1997-1999:[66]

YEAR	AGE	MALE	FEMALE	TOTAL
1997	<15	-	15	15
	15	29	190	219
	16	29	191	220
	17	29	191	220
Sub-Total		**87**	**587**	**674**
1998	<15	-	16	16
	15	22	187	209
	16	23	188	211
	17	23	188	211
Sub-Total		**68**	**579**	**647**
1999	<15	-	7	7
	15	29	180	209
	16	29	181	210
	17	30	181	211
Sub-Total		**88**	**549**	**637**

- **The minimum legal age defined by the national legislation for the following:**
  - **Sexual consent;**

181. Under the **Sexual Offences Act, No. 27 of 1986** (as amended) the age of sexual consent is sixteen years for both males and females. This minimum age does not apply if the parties are lawfully married. The following provisions of the Act are relevant:

> *S.6(1) Where a person has sexual intercourse with a female person who is not his wife and who is under the age of fourteen years, he is guilty of an offence, whether or not the female person consented to the intercourse and whether or not at the time*

[66] Information provided by the Central Statistical Office of Trinidad and Tobago in 2003.

of the intercourse he believed her to be fourteen years of age or more, and is liable on conviction to imprisonment for life.

S.7(1) Where a male person has sexual intercourse with a female person who is not his wife with her consent and who has attained the age of fourteen years but has not attained the age of sixteen years, he is guilty of an offence and is liable on conviction to imprisonment for twelve years for a first offence and to imprisonment for fifteen years for a subsequent offence.

S.7(2) A male person is not guilty of an offence under subsection(1)-

(a) if he honestly believed that the female person was sixteen years of age or more; or

(b) if the male person is not more than three years older than the female person and the court is of the opinion that the evidence discloses that as between the male person and the female person, the male person is not wholly or chiefly to blame.

S.8(1) Where a female adult has sexual intercourse with a male person who is not her husband and who is under the age of sixteen years, she is guilty of an offence, whether or not the male person consented to the intercourse, and is liable on conviction to imprisonment for five years.

S.8(2) A female adult is not guilty of an offence under subsection (1)-

(a) if she honestly believed that the male person was sixteen years of age or more; or

(b) if the female adult is not more than three years older than the male person and the court is of the opinion that the evidence discloses that as between the female adult and the male person, the female adult is not wholly or chiefly to blame.

- **The minimum legal age defined by the national legislation for the following:**
  - **Voluntary enlistment in the armed forces;**

182. The minimum legal age for the voluntary enlistment of persons into the armed forces is sixteen years. However, a person between the ages of sixteen and eighteen years can only be

enlisted if parental consent is obtained in accordance with S.19 of the **Defence Act, Chap. 14:01** (which was recently amended by the **Miscellaneous Provisions (Children) Act**, No. 66 of 2000). The section provides:

> *S.19(1) A recruiting officer shall give to a person offering to enlist in the Force a notice in the prescribed form and shall not enlist any person in the Force unless he is satisfied –*
>
> *(i) by that person that he has been given such a notice, understands it, and wishes to be enlisted;*
>
> *(ii) subject to subsection (2), that that person has attained the age of sixteen years.*
>
> *S.19(2) A recruiting officer shall not enlist a person between the ages of sixteen years and eighteen years unless consent to the enlistment has been given in writing-*
>
> *(a) if the person offering to enlist is living with both or one of his parents, by the parents or parent;*
>
> *(b) if he is not living with both or one of his parents, by any person (whether a parent or not) whose where-abouts are known or can after reasonable enquiry be ascertained and who has parental rights and powers in respect of him, by that person;*
>
> *(c) if there is no such person as is mentioned in paragraph (b) or if after reasonable enquiry it cannot be ascertained whether there is any such person, by any person in whose care (whether in law or in fact) the person offering to enlist may be.*

- **The minimum legal age defined by the national legislation for the following:**
  - **Conscription into the armed forces;**

183. There are no provisions in the domestic legislation for the compulsory enlistment of persons into the military service.

- **The minimum legal age defined by the national legislation for the following:**
  - **Participation in hostilities;**

184. The domestic law is silent as to the minimum age for participation in hostilities. Once recruited and trained, it appears that a person can be assigned to participate in hostilities. **The Defence (Enlistment and Service) Regulations** in its First Schedule sets out the Notice which must be given to all recruits. The Notice provides *inter alia*:

> *You will be required to engage to serve the State in the Trinidad and Tobago Defence Force ...You will be liable to serve in part of Trinidad and Tobago and may be ordered to serve outside Trinidad and Tobago.*

- **The minimum legal age defined by the national legislation for the following:**
  - **Criminal responsibility;**

185. The age of criminal responsibility is not defined by domestic statute. The minimum age is seven years, which is the original common law position.[67] Children below the age of seven years are considered incapable of forming criminal intent.

186. The common law further elaborated on the position in respect of children between the ages of 10 and 14. As extensively reviewed in C. (A Minor) v DPP [1996] 1 A.C. 1, H.L., their Lordships held that:

(a) There is a presumption that a child between these ages is doli incapax;[68]
(b) This presumption can only be rebutted by clear positive evidence that the child knew that his act was seriously wrong (as opposed to mere naughtiness or childish mischief) at the time when he did it;
(c) Mere proof of the doing of the act charged, however horrifying or obviously wrong that act might have been, cannot establish the requisite guilty knowledge and rebut the presumption;
(d) Interviews with the child are capable of providing the necessary insight into the mental function of the child, from which inferences might be drawn to rebut the presumption;
(e) The conduct of the child before or after the act might go to prove his guilty mind; and

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[67] Seetahal, Dana. Commonwealth Caribbean Criminal Practice and Procedure: Cavendish Publishing Limited, 2001 at p. 454

[68] Defined in Black's Law Dictionary,7th Edition as "incapable of wrong or of committing a crime or tort". *The period between seven and fourteen is subject to much uncertainty: for the infant shall, generally speaking, be judged prima facie innocent; yet if he was doli incapax, and could discern between good and evil at the time of the offence committed, he may be convicted and undergo judgment...*

(f) The older the child was at the relevant time, and the more obviously wrong the act, the easier it will generally be to prove guilty knowledge.

187. Any presumption of incapacity of children to commit crime ceases upon them attaining the age of 14 years. At 14 years, a child is presumed by the law to be capable of distinguishing good from evil.[69]

The minimum legal age defined by the national legislation for the following:

- **Deprivation of liberty, including by arrest, detention and imprisonment, *inter alia* in the areas of administration of justice, asylum seeking and placement of children in welfare and health institutions;**

Detention upon Arrest

188. Children of the age of criminal responsibility (ie. seven years and older) are subject to arrest and some form of detention. In general, the law makes special, less punitive provisions for the trial and detention of a person under eighteen unless he or she is charged with homicide.

189. A juvenile who is detained in a police station must be kept separate from adults. Even before and after court attendance, he must be prevented from associating with adult prisoners. **The Children Act, Chap. 46:01** provides:

S.73 *The Commissioner of Police shall make arrangements for preventing, as far as practicable, a child or young person while being detained in a Police Station from associating with an adult, other than a relative, charged with an offence.*

S.71 Where a person apparently under the age of sixteen[70] years is apprehended with or without warrant, and cannot be brought forthwith before a Magistrate, the officer in charge of the Police Station to which such person is brought shall enquire into the case and may, in any case, and shall-

(a) unless the charge is one of homicide or other grave crime;

(b) unless it is necessary in the interest of such person to remove him from association with any reputed criminal or prostitute;

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[69] Archbold Criminal Pleadings, Evidence and Practice: Sweet and Maxwell, 1997 at rubric 1,90-94.

[70] The word "sixteen" has been deleted and the word "eighteen" substituted by S.22 B of the Children (Amendment) Act, No.68 of 2000 (not yet proclaimed).

(c) unless the officer has reason to believe that the release of such person would defeat the ends of justice,

release such person on bail in accordance with the Bail Act, 1994, subject to a duty to appear before a Magistrate's Court at such time and place as the officer appoints.

190. If the offence is not a homicide, a child can be released into the care of his parents or guardians until the trial. If a juvenile is not released on bail, he must be remanded in a place of detention that is not a prison[71] such as the Youth Training Centre. Remandees awaiting trial who are detained at the Youth Training Centre are not eligible for any of the rehabilitation educational programmes conducted at the Institution.[72] Remandees may however, participate in spiritual transformation programmes conducted at the Centre. **The Children Act, Chap. 46:01** provides:

S.72 Where a person apparently under the age of sixteen years,[73] having been apprehended is not so released as aforesaid, the officer in charge of the Police Station to which such person is brought shall cause him to be detained in a place of detention provided under this Part until he can be brought before a Magistrate, unless the officer certifies-

(a) that it is impracticable to do so;

(b) that he is of so unruly a character that he cannot be safely so detained; or

(c) that by reason of his state of health or his mental or bodily condition, it is inadvisable so to detain him;

and the certificate shall be produced to the Magistrate before whom the person is brought.

S.74(1) A Magistrate, on remanding or committing for trial a child or young person who is not released on bail, shall, instead of committing him to prison, commit him to custody in a place of detention provided under this Part...and there to be detained for the period for which he is remanded...However, in the case of a young person,

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[71] Supra, fn 67 at p.454

[72] "The Child Rights Context"-presented by Sharon Marriot at a Seminar hosted by the Inter-American Institute in collaboration with the Ministry of Social Development, Trinidad and Tobago June 15, 1998 (at p7)

[73] Supra, fn.70.

it shall not be obligatory on the Magistrate so to commit him if the Magistrate certifies that he is of so unruly a character that he cannot be safely so committed, or that he is of so depraved a character that he is not a fit person to be so detained. (emphasis added)

Detention of children and young persons upon conviction

191. Under the **Children Act**, a child under 14 years cannot be sentenced to imprisonment. Generally, though, a child, if found guilty of any offence except homicide, is subject to special penalties. For instance, the child may be placed on probation or put in the care of a relative or sent to an Orphanage or Industrial School. There is also provision for the parents or guardian to pay a fine or sign a bond for the offending child's good behaviour. This frequently happens where the child has damaged property or assaulted someone.[74] The relevant section of the **Children Act, Chap. 46:01**, underlined for emphasis, is as follows:

S.78(1) A child[75] shall not be sentenced to imprisonment for any offence or committed to prison in default of payment of a fine, damages or costs.

(2) A young person[76] shall not be sentenced to imprisonment for any offence.

(3) A young person shall not be sentenced to imprisonment for an offence or committed to prison in default of payment of a fine, damages, or costs, unless the court certifies that the young person is of so unruly a character that he cannot be detained in a place of detention provided under this Part, or that he is of so depraved a character that he is not a fit person to be so detained.

(4) A young person sentenced to imprisonment shall not be allowed to associate with adult prisoners.

192. Section 7 of the **Young Offenders Detention Act, Chap. 13:05** allows the Court to impose an alternative sentence to imprisonment in the case of persons between the ages of 16 and 18 years:

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[74] "Dealing with Child Offenders", Article by Dana Seetahal. The Guardian Newspaper on January 12, 2003.
[75] S.78(1) has been amended by the Children (Amendment) Act, No.68 of 2000 (which has not yet been proclaimed) by inserting the words "under the age of fourteen years" after the word "child".
[76] A young person is defined in the Children Act as "a person who is fourteen years of age or upwards and under the age of sixteen years." This definition has been amended by the Children (Amendment) Act (which has not yet been proclaimed) so that a young person is now defined as "a child who is over the age of fourteen years and under the age of eighteen years".

S.7 Where a person is convicted before the High Court on indictment of any offence other than murder, or before a Court of Summary Jurisdiction of any offence for which he is liable to be sentenced to imprisonment, and it appears to such Court-

(a) that the person is not less than sixteen nor more than eighteen years of age...

the Court may, in lieu of sentencing him to the punishment provided by law for the offence for which he was convicted, pass a sentence of detention under penal discipline in the Institution[77] for a term of not less than three years nor more than four years.

The Detention of Young Offenders

193. A person between the ages of 14 and 16 (a young person) will normally only be sentenced to imprisonment if the court finds and certifies the offender is of so depraved or unruly a character that detention in an Industrial School is unsuitable. In such a case, the child will be specially detained and kept away from adults. The Court is empowered to order the detention of a juvenile in accordance with the **Children Act, Chap. 46:01**. The St. Michael's School for Boys and the St. Jude's School for Girls are the only two certified Industrial Schools available to the Court for referral of juvenile offenders between the ages of ten and sixteen years. Boys between the ages of sixteen and eighteen are committed to an Institution known as the Youth Training Centre which is run by the Prison Service. Unfortunately, there is no equivalent facility for the detention of girls who are between the ages of 16 and 18 years. Consequently, young women between the ages of sixteen and eighteen can only be referred to the Women's Prison.[78] The relevant provisions of the **Children Act** are as follows:

S.83 Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this...Act enabling the court to deal with the case, the case should be dealt with, namely whether-

(d) by committing the offender to the care of a relative or other fit person;

(e) by sending the offender to an Industrial School;[79]

(f) by sending the offender to an Orphanage;[80]

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[77] Institution means the Youth Training Centre.

[78] "The Child Rights Context"-presented by Sharon Marriot at a Seminar hosted by the Inter-American Institute in collaboration with the Ministry of Social Development, Trinidad and Tobago June 15, 1998 (at p7)

[79] "Industrial School" has been replaced with the word "Rehabilitation Centre" by S.27 of the Children (Amendment) Act, No. 68 of 2000 which (although enacted) has not yet been proclaimed (and is consequently not yet in force). Industrial Schools are the St. Michael's Home for Boys and St. Jude's Home for Girls.

S.43 Where a youthful offender is charged before the High Court or before a Magistrate with an offence punishable in the case of an adult by imprisonment, and in the opinion of the Court before which he is charged such youthful offender is ten years of age or upwards but less than sixteen years[81] *of age, the Court, if satisfied on enquiry that it is expedient so to deal with the youthful offender, may order him to be sent to a certified Industrial School.*[82]

S.44(2) Where a child apparently under the age of ten years is charged before the High Court or before the High Court or before a Magistrate with an offence punishable in the case of an adult by imprisonment, or a less punishment, the Court, if satisfied on enquiry that it is expedient so to deal with the child, may order him to be sent to a certified Orphanage.[83]

S.44(5) Where, under this section, a court is empowered to order a child to be sent to a certified Orphanage,[84] *the court, in lieu of ordering him to be so sent, may, in accordance with the provisions of Part I, make an order for the committal of the child to the care of a relative or other fit person named by the Court...*

S.27 An order of a court ordering a youthful offender or child to be sent to and detained in a certified school[85] *(in this Act referred to as a detention order)* [86] *may, if the Court thinks fit, be made to take effect either immediately or at any later date...regard being had to the age or health of the youthful offender or child.*

S.50 The detention order[87] *shall specify the time for which the youthful offender or child is to be detained in the school, being-*

(a) in the case of a youthful offender sent to an Industrial School,[88] *until such offender attains the age of eighteen years. However, the court may, if it*

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[80] The word "Orphanage" has been replaced with the word "Children's Home" by S.27 of the Children (Amendment) Act, No. 68 of 2000 which (although enacted) has not yet been proclaimed (and is consequently not yet in force). Certified Orphanages are the St. Mary's Children Home and the St. Dominic's Children Home.
[81] The word "sixteen" has been replaced with 'eighteen' by the Children (Amendment) Act, No. 68 of 2000 which (although enacted) has not yet been proclaimed (and is consequently not yet in force).
[82] Supra, fn.79.
[83] Supra, fn.80.
[84] Supra, fn.80.
[85] "Certified school" has been replaced with "Community Residence" by S.27 of the Children (Amendment) Act, No. 68 of 2000 which (although enacted) has not yet been proclaimed (and is consequently not yet in force).
[86] The words "detention order" have been replaced with the words "placement order" by S.27 of the Children (Amendment) Act, No.68 of 2000 (not yet proclaimed).
[87] Supra, fn.86.

thinks fit, on the application of the managers of a certified Industrial School and with the consent of such offender, make an order extending the time of detention in the case of a female until she attains[89] *the age of twenty-one years; and*

(b) in the case of a child sent to an Orphanage, until such child attains the age of sixteen[90] *years. However, the court may, if it thinks fit, on the application of the managers of a certified Orphanage*[91] *and with the consent of such a child, make an order extending the time of detention in the case of a male until he attains the age of eighteen years and in the case of a female until she attains*[92] *the age of twenty-one years.*

The minimum legal age defined by the national legislation for the following:

- **Capital punishment and life imprisonment;**

194. A person who is convicted of murder committed when he or she was under eighteen years of age may not be sentenced to death. It matters not whether the person is over eighteen years at the time of the trial. The important date is the date of the offence. The law provides that in lieu of death, a person under eighteen shall be sentenced to "be detained during the State's pleasure" at a place and in conditions to be directed by the requisite Minister. The judge does not have the power to specify the period of detention for such a person.[93] The relevant section of the **Children Act, Chap. 46:01** is as follows:

S.79 Sentence of death shall not be pronounced on or recorded against a person convicted of an offence if it appears to the Court that at the time when the offence was committed he was under the age of eighteen years; but in lieu thereof the Court shall sentence him to be detained during the State's pleasure, and, if so sentenced, he shall be liable to be detained in such place and under such conditions as the Minister may direct, and whilst so detained shall be deemed to be in legal custody.

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[88] Supra, fn.79.

[89] Section 50 (a) of the Act has been amended by S.15 of the Children's (Amendment) Act, No. 68 of 2000 by deleting the words "in the case of a female until she attains" and substituting the word "to". This amendment has not yet been proclaimed and is not yet in force.

[90] Section 50(b) of the Act has been has been amended by S.15 of the Children's (Amendment) Act, No. 68 of 2000 by deleting the word "sixteen and substituting the word "eighteen". This amendment has not yet been proclaimed and is not yet in force.

[91] Supra, fn.80.

[92] Section 50(b) has been amended by the Children (Amendment) Act, No.68 of 2000 by deleting the words "in the case of a male until he attains the age of eighteen and in the case of a female until she attains" and substituting the word "to". This amendment has not yet been proclaimed and is not yet in force.

195. Statute does not provide a minimum age at which a person may be sentenced to life imprisonment. In these cases the term, unlike for murder, will have been specified.[94] There is also provision in the legislation for the relevant Minister to discharge a person detained on conviction for manslaughter, attempted murder or wounding with intent to do grievous bodily harm. A child convicted of any of the serious offences listed below can be ordered to be transferred to prison upon reaching the age of eighteen years. The relevant section of the **Children Act, Chap. 46:01** provides:

> *S80. Where a child or young person is convicted on indictment of an attempt to murder, or of manslaughter or of wounding with intent to do grievous bodily harm, and the Court is of opinion that no punishment which, under the provisions of this Act, it is authorised to inflict is sufficient, the Court may sentence the offender to be detained for such period as may be specified in the sentence; and, where such a sentence is passed, the child or young person shall, during that period... be liable to be detained in such place and on such conditions as the Minister may direct, and whilst so detained shall be deemed to be in legal custody.*

The minimum legal age defined by the national legislation for the following:

- **Giving testimony in court, in civil and criminal cases;**

Civil Cases

196. The competency of a child to give evidence in a civil case is governed exclusively by the common law which was settled in R. v. Braiser.[95] The question whether a child under seven was competent to give evidence at a prosecution for an assault was reserved for the twelve judges who stated the law to be that no testimony whatever can be legally received except upon oath. They added that an infant, though under the age of seven years, may be sworn in a criminal prosecution, provided such infant appears, on strict examination by the court, to possess a sufficient knowledge of the nature and consequences of an oath:

> *There is no precise or fixed rule as to the time within which infants are excluded from giving evidence, but their admissibility depends upon the sense and reason they entertain of the danger and impiety of falsehood, which is to be collected from their answers to questions propounded by the court.*

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[93] "Dealing with child offenders" by Dana Seetahal. Sunday Guardian January 12, 2003.
[94] Supra, fn.93
[95] (1779), 1 Leach, 199.

197. In R. v. Hayes[96] the Court of Appeal approved a more secular approach. The important thing is for the judge to be satisfied that the child appreciates the solemnity of the occasion and is sufficiently responsible to understand that the taking of an oath involves an obligation to tell the truth over and above the ordinary duty of doing so.

198. If the Court comes to the conclusion that the child does not understand the nature of an oath, the evidence must be rejected, unless it is considered to be worthwhile to adjourn the case so as to instruct the proposed witness in these matters.

Criminal Cases

199. The law recognises the special needs of children as witnesses. The relevant sections of the domestic statute are described below.

200. Section 19 of the **Children Act, Chap. 46:01**(as amended by S.16 of the Administration of Justice (Miscellaneous Provisions) Act) provides:

> *S.19 (1) A child's[97] evidence in criminal proceedings shall be given unsworn.*
>
> *(2) Before receiving the evidence of a child under subsection (1), a Court shall hold an enquiry to determine whether the child is possessed of sufficient intelligence to justify the reception of his evidence, and understands the duty of speaking the truth.*
>
> (3) *A child's unsworn evidence may be taken and reduced to writing in accordance with the Indictable Offences (Preliminary Enquiry) Act or this Part, and shall be deemed to be a deposition within the meaning of that Act and this Part.*
>
> *(4) The unsworn evidence of a child may not be corroborated by the unsworn evidence of another child...*

[96] [1977] 2 All E.R. 288.

[97] By the Children (Amendment) Act a new subsection (2) has been inserted under S.19 E of the Children Act. This subsection provides that "For the purpose of section 19, a child means a person under the age of ten." This amendment Act has not yet been proclaimed and is not yet in force. In the meantime, a child is defined as a person under the age of fourteen years.

(5) Subject to subsection (6), a person may not be convicted of an offence unless the evidence admitted under this section and given on behalf of the prosecution is corroborated by some other material particular implicating the accused and such corroboration may consist of evidence other than oral evidence.

(6) Notwithstanding subsection (5), an accused person may be convicted on the uncorroborated evidence of a child provided that the court warns the jury of the danger of convicting the accused person on the uncorroborated evidence of the child.

(7) A child,[98] whose evidence is received as aforesaid and who willfully gives false evidence under such circumstances that, if the evidence had been given on oath, he would have been guilty of perjury is, subject to this Act, liable on summary conviction to be adjudged such punishment as might have been awarded had he been charged with perjury and the case dealt with summarily under section 99 of the Summary Courts Act.

201. **The Children Act** provides for the taking of a child's evidence by deposition. The relevant sections are as follows:

S.17(1) Where a Magistrate is satisfied by the evidence of a duly qualified medical practitioner that the attendance before a court of any child or young person, in respect of whom an offence under this Part or any of the offences mentioned in the Schedule, is alleged to have been committed, would involve serious danger to the life or health of the child or young person, the Magistrate may take in writing the deposition of the child or young person on oath, and shall thereupon subscribe the deposition and add thereto a statement of his reason for taking the deposition, and of the day when and place where the deposition was taken, and of the names of the persons (if any) present at the taking thereof.

S.18 Where, on the trial of any person on indictment for an offence of cruelty, or any of the offences mentioned in the Schedule, the court is satisfied by the evidence of a duly qualified medical practitioner that the attendance before the court of any child or young person in respect of whom the offence is alleged to have been

[98] Section 19(7) has been amended by S.9 B of the Children (Amendment) Act by inserting after the words "child" the words "over the age of ten". This amendment has not yet been proclaimed and is not yet in force.

committed would involve serious danger to the life or health of the child[99] *or young person, any deposition of the child or young person, taken under the Indictable Offence (Preliminary Enquiry) Act, or under this Part of this Act, shall be admissible in evidence either for or against the accused person without further proof thereof-*

(a) if it purports to be signed by the Magistrate by or before whom it purports to be taken; and

(b) if it is proved that reasonable notice of the intention to take the deposition has been served upon the person against whom it is proposed to use it as evidence, and that that person or his counsel or his solicitor has, or might have had if he had chosen to be present, an opportunity of cross-examining the child or young person making the deposition.

202. Section 19 B of the **Children Act** provides for the admission of a child's evidence by video recording as follows:

S.19E(2) *For the purpose of sections 19A to 19D (below)-*
"child" means a person who was at the time when the video recording was made, under the age of sixteen and who has not attained the age of eighteen at the time of the cross examination.

S.19B(1) *In proceedings to which this section applies, a video recording of an interview which is conducted between an adult and a child (hereinafter in this Part called "the child witness") who is not the accused or one of the accused, and which relates to any matter in issue in the proceedings, may, with the leave of the Court, be given in evidence in so far as it is not excluded under subsection(3).*

S.19B(2) This section applies to all criminal proceedings in which-
(a) the offence charged involves an assault on, or injury or threat of injury to a person;
(b) the offence charged is an offence under this Part;
(c) the offence charged is an offence under the Sexual Offences Act; or

[99] Section 18 of the Act has been amended by S. 9A of the Children (Amendment) Act, No.68 of 2000 by deleting the words "life or health of the child" and substituting the words "life or physical, mental or psychological health of the child".

(d) the offence charged is of attempting or conspiring to commit or of aiding and abetting, counselling, procuring or inciting the commission of an offence falling within paragraphs (a), (b) or (c).

S.19A *Where a video recording is admitted in evidence under section 19B(1), cross examination of the witness shall be by means of an electronic device linking the voice and imagery of the accused or his attorney at law with the voice and imagery of such witness who is a child and who is alleged-*
(a) to be the person against whom the offence was committed; or
(b) to have witnessed the commission of the offence.

S.19B(3) *Where a video recording is tendered in evidence under this section, the Court may, subject to the exercise of any power to exclude evidence which is otherwise admissible, give leave under subsection (1) unless-*
(a) it appears that the child witness will not be available for cross-examination;...
(b) the Court is of the opinion having regard to all the circumstances of the case, that in the interest of justice the recording ought not to be admitted.

S.19C. *Where a video recording is admitted under section 19B, the child witness shall be called by the party who tendered the recording in evidence but the witness shall not be examined in chief on any matter which, in the opinion of the Court, has been dealt with adequately in his recorded testimony.*

S.19D (1) *Where a video recording is given in evidence under section 19B, any statement made by the child witness which is disclosed by the recording shall be treated as if given by that witness in direct oral testimony, and any such statement shall be admissible evidence of any fact of which such testimony from him would be admissible...*

203. Children accused of offences are tried in Juvenile Court (ie. the Magistrate's Court where the hearing is in camera) for any offence other than murder and manslaughter. Section 97 of the Children Act provides further:

In addition and without prejudice to any powers which a court may possess to hear proceedings in camera, the court may, where a person who, in the opinion of the court, is a child or young person, is called as a witness in any proceedings in relation to an offence against, or contrary to, decency or morality, direct that all or any persons, not

being officers of the court or parties to the case, their counsel or solicitors, or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of the child or young person.

The minimum legal age defined by the national legislation for the following:

- **Lodging complaints and seeking redress before a court or other relevant authority without parental consent;**

204. Order 77, Rule 2 (1) of **The Orders and Rules of the Supreme Court of Trinidad and Tobago 1975**[100] provides:

A person under disability may not bring, or make a claim in, any proceedings except by his next friend, and may not defend, make a counterclaim or intervene in any proceedings or appear in any proceedings under a judgment or order, notice of which has been served on him, except by his guardian ad litem.[101]

205 This Rule applies to "a person under disability",[102] which includes persons under the age of eighteen. A next friend is "a person who appears in a lawsuit to act for the benefit of a minor plaintiff, but who is not a party to the lawsuit". A guardian *ad litem* is usually a "lawyer appointed by the court to appear in a lawsuit on behalf of an incompetent or minor party".[103]

The minimum legal age defined by the national legislation for the following:

- **Participating in administrative and judicial proceedings affecting the child;**

206. There is no prescribed minimum age at which a child can participate in administrative and judicial proceedings. The law regulating the taking and admission of a child's evidence in Court has already been identified. Participation of a child in administrative proceedings is usually a matter for discretion of the Chairperson, Board or Tribunal in charge of the proceedings.

207. Some domestic statutes make explicit provision for the participation of children in judicial and administrative proceedings. For example, the **Adoption of Children Act, No. 67 of**

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[100] As amended by R.10 of the Supreme Court (Amendment) Rules, 1980.
[101] See Coz v. Wright, 32 L.J. Chap.770; and Rimington v. Hartley, 14 Chap. D. 630.
[102] "Disability" is defined as "incapacity in the eyes of the law". Most of a minor's disabilities are removed when he or she turns 18. See Black's Law Dictionary, Seventh Edition, p.474.
[103] Black's Law Dictionary, Seventh Edition, p.713.

2000[104] provides that in making arrangements for the adoption of a child, the Board shall *inter alia* "so far as practicable ascertain the wishes of the child and give due consideration to them having regard to the age and understanding of the child". This Act provides further:

> *S.22(1) Where an application for an adoption order is made in respect of a child, the court shall, before making the order, take into consideration the views and wishes of the child having regard to the age and understanding of that child.*

208. Similarly, the **Children's Authority Act, No.64 of 2000**[105] in S.33(1) provides that any Court before which a person is charged for having committed an offence in respect of a child "may direct that the child be brought before the Court with a view to making an order, under section 25". Section 25 provides that where the Court is satisfied that a child brought before it by the Authority is a child in need of care and protection, it may make an order in accordance with that section.

The minimum legal age defined by the national legislation for the following:

- **Giving consent to change of identity, including change of name, modification of family relations, adoption, guardianship;**

Giving consent to change of identity

209. A child below the age of eighteen is only permitted to change his or her name by application made through his or her parent or by a stranger (with the consent of both parents). **The Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08** provides:

> *5(1) Subject to subsections (2) and (3), the father or mother of a minor or a stranger may apply to the High Court to change a given name or the surname of that minor.*
>
> *(2) Where an application is made under subsection (1)-*
> *(a) by the mother or father, the consent of the other parent must first be obtained; or*
> *(b) by the stranger, the consent of both parents must first be obtained.*

[104] Although enacted by Parliament to replace the existing Adoption of Children Act, this Act is not yet in force. It will come into force by proclamation.
[105] Although enacted by Parliament, this Act is not yet in force. It will come into force by proclamation.

(3) Notwithstanding subsection (2), the Court may, on an application made under subsection (1), dispense with the consent of the father or of the mother in the case where the mother or father is dead or cannot be found, or in any other case, as it sees fit.

Giving consent to adoption

210. **The Adoption of Children Act, No. 67 of 2000**[106] does not make provision for a child to consent to adoption. It is the parent, guardian or the person who has the actual custody of the child who must consent to the adoption. The legislation instead makes it a requirement that a child's views are considered both by the Adoption Board and by the Court. The relevant sections are as follows:

S.8(1) It shall be the duty of the Board to-

...(f) listen to the views of the child.

S.10 In making arrangements for the adoption of a child the Board shall-

...(b) so far as practicable ascertain the wishes of the child and give due consideration to them having regard to the age and understanding of the child.

S.22(1) Where an application for an adoption order is made in respect of a child, the court shall, before making the order, take into consideration the views and wishes of the child having regard to the age and understanding of that child.

Giving consent to guardianship

211. The appointment, removal and powers of a guardian are set out in sections 7-12 of the **Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08**. There is no provision in this Act for a child to give consent or express his or her views as regards the appointment of a guardian.

212. In deciding questions relating to the legal custody or upbringing of a minor, the Court regards the welfare of the child as the paramount consideration. **The Family Law (Guardianship of Minors, Domicile and Maintenance) Act** provides:

[106] This Act will come into force on a date to be proclaimed.

S.3 Where in any proceedings any court-

(a) the legal custody or upbringing of a minor; or

(b) the administration of any property belonging to or held in trust for a minor, or the application of the income thereof,

is in question, the court, in deciding that question, shall regard the welfare of the minor as the first and paramount consideration.....

The minimum legal age defined by the national legislation for the following:

- **Having access to information concerning the biological family;**

213. **The Adoption of Children Act, No. 67 of 2000** provides for the disclosure of the birth records of an adopted person to a person who is eighteen years old.

S.34 (1) An adopted person, who is eighteen years old and the record of whose birth is kept by the Registrar General, may make an application in the prescribed manner to the Registrar General for such information as is necessary to enable that person to obtain a certified copy of the record of his birth, as recorded in the Register of Births and Deaths and the Registrar General shall, on payment of the prescribed fee by the applicant, supply to the applicant that information.

(2) An adopted person under the age of eighteen years whose birth record is kept by the Registrar General, and who intends to be married may make an application in the prescribed manner to the Registrar General, and on payment of the prescribed fee, the Registrar General shall inform the applicant whether or not it appears from the registers of births or other records that the applicant and the person whom he intends to marry may be within the prohibited degrees of relationship for the purposes of the Marriage Act.

The minimum legal age defined by the national legislation for the following:

- **Legal capacity to inherit, to conduct property transactions;**

214. By virtue S.2(1) of the **Age of Majority Act, Chap.46:06**, a person shall attain full age on attaining the age of eighteen instead of on attaining the age of twenty-one. This subsection applies for the purposes of any rule of law, and in the absence of a definition or of any indication

of a contrary intention, for the construction of "full age", "infant", "infancy", "minor" and "minority".

215. The minimum legal age defined by national legislation for legal capacity to inherit is accordingly eighteen years. However, property may be left to a person below the age of eighteen years, in which case such property shall be left on trust for such person. The absence of a trust would cause the gift to fail. Despite this, in cases of testacy, *Grants for the Use and Benefit of a Minor* (limited until the minor attains the age of majority) are made in circumstances where the person entitled by law to apply for a general grant of representation of the deceased's estate (the executor) is a minor. On attaining the age of majority, the beneficiary will be entitled to probate the will.

216. Section 19 of the **Infants Act, Chap. 46:02** protects persons under eighteen years from being contractually bound, by providing that:

> *All contracts... entered into by infants for the repayment of money lent or to be lent, or for goods supplied or to be supplied (other than contracts for necessaries), and all accounts stated with infants, shall be absolutely void...*

217. Furthermore, S.77(1) and (2) of the **Conveyancing and Law of Property Ordinance, Chap 27. No.12** outlines that:

> *S.77(1)* *If and as long as any person who is entitled to a beneficial interest in possession affecting land is an infant, the trustees appointed for this purpose by the settlement, or if there are none so appointed, ... then any person appointed as trustee for this purpose by the Court on application of a guardian or next friend of the infant, may enter into and continue in possession of the land on behalf of the infant, and in every such case the subsequent provisions of this section shall apply.*
>
> *(2)* *The trustees shall manage or superintend the management of the land, with full power- ...*
>
> *(f)* *to make allowance to and arrangements with tenants and others;*
> *(g)* *to determine tenancies, and to accept surrenders of leases and tenancies; and*
> *(h)* *generally to deal with the land in a proper and due course of management.*

The minimum legal age defined by the national legislation for the following:

- **To create or join associations;**

218. Section 4(j) of the Constitution of Trinidad and Tobago recognises the right of all individuals including children to "freedom of association and assembly". The age at which a child may join an association is therefore not regulated by statute, but would depend on the rules and regulations of each association.

The minimum legal age defined by the national legislation for the following:

- **Choosing a religion or attending religious school teaching;**

219. Section 4(h) of **the Constitution of Trinidad and Tobago** guarantees and recognises *inter alia* the right of all individuals (including children) to "freedom of religious belief and observance". This constitutional right is enforceable in the High Court. There is no statutory or other limitation as to the age at which a child can choose his or her religion or attend religious school teaching.

220. There are denominational Government assisted (primary and secondary) schools throughout the country which children can attend depending on their religion. These schools provide religious instruction for students depending on the school's denomination.

221. **The Education Act, Chap. 39:01** prohibits religious discrimination in schools. It provides as follows:

> *S.7 No person shall be refused admission to any public school on account of the religious persuasion, race, social status or language of such person or of his parent.*
>
> *S.29(1) No child shall be required as a condition of admission into, or of continuing in, a public school-*
>
> > *(a) to attend or to abstain from attending any Sunday School or any place of religious worship;*
> >
> > *(b) to attend any religious observance or any instruction in religious subjects in the school or elsewhere from which observance or instruction he may be withdrawn by his parent; or*

(c) to attend the school on any day specially set apart for religious observance by the religious body to which the parent belongs.

S.29(2) Religious instruction shall form part of the curriculum of every public school, and the facilities for religious observance in the school shall be provided in such manner as is prescribed, save, however, that any pupil may be withdrawn by his parent from the instruction or observance without forfeiting any of the other benefits of the school.

S.29 (3) The time during which religious instruction may be given or during which any religious observance may be practised shall be inserted in a timetable to be approved by the Minister and the timetable shall be kept permanently and conspicuously affixed in every classroom.

The minimum legal age defined by the national legislation for the following:

- **Consumption of alcohol and other controlled substances;**

222. The minimum age for consumption of alcohol is eighteen years. Section 60 of the **Liquor Licenses Act, Chap. 84:10** (as amended by section 23 of the **Miscellaneous Provisions (Children) Act, No. 66 of 2000**) provides that any person who knowingly sells or allows any other person to sell any description of intoxicating liquors to any child apparently under the age of 18 years, whether for his own use or not, shall incur a penalty. The Act does not deal specifically with the issue of alcohol consumption.

223. Section 25 of the **Children Act, Chap. 46:01** provides that any constable shall seize any cigarettes or cigarette papers which are in the possession of any person apparently under the age of sixteen[107] years whom he finds smoking in any street or public place.

- **How the minimum age for employment relates to the age of completion of compulsory schooling, how it affects the right of the child to education and how relevant international instruments are taken into account;**

224. Section 76 of the **Education Act, Chap. 39:01** provides for compulsory schooling of children between the ages of 6 and 12 years. Before the year 2000, free secondary school education was only available to primary school students on a competitive basis (based on the results of the Common Entrance Exam) since secondary school places were limited. For this reason education was only compulsory up to the age of completion of primary school. Since the

year 2000, the Government has placed all primary school students writing the Common Entrance Examination (which has been replaced by the Secondary Entrance Assessment) in secondary schools. Please refer to the Education section of this Report for details.

225. **The Children Act, Chap. 46:01** regulates the employment of children. Section 94(1) provides that a child under the age of twelve years shall not be employed.

226. Section 91(1) provides that children below the age of fourteen years shall not be employed or work in any public or private industrial undertaking, other than an undertaking in which only members of the same family are employed.

227. Section 90 states that children below the age of 18 years may not be employed at night. One is exception to this rule is that persons over the age of 16 years may be employed at night, in the manufacture of raw sugar.

228. Domestic statutes do not therefore restrict the employment of children between the ages of 14 and 18 during the day.

229. ILO Convention No.138 concerning *Minimum Age for Admission to Employment* provides that the minimum age "shall not be less than the age of compulsory schooling and, in any case, shall not be less than 15 years". This Convention was submitted by Trinidad and Tobago to the ILO for ratification in 1999, but was not accepted, as Trinidad and Tobago did not declare a minimum age as required in the Convention. The ILO 144 Tripartite Committee which has been appointed to advise the Government on ILO Conventions, has examined the issue and is considering a minimum age of 16 years in keeping with Article 3 of the Convention. Since the existing law permits the employment of children between the ages of 12 and 18, albeit in limited circumstances, if Trinidad and Tobago declares a minimum age of sixteen years for admission to employment, a number of domestic statutes will require amendment. As children between the ages of twelve and sixteen will no longer be permitted to work, consideration will also have to be given to increasing the upper age limit of compulsory education, so that these children will not be allowed to fall into delinquency.

230. On 23 April 2003, the Government of Trinidad and Tobago ratified ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. Steps will be taken in the near future to amend the existing domestic legislation to conform to the provisions of the Convention.

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[107] This section has been amended by S.11A of the Children (Amendment) Act No.68 of 2000 (which has not yet

231. As part of the Ministry of Labour and Small and Micro Enterprise Development's attempt to address the issue of child labour, officers of the Ministry's Labour Inspectorate Division have been exposed to training in the area of child labour. The Division is responsible for inspection of business establishments to ensure compliance with labour related legislation. Four inspectors have benefited from participation at a "Caribbean Sub-Regional Training Seminar" on child labour held in Jamaica from 7-11 October 2002.[108]

- **In cases where there is a difference in the legislation between girls and boys, including in relation to marriage and sexual consent, the extent to which article 2 of the Convention has been given consideration;**

232. As stated earlier, efforts have been made to harmonise the minimum age of marriage for both boys and girls but representatives of the Muslim and Hindu groups have rejected the Government's attempts to do so.

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been proclaimed) by deleting the word "sixteen" and substituting the word "eighteen".

[108] Ministry of Labour by memorandum dated 11 April 2003.

III. GENERAL PRINCIPLES

A. Non-discrimination (art.2)

Q. 25. Reports should indicate whether the principle of non-discrimination is included as a binding principle in the Constitution or in domestic legislation specifically for children and whether all the possible grounds for discrimination spelled out in article 2 of the Convention are reflected in such legal provisions. Reports should further indicate the measures adopted to ensure the rights set forth in the Convention to each child under the jurisdiction of the State without discrimination of any kind, including non-nationals, refugees and asylum-seekers.

The Constitution

233. The fundamental human rights and freedoms which are expressly recognised, declared and protected under Ss. 4 and 5 of the Constitution, are stated to exist "without discrimination by reason of race, origin, colour, religion or sex".

234. While discrimination on the basis of political opinion is not expressly prohibited, S.4 of the Constitution recognises and guarantees *inter alia* the right of an individual to "join political parties and express political views".

235. Discrimination on the basis of a child or his or her parents "language, property, disability or birth" (which are covered by Article 2 of the Convention) is not expressly prohibited by the Constitution.

236. Another fundamental human right guaranteed by S.4(h) of the Constitution is "freedom of conscience and religious belief and observance".

237. These constitutional rights are guaranteed to all individuals within the jurisdiction including children, non-nationals, refugees and asylum seekers.

The Equal Opportunity Act

238. **The Equal Opportunity Act, No. 69 of 2000.** This Act which will come into force by Presidential Proclamation seeks to prohibit discrimination on the ground of a person's status.

239. Section 3 of the Act provides:

"status" in relation to a person means-

a) the sex;
b) the race;
c) the ethnicity;
d) the origin, including geographical origin;
e) the religion;
f) the marital status; or
g) any disability of that person.

240. Section 4 of the Act provides:

4. This Act applies to

(a) discrimination in relation to employment, education, the provision of goods and services and the provision of accommodation if the discrimination is-

(i) discrimination on the ground of status as defined in section 5; or

(ii) discrimination by victimisation as defined in section 6;

(b) offensive behaviour referred to in section 7.

241. Section 5 provides:

5. For the purposes of this Act, a person ("the discriminator") discriminates against another person on the grounds of status if, by reason of-

(a) the status of the aggrieved person;

(b) a characteristic that appertains generally to persons of the status of the aggrieved person; or

(c) a characteristic that is generally imputed to persons of the status of the aggrieved person,

the discriminator treats the aggrieved person, in circumstances that are the same or are not materially different, less favourably than the discriminator treats another person of a different status.

242. Section 7 of the Act provides:

S.7(1) A person shall not otherwise than in private, do any act which-

(a) is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of persons;

(b) is done because of the gender, race, ethnicity, origin or religion of the other person or some or all of the persons in the group; and

(c) which is done with the intention of inciting gender, racial or religious hatred.

S.7 (2) For the purposes of subsection (1), an act is taken not to be done in private if it-

(a) causes words, sounds, images or writing to be communicated to the public;

(b) is done in a public place;

(c) is done in the sight and hearing of persons who are in a public place.

S.7 (3) This section does not apply to acts committed in a place of public worship.

243. Section 26(1) establishes an Equal Opportunity Commission which shall comprise five Commissioners including a Chairman and a Vice-Chairman appointed by the President after consultation with the Prime Minister and the Leader of the Opposition. A Commissioner shall be a person with training and experience in the field of law, industrial relations, sociology or administration and who has served in one of these fields for a period of not less than ten years. The membership of the Commission is required by S.26 (5) to reflect, as far as possible, a balance of race and gender.

244. Section 27 sets out the functions of the Commission which are *inter alia*, to work towards the elimination of discrimination and to receive, investigate, and as far as possible, conciliate allegations of discrimination.

245. Section 30 provides that a person who alleges that some other person has discriminated against him or has contravened section 6 or 7 in relation to him may lodge a written complaint with the Commission setting out the details of the alleged act of discrimination. A complaint shall be lodged with the Commission within six months from the date of the alleged act of discrimination.

246. Section 39 provides that where the Commission is of the opinion that the subject matter of a complaint cannot be resolved by conciliation, the Commission shall prepare a report relating to the investigation with its recommendations; publish the report and make the report available

for inspection by the public. If the matter remains unresolved, the Commission shall initiate proceedings before the Equal Opportunity Tribunal.

247. Section 41 establishes an Equal Opportunity Tribunal which shall be a superior court of record and shall have all the powers inherent in such a court. The Tribunal shall consist of a judge of status equal to that of a High Court Judge, who shall be the Chairman, and two lay-assessors, who shall assist the Chairman in arriving at a decision in the proceedings.

248. Section 50(2) provides that any party to a matter before the Tribunal is entitled as of right to appeal to the Court of Appeal on any of the grounds set out in that section. Section 50(5) states that a decision of the Court of Appeal in respect of an order or award of the Tribunal shall be final.

249. To prohibit discrimination against children born out of wedlock, the Government enacted the **Status of Children Act, Chap. 46:01** which provides:

> *S.3 (1) (a) the status and the rights, privileges and obligations of a child born out of wedlock are identical in all respects to those of a child born in wedlock;*

250. Section 3(4) provides that subsection (1) above applies with respect to "every person, whether born before or after the commencement of this Act, and whether born in Trinidad and Tobago or not, and whether or not his father or mother has ever been domiciled in Trinidad and Tobago".

251. **The Education Act, Chap. 39:01** prohibits discrimination as follows:

> *S.7 No person shall be refused admission to any school on account of the religious persuasion, race, social status or language of such person or of his parent.*

252. In November 2000, Parliament enacted the **Miscellaneous Laws Act, No. 85 of 2000** to promote religious freedom and prohibit religious discrimination. For example, the **Summary Offences Act, Chap. 11:02** contained restrictions on the beating of drums; the blowing of horns and the use of noisy instruments in public places. These activities are considered integral to the religious observances of the Orisa and Baptist groups. The new Act accordingly amended the **Summary Offences Act** to provide an exception to the restrictions "where the singing, or dancing is done, or the drums, gongs or tambours, bangees, chac chacs or other musical instruments are used as part of a religious observation, ceremony or custom in any place of worship". Also significant is the introduction by this Act of a new section (akin to the offence of blasphemy in Christianity) in the **Summary Offences Act** as follows:

S.96 A. *Notwithstanding any other law to the contrary, any person who brings into contempt or disbelief or who attacks, ridicules or vilifies another person's religion in a manner that is likely to provoke a breach of the peace commits an offence and is liable on summary conviction to a fine of one thousand dollars.*

Q. 26. Information should be provided on steps taken to ensure that discrimination is prevented and combated, both in law and practice, including discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status of the child, his/her parents or legal guardians.

253. The domestic statutes which prohibit discrimination on the basis of race, colour, sex, religion, political or other opinion, origin and disability are set out in response to question 25 of the reporting guidelines above. Section 14 of the Constitution provides that "if any person alleges that any of the provisions of this Chapter has been, is being, or is likely to be contravened in relation to him, then...that person may apply to the High Court for redress by way of originating motion".

254. Another legal remedy available to persons who are discriminated against is the remedy of judicial review. The Government recently codified the substantive law relating to applications for judicial review with the enactment of the **Judicial Review Act, No. 60 of 2000**. This Act allows any person, male or female, to apply to the High Court for judicial review of a decision of an inferior court, tribunal, public body, public authority or a person acting in the exercise of a public duty or function. On an application for judicial review, the grounds upon which the Court may grant relief include but are not limited to the fifteen grounds expressed in the Act, which include unreasonable, irregular or improper exercise of discretion; abuse of power; fraud, bad faith, improper purpose or irrelevant considerations; and breach of or omission to perform a duty. This Act has introduced public interest litigation. Section 5(6) of the Act provides that where a person is unable to file an application for judicial review on account of poverty, disability or socially or economically disadvantaged position, any other person or group of persons acting *bona fide* can move the Court for relief under the Act. This removes the impediment of *locus standi* for granting relief to individuals for public wrongs.

255. The remedy of judicial review has proved to be an effective tool in prohibiting discrimination. In Sumayyah Mohammed v Moraine and Another[109] the applicant and her parents were Muslims. In 1994, the applicant passed the common entrance examination enabling

[109] (1995) 49 WIR 371

her to be registered as a pupil at the secondary school of her choice. The school in question (which was a Government assisted denominational school) had school regulations which required pupils to wear the school uniform. The applicant's parents asked the school to permit the applicant to wear dress conforming to the *hijab* (a Muslim headdress). The principal of the school and its board of management refused to allow any such exemption, although they accepted the sincerity of the belief of the applicant and her parents that the applicant was required by the Islamic faith to conform to the *hijab*. The applicant attended school wearing a modified version of the school uniform which conformed to the *hijab*; but she was not allowed to attend classes and was in effect suspended. The applicant instituted proceedings for judicial review of the decision to suspend.

256. The High Court upheld the child's right to freedom of religion, ordering the decision of the respondents to be quashed. The Court held *inter alia* that:

- The respondents had applied the school regulations inflexibly and had not taken into account the psychological effect on the applicant of refusing to allow her to conform to the *hijab*.

- There was no evidence to support the respondents' plea that conforming to the *hijab* would be conducive to indiscipline or would erode the sense of tradition or loyalty to the school, nor that it would accentuate distinctions between students from affluent homes and less affluent ones;

- The decision of the respondents had been an unreasonable exercise of their powers conferred by the Education Act and was unsustainable.

Other Policies and Practices to prohibit Discrimination

257. Each Ministry of Government operates in a manner consistent with the anti-discrimination provision of the Constitution. Government Ministries accordingly carry out their responsibilities, including the provision of goods and services to the public, without discrimination by reason, *inter alia,* of race, colour or origin.

Discrimination on the basis of disability

258. A National Policy on Persons with Disabilities was developed in 1997, and approved in principle by Cabinet in 1998. One of the objectives of the policy is the elimination of marginalisation and discrimination of persons with disabilities. In order to achieve the policy objectives, Government is committed, *inter alia,* to the following broad strategies:

- Instituting a legislative framework to protect the rights and create equal opportunities to enhance the quality of life of persons with disabilities;
- Integration of persons with disabilities into the mainstream of the educational system;
- Equity in employment opportunities.

259. In 1999, a National Coordinating Committee on Disability was appointed to act as an advisory body to Government on matters pertaining to persons with disabilities.

260. The Disability Affairs Unit of the Office of the Prime Minister (Social Services Delivery) plays a co-coordinating role with respect to inclusion of all persons with disabilities in mainstream society, as well as sensitising the public to the needs of persons with disabilities. The Unit is about to embark on an intensive research agenda which would serve to guide the review of the National Policy on Persons with Disabilities.[110]

261. Trinidad and Tobago ratified (ILO) C.159 on Vocational Rehabilitation[111] and Employment (Disabled Persons) Convention, 1983 on 28 May 1999. It came into force on the 28th May 2000.

262. There is also a National Centre for Persons with Disabilities funded by the Ministry of Social Development (twenty percent) and by revenue which the Centre raises on its own (eighty percent). The Centre trains persons with disabilities over the age of fifteen years, in the vocational skills that will result in permanent employment. Predominantly the Centre trains persons who have physical disabilities; hearing disabilities; speech disabilities; mild mental disabilities or who are slow learners. The Centre has an average of one hundred and fifty to two hundred (150-200) students at any given time.

263. The specific programmes and projects undertaken by the Government to assist children with disabilities are set out in detail in Part VI of this Report under the rubric "Disabled Children".

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[110] Information submitted by representative of the Ministry of Social Development (15/01/03).

[111] Under Art.1 (2) of this ILO Convention, each member shall consider the purpose of vocational rehabilitation as being to enable a disabled person to secure, retain and advance in suitable employment and thereby to further such person's integration or reintegration into society.

Discrimination on the basis of birth

264. **The Births and Deaths Registration Act, Chap. 44:01** provides in S.16 that it shall be the duty of the father and mother of the child to give to the Registrar within forty two days after the birth, information of the particulars required to be registered concerning the birth. After three months from the date of the birth, S.19 (1) requires that a solemn declaration be made in the presence of the Superintendent Registrar. Section 19 (2) provides that after the expiration of twelve months after the birth, the written authority of the Registrar General is required for registration of the birth.

265. In recognition of the fact that a number of persons do not have birth certificates, the Government through the then Ministry of the Attorney General and Legal Affairs initiated a *Late Registration of Births* programme in June 2000 as detailed in response to questions 50 and 51 of the reporting guidelines below. The Government in this programme agreed to cover the cost of registration, affidavits and birth certificates. The lack of a birth certificate has been identified as a reason for school absenteeism on the part of a small number of children who are of the compulsory school age.[112]

266. Ministry officials visited fourteen locations throughout the country and received applications for registration from some two thousand and seventy eight (2,078) persons. Over eighty percent (80%) of the applicants were below the age of eighteen years.

Q. 27. Please indicate the specific measures adopted to reduce economic, social and geographical disparities, including between rural and urban areas, to prevent discrimination against the most disadvantaged groups of children, including children belonging to minorities or indigenous communities, disabled children, children born out of wedlock, children who are non-nationals, migrants, displaced, refugees or asylum-seekers, and children who are living and/or working on the streets.

267. Generally there has been increased networking among the various Government sectors dealing with children. Please see paragraphs 75-77 at pages 49-53 of the Report for information on some of the specific measures and programmes which assist *inter alia* children belonging to disadvantaged groups. For example, there are Grants to Necessitous Children;[113] a Social Help and Rehabilitative Efforts (SHARE) Programme;[114] a School Nutrition Programme;[115] an

[112] See"The Child Rights Context"-presented by Sharon Marriott at a Seminar hosted by the Inter-American Institute in collaboration with the Ministry of Social Development, Trinidad and Tobago June 15, 1998 (at p10)
[113] See p.50 of the Report
[114] See pp. 25 and 53 of the Report
[115] See p.51 of the Report

Education Book Grant;[116] an Expanded Immunisation Programme;[117]a Hearing Aids Grant;[118] Relief Centres;[119]projects for street children;[120]and a Nutrition and Metabolism Programme of the Ministry of Health.[121] These measures have been implemented to ensure a more equitable distribution of the Government services available to disadvantaged children.

268. The Government of Trinidad and Tobago has not been faced with the issue of children who are migrants. Accordingly, no specific measures have been taken to address this matter.

269. With respect to children who are refugees and asylum seekers, the Government of Trinidad and Tobago acceded to The 1951 UN Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees 1st November, 2000. The Convention entered into force for Trinidad and Tobago on 8 February 2001. In accordance with article 43(2) of the Convention, the Convention will enter into force for Trinidad and Tobago on 8 February 2001. The Protocol entered into force for Trinidad and Tobago on the 10th November, 2000. The Government is in the process of preparing legislation to incorporate the Convention into municipal law. An *ad hoc* procedure is being put in place with the assistance of the Office of the United Nations High Commissioner for Refugees so that applicants for refugee status are not subject to detention in prison but are released into the care of an NGO pending the determination of their application for refugee status. To date the Government of Trinidad and Tobago has not received any applications by or on behalf of children for refugee status.

270. Some of the specific measures taken to reduce disparities in the fields of education and health are described below:

Education

271. In its bid to realise its goal of universal secondary education, the Government constructed eleven new secondary schools in the year 2000. Eight of these schools are located in rural communities where no secondary schools existed before and where transportation costs often prevented children from attending school. Seven denominational secondary schools were also established in the year 2000.

[116] See p.51 of the Report
[117] See p. 27 of the Report
[118] See p.51 of the Report
[119] See p.52 of the Report
[120] See p. 43 of the Report
[121] See p.27 of the Report

272. Before 2000, a large number of students were not placed in secondary schools due to limited places. The possibility of these children being allowed to fall into delinquency and to work on the streets was therefore greater. With the provision of secondary school places for all students leaving primary school, the number of children working on the streets is likely to decline.

273. To assist economically disadvantaged children, the Ministry of Education through its School Nutrition Programme serves approximately eighty nine thousand (89,000) lunches daily to children at pre-schools, primary schools and secondary schools throughout the country who request lunch. There is also a breakfast programme which now serves approximately twenty five thousand (25,000) breakfast meals per day to primary schools.

274. For children with disabilities, since 1990, all newly built public schools have been equipped with ramps and special toilet facilities and access to specialist rooms have been ensured. In April 1999, as a pilot project, Multi-Disciplinary Diagnostic and Prescriptive Units were established in each Education District to determine the special education needs of each student. Teachers at special schools in Education Districts have received training to teach children with special needs. It may be noted that based on the findings of the Multiple Indicator Cluster Survey mentioned on page 29 of the Report, the Ministries of Education and Health are collaborating to establish a national child diagnostic centre, to faciliate hearing and vision testing of all children of primary school age.

275. There is free health care available at hospitals in Port of Spain, San Fernando and Scarborough (Tobago), several district hospitals and a wide network of community health centres. There is an effective immunisation programme for children for all common infectious diseases. Common childhood disorders that result in high infant mortality, such as diarrhoea are treated efficiently and effectively at all Government health institutions.

276. There has been a decentralisation of the health care system with the establishment of Regional Health Authorities. **The Regional Health Authorities Act, No. 5 of 1994** in its First Schedule established five Regional Health Authorities, and assigned to them, municipalities for which they must provide health care. In the year 2000, one of these Regional Health Authorities was abolished. There are one hundred and eight health centres located in areas throughout the country to ensure that all children have access to basic health care. Please see the tables overleaf.

Regional Health Authority	# of Municipalities	# of Health Centres	# of Hospitals	# of District Health Facilities	# of Extended Care Units
North-West	6	33	6	2	2
South-West	6	33	2	2	1
Eastern	2	15	1	1	1
Tobago	Island of Tobago	16	1	-	-

Source: Ministry of Health (June 2003)

Distribution of Public Sector Health Facilities by Rural/Urban Area

Area Type	# of Hospitals	# of District Health Facilities	# of Health Centres
Urban	7	3	11
Rural	3	2	97
Total	10	5	108

Source: Ministry of Health (June 2003)

Q. 28. Please provide information on the specific measures taken to eliminate discrimination against girls and when appropriate indicate measures adopted as a follow-up to the Fourth World Conference on Women.

277. **The Sexual Offences Act, 1986** was amended by Act No.31 of 2000. The amending legislation provides *inter alia* stiffer penalties for sexual offences committed against minors. For example, S.4(2)(a) of the Act now provides that a person who commits the offence of rape is liable on conviction to imprisonment for the remainder of his natural life if "the complainant is under the age of twelve years". Section 11 provides that an adult who has sexual intercourse with a minor who is in the adult's employment is now liable to conviction for twenty-five years instead of ten years.

278. In an effort to ensure that sexual crimes against children are reported, S.31 of the Act was replaced with a new section which provides for mandatory reporting to the police by *inter alia* parents, teachers and medical practitioners, if they have reasonable grounds for believing that a sexual offence has been committed in respect of a minor. A breach of this section is punishable by a fine of fifteen thousand dollars ($15,000) or imprisonment for a term of seven years (S.31 (2)).

279. There have been no reports of female circumcision in the country and it is not a known traditional practice of any of the religious groups living in the country.

280. The domestic violence legislation enacted in 1991 was replaced by a new **Domestic Violence Act, No. 27 of 1999.** The Act provides greater protection for victims of domestic violence including children. Section 4(3) of the Act provides that a child may apply for a Protection Order through a person with whom the child or dependant normally resides or resides with on a regular basis or any adult member of his household. Section 6(1)(b) also provides that a Protection Order may direct that the Order be applied for the benefit of a child or dependant of the applicant or respondent. The new legislation in S.6 (1)(c)(ii) also makes provision for a Protection order to direct that the respondent pay interim monetary relief to an applicant for the benefit of the applicant and any child until such time as an obligation for support is determined.

281. The Gender Affairs Division has implemented education campaigns to raise awareness about violence against women (including young girls). Both primary and secondary schools, as well as youth groups throughout the country participated in *The Youth Data Quest 2000* project. Students were asked to do research papers on the topic of violence (including domestic violence, bullying in schools and sexual violence) and to make recommendations for solving the problem. In addition, they were required to use an artistic medium such as a drama, skit or monologue to depict the problem.

282. In 2001, the programme was renamed *Youth Arts Rally* and students from some eighty-nine (89) primary and secondary schools participated in the two-month event. The programme was broadened to include an artwork competition in each county with a display of *inter alia* paintings, brochures, posters and T-shirts. The winner in each county was presented with a trophy. Corporate assistance was received for the project.

283. The Gender Affairs Division has also produced videos to facilitate discussion on issues of abuse and disrespect for women including: "Smart Young Men" (which specifically targets the attitudes of young men) and "Power" (which aims to encourage thoughtful discussion among young persons in respect of power and gender dynamics and to promote self-respect and respect for others. The topics of discussion include date rape and teenage pregnancy).

284. Community policing units have been established to deal with social issues affecting communities especially domestic violence. Police personnel in these units receive extensive training to promote a gender sensitive approach to policing. Over the period 1996 to 1998, some one hundred and two (102) police officers participated in various gender training programmes conducted by the Gender Affairs Division.

285. The Ministry of Education has been reviewing its curricula to ensure that there is gender sensitivity. Gender sensitive training has been initiated for education officials and teachers to assist in gender mainstreaming in the schools. In this regard, the Gender Affairs Division conducted a two-day training programme for principals and teachers in the Eastern region of the country. Approximately four principals and thirty-eight teachers received training.

286. The education system allows teenage girls who are pregnant to return to school to complete their education after giving birth. Although it is a decision for the principal of the school, the child is normally re-admitted to complete her education. The CHOICES Programme[122] also provides some avenue for these students to continue their education. There are educational courses for pregnant teenagers, teenaged mothers and teenagers at risk of becoming exploited socially and sexually. Course work includes subjects under Health and Family Life Education.

287. Over the past five years, various male secondary schools have been coordinating with various female secondary schools to facilitate the exchange of students for their respective sixth form or 'A' level programmes. These schools are known as "prestige" schools owing to their high levels of educational attainment and their reputation for excellence in particular fields of study including the Sciences and Languages. Entry to 'A'level programmes in these schools is usually on a competitive basis because of the limited number of available school places. This new policy enables girls of a certain academic standing to gain access to 'A' Level programmes in these formerly exclusively male schools, thereby increasing female access to quality education.

288. Steps are being taken to ensure that girls have equal access to non-traditional technical and vocational programmes in Government secondary schools. Traditionally, girls are advised by parents and teachers to choose home economics instead of technical drawing, woodwork or welding. (Technical drawing is a useful subject for girls who wish to pursue a degree in engineering.)

289. A girl's access to vocational guidance and training is also available through Youth Training and Employment Partnership Programme (YTEPP).[123] The vocational skills training component is designed to give young persons between the ages of 15 and 25 years, skills for employment, including self-employment.

[122] See page 51 of the Report for further information on the CHOICES programme.
[123] See pages 52,57 and 59 of the Report for more information on YTEPP.

Y.T.E.P.P. Enrollment by Occupational Area and Gender, Cycles 11-16 (1996-2000)

OCCUPATIONAL AREA	CYCLE 11		CYCLE 12		CYCLE 13		CYCLE 14		CYCLE 15		CYCLE 16	
	M	F	M	F	M	F	M	F	M	F	M	F
Applied Arts	144	275	76	164	75	127	63	114	28	26	18	24
Auto Maintenance & Repair	298	60	319	17	291	12	189	31	77	3	128	6
Beauty Culture	45	554	36	459	18	398	10	375	2	186	2	248
Construction	270	19	196	18	198	21	178	19	84	9	112	3
Craft	38	125	44	80	37	84	46	95	8	14	16	13
Electricity & Electronics Related	661	37	612	49	636	46	558	70	353	24	354	27
Family Services	2	158	1	31	2	60	-	66	1	34	1	38
Food Preparation	110	424	84	336	100	368	81	342	71	233	66	216
Garment Construction	63	589	83	496	95	519	69	447	30	157	20	162
Metal Design and Fabrication	403	8	382	21	398	11	298	36	234	11	238	11
Secretarial/Business Support Services	58	787	69	755	55	649	43	636	31	293	26	322
Tourism & Hospitality Services	16	83	14	65	-	-	17	12	-	-	5	9

Q. 29. Please indicate measures taken to collect disaggregated data for the various groups of children mentioned above.

290. Detailed information regarding efforts to collect data is provided at pages 36 to 42 of the Report. One of the focus areas of the Child Indicators Monitoring System (CIMS) is disability.

291. The "Children in Need of Special Protection (CNSP) Monitoring System" referred to in paragraphs 51-53 at pages 38-39 of the Report[124] involves the establishment of a computerised database to monitor the status of vulnerable children. The latter category includes children who are abused and neglected, institutionalised, in conflict with the law, and children with disabilities.

Rapid Assessment Survey of the Worst Forms of Child Labour

292. A Rapid Assessment Survey on some of the worst forms of child labour in Trinidad was undertaken by the International Labour Organisation with funding provided by the Canadian Government for the project-*Identification, Elimination and Prevention of the Worst Forms of Child Labour in the Anglophone and Dutch Speaking Caribbean.*[125] The Survey was conducted from December 2001 to August 2002. The Report was finalised in December 2002.

[124] At page 38 of the Report

[125] Information on Survey in this section quoted from Summary Report of the Rapid Assessment Survey of the Worst Forms of Child Labour in Trinidad.

293. The objectives of the study were to:

- *Produce quantitative and particularly qualitative data related to child labour in targeted occupations;*
- *Assess the nature and extent of child labour in the aforementioned sectors, including pull and push factors related to the occupations;*
- *Characterise the working conditions and related hazards (inclusive of income earned);*
- *Characterise the child labourers (by age, sex, schooling and racial background);*
- *Identify the socio-economic, cultural and family background of child labourers;*
- *Examine the root causes of the occupation, including historical trends, cultural mechanisms and social dynamics relating to the problems of child labourers;*
- *Examine the impact and consequences of the occupations on child labourers;*
- *Identify the perceptions and experiences of child labourers;*
- *Identify and critically assess Government, NGO and International agency interventions aimed at preventing and rehabilitating child labourers; and*
- *Assist in improving methods to research, reach and eliminate the problems of child labourers.*

294. The research on the worst forms of child labour targeted four occupational areas, namely scavenging, agriculture, prostitution, pornography and domestic work.

295. For each of these areas, it was desirable to collect both qualitative and quantitative data. A standard questionnaire was used to collect the quantitative information. The questionnaire contained seventy-eight (78) questions and sought descriptive data on interviewees, current and former households, educational levels, economic activity and consequences of this economic activity. Qualitative data were collected by means of focus group discussions with the child workers themselves in the first instance, and where possible, their parents formed a second focus group.

296. A total of ninety-three (93) child workers were interviewed, of whom forty-two (42) worked in scavenging. Of the total number interviewed, twenty-four (24) were eighteen years and over, twelve (12) of whom worked in scavenging while eight (8) found themselves as victims of commercial sexual exploitation.

297. A team of six (6) conducted the research. The main researcher is an experienced survey statistician and demographer. Other members of the team included two sociologists, a psychiatric social worker, a socio-economic researcher and an experienced field interviewer/supervisor.

Q. 30. What measures have been taken to prevent and eliminate attitudes to and prejudice against children contributing to social or ethnic tension, racism and xenophobia?

298. The Constitution of the Republic of Trinidad and Tobago is founded on the principles of equality and non-discrimination. The Preamble refers to the "equal and inalienable rights with which all members of the human family are endowed". The fundamental human rights and freedoms are stated in S.4 to "exist, without discrimination by reason of race, origin, colour, religion or sex". S.4(h) of the Constitution recognises the specific fundamental right of all individuals to "freedom of conscience and religious belief and observance".

299. The Government has implemented several pieces of legislation to buttress these rights enshrined in the Constitution. One outstanding example is the enactment of Equal Opportunity legislation to prohibit discrimination in both the public and private sectors in various fields such as employment and education, on various grounds including race, ethnicity, and religion. For further information about this and other anti discrimination statutes please refer to the response to question 25 of the reporting guidelines above.

300. The education system encourages and promotes racial harmony. As far as admission to schools is concerned, S.7 of the **Education Act, Chap. 39:01** expressly prohibits discrimination. It provides:

> *No person shall be refused admission to any public school on account of the religious persuasion, race, social status or language of such person or of his parent.*

301. The Ministry of Education uses education to promote inter-racial understanding by enlightening students about the benefits of diversity and difference, through several teaching units contained within the Social Studies Curriculum. Under the umbrella theme entitled "Equality and Non-Discrimination" there are several lesson plans to be taught to students. Some of the objectives of these lessons are as follows:

- *To demonstrate that life is more pleasant, enjoyable, acceptable and comfortable without discrimination;*
- *To enable students to recognise that discrimination in the class/society/world should be removed;*
- *To enable children to recognise, understand and avoid discriminatory practices;*
- *To demonstrate that children with special needs have the right to special care.*

- *To identify some of the rights of children with special needs; and*

- *To discuss how some of these rights are not being addressed and to suggest solutions to the problem.*

302. The Government of Trinidad and Tobago in recognition of the religious diversity of the population has declared as national public holidays, days which are considered auspicious days by various religious groups. There is a **Public Holidays and Festivals Act, Chap. 19:05** which was enacted after extensive consultation with the various religious bodies. The Act gives statutory recognition to these holidays which include: *Divali* for Hindus, *Eid-Ul-Fitr* for Muslims and Good Friday, Easter Monday and Corpus Christi for some groups of Christians. Public national holidays have also been declared to commemorate days which are of historical significance to different racial and religious groups such as: *Shouter Baptist* Liberation Day, Arrival Day and Emancipation Day. The commemoration of these national holidays is an effective mechanism to eliminate racist attitudes and to promote inter ethnic understanding, tolerance and harmony among the student population and the wider community. In public schools, the students are allowed (on a voluntarily basis) to participate in displays which are mounted to celebrate the different holidays. Festivals and other activities are also organised both in schools and in communities throughout the country. Persons of various races and religions frequently attend the different festivities which include *inter alia* one or more of the following: reenactment of historical events, cultural and artistic performances, selling of traditional foods and the display and sale of traditional dress.

Q. 31. Information should also be provided on the measures pursuant to article 2, paragraph 2 taken to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions or beliefs of the child's parents, legal guardians or family members.

303. **The Children (Amendment) Act No. 68 of 2000** in its Second Schedule Part C sets out the rights of a child to care and protection under the law including-

> *The right not to be discriminated against or punished because of the beliefs or actions of one's family members.*

304. The Equal Opportunity legislation prohibits discrimination on the basis of status. Please refer to page 114 of the Report for information on the definition of "status".

305. The Constitution, in its Fundamental Human Rights and Freedoms section, recognises and declares *inter alia* the right of the individual to "freedom of thought and expression", "freedom of conscience and religious belief and observance" and "the right to join political parties and to express political views". If the State breaches any of these rights, an individual has a right to file a constitutional motion in the High Court to declare the State's action unconstitutional.

306. A child cannot therefore be subject to any discrimination on the basis of his or her parents' expressed opinions or beliefs.

Q.32. Please indicate major problems encountered in implementing the provisions of article 2 and plans to solve these problems, as well as any evaluation of progress in preventing and combating all forms of discrimination, including those arising from negative traditional practices.

307. Every effort has been made to ensure that children are not discriminated against in the enjoyment of their rights set out in the Convention.

308. Entrenched cultural attitudes of Muslim and Hindu groups as regards early marriage can be identified as a form of discrimination arising from negative traditional practices. Further, the laws relating to the minimum age of sexual consent do not apply once the parties are lawfully married.

B. Best interests of the child (art. 3)

Q. 33. Reports should indicate whether the principle of the best interests of the child and the need for it to be a primary consideration in all actions concerning children is reflected in the Constitution and relevant national legislation and regulations.

309. The principle of the best interests of the child is not reflected in the Constitution. The Preamble to the Constitution refers to "the dignity of the human person and the equal and inalienable rights with which all members of the human family are endowed". The rights and freedoms guaranteed by the Constitution apply to all individuals without distinction. The only provision in the fundamental rights section which refers specifically to the child is S.4(f). This section refers to the right of a parent or guardian to provide a school of his own choice for the education of his child or ward.

310. Consideration has been given to the principle of the best interests of the child in the drafting of the package of children's legislation described in response to question 12 of the reporting guidelines above.[126] Specific examples are set out below (emphasis added).

(i) **The Children's Authority Act, No. 64 of 2000** (to be proclaimed) provides:

S.6(1) It shall be the duty of the Authority to-

(a) exercise such powers as are conferred on it by this Act and as may be necessary with respect to any child so as to further, in its opinion, the best interests of that child, including the reuniting the child with his relatives at the earliest opportunity;

S.23(2) The Authority shall for the purposes of obtaining an Order under section 25, bring before the Court any child, received by it under section 22, within fourteen days of such reception, unless it is satisfied that the taking of proceedings is not, in its opinion, in the best interest of the child, or that proceedings are about to be taken by some other person.

S.27 Subject to the determination by the Court under sections 24(4) and 25, the Authority, may where it appears to be in the best interest of the child to do so, allow the physical care of the child to be taken over by a guardian, relative, friend or any other person, for such period as the Authority may determine.

(ii) **The Adoption of Children Act, No. 67 of 2000** (which is awaiting proclamation to come into force) expressly mentions this principle in sections 14 and 25 as follows:

S.14 Where a person has made representations to the Board to adopt a child and the Board is of the opinion that the adoption of the child by that person would not be in the best interests of the child, the Board shall notify the person accordingly and that person may appeal the decision of the Board to a Judge of the High Court.

S.25 Before making an adoption order, the court shall be satisfied that-

(a) the welfare and the best interest of the child will be promoted by the adoption, due consideration being for this purpose given to the wishes of the child having regard to the age and understanding of the child;

[126] At pages 3-11 of the Report.

(iii) **The Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08** refers to the welfare of the minor as the first and paramount consideration. It is therefore a primary consideration of the Court in custody matters and reflects the principle of the best of interest of the child. Section 3 provides:

S.3 Where in any proceedings any court-

(a) the legal custody or upbringing of a minor; or

(b) the administration of any property belonging to or held in trust for a minor, or the application of the income thereof,

is in question, the court, in deciding that question, shall regard the welfare of the minor as the first and paramount consideration.....

(iv) **The Sexual Offences Act 1986** was amended by Act No.31 of 2000. This is an example of legislation that is in the best interest of the child given that it provides for stiffer penalties for sexual offences committed against minors as well as for mandatory reporting of sexual offences to the police.[127]

Q. 34. Please provide information on the consideration given to this principle by courts of law, administrative authorities or legislative bodies, as well as by public or private social welfare agencies.

311. The State has been unable to find any examples of cases in which the Courts or other bodies have made explicit mention of this principle in their decisions. However, in practice insofar as the welfare of children are concerned, the concept of the "best interests of the child" is and has always been the governing factor in the determination of a child's future by the courts and administrative bodies subject to the courts' jurisdiction, such as the Adoption Board. So that in matters of custody and access, for example, the Court, where it determines necessary, has access to reports from Probation Officers and other experts to assist in determining what is in the best interests of the child as opposed to the wishes of the parent.[128] Please refer to pages 14 and 15 of the Report for examples of cases in which the Courts have upheld the principle of the welfare of the child as the first and paramount consideration.

[127] For details of this legislation, see response to question 28 of the reporting guidelines above.
[128] "The Child Rights Context"-presented by Sharon Marriott at a Seminar hosted by the Inter-American Institute in collaboration with the Ministry of Social Development, Trinidad and Tobago June 15, 1998 (at ppP.12-13)

Q. 35. Please provide information on how the best interests of the child have been given primary consideration in family life, school life, social life:

Family Life

312. **The Children (Amendment) Act, No.68 of 2000** in the Second Schedule, Parts A and B, contains guiding principles for parents in relation to their children. See response to question 36 of the reporting guidelines below for a list of these principles.

313. While parents have responsibility for the best interests of the child in their family life, the State intervenes and if necessary, overrides parental authority in the interest of the child's welfare. The State would intervene for example, in situations where parents abandon or otherwise neglect their child, where they abuse or mistreat their child and where they are unable to take care of their child's basic needs.

314. The National Family Services Division of the Office of the Prime Minister (Social Services Delivery) offers assistance to individuals and families in addressing issues related to daily living and family life. These services are free and may be accessed by calling the Division or visiting one of the offices of the Division. The Division has been mandated with, and remains committed to, the responsibility for the care and protection of the disadvantaged children of the nation.

315. The National Family Services Call-In Radio Programme: "Focusing on Family Issues" was restarted in 2001 and has continued its series in 2002 and 2003. There have been several changes to the programme from its earlier "School for Parents" and "Conscious Parenting" programmes. The 2002 and 2003 services are entitled "It's Family Time: Let's Talk". The half hour radio programme has triggered a more than fifty percent increase in self-referrals to the National Family Services Division. Many of the issues involved impact on the well being of children.[129]

School Life

316. Guidance Officers of the Guidance and Counselling Unit of the Ministry of Education look after the best interests of the child in government schools. They are mandated to uphold the rights of the child in the education system, and act as advocates for students. One role of guidance counsellors is to work with students to help them cope with problems. The Guidance

[129] According to Director, National Family Services (information received June 2, 2003.

Unit continues to play an important role especially in dealing with school indiscipline and law breaking.

Please provide information on how the best interests of the child have been given primary consideration in areas such as:

- **Budgetary allocations, including at the central, regional and local levels, and where appropriate at the federal and provincial levels, and within governmental departments;**

317. Please see Budget Division, Extracted Data for Children 1992-2002 at pages 45-48 of the Report which details actual expenditure on children by the Government for the past ten years.

Please provide information on how the best interests of the child have been given primary consideration in areas such as:

- **Planning and development policies, including housing, transport and environmental policies;**

Transport[130]

318. The Ministry of Works and Transport is responsible *inter alia* for the administration of public transportation. The Ministry through its many policies and practices and under the various divisions plays a pivotal role in supporting and ensuring that the fundamental rights of the child are met. The Transport Division is responsible for the administration and management of road transport in Trinidad and Tobago. Towards this end, the Division sets policies in consultation with other agencies/departments and enforces associated rules and regulations. Street signs which tend to be warning, regulatory, mandatory and informative are summarised in a booklet which in most instances tend to form the basis of information for lecturing to school children, law enforcement and transport officers.

319. The Government by legislation has made it compulsory for seatbelts to be worn. Among other things, this legislation places the responsibility for individuals under seventeen years of age under the control and responsibility of the respective driver. Individuals over seventeen years old can be charged directly for non-compliance with the seat belt legislation. The relevant legislation is the **Motor Vehicles and Road Traffic (Amendment) Act, No. 17 of 1986** which came into force on 1 January 1995. Section S.43 A(2) of the Act provides that any person who contravenes this law is guilty of an offence and liable on summary conviction to a fine of five hundred dollars.

[130] Information in this section quoted from memorandum dated January 03, 2001 from the Permanent Secretary, Ministry of Works and Transport to the Permanent Secretary, Ministry of the Attorney General.

320. The Transport Division conducts an active public relations programme, which includes television, lectures and seminars in primary and secondary schools and the Police Training School. The Transport Division acts as a consultant to the legislative arms of the Government, as it pertains to rules and regulations regarding safety and protection of the child.

321. The Transport Division is assisted by the Traffic Management Branch with respect to the installation of road signs, maintenance of traffic lights and the appointment and training of School Crossing Guards (who are employed by the Ministry of Labour). In order to ensure the safety and protection of children in high-risk areas, more than one hundred (100) crossing guards were introduced between 1997-2001. Additionally during this period, one thousand two hundred (1200) Zebra crossing and pedestrian guardrails were successfully introduced in the vicinity of schools throughout the country. Motorists are obliged by law to stop at Zebra crossings.

322. The Public Transport Service Corporation (PTSC) is responsible for providing an efficient, reliable and convenient transport system for the general public as well as for children. The approach is based on the following:

- Section 8(2) of the **Public Transport Service Act, Chap. 48:02** provides that the PTSC is responsible for establishing sufficient road transport facilities which, in the corporation's opinion, is necessary or desirable for the purposes of providing transportation for school children;

- **The Industrial Relations Act, Chap. 88:01** classifies the provision of school buses as an 'essential service' which must be provided even during periods of industrial unrest; and

- The Ministry of Education has undertaken to provide the necessary funding to the Corporation for the provisions of a bus service to schoolchildren. In this regard, in 1999, the Ministry of Education allocated TT$24.9 million for this purpose.

323. Since 1996, the PTSC has enlisted the service of 180 maxi taxis (minibuses) for the provision of this service to school children especially in rural areas.

Housing

324. The Ministry of Housing has a mandate to provide innovative and affordable shelter solutions for the citizens of Trinidad and Tobago and through its executing agencies is undertaking the following:

- *Enacting appropriate legislation for the efficient and effective planning and development of land and giving squatters on land belonging to the state and those of State Enterprises security of tenure;*

- *Facilitating the development and allocation of land at affordable prices for shelter construction; and*

- *Facilitating the provision of loans especially to the poor at affordable rates of interest for shelter construction.*

325. The Ministry has three executing agencies[131] for the implementation of its settlements programme. These are as follows:

- The Project Execution Unit;
- The National Housing Authority; and
- The Sugar Industry Labour Welfare Committee.

326. The Project Execution Unit of the Ministry was established to administer the Inter-American Development Bank segment of the settlements programme. The National Housing Authority's mandate is to assist in the provision of shelter for the low-income segment of the population. The Sugar Industry Welfare Committee complements the settlements programme by assisting sugar workers, cane farmers and workers employed in Caroni (1975) Ltd. Diversification Programme in the provision of shelter.

327. Through its agencies, the Ministry of Housing continues to increase the amount of housing units available to its citizens. From 1996-1999, a total of two thousand, eight hundred and seventeen (2817) houses and apartments were built.[132]

328. The Government remains committed to improving the living conditions of squatter settlements. On June 1, 1999, a Land Settlement Agency was formally established to handle all issues of squatter regularisation and other spontaneous development, undertake infrastructural upgrade and regularisation of over seven thousand (7,000) families on twenty- eight sites.[133]

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[131] Ministry of Housing and Settlements, General Information on Services provided by its Agencies-published in 1998.

[132] Status Report on Trinidad and Tobago's Plan of Action in respect of the Latin American and Caribbean Regional Plan of Action on Human Settlements for Minurvi VII in Havana Cuba on October 13-15, 1999 at p. 6.

[133] Supra, fn.132

329. At the national level, the Ministry and its agencies are committed to serving the low and no income earners and are implementing a number of specific initiatives to facilitate the poor under the National Settlements programme. These initiatives include:

- developing a range of housing options and the preparation of house plans at reduced cost to meet low income earners;
- offering beneficiaries of the housing programmes low interest loans and exemption from bridging finance charges; and
- providing free technical advice to beneficiaries during the construction of their houses.

330. The Ministry of Housing attended the ninth meeting of the Ministers and high level authorities of Housing and Settlements of Latin America and the Caribbean at which the rights of the child in the Planning and Development of Housing and Human Settlements was discussed as an agenda item. Issues such as basic elements of housing and human settlements friendly to children and to adolescents were addressed at the meeting.[134]

331. The Ministry of Housing has developed a new comprehensive housing strategy for Trinidad and Tobago. The Government has mandated the construction of one hundred thousand (100,000) shelter solutions in the next ten years.[135] Some highlights of the new policy are as follows:

- Squatters will be regularised;
- A grant of up to $25,000 will be provided for the purchase of building materials to help squatters under the aided self-help programme;
- Production of more rental units for NHA;
- Repair and maintenance programme for approximately 6,000 NHA units at a cost of TT $42 million;
- Special purpose shelter for battered women and families in crisis; and
- Lowering the interest rate available from the Trinidad and Tobago Mortgage Finance Company from 8% to 6% and increasing the amount for which beneficiaries may apply to 95% of the total value of the house and land.

332. In addition, the Government has commenced negotiations with the Inter-American Development Bank to finance other phases of its Accelerated Housing Programme. The objectives of this aspect of the programme are as follows:[136]

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[134] Information quoted from memorandum dated October 27, 2000 from the Ministry of Housing and Settlements.
[135] Newspaper Supplement "Showing Trinidad and Tobago A New Way Home" -publication of Ministry of Housing, September 2002.
[136] Supra, fn. 135.

- The regularisation of seven thousand, two hundred (7,200) squatter families;
- The provision of twelve thousand (12,000) low cost houses for low-income families;
- The provision of three thousand, four hundred (3,400) home improvement subsidies; and
- The institutional strengthening of the Ministry of Housing.

333. The IDB funded aspect of the programme will consist of two phases and executed over a six year period at a total cost of US$100 million.

334. Through these initiatives, the Government is working to meet the housing needs of disadvantaged families including children. There is however, no available data on the number of children who have benefited from the Government's housing policies and programmes.

Environment

335. The Environmental Management Authority (EMA) is a statutory body established by the Government of Trinidad and Tobago to address the country's environmental problems. The EMA was established in June 1995 under the Environmental Management Act, No. 3 of 1995. The 1995 Act has now been repealed and replaced with the **Environmental Management Authority Act, No. 3 of 2000**. Under the Act, the EMA's functions are to co-ordinate, facilitate and oversee the execution of a national environmental strategy; to implement written laws in relation to the conservation and wise use of the environment; to promote and encourage among all persons a better understanding of the environment; and to enhance the legal, regulatory and institutional framework for the environment.

336. An Environmental Commission was appointed in 2001 to hear and determine matters relating to environmental law. Five Commissioners have been appointed to this "environmental court" which is presently chaired by a retired Court of Appeal judge. Anyone can complain to the Environmental Management Authority about perceived breaches of the law. The EMA is then mandated to investigate the complaint and give a response within ninety days.[137]

337. The specific objectives of the National Environmental Policy[138] which was formulated in 1998 are to:

- *Prevent, reduce or eliminate various forms of pollution to ensure adequate protection of the environment, and consequently the health and well-being of humans;*

[137] Express Newspaper, June 15, 2001 at p. 10
[138] National Environmental Policy, June 1998, publication of the EMA at p.5.

- *Conserve the biological diversity of the country and the stability and resilience of the ecosystems;*

- *Undertake retrospective analyses or evaluations to correct past developmental decisions that might be inimical to the continued environmental health of the country.*

338. The policy focuses on environmental education, which is conducive to the best interests of the child. It provides, *inter alia*, as follows:[139]

> *If the ethic for sustainable development is to be widely adopted, people must re-examine their values and alter their behaviour. Information must be widely disseminated through formal and informal education campaigns so that the required actions are widely understood.*
>
> *Environmental education for children and adults must be integrated in education at all levels. Developmental assistance agencies must be encouraged to give more support for providing extension workers to help farmers, forest workers, artisans, the urban and rural poor and other groups to use natural resources more productively and sustainably...*
>
> *The following will constitute Government policy on environmental education:*[140]
>
> *(a) Environmental education will be introduced from primary school age to adulthood with the goal of providing knowledge of both local and global environmental issues as well as the skills required to take the individual from awareness to participation;*
>
> *(b) Environmental and sustainable development concepts will be introduced into all education programmes;*
>
> *(c) Cross-disciplinary university courses in fields which have an impact on the environment will be encouraged, as well as postgraduate research;*
>
> *(d) Adult education and awareness programmes based on local environmental problems will be encouraged;*
>
> *(e) Environmental education initiatives throughout the country will be co-coordinated at the national level.*

[139] Supra, fn.138 at p.7
[140] Supra, fn.138 at p. 23

Please provide information on how the best interests of the child have been given primary consideration in areas such as:

- **Adoption;**

339. **The Adoption of Children Act, No.67 of 2000** which was enacted to replace the existing adoption legislation, makes specific mention of the principle of the best interests of the child. The relevant sections are set out at page 131 of the Report.

340. The following is an outline of the procedure in place at present with regard to adoption. The procedure reflects the importance of the principle of the best interests of the child.[141] Please note that more details about the procedure are provided in response to question 84 of the reporting guidelines under Part V of the Report.

341. The Adoption Board of Trinidad and Tobago exists and functions in accordance with the **Adoption of Children Act, Chap. 46:03**. For persons seeking assessment as prospective parents, the process begins with an informal interview conducted by an officer attached to the Board. Discussions are usually centred on:

- *The current circumstances of the applicant/s;*
- *The reasons for wanting to adopt;*
- *The place of equity of interest-in joint applications;*
- *Emotional and other preparations made for the new role as adoptive parents;*
- *Knowledge of the implications and responsibilities associated with adoption; and*
- *Whether the applicants are resident and domiciled in Trinidad and Tobago.*

342. The informal interview may conclude with mutual agreement that the applicant/s understand the new path ahead. The application package will then be issued. Applicants are required to submit a formal application on the prescribed form. The completed and returned package allows for the registering of the application, which is later assigned to an officer for investigation and preparation of a Home Study report.

343. The vetted report is then circulated to the Adoption Board members before the monthly statutory meeting of the Board. The Board is charged with the responsibility to examine such reports, to approve, defer, interview applicant/s or close an application based on its findings. It is also a requirement that the applicant/s be informed in writing of the decision of the Board.

344. In accordance with the process, applicants who are approved would then be placed on the Board's list of Prospective Adopters Awaiting Placement.

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[141] Procedure provided by the Adoption Unit, correspondence received May 27, 2003.

345. The under mentioned is the criteria used by the Placement Committee for placing children:

- *A child who matches the description of the applicant/s;*
- *The position of the applicant on the list; and*
- *The validity of the medical reports on file.*

346. When a placement is made, applicants are then required to name the child and submit a new application form, indicating their specific interest in adopting the child placed. The case will then assume a new category, given a different coded number and presented to the Board for approval. This latter approval would facilitate the commencement of the probationary period, which is for a duration of six months. During this period, the Board appoints an officer to keep the child under close supervision in his/her new environment and to observe the bonding expected to be established with the applicants. The Board may order monthly visits. Regulation 7 directs that at least four visits be made to the home of the applicant/s. The applicant/s are advised that during this period any change of address must be reported to the Board immediately and the child must not be taken out of the country without the prior knowledge and consent of the Board.

347. Where the probationary period is considered by the Board to have concluded satisfactorily, the Board would approve an Application for an Adoption Order to be filed in Court, where all adoption matters are finalised. These are heard in camera in accordance with Rule 6.

348. Section 21(4) of the Act requires the Court to communicate every Adoption Order to the Registrar General who "shall cause compliance to be made with the directions contained in such order". An Adoption Certificate would later be ready for issuance from the Registrar General's Office. It is to be used in all transactions relating to the child, in lieu of a birth certificate.

349. Before the Adoption Board accepts an infant/child who is offered for adoption, the under mentioned is required:

- *The child must undergo a complete medical examination;*
- *The child must be registered by the birth mother or someone acting on her behalf;*
- *His or her immunisation records must be submitted (depending on the age of the child); and*
- *A Home Study Report on the natural parents must be filed.*

350. The medical practitioner attached to the Board will subsequently vet the reports and determine whether the child is fit for adoption. The natural parents of the child must also give

consent to the adoption by signing the relevant documents, before the child is taken into care. Final consent forms will be requested later in the process and before the court hearing. However, the court may dispense with any consent required, according to the specifics of the case.

351. The granting of an Adoption Order permanently transfers the parental rights, duties and obligations from natural parents to adoptive parents. The supervision of the Adoption Board officially ceases at the making of such order.

Please provide information on how the best interests of the child have been given primary consideration in areas such as:

- **Immigration, asylum-seeking and refugee procedures;**

352. Under the **Immigration Act, Chap. 18:01**, every person born outside of Trinidad and Tobago is entitled to citizenship at the date of his birth if at that date either of his parents is or was, a citizen of Trinidad and Tobago. Additionally, a child born out of wedlock and outside of Trinidad and Tobago whose father or mother was a Trinidad and Tobago citizen at the date of his birth is entitled to citizenship.

353. Children who are illegal immigrants are committed to the care of one of the Children's Homes until such time as arrangements can be made for their departure.

354. To date there have been no applications by children for refugee status in Trinidad and Tobago. Please refer to paragraph 269 at page 121 of the Report.

Please provide information on how the best interests of the child have been given primary consideration in areas such as:

- **The administration of juvenile justice;**

355. In terms of the administration of juvenile justice, the legislation ensures that children are treated differently from adults. Juveniles detained in a police station must be kept separate from adults as required by S.73 of the **Children Act, Chap. 46:01**. If the offence is not a homicide, the child can be released into the care of his parents or guardians until trial. Young males who are not released on bail are not remanded in prison, but may be placed in the St. Michael's Home for Boys or the Youth Training Centre run by the Prison Service. There are provisions for the taking of a child's evidence by deposition and video recording. Proceedings affecting children are usually held *in camera*. Additionally, the death sentence cannot be imposed on children. Please refer to paragraphs 189 to 203 the Report for further details.

Please provide information on how the best interests of the child have been given primary consideration in areas such as:

- **The placement and care of children in institutions;**

356. The Court relies on reports of probation officers when committing children to the care of Children's institutions. These probation officers have training in social work and are able to advise the Court in the best interests of the child.

357. **The Children's Community Residences, Foster Homes and Nurseries Act, No.65 of 2000 (which is awaiting proclamation)** establishes *inter alia,* standards and procedures for the operation of children's institutions. Consequent on the enactment of the new package of Children's legislation in the year 2000, the National Family Services Division conducted three public sensitisation workshops for all relevant agencies addressing children's issues. These workshops were intended to assist organisations in preparation for operational change, consistent with the proposed legal structures.

Q. 36. Information should be included on the measures taken in the light of article 3, paragraph 2, including of a legislative and administrative nature, to ensure children such protection and care as is necessary for their well-being.

358. **The Children Act**, as amended by Act No. 19 of 1994 seeks to ensure that children are protected from harm. Section 15 of the Act provides as follows:

> *S.15 (1) If it appears to a Magistrate on complaint on oath of*
>
> *(a) a public officer experienced or qualified in social work who is approved by the Minister in writing; or*
>
> *(b) a person who in the opinion of the Magistrate is acting in the interest of a child or young person,*
>
> *that a child or young person has suffered or is suffering harm so as to cause concern for the welfare of that child or young person, or is likely to suffer such harm, the Magistrate may require a parent or guardian to appear before him.*
>
> *(3) Where... a Magistrate is satisfied that the child or young person has suffered, is suffering or is likely to suffer harm sufficient to cause concern for the welfare of that child or young person, the Magistrate may, with the child or young person's welfare as the paramount consideration, taking*

into account the wishes of the child or young person involved where such wishes of the child or young person can be reasonably ascertained, order that the child or young person-

(a) remain in the custody of a parent or guardian, subject to the period of supervision by a named person or authority, and subject to such conditions as are specified in the order; or

(b) be committed to the care of a relative of the child or other young person or other fit person named by the court, such relative or other fit person being willing and able to undertake such care.

...

(11) For the purposes of this section-

"harm" includes-

(a) wilful neglect;

(b) assault;

(c) ill-treatment;

(d) physical, sexual or mental abuse;

(e) a prescribed offence as defined in section 3 of the Domestic Violence Act.

359. The package of children's legislation enacted in the year 2000 attempts to provide children with the requisite protection and care required for their well-being. Specific examples are identified below:

(i) **The Children (Amendment) Act, No.68 of 2000** in the Second Schedule, Parts A and B, contains guiding principles for parents in relation to their children. It refers *inter alia* to the following principles:

- *The right to request state assistance in caring for the child where the parents are unable to do so themselves;*

- *The responsibility, within the parent's abilities and financial capacities, to secure the conditions of living adequate for the child's physical, mental, spiritual and moral development;*

- *The responsibility to send the child to school, or to provide for education at home of an equal standard;*

- *The responsibility to guide and direct the child without the use of any cruel, inhuman or humiliating punishment;*

- *The responsibility to ensure that the child has time for rest, recreation, creative expression and play;*

- *The responsibility to protect the child from unlawful physical violence and all forms of physical or emotional abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the parent's care; and*

- *The responsibility to make arrangements for the care of the child when the parent is absent from the child;*

(ii) **The Children's Authority Act, No. 64 of 2000** establishes a Children's Authority of Trinidad and Tobago with responsibility *inter alia* for monitoring community residences, foster homes and nurseries and for conducting periodic reviews to determine their compliance with such requirements as may be prescribed. This legislation will come into force once the necessary arrangements for the operation of the Act are completed. The Authority is required *inter alia* to investigate complaints of staff, children and parents or guardians of children who are in the care of a community residence, foster home or nursery with regard to any failure to comply with the requisite standards prescribed by law and any incidences of mistreatment of children in such places. Its duties include monitoring agencies which address children's issues and investigating complaints or reports of mistreatment of children in their homes.

(iii)**The Adoption of Children Act, No. 67 of 2000**[142] provides for the establishment of an Adoption Board. One of the duties of the Board would be to make such investigations concerning the adoption of children for the consideration of the Court as may be prescribed. Before making an Adoption Order, the Court is required under S.25 (b) to be satisfied that a person who is applying for the Order is a fit and proper person to have custody of the child and of sufficient ability to bring up, maintain and educate the child.

[142] This Act requires Presidential Proclamation to come into force.

Q. 37. Information should also be provided on the steps taken pursuant to article 3, paragraph 3, to establish appropriate standards for all public and private institutions, services and facilities responsible for the care and protection of children and to ensure that they conform with such standards, particularly in the areas of safety, health, number and suitability of their staff, as well as competent supervision.

360. Over the last five years, the National Family Services Division has conducted some seven courses for caregivers. Over one hundred and fifty persons (150) participated in these training sessions at basic and intermediate levels. Two of these courses targeted managers/administrators.[143]

361. The Government has strengthened its ability to monitor these institutions with the enactment of the **Children's Community Residences, Foster Homes and Nurseries Act, No 65 of 2000** which introduces standards for all institutions. The legislation will come into force by Proclamation once the Children's Authority has been established. Under the Act, persons operating community residences[144] must apply to the Children's Authority for a one-year renewable residence licence. This licence will only be granted if the applicant satisfies the requirements of S.6 of that Act. Section 6 provides:

> *S.6 A Residence Licence shall not be granted under section 5 unless the applicant-*
>
> *(a) satisfies the Authority that the building intended for the purpose has been approved by relevant Health and Building Authorities as to its fitness for the purpose;*
>
> *(b) has adequate staff with a proper staff to child ratio, taking into account the ages, the number of children it caters for, as well as any special requirement of children for whom care is being provided;*
>
> *(c) shows proof that the staff of the community residence for which the application is made has adequate training and experience in child care;*
>
> (d) *can establish that the resources of the community residence are adequate to maintain the community residence and provide for children cared for therein;...*

[143] According to information supplied by the Director, National Family Services (received June 2, 2003).
[144] Community residence means a children's Home or rehabilitation centre and includes industrial schools and orphanages referred to in the Children's Act (S.2 of the Act)

362. Section 7 of the Act requires the Children's Authority to inspect such residence before the issue of a residence licence, to ascertain its suitability for the purpose.

363. In addition, under the aegis of the National Family Services Division, a multi-disciplinary committee has been instituted to develop a manual which defines the criteria for the operation of these facilities. This document, which is yet to be finalised, addresses key operations issues such as: child to care-giver ratio, an admissions policy, ventilation, the size of living areas, the qualification of staff and the issue and revoking of licences for the purpose of operating children's institutions.[145]

364. The Children's Authority will have the responsibility for ensuring that standards are complied with through appropriate monitoring. In this regard the **Children's Community Residences, Foster Homes and Nurseries Act, No 65 of 2000** provides:

S.11 (2) *Where the Authority is dissatisfied with the conditions, rules, management or superintendence of a community residence it may at any time, by notice served on the licensee or the manager of the community residence, require that corrective measures be taken within such time as the Authority may specify in such notice.*

S.11 (3) *Where a Notice has been served on a licensee under subsection (2) and the licensee has failed to take the corrective measures required, the Authority may serve Notice on the licensee or the manager of the community residence of its decision to revoke the residence licence...*

Children in foster care

365. **The Children's Community Residences, Foster Homes and Nurseries Act, No 65 of 2000** also introduces safeguards for the system of foster care. Section 29 of the Act provides:

S.29 (1) *Where a person wishes to become a foster parent he shall apply to the Minister for approval in the prescribed form.*

29(2) *The Minister on receiving an application under subsection (1) shall cause all investigations necessary to be conducted to determine the suitability of-*

(a) the applicant to be a foster parent; and

(b) the home of the applicant, to receive a child for foster care;

[145] According to representative of Ministry of Social Development on Human Rights Consultative Committee-information received 20/11/02

366. Section 32 of the Act provides for the monitoring of foster children by the Children Authority as follows:

S.32(2) *The Authority shall authorise an officer to visit from time to time, a foster child and the premises in which he is being kept in order to satisfy itself as to whether the health, educational and welfare needs of the child are being met and to give where necessary advice or directions to the foster parents as to the care of the child.*

S.32 (3) *Any person who receives a foster child and fails or neglects to look after the health, educational and welfare needs as specified in subsection (1), is guilty of an offence and is liable on summary conviction to a fine of five hundred dollars.*

367. Section 35 further provides as follows:

S.35 *Where a foster child is to be received or is being kept-*

(a) *in any premises which is unsatisfactory, over-crowded or dangerous;*

(b) *by any person who by reason of old age, infirmity, ill-health, negligence, inebriety, immorality or criminal conduct or for any other reason if unfit to have the care of the child;*

(c) *in an environment which is detrimental to the child; or*

(d) *in any premises or by any person in contravention of the provisions of this Part,*

the Authority may-

(e) *where the child is the subject of a care order placing him in foster care apply to the Court for an order, to remove that child to the care of another approved foster parent until such time as the child is returned to his relatives or other arrangements are made with respect to him; or*

(f) *where the child is not the subject of a care order placing him in foster care, remove that child to the care of another approved foster parent until such time as the child is returned to his relatives or other arrangements are made with respect to him.*

Children in Nurseries

368. This Act also provides that no person shall operate a nursery[146] without a nursery licence issued by the Authority. A nursery licence may not be granted unless the Authority is satisfied that the applicant has made adequate arrangements *inter alia* for health care, safety, security, well-being and feeding the children received in the premises and where it is undertaken, an adequate and suitable diet to be provided for them. There is also a requirement for the provision of adequate staff with a proper staff to child ratio.

Q. 38. In the light of the legislative and administrative measures taken to ensure the consideration of the best interests of the child, please indicate the main problems remaining in this respect.

Inability to effectively regulate Children's Institutions

369. The National Family Services Division is responsible for monitoring Children's institutions. However, the Division's efforts have been hampered by a lack of legislation to regulate these institutions. While the Division does from time to time receive and investigate reports of abuse such as inadequate physical infrastructure and lack of food, it does not have legislative authority to close down any of the offending institutions.[147] This situation is likely to persist until such time as the new children's legislation comes into force.

Human Resource Constraints of the National Family Services Division

370. The National Family Services Division, which is responsible for the functions outlined on page 22 of the Report has very limited staffing. For example, there are only eight field officers to service the needs of the entire country.[148] One of the reasons put forward for the human resource constraints of the Division is that the remuneration offered is not attractive and trained personnel are veering to more lucrative jobs.[149]

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[146] Nursery means any premises wholly or mainly used for receiving children under the age of six for reward to be looked after for the day or night or a substantial part thereof and includes day care (S.42 (3).
[147] According to Interview with the Director, National Family Services, January 13, 2003.
[148] According to representative of the Ministry of Social Development on the Human Rights Consultative Committee-by telephone June 2, 2003.
[149] According to information submitted by the Director, National Family Services Division (2nd June 2003)

Lack of trained personnel at Children's Homes

371. There is a shortage of trained personnel at Children's Homes. At the present time any one who wants to open a Children's Home can do so. However, some of the children taken into these Homes have been abused. It is therefore essential that there is some level of training to correct the problems that have been experienced by these children.

372. This problem is likely to be addressed by the implementation of the **Children's Community Residences,**[150] **Foster Homes and Nurseries Act No. 65 of 2000.** The Act provides that no person will be allowed to operate a community residence without a residence licence issued by the Children's Authority. A residence licence will not be granted unless specific criteria set out in S.6 of the Act is fulfilled. For example, the applicant must show that the staff of the community residence has adequate training and experience in child care.

Foster Care System

373. The foster care programme referred to on page 23 of this Report, needs to become fully operational to service the needs of children requiring alternative care (and who ought to be institutionalised, if possible). Legislation has recently been enacted to regulate foster care but this legislation is not yet in force. In this regard, the Auditor General's Report, 2002 on the Operations of the National Family Services Division stated:

> *At the time of the audit the Foster Care Programme had been in existence for over four years. Owing to the lack of necessary legislation, children in need of foster care were unable to be placed in foster homes. The Foster Care Unit, in this interim period, operated by putting mechanisms in place for selecting and approving foster carers and children in need of foster care...*

Insufficient Guidance Counsellors in Education System

374. One setback to serving the best interests of the child is the fact that the Guidance Unit of the Ministry of Education comprises only fifty-five (55) Guidance Officers I, four (4) Guidance Officers II and one Guidance Supervisor. These officers are expected to service the needs of the entire public school population. The emotional and psychological problems that many children bring to bear within the school system, due to dysfunctional family life, cannot be adequately dealt with given the current staffing in this area of the educational system. There has been a marked increase in truancy and school violence in the past two years and the Guidance Officers

[150] Community residence is defined in S.2 of the Act as a children's Home or rehabilitation centre and includes industrial schools and orphanages. This Act is awaiting proclamation.

have been stretched to capacity and are unable to cope with this increase. There is a need for at least one Guidance Officer to be placed at each school, both at the primary and secondary school levels.

Budgetary allocations

375. According to one NGO, the "budgetary allotment to children's services, that is, basic needs including health care, nutrition, education, water, and waste disposal remain inadequate standing at 13.8% of Government expenditure in 1998".[151] However, the budgetary allocations for children have improved, culminating with a combined allocation of TT$2,180,322,405 in 2002. Incremental increases to the budgetary allocations for children over the ten-year period 1992-2002 are tabled in response to question 20 of the reporting guidelines at pages 45 to 48 of the Report.

Lack of Social Workers in Health System

376. In the area of Health, there is a need for an increase in the number of social workers since the Ministry of Health has twenty-five social workers currently employed to service all hospitals and health centres/clinics in Trinidad (a ratio of 1:35,135 counsellors to citizens).[152]

The Environment

377. In a 1999 publication entitled "EMA State of the Environment Report", it was noted[153] that there were limited public education programmes on the part of enforcement agencies. In this regard, it was stated:

> *The philosophical framework for environmental education contained in the National Environmental Policy must be adopted by relevant agencies with regard to public education and the importance it plays in the preservation of the environment. Enforcement agencies commonly complain of the lack of resources to implement an effective public education programme thus public awareness on the hazardous effects of avoidable human behaviour and its deleterious impact on the environment is almost nil. The Ministry of Education has recently taken steps to address this deficiency at the level of school curriculum. A few other organisations such as the EMA and the Institute of*

[151] "The Child Rights Context" Trinidad and Tobago presented by Sharon Marriott at the Seminar on "Management of Social Management for Child Welfare Agencies" hosted by the Inter American Children's Institute in collaboration with the Ministry of Social Development, Trinidad and Tobago. June 15 1998 at p.3.
[152] According to Gregory Sloane Seale, Director of Youth Outreach Programme: Commentary in the Trinidad Guardian Newspaper, February 14 2003.
[153] At page 32 of report, para. 3.2.4: Limited Public Education Programme

Marine Affairs have embarked on public education programmes that have begun to make a difference in environmental literacy levels. As a matter of priority however, aggressive and wide-ranging public education programmes need to be initiated at all levels and age groups of society.

Q. 39. Please indicate in what ways the principle of the "best interests of the child" is made part of the training of professionals dealing with children's rights.

378. There is recognised lack of training for professionals generally on the principles enshrined in the Convention, including the principle of the best interests of the child.

379. While there have been efforts to target these groups, these have largely been spearheaded by NGOs such as the Coalition on the Rights of the Child[154] and not by the Government.

380. In celebration of the Convention on the Rights of the Child, in November 1999, the Child Rights Committee hosted a consultation for educators entitled "Sensitising of Primary School Teachers" which specifically targeted some three hundred (300) primary school teachers nationwide.

381. In this regard, one day workshops were conducted in four areas in Trinidad with teachers selected from upper levels of primary schools. Sessions involved a mixture of lecture, films, role plays and discussions. Participants were given copies of the CRC to read before attending the workshop. At the workshop an overview of the Convention with emphasis on survival, development, protection and participation.

382. The following were the objectives of the Workshop:

- To increase awareness of teachers re CRC;
- To motivate teachers to develop an awareness of their human rights; and
- To critique/assess the UNICEF manual and comic book.

383. The Target Outcome of the Workshops was that participants would:

- Have increased knowledge of the Convention;
- Be prepared to facilitate sessions to inform students about CRC;
- Plan and conduct at least two sessions to inform students of CRC; and
- Inform UNICEF as to the universality of the material for the Caribbean region.

[154] As detailed in paragraph 121 of this Report, at pp.70-71.

384. Please refer to paragraph 121 at pp.70-71 of the Report for information on other training workshops held with regard to the Convention.

385. Although the National Family Services Division continues to experience shortages in human resources, divisional staff have undergone training in mediation, parenting, critical incidents and stress management, human sexuality, management of children in child sexual abuse, domestic violence and project management, *inter alia*, in continuing institutional strengthening. In house staff have managed workshops for training of personnel addressing children's issues. Courses have targeted caregivers, managers and community groups. In 2001, the National Family Services Division introduced meetings with communities to collect information more directly related to community needs-to direct and inform programming. In one rural area, identification of problems led to the conduct of a one-week workshop for teenage mothers. The follow up to this programme has been the formation of a support group for these mothers. [155]

C. The right to life, survival and development (art.6)

Q. 40. Please describe specific measures taken to guarantee the child's right to life and to create an environment conducive to ensuring to the maximum extent possible the survival and development of the child, including physical, mental, spiritual, moral, psychological and social development, in a manner compatible with human dignity, and to prepare the child for an individual life in a free society.

386. Section 4(a) of The Constitution of the Republic of Trinidad and Tobago guarantees the right of all individuals, including children, to "life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law".

387. Under the laws of Trinidad and Tobago, the death penalty is retained for crimes of murder and treason. However, S. 79 of the **Children Act, Chap. 46:01** provides that the sentence of death shall not be pronounced on or recorded against a person convicted of an offence, if it appears to the Court that at the time the offence was committed, the person was under the age of 18 years.

388. **The Children (Amendment) Act, No. 68 of 2000** in its Second Schedule Part B contains a list of some of the legal responsibilities of parents. These include the following:

[155] According to the Director, National Family Services Division by correspondence received June 2, 2003., at interview held on January 13, 2003.

The responsibility, within the parents' abilities and financial capacities, to secure the conditions of living adequate for the child's physical, mental, spiritual and moral development;

The responsibility to send the child to school, or to provide for education at home of an equal standard;

The responsibility to guide and direct the child without the use of any cruel, inhuman or humiliating punishment;

The responsibility to ensure that the child has time for rest, recreation, creative expression and play;

The responsibility to protect the child from unlawful physical violence and all forms of physical or emotional abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the parents' care;

The responsibility to make arrangements for the care of the child when the parent is absent from the child; and

The responsibility to ensure that the child under 12 is not engaged in labour.

389. The Second Schedule Part C of the Act provides *inter alia* as follows:

Every person under the age of 18, born in Trinidad and Tobago, or born to, or adopted by, parents who are citizens of Trinidad and Tobago is a child and is subject to care and protection under the law including but not limited to-

The right to live, survive and grow;

The right to hold ideas of one's own, including religious beliefs and to express those views freely in matters affecting themselves;

The right not to be treated with violence by a family member, a teacher, a public officer or by any other person;

The right to free education up to the age of twelve; and

The right not to have to work at anything that is dangerous or that will interfere with education.

Measures to reduce infant/child mortality

390. The United Nations Development Programme's Human Development Report 2002 lists the infant mortality rate for Trinidad and Tobago in the year 2000, at 17 per 1,000 live births. The under-five mortality rate in 2000 is listed at 20 per 1,000 live births.[156]

391. According to the Executive Summary of the Multiple Indicator Cluster Survey 2000,[157] findings on Infant and Under Five Mortality were as follows:

In Trinidad and Tobago death registration is compulsory. Based upon the 1999 data, the infant mortality was estimated to be 18.6 and the under-five mortality rate as 20.8. At present there is infant mortality validation as well as the infant mortality surveillance exercises in progress. These will eventually facilitate verification of the official rate.

392. Free health care is available at the General Hospitals in Port-of-Spain, San Fernando, Mount Hope and Scarborough, several district hospitals and a network of over one hundred (100) health centres.

393. **Measures taken to combat stillbirth and infant mortality include the following:**

(i) Antenatal care is available at all hospitals and other health facilities throughout the country. However, perhaps due to a lack of education as the importance of prenatal care, some women still do not attend these free antenatal clinics. Antenatal care includes:

- Promoting the practice, among women, of early attendance at antenatal clinics i.e. attending clinics within the first twelve weeks of pregnancy.
- The provision of iron supplementation and multivitamins to pregnant women and children free of charge.
- In 1999, a prenatal programme was established by the Government of Trinidad and Tobago in order to reduce the mother to child transmission of HIV/AIDS. Pregnant women at the public sector antenatal clinics are offered voluntary counselling and testing for HIV/AIDS. All HIV positive pregnant women are then offered anti retroviral drugs before and during delivery. In 2002, 75% of the

[156] See page 172 of the UNDP report.
[157] Please see page 39 at paragraphs 54-56 of the Report.

antenatal clients accepted voluntary counselling and testing. The rate of infection was 1.2%.

- Lecture discussions on Nutrition and Diet in Pregnancy.
- La Maze Classes.
- Lectures on Labour and Delivery.
- Post delivery care of episiotomies.
- Early diagnosis and management of complications including secondary care referral.
- Hospital delivery under well-trained medical staff.

(ii) Intranatal care at some hospitals:

- The provision of appropriate technology e.g. neonatology units and ultrasonography. Neonatal services are provided at the General Hospital, Port of Spain and the Mount Hope Maternity Hospital. There is a new Paediatric Hospital at the Eric Williams Medical Sciences Complex.
- Fetal monitoring.
- Provision of well-trained nursing and medical staff.

(iii) Measures that provide for the healthy development of the child include the following:

- Breastfeeding Programmes. These Programmes which have a major educational component are implemented through a National Committee, regional Committees and a number of NGOs. The aim is to actively encourage and promote mothers to breastfeed. A draft National Breastfeeding Policy is also being formulated and is expected to be finalised in 2003. It should be mentioned that the Sangre Grande Hospital is the only institution in Trinidad that has achieved "baby friendly status" (in 2002) as defined by the World Health Organisation under a UNICEF sponsored programme developed in 1992. Baby friendly hospitals create environments which support and seek to encourage women in their desire to breastfeed their babies.

- There are 'well-baby' clinics at all hospitals and health centres which monitor *inter alia:* the growth of infants between the ages of 0-4 years with a view to improving the nutritional status of young children.

- Conducting education campaigns for parents and children on health related matters using the mass media, health clinics and classroom settings. Lectures on health are given at schools and at various fora of community based organisations.

- Special emphasis is placed on HIV infected children. These children are given priority by the Government in the provision of free anti retroviral treatment at the Wendy Fitzwilliam Paediatric Hospital, the San Fernando General Hospital and the Scarborough Hospital in Tobago. The Government also provides annual subventions to some NGOs involved in the care and support of children with HIV/AIDS.

- Therapeutic and custodial care is being provided to mentally challenged children, and the needs of the physically challenged child are being looked after through the granting of subventions to homes and institutions taking care of such children. Specialist medical care is provided at-

  a. The Princess Elizabeth Home for physically challenged children. In addition to other services, children with disabilities obtain medical treatment as well as psychological counselling which enable them to cope with their impairments:

  b. DRETCHI for persons with hearing disabilities;

  c. Prosthetics and other orthopedic equipment are provided free or at minimal cost at Orthopedic Departments at the major hospitals and at certain health centres for persons with physical impairment;

  d. Eye clinics at the major hospitals and at certain health centres for persons with visual impairment;

  e. The St.Ann's Hospital for persons with mental disabilities; and

  f. The St. James Medical Complex for persons with physical disabilities.

- School inspections are done by a multi-disciplinary health team. Emphasis is placed on the environment and on the personal hygiene of children.

- Counselling and information dissemination on family planning is available at health centres.

Measures to combat diseases and eliminate epidemics

394. There is effective immunisation for all common infectious childhood diseases as part of the Expanded Programme on Immunisation at the Ministry of Health. Children can be taken by their parents to a health centre in their vicinity to receive immunisation for a variety of diseases.

395. **The Public Health (Nursery Schools and Primary Schools Immunisation) Act, Chap. 28:03** makes provision in respect of the immunisation of persons seeking entry into nursery schools and primary schools so as to prevent the spread of certain communicable diseases. According to S. 3(1) of this Act:

> *Notwithstanding any rule of law to the contrary, no person may be admitted into any nursery school or primary school unless he produces to the Principal thereof a certificate of immunisation with respect to every communicable disease*

396. The vaccines on the schedule in Trinidad and Tobago are as follows:

- Polio-Opv- (oral polio vaccine);
- Pentavalent(DPT/Hep B/Hib)- Diptheria, Pertusis, Tetanus;
- MMR-Measles, Mumps, Rubella; and
- Y/F- Yellow Fever.

397. The percentage coverage for Polio and DPT for children under one year of age for the period 1996-2001 and the coverage for MMR and Yellow Fever in the age group 12-23 months are as follows:[158]

YEAR	POLIO	DPT	MMR	Y/F
1996	90	90	88	87
1997	91	91	88	88
1998	91	91	90	90
1999	91	91	89	89
2000	90	90	90	88
2001	91	91	91	91
2002	89	89	88	88

[158] Table supplied by the Ministry of Health in 2003.

Haemophilus Influenzae type b

398. Haemophilus Influenza type b vaccine (Hib) which was included in the childhood immunisation schedule in November 1999, has seen a coverage of over eighty percent of all children under one year of age for the years 2000 and 2001.[159]

Measles

399. Trinidad and Tobago has been actively involved in accomplishing PAHO/WHO's strategies for the elimination of measles. In 1991 the "Catch up" Campaign was called the "Big Bang". The Government of Trinidad and Tobago achieved ninety-five percent coverage of the targeted age group 1-15 years. In the "follow-up" Campaign in 1997, called the "Riddit" Campaign Trinidad and Tobago achieved ninety seven percent coverage in the targeted age group of 4-6 years. The country continues to maintain over eighty five percent coverage in the targeted 12-23 month population.

400. In the Measles Elimination Surveillance System, a sensitive rash and fever surveillance system, the Government of Trinidad and Tobago met all the surveillance indicators, which included timely reporting with complete investigations and the number of reporting sites.[160]

Polio Eradication

401. The Government of Trinidad and Tobago has maintained a ninety percent (90%) coverage in children less than one year of age for the last five years. The country has met all the Acute Flaccid Paralysis surveillance indicators for the past four years. The Region of the Americas, which includes Trinidad and Tobago, was certified free of the wild poliovirus in September 1994. The English Speaking Caribbean and Suriname recorded their last case in the year 1982.[161]

Rubella/CRS (Congenital Rubella Syndrome)

402. The Rubella Campaign started in November 1997 with the Rubella vaccine being used. After January 1999, MMR vaccine was used. As of year 2001, the Government of Trinidad and Tobago has achieved an eighty- nine (89%) percent coverage.

403. In an effort to eliminate indigenous Rubella and Congenital Rubella Syndrome in Trinidad and Tobago, a Rubella Policy was developed in 1997 to increase the level of immunity to the Rubella virus. All children are given a second dose of MMR at 4 to 6 years of age.[162]

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[159] Ministry of Health by memorandum dated 19 May 2003.
[160] Supra, fn. 159.
[161] Supra, fn. 159
[162] Supra, fn. 159

Yellow Fever

404. There has not been any recorded case of yellow fever for the last twenty years in Trinidad and Tobago. No confirmed case of Yellow Fever has occurred since the last outbreak in 1978. Children are given yellow fever in the 10 year age group. Yellow fever vaccination coverage for persons living or working in high risks e.g. forested areas is one hundred percent. (100%)[163]

Tetanus

405. Booster doses of Tetanus are given at ten years for all school leavers. Women attending the prenatal clinics are given Tetanus as necessary.[164]

Ensuring Quality Vaccines

406. The Government of Trinidad and Tobago purchases vaccines through the PAHO/WHO Revolving Fund (PWR). Through the system of bulk purchasing, the PWR secures the supply of high-quality vaccines for national immunisation activities of countries at affordable prices. It ensures accountability, strict cold chain measures and a reasonable continuity in the face of global shortages due to manufacturers' problems. It also assists with the introduction of new vaccines.[165]

Vector Borne Diseases

407. The Environmental Health Division is responsible *inter alia* for control of vector borne diseases such as dengue and malaria.

408. Measures that prevent, treat and control epidemic, endemic, occupational and other diseases are as follows:

- Epidemiological surveillance and research which are conducted by the National Surveillance Unit and Trinidad Public Health Laboratory;
- Laboratory Services;
- Legislation;
- Information and Education Programmes which are conducted by the Health Education Department;

[163] Supra, fn. 159
[164] Supra, fn. 159
[165] Supra, fn. 159

- Implementation of prevention and control action plans; and
- Immunisation.

409. Once there is confirmation that there is an epidemic/infectious disease outbreak the Ministry of Health mobilises its resources and puts in place systems, viz:[166]

- Treatment of all ill persons;
- Identify/determine the common cause through investigation of all cases, sampling and analysis of specimen if necessary;
- Report writing and submission of these reports;
- Initiate preventative/control measures to break transmission through immunisation, health education etc;
- Seek the assistance of PAHO and CAREC.
- Enact new legislation should it become necessary;
- National alert/public education;
- National surveillance; and
- All stakeholders are brought on board to assist.

Measures to increase life expectancy

410. The life expectancy of both males and females has risen over the last decade. According to the Central Statistical Office, life expectancy for the period 2000-2005 stands at 70.38 for males and 75.24 for females with a total life expectancy of 72.76.[167]

Measures to eliminate malnutrition

411. The Executive Summary of the Multiple Indicator Cluster Survey 2000[168] provides the following findings in relation to child malnutrition:

[166] Ministry of Health by memorandum dated 16 May 2003.
[167] According to memorandum from CSO dated 17th March, 2003
[168] Please see page 39 at paragraphs 54-56 of this Report.

- Six percent of the children under 5 in Trinidad and Tobago were estimated to be underweight or too thin for their age. Just 3.6 percent were estimated to be stunted or too short for their age and 4.4 percent wasted or too thin for their height.

- Children whose mothers had secondary or higher education were less likely to be underweight and stunted than their counterparts whose mothers had less education. Boys appeared to be slightly more likely to be underweight, stunted and wasted than girls.

412. The Ministry of Health has a Nutrition and Metabolism Department. Food Demonstrators from this department visit health centres on a daily basis, giving information on nutrition as well as demonstrations on food preparation. Printed documents are also made available to the general public and counselling is provided once a week.

413. There are also established milk feeding programmes conducted by multidisciplinary teams. Data is collected to track trends in growth development, with the aim of identifying young children in need of milk supplements. Attempts are made by the State to meet the needs of such children.

414. A Walk for Health Campaign[169] was organised by the Ministry of Health in May 2001 for primary school students in North Trinidad. The project was staged in conjunction with the Ministries of Health and Education and the North West Regional Health Authority and was designed to develop better eating habits among the Nation's youth.

415. In May 2002, the Ministry of Health celebrated Child Health Month.[170] At the launch of the programme, a lecture was delivered on child nutrition. Healthy Lifestyle education was introduced nationally for students about to leave primary school in 2002. It is intended to promote in students habits that lead to healthier living in and beyond secondary school. Copies of a publication entitled "A Health Lifestyle: A Teacher's Guide" have been distributed to teachers.

416. Please see pages 25 and 53 of this Report for information on the SHARE programme which distributes food hampers to needy families.

417. The Ministry of Education provides nutritious meals to children through its School Nutrition Programme. Under the programme, some 89,000[171] lunches are served daily to pre-schools, primary schools and secondary schools throughout the country. Children who are needy can request these free meals at their schools. The meals are prepared by caterers registered under

[169] Newsday Newsaper, Thursday May 24 2001.
[170] Newsday Newsaper, Friday May 17, 2002
[171] According to the Ministry of Education as at February 2003.

the Programme and are delivered to schools in their respective districts. The number of lunches served per day for the period 1995-2000 is as follows: [172]

Academic year	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000
Total number of lunches served per day	75,600	75,600	77,000	78,500	80,000

418. A Breakfast Programme was officially launched in September 2002 and now serves approximately 25,000 breakfast meals per day to primary schools.

419. The Office of the Prime Minister (Social Services Delivery) in November 2002[173] published an article entitled "Giving Your Child the Right Start" as part of a " Protect our children Series". The article highlighted the importance of a balanced nutrition in the development of a child's life. In this regard, Social Services Delivery collaborated with a number of key stakeholders to mount a series of activities to highlight the needs of children from November 10-22. Community Interactive Sessions at three venues in Trinidad and one venue in Tobago were advertised in the said article.

Measures to provide adequate clean drinking water

420. Between 1997-2001, an estimated $1.6 billion TT was spent by the Government of Trinidad and Tobago to provide eighty percent (80%) of the population with a pipe-borne supply of water.[174]

421. By the end of 2002, 57% of the population received a "continuous" supply of pipe borne water. At the end of 2001, that figure was estimated at 14 percent.[175]

422. According to the UNDP's Human Development Report 2002,[176] 86% of the population of Trinidad and Tobago are using "improved water sources" and 88% are using adequate sanitation facilities. (Trinidad and Tobago ranked No.50 out of 173 countries on the 2002 Human Development Index.[177])

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[172] According to Ministry of Education in 2000.
[173] Express Newsaper, November 14, 2002 at p.47
[174] Newsday Newsaper, October 25, 2001 "John: $1.6 B spent on water for 80 percent population".
[175] Newsday Newsaper, March 13, 2003 at p. 35 quoting a statement of the Minister of Public Utilities Rennie Dumas at the launch of public consultations on the National Water Resources Management Policy.
[176] At page 166
[177] The Human Development Index is a summary measure of human development. It measures the average achievements in a country in three basic dimensions of human development: A long and healthy life, as measured by

423. The Water and Sewerage Authority (WASA) has introduced a system of Communal Water Tanks which it believes will temporarily relieve the suffering of consumers outside of the pipe-borne water distribution system. The tanks are part of WASA's Short Term Investment Plan and have been installed in areas such as *Sangre Grande, Arima, Arouca, San Juan, Santa Cruz, Maraval, Las Cuevas, Diego Martin, Chaguaramas, Siparia, Palo Seco, La Brea and Los Iros.* Several of the 1,000 gallon tanks are being installed in each area for free use by the community. This is an interim measure which will be replaced in the future with pipelines as part of an overall upgrading programme which is underway.[178]

424. The Environmental Health Division is responsible *inter alia* for undertaking of a water quality surveillance programme that monitors the quality of potable and industrial water to control the presence of pollutants. This is achieved through sampling and testing of water for bacteriological pollutants. The exercise is conducted in collaboration with WASA. Water and chlorine content are also frequently monitored at all schools.

Promoting respect for the natural environment

425. The Ministry of Education promotes respect for the natural environment. An understanding of the natural systems and the impact of the activities by people on them is obtained through the Science, Technology, Industrial Arts and Geography programmes as well as Social Studies. The Ministry facilitates the efforts of the Environmental Management Authority (EMA) in its educational projects for children.[179]

426. In 1997,[180] the EMA provided lectures to schools, community groups and public and private sector groups on various aspects of the environment. It participated in several displays and exhibitions throughout the country to raise the level of public awareness. The EMA also celebrated World Environment Day, June 5, with a week of educational activities for schools and the public and published a newspaper supplement. It also produced print materials including bookmarks, brochures and newspaper advertisements on a variety of issues for public distribution.

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life expectancy at birth; Knowledge, as measured by the adult literacy rate and the combined primary, secondary and tertiary gross enrolment ratio; and A decent standard of living, as measured by GDP per capita.

[178] Saturday Express Newspaper, June 1 2002 at p.9 "Community water tanks for 'dry' areas.

[179] Source: Ministry of Education (response to Matrix)

[180] EMA, Annual Report, 1997 at p.72: Environmental Awareness and Education.

427. There is a major public awareness programme being conducted by the EMA to raise awareness in schools and the wider community on key environmental issues, including those relating to littering and garbage disposal. This programme is being conducted through the use of the media and presentations at schools.[181]

428. *Glimpses of the Blue Caribbean*, a children's resource book on the environment by Joy Rudder was launched by UNESCO in May 2001 at its Port of Spain office. The publication had been coordinated with the UNESCO Associated Schools Caribbean Sea Project. What began as resource material for the first Environmental Education Workshop held in Tobago, hosted by the Trinidad and Tobago National Commission for UNESCO and the Tobago House of Assembly, has now become a book. This is as a result of feedback from students attending that workshop who wished that their school experience could resemble the programme encountered there. Students who came as representatives from schools around the country were presented with copies of the publication by the author.[182]

Abortion

429. In Trinidad and Tobago abortions are illegal, except in the interest of saving the life of the mother. **The Offences Against the Person Act, Chap. 11:08**, SS. 56-57 makes a women who has an abortion liable to imprisonment for four years. It is not actively promoted by any agency as a form of birth control. An association known as Advocates for Safe Parenthood, Improving Reproductive Equity (ASPIRE) has been calling on the Government to review the abortion laws with a view to decreasing the risk of unsafe abortions. The group estimates that there are some 19,000 illegal abortions taking place each year, and some 4,000 of these women have to be admitted annually to public hospitals because of unsafe/illegal abortions.[183] These figures have not been confirmed by the Ministry of Health. The group feels that "regardless of the law, women who wanted to have an abortion do so whether or not safe facilities are available to them. And, while wealthy women had the means to access safe abortions, poor women suffered in this regard, putting their health and lives at risk".[184] However, there has been strong opposition to this call from anti-abortion activists including: Youths for Life, the Emmanuel Community and members of the Roman Catholic Church.

430. The Family Planning Association of Trinidad and Tobago, an NGO which receives Government subventions, works to prevent unplanned pregnancy through expanded and improved family planning services. It conducts education programmes for both women and men. These programmes include modules and discussion on contraceptive options available as well as

[181] By Memorandum dated 17 December 2000 from the Managing Director of the EMA.
[182] Express Newspaper, May 10, 2001 at p.32 "Environmental Book made just for children"
[183] Sunday Guardian Newspaper, March 16, 2003
[184] Express Newspaper, Sunday March 16, 2003.

counselling and individual assessment to select the most appropriate contraceptive method for each person.

Measures to ensure full and harmonious development of the child, including at the spiritual, moral and social levels

Health and Family Life Education

431. For the past three years, the Ministry of Education has incorporated the subject of Health and Family Life Education in its school curriculum. It is concerned with supporting and assisting students in the development of responsible attitudes towards relationships, marriage, child rearing, family membership and civic roles. Social issues such as human sexuality, violence, drugs, child abuse and neglect are dealt with through a comprehensive life-skills based Health and Family Life Curriculum and the Schools Guidance Programme. Health and Family Life Education (HFLE) curriculum is designed to promote psychological competence in our young people by teaching them life skills, which are abilities for adaptive and positive behaviour. The life skills taught through HFLE include:

- Decision making;
- Conflict resolution;
- Effective communication;
- Creative thinking;
- Empathising;
- Interpersonal relationship skills;
- Managing skills;
- Self awareness and self esteem;
- Managing emotions; and
- Critical thinking.

432. The Ministry of Education is presently engaged in collaborative activities geared at strengthening Health and Family Life Education in the school, home and community.[185]

[185] Information quoted from Ministry of Education "Statement on Health and Family Life Education" published in Newsday Newsaper on May 23, 2003 at p. 64.

Social Skills and Health Education

433. The Youth Affairs Division of the Ministry of Sport and Youth Affairs conducts a Social Skills and Health Education programme for trainees in the Youth Development and Apprenticeship Centres located throughout the country. The main areas covered by the programme are spiritual, economic, social and moral development, as well as a sporting recreational component.

434. The main areas of concentration which are likely to ensure the full and harmonious development of the child are the Individual, the Family, Crisis and Anger Management, Interpersonal Relationship, Good Citizenship, Environmental Awareness, Career Guidance and Planning Entrepreneurship and Human Sexuality.

435. During the eighteen-month training, participants are prepared to:

- *develop a better understanding of themselves as individuals of society;*
- *develop a strong spiritual base;*
- *cultivate a strong sense of moral responsibility;*
- *demonstrate sensitivity to the social value of human sexuality;*
- *have detailed knowledge of requirements for establishing a business;*
- *appreciate the benefits of career guidance and planning;*
- *practice environment health; and*
- *manage/implement youth development projects in communities.*

436. Trainees from the Youth Development Apprenticeship Centres have participated in the Child Rights Month project organised by the National Family Services Division. This formed part of their Educational/Sensitisation project on the Rights of the Child and took the form of cultural/artistic activities.[186]

Life Skills for Adolescents Project

437. The Gender Affairs Division of the Ministry of Community Development and Gender Affairs supports the Cocorite Learning Centre Project, which is funded by UNICEF. The Life Skills for Adolescents is a project designed to promote the holistic development of children in the following areas:

- improvement of the student's self-image;

[186] Information provided by then Director of Ministry of Sport and Youth Affairs by memorandum dated 18 December 2000.

- provision of education on health and reproduction (including the adoption of a positive health life style);
- development of constructive conflict resolution;
- provision of education concerning the services that are available to victims of abuse; and
- heightening awareness of the natural environment and the role of the individual in respect of environmental protection.

This Centre provides academic training for approximately one hundred and twenty (120) underprivileged participants between age eleven and sixteen years from Cocorite and its environs. The Centre, which was initiated by the Trinidad and Tobago Federation of Women's Institutes in 1994, provides educational opportunities for children who never attended primary school; failed to acquire secondary school placement or dropped out of school.

SERVOL's Children's Programmes

438. SERVOL (Service Volunteered for All) a voluntary organisation working with the underprivileged conducts the following programmes for children as documented in their publication entitled "SERVOL through the Years: 1970-2001":

- **The Parent Out-Reach Programme (POP)**: Beginning with 0-3 year old children. To initiate this programme, 21 trained Early Childhood Care and Education teachers were offered in-depth training in one to one encounters with parents. Their mission was to go to the remote villages and ghettos of Trinidad and Tobago to meet parents by going from house to house, making friends with them and helping them to deal with problems they were having with their small children and life in general. Subsequent to this, meetings were held with small groups of parents in which they shared common problems and helped each other with possible solutions. Facilitators link-up with personnel from Health Centres in the area to give accurate information on subjects like breastfeeding, diet and basic sanitation. Each year the POP facilitators reach out to over 2,000 families, comforting, encouraging and bringing a sense of hope in their lives.

- **Early Childhood Care and Education Programme**: Educating three to five year old children. To facilitate this programme, SERVOL built a Regional Training and Resource Centre in 1980 to respond to appeals of both communities in Trinidad and Tobago as well as other Caribbean territories to train teachers, field officers and administrators for an expanded Early Childhood Care and Education Programme. The crucial aspect of this programme is that it encourages the teachers and field officers to make contact with those adults responsible for the bringing-up of children and to influence their child rearing practice in such ways, that subsequent groups of children who enter the school will have

benefited from the heightened consciousness of parents and community vis-à-vis child development. To ensure that the teacher training programme was of the highest quality, SERVOL, by persistent lobbying was fortunate to acquire the services of Oxford University as its external examiner and over the last twenty years no fewer than 600 teachers have been trained from all over the Caribbean.

- **Junior Life Centre Programme**: Reaching out to the 13-15 year olds. This programme was initiated in 1992 to serve the needs of adolescents who were not placed in secondary schools (prior to the introduction of universal secondary education). The programme was intended to offer remedial education to these children so that they could ultimately rejoin the formal system of education at the age of fourteen or fifteen years. Conscious of the fact that this group of children had been "turned off" from formal education, SERVOL was constrained to write its own curriculum and to employ innovative teaching methods to stimulate the negative attitudes of the group.

- **SERVOL LIFE CENTRE Programme**: For 16-19 year old adolescents. The hundreds of adolescents who sign up for this programme begin by following the **Adolescent Development Programme**. This programme is designed to prepare these children for subsequent training by allowing them to understand themselves and to open themselves up to caring, sharing and loving. They are also given basic knowledge of their country and in many cases basic skills of reading, writing and counting. During this period they are given talks *inter alia* on self-understanding, self-awareness and spirituality. They are also exposed to an adolescent parenting programme designed to make them aware of the responsibilities involved in bringing children into the world and in caring for them in an enlightened fashion. After this three and a half month period, they move into the skill training departments where they spend up to one year learning a specific skill (i.e. welding, plumbing, woodwork, electrical training, food preparation, garment construction and auto mechanic). During this period they spend four months doing on-the-job training with a firm, company or institution which specialises in the skill they are acquiring, as a preparation for the world of work. At the end of all this, they do the National Performance Examination and they either find jobs for themselves or become self-employed.

Home Work Centres

439. The Gender Affairs Division of the Ministry of Community Empowerment, Sport and Consumer Affairs, through its Women's Second Chances Project, operates eight Home Work Centres in schools throughout Trinidad. The children selected to participate in the Centre's activities include children of single parent families in need of supervision at the end of the school

day and children deemed as "problem" children, etc. The aim of this programme is the holistic development of the participating children. It includes supervised homework, art and craft activity and sports.

Religious Education in Schools

440. Religious education classes are conducted at both primary and secondary school levels. In Government junior secondary schools, there is a specific period allocated for religious instruction. Persons from all denominational bodies are invited to use this period to meet with students of their respective faiths. Other secondary schools have an elective period for religious instruction. At denominational schools, there is religious instruction depending on the faith of the school. This is conducted during morning assembly and during classes specifically allocated for religious instruction.

441. In a circular memorandum[187] to School Supervisors and Principals, the Ministry of Education directed as follows:

> *Religious Instruction in Government Schools*
>
> *Principals are requested to inform the various religious organisations of the date and times of The Religious Instruction classes and the number of representatives required for the conduct of these religious instruction classes. This should be done at the beginning of the school year so that these bodies can respond appropriately.*
>
> *School Assemblies*
>
> *Every effort should be made to ensure that school assemblies are meaningful, set the tone for the school day and involve the active participation of students. The expectation is that, with the necessary support and planning, students will confidently assume a prominent role in school assemblies.*

[187] Dated May 27, 1999 from the Permanent Secretary Ministry of Education

Q. 41. Information should also be provided on the measures taken to ensure the registration of the deaths of children, the causes of death and, where appropriate, investigation and reporting on such deaths, as well as on the measures adopted to prevent children's suicide and monitor its incidence and to ensure the survival of children at all ages, including adolescents, and the prevention of risks to which that group may be particularly exposed (for example, sexually transmitted diseases, street violence). Please provide relevant disaggregated data, including on the number of suicides among children.

442. The registration of deaths in Trinidad and Tobago is regulated by the **Births and Deaths Registration Act, Chap. 44:01**. Section 4 of the Act prescribes that the Registrar General shall keep at his office in Port of Spain, a general register of births and deaths in Trinidad and Tobago.

443. Section 5 of the Act provides that the Registrar General shall send, once in every year, to the President, a general abstract of the numbers of births and deaths registered during the twelve months ending on the last day of December. Every such general abstract is required to be laid before Parliament.

444. The Registrar General is required by S. 14 of the Act to cause register books to be printed for making entries of all births and deaths in Trinidad and Tobago. The Act provides for the appointment of Registrars of births and deaths for every district into which the country is divided. As at January 31, 2000, there were 110 district Registrars located throughout Trinidad and Tobago.[188] Section 15 of the Act sets out the duties of district Registrars as follows:

> *Every Registrar is authorised, and is hereby required to inform himself carefully of every birth and every death which takes place in his district, and to learn and register, as soon after the event as conveniently may be done, in one of the said books, the particulars required to be registered according to Forms A and B respectively of the First Schedule, touching every such birth or every such death, as the case may be, which are not already registered, every such entry being made in order from the beginning to the end of the book.*

445. According to S. 24 of the Act, the death of every person dying in Trinidad and Tobago and the cause of the death, shall be registered by the Registrar in a manner directed by the Act. There are no special provisions for the registration of a child's death. The provisions of this Act apply to all persons.

[188] According to the records of the Registrar General's Department.

446. Section 25 provides that when a person dies in a house, it shall be the duty of the nearest relative of the deceased present at the death "to give to the best of his knowledge and belief, to the Registrar within five days next following the day of the death, information of the particulars required to be registered concerning the death, and in the presence of the Registrar to sign the register".

447. Section 26 provides that where a person dies in a place which is not a house, or a dead body is found elsewhere than a house, it shall be the duty of every relative of the deceased person having knowledge of any of the particulars required to be registered concerning the death, to give to the Registrar within five days next after the death such information concerning the death and in the presence of the Registrar to sign the register.

448. Section 28 provides that where any death has not been registered from the default of the person required to give information concerning it, the Registrar may, at any time after ten days and within twelve months from the date of the death, require any person to attend personally at the Registrar's office to give the information required and to sign the register. After the expiration of twelve months after any death, the written authority of the Registrar General is required for registering such a death.

449. Where an inquest is being held on any dead body, the obligation is on the coroner to send the particulars of the death to the Registrar within five days after his finding on the inquest.

450. The Registrar General is required to furnish district Registrars with printed forms of certificates of cause of death by registered medical practitioners and every Registrar is required to furnish these forms to registered medical practitioners residing in his or her district. Section 33 provides further:

S.33(b) *In case of death of any person who has been attended during his last illness by a registered medical practitioner, that practitioner shall sign and give to some person required by this Act to give information concerning the death, a certificate stating to the best of his knowledge and belief the cause of death, and the person shall, upon giving information concerning the death, or giving notice of the death, deliver that certificate to the Registrar, and the cause of death as stated in that certificate shall be entered in the register, together with the name of the certifying medical practitioner;*

S.33(c) *in the case of the death of any person who had not the services of a medical practitioner, or who had not been attended by a medical*

practitioner during his last illness, the Registrar General, a Justice, Superintendent Registrar, District Registrar, Minister of Religion, or any police officer above the rank of Assistant Superintendent, may summon the nearest medical practitioner to view the dead body and to certify on the view, and according to the symptoms described to him by those who attended to the deceased person, what he conceives to be the cause of death;...The medical practitioner's certificate shall be given to some person required by this Act to give information concerning the death, and the person shall deliver the certificate to the Registrar, and the cause of death as stated in that certificate shall be entered in the register together with the name of the certifying medical practitioner;

451. Section 32 of the Act provides that "A person shall not wilfully bury or procure to be buried the body of any deceased child as if it were still-born." Section 32(2) provides further:

S.32(2) *A person who has control over or ordinarily buries bodies in any burial ground shall not permit to be buried in the burial ground the body of any deceased child as if it were stillborn, and shall not permit to be buried or bury in the burial ground any still-born child before there is delivered to him either-*

(a) a *written certificate that the child was not born alive, signed by a registered medical practitioner who was in attendance at the birth or has examined the body of the child;*

(b) *a declaration signed by some person who would, if the child had been born alive, have been required by this Act to give information concerning the birth, to the effect that no registered medical practitioner was present at the birth, or that his certificate cannot be obtained, and that the child was not born alive; or*

(c) *if there has been an inquest, an order of the Coroner.*

Any person who contravenes this section is liable to a fine of four hundred dollars.

452. Section 45 of the Act provides that "Every Registrar who has the keeping for the time of any register of births or deaths shall, at all reasonable times, allow searches to be made of any register in his keeping, and shall give a copy certified under his hand of any entry or entries in the same, on payment of the appropriate fees...".

453. Section 51 of the Act states that "Any Registrar who refuses or without reasonable cause omits to register any birth or death of which he has had due notice, and any person having the custody of any register book or certified copy thereof, or of any part thereof, who carelessly loses or damages the same...is liable to a fine of two thousand dollars".

Suicides

Please provide information on the measures adopted to...prevent children's suicide and monitor its incidence and to ensure the survival of children at all ages, including adolescents, and the prevention of risks to which that group may be particularly exposed (for example, sexually transmitted diseases, street violence). Please provide relevant disaggregated data, including on the number of suicides among children.

454. There are child guidance and school health programmes which are offered through the Ministry of Health. They are geared to address issues that may lead to suicide by children. The following represents the number of suicides among children aged 0-19 in 1998 and 1999:[189]

Year	Male	Female
1998	9	10
1999	2	5

D. Article 12: Respect for the Views of the Child

Q. 42. Reports should indicate how the right of the child to express views freely on all matters affecting him or her, and provision for those views to be given due weight have been incorporated in legislation.

455. **The Children (Amendment) Act, No. 68 of 2000** in its Second Schedule Part C of the Act provides inter alia as follows:

> *Every person under the age of 18, born in Trinidad and Tobago, or born to, or adopted by, parents who are citizens of Trinidad and Tobago is a child and is subject to care and protection under the law including but not limited to-*

[189] Central Statistical Office: By memorandum dated June 4, 2003.

The right to hold ideas of one's own, including religious beliefs and to express those views freely in matters affecting themselves;

456. **The Adoption of Children Act, No. 67 of 2000** makes it a requirement that a child's views are considered both by the Adoption Board and by the Court. The relevant sections are as follows:

S.8(1) It shall be the duty of the Board to-

...(f) listen to the views of the child.

S.10 In making arrangements for the adoption of a child the Board shall-

...(b) so far as practicable ascertain the wishes of the child and give due consideration to them having regard to the age and understanding of the child.

S.22(1) Where an application for an adoption order is made in respect of a child, the court shall, before making the order, take into consideration the views and wishes of the child having regard to the age and understanding of that child.

Q. 43. Please provide information on legislative and other measures taken to ensure the right of the child to express views in a manner consistent with his or her evolving capacities, including in:

- **Family life;**
- **School life;**
- **The administration of juvenile justice;**
- **Placement and life in institutional and other forms of care;**
- **Asylum-seeking procedures.**

Family Life

457. The Office of the Prime Minister (Social Services Delivery) has been publishing newspaper articles aimed at improving *inter alia* family life. An article published on "Creating

Sustainable Families"[190] dealt specifically with allowing the child an opportunity to express his or her views. The article stated *inter alia:*

> *Family communication is the "facilitating dimension" that can create understanding, trust and support. Or, it can create an atmosphere of pain and blame. Two characteristics that are strongly related are: positive communication and appreciation and affection.*
>
> - *Positive communication means that family members can talk and listen to each other in a non-critical, non-judgmental and non-threatening manner. They "listen with their hearts as well as their ears." They are able to talk about what made them angry, sad or pleased.*

School Life

458. In 1999, the Ministry of Education distributed a circular memorandum[191] to all school supervisors and principals of schools. This memorandum called for principals to implement "as soon as is practical and in consultation with the school community, the following measures intended to promote good order and discipline in their schools". These measures included the following:

> 4. *Procedures for dealing with infraction of School Rules*
> *Principals are expected to involve the school community in developing a matrix of the Disciplinary Procedures the school observes.*
>
> 7. *Suggestion Box and Student Surveys*
> *The machinery to hear from students is to be developed so that activities planned for the school will take into account information obtained through such means.*
>
> 8. *Student Councils*
> *Principals are requested to lay the groundwork for the establishment of student councils, particularly in secondary schools.*

459. Such student councils have been established in many schools and provide a mechanism for the views of children to be obtained in school life. It has been a positive development in allowing the views of students to be expressed.

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[190] This Act will come into force on a date to be proclaimed.
[191] Circular Memorandum No.54, dated 27 May, 1999 from the Permanent Secretary Ministry of Education to School Supervisors and Principals.

460. The Central Guidance Unit of the Ministry of Education has developed a "School Climate Survey" designed to provide school administrators with appropriate feedback on the climate of the school from the student's perspective. The results of the survey are intended to assist administrators with their planning process as they seek to review their systems and operations in schools.[192]

Q. 44. Please indicate the opportunities provided for the child to be heard in judicial and administrative proceedings affecting him or her, as well as the situations in which the child can intervene directly or through a representative or an appropriate body (see also para. 34 above).

461. Paragraphs 196-203 at pages 99-103 of the Report set out the manner in which a child may give evidence in civil and criminal cases. Paragraphs 206-208 at pages 104-105 of the Report relate to administrative proceedings.

462. In judicial proceedings affecting a child, a probation officer's report is usually prepared. The probation officer conducts an interview with the child and encourages the child to express his or her views. The officer then incorporates those views in his or her probation officer's report which is presented to the Court. In practice, the Court rarely invites children to give their views in open court. The Court does occasionally ask for such views to be given in juvenile matters in the child's defence.[193]

Q. 45. Please provide information on any bodies or instances where the child has a right to participate in decision-making, such as schools or local councils.

463. The Ministry of Sport and Youth Affairs seeks at all times to involve young persons in its programmes. The following are some programmes in which young persons between 15-18 years are involved:[194]

a. Youth Health Caravan. This is an educational programme which treats with issues of drug use and abuse, adolescent sexual and reproductive health and rights, HIV/AIDS, tobacco use, etc;
b. Youth Crime in Communities;
c. Institutional Support for young-people-building of youth structures for greater participation and decision-making; and
d. Training at the Youth Development and Apprenticeship Centres.

[192] Central Guidance Unit, Ministry of Education.
[193] According to telephone interview with Chief Probation Officer, 27-May-03.
[194] Information provided by Ministry of Sport and Youth Affairs by memorandum dated May 26, 2003.

464. In all the above programmes, there are mechanisms for children to offer feedback into the decision-making processes and even influence delivery methods and curricula content.

465. According to the Ministry, the weaknesses for children's participation often lies within the legal framework and structures which are often headed by inflexible adults.

466. In terms of schools, local school boards have been established in ten (10) Government schools as part of a two-year pilot project of the Ministry of Education aimed at enhancing school governance. These ten-member Boards operate within the confines of the Education (Local School Board) Regulations, L.N. 112 of 2001. The role of the School Boards is one of policy advisors to support the initiatives of school-based management. A member of the student body is a member of each Board. The project was launched in May 2002 with a two-day orientation for one hundred (100) school board representatives. The results of the pilot evaluation will be used to develop a framework and system to include all secondary schools by 2004 and primary schools by February 2005.[195]

Q. 46. Please indicate what measures have been taken to raise the awareness of families and the public in general of the need to encourage children to exercise their right to express their views, and to train professionals working with children to encourage children to do so, and to give their views due weight. An indication should be given of the number of hours of child development courses provided for the following staff:

- **Judges in general;**
- **Family court judges;**
- **Juvenile court judges;**
- **Probation officers;**
- **Police officers;**
- **Prison officers;**
- **Teachers;**
- **Health workers;**
- **Other professionals.**

467. Probation officers usually have degrees in social work from the University of the West Indies. A major component of the social work degree is in Child Development. Probation

[195] The Guardian Newsaper, May 22nd 2003.

officers who have degrees in sociology or behavioural science are exposed to in-house training in this area at the Probation Division.[196]

468. According to the Police Division, police officers do not undergo any specific training in child development nor are they, during the course of their training required to encourage children to give their views. The Division states however, that the Police Service, via the Youth Club Organisation, has endeavoured to encourage children to express their views by embarking on varied projects, in which the children are usually placed in charge of the various Committees and their views are constantly being expressed and implemented.

469. The Prisons Division has stated that it is difficult to quantify the number of hours of child development courses provided for prison officers. However, this training is provided in the Juvenile Development Programme provided to all officers on their assumption of duty at the Youth Training Centre. This training continues once the officer remains at the Institution. In June 1998, three officers at the Youth Training Centre also benefited from a five day course in the social welfare of child management conducted by the then Ministry of Social and Community Development. SERVOL also provides a three month training course (an Adolescent Development Programme for Trainers). The course sensitises participants in their approaches to dealing with juveniles. One prison officer has been trained every year under the programme.[197]

Families in Action

470. Families in Action (FIA) offers services relevant to the situations faced by many families. This NGO conducts a "Confident Parenting" seminar and counselling programme, which is held twice weekly. The course aims to help parents communicate effectively with their child/children and with each other in order to improve family life. The five-week course is split into ten modules and costs $50 TT for registration. Participants of the FIA counselling programmes include members of the Coast Guard and Defence Force. FIA carries out counselling sessions at many schools. It publishes a quarterly Newsletter which is aimed at and features contributions by secondary school students. Members of the public who need help with their families are encouraged to contact FIA by telephone or to visit their office in Port of Spain.[198]

ChildLine Telephone Hotline

471. ChildLine, a special free "800 telephone hotline" for children experiencing problems was opened on February 5, 2002 by the NGO, Coalition Against Domestic Violence. Atlantic LNG, a

[196] Telephone Interview with Chief Probation Officer-May 27, 2003.
[197] Memorandum dated February 06, 2001 from the Commissioner of Prisons.
[198] "Making Better Homes", Express Newsaper, May 20, 2003 at p. 25

corporate sponsor agreed to give $900,000 TT to ChildLine over a two-year period. The money is being utilised to acquire equipment, meet staffing expenses and undertake a public awareness programme.[199]

472. Chairperson of the Coalition, Diana Mahabir-Wyatt said ChildLine was a response to concerns expressed by teachers who said the large size of their classes prevented them from having time to assist children they know have psychological troubles. When young callers dial the number (800-4321) they are put in contact with a counsellor who will listen and guide them to a solution to their problems. The hotline provides someone to listen and helps children find solutions to issues including relationships; bullying in schools; exam stress; poor school performance; sexual, physical and emotional abuse; pregnancy; abandonment and neglect.[200]

473. ChildLine encourages children to speak out and to have a voice. The Programme Coordinator, Leslie-Ann Harper, is a qualified social worker with experience in the then Social Development Ministry. With two phone lines, ChildLine started with seven listeners. At present, there are forty (40) listeners working two at a time, with a supervisor on four-hour shifts. ChildLine is manned Monday to Saturday from 12 noon to 8 pm. The listeners counsel over 500 callers a month, with over 600 in July and August 2002. The counsellors allow the children to talk on every issue.[201] The consultation is free and confidential. Only if requested by the child, will third parties be involved. Staff at ChildLine have received training in outreach techniques, volunteer management, guidelines for safe and ethical practice and research and evaluation.

Q. 47. An indication should also be provided of the number of courses about the Convention included in the curriculum of:

- **Law schools;**
- **Teachers' training schools;**
- **Medical schools and institutions;**
- **Nursing schools**

474. It does not appear that specific courses about the Convention are included in the curriculum of the above-mentioned schools. One NGO has confirmed that many teachers are not even aware there is a Convention.[202]

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[199] Newsday Newsaper, Sunday 18 November 2001 at p. 19
[200] Newsday Newsaper, January 30, 2002.
[201] Newsday Newsaper, January 29, 2003 at p.27
[202] According to Diana Mahabir Wyatt of the Coalition Against Domestic Violence, Interview on January 29, 2003.

Q. 48. Please indicate how the views of the child obtained through public opinion, consultations and assessment of complaints are taken into consideration in the legal provisions, and in policy or judicial decisions.

475. The output of the Draft National Youth Policy is an important production which contained the views of children and young people. The methodology for developing the policy was participatory. Groups of children and young people in communities, schools and institutions (including St. Michael's Home for Boys, St. Mary's Children's Home and the Youth Training Centre) participated in the process. The Policy is under review and is expected to be finalised by the Ministry of Sport and Youth Affairs and presented to Cabinet for approval in 2003. The Ministry's initial draft Youth Policy contained recommendations for mandatory youth representation in Parliament, the Tobago House of Assembly and regional corporations. It also recommended the establishment of an independent National Youth Council to represent the youth population.[203]

476. The case of Colin Hamilton described in paragraph 12 at page 14 of the Report, is an example of a case in which a High Court Judge in a custody case considered the views of the children before arriving at his decision in the case.

477. As far as the drafting of legislation is concerned, there is no specific mechanism in place for consultations to take place with children as a specific target group. The Law Commission normally invites the public generally to comment on proposed legislation or to attend consultations on proposed legislation.

478. As mentioned earlier in the report,[204] the NPA Committee is formulating a new National Plan of Action for children. In this regard, the Committee conducted three sector consultations between July and August 2002, which focused on specific areas of Health, Education and Children in Difficult Circumstances. These workshops targeted all the relevant stakeholders, including children. Children were encouraged to participate in working group sessions at these workshops. It was generally felt that participation of children at these sector consultations was a welcome change and future consultations should seek to expand the participation of children, including differently-abled children.[205] A sector consultation was also held in Tobago in February 2003. There was a high level of student participation from secondary schools at the Tobago consultation. The information from the Tobago sector consultation is to be consolidated with information from the three previous sector consultations to aid in the formulation of a Draft National Plan of Action for Children. This draft Plan of Action will be circulated for

[203] Newsday newspaper, Monday March 5, 2001 "Youths to draft policy for Government".
[204] At pages 18 and 77.
[205] Minutes of the 9th meeting of the NPA Committee, August 2002 at p.3.

consideration at a National Consultation which is being planned for 2003, to facilitate the widest possible representation of geographical coverage and stakeholder interests.

IV. CIVIL RIGHTS AND FREEDOMS (arts. 7, 8, 13-17 and 37(a))

Q. 49. Under this section, States parties are requested to provide information on the measures adopted to ensure that the civil rights and freedoms of children set forth in the Convention, in particular those covered by articles 7, 8, 13 to 17 and 37 (a), are recognised by law specifically in relation to children and implemented in practice, including by administrative and judicial bodies, at the national, regional and local levels.

A. Name and nationality (art.7)

Q. 50. Please indicate the measures taken or envisaged to ensure that every child is registered immediately after birth. Please also indicate the steps undertaken to prevent the non-registration of children immediately after birth, including in view of possible social or cultural obstacles, *inter alia* in rural or remote areas, in relation to nomadic groups, displaced persons, as well as asylum-seeking and refugee children.

Q. 51. Please provide information on the measures taken to sensitise and mobilise public opinion on the need for birth registration of children, and to provide adequate training to registry personnel.

479. The domestic legislation of Trinidad and Tobago recognises the right of a child to be registered at birth. The Second Schedule, Part B of the **Children (Amendment) Act, No. 68 of 2000**[206] provides *inter alia* that:

> *Every person in Trinidad and Tobago who is a parent of a child, or who acts in loco parentis, has responsibilities under the law in respect of the parenting function including but not limited to -*
>
> *1. the responsibility to register the birth of the child with the relevant authorities.*

480. The Second Schedule, Part C of the **Children (Amendment) Act, No. 68 of 2000** recognises *inter alia* that:

> *Every person under the age of 18, born in Trinidad and Tobago, or born to, or adopted by, parents who are citizens of Trinidad and Tobago is a child and is subject to care and protection under the law including but not limited to-*
>
> *2. the right to be registered at birth or upon adoption...*

[206] This Act has been passed but is awaiting Presidential Proclamation to come into force.

481. The **Notification of Births Act, Chap. 44:03** provides for notification of birth in the areas proclaimed under the Act as follows:

S.4(1) In the case of every child born in an area in which this Act has effect, it shall be the duty of the prescribed person to give notice in writing of the birth to the Medical Officer of the district in which the child is born, in the manner provided by this section.

S.4(2) Notice under this section shall be given by posting a prepaid letter or postcard addressed to the Medical Officer at his office or residence, giving the necessary information of the birth, within thirty-six hours after birth, or by delivering a written notice of the birth at the office or residence of the Medical Officer within the same time; and the prescribed person shall supply without charge addressed and stamped postcards containing the form of notice to any person who applies for same.

S.4(3) Any person who fails to give notice of a birth ... is liable, on summary conviction to a fine of forty dollars; but a person shall not be liable to a fine under this section if he satisfies the court that he had reasonable grounds to believe that notice had been duly given by some other person.

S.4(4) The notification required to be made under this Act shall be in addition to and not in substitution for the requirements of any Act relating to the registration of births...

S.4 (5) This section shall apply in the case of any child which has issued forth from its mother after the expiration of the twenty-eighth week of pregnancy, whether alive or dead.

482. **The Prescribed Persons Regulations**, made under S.4 of the **Notification of Births Act**, lists the prescribed persons mentioned in the Act as follows:

2. The prescribed persons under S.4 (1) of the Act shall be one of the following persons, that is to say:

(a) the father of the child if he is actually residing in the house where the birth took place at the time of its occurrence;

(b) the nearest relative of the mother present;

(c) any person in attendance upon the mother at the time or within six hours after the birth;

(d) *the Medical Practitioner if any, in attendance;*
(e) *the Licensed Midwife, if any; or*
(f) *in default of any of the above mentioned persons, then the occupier of the premises.*

S.3 *The prescribed person under section 4(2) of the Act in every area* in which the Act has effect shall be one of the following:*
(a) *the District Medical Officer;*
(b) *the District Registrar of Births and Deaths; or*
(c) *the Officer in charge of the Police Station.*

*(*Areas proclaimed under the Act-Port of Spain and San Fernando.)*

483. The procedure for the registration of births is set out in the **Births and Deaths Registration Act, Chap. 44:01** which provides *inter alia*:

S.16. *In the case of every child born alive, it shall be the duty of the father and mother of the child, and in default of the father and mother, of the occupier of the house or tenement in which, or the person in charge of the plantation or estate on which, the child is born, and of each person present at the birth, and of the person having charge of the child, to give to the Registrar, within forty-two days next after the birth, information of the particulars required to be registered concerning the birth, and in the presence of the Registrar to sign the register.*

S.17 *Where a birth has... not been duly registered, the Registrar may, at any time after the end of forty two days from the birth, by notice in writing, require any of the persons required by this Act to give information concerning the birth to attend personally at the Registrar's office... and to give information, to the best of such person's knowledge and belief, of the particulars required to be registered concerning the birth, and to sign the register in the presence of the Registrar; and it shall be the duty of such person...to comply with the requisition.*

S.19(1) *...in case the birth of any child has not been registered as required above, the Registrar may, after three, and not later than twelve months next after the birth, by notice in writing, require any of the persons required by this Act to give information concerning the birth to attend personally at the Superintendent Registrar's office...and make before the Superintendent Registrar a solemn declaration , according to the best of the declarant's knowledge and belief, of the particulars required to be registered concerning the birth, and sign the*

register...and the Registrar shall then and there, in the presence of the Superintendent Registrar, register the birth...

S.19 (2)After the expiration of twelve months next after the birth of any child, the birth shall not be registered except with the written authority of the Registrar General for registering the same...

S.19 (3) Any person who registers or causes to be registered the birth of any child in contravention of this section is liable to a fine of one thousand dollars.

484. It may be noted that there is a penalty for non-compliance with the above-mentioned provisions. Section 50 of the **Births and Death Registration Act, Chap. 44:01** provides that "if any person required...by this Act to give notice to any Registrar of any birth...omits or refuses to do so within the time limited in that behalf, every person so offending shall be liable to a fine of two hundred dollars".

485. Easy registration of birth in accordance with the provisions of this Act is facilitated by the appointment of District Registrars throughout the country. As at January 31, 2000, there were over hundred District Registrars servicing different parts of the country.

Late Registration of Births Programme

486. It was recognised by the Government, that in spite of the mandatory statutory provisions for the registration of births, some persons were not registered and did not have birth certificates. For this reason, as mentioned in paragraph 264 of the Report, the Government initiated a Late Registration of Births Programme in June 2000. The following details of the programme have been extracted from a Preliminary Report prepared by the Ministry of the Attorney General.[207]

487. At a meeting with the Permanent Secretaries of the then Ministry of the Attorney General and Legal Affairs and the Ministry of Social and Community Development, it was agreed that the latter would finance the actual cost of registration, the cost of affidavits, the birth certificates and the fees to the District and Superintendent Registrars. The responsibilities of planning, staffing and promoting the implementation would be that of the then Ministry of the Attorney General and Legal Affairs.

[207] Late Registration of Births, Preliminary Report, August-October 2000- Min. of the Att. Gen. and Legal Affairs

488. In order to provide this facility, the then Ministry of the Attorney General and Legal Affairs decided it would recruit suitably qualified persons to interview, verify documentation and process applications to facilitate registration of unregistered births. It was also decided that these officers would visit locations in communities to reduce any hardship and transportation costs.

489. Late registration activities commenced in June 2000 with a series of meetings with District and Superintendent Registrars throughout the country. A programme of general public awareness was put in place and this was followed by specific community appeals where visits were imminent. These appeals were made to Medical Associations, Clinics, Hospitals, Health Centres, the Community Police, Religious Organisations and the Ministry of Education.

490. The assistance of an advertising company was obtained to promote the Late Registration of Births Programme in the press and electronic media. The then Ministry of Information also played a vital role in maintaining the momentum of the programme.

491. Cabinet agreed to the establishment for a period of one year of temporary units at the sub-offices of the Registrar General's Department in Arima and San Fernando and at the 14 Revenue Offices in Trinidad and Tobago to facilitate the registration of unregistered births. Seven persons were employed on contract for a period of one year. These persons were trained by staff of the Registrar General's Office.

492. After six weeks of planning and promotion, the programme got underway on August 7, 2000. The immediate response to the programme was tremendous. This trend continued throughout the first phase of operation which spanned a period of twelve weeks.

493. According to the Preliminary Report, the reasons for non-registration of births were as follows:

> *There are several factors which can be put forward for non-registration of births within the specified period. The prime reason would appear to be the lack of communicating the correct information to the public; family circumstances, both socially and financially followed, these include drug abuse of parents, separation of parents, abandonment of children by parents, father in prison, parent mentally challenged, migration of parents to other countries and parents not having proper identification. The third factor would be tardiness...*

494. The table overleaf contains a breakdown of the locations and the data derived. A total of two thousand and seventy eight (2,078) applications were completed by October 27, 2000. Over eighty percent of the applicants were below eighteen years of age. It may be noted that forty-two boys and girls living at the St. Dominic's Children's Home were among the first applicants to be

presented with birth certificates under the Programme. The Ministry visited 31 Children's homes during the extended Programme and received applications from some 700 children in these homes.

DATE	LOCATION	APPLICATIONS 1-18 YEARS	APPLICATIONS 18-OVER	TOTAL
August 7^{th}-11^{th}	Arima	79	24	103
14^{th}-18^{th}	Princes Town	212	58	270
21^{st}-25^{th}	Tunapuna	131	39	170
28^{th} –1^{st} Sept.	Toco	05	03	08
September 4^{th}-8^{th}	Chaguanas	294	37	331
11^{th}-15^{th}	Couva	148	48	196
18^{th}-29^{th}	Cedros Point Fortin La Brea Siparia	40 48 23 180	04 16 03 68	44 64 26 248
October 2^{nd}-6^{th}	Roxborough	14	03	17
9^{th}-13^{th}	Rio Claro	109	36	145
16^{th}-20^{th}	Sangre Grande	128	21	149
23^{rd}-27^{th}	San Fernando	246	61	307
TOTAL				**2078**

Registration of Births at Port of Spain General Hospital

495. There has been a recent initiative to have births registered at the General Hospital in the capital city. In this regard, in 2002, the Ministry of Legal Affairs published a newspaper advertisement[208] which stated *inter alia* as follows:

[208] Newsday Newspapers, November 8, 2002 at p. 41

Registration of Births and Deaths can now be handled at the Port of Spain General Hospital. These two procedures are legal requirements and are often overlooked. As ninety percent of births in Trinidad and Tobago take place in hospitals, to simplify the procedure and to ensure more accurate records, this Government has already placed two District Registrars in the Port of Spain General Hospital...Successful results are being recorded as the service is being utilised daily. As at October 28, 2002, 79 births have been registered...

...The processing of Birth Certificates has also improved tremendously, with the waiting period being reduced from ten to four days. Citizens can soon look forward to a further reduction in the waiting period to just one day with the implementation of a fully computerised department.

A mother using the Maternity services at the Port of Spain General Hospital need not travel around to register her newborn. Our District Registrars are there at the Hospital to assist with the process of Birth Registration and ensure early registration. All citizens can look forward to having this service implemented at all hospitals throughout Trinidad and Tobago...

Decision to waive birth certificate fee

496. Section 23 of the **Births and Death Registration Act, Chap. 44:01** states that any Registrar upon registering any birth, shall deliver to the person giving the information concerning a birth, a birth certificate. In an effort to increase birth registration and reduce hardship for indigent persons, the Government in September 2002 agreed that the existing birth certificate fee of TT$25 should be waived. This decision is expected to take effect during 2003.

Q. 52. Please also provide information on the elements of the child's identity included in the birth registration and the measures adopted to prevent any kind of stigmatisation or discrimination of the child.

497. According to S.41 of the **Births and Death Registration Act, Chap. 44:01**, the particulars required to be registered concerning a birth shall be the particulars specified in Form A of the First Schedule. These particulars extracted from the relevant Form are as follows:

1. *Number;*
2. *When born;*
3. *Name, if any;*

4. *Sex;*
5. *Name and Surname of Father;*
6. *Name and Maiden Surname of Mother;*
7. *Rank or Profession of Father;*
8. *Signature, description and residence of informant;*
9. *When registered;*
10. *Signature of Registrar;*
11. *Baptismal name, if added after registration of Birth; and*
12. *No. of house or locality where born.*

Q.53. Please indicate the measures adopted to ensure the child's right to know and be cared for by his or her parents.

498. The Second Schedule, Part C of the **Children (Amendment) Act, No. 68 of 2000**[209] gives explicit recognition to this right. Part C which contains guiding principles describing the rights and responsibilities of children provides *inter alia* as follows:

> *Every person under the age of 18, born in Trinidad and Tobago, or born to, or adopted by, parents who are citizens of Trinidad and Tobago is a child and is subject to care and protection under the law including but not limited to-*
>
> 5. *the right to know and, as far as possible, to be cared for by one's parents;*

499. **The Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08** defines and regulates the authority of parents as guardians of their minor children, whether or not born in wedlock, their power to appoint guardians, and the powers of Courts in relation to the guardianship, custody and maintenance of minors and related matters. Section 3 provides that where in any proceedings before any court, the legal custody or upbringing of a minor is in question, the court shall regard the welfare of the minor as the first and paramount consideration. Section 6(1) of the Act provides that unless the High Court otherwise orders, the mother and father of the minor are joint guardians of the minor. Section 7 states that on the death of a parent of a minor, the surviving parent shall be the guardian either alone or jointly with any guardian appointed by the deceased parent. Under S.8 of this Act, the father or mother of a minor may by deed or will appoint any person to be guardian of the minor after his or her death. It is only when the Court decides that parental care is not in the best interests of the child, owing to abuse or neglect, for example, that a child's right to be cared for by his or her parents can be overridden.

[209] This Act is awaiting Presidential Proclamation to come into force.

500. Under S.34 of the **Adoption of Children Act, No.67 of 2000** which is awaiting proclamation to come into force, an adopted person who is eighteen years old may make an application in the prescribed manner to the Registrar General for such information as is necessary to enable that person to obtain a certified copy of the record of his birth. Subsection (3) provides that before supplying any information to an applicant under this section, the Registrar General shall inform the applicant that counselling services are available to him at the Family Services Division of the Ministry.

Q. 54. Please provide information on the measures adopted pursuant to article 7, paragraph 2, to ensure the child's right to acquire a nationality, in particular where the child would otherwise be stateless. Reference should also be made to the implementation of this right in relation to children born out of wedlock, and asylum-seeking and refugee children. Please indicate the criteria applied for the acquisition of nationality and whether the child is allowed to acquire the nationality of both parents.

By Birth

501. **The Constitution** provides for children to acquire nationality by birth as follows:

S.17.(1) Subject to subsection (2), every person born in Trinidad and Tobago after the commencement of this Constitution, shall become a citizen of Trinidad and Tobago at the date of his birth.

S.17(2) A person shall not become a citizen of Trinidad and Tobago by virtue of subsection (1), if at the time of his birth-

(a) neither of his parents is a citizen of Trinidad and Tobago and either of them possesses such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to Trinidad and Tobago; or

(b) either of his parents is an enemy alien and the birth occurred in a place then under occupation by the enemy.

By Descent

502. **The Constitution** provides for all persons to acquire citizenship by descent as follows:

S.17(3) A person born outside Trinidad and Tobago after the commencement of this Constitution shall become a citizen of Trinidad and Tobago at the date of his birth if at that date either of his parents is, or was, but for his parent's death, a citizen of Trinidad and Tobago otherwise than by descent, so however that, in the case of a person employed in service under the Government or under an authority of the Government that requires him to reside outside Trinidad and Tobago for the proper discharge of his functions, this subsection shall be read as if the words "otherwise than by descent" were deleted.

503. Children born outside of Trinidad and Tobago, whose parents had acquired citizenship by descent, may also apply for citizenship in accordance with S.5 of the **Citizenship of the Republic of Trinidad and Tobago Act, Chap. 1:50** which provides:

S.5(1) The Minister shall cause a child born outside of Trinidad and Tobago of a citizen of Trinidad and Tobago by descent to be granted a certificate of citizenship of Trinidad and Tobago upon receipt of the prescribed application made:-

(a) by the responsible parent or the guardian of such child before the child attains the age of twelve years; or

(b) by the child within one year of his attaining his majority according to the law of the country of which he is a citizen or on his attaining full age.

S.5(2) A person to whom a certificate of citizenship of Trinidad and Tobago is granted under subsection (1) is a citizen of Trinidad and Tobago by descent for all the purposes of the law relating to citizenship, save that nothing in subsection (1) applies to a child of a person who became a citizen of Trinidad and Tobago by reason of that subsection.

504. In accordance with S.5(2) above however, a child of a person who acquires citizenship in accordance with S.5(1) above is not entitled to acquire citizenship in accordance with this section. Such a child can only acquire Trinidad and Tobago citizenship by birth.

Children Born out of Wedlock

505. **The Constitution** makes provision for a child born outside of Trinidad and Tobago, who may or may not have been born in wedlock, to acquire the citizenship of his or her mother as follows:

> *17. (5) A person born outside Trinidad and Tobago after the 30th August 1962 whose mother was a citizen of Trinidad and Tobago otherwise than by descent at the date of his birth but who did not become a citizen at that date shall be deemed to have become a citizen at that date and shall continue to be a citizen of Trinidad and Tobago under this Constitution.*

506. Additionally, a child born out of wedlock and outside of Trinidad and Tobago, whose father was a Trinidad and Tobago citizen at the date of his birth shall become a citizen of Trinidad and Tobago after August 1st 1976. Paternity must be established in accordance with the provisions of the **Status of Children Act, Chap.46:07**.

Adopted Children

507. Section 6 of the **Citizenship of the Republic of Trinidad and Tobago Act, Chap.1:50** as amended by the **Miscellaneous Provisions (Children) Act, No. 66 of 2000** provides:

> *S.6 Where under a law in force in Trinidad and Tobago relating to adoption of children, an adoption order is made by a competent court in respect of a minor who is not a citizen of Trinidad and Tobago, then if either of the adopters, is a citizen of Trinidad and Tobago, the minor shall become a citizen of Trinidad and Tobago as from the date of the order.*

508. It should be pointed out that prior to the amendment of this section, it was only if the male adopter was a citizen of Trinidad and Tobago that nationality could pass to the adopted child.

Dual Nationality

509. The law has been amended to permit dual nationality. Any Trinidad and Tobago citizen who acquired the citizenship of another country after July 1988 has automatic dual nationality and retains his or her Trinidad and Tobago citizenship. If a national of Trinidad and Tobago acquired the citizenship of another country prior to 1988, to regain Trinidad and Tobago

citizenship, he or she is required to apply to the Government of Trinidad and Tobago for a Certificate of Restoration.[210]

B. Preservation of identity (art.8)

Q.55. Please indicate the measures adopted to preserve the child's identity and to prevent any unlawful interference. In the case of the illegal deprivation of some or all of the elements of the child's identity, reports should also indicate the measures adopted to provide appropriate assistance and protection to the child and ensure the speedy re-establishment of his or her identity.

510. The issue of a loss of a child's identity is not recognised as common occurrence in this jurisdiction.

511. As regards birth records, the Registrar General is required by S.14 of the **Births and Deaths Registration Act, Chap. 44:01** to cause register books to be printed for making entries of all births in Trinidad and Tobago. Such books are required to be of a durable material. Section 45 of the Act provides that every Registrar who has the keeping of any register of births shall at all reasonable times allow searches to be made of any register in his keeping, and shall give a copy certified under his hand of any entry in the same. This system ensures that adequate birth records are kept so that if a child loses his or her birth certificate, a new certificate can be reissued upon the relevant search being made.

512. **The Adoption of Children Act, No.67 of 2000,** which is awaiting proclamation to come into force, also provides for the maintenance of a proper system of records. It provides *inter alia* follows:

S.33(1) The Registrar General shall establish and maintain at his office a register to be called the Adopted Children Register... in which shall be made such entries as may be directed to be made therein by an adoption order.

S.33(2) Every adoption order shall contain a direction to the Registrar General to make in the Adopted Children Register, an entry regarding the adoption in the form set out in the Schedule.

S.33(6) The Registrar General shall cause an index to be made and kept in his office, and every person shall be entitled to search such index and to have a certified copy of any entry in the Register...

[210] According to Immigration Department by telephone interview.

S.34(2) An adopted person who is eighteen years old and the record of whose birth is kept by the Registrar, may make an application in the prescribed manner to the Registrar General for such information as is necessary to enable that person to obtain a certified copy of the record of his birth...

513. If a child loses his or her passport, the document can be replaced in approximately one week by the Immigration Department, which keeps computerised records of any previously issued document.

C. Freedom of expression (art.13)

Q.56. Please provide information on the measures adopted to ensure the child's right to freedom of expression, including to seek, receive and impart information and ideas regardless of frontiers. Reports should also indicate the restrictions to which the exercise of this right may be subject in conformity with article 13, paragraph 2.

514. The right of all individuals within the jurisdiction, including children, to freedom of expression is recognised and declared by the **Constitution of Trinidad and Tobago** which provides:

S 4. It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely – ...

(i) Freedom of thought and expression...

515. If a person's right to freedom of expression is suppressed by the State, he or she can, through a parent or next friend, file a constitutional motion in the High Court seeking a declaration of the infringement of this right.

516. The child's right to freedom of expression is respected in practice and facilitated by an independent media. From time to time there are programmes on both radio and television which provide an opportunity for children to express their views. At present there are seventeen radio stations operating in the country. At least of these two radio stations target the youth in their programming including 98.1 FM and 96.1 FM.[211] Most of these radio stations have frequent call in programmes which children access from time to time. There is no censorship of the views of children on these programmes.

[211] According to the Director, Government Information Services, by telephone on June 6, 2003.

517. There are also three television stations which periodically broadcast talk shows and programmes featuring the views of children. On the TV6 station for example, there is a feature in the nightly news programme called *Citizen Junior* which airs the views of children on issues of national interest.

518. School public speaking and debating competitions are also aired on television on a periodic basis and provide a platform for children to voice their opinions and views. These competitions are hosted by corporate and others sponsors. In 2003 the Royal Bank of Trinidad and Tobago introduced the RBTT Young Leaders Debates in association with the UNDP. The subject of discussion was: *Be it resolved that Poverty invalidates the statement in the First Article of the Universal Declaration of Human Rights: 'All Human Beings are Born Free and Equal in Dignity and Rights'*. Highlights of the debates were aired during the primetime nightly news feature on the local television stations.[212]

519. Please refer to paragraph 127 at pages 72 to 76 of the Report for a comprehensive list of children's programmes which were produced by Government Information Services for the period January 1997- December 10, 2002 on Radio (AM and FM). Many of these programmes featured the views of children.

D. Freedom of thought, conscience and religion (art.14)

Q.57. Please provide information on the exercise of the right to freedom of thought, conscience and religion by children, and the extent to which the child's evolving capacities are taken into consideration.

520. Trinidad and Tobago is a multi-religious society and successive Governments have respected the right of all individuals including children to religious freedom. The right of all individuals to freedom of thought, conscience and religion is recognised and declared by the **Constitution of Trinidad and Tobago**. There is no specific constitutional provision relating to children. The Constitution provides:

> *S. 4. It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely – ...*
> *(h) freedom of conscience and religious belief and observance;*
> *(i) freedom of thought and expression...*

[212] Sunday Guardian Newspaper, April 13, 2003.

521. A person who alleges that any of his or her constitutional rights have been, are being or are likely to be infringed can file a constitutional motion in the High Court to challenge any such breach in accordance with S.14 of the Constitution which provides:

> *...if any person alleges that any of the provisions of this Chapter has been, is being, or is likely to be contravened in relation to him, then without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to the High Court for redress by way of originating motion.*

522. The right to freedom of religion is also recognised in the **Children (Amendment) Act No.68 of 2000,**[213] which contains *inter alia* a list of guiding principles describing the rights and responsibilities of children. The Second Schedule, Part C, of the Act provides:

> *8. Every person under the age of 18, born in Trinidad and Tobago, or born to, or adopted by, parents who are citizens of Trinidad and Tobago is a child and is subject to care and protection under the law including but not limited to-*
>
> *the right to hold one's own, including religious beliefs and to express those views freely in matters affecting themselves;*

523. Parents are free to give their children religious direction consistent with their evolving capacities.

524. There are also no legal restrictions on a child's right to freedom of thought or conscience and these freedoms are respected in practice.

Q.58. Please indicate the measures adopted to ensure the child's freedom to manifest his or her religion or beliefs, including with regard to minorities or indigenous groups. Information should also be provided on measures to ensure respect for the child's rights in relation to any religious teaching in public schools or institutions, as well as on any limitations to which this freedom may be subject in conformity with article 14, paragraph 3.

525. Section 7 of the **Education Act, Chap.49:01** provides that no person shall be refused admission to any public school on account of the religious persuasion, race, social status or language of such person or of his parent. This right is respected in practice.

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[213] This Act is awaiting proclamation to come into force.

526. The **Education Act, Chap. 49:01** in S.29(1) provides further as follows:

S.29(1) No child shall be required as a condition of admission into or continuing in a public school,-

(a) to attend or to abstain from attending any Sunday School or any place of religious worship;

(b) to attend any religious observance or any instruction in religious subjects in the school or elsewhere from which observance or instruction he may be withdrawn by his parent; or

(c) to attend the school on any day specially set apart for religious observance by the religious body to which the parent belongs.

527. Please refer to paragraph 255 at pages 117-118 of the Report for information on a successful legal challenge made by a student as regards her right to wear the traditional headdress of her Muslim religion in a Catholic school.

528. Paragraphs 440-441 at page 170 of the Report contain information on religious education in schools.

529. Please refer to paragraph 252 at page 116 of the Report for information on the enactment of the **Miscellaneous Laws Act, No. 85 of 2000** to promote religious freedom and prohibit religious discrimination.

E. Freedom of association and peaceful assembly (art.15)

Q.59. Please indicate the measures adopted to ensure the child's right to freedom of association and peaceful assembly, including any specific legislation enacted to establish the conditions under which children are allowed to create or join associations. Please also indicate any restriction that may be placed on the exercise of these rights, in conformity with article 15, paragraph 2. Information should also be provided on existing children's associations and the role they play in the promotion of children's rights.

530. Section 4(j) of the **Constitution of Trinidad and Tobago** gives explicit recognition to the right to freedom of association and assembly. This right is not specific to children but applies to all individuals within the jurisdiction. As with all other fundamental rights and freedoms expressly declared in the Constitution, any breach of these rights can be challenged in the High Court.

531. Freedom of association is also expressly recognised in the **Children (Amendment) Act, No. 68 of 2000.** The Second Schedule, Part C of the Act sets out guiding principles describing the rights and responsibilities of children. It provides *inter alia:*

> *Every person under the age of 18, born in Trinidad and Tobago, or born to, or adopted by, parents who are citizens of Trinidad and Tobago is a child and is subject to care and protection under the law including but not limited to-*
>
> *9. the right to associate with other people for peaceful purposes.*

532. As regards freedom of association, in public secondary schools, students are encouraged to establish student councils.[214] Students in Trinidad and Tobago are also encouraged to set up and participate in after school clubs in accordance with their interests (e.g. drama clubs, sports clubs, etc.).

533. Freedom of assembly is also respected in practice. School children are frequently allowed to participate in peaceful marches and processions on issues such as domestic violence and health promotion. In February 2003, students from six primary schools in Princes Town took part in a walkathon to demonstrate their concern over the escalating crime situation.[215]

534. One example of an active youth *organisation* is the Red Cross Youth. The objective of this *organisation* is to inspire young people with the spirit of the Red Cross and provide them with opportunities for Red Cross Service. Kindness, a sense of fun and adventure, a quick response to the needs of persons in disadvantaged circumstances and a willingness to shoulder responsibility are some of the qualities that the organisation aims to develop in young persons. Activities of the Red Cross Youth include youth awareness programmes, community service, vacation camps and exchange visits, among others.

535. The YMCA (Young Men's Christian Association) is another example of a successful youth association operating in Trinidad. YMCA offers *inter alia* a Youth Outreach Programme which facilitates the transformation of youths from different backgrounds into becoming productive citizens in society by teaching them literacy and numeracy and by giving them skills-based training.[216]

536. In June of 2001, about 300 youth met in Scarborough, Tobago for a three-day retreat that was focused on restarting the National Youth Council of Trinidad and Tobago. Children from

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[214] See paragraphs 458-459 of the Report.
[215] Newsday Newspaper, February 24, 2003: "Children march against crime".
[216] Newsday Newspaper, May 6, 2002: "YMCA helped him turn his life around".

youth organisations throughout Trinidad and Tobago attended the workshop. These included orphanages, homes for the physically challenged, boy scouts and girl guides, among others.[217]

537. There is also an active Girls' Guide Association in Trinidad and Tobago. In May of 2001, Association held a mini-summit. Youth pregnancy and teen sexuality were some of the issues discussed.[218] Other youth associations include the Young Women's Christian Association and the Boy Scouts. The activities of these associations divert youth from illicit activities.

F. Protection of privacy (art.16)

Q. 60. Please indicate the measures adopted to prevent any arbitrary or unlawful interference with the child's privacy, family, home or correspondence, as well as any attack on his or her honour and reputation. Please provide information on the protection provided by the law against such interference or attacks, and the remedies made available to the child. Information should also be provided on specific measures adopted for children placed in institutions for treatment, care or protection, including in judicial or administrative proceedings.

538. **The Constitution** in S.4(c) recognises "the right of the individual to respect for his private and family life". A breach of this right can be challenged by filing a constitutional motion in the High Court.

539. In this jurisdiction there are however, lawfully recognised exceptions to the right to privacy of a person's home. For example, the **Children Act, Chap. 46:01** (as amended by the **Children (Amendment) Act, No. 19 of 1994**) provides in S.15 (12) that if it appears to a Magistrate on complaint on oath that a child or young person has suffered or is suffering harm so as to cause concern for the welfare of the child or young person, the Magistrate may issue a warrant authorising any constable to remove the child or young person to a place of safety. Section 15(14) provides that any constable so authorised may enter, if need be by force, any house, building, or other place and remove the child or young person therefrom. There are however, safeguards to prevent the abuse of police power. If a police officer or other agent of the State violates the privacy of a home in circumstances which are arbitrary and not justified in law, this wrongful action can be challenged by litigation. If successful, declaratory relief and usually, monetary compensation, will be awarded by the Court. There is also a Police Complaints Authority which is a statutory body established to investigate complaints made by members of the public against police officers and to take any necessary action against the officers in accordance with the statute.

[217] Newsday Newspaper, June 9, 2001: "Youths meet in Tobago".

540. The right to privacy as stipulated in the Convention is expressly recognised in the **Children (Amendment) Act, No. 68 of 2000.** This Act in its Second Schedule, Part B, provides:

> *Every person in Trinidad and Tobago who is a parent of a child, or who acts in loco parentis, has responsibilities under the law in respect of the parenting function including but not limited to-*
>
> *6. The responsibility not to arbitrarily interfere with the child's privacy.*

541. The Second Schedule, Part C of this Act provides further:

> *Every person under the age of 18, born in Trinidad and Tobago, or born to, or adopted by, parents who are citizens of Trinidad and Tobago is a child and is subject to care and protection under the law including but not limited to-*
>
> *7. the right to privacy in one's own family, home, and in respect of one's correspondence.*

542. Parents retain control over the privacy of their children's correspondence. However, tampering with correspondence is an offence under the **Postal Corporation Act, No. 1 of 1999** which provides in S.47 as follows:

> *Any person who, without reasonable cause or excuse, opens or causes to be opened any postal article which is not addressed to that person, commits an offence and is liable on summary conviction to a fine of TT $5,000 or to imprisonment for 6 months.*

543. The names of children who are suspected offenders cannot be reported in the media. Section 87(5) of the **Children Act, Chap. 46:01** provides that no person shall publish the name or anything likely to lead to the identification of a child or young person before the Court, save with the permission of the Court. This is however, not adhered to in practice. One NGO has expressed a concern about the fact that juveniles including 14 and 15 year olds who have transgressed the law sometimes have their pictures in the newspapers,[219] with a resulting labelling of that child as a criminal and future stigmatisation of the child.

544. The Guidance Counsellors of the Ministry of Education follow the general guidelines of the *American Association on Counsellor Development.* Students are guaranteed confidentiality except where there is a violation of law. For example, the **Sexual Offences Act**, as amended,

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[218] Newsday Newspaper, May 30, 2001: "Girl Guides discuss teen issues".

makes it mandatory for *inter alia* teachers to make a report to the police if they have reasonable grounds for believing that a sexual offence has been committed in respect of a minor. Similarly if a threat to a student's life has been made, this will have to be reported.[220]

545. As regards the privacy of children housed at the Youth Training Centre (YTC) run by the Prison Service, a UNICEF Study on Juvenile Justice in Trinidad and Tobago provides that, "At the YTC many inmates do not possess their own lockers and cannot claim clothes as their own". There is however, no overcrowding at present with a population of 140-150 lads in a facility built to accommodate 225 lads.[221]

546. There is at present no mechanism for ensuring that the child's right to privacy is maintained in Children's Homes. In many cases there is overcrowding at these Homes. Although the National Family Services Division monitors these homes, the efficacy of the Division in enforcing changes is limited by a lack of legislation. The Children's Authority to be established under the Children's Authority Act, No.64 of 2000 will be responsible *inter alia* for investigating complaints of children in these Homes.

G. Access to appropriate information (art.17)

Q. 61. Please provide information on the measures adopted to ensure that children have access from a diversity of national and international sources to information and material aimed at the promotion of the child's social, spiritual and moral well being and physical and mental health.

547. The media plays an active role in promoting a child's access to information. The Government Information Services Division produces programmes of national interest including programmes which target the youth. These programmes are broadcast on the Information Television Channel. The Division acts as a facilitator to ensure media coverage of all issues of national interest, including children issues.

548. Each newspaper usually dedicates a special page or feature for children in the Sunday or weekly edition. The articles published usually tend to promote the child's social, spiritual and moral well-being and physical and mental health.

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[219] According to Gregory Sloane Seale, Coalition on the Rights of the Child, Interview held on December 12, 2002 .
[220] According to representative of the Ministry of Education on the Human Rights Consultative Committee in a telephone interview on June 6, 2003.
[221] According to Prison Superintendent Reynold Victor by telephone on June 6, 2003.

549. Some Ministries have focused programming for young people based on the work they do. The Consumer Affairs Division for example, has produced programmes on young persons as consumers. Also, the Ministry of Energy from time to time produces a televised energy quiz with the assistance of corporate sponsors. Students from secondary schools participate in the quiz in a competitive manner and have the opportunity to broaden their knowledge about the energy sector. In addition, the Ministry of Social Development in conjunction with the Government Information Services Division also collaborates to provide publicity and public awareness on international days including International Children's Day. [222]

550. It has been observed however, that there is a tendency for radio stations to focus their programming on the negative aspects of youth behaviour such as violence in schools and juvenile delinquency.[223] While there are programmes which tend to uplift and educate children, these are less common.

551. Please refer to paragraph 127 at pages 72 to 76 of the Report for a comprehensive list of children's programmes produced by Government Information Services for the period January 1997- December 10, 2002 for radio.

552. The Ministry of Education has a Radio Schools' Broadcasting Programme which is aired on mornings and afternoons three times weekly. It targets junior and senior primary school students. Each broadcast runs for between 10-15 minutes and addresses issues pertinent to the school curriculum. Some of the specific areas covered include: Caribbean Literature, National Heroes, Morals and Values Education, Current Events and National Awareness. A printed format of the broadcast is circulated to schools or published in the newspaper as 'Notes for the teacher and students'. This enables classes to engage in follow up discussion about the subject of the broadcast. There are modules in the programme which focus on Universal Children's Day providing information *inter alia* on the Rights of the Child.[224]

553. Children in the Youth Training Centre run by the Prison Service are allowed to watch between 3-4 hours of television per week. The library can accommodate 12-15 lads at a time. There are three computers at the library where computer literacy is taught. There is no Internet access. The library has daily newspapers which are made available to the youths every day.

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[222] According to the Director, Government Information Services by telephone on June 6, 2003.
[223] Supra, fn.222.
[224] According to Bibi Adjodha of Learning Resource Centre, Ministry of Education by telephone on 6 June 2003.

Please also indicate the measures adopted to encourage:

- **The production and dissemination of children's books, and the dissemination by the mass media of information and material of social and cultural benefit to the child, with particular regard to the linguistic needs of children belonging to a minority group or who are indigenous;**

554. With respect to children's books, there are some 21 libraries in Trinidad and Tobago. There are also three mobile libraries. In the 2000/2001 financial year, some 18% of the books and periodicals budget for national libraries was allocated to the purchase of children's fiction and non fiction books, amounting to a sum of TT$200,000.[225] An additional sum of TT$70,000 was allocated to the purchase of young adult collections (fiction and non fiction).

555. In the year 2002, National Libraries Week was celebrated by the National Library and Information Systems (NALIS). During the week, the Authority hosted a series of activities at various libraries and locations throughout Trinidad and Tobago geared towards fostering a greater reading habit among persons of all age groups. Libraries focused on the use of the Internet. In addition to learning about the Internet, young persons were tutored about the "ethical aspects" of using the Internet.

556. There are also school libraries at public and Government assisted schools. At present many of these libraries continue to be understaffed and undersupplied in terms of books. However, one of the objectives of the Secondary Education Modernisation Programme (SEMP) which is being implemented by the Ministry of Education is the development of teaching techniques that will produce graduates who can adapt to the rapid changes being brought about by technological advances and globalisation. The SEMP programme is providing new secondary schools with multimedia learning centres which, according to the SEMP Handbook, will provide "a well stocked library with reading material of genuine interest to students; multimedia connectivity and Internet facilities to encourage wide ranging student inquiry; mobile information technology units to permit widespread use of limited technology; and access to circulating resource libraries for students in the respective Regional Divisions". The programme is also addressing the upgrading of skills of school librarians. One commentator has stated that these developments will no doubt serve to reinforce the value and the changing role of the school library in a technological world. They will also provide the necessary elements to produce functionally literate students.[226]

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[225] According to email from National Library and Information Services dated December 19, 2001.

[226] Express Newspaper, July 23, 2002: "The changing role of school libraries" by Janet Fullerton Rawlins, Librarian, School of Education, U.W.I., St. Augustine.

557. The Santa Rosa Carib Community is the only recognised indigenous group in the country. This community of an estimated 500 persons mixed blood descendants of Amerindians live primarily in the North East of Trinidad. The community collectively maintains the traditions of their ancestors and receive an annual subvention from the Government. According to one newspaper article, the Amerindian descendants want their culture to be taught in schools and their language preserved.[227] The children of this indigenous group however, are fully integrated into the public school system and have not been identified as having any particular linguistic needs.

558. The minority groups in Trinidad and Tobago constitute the following:[228] Syrian/Lebanese- 0.1%; Chinese-0.4%; and White-0.6%. Government statistics (1994) reveal that approximately 95% of persons belonging to these minority groups are functionally literate. Children belonging to these minority groups speak English and do not have special linguistic needs.

559. Through the Ministry of Education, financial assistance is made available to organisations that submit comprehensive proposals for the production and dissemination of children's books. However, this has been identified by the NGO community as being insufficient encouragement. Often, finances are refused or sometimes insufficient amounts are made available.

560. The Caribbean Co-Publication Programme for Children Books (CCP) is a non-profit organisation which consists of teachers, librarians, authors and others that operate on a "project" basis. Thus far, the organisation has received funding from UNESCO and has achieved the following:

- Publication of two collections of children's stories written by Trinidadians;
- Hosting of a workshop on "Writing, Illustrating and Publishing Children's Books"; and
- Holding of a story-writing competition in which prizes were awarded.

561. The goal of the CCP is to develop and publish books that focus on positive imagery and ideas (including the natural environment) and a child's ambitions and wishes (the family and future). The organisation is also concerned with adequate distribution of material produced, and hopes to distribute its books to schools and community centres throughout the country. Its aim is "to ensure that this critical learning material reaches homes where it can be shared by children and parents".

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[227] Express Newspaper, October 14, 2000 at p.11: "Amerindian descendants want their culture to be taught in schools".
[228] Central Statistical Office, 1990.

562. One concern of this organisation is that there is a misconception about the lack of Caribbean material available to children. According to the CCP, "there is a wealth of unpublished works as well as an immense source of Caribbean material that can enrich the lives of our children". In addition, there is a need for more books that children can relate to and enjoy. The CCP has identified a need for increased collaboration between such organisations and the Government in this regard.

563. The media in Trinidad and Tobago is very active in the production of material of social and cultural benefit to the child. During the period 1997-2000, the following programmes/initiatives were undertaken by the Government Information Services Division:

Programmes of cultural benefit

- *Divali* (Hindu religious Festival of Lights) - Fifteen (15) programmes prepared for radio and television.

- *Eid ul Fitr* (Muslim religious festival) - Ten (10) programmes prepared for radio and television explaining what the festival is about and how it is celebrated.

- A list of national pubic holidays is published on the Government's Internet Website explaining the significance of each festival or holiday. Many of the holidays are in recognition of auspicious days on the religious calendars of our different ethnic groups.

- The speeches of public figures, such as the Prime Minister and the President, acting in the capacity of chief guest at cultural events are aired on radio and television and published on the Government's Website.

- Emancipation and Tobago Heritage programmes focusing on the cultural development and contribution of Africans in the society- Ten (10) programmes produced annually.

- Indian Arrival Day-Fifteen (15) programmes produced for radio and television.

Programmes of Social Benefit:

Some of the social programmes produced and aired by the Government Information Services Division include the following:

- "Let's Rap"- Focus on Youth- Seventeen (17) programmes: radio and television.

- Dealing with stress– Ten (10) radio programmes

- Places where persons with disabilities can seek assistance– Booklet distributed and Five (5) radio and television programmes.

- Youth and Sporting events- Ten (10) radio and television programmes.

- Domestic Violence: Places where persons can seek assistance such as shelters; Information about the toll free National Domestic Violence Hot Line and the work of community police- Fifteen (15) radio and television programmes.

- The Environment- Twenty five (25) programmes: Radio and Television.

- Together Forever (educates on the virtues of stable family life)-Twenty (20) programmes for radio and television.

- Health: Focus on healthy lifestyles.

Please also indicate the measures adopted to encourage:

- **The development of appropriate guidelines of the protection of the child from information and material injurious to his or her well-being, as well as from harmful exposure in the mass media, bearing in mind the provisions of articles 13 and 18.**

564. **The Children and Young Persons (Harmful Publications) Act, Chap. 11:18** was enacted to prevent the dissemination of certain pictorial publications harmful to children and young persons. Section 3 of the Act provides:

> *3. This Act applies to any book, magazine or other like work which is of a kind likely to fall into the hands of children or young persons and consists wholly or mainly of stories told in pictures (with or without the addition of written matter), being stories portraying–*
>
> *(a) the commission of crimes; or*
>
> *(b) acts of violence or cruelty; or*
>
> *(c) incidents of a repulsive or horrible nature,*
>
> *in such a way that the work as a whole would tend to corrupt a child or young person into whose hands it might fall.*

565. Section 4(1) of the said Act provides that any person who prints, publishes, sells or lets on hire a work to which this Act applies, or has any such work in his possession for any of these purposes, is liable on summary conviction to a fine of two thousand dollars and to imprisonment for four years.

566. In Trinidad and Tobago there are several statutes which seek to halt the dissemination of obscene publications and pornographic matter: For example, under the **Summary Offences Act, Chap.11:02**, S.104, a fine of four hundred dollars can be imposed on any person who affixes or exhibits in a public place any picture or printed matter of an indecent or obscene nature. **The Cinematograph Act, Chap. 20:10** provides for the appointment of a Board of Film Censors for the purpose of censoring films and film posters. The Board is responsible for banning films which are against public order and decency and are undesirable in the public interest. However, the Board may approve such films on condition that they are exhibited only to persons of a specified age.

567. The Law Commission of the Ministry of the Attorney General prepared a Report in 1999 entitled "A Review of the Law on Obscene Publications and Pornography" in 1999. The Report stated at page 17 as follows:

> *The contemporary global scenario is one in which legislators are having to play "catch up" with the fast pace of technological advances which are facilitating widespread distribution of and easier access to pornography. Unfortunately, in this regard, Trinidad and Tobago is lagging behind, given the fact that this country's statutory provisions have not been revisited or amended for decades.*

568. The Law Commission in its Report recommended *inter alia* that consideration be given to the introduction of provisions dealing specifically with child pornography. The Ministry of the Attorney General is currently undertaking an exercise to draft new legislation to deal with some of the technological advances which have impacted on the dissemination and publication of obscene material.[229]

569. Cable television is widely accessible in homes throughout Trinidad and Tobago. It is however left up to parental discretion as to the type of programmes that can be viewed by children. There is a need to ensure that parents take adequate precautions to prevent their children being exposed to harmful television programmes being aired on cable which contain and incite violence.

[229] Newsday Newspaper, May 24 2002.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art.37(a))

Q. 62. Please indicate whether torture or other cruel, inhuman or degrading treatment or punishment of children is punished by the criminal law, and whether complaints procedures have been established and remedies made available to the child.

570. **The Constitution of Trinidad and Tobago** provides that Parliament may not "impose or authorise the imposition of cruel and unusual treatment or punishment".

571. **The Corporal Punishment (Offenders Not Over Sixteen) Act, Chap.13:03** has been repealed by the **Miscellaneous Provisions (Children) Act, No. 66 of 2000**. This Act regulated the imposition of corporal punishment against young offenders. Section 83 of **the Children Act, Chap.46:01** has also been amended so that a court is no longer authorised to order a child to be whipped. Please refer to paragraphs (c) and (d) on pages 5-6 as well as paragraph (k) on page 11 of the Report for details. Corporal punishment is therefore no longer authorised as a penal sanction against young offenders.

572. **The Children (Amendment) Act, No.68 of 2000**[230] has also introduced a new S.22(2) into the **Children Act, Chap.46:01** to prohibit teachers from administering corporal punishment to students in school as a disciplinary measure. Please refer to paragraph (f) on page 10 of the Report for details.

573. Although parents are not expressly prohibited by law from administering corporal punishment at home, the **Children (Amendment) Act, No.68 of 2000** has set out guiding principles for parents to observe in respect of this issue in the Second Schedule, Part B which states *inter alia:*

> *Every person in Trinidad and Tobago who is a parent of a child, or who acts in loco parentis, has responsibilities under the law in respect of the parenting function including but not limited to-*
>
> *4. the responsibility to guide and direct the child without the use of any cruel, inhuman or humiliating punishment;*

[230] This Act is awaiting Presidential Proclamation to come into force.

7. the responsibility to protect the child from unlawful physical violence and all forms of physical or emotional abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the parent's care;

574. The Second Schedule, Part C of the **Children (Amendment) Act, No. 68 of 2000** which contains guiding principles describing the rights and responsibilities of children also covers this issue by providing *inter alia as* follows:

Every person under the age of 18, born in Trinidad and Tobago, or born to, or adopted by, parents who are citizens of Trinidad and Tobago is a child and is subject to care and protection under the law including but not limited to-

10. the right not to be treated with violence by a family member, teacher, a public officer or by any other person;

13. where the child has broken the law and is in custody, the right not to be subjected to, inhuman or degrading punishment...

14. the right not to be subject to capital punishment, nor to life imprisonment without the possibility of release;

575. **The Children Act, Chap. 46:01** (as amended) contains provisions for the protection of children and prohibits their ill-treatment and neglect, including within their family environment. Section 3(1) of the **Children's Act** provides as follows:

3. (1) If any person over the age of sixteen years, who has the custody, charge, or care of any child or young person, willfully assaults, ill-treats, neglects, abandons, or exposes the child or young person, or causes or procures the child or young person to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause the child or young person unnecessary suffering or injury to his health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement) that person is liable-

(a) on conviction on indictment, to a fine of four thousand dollars, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment for two years; and
(b) on summary conviction, to a fine of one thousand dollars, or alternatively, or in addition thereto, to imprisonment for six months;

and for the purposes of this section, a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if, being able to do so, he fails to provide adequate food, clothing, medical aid, or lodging for the child or young person.

576. **The Domestic Violence Act, No. 27 of 1999** seeks to protect victims of domestic violence including children. Please refer to paragraph 280 of the Report at page 124 for details.

577. Corporal punishment for children in health care and psychiatric institutions is strictly prohibited as a matter of policy. As regards disciplinary measures at detention centres, a UNICEF Study on Juvenile Justice in Trinidad and Tobago stated at pp.41-42, as follows:

Corporal punishment remains an option at all of the detention centers, but has been curtailed in recent times. Staff at St. Michael's felt that since they could no longer impose corporal punishment, the boys had 'lost respect' for them...

At the YTC, there is a unit called the Dissociation Unit. Juveniles who need to be quarantined because of illness, who are convicted of serious crimes or breach rules of institution are locked there in cells, where they may be kept in solitary confinement. The cells are poorly lit and sparsely furnished. The sanitary installations are in a state of disrepair. Juveniles in the Dissociation Unit receive one hour's airing per day in a confined space.

578. The Government of Trinidad and Tobago has not acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Please also provide information on:

- **Awareness campaigns launched to prevent torture or other cruel, inhuman or degrading treatment or punishment of children;**

- **Educative and training activities developed, particularly with personnel in institutions, services and facilities working with and for children, aimed at preventing any form of ill-treatment;**

579. The National Family Services Division of the Office of the Prime Minister (Social Services Delivery) *inter alia* conducts training workshops for managers and caregivers of various types of community homes. Please refer to paragraph 360 on page 146 of the Report for information on training conducted.

580. The National Family Services Division is also vested with responsibility for examining and monitoring the care and safety of children housed at Government institutions and at homes managed by private persons and organisations. As mentioned before, such monitoring has been hampered by human resource constraints of the Division as well as a lack of legislative authority to empower the Division to take action against offending institutions.

581. The Domestic Violence Unit of the Gender Affairs Division conducts training programmes for staff of crisis lines, shelters, safe houses and the Police Service on the issue of domestic violence. It also engages in community based "training of trainers" programmes.

582. As mentioned earlier, the **Children's Authority Act, No.64 of 2000** seeks to empower the proposed Children's Authority to *inter alia* investigate complaints or reports of mistreatment of children in their homes. **The Children's Community Residences, Foster Homes and Nurseries Act, No. 65 of 2000** provides in S.53 that the Authority may make Regulations with respect to the discipline of children within any community residence. Although this new legislation has not yet been implemented, the National Family Services Division has conducted three public sensitisation workshops on the legislation, as mentioned in paragraph 357 on page 143 of the Report.

583. Please refer to paragraph 363 on page 147 of the Report for information on the manual being developed to address issues relating to the operation of child care facilities.

584. In addition, paragraph 121 on page 70 of the Report contains details of the Caregivers workshop hosted by the Trinidad and Tobago Coalition for the Rights of the Child in the year 2000.

585. A teachers' workshop to curb corporal punishment and lawlessness in schools was launched in May 2001 by the then Minister of Education. The three day workshop was held at the Rudranath Capildeo Learning Centre and focused on morals and values and the infusion of these into the school curriculum. According to a newspaper report, "The first part of the series will instruct 370 teachers on techniques and approaches to installing the programme. The teachers were told that form periods, assembly, clubs, games and religious education, were all good chances to bring morals and values into the picture". [231]

586. In commemoration of International Children's Day, in 2001, Women Working for Social Progress (an NGO) published a series of articles on "non violent approaches to discipline" in the

[231] Express Newspaper, May 11, 2001: "Kamla: Beating not the answer".

daily newspapers.[232] These articles promoted other methods for dealing with the problem of violence in schools. The NGO called on parents and guardians to support them in their cause.

587. The Trinidad and Tobago Association of Psychologists (TTAP) hosted a public lecture on November 28 2001, entitled "Parenting without Pain" at the Coterie of Social Workers, Port of Spain. One of the aims of TTAP is the promotion of total wellness as it relates to the psychological well-being of the people of Trinidad and Tobago.[233]

Please also provide information on:

- **Any cases where children have been victims of any such acts;**

588. Some examples of cases in which children have been victims of any such acts as reported in the daily newspapers are as follows:

- In October 2001, a 43-year old gardener pleaded guilty to kicking a five-year old boy to death for stealing meat from his pot. He was later sentenced to five years in prison with hard labour.[234]

- In November of 2002, a nine-year-old boy was allegedly beaten with a piece of wood by a teacher for not completing his homework.[235]

- In September 2002, a babysitter was sentenced to two years with hard labour for ill treating a baby. The baby sitter was caught on tape subjecting the child to a variety of cruel acts, including smothering the child and leaving the child unattended, allowing the child to fall.[236]

- In November 2001, it was alleged that a teacher pulled a gun in a classroom and threatened to shoot students with whom he was involved in a physical confrontation.[237]

- In October 2001, a couple was charged with 18 counts of physically abusing their two children. The children gave a statement that their mother had forced them to hold 15-pound concrete blocks for hours as punishment for dirtying their school clothes, and returning home late from school. The children also alleged that their step-father repeatedly and viciously beat them with pieces of wood, his fists and belt buckles among other things.[238]

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[232] Express Newspaper, November 22, 2001 at p.39: "Allow a child a fair hearing before punishment".
[233] Newsday Newspaper, November 16th, 2001.
[234] Guardian Newspaper, October 10, 2001: "Boy 5, kicked to death for stealing meat".
[235] Newsday Newspaper, November 21, 2002: "Cops probe boy's beating"
[236] Newsday Newspaper, September 5, 2002: "Babysitter jailed for cruelty to child".
[237] Newsday Newspaper, November 15, 2001: "Teacher accused of brandishing gun at students"
[238] Express Newspaper, October 29, 2001: " 'Point' couple on 18 child abuse charges".

- Over the past nine years, seven members of staff attached to the St. Mary's Children's Home in Tacarigua have been suspended for negligence and physical abuse. The Home houses some 158 children-99 boys and 59 girls. The Orphanage has a staff of 75, 35 of whom are Juvenile Home Supervisors.[239]

Please also provide information on:

- **Measures adopted to prevent the impunity of perpetrators, including by investigating such cases and punishing those found responsible.**

589. The State actively investigates and prosecutes all criminal offences. Perpetrators of offences against children are prosecuted in the same manner as all other criminal offenders. There have been isolated cases in which perpetrators of violent crimes against children (including parents) have been granted sentences which are perceived as lenient in the circumstances. Disparity in sentencing however, is not limited to cases of child abuse or ill treatment but applies, generally speaking, in relation to all types of crime. One NGO has identified a need for perpetrators to undergo psychological counselling or evaluation, as part of the rehabilitative process.

Please also provide information on:

- **Measures adopted to ensure the physical and psychological recovery and reintegration of children who have been tortured or otherwise ill-treated;**

- **Any independent monitoring system established.**

590. The National Family Services Division is responsible *inter alia* for providing counselling services re: domestic violence, child abuse and juvenile delinquency.

591. The Domestic Violence Unit of the Gender Affairs Division operates a hotline for victims of domestic violence. The Division also manages some 19 drop in information centres located throughout Trinidad. These centres offer victims the opportunity to discuss domestic violence matters with trained social workers/counsellors.

592. There are several NGOs which provide assistance and counselling for victims of child abuse and ill treatment including the Coalition Against Domestic Violence through its toll free Childline and the Rape Crisis Society.

[239] Newsday Newspaper, March 26, 2002 at p.4: "Two dismissed for alleged sex abuse at Children's Home".

593. The Children's Authority, whose functions and duties are described in paragraph 33 at page 34 of this Report, will be responsible *inter alia* for investigating complaints or reports of mistreatment of children both in children's institutions as well as in their homes.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE (articles 5; 18, paras. 1-2; 9-11; 19-21; 25-27, para. 4; and 39)

A. Parental guidance (art. 5)

Q. 63. Please provide information on family structures within the society and indicate the measures adopted to ensure respect for the responsibilities, rights and duties of parents or where applicable the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide appropriate direction and guidance to the child, further indicating how such direction and guidance are consistent with the child's evolving capacities.

Q. 64. Please indicate any family counselling services or parental education programmes available, as well as awareness campaigns for parents and children on the rights of the child within family life, and training activities provided to relevant professional groups (for example, social workers) and indicate if any evaluation has been made of their effectiveness. Please also indicate how knowledge and information about child development and the evolving capacities of the child are conveyed to parents or other persons responsible for the child.

Q. 65. Information should also be provided on the measures adopted to ensure respect for the principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible, as well as on the progress achieved in the implementation of article 5, any difficulties encountered and the indicators used.

594. The Government of Trinidad and Tobago recognises (*de facto*) several definitions of a family as follows:[240]

FAMILY TYPE	DESCRIPTION
Extended Family	Intergenerational family unit.
Nuclear Family	With mother, father and children (either legally sanctioned or common-law relationships).
Single-Parent Family	With one parent in the household who is responsible for the care of children.
Sibling Family	Where there is no adult head. These are mainly cases where adult caregivers have relocated within Trinidad and Tobago or have emigrated or where there may be mental illness or drug abuse.

[240] Data contained in Trinidad and Tobago's initial, second and third periodic report under the Convention on the Elimination of All Forms of Discrimination against Women-(Article 13, para.389)

595. The Government recognises all of the above family types for the purposes of dispensing benefits.

596. The National Family Services Division of the Office of the Prime Minister (Social Services Delivery) has educational and training programmes geared towards educating parents in their 'primary responsibility for the upbringing and development of the child'.[241] Please refer to paragraph 315 for information about the call in radio programme on parenting and family issues. Recently, the Division has been disseminating information to the general public about parenting and child development by publishing a series of articles in the daily newspapers on these specific issues.

NGO Parenting Programmes

597. A number of NGOs conduct parenting programmes as detailed below. However, NGOs have identified a need for the Government to introduce more community based support systems for parents and guardians.[242]

598. As mentioned in paragraph 438 of the Report, SERVOL conducts a Parent Outreach Programme relevant to 0-3 year olds. This programme provides training to persons who go out into the communities and advise parents on matters such as the developmental needs of their children, on discipline and family planning services. This initiative in providing training for parenting is in keeping with rule 16 of the Riyadh Guidelines.[243] Between September 1999 and August 2000, a total of 4046 parents participated in the SERVOL programme together with 3791 children.[244] The programme encourages parents to dialogue with their children and to look for alternatives to physical punishment when children are naughty. Statistics on the number of participants in the programme are tabled below:

Statistics: **Parent Outreach Programme, SERVOL**[245]

YEAR	# OF CHILDREN	# OF PARENTS
1995/1996	410	505
1996/1997	561	628
1997/1998	873	801
1998/1999	1641	1932
1999/2000	3259	3465

[241] UNICEF Study "Juvenile Justice in the Caribbean: The Republic of Trinidad and Tobago" at p.15.
[242] Comment of Gregory Sloane Seale of the Coalition for the Rights of the Child in an Interview held on December 12, 2002.
[243] Supra, fn.241 at p.15.
[244] SERVOL Statistics: Parent Outreach Programme, Parents/Children Reached- Trinidad and Tobago-September 1999-August 2000.
[245] SERVOL: Statistics-Early Intervention Programmes.

599. The Diego Martin branch of the Child Welfare League, an NGO, tries to educate parents by hosting an annual parental and child care course at the Diego Martin Health Centre. Lectures are given by nurses on the various course topics and certificates are awarded at the end of the course. This eight week parental and child care course deals with the social and mental development of the child, the upbringing and health of the child and how to deal with common childhood diseases.[246]

600. As mentioned in paragraph 470 of the Report, Families in Action, conducts a "Confident Parenting" seminar and counselling programme, which is held twice weekly. Please refer to this paragraph for details.

601. The National Council of Voluntary Associations for Child Care and the Child Welfare League conducted a parental guide course on May 2, 2002. The course was a certificate course for babysitters and parents.

602. A parenting seminar was held in May 2002 at the All in One Development Centre located in Beetham Gardens. The school currently has some 120 students.[247]

603. A quarterly newsletter entitled "Parenting Support" is widely circulated. This publication is made possible through funding from the J.B. Fernandes Memorial Trust 1. Examples of issues covered by this publication are family violence; bullying in schools; abuse in teen relationships; and nutrition guidance among others. The publication contains a parenting support directory with contact information for various support groups.

604. The Rape Crisis Society of Trinidad and Tobago has published articles in the newspaper targeting parents including "Develop a positive attitude in children" and "When a child won't talk". The organisation along with a number of others, including Creative Parenting for the New Era, vows to work together to make a change in society.[248]

605. Families in Action, an NGO, hosted a Parenting Workshop in March 2003. The one-day workshop was attended by a wide cross section of individuals including representatives of the Police Service, Childline and the Rape Crisis Society. Emphasis was placed on anger recognition and anger management by parents. Problems faced by single parents also came to the fore during the interactive session. Apart from their telephone and group counselling, Families in Action has

[246] Newsday Newspaper, July 21, 2002: "Child Welfare to the Rescue".
[247] Mirror Newspaper, May 3, 2002.
[248] Express Newspaper, April 1, 2003.

established a website www.familiesinaction.net which features columns, short articles and information about the organisation and its activities.[249]

606. The Autistic Society of Trinidad and Tobago educates its membership and provides comfort and practical assistance to parents of such children.[250]

607. In Tobago, the Family First Foundation for Children and Youth at Risk has received funding from J.B. Fernandes Memorial Trust 1 to execute a project to prevent incest in Tobago entitled "Project Wipe Out Incest Now". The project conducts prevention programmes, parenting programmes, family life and trauma counselling and crisis intervention services.[251]

608. In practice, the State is respectful of the rights of parents and guardians. Some NGOs believe that there are instances when this can be to the detriment of the child. One example is when a parent applies to the Magistrate's court to have his or her child committed to a Children's Institution on the ground that the child is "beyond control"; known as a status offence. Status offences are acts which are deemed offences when committed by juveniles but are not considered such when perpetrated by adults. A child rights activist has expressed the view that it is not in the best interests of a child for a parent to ask the Court to commit the child to an institution.[252] Boys between the ages of ten and sixteen are committed to the St. Michael's School for Boys while girls of this age are sent to the St. Jude's Home for Girls. Many of the residents at St. Michael's and St. Jude's have been committed on the application of a parent or guardian. According to a *UNICEF study on Juvenile Justice in Trinidad and Tobago*, the commission of status offences frequently results in juveniles being committed to institutions where the possibility of rehabilitation is not guaranteed, but the chances of stigmatisation and exposure to negative influences are very real.[253]

B. Parental responsibilities (art. 18, paras. 1-2)

Q. 66. Please provide information on the consideration given by law to parental responsibility, including the recognition of the common responsibilities of both parents in the upbringing and development of the child and, that the best interests of the child will be their basic concern. Also indicate how the principles of non-discrimination, respect for the views of the child and the development of the child to the maximum extent, as provided for by the Convention, are taken into account.

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[249] Newsday Newspaper, March 13, 2003 at p.36: "Parents turn out for parenting session".
[250] Newsday Newspaper, May 1, 2001.
[251] According to representative of the Tobago House of Assembly by memorandum dated 12 March 2001.
[252] Comment of Gregory Sloane Seale of the Coalition on the Rights of the Child in an Interview held on December 12, 2002.
[253] UNICEF Study, Juvenile Justice in the Caribbean: The Republic of Trinidad and Tobago at page 3.

609. As mentioned in paragraph 359 at page 144 of the Report, the Government has sought to define parental responsibilities in accordance with the Convention on the Rights of the Child. **The Children (Amendment) Act, No. 68 of 2000** in its Second Schedule, Parts A and B, contains "guiding principles for parents in relation to their children". These are as follows:

Second Schedule, Part A
Parental Rights

Every biological or adoptive parent of a child in Trinidad and Tobago has rights in respect of that child under the laws of Trinidad and Tobago including but not limited to-

1. *the right to give the child a name of the parent's choice;*

2. *the right to pass on the nationality of the parent to the child;*

3. *the right not to be separated from the child without the parent's consent unless the relevant Authorities decide that this would be in the best interest of the child;*

4. *the right to provide religious direction and guidance to the child;*

5. *the right to request state assistance in caring for the child where the parents are unable to do themselves;*

6. *the right to send the child to a state-supported school at the State's expense, or to a private or denominational school at the parent's own expense.*

Second Schedule, Part B

Every person in Trinidad and Tobago who is a parent of the child, or who acts in loco parentis, has responsibilities under the law in respect of the parenting function including but not limited to-

1. *the responsibility to register the birth of the child with the relevant authorities;*

2. *the responsibility, within the parents' abilities and financial capacities, to secure the conditions of living adequate for the child's physical, mental, spiritual and moral development;*

3. *the responsibility to send the child to school, or to provide for education at home of an equal standard;*

4. *the responsibility to guide and direct the child without the use of any cruel, inhuman or humiliating punishment;*

5. *the responsibility to ensure that the child has time for rest, recreation, creative expression and play;*

6. *the responsibility not to arbitrarily interfere with the child's privacy;*

7. *the responsibility to protect the child from unlawful physical violence and all forms of physical or emotional abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the parent's care;*

8. *the responsibility to make arrangements for the care of the child when the parent is absent from the child;*

9. *the responsibility to ensure that the child under 12 is not engaged in labour;*

610. **The Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08** reflects the principle that both parents have equal responsibility for the upbringing of their child. Sections 4(1) and 6(1) of the Act respectively provide as follows:

S.4 (1) In relation to the custody or upbringing of a minor, and in relation to the administration of any property belonging to or held in trust for a minor or the application of income of any such property, a mother shall have the same rights and authority as the law allows to a father, and the rights and authority of mother and father shall be equal and be exercisable by either without the other.

S.6 (1) Unless the High Court otherwise orders the following are joint guardians of a minor:

(a) the mother of the minor;

(b) the father of the minor;

611. As regards children born out of wedlock, S.6 (2) of the Act provides:

> *S.6 (2) Subject to the provisions of this Act, the mother of a minor born out of wedlock shall be the sole guardian of the minor unless and until the paternity of the minor has been registered pursuant to the Births and Deaths Registration Act or established by any of the modes specified in section 8 or 10 of the Status of Children Act.*

612. This legislation seeks to ensure that the best interests of the child are considered by the Court by providing as follows:

> *S.3 Where in any proceedings before any court-*
>
> *(a) the legal custody or upbringing of a minor; or*
>
> *(b) the administration of any property belonging to or held in trust for a minor, or the application of the income thereof,*
>
> *is in question, the court, in deciding that question, shall regard the welfare of the minor as the first and paramount consideration, and shall not take into consideration whether, from any other point of view, the claim of the father or any right at common law possessed by the father in respect of such custody, upbringing, administration or application, is superior to that of the mother or the claim of the mother is superior to that of the father.*

Q. 67. Please provide information on the measures adopted to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities, as well as on the institutions, facilities and services developed for the care of children. Information should also be provided on specific measures adopted for children from single-parent families and belonging to the most disadvantaged groups, including those living in extreme poverty.

613. The State has been a provider and has supported organisations providing child care services and institutional care. The table overleaf sets out some of the initiatives taken by the Government to grant assistance and protection to families.[254]

[254] Data extracted from Trinidad and Tobago's initial, second and third periodic report under the Convention on the Elimination of All Forms of Discrimination Against Women (Article 13, para.390)

ASSISTANCE	DESCRIPTION
Formal Assistance	The Probation Division acts as a conciliator in matters pertaining to domestic violence. It works with families to find solutions for social problems that emanate from family disorientation. Both the Probation and the National Family Services Division offer counselling services in the areas of child abuse, juvenile delinquency, families with social problems and domestic violence. The Community Police also offers advice and counselling services to families in crisis. The Ministry of Community Development and Gender Affairs provides domestic violence counselling services through a free 24-hour telephone hotline. Counselling is also provided at its 19 Drop-in Centres located throughout Trinidad.
Financial Assistance	This is provided through grants (including Public Assistance, Urgent Temporary Assistance and Grants to Necessitous Children) offered by the Welfare Division of the Office of the Prime Minister (Social Services Delivery)(See page 53-54 of the Report). Subventions are provided through the National Family Services Division to institutions involved in the care of children. Financial assistance is also provided to non profit organisations such as the Foundation for the Enhancement and Enrichment of Life (FEEL). This organisation provides food, clothing and books to persons who cannot afford them.[255]
Material Assistance	Under the SHARE programme of the Office of the Prime Minister (Social Services Delivery) some 8,000 food hampers are distributed to needy families per month. (See page 53 of Report)
Adoption and Foster Care	The Adoption Section and Foster Care Unit of the Office of the Prime Minister (Social Services Delivery) provide assistance in the placement of children.
Protection and Legal Services	This is provided through the Legal Aid and Advisory Authority and The Ministry of National Security (Police Division).
Informal Services	NGOs, community groups and religious organisations also provide free counselling services and financial assistance.

Provision of financial assistance to Organisations providing childcare and institutional care

614. With respect to assistance to institutions for the care of children, two Industrial Schools (St. Michael's and St. Jude's) and two Orphanages (St. Dominic's and St. Mary's) are

[255] See UNICEF study: "Juvenile Justice in the Caribbean: The Republic of Trinidad and Tobago" at p. 15.

completely funded by the Government under Office of the Prime Minister (Social Services Delivery).

615. The Government provides subventions to non profit organisations that work towards the protection, survival and development of the child. For example the Government funds 55% of the costs of large organisations which provide homes for children and 60% of the costs of smaller organisations. Please refer to paragraph 66 at page 42 of the Report for details.

616. The Government through the Office of the Prime Minister (Social Services Delivery) funds two projects which address the problem of street children, the Credo Drop-in Centre for Socially Displaced Children (at Nelson Street) and the Credo Aylward House (at Gonzales). See paragraph 67 at page 43 of the Report for details.

617. The Government also provides annual subventions to some NGOs involved in the care and support of children with HIV/AIDS.

618. The needs of the physically challenged child are being looked after through the granting of subventions to homes and institutions taking care of such children. Please refer to page 157 of the Report for details.

619. The YMCA which offers *inter alia* a Youth Outreach Programme receives an annual subvention of $82,000 TT from the Government.[256]

Measures adopted for children from single-parent families and belonging to the most disadvantaged groups.

620. Single parents are entitled to apply to the district office in which they reside for public assistance for their children. However, strict guidelines for the provision of these benefits are observed. Female headed households sometimes experience difficulty in accessing benefits, as these are determined largely on the status of the male.[257]

621. It may be noted that the majority of recipients of the SHARE programme referred to are women. There are also initiatives which target female headed households. The Women's Second Chances Programme was initiated by the Gender Affairs Division in 1999 and provides single female household heads with training in the areas agricultural production, grow box technology and elderly care, while providing Home Work Centres for their children. Participants are given a

[256] The Guardian Newspaper, 21 November 2001: "Working with kids is always the challenge".
[257] According to Trinidad and Tobago's joint initial, second and third periodic reports under the Convention on the Elimination of All Forms of Discrimination against Women (Article 13-para.399).

stipend while undergoing training to offset the cost of transportation, meals and upkeep. In addition, as stated in paragraph 437 of the Report, the Federation of Women's Institutes, an NGO, established the Cocorite Learning Centre which is funded by UNICEF and supported by the Ministry of Community Development and Gender Affairs. Many of the young persons participating in the Centre have single working mothers.[258]

622. For information about measures to assist children belonging to the most disadvantaged groups please refer to paragraph 77 on pages 50 to 54 of the Report.

Family Planning

623. The Ministry of Health is committed to providing accessible reproductive health care services. Government operated family planning clinics are available at health centres to provide family planning counselling and supplies to clients during clinic hours. These services are supplemented by the work of the Family Planning Association of Trinidad and Tobago (FPATT), which receives an annual government subvention in the sum of $1 million. FPATT's parent body, International Planned Parenthood Federation provides additional funding.[259]

624. FPATT (an NGO) has offices in Port of Spain, San Fernando and Scarborough (Tobago) and provides contraceptive services, voluntary sterilisation, infertility examinations, family life education programmes, peer counselling training, health care for corporations, gynaecological services and pregnancy tests. These services are aimed at preventing unplanned pregnancies through expanded and improved family planning services. These services are offered to the public at reduced rates.

625. In 1994, the FPATT conducted 146 education programmes to 3,211 women and 639 men. These programmes included modules and discussions on contraceptive options, as well as counselling and individual assessment to assist in selecting the most appropriate contraceptive methods for each person. In 1999, some 4000 persons in 13 communities received information and services in respect of reproductive health and family planning through the organisation's outreach programme entitled 'FPATT Express'.

626. The FPATT has also sought to identify and address the specific needs of adolescents and implement specific and appropriate educational programmes on sexual and reproductive health issues, including sexually transmitted diseases. One example includes the provision of relevant

[258] According to Trinidad and Tobago's joint initial, second and third periodic reports under the Convention on the Elimination of All Forms of Discrimination against Women.
[259] Newsday Newspaper, July1, 2001.

information to youth through the *National Youth Project Peer Helper Training Programme*, to which 6,274 young people were exposed.

627. The FPATT in collaboration with the then Ministry of Community Empowerment, Sport and Consumer Affairs, launched a video entitled "Teenage Sexuality-Your Life, Your Choice" to combat teenage pregnancy.[260]

Q. 68. Relevant disaggregated information (for example, by gender, age, region, rural/urban areas and social and ethnic origin) should be given on children having benefited from any of these measures and resources allocated to them (at the national, regional and local levels). Information should also be provided on progress achieved and difficulties encountered in the implementation of article 18, as well as on the targets set for the future.

628. Please refer to page 54 of the Report for tables on expenditure on welfare by type of programme.

629. As regards difficulties encountered, one NGO has stated that for single parents or parents from economically strapped situations, there is a need for government assisted support for proper childcare. Alternatively it has been recommended that there be tax relief for corporations or businesses offering childcare services or recreational areas in their office buildings. This need has arisen because many parents are forced to leave their children unsupervised after school for hours, until their workday is completed.[261] It may be noted that the Gender Affairs Division operates eight Home Work Centres in Trinidad as mentioned in paragraph 439 of the Report. These however, are not sufficient to address the childcare needs of all disadvantaged families in the country. There are also no such Centres in Tobago.

C. Separation from parents (art.9)

Q. 69. Please indicate the measures adopted, including of a legislative and judicial nature, to ensure that the child is not separated from his or her parents except when such separation is necessary for the best interests of the child, as in cases of abuse or neglect of the child or when the parents live separately and a decision must be made as to the child's place of residence. Please identify the competent authorities intervening in these decisions, the applicable law and procedure and the role of judicial review.

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[260] Newsday Newspaper, July1, 2001.

[261] Comment of Gregory Sloane Seale of the Coalition for the Rights of the Child at Interview conducted on December 12, 2002.

Q. 70. Please provide information on the measures taken pursuant to article 9, paragraph 2 to ensure to all interested parties, including the child, an opportunity to participate in any proceedings and to make their views known.

Q. 71. Please indicate the measures adopted, including of a legislative, judicial and administrative nature, to ensure that the child who is separated from one or both parents has the right to maintain personal relations and direct contacts with both parents on a regular basis, except if it is contrary to the best interests of the child. Please further indicate the extent to which the views of the child are taken into consideration in this regard.

630. When parents have abused or neglected their children, legislation governs the procedure to allow the State to separate children from one or both parents in accordance with the best interests of the child. The relevant provisions of these statutes are identified below:

631. **The Children Act, Chap. 46:01** as amended by **(Amendment) Act, No. 19 of 1994** authorises the State to remove children who are suffering harm from their homes. "Harm" is defined as including willful neglect, assault, ill treatment, physical, sexual or mental abuse; a prescribed offence under the **Domestic Violence Act, No.27 of 1999** and a situation where any child or young person is being used as a drug courier and drug pusher by those having his custody, charge or care. The Act allows the Court to take into account the child's wishes. It also states that any order of the Court may provide for access to the child or young person by a parent or legal guardian. Section 15 provides as follows (emphasis added):

S.15 (1) If it appears to a Magistrate on complaint on oath of-

(a) a public officer experienced or qualified in social work who is approved by the Minister in writing; or

(b) a person who in the opinion of the Magistrate is acting in the interest of a child or young person,

that a child or young person has suffered or is suffering harm so as to cause concern for the welfare of that child or young person, or is likely to suffer such harm, the Magistrate may require a parent or guardian to appear before him.

S.15 (3)Where...the Magistrate is satisfied that the child or young person has suffered, is suffering or is likely to suffer harm sufficient to cause concern for the welfare of that child or young person, the Magistrate may, with the child or young person's welfare as the paramount consideration, taking into account the wishes of the child or young person involved where such wishes of the child or young person can be reasonably ascertained, order that the child or young person-

(a) *remain in the custody of a parent or guardian, subject to a period of supervision by a named person or authority, and subject to such conditions as are specified in the order; or*

(b) *be committed to the care of a relative of the child or young person or other fit person named by the court, such relative or other fit person being willing and able to undertake such care.*

S.15 (4) An order made under subsection (3) may also-

(a) provide for access to the child or young person by a parent or legal guardian; and

(b) provide for supervision and monitoring of the order in such manner as is specified in the order.

S.15(5) An order made under sub-section(3) may be renewed, varied or revoked as the case may be, by the court making the order on the application of any person who in the opinion of the court, is acting in the interest of the child or young person.

632. Section 44 of the **Children Act, Chap. 46:01** sets out the circumstances in which a Magistrate is empowered to order that a child be sent to a Children's Home. It provides (emphasis added):

S.44 (1) Any person may, without a warrant, bring before a Magistrate any person apparently under the age of eighteen[262] *years who-*

(a) *is found begging or receiving alms (whether or not there is any pretence of singing, playing performing, offering anything for sale, or otherwise) or being in any street, premises or place for the purpose of so begging or receiving alms;*

(b) *is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian, or a parent or guardian who does not exercise proper guardianship;*

(c) *is found destitute, not being an orphan and having both parents or his surviving parent undergoing imprisonment;*

[262] The Children (Amendment) Act, No. 68 of 2000 has amended this section by deleting the word "fourteen" and substituting the word "eighteen" (See S.14).

(d) has no parent, guardian, or other person able and willing to provide for or control him;

(e) is under the care of a parent or guardian, who, by reason of criminal or drunken habits, is unfit to have the care of the child;

(f) is the daughter of a father who has been convicted of an offence under section 34 or section 35 of the Offences against the Person Act, in respect of any of his daughters;[263]

(g) frequents the company of any reputed thief, or of any common or reputed prostitute; or

(h) is lodging or residing in a house or part of a house used by any prostitute for the purposes of prostitution, or is otherwise living in circumstances calculated to cause, encourage or favour the seduction or prostitution of the child;

and the Magistrate before whom a person is brought as coming within one of these descriptions, if satisfied on enquiry of that fact, and that is expedient so to deal with him, may order him to be sent to a certified Orphanage[264]*...*

633. **The Children's Authority Act, No.64 of 2000**[265] provides that the Children's Authority may *inter alia* temporarily receive children into its care in the situations described below (emphasis added):

S.22 (1)Where it appears to the Authority that a child-

(a) has neither parent nor guardian who is fit to exercise care and guardianship;

(b) is lost or has been and remains abandoned by his parents or guardians;

(c) whose parents or guardian are prevented by-
- *(i) reason of mental or bodily disease;*
- *(ii) infirmity or other incapacity; or*
- *(iii) any other circumstances;*

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[263] The Children (Amendment) Act, No. 68 of 2000 deletes this paragraph and substitutes the following: "(f) is the child of a person who has been convicted of an offence under section 6 or section 12 of the Sexual Offences Act in respect of any of his children".

[264] The Children (Amendment) Act No.68 of 2000 seeks to amend the definition of a "certified Orphanage" by substituting the words "Children's Home" wherever they occur (See S.27).

[265] This Act is awaiting Presidential Proclamation to come into force.

from providing for his upbringing, and there is no available person or persons capable, fit or willing to undertake the care of such child;

(d) is exposed to moral danger;

(e) is beyond the control of his parents or guardians;

(f) is ill-treated or neglected in a manner likely to cause him suffering or injury to health;

(g) is destitute, or is wandering without any settled place of abode and without visible means of subsistence;

(h) is begging or receiving alms; or

(i) is found loitering for the purpose of begging or receiving alms,

and that the intervention of the Authority is necessary in the best interests of the child, it shall investigate the matter and it shall be lawful where appropriate for the Authority to receive the child into its care.

S.23(1) Subject to the provisions of this Part, where the Authority receives a child into its care under section 22, it shall temporarily assume the care and control of that child...and all the rights and powers of the parents or guardians shall temporarily vest in the Authority.

S.23(2) The Authority shall for the purposes of obtaining an Order under section 25, bring before the Court any child, received by it under section 22, within fourteen days of such reception, unless it is satisfied that the taking of proceedings is not, in its opinion, in the best interest of the child...

S.24(4) Where a notice of objection has been served on the Authority under subsection (2), the Authority shall notify the Court...and the Court on hearing the objector, if satisfied that the temporary assumption should in the best interest of the child be affirmed or determined, affirm or determine the temporary assumption and in case of termination, the temporary assumption shall thereupon cease to have effect.

634. Under S.25 of the Act, if the Court is satisfied that a child brought before it by the Authority is a child in need of care and protection, shall affirm the assumption and may make an Order *inter alia* removing the child from the parents care. The Court is however empowered by S.25 (1) (a) (iii) to direct a parent or guardian to enter into a recognisance to exercise proper care and guardianship.

635. This Act recognises the importance of family reunification by providing as follows:

> *S.6 (1) It shall be the duty of the Authority to-*
>
> *(a) exercise such powers as are conferred on it by this Act and as may be necessary with respect to any child so as to further, in its opinion, the best interests of that child, including reuniting the child with his relatives at the earliest opportunity;*

636. Section 26 of the Act makes it clear that a parent's rights are not terminated upon the assumption by the Authority of temporary care and control of a child. It provides:

> *S.26 An assumption shall not-*
>
> *(a) be construed as terminating the rights of parents in respect of their children;*

637. Section 6(i) of the Act provides that in determining what is in the best interest of the child, the Authority shall *inter alia* consider "the reasonable preference of the child if the Authority considers the child to be of an age and maturity to express such preference".

638. **The Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08** defines and regulates the power of the Courts in relation to *inter alia* guardianship and custody. Section 3 of the Act provides that where the legal custody or upbringing of a minor is in question, the court shall regard the welfare of the minor as the first and paramount consideration. The relevant provisions of the Act are as follows:

> S.13 (1)*The Court may on the application of the father or mother of a minor...or of a stranger make such order regarding-*
>
> *(a) the legal custody of the minor;*
>
> *(b) the right of access to the minor of the applicant or any other person,*
>
> *as the court thinks fit having regard to the welfare of the minor and to the conduct and wishes of the mother or father or of the stranger.*

S.18(1) An order shall not be made under section 13(1)...giving the legal custody of a minor to more than one person; but where the court makes an order under one of those sections...it may order that a parent of the minor who is not given legal custody of the minor shall retain all or such as the court may specify of the parental rights and duties comprised in legal custody...and shall have those rights and duties jointly with the person who is given the legal custody of the minor.

639. In practice, in custody matters the Judge takes into the account the views of the child, usually by meeting with the child or children in chambers to elicit their opinions and views. (See Colin Hamilton's case at p.14 of the Report). As regards the practice in the Magistrate's Court, please refer to the response to question 44 of the reporting guidelines at page 177 of the Report.

640. **The Matrimonial Proceedings and Property Act, Chap. 45:51** seeks to ensure the protection of children in proceedings for divorce, nullity of marriage and judicial separation. S.47 (1) provides *inter alia:*

S.47(1) The Court shall not make absolute a decree of divorce or of nullity of marriage, or make a decree of judicial separation, unless the Court, by order, has declared that it is satisfied that-

... (b) (i) arrangements for the welfare of every child so named have been made and are satisfactory or are the best that can be devised in the circumstances...

641. As to the role of judicial review, if a parent feels aggrieved by a decision of the High Court that person is entitled to appeal the decision. Decisions of magistrates are open to judicial review on the grounds mentioned in paragraph 254 at page 117 of the Report.

Q.72. Please indicate the measures adopted pursuant to article 9, paragraph 4 to ensure that in the case of the child's separation from one or both of his or her parents as a result of any action initiated by the State, essential information on the whereabouts of the absent member(s) of the family is provided, upon request, to the child, to the parents or, if appropriate, to another member of the family, unless the provision of the information would be detrimental to the well-being of the child. Also indicate the measures undertaken to ensure that the submission of such a request entails no adverse consequences for the person(s) concerned.

642. Section 75(1) of the **Children Act** (as amended by (Amendment) Act No. 19 of 1994) seeks to ensure that parents are aware of proceedings involving their children. It provides that:

Where a child or young person...is brought before a Magistrate under this Act, his parent or guardian may, in any case, and shall, if he can be found and resides within a reasonable distance, be required to attend at the Court before which the case is heard or determined during all stages of the proceedings, unless the Court is satisfied that it would be unreasonable to require his attendance.

643. **The Children's Authority Act, No. 64 of 2000** seeks to ensure that the parents of children are properly notified where the Authority has assumed temporary care and control of that child. It provides:

S.24 (1) Where the whereabouts of the parent or guardian of the child are known and they have not previously consented to the temporary assumption by the Authority, the Authority shall, within forty-eight hours upon receipt of the said child, serve on the parent or guardian, notice in writing of the temporary assumption thereof and every such notice shall inform the person on whom the notice is served of his right to object to the temporary assumption and the effect any objection made by him.

644. Generally children are entitled in practice to be informed of the whereabouts of their parents, if known, providing that it is in the child's best interest.

Q. 73. Relevant disaggregated information (for example, by age, gender and national, ethnic and social origin) should be provided *inter alia* in relation to situations of detention, imprisonment, exile, deportation or death, together with an assessment of progress achieved in the implementation of article 9, difficulties encountered and targets set for the future.

645. No data is available in respect of the categories mentioned.

646. In terms of progress achieved, the proposed Children's Authority will ensure that where it is in the child's best interests, the child will be separated from his or her parents in the circumstances set out in S.22 of the Act (set out above). The Court is also empowered under S.25 to make an order directing a child's parent or guardian to enter into a recognisance to exercise proper care and guardianship, for example, in circumstances where separation from the parent is not considered in the child's best interest.

647. The Government is presently taking steps to introduce a two year Pilot Family Court Project in September 2003. The major shift will be a move away from the adversarial method of

resolving family disputes to a more conciliatory approach involving *inter alia* mediation. It is expected that the jurisdiction of the High Court which deals with family matters in the Northern part of the island and Magisterial family law matters in the St. George West District will be shifted to the Family Court, which is to be housed in a separate building specifically designed for the purpose. In this pilot project, the focus will be more in the direction of support systems being made accessible and available to families. The views of the child in custody matters are more likely to be considered in a separate Family Court which will cater to the best interests of the child. The outcome of this two year pilot project will be used to inform what will be required for the implementation of a permanent Family Court in Trinidad and Tobago. At present a draft Family Proceedings Bill and a draft Mediation Bill are being finalised to facilitate the introduction of the pilot project.[266]

648. In terms of difficulties encountered, a prominent child rights activist has stated as follows[267]:

> *Recently, a group of young fathers who have been separated from their children because of separation in relationships with their spouses or girlfriends...have been complaining that they as fathers have not had the opportunity to have regular visitations with their children and the courts have actually been hindering this because of what mothers have to say about the fathers-some not true and there was a concern...The system tends to be more matriarchal than patriarchal. There are many fathers out there who should have the opportunity to interface with their children in keeping with this Article. So this is something that needs to be looked into.*

D. Family reunification (art. 10)

Q.74. Please provide information on the measures adopted to ensure that applications by a child or his or her parents to enter or leave a country for the purpose of family reunification are dealt with by the State in a positive, humane and expeditious manner and that the submission of such a request entails no adverse consequences for the applicants and the members of their family.

Q. 75. Please also indicate how such applications are considered in the light of the Convention and in particular of its general principles of non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible, including in the case of unaccompanied and

[266] According to member of the Family Court Committee established by the Attorney General in 2002.
[267] Comment of Gregory Sloane Seale of the Coalition on the Rights of the Child, during Interview held on December 12, 2002.

asylum-seeking children. Disaggregated information should also be provided, including by gender, age, and national and ethnic origin.

Q. 76. Please indicate the measures undertaken to ensure the right of a child whose parents reside in different States to maintain on a regular basis personal relations and direct contacts with both parents. Please also indicate any exceptions and their compatibility with the provisions and principles of the Convention.

Q. 77. Information should be provided on the steps taken to ensure respect for the right of the child and his or her parents to leave any country, including their own, and to enter their own country. They should indicate any restrictions imposed on the right to leave the country, how they are prescribed by law, necessary to protect national security, public order, public health or morals or the rights and freedoms of others and the extent to which they are consistent with the other rights recognised in the Convention, including the principles of non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible.

Q.78. Reports should also provide information on the progress achieved in the implementation of article 10, difficulties encountered and targets set for the future.

649. Section 4(g) of the Constitution recognises the right of an individual to freedom of movement without discrimination.

650. Entry into Trinidad and Tobago is subject to the **Immigration Act, Chap. 18:01**. This Act does not contain any specific provisions relating to the right to family reunification. Section 4(1) of the Act provides that both citizens and residents of Trinidad and Tobago (who are not citizens) have the right to be admitted into Trinidad and Tobago. Section 5(1)(e) provides that a child of a person who is a citizen of Trinidad and Tobago is a resident provided that such child is a minor or is dependent on and living with his parents.

651. A parent or grandparent of a child who is a citizen or resident of Trinidad and Tobago may be granted permission to become a resident in accordance with S. 6(1) of the **Immigration Act** which provides *inter alia:*

> *S.6(1) ....Persons who come within the following classes may on application...be granted permission by the Minister if he thinks fit, to become residents, that is to say-*
>
> *...(b) a person who is the parent or grandparent of either a citizen or resident of Trinidad and Tobago, residing in Trinidad and Tobago, if such citizen or*

resident is willing and able to provide care and maintenance for that person.

652. Section 9 of the **Immigration Act** sets out a list of persons other than citizens and residents who may be allowed to enter Trinidad and Tobago. This list includes "tourists" and "visitors".

653. Persons seeking entry into the jurisdiction must have their documentation in order. **The Immigration Regulations, Chap.18:01** provide in regulation 13 that "every person seeking to enter Trinidad and Tobago shall be in possession of a passport issued by the country of which such person is a subject or citizen". A person under the age of sixteen years who is included in the passport of some other person may be exempted from this requirement. Further a document other than a passport may be accepted if it establishes the identity and nationality of the bearer to the satisfaction of the Immigration Officer. Persons wishing to enter the jurisdiction are also required to have a return ticket; an entry visa (for countries listed in the Second Schedule to the Act); a proper address; the name of the host or family in the country (if requested) and sufficient funds to maintain their stay. Children who do not posses the required documentation can be admitted once their parent/parents is/are lawfully present in Trinidad and Tobago.

654. All persons are free to leave the jurisdiction providing that they have a valid travel document, and an airline ticket and visa, if required by the country of destination.

655. To date the Government of Trinidad and Tobago has not received any applications for refugee status from children. The Government of Trinidad and Tobago acceded to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol on the 1st November 2000. Please refer to paragraph 269 at page 121 of the Report for details.

656. The Immigration Department has stated that although they do not usually receive requests for family reunification, there are instances when it facilitates families staying together. For example in cases where a deportation order has been made against an individual who has a child in the jurisdiction with a national of Trinidad and Tobago and the couple intends to get married, a recommendation is usually made to have the order lifted so that the family can stay together.

657. **The Children Authority Act, No.64 of 2000** makes provision for facilitating the emigration of children in the care of the Children's Authority as follows:

S.36 (1)The Authority may, with the consent of the Minister, procure or assist in procuring emigration for any child in its care.

S.36 (2)The Minister shall not give his consent under this section unless he is satisfied that-

(a) emigration would benefit the child;

(b) suitable arrangements have been or will be made for the child's reception;

(c) proper arrangements for the child's welfare in the country to which he is going have been made;

(d) the parents or guardians of the child have been consulted; and

(e) that the child consents.

S.36(3) In any case where the child, is accompanied by a parent, guardian or relative or is to emigrate for the purpose of joining a parent, guardian, relative or friend, but is too young to form or express an opinion, the Minister may consent to his emigration, notwithstanding that the child is unable to consent.

E. Illicit transfer and non-return of children (art.11)

Q. 79. Please provide information on:

- **The steps taken to prevent and combat the illicit transfer and non-return of children abroad, including legislative, administrative or judicial measures, as well as mechanisms established to monitor such situations;**

658. The power to prevent the illicit transfer and control the non-return of children lies with the Courts. Under the Matrimonial Causes Rules a person may apply for leave to take a child permanently out of Trinidad and Tobago. Provision is also made for an application to be made *ex-parte* for an injunction to prevent a child being removed from the jurisdiction. The Marshall of the Court in conjunction with the vigilance of the control system at the Immigration Department stationed at all ports of entry, effectively monitor these situations.[268]

659. Trinidad and Tobago does not record a high number of reports of sale, trafficking and abduction of children, however, reports which are limited to the few abduction cases, mostly by parents, have in the past been dealt with by INTERPOL.[269]

Please provide information on:

- **Any bilateral or multilateral agreement on this subject concluded by the State party or to which it may have acceded and the impact they have had;**

[268] Information provided by legal adviser, Ministry of National Security by memorandum dated October 03, 2000.
[269] Supra, fn.268.

660. Trinidad and Tobago is a party to the International Convention for the Suppression of the Traffic in Women and Children.

661. The Government of Trinidad and Tobago acceded to the Hague Convention on the Civil Aspects of International Child Abduction on the 7th June 2000. It entered into force for Trinidad and Tobago on 1st September 2000. The Convention seeks to secure the prompt return of children wrongfully removed to or retained in any Contracting State and it ensures that the rights of custody and of access under the law of one Contracting State are effectively respected in other Contracting States.

Please provide information on:

- **Progress achieved and the difficulties met with in countering such situations, together with relevant data on the children concerned, including by gender, age, national origin, place of residence, family status and relationship with the perpetrator of the illicit transfer.**

662. The Convention calls for the establishment of a Central Authority to discharge the duties and functions imposed by the Convention. To this end, the Children's Authority to be established under the **Children's Authority Act, No. 64 of 2000** has been designated by S.5A(1) of the Act as the Central Authority for the purposes of Article 6 of the Convention.

663. Section S.5A (2) provides that the Authority's duties as Central Authority shall include the following:

(a) discovering the whereabouts of the child who has been wrongfully removed or retained;

(b) preventing further harm to the child or prejudice to interested parties by taking or causing to be taken provisional measures;

(c) securing the voluntary return of the child or the bringing about of an amicable resolution of the issues;

(d) exchanging where desirable, information relating to the social background of the child;

(e) assisting the judicial system/institution with a view to obtaining the return of the child and, in a proper case, to make arrangements for organising or securing the effective exercise of rights of access;

(f) where the circumstances so require, to provide or facilitate the provision of legal aid and advice, including the participation of legal counsel and advisers;

(g) to provide such administrative arrangements as may be necessary and appropriate to secure the safe return of the child; and

(h) to do all such things that are required of the Central Authority under the Hague Convention on the Civil Aspects of International Child Abduction.

664. Cabinet has designated the National Family Services Division of the Office of the Prime Minister (Social Services Delivery) as the interim Central Authority for the purposes of the Convention until such time as the Children's Authority is established. To date the Division has received three applications under the Convention.[270]

F. Recovery of maintenance for the child (art. 27, para. 4)

Q.80. Please indicate the measures adopted (including legislative, administrative and judicial measures) and mechanisms or programmes developed to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State and from abroad, including in cases of the separation or divorce of the parents. Information should also be provided on:

- **Measures taken to ensure the maintenance of the child in cases where parents or other persons having financial responsibility for the child evade the payment of such maintenance;**

- **Measures adopted to ensure respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, survival and development to the maximum extent;**

- **The factors and difficulties which may have affected the recovery of maintenance for the child (for example, lack of birth registration) or the enforcement of decisions concerning maintenance obligations;**

- **The relevant international agreements the State has concluded or to which it has acceded, as well as any other appropriate arrangement it has made;**

- **Relevant disaggregated data in this area, including by gender, age, national origin and place of residence of the child and his or her parents, or of the persons financially responsible for him or her.**

[270] According to Director, National Family Services by telephone on June 13, 2003.

Order for maintenance during and upon dissolution of marriage

665. **The Matrimonial Proceedings and Property Act, Chap. 45:51** in Part II deals with maintenance and related matters. The relevant sections are quoted below:

S.28 (1) Either party to a marriage may apply to the Court for an order under this section on the ground that the other party to the marriage-

(a) being the husband, has wilfully neglected-

... (ii) to provide, or make a proper contribution towards, reasonable maintenance for any child of the family to whom this section applies,

(b) being the wife, has wilfully neglected to provide, or to make a proper contribution towards, reasonable maintenance-

... (ii) for any child of the family to whom this section applies.

S.25 (1)...in proceedings for divorce, nullity of marriage or judicial separation, the Court may make any one or more of the orders mentioned in subsection (2)-

(a) before or on granting the decree of divorce, of nullity of marriage or of judicial separation, as the case may be, or at any time thereafter;

(b) where any such proceedings are dismissed after the beginning of a trial, either forthwith or within a reasonable time after the dismissal.

S.25 (2) The orders referred to in subsection (1) are-

(a) an order that a party to the marriage shall make to such person as may be specified in the order for the benefit of a child of the family, or to such a child, such periodical payments and for such term as may be so specified;

(b) an order that a party to the marriage shall secure to such person as may be so specified for the benefit of such a child, to the satisfaction of the Court, such periodical payments and for such term as may be so specified;

(c) order that a party to the marriage shall pay to such person as may be so specified for the benefit of such a child; such lump sum as may be so specified.

S.27(2)...it shall be the duty of the Court in deciding whether to exercise its powers under section 25 or 26 in relation to a child of the family and, if so, in what manner, to have regard to all the circumstances of the case including the following matters:

(a) *the financial needs of the child;*
(b) *the income, earning capacity (if any), property and other financial resources of the child;*
(c) *the physical or mental disability of the child;*
(d) *the standard of living enjoyed by the family before the breakdown of the marriage;*
(e) *the manner in which he was being and in which the parties to the marriage expected him to be educated or trained,*

and so to exercise those powers as to place the child, so far as it is practicable ... in the financial position in which the child would have been if the marriage had not broken down and each of those parties had properly discharged his or her financial obligations and responsibilities towards him.

Orders for maintenance in custody hearings

666. The **Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08** provides for the Court to make a maintenance order in custody cases, against either the mother or the father of a minor. The relevant sections are set out below:

S.13 (2) Where the court makes an order under subsection (1) giving the legal custody of the minor to any person (whether or not one of the parents), the court may make a further order requiring payment to that person, by the parents or either of the parents excluded from having that custody, of such periodical sum towards the maintenance of the minor in accordance with section 19.

S.14(1) Where the High Court makes an order...that a person shall be the sole guardian of a minor to the exclusion of his mother or father, the High Court may-
... (b) make a further order requiring the mother or father to pay to the guardian a periodical sum towards the maintenance of the minor in accordance with section 19.

S.19. In deciding whether to exercise its powers under section 13(2)...14(1) (b)...and if so, in what manner, the court shall have regard to all the circumstances of the case including the following matters:
(a) the income, earning capacity, property and other financial resources which each parent of the minor has or is likely to have in the foreseeable future;

(b) *the financial needs, obligations and responsibilities which each parent of the minor has or is likely to have in the foreseeable future;*

(c) *the financial needs of the minor;*

(d) *the income, earning capacity (if any), property and other financial resources of the minor;*

(e) *any physical or mental disability of the minor;*

(f) *the manner in which the minor was educated or trained and the manner in which the parents expected him to be so educated or trained;*[271]

(g) *the standard of living enjoyed by the family while the members of the family resided together.*

667. The Court has power under the Act to vary or discharge an order for periodical payments having regard to all the circumstances of the case including any change of circumstances.

668. Under S.26 of the Act, the Court has power to enforce its maintenance orders by designating a Clerk of the Peace in each Magisterial District to be a collecting officer for the district. The collecting officer is responsible for collecting the payment and disbursing it in accordance with the terms of the maintenance order.

The Children's Authority Act[272]

669. Section 26 of this Act provides that an assumption by the Authority of temporary care and control of a child shall not "relieve any person from any liability to maintain or contribute to the maintenance of the child".

670. The relevant provisions of the Act relating to maintenance are set out below:

S.32 (1) Where the Authority is satisfied that a person legally liable for the care and maintenance of any child intends to leave Trinidad and Tobago without making adequate arrangements for the child, it may object to the Chief Immigration Officer to such person leaving Trinidad and Tobago until such person has made provision to the satisfaction of the Authority that-

(a) *the child is not likely to become a charge on the public funds; or*

(b) *such child is not exposed to moral danger or neglect by reason of lack of care and maintenance.*

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[271] Subsections (f) and (g) of S.19 were only recently introduced by the Miscellaneous Provisions (Children) Act, No.66 of 2000.

[272] This Act is awaiting Proclamation and is not yet in force.

S.32 (2)The Chief Immigration Officer on receipt of such objection may refuse to permit the person to leave Trinidad and Tobago.

S.39 (1) The Authority shall arrange with the parents or the guardian of a child for a contribution according to their means towards the maintenance of a child who is in the care of the Authority.

S.39 (2) Where an agreement cannot be reached... the Authority shall apply to the Court for an order for the maintenance of the child having regard to the means of the parent or guardian.

Attachment of Earnings

671. **The Attachment of Earnings Act, No. 14 of 1988** (as amended by **Act No. 28 of 1995**) makes provision for the attachment of earnings as a means of enforcing the discharge of maintenance obligations. Section 3 provides that the High Court or Magistrate's Court may make an attachment of earnings order to secure payments under a High Court or a Magistrate's order. Under S.5(1) of the Act, those entitled to apply for such an order include:(a) any person making an application for a maintenance order and (b) any person who is entitled to receive payment under a maintenance order whether directly, into a specified bank account or to the Collecting Officer.

672. Section 19(2) of the Act provides that a person commits an offence if he does not comply with an **Attachment of Earnings Order** or if he fails to comply with the provisions of the Act. Under S.19 (3), the offender is liable on summary conviction to a fine of TT $1,000 or to imprisonment for a period of 14 days.

Recovery of Maintenance from Persons Abroad

673. With respect to recovery of maintenance from persons resident abroad, the **Maintenance Orders (Enforcement) Act, Chap. 45:53** provides as follows:

S.4 Where a court in Trinidad and Tobago has made a maintenance order against any person, and it is proved to that court that the person against whom the order was made is resident in some part of England or Northern Ireland, the court shall send to the Minister for transmission to the Secretary of State a certified copy of the order.

674. An order under S.4 above can have effect when confirmed by a competent court in England or Northern Ireland.

675. Section 12 of the Act provides further:

> *Where the Minister is satisfied that reciprocal provisions have been made by the Legislature of any Commonwealth territory for the enforcement within that territory of maintenance orders made by the Courts in Trinidad and Tobago, the Minister may by Order extend this Act to the territory...*

676. In accordance with S.12 above, this Act has been extended to maintenance orders made in Guyana, Grenada, Saint Lucia, St. Vincent, Leeward Islands, Barbados, Jamaica, New South Wales, Bahamas and the Australian Commonwealth, Bailiwick of Guernsey, State of Queensland, Isle of Man, States of South Australia, Victoria and Tasmania.[273]

677. In some cases, unemployment and the lack of permanent employment have impeded the recovery of maintenance and the enforcement of decisions concerning maintenance obligations in Trinidad and Tobago.

G. Children deprived of their family environment (art.20)

Q. 81. Please indicate the measures adopted to ensure:

- **Special protection and assistance to the child who is temporarily or permanently deprived of his or her family environment or in whose own best interests cannot be allowed to remain in that environment;**

678. A UNICEF Study on Juvenile Justice in Trinidad and Tobago provides[274]:

> *...It is that recognition that some children live in dangerous families, that have promoted legislatures, such as that of Trinidad and Tobago, to provide for early intervention, by the removal of these children from their families and into orphanages, certified schools, foster homes, and into the care of relatives or other fit persons or some other safe environment. This practice is in keeping with the State's responsibility under the CRC to provide "special protection and assistance" to such children.*

679. The response to question 69 of the reporting guidelines above sets out instances when statute permits the State to intervene in the child's best interest and to provide alternative care for that child.

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[273] See Maintenance Orders (Enforcement) Act-asterisk.
[274] At page 14 of the Study.

680. **The Children Act** (as amended by **Act No. 19 of 1994**) seeks to ensure the safety of children removed from their homes by providing as follows:

> *S.11(1)A constable, or a person referred to in section 15(1) (a), or any person authorised by a Magistrate, may take to a place of safety any child or young person in respect of whom an offence under this Part or any of the offences mentioned in the Schedule, has been, or there is reason to believe has been, or is likely to be committed.*
>
> *S.11A A person who takes a child or young person to a place of safety under section 11 or 15 shall cause the child or young person to appear before a Magistrate in Chambers no later than eight days from the date the child or young person is so taken...*

681. **The Children's Authority Act, No. 64 of 2000**[275] allows the Authority to assume temporary care and control of children removed in circumstances described in S.22 of the Act. Section 11 of the Act provides that for the effective management of its duties the Authority shall have *inter alia* a Technical Unit. The Technical Unit shall comprise an Intake Centre and a Reception Centre. The Intake Centre shall be responsible for *inter alia* "receiving children who are to remain in the care of the Authority". The Reception *Centre* "shall be responsible for the temporary care of children received by the Authority". The Act in S.14(4) provides that the Reception Centre shall be staffed with qualified social workers, a child psychologist, medical and other qualified personnel, including a child psychiatrist. A child shall not remain in the Reception Centre for a period exceeding six weeks.

Please indicate the measures adopted to ensure:

- **Alternative care for such a child, specifying the available forms of such care (*inter alia* foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of the child);**

682. Legislation provides several options for the Court as far as alternative care arrangements for the child are concerned. These include committal to a relative or other fit person, adoption, foster care and institutional care.

683. The Adoption Board functions in accordance with the **Adoption of Children Act, Chap.46:03.** The granting of an Adoption Order permanently transfers the parental rights, duties and obligations from the natural parents to the adoptive parents. (See pages 140 to 142 of the

[275] This Act is awaiting Presidential Proclamation to come into effect.

Report for details of the procedure). A new Adoption of Children Act has been enacted and is awaiting proclamation to come into force. The Act will replace the existing adoption legislation.

684. A pilot project for formal fostering of children in Trinidad and Tobago was approved by Cabinet in 1994. However numerous administrative and legislative issues constrained against placement until 2000. A system of voluntary placement, approved in 1999 facilitated the formal fostering of 27 children, although more than 150 requests were received.[276] The Government has introduced legislation to establish a formal foster care system in the **Children's Community Residences, Foster Homes and Nurseries Act, No.65 of 2000** which is awaiting Presidential Proclamation to come into force (See pages 147-148 of the Report).

685. The Children Act deemed the St. Michael's School for Boys, the St. Jude's Home for Girls, the St. Mary's Children Home and the St. Dominic's Children Home certified Industrial Schools and Orphanages. These institutions are legally bound to house, clothe and feed youthful offenders and children in need of care. At St. Dominic's and St. Mary's, which cater for children below the age of ten years, an estimated ninety percent of the children are committed because they have no parent willing or able to provide care for them. St. Michael's and St. Jude's cater for children over ten years. Children are required to leave the orphanages by the age of sixteen, and the industrial schools by the age of eighteen. In 1999, there were some 658 children accommodated at these four certified Industrial Schools and Orphanages. Many of the parents of these children are mentally ill, and several are alcoholics or drug addicts.[277]

686. In addition to the certified schools and orphanages, there are several other private homes providing residential care for children.

687. The Government offers subventions to the organisations which cater for street children such as the Credo Centre. The Social Displacement Unit of the Office of the Prime Minister (Social Services Delivery) is also expected to expand their current area of operations to monitor this increasing problem.

688. The Government also grants subventions to homes and institutions taking care of disabled children. Please refer to page 157 of the Report in this regard.

[276] Director, National Family Services: "Information re: CRC Reporting".
[277] Ministry of Social Development document entitled "Establishment of a Halfway House to accommodate children who leave Institutions".

Please indicate the measures adopted to ensure:

- **That the placement of such a child in suitable institutions will only be used if really necessary;**

689. While there are no provisions in the statute to ensure that children are sent to institutions only if really necessary, statute provides the Court with a variety of alternative care options for children in need of such care. The Court in placing a child, usually relies on reports prepared by Probation Officers who advise the Court on the best interests of the child. Some examples are as follows:

690. **The Children Act, Chap. 46:01** makes provision for a child to be committed to the care of a relative in the circumstances outlined in S.12 of the Act. The section provides (emphasis added):

S.12(1) Where a person having custody, charge, or care of a child or young person has been-

(a) convicted of committing in respect of such child or young person an offence under this Part or any of the offences mentioned in the Schedule,

(b) committed for trial for any such offence; or

(c) bound over to keep the peace towards such child or young person,

by any court, that court...may, if satisfied on enquiry that it is expedient so to deal with the child or young person, order that the child or young person be taken out of the custody, charge or care of the person so convicted, committed for trial, or bound over, and be committed to the care of a relative of the child or young person or some other fit person named by the court...until he attains the age of sixteen[278] years, or for any shorter period, and that court...may of its own motion, or on application of any person, from time to time by order renew, vary or revoke such order.

S.12(7) Nothing in this section shall be construed as preventing the court, instead of making an order as respects a child under this section, from ordering the child to be sent to an Orphanage[279] in which case the Court is authorised to do so under Part III.

[278] The Children (Amendment) Act No.68 of 2000 deletes the word "sixteen" and substitutes the word "eighteen" but this amendment is not yet in force.

[279] The Children (Amendment) Act, No.68 of 2000 deletes the word "an Orphanage" and substitutes the words "a children's home, foster home or making any order as it thinks fit".

691. **The Children's Authority Act, No. 64 of 2000** provides as follows:

S.25(1) Where the Court is satisfied that a child brought before it by the Authority is a child in need of care and protection, it shall affirm the assumption made under section 23 and may make-

(a) an Order-

(i) directing that the child be sent to a residence;

(ii) committing him to the care of a fit person under the Children's Act who is willing to undertake the care of him;

(iii) directing his parent or guardian to enter into a recognisance to exercise proper care and guardianship;

(iv) placing him for a specified period, not exceeding three years, under the supervision of the Authority;

(v) directing that the child be placed in foster care;

(vi) freeing that child for adoption; or

(vii) any other order as the Court thinks fit.

Please indicate the measures adopted to ensure:

- **Monitoring of the situation of children placed in alternative care;**

692. The National Family Services Division is responsible for monitoring groups and homes in communities that offer protection to children in need. However, with severe human resource constraints and inadequate legal enforcement measures, the Division's role in monitoring these Homes has not been effective. Please refer to paragraph 369 at page 149 of the Report in this regard.

693. The Auditor General in a recent audit of the National Family Services Division has stated that "the mechanisms in place did not appear to be specifically designed to facilitate structured and effective monitoring of Children's Homes and Institutions since substantial information on the results of monitoring of Children's Homes was not being provided".[280]

694. Steps have been taken to strengthen the legislative framework for monitoring Children's Institutions with the enactment of the **Children's Authority Act, No.64 of 2000** and **the Children's Community Residences, Foster Homes and Nurseries Act, No.65 of 2000**. Under S.27 of the latter Act, the Children's Authority may authorise one of its officers, at all reasonable times to inspect the premises of any community residence and the children received therein. Please refer to pages 146-148 of the Report for details.

Please indicate the measures adopted to ensure:

- **Respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, survival and development to the maximum extent.**

695. Over the last 5 years, the National Services Division has conducted some 7 courses for caregivers, training over 150 persons at basic and intermediate levels. Two of these courses were held for managers/ administrators.

696. **The Adoption of Children Act, No.67 of 2000**[281] provides in S.10(b) that as far as practicable the Adoption Board in making arrangements for the adoption of children, shall ascertain the wishes of the child and give due consideration to them having regard to the age and understanding of the child.

Q.82 Reports should also indicate the extent to which, when such solutions are being considered, due regard is paid to the desirability of continuing the child's upbringing and to the child's ethnic, religious, cultural and linguistic background. Disaggregated information should be provided on the children concerned by all such measures, including by gender, age, national, social or ethnic origin, language, religion and by the nature of the measures of alternative care applied.

697. **The Children Act, Chap.46:01** provides in S.14:

> *S.14(1) In determining the person in whose care the child or young person shall be committed under this Part, the court shall endeavour to ascertain the religious persuasion to which the child or young person belongs, and shall, if possible, select a person of the same religious persuasion...*

698. **The Children's Authority Act**, in S.23(1) provides that where the Authority receives a child into its care under section 22, it shall temporarily assume the care and control of that child. However S.26 makes it clear that "an assumption shall not authorise the Authority to cause a child to be brought up in any religion other than that in which the child would have been brought up by a parent".

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[280] Report of the Auditor General on a Special Audit of the Operations of the National Family Services Division at p.9

[281] This Act is awaiting Presidential Proclamation to come into effect.

699. **The Adoption of Children Act, No.67 of 2000** provides (emphasis added):

> *S.25 Before making an adoption order, the court shall be satisfied (inter alia) that-*
>
> *(c) due consideration is given to the religious denominations of the child and the adopters and to the wishes of the child, in relation thereto, having regard to the age and understanding of the child...*

700. At the Youth Training Centre where young male offenders between the ages of 16-18 are committed to terms of detention not less than three years up to a maximum of four years, the children have access to several different religious services as follows:[282]

> *Roman Catholic-Friday and Saturday*
> *Seventh Day Adventist-Saturday*
> *Church of the First Born Assembly-Friday*
> *Pentecostal-Friday*
> *Spiritual Baptist-Thursday*

701. At the St. Michael's Home for Boys the following provision is made for religion[283]:

> *Deacon...of the Anglican Diocese, visits every Monday mainly to minister to the boys. On the last Sunday of each month, the boys attend the St. Michael's Anglican Church.*
>
> *Members of the Pentecostal, Seventh Day Adventist and Christian Centre Churches continue working with the boys.*

702. Generally however, children's institutions tend to be run by denominational organisations even if such agencies are funded by Government. Children in the care of these institutions are required to adopt the religious practices of the denominational body managing the facility. Usually no provision is made for children in alternative care to continue to practice their beliefs, and to observe auspicious events and occasions in keeping with their faith.[284]

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[282] Information supplied by representative of the Prison Service on Human Rights Consultative Committee-13 May 2002.
[283] St. Michael's School for Boys Planning Brief.
[284] Representative of the Ministry of Social Development on the Human Rights Consultative Committee- by memorandum dated November 2002.

Q. 83. Reports should also provide information on the progress achieved in the implementation of this article, any difficulties encountered or on targets set for the future.

703. The absence of a fully functioning foster care programme has encouraged a spurt of small children's homes throughout the country, with differing sometimes questionable levels of care, as revealed in the reports by many investigative committees.[285]

704. NGOs have stated that generally the environment at the majority of Children's Homes are not conducive to the positive holistic development of children. Staffing has been lacking in these places so that children do not always get the attention they need. There is a need for greater diversity in the type of activities for children. There is also a need for more counselling including professional counselling to cater for the emotional and psychological needs of the children.[286]

705. The enactment of children's legislation to licence and monitor homes, will serve to ensure that these homes provide minimum standards of operation.

706. There are instances where babies/infants are abandoned at the General Hospitals and these children remain on the wards for lengthy periods of time until they can be placed at a childcare institution or adopted. These children run the risk of contracting communicable diseases from sick children. There are also other issues involved such as: the abandoned children occupy beds which should really be allocated to sick children; they do not receive the level of stimulation necessary for early childhood development and they are deprived of acceptable levels of care, attention and recreation.[287]

H. Adoption (art. 21)

Q. 84. Please indicate the measures adopted, including of a legislative, administrative or judicial nature, to ensure that, when the State recognises and/or permits the system of adoption, the best interests of the child shall be the paramount consideration. Information should also be provided on:

- **The authorities which are competent to authorise the adoption of a child;**

[285] Comment of the Director, National Family Services Division-June 2003.
[286] Comment of Gregory Sloane Seale of the Coalition for the Rights of the Child-Interview held on December 12, 2002.
[287] According to the representative of the Ministry of Social Development on the Human Rights Consultative Committee by memorandum dated November 2002.

- **The applicable law and procedures and the pertinent and reliable information on the basis of which adoption is determined;**

- **The child's status concerning his or her parents, relatives and legal guardians necessary for adoption to be considered permissible;**

- **The involvement of the persons concerned, the circumstances under which their informed consent is required and necessary counselling provided, including to allow for the consideration of the alternatives to and consequences of adoption, and the extent to which the participation of the child is ensured and his or her views are given due weight;**

- **Existing safeguards to protect the child, including any monitoring mechanism put in place;**

- **The effects of adoption on the rights of the child, particularly his or her civil rights, including the child's identity and the right of the child to know his or her biological parents.**

707. The Adoption Board of Trinidad and Tobago exists and functions in accordance with the **Adoption of Children Act, Chap.46:03**. The Board consists of a Chairman and no more than five persons to be appointed by the Minister. Section 4 of the Act provides:

S.4(1) No person other than the Board shall make arrangements for the adoption of a child.

S.4(2) Any person who takes part in arranging an adoption or in the managing or control of a body of persons other than the Board is liable on summary conviction to a fine of six thousand dollars and to imprisonment for six months.

708. The following is a description in chronological order of the process involved in adoption as detailed by the Adoption Unit. The corresponding sections of the Act have been set out where relevant.

Applicants who desire to be assessed as prospective adoptive parents.

709. In this category, the process begins with a formal interview, which is conducted by an officer attached to the Adoption Board. Discussions are usually centred around:

i. the current circumstances of the applicant;
ii. the reasons for wanting to adopt;
iii. the place of equity of interest-in joint applications;
iv. emotional and other preparations made for the new role as adoptive parents;
v. knowledge of the implications and responsibilities associated with adoption; and
vi. whether the applicant/s is/are resident and domiciled in Trinidad and Tobago.

710. The informal interview may conclude with mutual agreement that the applicant/s understand the new path ahead. The application package will then be issued.

711. Applicants are required to submit a formal application in the prescribed form together with the following certificates and documents:

i. results of blood test (HIV & VDRL);
ii. chest x-ray results;
iii. certificate/s of character;
iv. the names of two referees;
v. two(2) recent photos; and
vi. birth certificate/s, marriage certificate, decree absolute (where applicable).

712. The covering medical report must be completed and signed by a qualified medical practitioner who is registered by the Medical Board of Trinidad and Tobago. Medical reports are valid for eighteen months.

713. A completed and returned application can be registered. The application is later assigned to an officer for investigation and preparation of a Home Study report. The vetted Home Study report is circulated to the Board Members, prior to the monthly statutory meeting of the Board.

714. The Board is charged with the responsibility to examine such reports and to approve, defer, interview applicant/s or close an application based on its findings. It is also a requirement that the applicant/s be informed in writing of the decision of the Board.

715. Applicants who are approved by the Board are placed on the Board's list of *Prospective Adopters Awaiting Placement.*

Placement of children

716. The criteria set out below is used by the Placement (Case) Committee for placing children:-

i. a child who matches the description of the applicants;

ii. the position of the applicant on the list; and
iii. the validity of the medical reports on file.

717. When placement is made, applicants are required to name the child and submit a new application form, indicating their specific interest in adopting the child placed. The case then assumes a new category, is given a different coded number and presented to the Board for approval. The latter approval facilitates the commencement of the probationary period, which is for a duration of six months. In this regard, S.6 of the Act provides:

> *S.6 Where arrangements are made by the Board for the adoption of a child, an application to the court for an adoption order in respect of the child shall not be made by the adopter until the expiration of a period of six months from the date upon which the child is delivered into the care and possession of the adopter...and at any time*
>
> *(a) the adopter may give notice in writing to the Board of his intention not to adopt the child; or*
>
> *(b) the Board may cause notice in writing to be given to the adopter of its intention not to allow the child to remain in the care and possession of the adopter,*
>
> *and where a notice is so given, the adopter shall, within seven days of the date on which the notice was given, cause the child to be returned to the Board, and the Board shall receive the child accordingly.*

718. During this probationary period, in accordance with S.6(2) of the Act, the Board appoints an officer to keep the child under close supervision in his/her new environment and to observe the bonding expected to be established with the applicants. The Board may order monthly visits. **The Adoption of Children Regulations** provides in R.7 that "at least once during the first month and thereafter at least once in every two months" during the probationary period, a representative of the Board shall visit the child and also visit or otherwise make contact with the parents or guardian of the child. During this period, the applicants are advised that any change of address must be reported to the Board immediately and that the child must not be taken out the country without the prior knowledge and consent of the Board.

719. The principle of the best interests of the child is reflected in S.7 of the Act which provides:

> *S.7. Where any person has made representations to the Board with a view to the adoption of a child, and the Board is of the opinion that the adoption of the child by that person would not be in the best interests of the child, the Board shall*

notify the person accordingly, and such person may appeal from the decision of the Board to a Judge of the High Court in a summary way.

720. Section 18 provides further:

S.18. It shall not be lawful for any adopter or for any parent or guardian, except with the sanction of the Court to receive any payment or other reward in consideration of the adoption of any child under this Act or for any person to make or give or agree to give to any adopter or to any parent or guardian any such payment or reward.

721. S.11 of the Act sets out restrictions for the grant of an Adoption Order as well as the persons whose consents are required. It provides *inter alia* as follows:

S.11(1) An adoption order shall not be made in any case where-

(a) the applicant is under the age of twenty-five years, or

(b) the applicant is less than twenty-one years older than the child in respect of whom the application is made; but the court may, if it thinks fit, make an order-

(i) notwithstanding that the applicant is less than twenty five years of age, if the applicant is the mother of the child; or

(ii) notwithstanding that the applicant is less than twenty one years older than the child, if the applicant and the child are within the prohibited degrees of consanguinity, or if the application is made by or on behalf of two spouses jointly and the wife is the mother of the child or the husband is the putative father of the child.

S.11(2) An adoption order shall not be made in any case where the sole applicant is a male unless the Court is satisfied that there are special circumstances which justify as an exceptional measure, the making of an adoption order.

S.11(3) Before the Court makes any interim order under section 13..., consents to the adoption order by all persons (if any) whose consents are required in accordance with subsection 3A of this section shall be filed in the Court.

S.11(3A) The persons whose consents...are required as aforesaid, unless they are dispensed with by the Court under subsection (4A), shall be-

(a) where there is no adoption order in force in respect of the child, the parents or the surviving parent or the guardian or guardians, as the case may be;

(b) where there is an adoption order in force in respect of the child, the adopting parents or the surviving adopting parent.

S.11(4) An adoption order shall not be made upon the application of one of two spouses without the consent of the other of them; but the Court may dispense with any consent required by this subsection, if satisfied that the person whose consent is to be dispensed with cannot be found or is incapable of giving such consent or that the spouses have separated and are living apart and that the separation is likely to be permanent.

S.11(4A) The Court may dispense with any consent required by subsection (3A) if it is satisfied-

(a) in the case of a parent or guardian of the child, that he has abandoned, neglected or persistently ill-treated the child;

(b) in the case of a person liable by virtue of an order or agreement to contribute to maintenance of the child, that he has consistently neglected or refused so to contribute;

(c) in any case, that the person whose consent is required cannot be found or is incapable of giving his consent or that his consent is unreasonably withheld;

(d) in any other case where the Court sees fit.

S.11(5) An adoption order shall not be made in favour or any applicant who is not resident and domiciled in Trinidad and Tobago nor in respect of any child who is not a Commonwealth citizen and so resident.

722. Where the probationary period is considered by the Board to have concluded satisfactorily, the Board gives approval for the application for an Adoption Order to be filed in Court, where all adoption matters are finalised. Rule 5 of the **Adoption of Children Rules**, provides that upon any application being made to the Court, the Court shall appoint the Board to be *guardian ad litem* of the child in respect of whom the application is made. Rule 6 requires that 'every application under the Act be heard and determined *in camera'*.

723. Before making an adoption order, the Court must be satisfied in accordance with S.12 that "every person whose consent is necessary and whose consent is not dispensed with, has consented to and understands the nature and effect of the adoption order for which application is made, and in particular, in the case of any parent, understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights".

724. Section 10 of the **Adoption Act** provides that the Court may, subject to the Act, make an adoption order authorising the applicant to adopt that child.

725. Section 21(1) of the Act requires the Registrar General to establish and maintain at his office a register to be called the Adopted Children Register. Section 21(4) of the Act requires the Court to communicate every Adoption Order to the Registrar General who "shall cause compliance to be made with the directions contained in such order in regard to both making an entry in the Register of Births with the word "adopted" and in regard to making the appropriate entry in the Adopted Children Register". An Adoption Certificate is later issued by the Registrar General's Office. It is to be used in all transactions related to the child, in lieu of a birth certificate.

726. The Ministry of Social Development has received complaints from individuals that they have been discriminated against upon presentation of an adoption certificate in lieu of a birth certificate. This has occurred primarily in employment situations and in schools.[288]

727. Section 21(6) of the **Adoption Act** provides that the Registrar General shall cause an index of the Adopted Children Register to be made and kept in his office, and every person shall be entitled to search such index and to have a certified copy of any entry in the Adopted Children Register.

Applicants who already have a child in care and now desire to adopt

728. The services of the Adoption Board also extend to persons who may already have a child in care. Such circumstances may include a relative, a natural child from an earlier relationship or a child received through a third party arrangement.

729. In this instance, the initial informal interview would include the applicant/s and the natural parent/s (together or separately) providing the child's birth parents are alive and accessible. If applicable, the report of the death of the birth parents must be substantiated by the submission of death certificates. In instances where it is reported that the whereabouts of the birth parent/s are unknown, press advertisements must be published, calling for the named parents and making reference to their last known living address.

730. During these initial discussions, the officer representing the Board seeks to ascertain the full circumstances of the case and the true feelings of the natural parents regarding the adoption plan.

[288] Representative of Ministry of Social Development on the Human Rights Consultative Committee-15 Jan.03

731. The agreement of natural parents must be tangibly expressed by the signing of the relevant consent forms in accordance with S.11(3) of the Act set out above.

732. The applicants in this category are responsible for acquiring and submitting medical reports for the child as well as themselves and for completing the form, relating to the particulars of the child's history.

733. Upon submission of a formal application to the Board, the case is then processed in the same manner as with the first category of applicants mentioned.

The Child

734. Before the Adoption Board accepts an infant/child who is offered for adoption, the following is required:

i. the child must undergo a complete medical examination;
ii. the child must be registered by the birth mother or someone acting on her behalf;
iii. his/her immunisation records must be submitted (depending on the age of the child); and
iv. a Home Study report on the natural parents must be filed.

735. The medical practitioner attached to the Board will subsequently vet the reports and determine whether the child is fit for adoption.

736. The natural parents of the child must also give consent to the adoption by signing the relevant documents, before the child is taken into care. Final consent forms will be requested later in the process and prior to the court hearing. However, the Court may dispense with any consent required, according to the specifics of the case. The granting of an Adoption Order permanently transfers the parental rights, duties and obligations from natural parents to adoptive parents. The supervision of the Adoption Board officially ceases at the making of such Order.

737. The number of adoptions facilitated per annum by the Adoption Board during the reporting period are as follows: 1997-20; 1998-29; 1999-18; 2000-20; 2001-23 and 2002-18.

The Adoption of Children Act, No. 67 of 2000

738. This Act is part of the package of children's legislation enacted by Parliament in 2000 to replace the existing adoption legislation quoted above. The Act is expected to come into force when the proposed Children's Authority has been established. It is also expected that once the

Pilot Family Court Project comes on stream, that Court will have jurisdiction for the purposes of this Act.

739. The new Act seeks to give effect to the provisions of the Convention on the Rights of the Child relating to adoption. Some of the important provisions of the Act are set out below (emphasis added):

> *S.3(2) The Board shall consist of a Chairman and eight other members to be appointed by the Minister.*
>
> *S.3(5) The members appointed...shall include-*
> *(a) a member of the Children's Authority;*
> *(b) a medical practitioner;*
> *(c) an attorney-at-law of at least five years standing admitted to practice in Trinidad and Tobago;*
> *(d) a psychologist;*
> *(e) a professional social worker;*
> *(f) a person with any of the qualifications referred to in paragraphs (b) to (e) nominated by the Chief Secretary of the Tobago House of Assembly.*
> *(g) a representative of an established Children's Residence as defined in the Children's Community Residences, Foster Care and Nurseries Act; and*
> *(h) a representative of a non-governmental organisation which has as its main objectives the promotion of the welfare and protection of children.*
>
> *S.8(1) It shall be the duty of the Board to-*
> *(a) receive applications from parents, guardians, the Children's Authority and prospective adopters in respect of the adoption of children;*
> *(b) make such investigations concerning the adoption of children for the consideration of the Court as may be prescribed by regulations...*
> *(c) co-operate with and assist the Children's Authority in matters relating to the adoption of children;*
> *(d) make recommendations to the court as to whether in its view the adoption is in <u>the best interest of the child</u> whose adoption is sought;*
> *(e) advise the Minister regarding adoption matters generally; and*
> *(f) <u>listen to the views of the child</u>.*

S.9(1) No person other than the Board shall make arrangements for the adoption of a child.

S.9(2) For the purpose of this Act, a person who takes part in the arranging of an adoption or in the management or control of a body of persons other than the Board...is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for two years.

S.9(4) The Court shall not entertain any application for adoption unless that application is supported by a recommendation from the Adoption Board.

S.10 In making arrangements for the adoption of a child, the Board shall-

(a) have regard to all the circumstances and first consideration shall be given to the need to safeguard and promote the welfare of the child

(b) so far as practicable ascertain the wishes of the child and give due consideration to them having regard to the age and understanding of the child;

S.11. The Board shall, in placing a child with adopters have regard so far as practicable to the wishes of the child's parents or guardians as to the religious upbringing of the child.

S.12(1) An application to the court for an adoption order shall not be made until the expiration of a period of six months from the date on which the child is delivered into the care of the adopter.

S.12(3) At any time during the probationary period the adopter may give notice in writing to the Board of his intention not to adopt the child or the Board may give the adopter notice in writing of the Board's decision not to allow the child to remain in the care of the adopter. The Board shall give reasons for its decisions to the adopter.

S.12(6) If at the expiration of the probationary period no notice has been given in accordance with subsection (3), the adopter may, within twenty-one days upon which that period expired, apply to the court for an adoption order in respect of the child or shall give notice in writing to the Board of his intention not to apply for such order.

S.14 Where a person has made representations to the Board to adopt a child and the Board is of the opinion that the adoption of the child would not be in the best interests of the child, the Board shall notify the person accordingly and that person may appeal from the decision of the Board to a Judge of the High Court.

S.15(1) Where a person makes an application to the Board to adopt a child and the Board accepts that application, the Board shall apply to the Court for an order declaring that child available for adoption.

S.15(3) Where on an application by the Board, a court is satisfied in the case of each parent or guardian of a child that-

(a) he freely and with full understanding of what is involved consents to the making of an adoption order in respect of that child,

(b) his consent to the making of an adoption order should be dispensed with on a ground specified in section 24(2),

the court shall make an order declaring the child available for adoption.

S.17(1) Where at any time more than twelve months after the making of an order under section 15-

(a) no adoption order has been made in respect of the child; and

(b) the child does not have his home with the person with whom he has been placed for adoption;

the former parent may apply to the Court for an order revoking the order made under section 15 on the ground that he wishes to resume parental responsibility.

S.22(1) Where an application for an adoption order is made in respect of a child, the court shall, before making the order, take into consideration the views and wishes of the child having regard to the age and understanding of that child.

S.22(1) In any proceedings under subsection(1), the court shall ensure that the child has legal representation.

S.24(1) An adoption order shall not be made-

(a) except with the consent of every person who-

(i) is a parent or guardian of the child in respect of whom the application is made; or

(ii) has the actual custody of the child;

(b) unless in the case of each person mentioned in subsection (1)(a) the court is satisfied that-

(i) that person freely and with full understanding of what is involved, agrees unconditionally to the making of an adoption order(whether or not he knows the identity of the applicants); or

(ii) his consent to the making of the adoption order should be dispensed with on a ground specified in subsection(2).

(c) where an order has been made making the child available for adoption under section 15.

S.24(2) The grounds specified for the purpose of subsection(1) are that the parent-

(a) has abandoned, neglected or deserted the child;

(b) cannot be found or is incapable of giving consent;

(c) is withholding his consent unreasonably;

(d) has persistently failed without reasonable cause to discharge his parental responsibility to the child;

(e) has persistently or seriously ill-treated the child;

(f) being a person liable to contribute to the support of the child, either has persistently neglected or refused to contribute to such support; or

(g) is a person whose consent ought, in the opinion of the court, to be dispensed with.

S.25 Before making an adoption order, the court shall be satisfied (inter alia) that-

(a) the welfare and the best interest of the child will be promoted by the adoption, due consideration being for this purpose given to the wishes of the child having regard to the age and understanding of the child;

(b) *a person who is applying for the order is a fit person to have the custody of the child and of sufficient ability to bring up, maintain and educate the child;*

(c) *due consideration is given to the religious denominations of the child and the adopters and to the wishes of the child, in relation thereto, having regard to the age and understanding of the child...*

S.28 *It shall not be lawful for an adopter or any other person to receive payment or other reward in consideration of the adoption of a child under this Act, or for a person to make or give or agree to make or give to an adopter or to a parent or guardian any payment or reward.*

S.34(1) *An adopted person who is eighteen years old and the record of whose birth is kept by the Registrar General, may make an application...for such information as is necessary to enable that person to obtain a certified copy of the record of his birth...*

Q.85. In the case of intercountry adoption, please indicate the measures undertaken to ensure that:

- **Such a solution is only considered as an alternative means of care for the child if he or she cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;**

740. **The Adoption of Children Act, No. 67 of 2000** provides that:

S.38 *Where a person who is not a national of Trinidad and Tobago and who lives outside of Trinidad and Tobago makes an application to the Court to adopt a child in Trinidad and Tobago, before granting an order the Court shall be satisfied that all attempts to secure adoption by applicants who are nationals of Trinidad and Tobago have failed, and it is in the best interest of the child to grant that order.*

In the case of intercountry adoption, please indicate the measures undertaken to ensure that:

- **The child involved in intercountry adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;**

741. **The Adoption of Children Act, No. 67 of 2000** provides that (emphasis added):

S.36(2) Subject to this section, no such order shall be made unless the court-

(a) is satisfied that the application is made by or with the consent of every person or body who is a parent or guardian of the child referred to in subsection (1) or who has custody of the child, or who is liable to contribute to the support of the child; and

(b) is satisfied by a report of a Trinidad and Tobago Consular Officer or any other person who appears to the court to be trustworthy that the person to whom the care and control of the child is proposed to be transferred is a suitable person to be entrusted therewith, and that the transfer is in the best interest of the child, due consideration being given for this purpose to the wishes of the child having regard to the age and understanding of the child.

S.36(1) The court may make an order, subject to such conditions and restrictions as it thinks fit, authorising the care and control of a child for whom adoption arrangements have been made to be transferred to a person resident abroad.

S.36(3) The court may dispense with any consent required by subsection(2)(a) if it is satisfied that the person whose consent is to be dispensed with has abandoned or deserted the child or cannot be found or is incapable of giving such consent or, being a person liable to contribute to the support of the child, either has persistently neglected or refused to contribute to such support or is a person whose consent ought, in the opinion of the Court and in all the circumstances of the case, to be dispensed with.

In the case of intercountry adoption, please indicate the measures undertaken to ensure that:

- **Placement by intercountry adoption does not result in improper financial gain for those involved in it;**

742. **The Adoption of Children Act, No. 67 of 2000** does not prohibit improper financial gain specifically in relation to intercountry adoption. It does however provide as follows:

> *S.36(4) Where the court makes an order under this section, the court may authorise the making or receipt by any person of any payments in consideration of the transfer of the care and possession of the child in respect of whom the order is made.*

In the case of intercountry adoption, please indicate the measures undertaken to ensure that:

- **Appropriate mechanisms have been established to monitor the situation of the child, including following his or her placement through intercountry adoption, and to ensure that his or her best interests prevail as a paramount consideration.**

743. No such provisions are contained in the Act.

Q.86. Reports should also indicate:

- **Any bilateral or multilateral arrangements or agreements concluded by the State to promote the objectives of article 21 (for example, the Hague Convention of May 1993 on Protection of Children and Cooperation in respect of Intercountry Adoption);**

744. The Ministry of Foreign Affairs is in the process of examining the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993, with a view to recommending that Trinidad and Tobago consider becoming a party to the Convention. The Ministry is cognisant that it would be consistent with Trinidad and Tobago's existing obligations in domestic and international law to safeguard, promote and protect the interest of children both locally and in the international sphere.[289]

[289] According to representative of the Ministry of Foreign Affairs on the Human Rights Consultative Committee.

Reports should also indicate:

- **Within this framework, the measures adopted to ensure that the placement of a child in another country is carried out by competent authorities or organs;**

- **Relevant disaggregated data on the children involved in intercountry adoption, including by age, gender, status of the child, situation of the child's family of origin and of adoption, as well as country of origin and of adoption;**

745. No data is available in respect of intercountry adoptions. The existing adoption requires that the applicants be domiciled in Trinidad and Tobago. Until the new adoption legislation comes into force, such adoptions cannot be facilitated.

- **Progress achieved in the implementation of article 21, difficulties encountered and targets set for the future**

746. **The Adoption of Children Act, No.67 of 2000** has removed the requirement of domicile contained in the Adoption of Children Act, which is presently in force. PART VII of the Act is entitled "Overseas Adoption". It provides (emphasis added):

> *S.18(1) Subject to this Act, upon application for an adoption order made in the prescribed manner by any person, whether resident or domiciled in Trinidad and Tobago or not, the court may make an order authorising the applicant to adopt a child.*

747. It is now possible under this Act for a parent to adopt a child outside of Trinidad and Tobago and to have the relevant adoption order recognised in Trinidad and Tobago. In this regard, S.37 of the Act provides that "where a child has been adopted by a national of Trinidad and Tobago, whether before or after the coming into force of this Act, in any place outside of Trinidad and Tobago according to the law of that place, then for the purposes of this Act and all other written law, the adoption shall have the same effect as an adoption order validly made in accordance with this Act".

I. Periodic review of placement (art.25)

Q.87. Please indicate the measures undertaken, including of a legislative, administrative and judicial nature, to recognise the right of the child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical and mental health, to a periodic review of the treatment provided to the child in

public and private institutions, services and facilities, as well as all other circumstances relevant to his or her placement.

Q.88. Information should be provided *inter alia* on:

- **The authorities considered competent for such purposes, including any appropriate independent mechanism established;**

- **The circumstances taken into account in deciding on the placement of the child for his or her care, protection and treatment;**

- **The frequency of review of the placement and treatment provided;**

- **The respect ensured to the provisions and principles of the Convention, including non-discrimination, the best interests of the child and respect for the views of the child;**

748. **The Children Act, Chap. 46:01** in S.12(5) gives the relevant Minister the power "at any time in his discretion to discharge a child from the care of any person to whose care he is committed", either absolutely or on such conditions as are approved. This provision effectively allows the Minister to review a decision of a court made under S.12(1) of the Act, committing a child to a 'fit person'.

749. **The Children's Authority Act, No. 64 of 2000** provides that the Children's Authority[290] shall have the functions and duties set out in S.5 including to (emphasis added):

> *(b) monitor community residences, foster homes and nurseries and conduct periodic reviews to determine their compliance with such requirements as may be prescribed;*
>
> *(c) investigate complaints of-*
> *(i) staff;*
> *(ii)children; and*
> *(iii) parents or guardians of children,*
> *with respect to any child who is in the care of a community residence, foster home or nursery, of the community residence's, foster home's, or nursery's failure to comply with requisite standards as prescribed under the Community Residences,*

[290] To be established.

Foster Homes and Nurseries Act; and any incidences of mistreatment of children in such places;

(f) investigate complaints or reports of mistreatment of children in their homes;

750. The Authority is required to have *inter alia* an Administrative Unit with responsibility for among other things, monitoring all children's homes, rehabilitation centres, foster homes and nurseries.

751. **The Children's Community Residences, Foster Homes and Nurseries Act, No.65 of 2000** provides that (emphasis added):

S.25(1) Where on the coming into force of this Act, a community residence is in existence, the Manager of such residence shall provide the Authority with the following information:

(a) the name, date of birth and sex of such child;

(b) the names, addresses and contact numbers of the parents, brothers, sisters and other close relatives of such child where they can be ascertained;

(c) the circumstances under which the child came into the community residence; and

(d) the treatment plan prepared in respect of such child.

S.25(2) The Authority upon receiving such information shall, as soon as is practicable, evaluate the child and the suitability of placement of the child in the community residence.

S.25(3) Upon completing its evaluations under subsection(2), the Authority may direct the Manager of the community residence to take all necessary steps to ensure proper care of the child.

S.25(4) Where the Authority is of the opinion, that the community residence in which a child has been placed is not suitable, having regard to the needs of the child, the Authority shall make an application to the Court for an order under section 25 of the Children's Authority Act.

752. As regards children in foster care and nurseries, the **Children's Community Residences, Foster Homes and Nurseries Act, No.65 of 2000** provides as follows:

> *S.32(2) The Authority shall authorise an officer to visit from time to time, a foster child and the premises in which he is being kept in order to satisfy itself as to whether the health, educational and welfare needs of the child are being met and to give where necessary, advice or directions to the foster parents as to the care of the child.*

> *S.52(1) Any person authorised by the Authority may at all reasonable times enter a nursery and inspect the premises and the children so received therein, the arrangements for their welfare, and any records relating to them...*

753. In adoption proceedings, the **Adoption Act, Chap. 46:03** provides in S.6 that an application to the court for an adoption order in respect of the child shall not be made by the adopter until the expiration of a period of six months from the date upon which the child is delivered into the care and possession of the adopter. During this probationary period, the Board appoints an officer to keep the child under close supervision in his/her new environment and to observe the bonding expected to be established with the applicants. A similar provision has been included in S.12 of the **Adoption of Children Act, No. 67 of 2000** which has been enacted to replace the existing Act, but is not yet in force. During this probationary period, the Adoption Board may decide not to allow the child to remain in the care of the adopter.

754. **The Mental Health Act, Chap. 28:02** regulates the admission, care and treatment of persons who are mentally ill. It may be noted that this Act is under review at present. The Act provides for children to be voluntarily admitted to the psychiatric hospital by their parents or guardians. The St. Ann's Hospital is the largest in Trinidad and Tobago. At this Hospital, children are placed in a separate ward. As regards review of treatment, S.16(1) of the Act establishes a Psychiatric Hospital Tribunal comprising the Chief Medical Officer, the Chief Magistrate and three medical practitioners. Section 18(1)of the Act states that the Tribunal shall-

> *(a) review not less that once a year the case of each medically recommended patient who has been hospitalised for more than one year;*
> *(b) review every six months the case of a patient who has been hospitalised for more than six months pursuant to an order of the court or an order of the Minister of National Security; and*
> *(c) inspect at least once annually each psychiatric hospital, psychiatric ward or approved home.*

755. Section 20 of the Act provides for the establishment of a Mental Health Review Tribunal consisting of:

(a) a Judge of the High Court...;
(b) the Psychiatric Hospital Director; and
(a) a suitably qualified person... who shall be appointed by the President on the advice of the Trinidad and Tobago Association for Mental Health.

756. Section 22 of the Act provides that a person who is a patient at a hospital, a psychiatric ward, an approved home or a private hospital or a relative or friend of such person, may make an application in the prescribed form to the Review Tribunal requesting his discharge. The Review Tribunal shall hold a meeting and may order that a person be discharged in appropriate circumstances.

757. At the Youth Training Centre which houses boys between the ages of 16-18 convicted of criminal offences, periodic reviews are made through the Conduct Grade System as stipulated in the **Young Offenders Detention Act, Chap. 13:05**.[291] This system is a motivational system designed for early release based on general conduct. An inmate who achieves a fourth grade conduct is eligible for weekend leave. An inmate who receives a seventh Conduct Grade can be placed before a discharge board to be considered for a licence discharge. This licence system replaces the remission system in adult institutions and is similar to the parole system.

- **Relevant data on the children concerned, including in situations of abandonment, disability and asylum-seeking and refugees, including unaccompanied children, and in situations of conflict with the law, disaggregated *inter alia* by age, gender, national, ethnic and social origin, family situation and place of residence, as well as by duration of placement and frequency of its review;**

758. Please refer to paragraph 685 at page 216 of the Report for information on the approximate number of children in children's institutions. The average daily population at the Youth Training Centre is two hundred and forty five (245).[292] Most of these children are assigned to the facility for three year periods. The Government of Trinidad and Tobago has not received any requests from children for refugee status or asylum.

[291] Prisons Division by memorandum dated Jan.29, 2001
[292] Supra, fn.291.

- **Progress achieved in the implementation of article 25, difficulties encountered and targets set for the future:**

759. Generally, the implementation of article 25 has to date been weak owing to the lack of a regulatory framework to enable review to take place. This has been addressed by the enactment of the package of Children's legislation described in this report. The proposed Children's Authority will have a crucial role in ensuring that children in institutional care are monitored.

J. Abuse and Neglect (art. 19), including physical and psychological recovery and social reintegration (art.39)

Q. 89. Please indicate all appropriate legislative, administrative, social and educational measures taken pursuant to article 19 to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Reports should indicate in particular:

- **Whether legislation (criminal and/or family law) includes a prohibition of all forms of physical and mental violence, including corporal punishment, deliberate humiliation, injury, abuse, neglect or exploitation, *inter alia* within the family, in foster and other forms of care, and in public or private institutions, such as penal institutions and schools;**

- **Other existing legal safeguards relevant to the protection of the child as required by article 19;**

- **Whether complaint procedures have been foreseen and the child can lodge complaints, either directly or through a representative, as well as remedies available (for example, compensation);**

760. **The Children's Act, Chap. 46:01**, as amended, contains a number of provisions which seek to protect children in accordance with this Article. These are quoted below.

> *S.3(1) If any person over the age of sixteen*[293] *years, who has the custody, charge, or care of any child or young person, willfully assaults, ill-treats, neglects, abandons, or exposes the child or young person, or causes or procures the child or young person to be assaulted, ill-treated, neglected, abandoned, or exposed, in*

[293] The Children (Amendment) Act No.68 of 2000 deletes the word "sixteen" and substitutes "eighteen".

a manner likely to cause the child or young person unnecessary suffering or injury to his health (including injury to or loss of sight or hearing, or limb, or organ of the body, and any mental derangement) that person is liable-

(a) on conviction on indictment, to a fine of ten thousand dollars, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment for two years; and
(b) on summary conviction, to a fine of five thousand dollars, or alternatively, or in addition thereto, to imprisonment for six months;

and for the purpose of this section, a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if, being able to do so, he fails to provide adequate food, clothing, medical aid, or lodging for the child or young person.

S.5 (1) *If any person causes or procures any child or young person, or, having the custody, charge, or care of a child or young person, allows that child or young person, to be in any street, premises, or place for the purpose of begging or receiving alms, or of inducing the giving of alms... that person is liable, on summary conviction, to a fine of one thousand dollars, or alternatively, or in addition thereto, to imprisonment for three months.*

S.6 *If any person over the age of sixteen*[294] *years who has the custody, charge, or care of any child under the age of seven years allows that child to be in any room or yard containing a coalpot, stove, or other fire not sufficiently protected to guard against the risk of the child being burnt or scalded, without taking reasonable precautions against that risk, and by reason thereof the child is killed, or suffers serious injury, he is liable, on summary conviction, to a fine of four hundred dollars...*

S.7(1) *If any person having the custody, charge, or care of a child or young person between the ages of four and sixteen*[295] *allows that child or young person to reside in or to frequent a brothel, he is liable, on conviction on indictment or summarily, to a fine of one thousand dollars, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment for six months.*

[294] The Children (Amendment) Act No.68 of 2000 deletes the word "sixteen" and substitutes "eighteen".

S.8(1) If any person having the custody, charge or care of a child or young person under the age of sixteen years causes or encourages the seduction or prostitution or unlawful carnal knowledge of that child or young person, he is liable, on conviction on indictment, to imprisonment for five years.

761. **The Children's Authority Act, No.64 of 2000** authorises the Children's Authority to "investigate complaints or reports of mistreatment of children in their homes". The Authority is also authorised under S.5 to investigate complaints of children and parents or guardians of children, with respect to any child who is in the care of a community residence, foster home or nursery of any failure to comply with the requisite standards. The Authority is empowered under S.22 of the Act to investigate any reports *inter alia* of a child being "ill-treated or neglected in a manner likely to cause him suffering or injury to health" and to receive the child into its care.

762. **The Children's Community Residences, Foster Homes and Nurseries Act, No.65 of 2000** provides in S.23(2) that the manager of a community residence[296] may at any time, and whenever so required by the Authority, make Rules subject to the approval of the Authority for the management and discipline of the children in such residence. In terms of children in foster care, this Act provides in S.32(3) that any person who receives a foster child and fails or neglects to look after the health, educational and welfare needs is guilty of an offence and is liable on summary conviction to a fine of five hundred dollars.

763. **The Domestic Violence Act, No. 27 of 1999** which was amended to replace the 1991 Act provides greater protection for children against domestic violence. This Act does not deal with the penal effects of domestic violence but rather focuses on protection for victims of such violence. The Act has extended the range of persons who may apply for a protection order to include a police officer, probation officer or approved social worker. The Act allows for the grant by the Legal Aid Authority of an emergency certificate of legal aid to enable persons in need of immediate protection to access legal aid. A child is defined under the Act as a person under the age of eighteen years.

764. Domestic violence is defined under the Act as including "physical, sexual, emotional or psychological or financial abuse committed by a person against a spouse, child, or any other person who is a member of the household or dependant".

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[295] The Children (Amendment) Act No.68 of 2000 deletes "sixteen" and substitutes "eighteen".

[296] "Community Residence" means a children's Home or rehabilitation *centre* and includes industrial schools and orphanages referred to in the Children's Act.

765. Emotional or psychological abuse is defined under S.3 of the Act as *"a pattern of behaviour of any kind, the purpose of which is to undermine the emotional or mental well-being of a person including:*

(a) persistent intimidation by the use of abusive or threatening language;
(b) persistent following of the person from place to place;
(c) depriving that person of the use of his property;
(d) the watching or besetting of the place where the person resides, works, carries on business or happens to be;
(e) interfering with or damaging the property of the person;
(f) the forced confinement of the person;
(g) persistent telephoning of the person at the person's place of residence or work; and
(h) making unwelcome and repeated or intimidatory contact with a child or elderly relative of the person."

766. Physical abuse is defined as *"any act or omission which causes physical injury and includes the commission of or an attempt to commit any of the offences listed in the First Schedule".*

767. Sexual abuse includes "*sexual contact of any kind that is coerced by force or threat of force and the commission of or an attempt to commit any of the offences listed under the Sexual Offences Act in the First Schedule".*

768. Section 4 of the Act provides as follows (emphasis added):

S.4(1) A person referred to in subsection (2) may apply to the Court for a Protection Order on the ground that the respondent engaged in domestic violence;

S.4(2) An application for a Protection Order may be made by-
(c) a child-
(i) by consanguinity or affinity of either the spouse or respondent;
(ii) of whom either the spouse or respondent is guardian;
(ii) who is or has been a member of the household of the spouse or the respondent.

S.4(3) A child or dependent may apply for a Protection Order through-
(a) a person with whom the child resides or resides with on a regular basis or any adult member of his household; or
(b) a parent or guardian or, a person who is in loco parentis to the child.

S.4(4) A police officer, probation officer or approved social worker may apply for a Protection Order on behalf of-

(a) any person referred to in subsection (2); or

(b) a person or child who is in a residential institution.

769. Under S.6 of the Act the Court may direct that a Protection Order be applied for the benefit of a child. A Protection Order may prohibit the respondent from *inter alia* engaging or threatening to engage in conduct which would constitute domestic violence towards the applicant or from approaching the applicant within a specified distance. In addition the respondent may be ordered to vacate any place or residence. The Order may also direct a respondent to pay interim monetary relief for the benefit of a child. There are penalties for the breach of a Protection Order. On a first conviction, the penalty is a fine not exceeding nine thousand dollars or imprisonment for a period not exceeding three months.

770. Section 8 of the Act provides that the Court may make an Interim Order of protection pending the hearing and determination of the proceedings for a period up to 21 days.

771. Section 10 of the Act allows the Court to listen to the child's views on the grant of a Protection Order as follows:

S.10(5) Nothing in subsection (4) shall prevent a child...on whose behalf an application for an Order is made, from being heard in the proceedings and where the child or dependant expresses views, the Court shall take account of those views having regard to the age and maturity of the child...and ability of the child...to express such views.

772. With regard to the prohibition of corporal punishment, the law does not prohibit the use of corporal punishment in the family or in children's institutions. New legislation has been enacted to prohibit the use of corporal punishment in schools but his legislation has not yet come into force. Corporal punishment can no longer be imposed as a penal sanction by the Courts against offenders below eighteen years. Please refer to paragraphs 570-578 at page 209 of the report for details.

773. In terms of complaint procedures, at the Youth Training Centre, juveniles are advised that complaints can be made to the Prison Supervisor, Assistant Superintendent of Prisons, Superintendent of Prisons, Deputy Commissioner of Prisons, Commissioner of Prisons, Inspector of Prisons, Ombudsman or their legal representatives.[297]

[297] Prisons Division by memorandum dated January 29, 2001.

- **The procedures developed for intervention by the authorities in cases where the child requires protection from any form of violence, abuse or negligence, as required by article 19;**

774. Section 22 of the **Domestic Violence Act, No.27 of 1999** provides:

S.22 Where a Magistrate is satisfied, by information on oath, that-

a) there are reasonable grounds to suspect that a person on premises has suffered or is in imminent danger of physical injury at the hands of another person in a situation amounting to domestic violence and needs assistance to deal with or prevent the injury; and

(b) a police officer has been refused permission to enter the premises for the purpose of giving assistance...

the Magistrate may issue a warrant in writing authorising a police officer to enter the premises specified in the warrant...and ...to take such action as is necessary to prevent the commission or repetition of the offence or a breach of the peace or to protect life or property.

775. **The Children's Community Residences, Foster Homes and Nurseries Act, No.65 of 2000** authorises the Children's Authority to remove a child from foster care if the child is being subjected to any form of abuse or neglect. It provides:

S.35 Where a child is to be received or is being kept-

(a) in any premises which are unsanitary, overcrowded or dangerous;...

(c) in an environment which is detrimental to the child; or

(d) in any premises or by any person in contravention of the provisions of this Part,

the Authority may-

(e) where the child is the subject of a care order placing him in foster care, apply to the Court for an order to remove that child to the care of another approved foster parent until such time as the child is returned to his relatives or other arrangements are made with respect to him...

776. **The Children Act** (as amended by **Act No. 19 of 1994**) provides for a child to be taken by the relevant authorities to a place of safety in situations when the child is being subjected to harm. Section 11 of the Act provides:

> *S.11(1) A constable, or a person referred to in section 15(1)(a), or any person authorised by a Magistrate, may take to a place of safety any child or young person in respect of whom an offence under this Part or any of the offences mentioned in the Schedule, has been, or there is reason to believe has been, or is likely to be committed.*

- **The educational and other measures adopted to promote positive and non-violent forms of discipline, care and treatment of the child;**

- **Any information and awareness-raising campaigns to prevent situations of violence, abuse or negligence and to strengthen the system for the child's protection;**

777. Please refer to paragraphs 579-587 at pages 211-213 of the Report for information on educational measures to promote non-violent forms of discipline as well as awareness raising campaigns. In the area of domestic violence, public advocacy with a focus on women and children has resulted in the public's increased consciousness about the problem.

- **Any mechanisms established to monitor the extent of the forms of violence, injury or abuse, neglect, maltreatment or exploitation considered by article 19, including within the family, in institutional or other care, of a welfare, educational or penal nature, and the social and other factors contributing thereto, as well as any evaluation made of the effectiveness of the measures adopted; in this regard disaggregated data should be provided on the children concerned, including by age, gender, family situation, rural/urban, social and ethnic origin**;

778. In terms of institutional care, there are no efforts currently being undertaken to effectively monitor the extent of the forms of violence, injury or abuse or the social and other factors contributing thereto. This is expected to be addressed once the Children's Authority is established. **The Children's Authority Act, No. 64 of 2000** in S.13 (c) provides that the Administrative Unit of the Authority shall be responsible *inter alia* for the establishment and maintenance of a register of children with problems as may be identified from time to time by the Authority. The Research Unit shall be responsible for statistical data collection, research and analysis of such data (S.15).

779. According to the records of the Police *Modus Operandi Records Bureau*, for the period 1999 to 2002, there were 52 reports of child abuse/ abandonment to the police.[298] With respect to sexual offences involving children, there were a total of 166 sexual offences involving children in 2000, 197 in 2001, and 258 in 2002. NGOs have stated however, that there is a general problem of under reporting of offences and the figures are likely to be much higher.

780. As regards domestic violence, efforts are underway to bring together various agencies involved in data collection on domestic violence with a view to creating a coordinated data collection system through the establishment of a Central Registry. This will serve to avoid multiple counting by various agencies which are presently collecting such data, thereby allowing stakeholders an opportunity to get a true picture of the domestic violence situation in the country. In 2001, there were 1,394 reports of domestic violence made to the police (not disaggregated in terms of children), an increase over the 2000 figure of 94.

781. Presently, all domestic violence reports are required to be recorded in accordance with S.21(3) of the Domestic Violence Act. This takes the form of a Domestic Violence Register, which is kept at all Police Stations.

Q.90. With respect to article 19, paragraph 2, reports should also provide information *inter alia* on:

- **Effective procedures developed for the establishment of social programmes to provide necessary support for the child and those who have the care of the child, including rehabilitation mechanisms;**

- **Any other forms of prevention;**

- **Effective measures adopted for the identification, reporting, referral, investigation, treatment and follow-up of instances of maltreatment covered by article 19, as well as for judicial involvement;**

782. **The Children's Authority Act, Chap. 64 of 2000** S.11(2) provides that a police officer or any other person having reasonable grounds for believing that a child is in need of care or protection may seek the assistance of the Authority for the care or protection of such child. The Authority when established will be responsible for investigating and following up instances of maltreatment of children both in children's institutions and in homes.

[298] Modus Operandi Records Bureau of the Police Service statistics.

783. **The Children's Authority Act** provides in S.14(1)(c) that the Intake Centre of the Technical Unit of the Children's Authority "where necessary, shall liaise with support services and agencies for counselling, investigations and follow up".

784. **The Domestic Violence Act** in S.21(1) provides that "a police officer shall respond to every complaint or report alleging domestic violence whether or not the person making the complaint or the report is the victim".

785. In 1996, a Community Policing Section was introduced to resolve wider community based problems. This unit was geographically posted throughout Trinidad and Tobago in the nine police divisions. For administrative purposes, the Community Policing Section has since been incorporated into the rest of the Police Service. These officers are specially trained to deal with domestic violence and child abuse issues. It is now convenient for an individual making a domestic violence report to do so at any police station where trained officers are posted.[299]

786. In the year 2000, the Police Service established a crisis centre for victims of Domestic Violence/Abuse. This serves as a temporary shelter for women and children who are victims of abuse. This project referred to as the *Trinidad and Tobago Police Service Community Facility* is managed by police officers trained in the field of intervention (eg.counselling, listening, negotiating skills etc.) in collaboration with the Caribbean Association for Feminist Research and Action (CAFRA) which coordinated a training programme for police officers on domestic violence. A total of 570 officers benefited from this training.[300]

787. In respect of intervention programmes, in some cases, the child is accommodated at a health facility which acts as a "place of safety" for the child until social workers intervene. As part of the Health Sector Reform Programme, the Ministry of Health and the Office of the Prime Minister (Social Services Delivery) are currently developing a "Community Care Programme" which will consist of individual care and therapy programmes and the establishment of different care centres to deal with the various social problems of children, who are victims of abuse, neglect and other forms of violence. These Ministries are also developing a National System of Community Care which will establish a classification criteria system upon which the relevant authorities and officers can determine which institution within the Community Care Programme will be best suited to accommodate the child and assist him/her in dealing with his/her problems.

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[299] Modus Operandi & Records Bureau, Trinidad and Tobago Police Service by memorandum received May 19, 2003.

[300] Supra, fn.299.

- **The existence of any system of mandatory reporting for professional groups working with and for children (for example teachers, medical doctors);**

788. **The Sexual Offences (Amendment) Act, No.31 of 2000** provides for mandatory reporting of sexual offences by professionals as follows:

S.31(1) Any person who-

(a) is the parent or guardian of a minor;

(b) has the actual custody, charge or control of a minor;

(c) has temporary custody care, charge or control of a minor for a special purpose, as his attendant, employer or teacher, or in any other capacity; or

(d) is a medical practitioner, or a registered nurse or midwife, and has performed a medical examination in respect of a minor,

and who has reasonable grounds for believing that a sexual offence has been committed in respect of that minor, shall report the grounds for his belief to a police officer as soon as reasonably practicable.

S.31(2) Any person who without reasonable excuse fails to comply with the requirements of subsection (1), is guilty of an offence and is liable on summary conviction to a fine of fifteen thousand dollars or to imprisonment for a term of seven years or to both such fine and imprisonment.

- **The existence of confidential help lines, advice or counselling for child victims of violence, abuse or neglect or any other form considered by article 19;**

789. The Domestic Violence Unit of the Gender Affairs Division operates a 24-hour toll free Domestic Violence Hotline. This hotline is confidential and acts as a referral service for victims of domestic violence. A supervisor/counselor and active listeners operate the hotline. This service networks with all social service agencies and the police. The State funds all the operations of the hotline. In 1999, 2384 persons called the hotline while 2250 persons called in 2000.

790. ChildLine is another toll free telephone hotline operated by an NGO, the Coalition Against Domestic Violence to provide assistance and counselling to children experiencing problems including abandonment and neglect. Please refer to page 180 of the Report for details.

791. Additionally, in 1998, a Gender Affairs Unit was created under the Tobago House of Assembly. Through this Unit, a Domestic Violence Programme was implemented in 1999 to address the issue of domestic violence in Tobago. One initiative of this programme was the implementation of a confidential, 24-hour Tobago Crisis Hotline.

- **The special training provided for relevant professionals. (See also para. 34 above.)**

792. The National Family Services Division conducts and coordinates training workshops for managers and caregivers of various types of children's homes. Seminars and lectures are also given to groups and organisations on issues such as sexuality and abuse with a focus on child abuse.

793. At present, there are a number of officers in the Police Service who are holders of degrees in social work, sociology and social psychology. Some of these officers are attached to the Community Policing Section at the Police Training College.[301] Officers of the Community Police Section of the Police Service who work in police stations throughout the country investigating reports of abuse and domestic violence, have benefited from several training programmes including domestic violence, gender equality, counselling sessions, police community relations, mediation and conflict resolution, sociology, social psychology, community networking and communication skills etc.

Q.91. Please also indicate the measures adopted pursuant to article 39 to ensure the physical and psychological recovery and social reintegration of the child victim of any form of neglect, exploitation or abuse referred to in article 19, in an environment which fosters the health, self-respect and dignity of the child.

Q. 92. Reports should also provide information on the progress achieved in the implementation of these articles, difficulties encountered and targets set for the future.

794. **The Domestic Violence Act, No.27 of 1999** provides in S.6 that a Protection Order may "direct that the respondent or applicant or both, receive professional counselling or therapy from any person or agency or from a programme which is approved by the Minister in writing". Section (3) provides that where the Court makes an Order which directs counselling, the Order shall specify that the Court receive written notification from the counsellor or therapist of sessions missed without reasonable excuse, and the date by which the counsellor shall submit a report to the Court in respect of the counselling therapy.

[301] Police Division by fax dated 23 Jan.2001.

795. Survivors of domestic violence are routinely referred for counselling to the National Family Services Division, either upon the grant of a Protection Order or while matters are being heard. Within the last decade, and especially since the enactment of the 1999 Domestic Violence Act, more than fifty percent of an average of 1800 cases per annum are referred by the Court to the National Family Services Division. These cases are managed through the counselling of family members, including the perpetrators, as relevant, for differing periods, as the individual case warrants. The Domestic Violence Unit also refers cases from their Hotline and Drop in Centres to the Division for long term management. There is a rehabilitation grant for survivors of domestic violence in the amount of TT$5000.[302]

796. The National Family Services Division also provides counselling services to individuals, groups, families and communities on issues such as child abuse and rape.

797. The Probation Division offers counselling for domestic violence and child abuse cases, among others. The Division also prepares reports for the Courts on child abuse referrals.

798. The Domestic Violence Unit of the Gender Affairs Division operates some 19 drop-in Centres throughout Trinidad as well as two Community Drop-In Centres. A multi-disciplinary team comprising one social worker, police officers, secretaries, wardens of the Centres and a Ministry official are responsible for the operation of each Centre. These Centres offer all members of the public, including children, the opportunity to access assistance related to domestic violence, incest, rape, sexual assault, and family disputes within the communities. To date some 3000 men, women, children and families have visited these Centres. This initiative has been hailed as a useful and significant tool in respect of providing support and information.

799. Some eleven shelters have been providing refuge for victims of domestic violence. All shelters are operated by NGOs and several of them receive subventions from the Government.

800. Officers of the Community Policing Section provide counselling for juveniles and children on domestic violence and abuse. This is done throughout Trinidad and Tobago.

801. Counselling is provided for children in schools through the Guidance Unit of the Ministry of Education. Unfortunately, the ratio of child per guidance officer is overwhelming due to a chronic shortage of school guidance officers. These officers visit students who require counselling and are not based in specific schools. There is a need for guidance counsellors to be located at each school to effectively service the needs of the student population.

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[302] According to the Director, National Family Services Division by memorandum dated 2 May 2002.

802. Some NGOs also provide physical and psychological recovery and social reintegration programmes to children and their families including the Coalition Against Domestic Violence, the Rape Crisis Society and Families in Action.

803. NGOs have stated that there is a need for more professionals to be employed by the Government to adequately deal with the amount of abuse cases since the National Family Services Division, the Probation Division and NGOs are overburdened and in some cases under trained. The Government therefore needs to allocate appropriate financial resources to train and hire counsellors, social workers and family workers to offer support (including emotional and psychological) to children who are victims of all forms of abuse and neglect.[303]

[303] Gregory Sloane Seale of the Coalition for the Rights of the Child-Interview held on December 12, 2002.

VI. BASIC HEALTH AND WELFARE (arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3)

A. Disabled children (art. 23)

Q.93. Please provide information on the situation of the mentally or physically disabled child.

804. There are, according to 1996 statistics, an estimated 350,000 children in Trinidad and Tobago.[304] According to unconfirmed preliminary results of a survey conducted during the reporting period by the Disability Affairs Unit of the Ministry of Social Development (on persons registered with NGOs and schools associated with the disabled in Trinidad and Tobago), there are an estimated 1,366 children with physical and mental disabilities in Trinidad and Tobago.

805. The Marge survey conducted two decades ago in 1983, examined approximately 5,000 children between the ages of 3 and 16 years and concluded that over 16 per cent (or one in six) of the children's population had some form of disability. The findings are set out in the table below:

Estimated Percent Disabilities of Children in Trinidad and Tobago:

Physical Disabilities (moderate/ severe)	1.7%
Mental Retardation	1%
Emotionally Disturbed	2%
Learning Disabilities	2%
Hearing Disabled	4.6%
Speech and Language Disabled (moderate/ severe)	4.1%
Visual Disabilities (severe)	0.7%
TOTAL	**16.1%**

[304] Central Statistical Office, 1996

Please provide information on the measures taken to ensure:

- **The child's enjoyment of a full and decent life, in conditions which ensure the child's dignity and self-reliance;**

806. A National Policy on Persons with Disabilities was drafted by the then Ministry of Social Development and was approved by Cabinet. The objectives of the policy are as follows (emphasis added):

- The creation of a social and physical environment favouring the integration and full participation in society of children, youth and adults with disabilities;
- The encouragement of self-reliance and promotion of involvement and participation of persons with disabilities in the country's socio-economic development;
- The elimination of marginalisation and discrimination of persons with disabilities;
- The promotion of opportunities for a better quality of life for persons with disabilities; and
- The encouragement and support for research projects in related areas.

807. In order to achieve the policy objectives, the Government is committed to the following broad strategies:

- Instituting a legislative framework to protect the rights and create equal opportunities to enhance the quality of life of persons with disabilities;
- Fostering cooperation among stakeholders in decision making on matters related to persons with disabilities;
- Providing financial support to NGOs which service persons with disabilities;
- Ensuring the creation of an accessible physical and built environment;
- Integration of persons with disabilities into the mainstream of the education system; and
- Equity in employment opportunities.

808. As a result of this policy, a National Coordinating Committee on Disability was constituted in 1999 which acts as an advisory body to Government on matters pertaining to persons with disabilities. A Disability Affairs Unit was established to serve *inter alia* as Secretariat to the Committee. Please refer to page 24 of the Report for information on the Unit.

Please provide information on the measures taken to ensure:

- **The child's enjoyment of his or her rights without discrimination of any kind and the prevention and elimination of discriminatory attitudes against him or her;**

809. Efforts to eliminate discrimination on the basis of disability are detailed at page 119 of the Report.

810. The Government has enacted an **Equal Opportunity Act, No.69 of 2000** which is awaiting implementation. This legislation prohibits discrimination on the grounds of a person's status (including disability) in the fields of education, employment, the provision of goods and services and accommodation. By this legislation, schools would be prohibited from discriminating against children on the ground of disability. Section 15 of the Act provides:

> *15. (1) Subject to any agreement or practice between the State and any educational establishment, Board or other institution, an educational establishment shall not discriminate against a person -*
>
> *(a) refusing or failing to accept that person's application for admission as a student; or*
>
> *(b) in the terms and conditions on which it admits him as a student.*
>
> *(2) An educational establishment shall not discriminate against a student:*
>
> *(a) by denying or limiting the student's access to any benefits, facilities or services provided by the educational establishment; or*
>
> *(b) by expelling the student or subjecting the student to any other detriment.*

811. **The Equal Opportunity Act** establishes an Equal Opportunity Commission and an Equal Opportunity Tribunal to investigate and resolve complaints of discrimination.

Please provide information on the measures taken to ensure:

- **The promotion of the child's active participation in the community;**

812. The Government does not promote the institutionalisation of persons with disabilities. The National Policy on Persons with Disabilities favours the integration and full participation of children, youth with disabilities into mainstream society.

813. In the field of sport, initiatives have been taken to ensure the inclusion of persons with disabilities. A Regional Wheelchair Basketball Tournament was held in Trinidad and Tobago in August 2001. Recently constructed and upgraded national sporting facilities such as football stadia and swimming pools have been designed to facilitate access by persons with disabilities.

Please provide information on the measures taken to ensure:

- **The child's effective access to education, training, health care and rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development;**

Access to Education and Training

814. Twelve (12) public special schools and twenty-one (21) private special schools provide for the educational needs of approximately fifteen hundred (1500) students in a segregated system that offers special education, mainly according to the category of their special education needs. These schools cater for only a small number of the students identified as having special educational needs.[305]

815. The Ministry of Education supervises Programmes at the special schools listed in the table overleaf. Access to these schools is facilitated by the Education District offices.[306]

[305] Information provided by the Special Education Unit of the Ministry of Education by fax dated May 27, 2003.
[306] Directory of Government Services: www.directory.gov.tt

Schools for Children with Severe and Profound Hearing Impairment	Audrey Jeffers School for the Deaf Cascade School for the Deaf Tobago School for the Deaf and Language Impaired
Schools for children with Moderate and Severe Intellectual Disabilities	Lady Hochoy Day Training Centre Lady Hochoy Home Trinidad and Tobago Association for Retarded Children's School Memisa Day Care Centre Happy Haven School Interdisciplinary Child Development Centre
Students with Multiple Disabilities	Point a Pierre Government Special School
Students with Mobility Impairment	Princess Elizabeth School
Students with Visual Impairment	School for Blind Children
Students with Emotional/Behavioural Difficulties	Wharton-PatrickAnn's
Private Special Schools for Students with Learning Difficulties	Eshe's Learning Centre Happy Venture School Immortelle Centre for Handicapped Children Servol Special School
Integrated Pre and Post Primary Schools	Something Special School The Creative Learning Christian Centre

816. Schools Serving Challenged Children- by No. of Pupils:[307]

- School for the Deaf-130
- School for the Blind-47
- Happy Venture, Tobago-18
- Princess Elizabeth School-89
- Lady Hochoy Schools:
  - Cocorite-265
  - Penal-38
  - Gasparillo-135
  - Memisa-40
  - Eshe's Learning Centre-150

817. Therapeutic and custodial care is being provided to mentally challenged children and the needs of the physically challenged are being looked after by the Government through the granting of subventions to Homes and institutions taking care of such children. Government provides approximately TT$ 6 million (2001-2002) to organisations through subventions.

[307] Trinidad and Tobago National Human Development Report, 2000: "Youth At Risk in Trinidad and Tobago" at p.49.

818. Mentally and physically challenged children are generally less fortunate in Tobago. Presently there is no home to cater for their residential, rehabilitative and educational needs. NGOs and community based organisations have been more active in offering assistance to such persons and their families wherever possible.

819. Donations of equipment and/or funds are made to institutions that cater for children with disabilities by private and corporate citizens. Support is also provided by NGO Associations such as the Trinidad and Tobago Association in Aid of the Deaf, the Trinidad and Tobago Association for Retarded Children and the Blind Welfare Association. Schools have also benefited greatly from volunteer help. In addition, service clubs such as the Lion's and Rotary Clubs have rendered invaluable service.

820. Total communication, which includes sign language, finger spelling, lip-reading skills, gestures, mime etc. is practiced in the Schools for the Deaf. Consequently classes for parents and the general public *inter alia* are conducted by teachers for the Deaf.

821. In an effort to care for the mentally challenged children, Service Volunteered for ALL (SERVOL) opened a Special School in 1974. This school caters for 110 children between the ages of six and seventeen who have been diagnosed as being autistic, mentally challenged or slow learners. Many of the children from this school graduate to one of SERVOL's Adolescent Centres where they are taught a technical skill. The school's 11 teachers have been exposed to training both locally and in the USA and Canada.

822. The Trinidad and Tobago Association for Retarded Children is an NGO concerned with the protection and enhancement of the rights of disabled children. The Association operates the Lady Hochoy Home North, the Lady Hochoy Home South, the Memisa Residential/Vocational Centre and the Penal Day Centre (a special school). The Association provides residential care, special school and vocational and recreational services for persons with intellectual impairment (from infancy to old age). It places emphasis on ensuring that children with disabilities have the access to services similar to those afforded to children without disabilities. One member of the Association is on the Advisory Board on Special Education in the Ministry of Education.

823. Members of the Association have familiarised themselves with the Convention on the Rights of the Child. By providing care, treatment and support for parents and disseminating information about their available services, the Organisation promotes the child's right to the full enjoyment of life.

824. The Association has submitted the following information on its activities:

- It has upgraded all of its facilities to provide comfortable and aesthetically pleasing environments for the children in residential care and the children who attend school.[308]

- It has provided better transportation services for children to attend school, medical specialist services and recreational services when necessary.

- It allows for lecture/visits of school children (both primary and secondary).[309]

- It encourages students in tertiary education especially social work, teacher trainees and medical interns.

825. The Association in collaboration with the Caribbean Association on Mental Retardation and Other Developmental Disabilities has hosted bi-annual programmes including:

- Training of the Trainers-Parents are trained to teach others how to manage their children with disabilities;
- Bi-annual Parent Training Programmes in Trinidad in 1998 and in Tobago in 1999, attended by some 40 persons.

826. In 1996, the Association in collaboration with the Caribbean Association on Mental Retardation and Other Developmental Disabilities, The School of Continuing Studies (UWI) and others hosted a course in Social Development and Disability: Principles and Practices at the University of the West Indies, St. Augustine, Trinidad.

827. The Association also provides Early Intervention Services providing individual programmes to meet the needs of each child. Children are evaluated and parents are taught at home how to manage the child, thus capitalising on the rapid growth in early childhood. Between 1996-2000, 422 children had access to this service. Some 300 children continued for 4 years in this programme.

828. The Government gives a yearly subvention to the Association to assist with payment of staff, goods and services. The Ministry of Social Development has also given grants, where necessary, to provide financial assistance to parents for transportation to rehabilitation centers/schools. A representative of the Association has stated that the Government subvention received to manage the Homes/Schools is not enough since the number of children with

[308] 88 school children and 25 residents (As at December 2000)
[309] About 250 children per year.

intellectual disabilities far exceeds the number of children served. Money is not given for specialist services such as speech and language pathologists and psychologists.

Access to Health Care

829. Specialised medical care is provided at the following institutions:

- The Princess Elizabeth Home for Handicapped Children;
- DRETCHI (Diagnostic Research Educational and Therapeutic Centre for the Hearing Impaired);
- Orthopaedic departments at the major hospitals for persons with physical impairments;
- Eye clinics at the major hospitals and at certain health centers for persons with visual impairments;
- St. Ann's Hospital for persons with mental disabilities; and
- St. James Medical Complex for persons with physical disabilities.

830. Persons with disabilities may also seek medical attention from private medical practitioners. However, there is a general lack of specialised knowledge and access to technology to adequately treat disabled persons.

Access to Rehabilitation Services

831. Rehabilitation services that encourage and sustain the independent functioning of disabled persons are available at certain institutions. At the Princess Elizabeth Home, in addition to other services, children with disabilities obtain medical treatment as well as psychological counselling to enable them to cope with their impairments.

832. The Ministry of Health provides free or at minimal cost, prosthetics and other orthopaedic equipment to persons with physical impairment (or at a minimal cost) in order to reduce the impact of disabling or handicapped conditions. In 1999, the Government exempted from Customs Duty and Value Added Tax, items such as artificial joints and limbs, hearing aids and crutches. The provision of physiotherapy facilities at major hospitals also allows for the rehabilitation of disabled persons.

833. The supportive services offered by, among others, the Disability Affairs Unit, the Ministry of Education, the San Fernando Rehabilitation Centre, DRETCHI, the Trinidad and Tobago Association of the Deaf, the National Association for Down's Syndrome, the Trinidad and Tobago Independent Living Centre and the Trinidad and Tobago Blind Welfare Association

collectively provide disabled persons with assistance in achieving a greater degree of independence.

Please provide information on the measures taken to ensure:

- **The consideration given to the inclusion of disabled children together with children without disabilities in institutions, services and facilities, including within the education system;**

834. The majority of students with special educational needs attend regular schools albeit without all of the necessary support services. Presently, the Ministry of Education is engaged in formalising a Multi-Disciplinary Diagnostic Prescriptive Service, which was established as a pilot project in each of the Eight Education Districts in 1999. This service will allow for the establishment of School-Based teams in each school, which have the responsibility of identifying students who are likely to have special educational needs. These teams, assisted by the Special Education Teachers and Guidance Officers who comprise the Diagnostic Prescriptive Service, will ensure the proper assessment and diagnosis of the special educational needs and will provide teaching strategies that allow for the successful remedy of the problems identified.

835. Over the past ten (10) years, the Ministry of Education has made certain that all new secondary schools allow for the physical access of persons with disabilities, through the provision of ramps, widened doorways and special restroom facilities.

836. According to the UNDP's National Human Development Report 2000, while there have been several successful attempts at mainstreaming special children into the public school system, this process has increased the demand for specially trained teachers, resource centres and support mechanisms within the schools to deal with the specific challenges.

837. The Ministry of Education accepts that the education system does not cater as efficiently as it should, for those who have special educational needs. However, the Government is committed to establishing an education system that allows every student to develop to his/her maximum potential. The Ministry of Education has, through its Special Education Unit, developed a *Draft National Policy on Special Education*. This Policy seeks to ensure the inclusion of students with special educational needs in the regular education system and to provide for the needs of this clientele with the following objectives:

- To create an inclusive education system which provides for the full integration and participation of all students;

- To provide teacher education, training and development that allows all teachers to gain an understanding of the special educational needs of students and the ability to provide remediation for the problems which students may encounter in the teaching-learning situation;

- To promote opportunities for the development of the full potential of all students, including those with special educational needs;

- To encourage the understanding of special educational needs by all of the stakeholders in the education system; and

- To allow every student the opportunity to maximise his/her ability to make a positive contribution to the society of which he/she is an essential member.[310]

Please provide information on the measures taken to ensure:

- **The child's right to special care and the steps taken to ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance appropriate to the child's condition and to the circumstances of the parents or others caring for the child;**

838. In recognition of the importance of educating and increasing the awareness of the population on issues relevant to persons with disabilities, the Ministry of Social Development produced a booklet entitled *Open Doors-A Guide for Persons with Disabilities, their Families and Interested Persons.* This booklet provides information on the identification and description of the different types of disabilities and the corresponding support agencies and organisations. The booklet was also produced in Braille and has been widely distributed.

839. The Ministry of Health and then Ministry of Community and Social Development has incorporated a Community Care Programme under the purview of the Health Sector Reform Programme (HSRP). Through this initiative, children with mental disabilities receive health care appropriate to their individual case. The full implementation of this initiative, will ensure that children with mental disabilities will have improved access to quality health care.

Please provide information on the measures taken to ensure:

- **That, whenever possible, assistance is provided free of charge, taking into account the financial resources of the parents or others caring for the child;**

840. Special care for children with physical disabilities is available free of charge through outpatient clinics located throughout the country. This includes the provision of crutches and wheelchairs. Some medication included on the Government's formulary is also available free of charge. Medicine which is not included in the formulary, and is available at the expense of the patient can be purchased with some financial assistance from the Government through the Social Work Department of the Ministry of Health, which has a presence at all major hospitals. With effect from 2001/2002 the Government has been providing free hearing aids to all hearing impaired persons (Please refer to pages 51-52 of the Report for details).

Please provide information on the measures taken to ensure:

- **An effective evaluation of the situation of disabled children, including the development of a system of identification and tracking of disabled children, the establishment of any appropriate monitoring mechanism, the assessment of progress and of difficulties encountered, as well as any targets set for the future:**

841. The Central Statistical Office (with technical and financial assistance from UNICEF) is undertaking a Child Indicators Monitoring System (CIMS) Project. One of the areas of focus of the project is disability. Please refer to pages 37-38 of the Report for details.

842. Additionally, the Ministry of Social Development is poised to launch a database called the Children in Need of Special Protection Monitoring System (CNSP). The database will collect data *inter alia* on children with disabilities. Please refer to pages 38-39 of the Report for details.

843. An NGO[311] has stated that there is a need for easy access to specialist services within communities. Parents should not have to bring children from remote areas of the country to access services for their children. It has also been recommended that a multidisciplinary team be made available at each main hospital to attend to the needs of children and not just at the Wendy Fitzwilliam Hospital. Prenatal screening for disabilities, early post natal detection of disabilities and aggressive treatment of problems are also measures that have been recommended for implementation.

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[310] Information under this part provided by the Special Education Unit of the Ministry of Education by fax dated May 27, 2003.

[311] A representative of the Trinidad and Tobago Association for Retarded Children.

Please provide information on the measures taken to ensure:

- **Adequate training, including specialised training, for those responsible for the care of disabled children, including at the family and community levels and within relevant institutions:**

844. Some teachers have received specialist training to look after the needs of children with disabilities, but given the limited number of such teachers, it is unlikely that a child with disabilities can have access to such teachers in schools that cater for the general public.

845. In Trinidad and Tobago there are 12 recognised public special schools. However, this number is insufficient and is not accessible to the entire population. In addition, most of these institutions are located in south Trinidad. This makes it difficult for children in Tobago (and other areas in Trinidad) to access such institutions.

846. Teachers are assigned to these special schools on the successful completion of Teacher-Training at the Teachers' College. At the College, special education is offered as an elective subject. It is proposed that all students should be exposed to this area of training. In-service teacher training is practiced at the respective special schools so that new additions to the staff work alongside a 'mentor' teacher. Teachers of the hearing impaired pursue an eighteen month course-Certificate of the Teaching of the Hearing Impaired-through the University of the West Indies, Distance Teaching Experiment.[312]

847. Early childhood care educators are trained through SERVOL, the University of the West Indies and Montessori (correspondence courses). The other categories receive their special training at MICO Teachers' College in Jamaica. Courses are also offered by the Trinidad and Tobago Unified Teachers' Association/University of Sheffield Distance Teaching, leading to Certificate, Diploma and Masters-Special Education. These are pursued privately at evening classes. Teachers desirous of further training (such as speech therapy, mobility training, audiology and behaviour management) may opt for admission to universities abroad.

[312] Information supplied by the Director of School Supervision, Ministry of Education.

Please provide information on the measures taken to ensure:

- **The measures taken to promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of the medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services. An indication should be given of the measures taken with the aim of enabling States Parties to the Convention to improve their capabilities and skills and to widen their experience in these areas, and the consideration given to the particular needs of developing countries;**

848. In 2001, the Ministry of Social Development enlisted as a member of Global Applied Disability Research and Information Network on Employment (GLADNET). GLADNET includes organisations representing persons with disabilities, trade unions, state agencies, NGOs, research organisations and universities concerned with the advancement of integrated vocational training. Membership provides easier access to disability related research.

Please provide information on the measures taken to ensure:

- **The children concerned, including by type of disability, the coverage of the assistance provided, programmes and services made available, including in the fields of education, training, are, rehabilitation, employment and recreation, the financial and other resources allocated, and other relevant information, disaggregated *inter alia* by gender, age, rural/urban area, and social and ethnic origin**:

849. Schools Serving Challenged Children-Pupil and Staff Populations and Ratio:[313]

School	Pupils	M/F	Ages	Principals	V.P.	Teachers	M/F	Staff/ Pupil
School for the Deaf	130	64/66	4 to 17	1	n.g.	21	2/9	1.6
School for the Blind	47	23/24	n.g.	1	1	6	n.g.	1.8
Happy Venture Tobago	18	17/1	4 to 18	1	0	3	½	1.6

[313] Trinidad and Tobago National Human Development Report 2002, Youth at Risk, UNDP: Chapter 4, pg49.

School	Pupils	M/F	Ages	Principals	V.P.	Teachers	M/F	Staff/ Pupil
Princess Elizabeth Special School	89	61/28	5 to 17	1	0	9	2/7	1.10
Lady Hochoy Schools:								
1. Cocorite	265	n.g	5 to 18	1	0	18	4/14	1:14
2.Penal	38	n.g.	5 to 18	1	0	4	n.g.	1:11
3.Gasparillo	135	n.g.	4 to 20	1	0	12	n.g.	1:10
4.Memisa	40	n.g.	4 to 18	1	0	4	n.g.	1:10
Eshe's Learning Centre	150	n.g.	5 to 18	1	0	15	1/14	1:10

B. Health and health services (art. 24)

Q.94. Please indicate the measures adopted pursuant to articles 6 and 24:

- **To recognise and ensure the right of the child to the enjoyment of the highest attainable standard of health and to facilities for treatment and rehabilitation;**

850. Children have access to free health care services at 10 hospitals, 5 District Health Facilities, 5 Extended Care Units and 108 Health Centres located throughout Trinidad and Tobago. There is also a Pediatric ward at the Eric Williams Medical Sciences Complex which sees approximately 400 new referrals each year. Antenatal care is provided at all public health institutions to ensure that pregnancies result in well, live babies. Iron supplementation and multivitamins are provided to pregnant women and children free of charge.

Please indicate the measures adopted pursuant to articles 6 and 24:

- **To ensure that no child is deprived of his or her right to access to such health-care services;**

- **To ensure respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, and survival and development to the maximum extent possible;**

851. The Ministry of Health has formulated a Draft Charter of Patient's Rights and Obligations. It is currently being revised, following a series of consultations. The rights identified in the draft charter to which each patient (including children) shall be entitled include:

1. *Impartial access to treatment or available lodging or appropriate medical and personal care, based on personal needs and without reference to gender, religion, race, social class or national origin;*
2. *The right to privacy with respect to his or her person and to information;*
3. *The right to personal safety;*
4. *Freedom from abuse;*
5. *The right to obtain from those responsible for the coordination of his or her care, current information on his or her diagnosis, treatment, risks, alternatives, and prognosis;*
6. *The right not to be subjected to any procedure without his or her voluntary and informed consent, or that of his or her legally authorised representative; and*
7. *The right to refuse treatment; and the right to manifestation of his or her cultural and/or religious expressions while admitted.*

852. Part C of the Second Schedule of the **Children (Amendment) Act, No. 68 of 2000**[314] contains guiding principles describing the rights and responsibilities of children including:

The right to live, survive and grow; and

The right to hold ideas of one's own, including religious beliefs and to express those views freely in matters affecting themselves.

Q.95. Reports should also provide information about the measures adopted to identify changes which have occurred since the submission of the State party's previous report, their impact on the life of children, as well as the indicators used to assess the progress achieved in the implementation of this right, the difficulties encountered and any targets

identified for the future, including in relation to child mortality and child morbidity, service coverage, data collection, policies and legislation, budget allocation (including in relation to the general budget), involvement of non-governmental organisations and international assistance.

853. A Health Sector Reform Programme (HSRP) is underway to improve the health status of the people of Trinidad and Tobago by promoting wellness and providing quality health care in an affordable, equitable and sustainable manner. In 1996, the Government signed a loan agreement with the IDB for the implementation of the HSRP (over a seven year period that started in June 1996)[315]. Phase one of the HSRP is expected to be completed in 2003. The HSRP is being financed by Government resources (US $58 million) and by this IDB loan (US $134 million).

854. The major components of the HSRP are as follows (emphasis added):

- Reforming the Ministry of Health in order to make it a policy, planning and regulating, monitoring and financing and information provision body.
- Devolution of service delivery and management to the Regional Health Authorities which contract with the Ministry to provide cost effective services with global budgets, using both public and private providers.
- Development of a human resources strategy to achieve the appropriate skill mix and staff levels required to support the new organisational structures…
- Rationalisation of health services and infrastructure to focus activities on cost effective and high priority interventions, emphasising preventative and promotive services and the strengthening of primary care.
- Development of a comprehensive financing strategy for the sector, including the evaluation of user charges and a national health insurance scheme as potential financial mechanisms.
- Development of a National Emergency Health Service network to ensure that the entire country has access to a reliable and efficient ambulance service.
- Development of a comprehensive network of new and upgraded primary health care facilities and operationalisation of the primary health care approach to promote equity, equality, accessibility, community involvement, self-reliance, sustainability and relevance of service delivery.

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[314] This Act is awaiting Presidential Proclamation to come into force.
[315] www.healthsectorreform.gov.tt

855. Health sector reform refers to a process of change in institutions and structures in order for them to deal adequately with health development issues. The HSRP is guided by a National Health Service Plan which was developed in conjunction with sector stakeholders including the general public. This Plan was ratified by Cabinet in 1994. Among other basic changes to the traditional health care model, it calls for:

- Strengthening policy development, planning and implementation capacities within the health sector;
- Separating the provision of services from financing and regulatory responsibilities;
- Shifting public health expenditure and influencing a similar shift in private sector spending to high priority health problems and cost effective solutions;
- Establishing new administrative and employment structures which encourage accountability, increased autonomy and appropriate incentives to improve productivity and efficiency; and
- Reducing preventable morbidity and mortality by promoting lifestyle change and other social interventions.

856. The Ministry of Health in its new role under the HSRP is the agency vested with responsibility for health policy, planning and information provision, health promotion, standards setting, and the regulation, monitoring, financing and purchasing of health care services. The Ministry in the transition period has retained operational responsibilities for national vertical services which include *inter alia*: Environmental Health Division, Insect Vector Control Division, Occupational Health Unit, Nutrition and Metabolism Division and Health Education Division. The Ministry also retains responsibility for special programmes such as the National AIDS Programme and the Expanded Programme on Immunisation.

857. Some of the recent achievements re: the HSRP are as follows:

- 2000-**The Regional Health Authorities Act, No.5 of 1994** was amended to reduce the number of RHA's from five to four. There are now four Regional Health Authorities namely: the North West Regional Health Authority, the Eastern Regional Health Authority, the South West Regional Health Authority and the Tobago Regional Health Authority. (Each Regional Health Authority (RHA) has responsibility for a region of the country. They are run by boards which are made up of health professionals and representatives of commerce, industry and the community. The RHAs are autonomous statutory bodies ensuring health care delivery to all residents of their respective regions. Under the RHA Act, the RHAs own and operate primary and secondary health facilities located in their regions. Tertiary health services are provided by the Eric Williams

Medical Services Complex and the General Hospitals in Port of Spain, San Fernando, Sangre Grande and Scarborough, Tobago.)

- 2000-The Couva District Health Facility was constructed and operationalised.
- 2000-TT$100 million in infrastructure works contracted for hospitals and Primary Care Facilities throughout Trinidad and Tobago.

Q.96. Please also provide information on measures undertaken in particular:

- **To diminish infant and child mortality, indicating the average rates and providing relevant disaggregated data, including by gender, age, region, and rural/urban area, ethnic and social origin**:

858. Please refer to paragraph 393 at pages 156-157 of the Report. Also see table below:

Mortality Rates among Infants 1990-1999:[316]

Indicators (# per 1000 births)	**1990**	**1991**	**1992**	**1993**	**1994**	**1995**	**1996**	**1997**	**1998**	**1999**
Stillbirth rate	13.1	12.8	14.4	11.2	11.6	13.8	14.3	12.1	13.4	12.3
Prenatal mortality rate	20.1	18.8	19.6	17.2	19.9	24.5	23.5	22.4	24.5	23.2
Neonatal mortality rate	9.0	7.2	6.9	8.4	10.6	13.9	12.2	13.1	14.4	13.8
Post-neonatal mortality rate	3.7	3.8	3.6	3.8	3.2	3.3	4.0	4.0	4.2	3.8
Infant Mortality rate	12.7	11.0	10.4	12.2	13.8	17.1	16.2	17.1	18.5	17.6

[316] CSO, Social Indicators 1985-1992 and 1997-1999; Population and Vital Statistics 1993-1995. Also Ministry of Health by memorandum dated 7th August 2002.

Please also provide information on measures undertaken in particular:

- **To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care, including:**

859. The HSRP calls for greater emphasis to be placed on Primary Health Care. The Ministry of Health is of the view that the establishment of an efficient primary health care system is the key to real improvement in the nation's health services. Under the HRSP all primary health centers are being upgraded or rebuilt to shift the focus of care away from hospitals to the health centres. Under the HRSP four different types of primary health centres are being established. District Health Facilities (DHF) will serve populations of 150,000 and under. DHFs are to be located in St. James, Chaguanas, Mayaro, Siparia, Arima, Princes Town and Couva. They will offer residents and environs 24 hour accident and emergency service. Minor surgery will be available. Enhanced Health Centres will offer specialised health services such as audiology, ophthalmology, and dentistry and will operate five to six days a week. Health Centres will serve populations of 24,000 and less. They will be open five to six days a week and provide a full range of basic services and limited specialty services. In the less populated areas, Outreach Centres will provide limited services through visiting health professionals.

860. In 2001, as part of the Health Sector Reform Programme, emphasis was placed upon preventive (primary) health programmes. The Directorate of Health Promotion and Public Health is responsible for coordinating health education programmes and strategies for healthy lifestyles, through the National Health Promotion Council which was recently established. This will assist in creating a balance between preventive and curative health programmes presently employed in the country.

861. The table below illustrates the total primary health care expenditure as a percentage of the total health expenditure:

	1992 (TT$)	**1997 (TT$)**
Primary Health Care Expenditure	45,082,166.00	72,200,000.00
Total Health Expenditure	544,646,567.00	663,218,305.00
Percentage spent on Primary Health Care	8.28	10.89

- **The distribution of both general and primary health-care services in the rural and urban areas of the country and the balance between preventive and curative health care;**

862. Please refer to page 123 of the Report for tabled information on the distribution of public sector health facilities by rural/urban area.

- **The measures adopted to ensure a universal immunisation system**:

863. Please refer to pages 158 to 160 of this Report for information on the operation of the immunisation system. It may be noted that the findings of the Multiple Indicator Cluster Survey 2000 re immunization, set out in the table below have been disputed by the Ministry of Health.

	World Summit for Children Indicators	
DPT immunisation coverage	Proportion of children immunised against diphtheria, pertussis and tetanus by age one	55.8 percent
Measles immunisation coverage	Proportion of children immunised against measles by age one	35.0 percent
Polio immunisation coverage	Proportion of children immunised against polio by age one	18.8%

- **To combat disease and malnutrition, including in the framework of primary health care, through *inter alia* the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into account the risks and dangers of environmental degradation and pollution; reports should indicate the overall situation, persisting disparities and difficulties, as well as policies to address them, including priorities identified for future action, and information should also be provided, including by gender, age, region, rural/urban area, and social and ethnic origin on**:

  - **The proportion of children with low birth weight;**

864. According to the Executive Summary of the recently conducted Multiple Indicator Cluster Survey (MICS),[317] 22 percent of infants were estimated to weigh less than twenty-five hundred grams at birth. This percentage is substantially higher than the average for Latin

[317] Please refer to page 39 of this Report for details about the Survey.

America and the Caribbean (9 percent). Within the different administrative areas across Trinidad and Tobago underweight children were most prevalent in St. Andrew/St. David (12.3 percent) and the rest of St. George (10 percent).The survey results also suggest that children were least likely to be underweight or stunted if their mothers had secondary or higher education, than if they had less education. Boys appeared to be slightly more underweight, stunted and wasted than girls. The prevalence of undernourishment was generally higher among children aged 12-23 months and those aged 48-59 months than among those in the other age groups.[318] Additional findings of the survey are tabled overleaf.

	World Summit for Children Indicators	
Underweight prevalence	Proportion of under-fives who are too thin for their age	6.0 percent
Stunting prevalence	Proportion of under-fives who are too short for their age	3.5 percent
Wasting prevalence	Proportion of under-fives who are too thin for their height	4.4 percent

- **The nature and context of the most common diseases and their impact on children**;

Disease	**1997**	**1998**	**1999**	**2000**	**2001**	**2002**
Gastroenteritis	16026	14109	19796	17356	22694	16999
Acute Respiratory Syndrome	-	-	-	16	-	1254
Influenza	35686	36570	38715	41125	43258	37000
Malnutrition Rates(%) in children under 5.	3.5	3.9	4.3	3.6	4.5	4.9

Community Health Services Annual Reports only.
Source: National Surveillance Unit-Ministry of Health

- **The proportion of the child population affected by malnutrition, including of a chronic or severe nature, and lack of clean drinking water**;

865. Please refer to pages 161 to 164 of the Report for information on measures undertaken to eliminate malnutrition. According to the Report of the Multiple Indicator Cluster Survey

[318] Multiple Indicator Cluster Survey: Trinidad and Tobago-Full Report at page 26.

conducted in Trinidad and Tobago "93.6 percent of the population was estimated to have had access to safe drinking water with very little variation across the different administrative divisions of the country".[319] Please refer to page 163 of the Report for information about measures to provide adequate clean drinking water.

- **The children provided with adequate nutritious food;**

866. Please refer to pages 161 to 163 of the Report for information on efforts to provide children with nutritious food and the number of children serviced by individual programmes.

- **The risks from environmental pollution and the measures adopted to prevent and combat them;**

867. The Environmental Health Division of the Ministry of Health has also undertaken to improve environmental and industrial hygiene. These measures include the following:

- The implementation of a quality surveillance programme that monitors the quality of potable and industrial water to control the presence of pollutants. This is achieved through sampling and testing of water for bacteriological pollutants. The exercise is conducted in collaboration with the Water and Sewerage Authority.

- The implementation of a food hygiene programme to ensure food safety. This is achieved through the sampling and testing of food prepared by food handlers and restaurants.

- The implementation of improved management of the disposal of domestic and industrial waste (this includes litter and sewerage).

- Increased control of vector-borne diseases such as dengue and malaria.

868. The Environmental Management Authority (EMA), referred to on page 138 of this Report, has proceeded to address certain specific environmental concerns. These include, *inter alia*, air pollution, water pollution, sustainable planning, noise pollution, sensitive areas and species. In developing subsidiary legislation under the **Environmental Management Authority Act, No.3 of 2000**, individual awareness programmes (outlining the strategies of the EMA in respect of environmental concerns) have highlighted the interrelationship between environmental concerns and human health.

[319] Multiple Indicator Cluster Survey: Trinidad and Tobago-Full Report at page 24.

869. The overall situation with respect to the natural environment of Trinidad and Tobago has improved. From 1998-2000, the EMA coordinated the appointment of a special Environmental Police Force with a mandate to ensure the enforcement of existing environmental legislation. Consequently, improvements have been achieved in respect of vehicular emissions and littering.

870. Safe sanitation is an area of concern to the EMA. In Trinidad and Tobago, many sewerage treatment plants are non-functioning. The EMA is in the process of exploring methods of monitoring and ultimately eliminating this problem.

871. Some of the main achievements of the Public Sector Investment Programme (PSIP) in this area over the fiscal year 1999/2000 include:

- Continuation of the enforcement of the **Litter Act, Chap. 30:52** and the **Motor Vehicle and Road Traffic Act, Chap. 48:50** by the Environmental Police Unit;

- Completion of the drafting of modern legislation for addressing the environmental concerns of air and water pollution, noise pollution, destruction of ecosystems and waste disposal; and

- Continuation of public awareness and education programmes.

872. The sum of TT $16.0 million was allocated to the Ministry of the Environment under the Public Sector Investment Programme for carrying out key programmes of environmental conservation and protection over the 2000/2001 fiscal year.

- **To ensure appropriate prenatal and post-natal health care for mothers, indicating the nature of services provided, including appropriate information given, the coverage ensured, the rate of mortality and its main causes (average and disaggregated, *inter alia*, by age, gender, region, urban/rural area, social and ethnic origin), the proportion of pregnant women who have access to and benefit from pre and post-natal health care, trained personnel and hospital care and delivery**:

873. Please refer to paragraph 393 at pages 155-156 of the Report for information in this regard. It is estimated by the Ministry of Health that between 85 to 90 percent of pregnant women in Trinidad and Tobago attend public sector antenatal clinics. In 1997, 87.7% of births occurred in Government hospitals and maternity units.[320] Also please refer to the table overleaf.

[320] See paragraph 334 of Trinidad and Tobago's initial, second and third periodic report under the Convention on the Elimination of All Forms of Discrimination against Women.

Maternal Mortality, Infant Mortality and General Fertility Rates, 1991-2000:[321]

Year	Maternal mortality	Infant mortality	General fertility
1991	49.18	11.0	73.49
1992	60.7	10.5	74.0
1993	66.4	12.2	64.1
1994	76.2	13.8	59.3
1995	67.5	17.1	56.3
1996	38.9	16.2	52.0
1997	70.4	17.1	52.2
1998	44.7	18.5	50.2
1999	38.2	17.6	50.7
2000	54.0	21.1	N.A.

- **To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents; in this regard, information should also be provided on:**

    - **Campaigns, programmes, services and strategies and other relevant mechanisms developed to provide basic knowledge, information and support to the general population, in particular to parents and children;**

    - **The means used, particularly in relation to the areas of child health and nutrition, the advantages of breastfeeding and the prevention of accidents;**

874. Please refer to paragraphs 412 to 415 of the Report in this regard. Page 156 of the Report sets out breastfeeding programmes.

875. Nutrition is also taught in some secondary schools (where it is compulsory for Forms 1 and 2, and optional in forms 3 and 5). Teachers are generally well informed through training programmes and seminars, and are kept up to date through the Home Economic Association and its Caribbean counterpart, the Caribbean Food and Nutrition Institute. Information on nutrition is

[321] Central Statistical Office, 1991-1999. Also Selected Rates 1997-2000.

also provided through the media and other supportive organisations and individuals. This information is generally available to all groups in society.

876. The Ministry of Health conducts various information programmes for the general public. Some of the measures implemented include a focus on the Health Promotion Month, World Health Day and the publication of weekly articles on health including child nutrition and the benefits of breast-feeding. In 2002, the Ministry of Health launched Child Health Month. The Ministry of Health also collaborates with the Government Information Services Division to develop informative segments on different areas of health for television broadcast. Please refer to page 162 of the Report for details.

- **The availability of safe sanitation;**

877. The following findings on the use of sanitation are published in the Multiple Indicator Cluster Survey Report:[322]

> *... as much as 99.4 percent of the population claimed to have had sanitary means of excreta disposal. Such a high proportion was evident in every administrative area of the country. Most of the population had access to water closets, whether or not linked to sewers (71.1 percent). As much as 28.4 percent of the population were estimated to have had access to traditional pit latrines...Except for the Borough of Point Fortin, these areas are primarily rural suggesting that pit latrines are still relatively prominent in the rural part of the country.*

- **The measures adopted to increase food production to ensure household food security;**

878. In order to improve food production and ensure household food security, the Ministry of Agriculture, Land and Marine Resources has adopted a number of measures as illustrated in the table overleaf:[323]

[322] See page 24

Project	Activity	Executing Agency	Status
1.Establishment and maintenance of a comprehensive Food and Nutrition Surveillance programme.	Monitor food availability and prices.	Ministry of Food Production and Marine Resources. (M.F.P.M.R.)	N.A.M.D.E.V.C.O. continues to monitor both the prices and availability of vegetables. This information is disseminated to the public through the print and electronic media.
2.State Land Development for the agricultural sector.	Develop and Implement a national land distribution programme for the agricultural sector. Zone land according to crops/livestock capabilities. Value land in relation to their capability and infrastructural development. Enact capital gains legislation Establish a state mortgage facility for the divestment of state lands, the creation of family farms, agro processing zones, industrial sites and housing except for areas reserved for access roads, watersheds, National Parks and Forest Reserves while ensuring the preservation of the environment.	M.F.P.M.R.	The M.F.P.M.R. continues to implement its Land Distribution and Regularisation Programme which commenced in Aug. 1999. Under the programme, 56 blocks of State agricultural land, comprising 4,300 hectares are to be distributed/ regularised by Dec.31,2001. As at Sept.30,2000, work on all 56 blocks is in various stages of completion.

[323] Supplied by the now Ministry of Food Production and Marine Resources.

Project	Activity	Executing Agency	Status
3. Agricultural Access Roads	Develop and maintain agricultural access roads.	M.F.P.M.R., Ministry of Works (M.O.W.), and the Inter American Development Bank (I.D.B.)	The M.F.P.M.R. continues to maintain its in-house access road programme as well as implement the I.D.B. funded Agricultural Access Road Programme. During the 1999-2000 under the I.D.B. funded project, $13.5 million was expended to rehabilitate approx. 43 km of roads in the following areas: St. Andrew/St.David-12 km Nariva/Mayaro-10 km St. Patrick-7km St.George –10 km Victoria-4km An additional sum of $10 million of work which covered 24.78 km is expected to be completed at the end of the financial year(2000). Under its in-house programme, the M.F.P.M.R. also expended some $28,295 on routine maintenance in the following counties: St. Patrick- 22.21km St. George- 30.7 km An estimated 8.6 km of forest access roads have been targeted for rehabilitation and construction by the Forestry Division. For the financial year 1999-2000, 4.6 km of forest access roads have been completed.

Project	Activity	Executing Agency	Status
4.Water Resource Management	Prepare a Master Plan for Water Resources Development and Management., Review all Water Management projects. Clear waterways to prevent flooding.	M.F.P.M.R., Water and Sewerage Authority (W.A.S.A.) and then Ministry of Planning and Development (M.P.D.)	A programme of water management and flood control was instituted. For the financial year 1999-2000, three irrigation pumps to control water levels have been installed at Plum Matin where rice and vegetables are produced and which have experienced tremendous flooding and loss in the past. The following have also been achieved: At Carlsen Field in the County of Caroni, an irrigation project benefiting approximately 125 farmers in the area and aimed at increasing crop yields and productivity of both land and labour has been completed. An irrigation network system for the vegetable farming community (40 farmers) in Depot Road, Longdenville is being established. With respect to County St. Patrick, two design contracts were awarded. The first for the development of a water management infrastructure for the Duck Pond Project in the Oropouche Basin and the second for the preparation of final designs for the rehabilitation of sluice gates on the Trinidad River in Oropouche.

Project	Activity	Executing Agency	Status
5.Research and extension	Direct research and extension to improve the production and processing of rice, starchy roots, fruits and tubers, corn, pigeon peas, poultry, rabbits, fish, beef, small ruminant (sheep and goat), pork, fruits and vegetables	University of West Indies (UWI), Caribbean Agricultural Research, Development Institute (CARDI), M.F.P.M.R., Caribbean Industrial Research Institute (CARIRI)	The Research Division of the M.F.P.M.R. continues to undertake research activities in several of these areas. The U.W.I. also continues to undertake research in the area of rabbit production. Extension work is also carried out by the North and South regions of the M.F.P.M.R in the production of vegetables, coffee, cocoa, bananas and some roots and tubers.
	Upgrade the extension education material and expand its distribution through the print and electronic media.	U.W.I., M.F.P.M.R. and C.A.R.I.R.I.	The Publication Unit of the extension has been upgraded and a printing press acquired. Educational material is printed in the form of pamphlets. Due to the high cost of the print and electronic media, these avenues have not been pursued.
	Establish 2 Farmers' Training Centres in strategic locations (South and Tobago).		Farmers' training is undertaken at N.A.M.D.E.V.C.O. in South and Point Fortin.
	Expand the curriculum of the F.T.C. to include Food and Nutrition Education, Agri-business Management and Marketing.		The F.T.C. curriculum has been expanded to include Agri-business and Marketing but not Food and Nutrition. Food and Nutrition Education is currently being undertaken by the C.F.N.I.

Project	Activity	Executing Agency	Status
6.Improvement of Marketing and Trade Information System	Post Trade Attaches in major export markets.	Tourism & Industrial Development Corporation (T.I.D.C.O.) and the National Agricultural Development Company- (NAMDEVCO)	N.A.M.D.E.V.C.O. has undertaken this activity in collaboration with TIDCO. Attaches have been posted in Miami. Work is currently being undertaken to have Attaches posted in other countries.
	Monitor Phytosanitary requirements.		A Phytosanitary Secretariat which includes membership of the Ministry has been established and work in this area is currently ongoing.
	Develop standards for packaging and labeling.	Ministry of Foreign Affairs (M.F.A.) and M.F.P.M.R.	N.A.M.D.E.V.C.O. is currently undertaking work in the area of packaging and labeling. At present, labeling for supermarkets is being targeted. The Trinidad and Tobago Bureau of Standards has developed packaging and labeling standards for packaged goods. The Institute also monitors the packaging and labeling of all goods sold and imported into the country.
7.Food processing support	Intensify research Develop and promote educational material on post harvest handling and food processing. Establish a co-ordinating mechanism for business development and agri-processing. Train manpower.	NAMDEVCO Agricultural Development Bank IDC Small Business Development Corporation CARDI TIDCO CARIRI	Some work on food processing has been undertaken by N.A.M.D.E.V.C.O. with respect to cassava. A local processor has been identified. However several problems have been identified by the processor. Some training is also being undertaken by NAMDEVCO.
8.Animal feed processing	Conduct studies into feeding stuff evaluation with increased utilization of raw material and wastes. Develop small scale machinery for on-farm processing.	U.W.I., M.F.P.M.R., C.A.R.D.I., S.F.C.	No study is being undertaken in this area. Some small scale machinery has been developed by U.W.I.

Project	Activity	Executing Agency	Status
9.Dissemination of Nutrient Cost Information indicating guidelines for a food preparation.	Disseminate Nutrient-Cost Information and Recipes.	Caribbean Food and Nutrition Institute (C.F.N.I.), NAMDEVCO MFPMR and the Trinidad and Tobago Home Economics Association (TTHEA.), Trinidad and Tobago Association of Nutritionists and Dieticians (TTANDI)	Both Nutrition Cost Information and recipes are disseminated to the School Nutrition Programme.

- **To develop preventive health care, guidance for parents and family planning education and services; in this regard, reports should also provide information on:**

  - **The policies and programmes developed, as well as services available;**

  - **The population covered, including in rural and urban areas, by age, gender, social and ethnic origin;**

  - **The measures adopted to prevent early pregnancy and to take into consideration the specific situation of adolescents, including the provision of appropriate information and counselling;**

879. The Population Policy for Trinidad and Tobago provides a framework for a national policy on family planning. Within this framework, the Ministry of Health is committed to providing accessible reproductive health care services while ensuring absolute freedom of choice. Government operated family planning clinics are available at health centers to provide family planning counselling and supplies to clients during clinic hours. These services are supplemented by the work of the Family Planning Association of Trinidad and Tobago.[324]

880. Please refer to paragraphs 623 to 627 at pages 225-226 of the Report for information on initiatives undertaken by the Family Planning Association of Trinidad and Tobago in this regard.

881. The Government has recognised that childbearing in the teenage years represents an obstacle to sustainable development, as it seriously compromises the young mother's

[324] See Trinidad and Tobago's initial, second and third periodic report under the Convention on the Elimination of All Forms of Discrimination against Women at para. 341.

educational, economic and personal development, and also jeopardises their children's full life potential. Further, teenage motherhood can also reinforce intergenerational poverty. Cognisant of this, the then Ministry of Social and Community Development commissioned a study in 1995 entitled 'Needs Assessment of Pregnant Teenagers and Young Mothers'. As a follow-up to the study, the Ministry has engaged in ongoing collaboration with NGOs to implement programmes that address issues related to teenage pregnancy including the following:

- The production of a video entitled 'Your Life, Your Choice – Teenage Pregnancy and Making the Right Choices'.

- The involvement of communities in the development of programmes that cater to their needs. This will also be used to gather information on community views with respect to issues related to adolescents.

- A project entitled 'Community Mothers' to provide care for the children of single and low-income mothers, while allowing the latter to seek employment or participate in other developmental programmes.[325]

882. A series of workshops targeting pertinent stakeholders were also conducted during the period May to September 2002 to facilitate the demonstration of the video and an accompanying manual as teaching tools.[326]

883. The then Ministry of Social and Community Development has also provided financial assistance, while the Ministry of Health has provided technical and management support to the CHOICES programme of the Child Welfare League (an NGO). This project targets at risk teenage girls and adolescent mothers between the ages of thirteen and nineteen years. Please refer to page 51 of the Report for information about the programme.

884. To date, this project has successfully established three centres. The Centres provide a safe haven for teenagers, where they can benefit from individual and group counselling and an environment that facilitates change and development. Young mothers are referred to the programme during pregnancy or after the birth of their children by social workers, health workers, community-policing officers, welfare officers, teachers and peers.

885. The programme varies in duration from 9 months to 2 years, depending on the age of the teenager at the time of referral and the anticipated programme outcome for each adolescent based on identified needs. The developmental work offered at the Centres includes: basic academics,

[325] Supra, fn. 324 at para. 338

family life education and vocational skills training. The specific activities of the programme are set out below:

Centre Based Activities:

- *Day care facilities for teenaged mothers and their babies at three Centres located at La Horquetta, Sangre Grande and Woodbrook;*
- *Educational courses for pregnant teenagers, teenaged mothers, teenagers at risk of becoming exploited socially and sexually. Course work includes subjects under the Health and Family Life Education topic and basic academics;*
- *Vocational training in food preparation, basic dressmaking, home décor, parenting and childcare;*
- *Individual and group counselling; and*
- *Parent enrichment meetings.*

Community Outreach Activities:

- *Family Life Education school outreach projects for pre-teens attending primary schools in communities surrounding CHOICES Centres;*
- *Sexuality for the out-of-school teenager;*
- *Home visiting; and*
- *Family counselling.*

886. The project has been highly successful in deterring teenage pregnancies, particularly through its outreach counselling sessions, which are held in schools and in communities. Over the past three years, the project has positively affected over 1000 persons through its interventions.[327]

887. The Government (through the Gender Affairs Division) has also recognised that there is a critical need to address youth gender relations to stymie the effects of teenage pregnancy. Traditional programmes have strictly targeted young females, leaving the young male outside of the responsibility that is consistent with being sexually active. Through the Division's Male Support Programme and the National Youth Outreach Caravan, the development of healthy and mutually respectful gender relations is being advocated.[328]

- **The role played by the education system in this regard, including in the school curricula;**

888. Please refer to paragraph 431 at page 166 of the Report in this regard.

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[326] Ministry of Social Development, Comments on the Draft First Periodic Report on the CRC, October 2002.
[327] See Trinidad and Tobago's initial, second and third periodic report under the Convention on the Elimination of All Forms of Discrimination against Women at para. 339. (Information is dated 2000).
[328] According to the representative of the Gender Affairs Division on the Human Rights Consultative Committee-Comments on draft periodic report under CRC.

- **Disaggregated data on the incidence of children's pregnancy, including by age, region, rural/urban area, and social and ethnic origin;**

889. The age-specific fertility rate for the age group 15-19 years fell from 61.0% in 1990, to 45.9% in 1994. However, births to teenage mothers showed a slight increase from 13.5% of all live and stillbirths in 1994, to approximately 14% in 2000. Births to women below the age of 20 years have increased as a proportion of total births to 14.5%, due to the slower pace at which fertility has declined among younger age groups. Approximately 50% of women are likely to have their first child below the age of 20 years, an event that has been found to be strongly influenced by educational status. The medium age for girls in respect of their first sexual experience is 15 years.[329]

Q.97. Please indicate the prevalence of HIV/AIDS and the measures adopted to promote health information and education on HIV/AIDS among the general population, special groups at high risk and children, as well as:

- **The measures adopted to assess the occurrence of HIV infection and AIDS, among both the general population and children, and its incidence *inter alia* by age, gender, rural/urban area;**

890. Between 1983 and 2001, seven hundred and sixteen cases (716) were reported in children under 15 years, representing 7% of the total cases reported for this period. 421 cases (or 4%) were reported in children under 1 year old. 444 cases (or 4%) were reported in youths 15-19 years. Transmission of the HIV virus from infected mothers to their children has been the predominant mode of infection of children.[330]

891. As of December 2001, it is estimated that approximately 16, 217 people have been infected with the virus in Trinidad and Tobago, representing a prevalence rate of 1.2% (CAREC/CDC 2001). It is however, difficult to obtain accurate figures on infection because HIV/AIDS is not a notifiable disease. At the end of 2001, the National Surveillance Unit reported that the number of adults and reported that the number of adults and children living with HIV/AIDS was 7400 (this includes 2,200 females between the ages of 15 and 49 years, and 561 children under the age of 15 years). In 2001, males and females in the 15 to 24 year age group accounted for 16% of all new infections in 2001.[331]

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[329] See Trinidad and Tobago's initial, second and third periodic report under the Convention on the Elimination of All Forms of Discrimination against Women at para.337.
[330] Ministry of Health by memorandum dated August 13, 2002.
[331] Supra, fn.330.

Table 1: Reported AIDS Cases and Deaths by Age and Sex (1996):[332]

AGE (YRS)	Cases for the Year				Deaths for the Year			
	Male	Female	Unknown	Total	Male	Female	Unknown	Total
<1	8	5	0	13	6	4	0	10
1 to 4	1	8	0	9	0	5	0	5
5 to 9	0	3	0	3	0	0	0	0
10 to 14	0	3	0	3	0	3	0	3
15 to 19	2	9	0	11	3	6	0	9
Total	**11**	**28**	**0**	**39**	**9**	**18**	**0**	**27**

Table 2: Paediatric (Children less than 13 year of age) AIDS Cases and Deaths (1999):[333]

PAEDIATRIC AIDS CASES	CASES	DEATHS
Infants of HIV positive mothers	5	2
Paediatric cases under investigation	16	8
TOTAL	**21**	**10**

Table 3: Paediatric HIV Cases and Deaths (1999):[334]

PAEDIATRIC HIV CASES	CASES
Infants of HIV positive mothers	50
Paediatric cases under investigation	60
TOTAL	**110**

Table 4: AIDS Reported Cases and Deaths by Age and Sex (1999):[335]

AGE (YRS)	CASES FOR THE YEAR				DEATHS FOR THE YEAR			
	Male	Female	Unknown	Total	Male	Female	Unknown	Total
<1	3	3	0	6	2	2	0	4
1 to 4	6	4	0	10	2	2	0	4
5 to 9	1	3	0	4	0	2	0	2
10 to 14	0	1	0	1	0	0	0	0
15 to 19	6	12	0	18	3	3	0	6
Total	**16**	**23**	**0**	**39**	**7**	**9**	**0**	**16**

[332] Ministry of Health, Acquired Immune Deficiency Syndrome (HIV/AIDS) Morbidity and Mortality Report, 1996.
[333] Ministry of Health, 1999.
[334] Supra, fn.333.
[335] Ministry of Health, Acquired Immune Deficiency Syndrome (HIV/AIDS) Morbidity and Mortality Report, 1999.

Table 5: AIDS Reported Cases and Deaths by Age and Sex (2000):[336]

AGE (YEARS)	CASES FOR THE YEAR				DEATHS FOR THE YEAR			
	Male	Female	Unknown	Total	Male	Female	Unknown	Total
<1	2	3	1	6	2	1	0	3
1 to 4	6	1	0	17	1	1	0	2
5 to 9	2	2	0	4	0	1	0	1
10 to 14	1	1	0	2	0	0	0	0
15 to 19	1	8	0	9	0	2	0	2
Total	**12**	**15**	**1**	**38**	**3**	**5**	**0**	**8**

Table 6: Reported AIDS Cases and Deaths by Age and Sex (2001):[337]

AGE (YRS)	CASES FOR THE YEAR				DEATHS FOR THE YEAR			
	Male	Female	Unknown	Total	Male	Female	Unknown	Total
<1	2	4	0	6	1	1	0	2
1 to 4	7	6	0	13	3	2	0	5
5 to 9	5	2	0	7	1	0	0	1
10 to 14	0	1	0	1	0	1	0	1
15 to 19	3	2	0	5	3	4	0	7
Total	**17**	**15**	**0**	**32**	**8**	**8**	**0**	**16**

892. In April 2000, the Family Planning Association of Trinidad and Tobago (FPATT) completed a report entitled *The Sexual Health of Youth in Tobago.*[338] This report provided information on the findings of a research project that involved a survey of young persons in Tobago, which was conducted on 767 persons aged 10 through 29 years. The project also involved 12 focus group sessions and 2 pilot studies in September 1999 with young persons aged 10 through 24 years. In this regard, 4 'out-of-school' and 8 'in-school' sessions were conducted. The project was a joint effort of the FPATT and the Tobago AIDS Society. Based on its findings, and the statistics obtained in respect of existing information on the AIDS situation in Trinidad, the F.P.A.T.T. concluded the following:

> *People aged 10-24 are the age group most vulnerable to HIV infections in Trinidad and Tobago and are also subject to other sexual and reproductive health problems. Half of the HIV infections were estimated to occur among teens, and peak numbers are in the age*

[336] Ministry of Health, Acquired Immune Deficiency Syndrome (HIV/AIDS) Morbidity and Mortality Report, 2000.
[337] Ministry of Health, by memorandum dated 13th August 2002.
[338] Supra, fn. 227(source: National Surveillance Unit, Trinidad and Tobago)

groups 20-24 for women and 30-34 for men. Females are at particularly high risk. In the 15-19 age group, there are six times as many infected females as males. Half of women are likely to have their first child before the age of 20. HIV incidence has doubled every 3-4 years, and HIV/AIDS is projected to cost 4.2% of GDP in the next ten years. There is a need for improved epidemiological information specific to Tobago.

The male-to-female AIDS case ratio was 1.6:1 in 2001, down from 3:1 in the 1980s. In the same year, the male to female ratio of HIV infections (not AIDS) was 1.3:1. The figures show a trend of increasing infection of women relative to men...Among those infected age 15-19 in 2001, there were 3 times more females than males. Females also outnumbered males in the under 15 and 20-24 age groups.

According to the figures reported to C.A.R.E.C. (Caribbean Epidemiology Centre), homosexuals and bisexuals together have accounted for only about one in eight AIDS cases in Trinidad and Tobago throughout the 1990s, of which about 45 % are bisexuals. Of adult AIDS cases reported in 2001, the reported mode of transmission for 92% of the cases was heterosexual sex and 8% homosexual or bisexual, while 34% were of unknown exposure category.

HIV is apparently transmitted exclusively by sexual contact in Trinidad and Tobago; there were only four reported cases of AIDS caught through intravenous drug use or blood transfusion (NSU,2001). Intravenous illegal drug use is rare in the Caribbean, and there is widespread implementation of screening of donor blood for the HIV antibody; these facts are reflected in the low figures for transmission of the AIDS virus by these means...Crack cocaine use was found to be a significant independent risk factor in a study of STD clinic attenders in Trinidad (1995). Conversely, clients of Drug Rehabilitation Centres in Trinidad reported unsafe sexual behaviours, such as trading sex for money or drugs, never using condoms, or inconsistent use of condoms despite knowledge of HIV (1999).

- **The programmes and strategies developed to prevent HIV;**

- **The treatment and management provided in cases of HIV infection and AIDS among children and parents, and the coverage ensured nationwide, in urban and rural areas.**

893. The Ministry of Health (through its National AIDS Programme) has developed a comprehensive strategic plan for addressing all issues related to HIV/AIDS, including education, research and treatment. This plan has been approved by Cabinet.

894. In the 2001 National Budget, the Government allocated $12 million towards addressing this epidemic. The Government in October 2001 successfully co-hosted the 10th International

Conference for Persons with AIDS. Trinidad and Tobago is also one of the countries where vaccine trials for HIV have been undertaken.

895. The Government of Trinidad and Tobago has already put in place the following measures to prevent the transmission of HIV/AIDS:[339]

- **The implementation of a Prevention and Control Programme**
  This programme is managed by the National AIDS Committee, which was appointed by Cabinet in 1987. In 1989, it was re-organised to include a wide cross-section of participants to reflect the multiple impact of AIDS in society. The day-to-day management of this programme is the responsibility of the Coordinator of the National AIDS Programme. A cadre of trained professionals and non-professionals handle programme implementation through various subcommittees.

- **Information and education**
  This targets high risk groups including youths in and out of school. Information is widely disseminated through a variety of mechanisms such as workshops, public consultations, electronic and print media, press conferences, posters, leaflets and bulletins. The Ministry has set up a National AIDS Programme which is an information and education research facility. The National AIDS Programme and the Health Education Unit of the Ministry of Health work in close collaboration with NGOs and CBOs to reach target groups in the population. As part of the Ministry's anti-AIDS strategy it is seeking to ensure that all secondary school students receive lectures on HIV/AIDS and to provide selected secondary school teachers with training as counsellors in this regard. The aim of this preventive effort is to educate the youth about the virus and to encourage healthy lifestyles.

- **National AIDS Hotline**
  The Ministry of Health provides accommodation and utilities for the operation of an AIDS hotline which is run by a non profit anonymous organisation. The hotline was established to provide counselling and referrals. It is run by volunteers who receive basic counselling treatment upon recruitment and then undergo training workshops on a periodic basis. There are some 50 registered volunteers.

- **Rap Port Youth Information and Counselling Centre**
  Youth counselling and peer education centres have been established in Port of Spain and Arima to provide information, education, counselling and referral services to young people in the age group 13-15 years. Rap Port's programme does not focus exclusively

[339] Information supplied by the Ministry of Health (2002)

on the prevention of HIV/AIDS but also on sexually transmitted diseases, peer pressure, self esteem, and other issues faced by young people.

- **Reduction of Mother to Child Transmission Programme (MTCT)**
  -Voluntary counselling and testing;
  -Anti retroviral therapy for HIV positive mothers, pre-natal and intra-natal. The Ministry of Health entered into arrangements to obtain drugs used in the treatment of HIV/AIDS at a reduced cost.
  -Anti retroviral treatment is also available for newborn infants of HIV positive mothers.

  With support from the Medical Research Foundation, the Ministry of Health has initiated a countrywide programme to address pregnant women who are infected with AIDS/HIV. The aim is to decrease the incidence of mother-to-child transmission of the virus/infection. The main features of this programme include screening, counselling, treatment and monitoring.

  In order to deliver this service, a team of health officers is trained and educational material is given to mothers at the antenatal clinics. They are also provided with information about the drugs they must take, the effects and the manner in which they must be administered. In addition, blood samples of the mother and child are regularly taken to monitor whether the child's immune system has rejected the virus. At present, this programme is operating at major hospitals and a few health centres. During 2002, 75% of all antenatal clients accepted voluntary counselling and testing. The prevalence rate of infection amongst this group was 1.2%.

- **Blood Safety Screening and Testing of all blood donors.**
  The National Blood Transfusion Unit of the Ministry of Health is responsible for the screening and testing of all blood donors. The screening and testing is done by the public health laboratories in collaboration with the Caribbean Epidemiology Centre. The screened and tested blood is available to members of the public free of charge.

- **Occupational Health and Safety**
  -Prevention of accidental exposure of high risk workers such as doctors, nurses and dentists.
  -Post Exposure Prophylaxis.

- **Sexually Transmitted Infections-Counselling and Treatment**
  The Queen's Park Counselling Centre and Clinic of the Ministry of Health is responsible for all STD testing and provides counselling to members of the public. Counselling is also provided in a number of health institutions in the country.

- **Treatment, care and support**
  -Prophylaxis Treatment.
  -Opportunistic Infection Treatment. Drugs for opportunistic infections are provided free of charge at all public sector clinics.
  -Anti Retroviral Treatment-Since April 2002, antiretroviral therapy for HIV/AIDS clients, including children, is being provided free of charge by the Government of Trinidad and Tobago. HIV positive children attending the Wendy Fitzwilliam Paediatric Hospital, the San Fernando General Hospital and the Scarborough Hospital Tobago all benefit from anti-retroviral treatment if indicated.
  -Training Programmes for Health Workers are being conducted.
  -Psycho-social support for people living with HIV/AIDS.

Tobago

- Tobago is continuing its programme in the Health Services to prevent pregnant mothers from transmitting HIV/AIDS to their children and has a testing and counselling programme.

- **The measures adopted to ensure an effective protection and assistance to children who are orphans as a result of AIDS;**

896. Children who are orphans as a result of HIV/AIDS are provided with the same health care treatment as any other member of the general population. Such children have access to health care at all health care institutions. In respect of specialised care, the Queen's Park Medical Centre specifically provides free testing and monitoring services. While in the past, specialised services targeting children infected with the virus were available at a cost to the patient; the Government has since implemented a pilot project whereby such children can receive such services free of charge.

897. The St. Vincent de Paul Society (an NGO) operates the Cyril Ross Home. The Home offers specialised services to HIV/AIDS infected children who vary in ages from birth to 18 years. The Home has a capacity for 30 HIV/AIDS infected children, and provides them with accommodation and other services which are needed to meet all of their needs. This includes health care, social care and spiritual counselling. The Home also has an established 'in-house' school to accommodate those children who have been refused admission or have been removed

from the educational system on the basis of their infection. Most children housed are children of parents who have passed away from the virus and whose grandparents (if alive) are too elderly to care for them, or are simply financially incapable of providing such care. At present, the Cyril Ross Home is the only institution/organisation of its kind in the country. The Ministry of Health provides anti retroviral drugs to the Home.

898. The Education Division of the Ministry of Health, together with the National AIDS Programme and the primary health care staff work in collaboration with NGOs, community-based organisations and religious groups to prepare persons (including women) to care for persons with AIDS. Some NGOs involved in the care and support of HIV/AIDS children are provided with annual subventions by the Government of Trinidad and Tobago. The Community Action is one such NGO.

- **The campaign, programmes, strategies and other relevant measures adopted to prevent and combat discriminatory attitudes against children affected by HIV or with AIDS, or whose parents or family members have been infected**;

899. The National Health Policy provides that "all women and men, irrespective of their HIV status, have the right to determine the course of their reproductive life and health, and to have access to information and services that allow them to protect their own and their family's health". Where the welfare of children is concerned, decisions are made in keeping with the children's best interests.

900. Recent studies conducted on the perspectives of healthcare providers and clients in respect of health care for people living with HIV/AIDS in Trinidad and Tobago revealed that common problems identified by providers and clients include the following:

- Variability of care from institution to institution;
- Limited organisation of care;
- Limited continuity of care;
- Presence of discrimination in care;
- Lack of audit of care; and
- Battered women with HIV/AIDS experience difficulty in acquiring assistance in conventional shelters.

Q.98. Information on the measures adopted pursuant to article 24, paragraph 3, with a view to abolishing all traditional practices prejudicial to the health of children, particularly girls, or otherwise contrary to the principles and provisions of the Convention (for example, genital mutilation and forced marriage). Reports should also indicate any assessment made of traditional practices persisting in society that are prejudicial to children's rights.

901. Female Genital Mutilation (FGM) is not a practice indigenous to Trinidad. Nevertheless, the country continues to welcome many immigrant cultures and it is not known whether any of these cultures quietly practice FGM. NGOs have not reported on any occurrence of this phenomenon. There are no known traditional practices which are prejudicial to the health of children.

Q.99. Information should also be provided on the measures adopted pursuant to article 24, paragraph 4, to promote and encourage international cooperation with a view to achieving progressively the full realisation of the right recognised in this article, and the particular consideration given to the needs of developing countries. Reports should *inter alia* indicate the activities and programmes developed in the framework of international cooperation, including at the bilateral and regional levels, the areas addressed, the target groups identified, the financial assistance provided and/or received and the priorities considered, as well as any evaluation made of the progress achieved and of the difficulties encountered. Mention should be made, whenever appropriate, of the involvement of United Nations organs and specialised agencies and non-governmental organisations.

902. The Ministry of Health, through technical cooperation and other initiatives, works in close collaboration with *inter alia* the Pan American Health Organisation, the World Health Organisation UNICEF and UNAIDS, on projects aimed at improving the standard of health of children in the country. Technical cooperation is provided on a priority programme basis. This varies from year to year. Due cognisance is paid to the country's priorities at any particular time. Assistance has been and continues to given in the undermentioned areas:

- Tobacco Use;
- Control of Alcohol Consumption;
- Mental Health;
- Immunisation;
- Communicable Diseases;
- Health Promotion and Protection;
- Public Health;
- Women's Health Issues eg. Reproductive Health;
- Development of the Health System (HSRP);

- General Protection of the Environment;
- Training;
- Quality Improvement; and
- Disease Prevention and Control.

C. Social Security and Child Care Services and Facilities (arts. 26 and 18, para.3)

Q.100 With respect to article 26, please provide information on:

- **The measures adopted to recognise for every child the right to benefit from social security, including social insurance;**

- **The necessary measures taken to achieve the full realisation of this right in accordance with the national law;**

- **The manner in which the benefits granted take into account the resources and the circumstances of the child and of the persons having responsibility for his or her maintenance, as well as any other considerations relevant to an application for benefits made by or on behalf of the child;**

Q.101. Reports should also indicate the legal provisions relevant to the implementation of this right, the circumstances under which children themselves are allowed to apply for social security measures, either directly or through a representative, the criteria taken into account to grant the benefits, as well as any relevant disaggregated information concerning the coverage and financial implications of such measures, its incidence by age, gender, number of children per family, civil status of the parents, the situation of single parents, and the relationship of social security to unemployment;

903. Public Assistance targets needy children, the disabled, and the poor. According to S.3 of the **Public Assistance Act, Chap. 32:03**:

> *Assistance shall be given to meet the needs of necessitous persons who are prevented by some disability from earning a living; and shall normally be given to the head of the family, whose needs shall be deemed to include those of his dependants.*

904. Public Assistance is made to necessitous children where the head of the household is dead, living in an institution, has deserted the family and cannot be found or is in breach of a court order for child support. Please refer to page 52 of the Report for details as to the quantum

of assistance payable under this Social Welfare grant. At present the maximum payment that a family of four persons can receive is TT$720 per month. The Government in 2003 agreed to increase this quantum to $940 per month.

905. The Government also provides Grants to Necessitous Children in the form of an Education Grant and a Special Child Grant. Please refer to page 50 of the Report for information about these grants. There is also a Uniform Grant and an Education Book Grant payable in the circumstances set out on page 51 of the Report.

906. Disaggregated data on the recipients of welfare by type of programme is set out at pages 53-54 of the Report.

Q.102. Please indicate the measures adopted pursuant to article 18, paragraph 3, and taking into account the provisions of articles 3, 6 and 12 of the Convention, to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible. In this regard, reports should inter alia, provide information on the legislation adopted to recognise this right and ensure its realisation, as well as on the coverage with regard to services and facilities, by region and by urban and rural areas, as well as on their financial implications and on the children benefiting from such measures, including by age, gender and national, social and ethnic origin.

907. No legislation has been adopted to recognise the right of working parents to child care services. Many such facilities are privately run. The Gender Affairs Division also operates Eight Home Work Centres throughout Trinidad. The children selected to participate in the center activities include children of single parent families in need of supervision at the end of the school day, children deemed as problem children etc. The objective of the programme is the holistic development of participating children. The programme includes supervised homework, art and craft activity, sports and prior to the last quarter of 2000 there was a reading component. Please refer to paragraph 629 of the Report, for information on available child care services and difficulties encountered in this regard.

Q.103 Reports should also provide information on the progress achieved in the implementation of these rights, the difficulties encountered and any targets identified for the future.

908. There are strict guidelines for the provision of social welfare benefits in Trinidad and Tobago. For instance, children are entitled to benefits if the head of their family (usually the father) is unable to work through illness or is dead. However, female-headed households often experience difficulty in accessing benefits, as benefits are determined largely on the status of the

male. Furthermore, new poor families subsisting under the poverty line are not readily eligible for Social Welfare Benefits due to the strict needs criteria. Where heads of households afflicted with the HIV/AIDS virus may have lost their jobs through discriminatory practices, rather than the presence of illness, families can and do suffer. Practitioners and social service groups continue to lobby for changes to existing practices. Over the years, there has been some degree of change, but the momentum of change has been slow.[340]

D. Standard of living (art. 27, paras. 1-3)

Q.104. Please provide information on:

- **The measures adopted to recognise and ensure the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development:**

909. Measures to ensure the child's right to an adequate standard of living include Social Welfare Benefits, the SHARE Programme and the School Nutrition Programme, among others. In 1998, the World Bank reported that the incidence of poverty in Trinidad and Tobago is 21%, with 11% of the total population living in extreme poverty. This has adverse implications for the standard of living of children in the country. According to a representative of the Trinidad and Tobago Coalition on the Rights of the Child (an NGO), financially harsh familial conditions serve to deprive access to the educational system, quality of health care, and adequate housing. Consequently, children are prone to poor child rearing practices, neglect and abuse.

Please provide information on:

- **The relevant indicators used to assess such an adequate standard of living, and its incidence among the child population, including by gender, age, region, rural/urban area, social and ethnic origin, and family situation:**

910. To aid the Government in assessing the standard of living of persons in Trinidad and Tobago, the Survey of Living Conditions is conducted every five years, on a randomly selected sample of the population, and the results are published thereafter. Indicators used by this survey are listed hereunder:

- Demographic characteristics:
  - Age;
  - Sex of the head of the household;

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[340] Trinidad and Tobago's second periodic report under the International Covenant on Economic, Social and Cultural Rights at paragraph 168.

- Ethnic origin or race;
- Religion;
- Class;
- Kinship and marriage arrangements;
- Family size; and
- Dependency ratio.

- Distribution of consumption and well-being (refers to Unsatisfied Basic Needs measure and Quality of Life indicators, including the well-being of the household member, in particular, and the general standard of living of the household, generally, and includes food consumption and per capita income); and

- Inequality and poverty that is assessed in terms of the general index of consumption inequality, which includes per capital consumption.

911. Data from the 1997/1998 Survey of Living Conditions is still being analysed and the report has not yet been published.

912. The 1992 Survey contained the following findings in respect of household size and poverty:

> *The size and composition of households and families are significant factors, which determine how populations cope with intermittent spells of poverty and those instances of chronic poverty, which have attended many households. Significant features of the composition of households found are as follows:*
>
> - *there were no children in 36% of the households;*
> - *18.6% of the households have only one child;*
> - *19.0% have two;*
> - *13.0% have three children;*
> - *2.4% have six children and more;*
> - *29.0% contain elderly persons;*
> - *73.0% are male headed households;*
> - *26.7% are female headed;*
> - *6.0% are single parent households;*
> - *the more popular configuration comprise 2 adults and 2 children – 29.0%.*

913. The study found that the larger the size of the household, the more likely the adverse gap between the household income and the poverty line.

914. Types of Families by Number of Households and Percentage Distribution Trinidad and Tobago, 1992:[341]

Family Type	Numbers of Households	Percentage
Single Parent	89	6
2 Adults + Children	469	31.5
3 Adults + Children	156	10.5
4 Adults + Children	129	8.7
5 Adults + Children	63	4.2
6 Adults + Children	29	2
7 Adults + Children	11	0.7
8 Adults + Children	8	0.5
9 Adults + Children	4	0.3
10 Adults + Children	1	0.1
11 Adults + Children	1	0.1
Adults with no Children	527	35.4
TOTAL	1487	100
Male Headed Households	1091	73.4
Female Headed Households	396	26.6

915. The 1992 study revealed that according to the Poverty Line Measure (the poverty line was fixed at TT $623 per capita), 35.9% of households fell in the 'poor' category. In respect of the urban/rural ratio, 15.6% of the urban population was assessed as being poor, while 20.3% of the rural were determined to be poor. In summary, the study revealed the following findings:

- *Poor households tended to be among the larger ones.*
- *35% of the households were constituted largely of unemployed and elderly persons.*
- *Female-headed households were increasingly emerging among the poor.*
- *Poverty levels were significant only for the dominant ethnic groups of East Indian and African origin.*

916. These findings strongly urge that consideration be given to family size and composition, in the prevention and alleviation of poverty conditions. The resources available to households are dependent upon the number of earners in relation to the number of dependents within the households.

917. In respect of Tobago, the 1997 Survey of Living Conditions finds as follows (results are not yet available with respect to Trinidad):

[341] Central Statistical Office, 1992.

In general...female-headed households also contain a larger number of children on average. These households tend to be single-parent households and or other common-law arrangements, and tend to be poorer than male-headed households. The obvious policy implication of these findings is that it is necessary to ensure a gender policy which is designed to monitor the fortunes of the children in female-headed households and to ensure that, where applicable, their nutritional, human capital and other developmental needs are being adequately met. This gender dimension may also raise the need to improve the availability and quality of kindergarten and other child-care arrangements in order to ensure that the needs of this client group of children in the society are well met...

There is a need for policy making to:

- *Provide adequate social security for the elderly while investing in training and education;*
- *Develop appropriate skills particularly for female-headed households;*
- *Participate in child care programs; and*
- *Monitor the nutrition of the very young...*

- **The criteria established to assess the ability and financial capacity of parents or others responsible for the child to secure the living conditions necessary for the child's development, as well as to identify those conditions**;

- **All the measures taken, in accordance with national conditions and within the State Party's means, to assist parents and others responsible for the child to implement this right, including the nature of the assistance made available, its budget implications, its relation to the cost of living and its impact on the population; where relevant, the information provided should be disaggregated, *inter alia,* by region, rural/urban area, age, gender and social and ethnic origin**;

918. To ensure the right of every child to an adequate standard of living, the State provides material assistance and support programmes in the areas of nutrition, provision of food, clothing and housing. In respect of financial assistance, the State has implemented a social security system through the Social Welfare Division. The aim is to empower the socially vulnerable to-achieve self-reliance, and thereby, to enhance their well being and facilitate their contribution to national development.

- **The measures adopted to provide, in case of need, material assistance and support programmes, particularly with regard to nutrition, clothing and housing, indicating, *inter alia*, the nature of such assistance and programmes,**

the population addressed by them, including by gender, age, rural/urban area, social and ethnic origin, the proportion of budget allocated, the coverage ensured, the priorities and targets identified;

919. Assistance with respect to the child's nutrition is provided *inter alia* by the SHARE programme which distributes food hampers to some 8,000 families on a monthly basis. Please see pages 25 and 53 of the Report for details of the programme. The School Nutrition Programme is an initiative of the Government facilitated by the Ministry of Education which reaches disadvantaged children in the school system and caters to their nutritional needs. Please refer to pages 162-163 of the Report for details about the scope of the Programme.

920. Assistance provided to families to cater for their housing needs is detailed at pages 135 to 130 of the Report.

Budgetary Allocation for the Ministry of Housing and Settlements, 1996-2001:

YEAR	AMOUNT ALLOCATED
1996	95,847,197
1997	161,268,062
1998 (Jan.-Sept.)	66,678,500
1998/1999	86,424,374
1999/2000 (Revised)	120,011,182
2001 (Budget)	162,908,610

- **Relevant measures adopted as a follow up to the Declaration and Plan of Action adopted by the United Nations Conference on Human Settlements (Habitat II);**

921. Pursuant to the Declaration and Plan of Action adopted at the United Nations Conference on Human Settlements (Habitat II), the Government had entered into a technical arrangement with the Government of India. This alliance has assisted the Government in achieving several of its 'shelter for all' commitment objectives. Additionally, measures to promote *inter alia* affordable home ownership, poverty eradication, security of tenure, and environmentally sound construction methods and technologies are currently being pursued.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES (arts. 28, 29, 31)

A. Education, including vocational training and guidance (art. 28)

Q.106. Please indicate the measures adopted, including of a legislative, administrative and budgetary nature, to recognise and ensure the right of the child to education, and to achieve this right progressively and on the basis of equal opportunities.

922. **The Education Act, Chap. 39:01** is an Act to make better provision for the promotion of education in Trinidad and Tobago. The public school system is organised in accordance with the provisions of this Act. Section 12 of the Act provides:

> *S.12(1) The Public School system shall be comprised of such schools as may from time to time be found necessary for the efficient carrying out of the responsibilities of the Minister, and may include-*
>
> *(a) infant or nursery schools or departments of schools providing education suitable for children under the age of five years;*
>
> *(b) primary schools or primary departments of schools providing education suitable for children aged 5-12 years;*
>
> *...(d) junior secondary schools or junior secondary departments of schools providing education suitable for children of age 12-14 years;*
>
> *(e) secondary general or comprehensive schools or both providing education suitable for children 12 to 20 years;*
>
> *(f) vocational or technical schools or vocational or technical departments of schools providing education suitable for the needs of craftsmen and technicians;*
>
> *(g) teachers' colleges or institutions for professional training of teachers for service in the schools of the country;*
>
> *(h) special schools for the education and training of children who are handicapped in such a way as to require special education facilities for their best development;*
>
> *(i) any other schools or departments of schools for the education of adults and youths along suitable courses.*

923. Section 11 of the Act provides:

S.11(4) A Government school is a public school wholly owned by the Government;

S.11(5) An assisted school is a public school, the Board of Management of which has received or is in receipt of public funds for building or extension or re-building or for the equipment and facilities provided for the school.

S.11(6) A private school is a school provided and maintained by some person or authority other than the Government.

924. In accordance with the **Education Act**, the following formal public school system has been put in place in Trinidad and Tobago:[342]

- Early Childhood Care and Education (ECCE) which caters for 3 to 4 year olds. This subsector has 156 ECCE centres which accommodate some 7,000 pupils;

- Primary education which basically makes provision for the 5 to 13+ age group. This subsector is supported by four hundred and eighty two (482) public primary schools with an enrolment of approximately 176,000 students. Of these four hundred and eighty two (482) schools, one hundred and thirty six (136) are owned and managed by the Government. The remaining three hundred and forty six (346) are owned and managed by various denominational bodies, but with financial and technical assistance from Government;

- Secondary education (11+ to 16+ age group) which is supported by one hundred (100) public secondary schools. Of these, seventy (70) are owned and managed by the Government. The remaining thirty (30) (including an all-age community school) are owned and managed by various denominational boards. However, through a dual arrangement of educational administration and provision, the Government generally finances the education system. The total enrolment of the one hundred (100) public secondary schools is some 107,000 students (including students pursuing Advanced Level programmes). While the thirty (30) denominational schools all offer traditional five and seven year programmes, the Government schools are as follows:

  (i) The Junior Secondary which offers a three year programme (95% of these schools operate on a shift basis);

[342] Secondary Education Modernisation Programme (SEMP)-Implementation Manual for World Bank prepared by the Ministry of Education at p.iii

(ii) The Senior Secondary which provides academic and a limited range of vocational offerings in two or four year programmes, depending on whether the school conducts Advanced Level classes;

(iii) The Senior Secondary Comprehensive which provides academic and a wide range of vocational offerings including Specialised Craft courses in two and four year programmes;

(iv) The Composite Secondary which offers the junior secondary programme at the lower level and a great deal of the senior comprehensive curriculum at the senior level; and

(v) The 5/7 year secondary which offers a general secondary education programme; and

- Further and Tertiary Education with two Teacher Colleges, two Technical Institutes, the Cipriani College of Labour and Co-operative Studies, the Eastern Caribbean Institute of Agriculture and Forestry, the National Institute of Higher Education, Research, Science and Technology (NIHERST) and the University of the West Indies, St. Augustine Campus.

925. Over the reporting period, at the pre-school and primary levels, the focus has been on curricular and training initiatives such as the expansion and upgrade in the provision of early-childhood education, a renewed emphasis on giving each child a strong basic education and a stronger focus on moral and spiritual education.[343]

926. In order to maintain Universal Primary Education, the Government developed and implemented a World Bank Fourth Basic Education Programme with funding from the IBRD at a cost of approximately $117 million.[344] The Education Project Co-ordinating Unit of the Ministry of Education is managing the implementation of this programme. The programme which is now well underway, deals with increased provision of education ranging from Early Childhood Care and Education (ECCE) through the secondary level. In particular, the Basic Education Programme seeks to:[345]

- Establish some 50 new ECCE centres.
- Train ECCE teachers.

[343] The then Ministry of Human Development, Youth and Culture Tertiary Education Project document: 2001 at p.6
[344] Education Newsline, Vol.2, Issue, 1 dated July 2001 (Newsletter of the Ministry of Education) at p.3
[345] SEMP Implementation Manual, November 1999 at p.iv.

- Build 15 new primary schools, rebuild 15 dilapidated schools and upgrade another 16 schools.
- Train primary school teachers, vice principals and principals.
- Enhance curriculum quality and delivery at the primary level.
- Build 4 new secondary schools.

927. The development of the Secondary Education Modernisation Programme (SEMP) marked the start of a new era in Trinidad and Tobago's education system.

928. The SEMP is in line with the Government's policy on education. The Government's White Paper on Education (1993-2003) places a premium on high quality universal secondary education, reorganisation of services including greater support for school based management, school improvement planning, decentralisation and performance incentives.[346] The SEMP grew out of the recommendations of the 1994 Task Force on Education and several other studies and reports that diagnosed the ills of the system and suggested solutions. The Programme seeks to build on the gains of the Fourth Basic Education Programme.[347]

929. The SEMP is being implemented over a seven year period and is funded in the main by the Inter American Development Bank. The first year began in October 1999 and ended in September 2000.[348]An agreement for a loan of US $105 million from the IDB to fund the SEMP was signed in May 1999. Government's contribution to SEMP is US$45 million.[349]

930. The SEMP's main objectives are to provide equity through universal secondary education, an enhanced secondary school curriculum and school personnel who are empowered to facilitate the change process.[350] It is designed to correct deficiencies such as inequity, lack of sufficient school places and an operationally inefficient system.[351] One of the objectives of the SEMP is to create an additional 10,000 secondary school places through the building and furnishing of 19 new schools and the replacement of 3 dilapidated schools.[352] The SEMP also includes initiatives in the areas of curriculum development, training in teacher strategies, professional development and institutional strengthening, among others.

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[346] Ministry of Education Booklet entitled "SEMP, Secondary Education Modernisation Programme" published February 2002 at p.2
[347] Supra, fn.346
[348]Supra, fn.346
[349] Public Sector Investment Programme 1999/2000 at para.60.
[350] Ministry of Education booklet entitled "SEMP, Creating the Capacity for Excellence" published June 2002 at p.2
[351]Supra, fn.346
[352] Supra, fn.346 at p.10.

931. The SEMP project is divided into four operating components as follows:[353]

- **The Quality Improvement Component.** This deals with curriculum reform, teaching and learning strategies, assessment, testing and evaluation, and professional development. The professional development sub-component is part of this Quality Improvement Component. Its objective is to bring the attitudes and skills of the nation's teachers and other education professionals into line with the SEMP's ideals. This sub-component has responsibility for training secondary education professionals.

- **The School-construction and Upgrading Component.** This component has the task of constructing 19 new secondary schools at locations both in Trinidad and Tobago, and 3 replacement schools. It also involves refurbishing existing schools and providing them with multimedia and laboratory equipment.

- **The Institutional Strengthening Component.** This deals with reorganising the Ministry of Education and retraining its staff.

- **The Enhanced Sector Performance Component.** This component is charged with monitoring and measuring the effects of SEMP reforms on the system.

932. The primary document laying out the SEMP process is the Implementation Manual which has *inter alia* an implementation schedule. The schedule lists the activities planned over the SEMP's seven year cycle. Additionally, there are operational manuals for all the sub-components.

933. The objectives of the SEMP are to:[354]

- Achieve universal secondary education;
- Give all secondary students a sound general education in single-shift schools;
- Establish a cadre of teachers capable of delivering high quality education;
- Achieve improved student test scores;
- Enhance curriculum development at secondary level;
- Produce well-rounded graduates who are equipped to move on to further education or who are sufficiently trainable to enter the world of work;
- Improve the managerial capacity of the Ministry of Education;
- Decentralise the education sector;

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[353] Supra, fn.350

[354] Ministry of Education booklet entitled "SEMP, Secondary Education Modernisation Programme: Providing Quality Secondary Education for All" at p.3.

- Enhance school-based and school improvement planning and development;
- Support local school boards and committees;
- Improve secondary school supervision;
- Develop relevant and effective testing, assessment and evaluation systems; and
- Set up a National Certificate of Secondary Education to certify all graduates.

934. The SEMP's Operating Structure is geared to ensure maximum participation by all stakeholders. The Ministry of Education is responsible for the overall direction of the Programme and the various Divisions of the Ministry are responsible for the components and sub-components.[355]

935. A Ministerial Steering Committee guides the SEMP at the macro level and reviews the progress of the Programme at regular intervals.

936. A Ministry of Education Steering Committee ensures the SEMP's preparation, development and implementation stages. It also reviews the IDB requirements and proposals and makes sure they are in harmony with Government's policies.

937. The SEMP Implementation Committee ensures integrated planning and programming of activities and effective networking among the components.

938. The Ministry of Education's Divisions are central to the SEMP process. They include the Divisions of Curriculum Development, School Supervision, Educational Research and Evaluation, Educational Planning and Educational Services. Their main role is effective component leadership.

939. In Tobago, the SEMP is managed by a Project Implementation Unit, which has been set up within the Tobago House of Assembly's Division of Education and Culture.[356]

940. Under the Basic Education Programme and the SEMP, the construction of more primary and secondary schools, distributed across a wider geographical area, is well underway in order to ensure the Government's commitment to universal primary and secondary education is sustainable.[357]

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[355] Ministry of Education Booklet entitled "SEMP, Secondary Education Modernisation Programme" published February 2002 at p.16.
[356] Supra, fn.355 at p.18.
[357] The then Ministry of Human Development, Youth and Culture Tertiary Education Project document: 2001 at p.6.

Q.107. In this regard, reports should indicate, *inter alia*:

- **The measures adopted to ensure respect for the general principles of the Convention, namely the best interests of the child, respect for the views of the child, the right to life, survival and development to the maximum extent possible, and non-discrimination, including with a view to reducing existing disparities;**

941. The Government through its present reform of the education sector is serving to ensure the best interests of the child by *inter alia* providing for more schools at all levels, improved school curricula, and training programmes for teachers.

942. Measures adopted to ensure respect for the views of the child are detailed in paragraphs 458, 459, 460 and 466 of the Report.

943. The measures adopted to ensure the child's right to life, survival and development to the maximum extent possible are set out in paragraphs 417, 418, 425, 431, 432 and 440 of the Report.

Non-discrimination

944. As mentioned earlier in the Report, the Government has enacted an **Equal Opportunity Act, No. 69 of 2000** which is awaiting implementation. This legislation prohibits discrimination on the grounds *inter alia* of a person's sex, race, ethnicity, origin, religion or disability in the fields of education, employment, the provision of goods and services and accommodation. This Act will ensure that children have equal access to educational establishments, including private institutions and will not be subject to discrimination on any of the grounds mentioned. Section 15 of the Act provides:

> *15. (1) Subject to any agreement or practice between the State and any educational establishment, Board or other institution, an educational establishment shall not discriminate against a person -*
>
> *(a) by refusing or failing to accept that person's application for admission as a student; or*
>
> *(b) in the terms and conditions on which it admits him as a student.*
>
> *(2) An educational establishment shall not discriminate against a student:*
>
> *(a) by denying or limiting the student's access to any benefits, facilities or services provided by the educational establishment;*

(b) or by expelling the student or subjecting the student to any other detriment.

945. Section 7 of the **Education Act, Chap. 39:01** also provides that no person shall be refused admission to any public school, on account of the religious persuasion, race, social status or language of such person or of his parent.

- **The proportion of the overall budget (at the central, regional and local, and where appropriate at the federal and provincial levels) devoted to children and allocated to the various levels of education;**

946. Please refer to the table on page 47 of the Report for details on the actual expenditure of the Ministry of Education for the period 1992 to 2002. This information was provided by the Director of Budgets of the Ministry of Finance.

947. The proportion of the Ministry of Education's budget allocated to the various levels of education for the academic year 1998/1999 was as follows:[358]

- Pre-Primary- 1%
- Primary-49%
- Secondary-33%

- **The consideration given to the real cost to the family of the child's education and the appropriate support provided;**

948. The real cost for a family to have a child in school at the following levels for the period January 1998 to September 1999 was estimated to be as follows:[359]

- Pre-Primary- $1,962.12
- Primary-$3,427.40
- Secondary-$3,691.66

- **The measures adopted to ensure that children may be taught in local, indigenous or minority languages;**

949. Standard English is the official language of the Republic of Trinidad and Tobago and is used in education. The local vernacular, a derivative of English, is not taught but is widely spoken by all children in their homes and outside of school. This vernacular is not suppressed but is integrated into the school syllabus via song, drama, literature, and creative arts.

[358] Information supplied by the Ministry of Education (response to question #175).
[359] Supra, fn.358 (response to question #176).

- **Mechanisms developed to ensure the access of all children, including girls, children with special needs and children in especially difficult circumstances, to quality education adapted to the child's age and maturity;**

Access by girls

950. Girls have equal access to public schools. Between 1990 and August 2000, a total of 14 new primary schools were built offering places for an equal number of boys and girls.[360]

951. Enrolment figures for primary and secondary schools from 1995-2000 (as set out in the table on page 358 of the Report) show that at the primary level, the enrolment of males has been slightly higher for each year. However, in terms of secondary school enrolment the reverse is true, as in each year more females were enrolled than males. This corresponds with the general trend of girls out performing boys in the transition examination from primary to secondary schools.

Common Entrance Examination Results by Area and Sex-1998/1999[361]

AREA	TOTAL			
	SEX	CANDIDATES	NO. PLACED	% PLACED
Trinidad and Tobago	**M/F**	**27,023**	**19,707**	**72.9%**
	F	13,787	9,837	71.3%
St. George West	M/F	6,300	4,650	73.8%
	F	3,268	2,325	71.1%
St. George East	M/F	4,570	3,118	68.2%
	F	2,241	1502	67.0%
St. Andrew/St.David	M/F	1,637	889	54.3%
	F	862	467	54.2%
Caroni	M/F	4,006	2,899	72.4%
	F	2,033	1,408	69.3%
Nariva/Mayaro	M/F	927	493	53.2%
	F	481	239	49.7%
Victoria	M/F	5,360	4,359	81.3%
	F	2,724	2,241	82.3%
St. Patrick	M/F	3,004	2,718	90.5%
	F	1,523	1,355	89.0%
Tobago	M/F	1219	581	47.8%
	F	655	300	45.8%

[360] Report on Trinidad and Tobago's Implementation of the Plan of Action emanating from the World Summit on Children and Social Policy in the Americas-Ministry of Education: 12/09/2000 at p.1

[361] Source: Ministry of Education.

952. The 2000 Multiple Indicator Cluster Survey found that at the national level, there appears to be very little or no difference in the rate of primary school attendance among females when compared to that among males (89.6 %) as opposed to (89.1%).[362]

Children with special needs

953. Please refer to paragraphs 814, 815, 834, 835, 837 and 844-847 of the Report for information on measures taken by the Ministry of Education to assist children with special needs.

954. The Report of the *National Survey of Handicapped Children and Youth in Trinidad and Tobago* (October 1984) identified a prevalence rate estimated at 16.1% of children 3-6 years of age.[363]

955. In this regard, the Trinidad and Tobago National Human Development Report, 2000 published by the UNDP states:[364]

> *...The 1980 National Survey of Handicapped Children and Youth is still applicable today. An examination of the 5 to 16 age group indicates the need for facilities to help some 59,938 children (1994-1994) both at the primary and secondary level.*
>
> *At the primary level there is the School for the Deaf, the School for the Blind and other NGO and state-run institutions. Together these institutions serve approximately 912 children aged 4+ to 20 years... These numbers may vary from time to time. The existing facilities operated by the NGOs seem to be far short of the demand indicated in the 1980 study. The appeal from administrators of these institutions, and others such as the Child Guidance Clinic and the DRETCHI, is for more formal schooling for the many children that need it...*

956. The Ministry of Education has stated that the contemporary view of special educational needs does not limit the focus to children traditionally labeled as disabled or handicapped. Students with special educational needs now include a much larger group of children, who for a variety of reasons experience difficultly in learning and often drop put of school because their educational needs have not been identified and remediated.[365]

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[362] See MICS Report at page 22.
[363] Special Education Unit of the Ministry of Education by fax dated May 27, 2003.
[364] See page 48 of the Report entitled "Youth at Risk in Trinidad and Tobago".
[365] Supra, fn.363.

957. In Trinidad and Tobago, social and economic factors have resulted in a substantial rise in the number of students with special educational needs. Poverty, HIV/AIDS, alternative family structures, substance abuse, child abuse, viral infections, poorly educated mothers and inadequate pre-natal and post-natal care have adversely affected the school age population. In addition to those students with easily recognisable disabilities, the education system is concerned with two significant groups. The first group may experience difficulties largely because of undetected sensory disabilities, such as hearing and vision impairments. These students experience poor academic achievement despite normal intellectual ability. The second group can be considered as having learning disabilities, and these students are likely to either leave school or drop out because of the lack of academic ability and achievement.[366]

958. There is a UNICEF funded project for the education of students with special education needs in Trinidad and Tobago. Under the project, training workshops have been conducted for Special Education Teachers, Guidance Officers and administrative staff members of the Guidance and Special Education Units.[367]

959. In October 2000, hundreds of form one students assigned to Junior Secondary Schools across the country were tested for sight and auditory problems which might hamper their learning. Testing was carried out by the staff of the Diagnostic and Prescriptive Services Unit.[368]

960. It should be mentioned that under Component IV of the SEMP, namely, Enhancing Sector Performance, one of the medium and long term initiatives is to improve services to children with special needs.[369]

Children in especially difficult circumstances

961. Measures that have been adopted to allow children in difficult circumstances to have access to public education include the following:

- The School Nutrition Programme. The Programme is responsible for providing nutritious meals to 10,200 needy secondary school students three days per week and 64,300 primary school students and 2,000 pre-school students, five (5) days per week. The School Nutrition Division was restructured in 1996 to include four departments: Quality Assurance, Local Produce, Nutrition Education and Administration. Over the period 1995

[366] Special Education Unit, Ministry of Education by fax dated May 27, 2003.
[367] Report on Trinidad and Tobago's Implementation of the Plan of Action Emanating from the World Summit on Children and Social Policy in the Americas-12/09/2000 at p.26.
[368] Education Newsline-Vol. I Issue No.2 dated November 2000: "Universal Secondary Education for all" at p.8.
[369] Ministry of Education Booklet entitled "SEMP, Secondary Education Modernisation Programme" published February 2002 at p.15.

to December 1999 there was a decrease in the amount of imported foods used by the School Nutrition Programme. There was a concurrent increase in the use of locally produced foods on the menu. The number of lunches provided daily was as follows: 75,600 in 1995-1997; 77,000 in 1997-1998; 78,500 in 1998-1999 and 80,000 in 1999-2000.[370] The total number of lunches served per annum under the programme for the period 1997-2002 is set out below:

Year	Total no. of lunches served
1997	11,000,800
1998	12,000,500
1999	13,000,200
2000	14,000,300
2001	14,125,000
2002	14,685,000

- In September 2000, a breakfast pilot programme was also launched under the School Nutrition Programme. Under the pilot programme breakfast was served to some 1,045 children at 22 schools across the country, many of whom would start their day with little or nothing to eat.[371] The pilot programme was followed up with the launch of an official breakfast programme in September 2000 which now serves approximately 25,000 breakfast meals per day to needy children in primary schools.

- Provision of free textbooks to needy children. Contracts were awarded to suppliers for the provision of some 221,300 textbooks to 56,000 needy students in primary schools. [372]

- Free transportation to and from school. To enable needy children in rural areas to attend school, the Government purchases seats in a Maxi Taxi Concession System. The number of seats increased from a total of 827,846 seats per school to 2,345,480 seats for the 1998-1999 school year. This is an ongoing programme which continues to expand to cover all rural districts which are not serviced by the Public Transportation Service Corporation (PTSC) buses. Needy school children who live near routes covered by the PTSC buses are given scholar tickets for use on the buses. Over the 1998-1999 school year, a total of 2,990,680 tickets were distributed to seventy-five (75) schools.[373] This measure also continues to be implemented. Needy children in need of these services are

[370] "Student Support Services"- information provided by the Central Guidance Unit in 2000 at p.9
[371] Newsline, Ministry of Education Newsletter, Vol.1, Issue 2, at p.9.
[372] Supra, fn.370 at p.10
[373] Supra, fn.370 at p.8

identified by their respective schools and provided with the relevant transportation services.

962. The Ministry of Education's Division of School Supervision (of which the Central Guidance Unit is an integral component) has recently proposed the establishment of a new Division of Student Support Services. The Division would comprise Guidance and Counselling, Special Education, Diagnostic Prescriptive Services and Welfare Services.[374]

Measures to ensure education is adapted to the child's age and maturity

963. The Ministry of Education has implemented a pilot Continuous Assessment Programme (CAP) in fifty-three (53) primary schools since 1998. The CAP has been introduced as a means of ensuring the readiness of students to move onto the next highest grade and eventually to the secondary level of education.[375]

964. An integral part of the Ministry of Education's modernisation programme has been the replacement of the Common Entrance Examination (qualifying exam for secondary school) with the Secondary Assessment Examination (SEA). In March 2001, 21,186 children wrote the new SEA. Under SEA, all candidates are guaranteed a secondary school place. SEA is a more effective tool of evaluation. It moves students from rote and recall toward a greater emphasis on understanding and critical thinking. It is a free response exam instead of multiple choice. The aim is to ensure students are better prepared for secondary school.[376]

965. In the year 2000, more than 100 children entering secondary school gave up three weeks of their holiday in order to be better prepared for secondary school. The Reading Readiness Programme held at four locations during the month of August, was a project of the Ministry of Education funded through the SEMP. It targeted children who, based on their performance at the Common Entrance Exam, required help to improve their reading skills.[377] This programme was also conducted in eighteen (18) schools from August 2 to 24, 2001.

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[374] See Ministry of Education document: "Guidance and Counselling in a Decentralised and Restructured Ministry of Education" at p.7.
[375] Ministry of Education by memorandum dated 2/12/99.
[376] Education Newsline, Vol.2, Issue 1 dated July 2001 (Newsletter of the Ministry of Education) at p.5.
[377] Education Newsline, Vol.1, Issue 2 dated November 2000 (Newsletter of the Ministry of Education) at p.4.

- **The steps taken to ensure that there are sufficient teachers in the school system, to enhance their competence, and to ensure and assess the quality of teaching;**

Number of Trained and Untrained Teachers in Public Secondary Schools (1993-2000):[378]

	All Teachers			With University degree			Without University degree		
Period	**Total**	**Male**	**Female**	**Total**	**Male**	**Female**	**Total**	**Male**	**Female**
1993/4	4960	2232	2728	**3033**	1211	1822	**1927**	1021	1906
1994/5	4995	2185	2810	**3148**	1216	1932	**1847**	969	878
1995/6	4945	2205	2740	**3098**	1224	1874	**1847**	981	866
1996/7	4956	2120	2836	**3156**	1199	1957	**1800**	921	879
1997/8	5122	2188	2936	**3336**	1268	2088	**1780**	918	888
1998/9	5170	2170	3000	**3350**	1260	209	**1820**	910	910
1999/ 2000	5152	2116	3036	**3323**	1208	2115	**1829**	908	921

966. The number of teachers employed in public secondary schools increased from 4,960 in 1993/1994 to 5,122 in 1997/1998. The proportion of female teachers increased by 2.3% between the period 1993/1994 and 1997/1998.[379]

967. The number of teachers with university degrees rose from 3,033 in 1993/1994 to 3,336 in 1997/1998 whereas the number of teachers without university degrees decreased from 1,927 to 1,786 during the same period. This growth in the recruitment of qualified teachers in the teaching profession will assist in improving the quality of education. However, a further analysis of the data revealed an increasing trend in the number of untrained teachers with or without university degrees and a decline in the number of trained teachers in public secondary schools. In the academic year 1993/1994, 48.3% of the teachers were trained and 51.7% untrained, compared with 42.3% and 57.7% respectively in 1997/1998.[380]

968. To ensure there are sufficient teachers the Ministry of Education publishes advertisements, invites applications, uses retired teachers on contract and hires other teachers on contract. The qualification requirements of different levels of teachers and the relevant

[378] Central Statistical Office (sent by Niherst Document Centre by fax on 12/21/2000)-updated for 1998-2000 by the representative of the CSO on the Human Rights Consultative Committee.
[379] According to "Science and Technology Indicators, 1992-1997" under the rubric "Enrolment", a publication of the National Institute of Higher Education, Research, Science and Technology at p.viii.
[380] Supra, fn.379

application procedures are published on the Internet.[381] Teaching positions on the permanent establishment are filled by an independent Teaching Service Commission.

969. The SEMP is supporting the Government's efforts to review the terms and conditions of teachers' employment and the de-linking of the Teaching Service from the rest of the Public Service. This involves consultations, studies on procedures for teacher recruitment, legislation and other related issues, all of which the SEMP Programme is financing.[382]

970. The Ministry of Education's various Divisions conduct their own training programmes. In addition, there are University of the West Indies diplomas and degrees in Education and teacher training programmes run by the John Donaldson Technical Institute, the Trinidad and Tobago Unified Teachers' Association and the Eastern Caribbean Institute of Agriculture and Forestry.[383]

971. There has also been ongoing in-service teacher training for primary school teachers. A two year in-service training programme with approximately 400 graduates per year is conducted at two Teachers' Training Colleges.[384]

972. Training provided under the Fourth Basic Education Programme[385]

- A two year training programme for ECCE trainers was instituted. Fifty-six (56) trainers have completed their first year of training and were assigned to ECCE Centres to complete their second year (practicum) of their training programme.

- A two year training programme for ECCE teachers was instituted. Sixty (60) teachers have completed the (2) two year training programme.

- A two-year Bachelor of Education Programme for principals, vice-principals and senior teachers was introduced in September 1997. In 1997, there were ninety-four (94) participants. In 1998 and 1999 there were ninety-eight (98) and ninety-seven (97) participants respectively.

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[381] See www.nalis.gov.tt/Education/BECOMING_TEACHER.HTM

[382] Ministry of Education Booklet entitled "SEMP, Secondary Education Modernisation Programme" published February 2002 at p.13.

[383] Ministry of Education booklet entitled "SEMP, Creating the Capacity for Excellence" published June 2002 at p.2.

[384] Report on Trinidad and Tobago's Implementation of the Plan of Action Emanating from the World Summit on Children and Social Policy in the Americas-12/09/2000 at p.13.

[385] Information provided by Ministry of Education, Central Guidance Unit in 2000: "Increase in Training opportunities".

- Four hundred and eighty-nine (489) teachers drawn from the primary sector were trained to deliver a new Language/Arts programme.

- Thirty six (36) teachers participated in a fifteen-day training course in Language Arts.

- Six hundred and eighty one (681) principals and senior teachers were provided with training for implementation of the new primary school Mathematics syllabus.

- Twenty (20) teacher trainers have been trained to conduct workshops on the teaching of Spanish in primary schools.

973. Workshops and Consultations held during the reporting period[386]

- Fifty (50) In-Service teacher education workshops were conducted for approximately one thousand, nine hundred and eighty six (1,986) teachers and facilitators.

- Sixteen (16) In-Service teacher training workshops were conducted for approximately four hundred (400) teachers of technical/vocational subjects.

- One hundred and thirty-five (135) secondary school teachers were trained in Content Area Reading.

- Two hundred and forty (240) Primary School principals and vice-principals were trained in Reading Administration and Remediation.

- Regional Workshops for principals and senior teachers in Integrated Arts and Social Studies were completed between April-September, 2001.[387]

SEMP's Development Programme for Education Professionals[388]

974. Component I of the SEMP is improved educational quality. This component deals with what happens in the classroom-the contact between teacher and student, more specifically the extent and quality of that contact. At total of US$32.2 million is being spent on this component. The component includes a development programme for education professionals.

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[386] Central Guidance Unit, Ministry of Education in a document prepared in 2000 at p.18.
[387] Ministry of Education Brief dated January 04, 2002 at p.15.
[388] Ministry of Education Booklet entitled "SEMP, Secondary Education Modernisation Programme" published February 2002.

975. Over the seven-year period of SEMP about 5,800 teachers, principals and Ministry of Education staff will receive training in specific areas. This is to enable them to help introduce changes in school management and teaching techniques that will guarantee a high quality system. These courses are being held mainly on-site and during school holidays.

976. Incentives are included in an effort to encourage maximum participation: short courses earn degree credits and grants have been established for action-based school research or actual classroom practices and outcomes research.

977. In addition, under the professional development sub-component of the SEMP, teachers are being trained in transmissive, transactional and transformative methods of teaching and learning.

978. In August 2000, more than 200 secondary school teachers and persons who had been recommended for teaching positions by the Teaching Service Commission participated in a training programme called the *August Institute* at the *Learning Resource Centre*. The training in modern teaching methods was, for the most part, project based involving group work, research, critical thinking and problem-solving and was intended as a model for the teachers to follow in the classroom. The programme was conducted by the Ministry of Education through the SEMP by a team of Canadian consultants from the University of St. Vincent, Nova Scotia.[389]

979. Over 150 principals and vice-principals participated in a two-day forum entitled "Refocusing of the Current Education Reform" at the *Learning Resource Centre* in 2001. The objective of this SEMP training programme was to highlight and re-focus the attention of all stakeholders on the objectives of the Ministry's education reform exercise. Presentations included *inter alia*: a global perspective of the reformation of the education sector, models for teacher development and the current professional development programme for teachers.[390]

[389] Education Newsline, Vol.1, Issue, 2 dated November 2000 (Newsletter of the Ministry of Education) at p.10.
[390] Education Newsline, Vol.2, Issue, 1 dated July 2001 (Newsletter of the Ministry of Education) at p.7.

- **The measures adopted to provide adequate educational facilities, accessible to all children;**

New Primary School facilities

980. Under the Fourth Basic Education Programme the following primary schools have been built or rebuilt:[391]

- Longdenville Government;
- Malabar Government;
- Edinburgh Government;
- Santa Rosa Government;
- San Juan Girls' and Boys' Roman Catholic;
- Fifth Company Baptist; and
- Aripo Roman Catholic.

New Secondary School facilities

981. In its bid to realise the goal of Universal Secondary Education, thereby providing access to secondary education for all students completing primary school, the Government constructed eleven (11) new secondary schools in 2000, ten (10) of which were funded by SEMP. The first eight (8) schools tabled below are located in rural districts where no secondary school existed before, thus making education both accessible and affordable. All the schools are co-educational.[392]

School	Enrolment
Biche High School	525
Mathura High School	350
Blanchisseuse High School	350
Valencia High School	875
Brazil High School	525
Tableland High School	525
Coryal High School	350
Manzanilla High School	350
Waterloo High School	875
Debe High School	575
Cunupia High School	875

[391] Representative of the Ministry of Education on the Human Rights Consultative Committee- by fax dated December 19, 2001.
[392] Supra, fn.391. See also list of Public Secondary Schools in Trinidad and Tobago-2000/2001-According to Educational Planning Boundaries.

982. With Government assistance, eight new denominational schools were also built and opened in 2000/2001 as follows:[393]

New Denominational Schools
Shiva Boys'Hindu School (Penal)
Vishnu Boys' Hindu College (Caroni)
Parvati Girls' Hindu College (Debe)
Holy Name Convent (Pt. Fortin)
ASJA Girls'College (Charlieville)
ASJA Girls' College(Barrackpore)
ASJA Girls' College (Tunapuna)
ASJA Boys' College (Charlieville)

983. Where further space was required, the Ministry of Education bought spaces in private secondary schools. Some two thousand, two hundred and fifty two (2,252) first form places were purchased at private secondary schools for the school year 2000/2001.[394]

- **The rate of illiteracy below and over 18 years, and the rate of enrolment in literacy classes, including by age, gender, region, rural/urban area, and social and ethnic origin;**

984. According to the Central Statistical Office, the literacy rate is 85.8% for males and 88.8% for females with a total literacy rate of 87.4% (1995).[395]

MICS

985. The findings of the Multiple Indicator Cluster Survey (MICS), 2000 in respect of literacy are quoted below:[396]

> *According to the MICS, the literate population is classified to be the set of people in a given domain who are reported to read easily or without difficulty. The Trinidad and Tobago MICS did not make provision to gauge the literacy status of the country's adult population in keeping with the MICS prescriptions. Nonetheless, the vast majority of the population over age 15 years in Trinidad and Tobago is literate. According to a 1995 study of adult literacy in Trinidad and Tobago, St. Bernard and Salim (1995) found that 86.6 percent of the population aged 15 years and over demonstrated some amount of ability to read and write. Females were found to have higher levels of literacy when*

[393] Newsline, Ministry of Education Newsletter, Vol.1, Issue 2 dated November 2000 at p.11.
[394] Report on Trinidad and Tobago's Implementation of the Plan of Action Emanating from the World Summit on Children and Social Policy in the Americas-12/09/2000 at p.15
[395] CSO Representative on the Human Rights Consultative Committee, March 17, 2003.
[396] See MICS full report at pp.22-23.

compared to males (88.2 percent as opposed to 84.8 percent). Among the population aged 15-24, the literacy rate was estimated to be as high as 96 percent. This declined to 94 percent for persons 25-39, 89 percent for those aged 40-54 and 59.1 percent for those aged 55 years and over. Compared to younger persons, lower levels of literacy were observed among persons 55 years and over especially with the East Indian population.

986. **Literacy Status by Area: The Adult Literacy Tutors' Association (ALTA) National Literacy Survey, 1994**

Area	Functionally Literate[397]		Functionally Illiterate		Illiterate		Total % by Area	
	No.	%	No.	%	No.	%	No.	%
North West	204	77.0	49	18.5	12	4.5	265	14.2
North East	502	80.3	82	13.1	41	6.6	625	33.5
Central	204	71.8	50	17.6	30	10.6	284	15.2
South	409	77.6	62	11.8	55	10.4	527	28.2
Tobago	126	75.4	30	18.0	11	6.6	167	8.9
Total	**1445**	**77.4**	**273**	**14.6**	**149**	**8.0**	**1868**	**100.0**

987. Analysis of the data clearly shows that illiteracy is greater in the Central region and in the South at approximately 10%. The North East showed the highest rate of literacy (80.3%) with the North West, or Capital region close behind. The literacy rate for Tobago was slightly lower at 75% but with less illiteracy also, falling in the middle group (functionally illiterate).

988. Both illiteracy and functional illiteracy were higher in rural areas. Some 10% of those living in rural areas were illiterate and 15.5% were functionally illiterate. Even more significantly, of those found to be illiterate, 65.1% live in rural areas while 53.5% of those who are functionally illiterate also live in rural areas. Overall, literacy in urban areas was somewhat higher than the national average at 80.6% while rural areas were lower at 74.1%.[398]

[397] According to the Central Statistical Office, functional literacy means individuals who are capable of engaging in at least one activity requiring an ability to read with understanding and write in such a manner to express an idea or thought.

[398] Tables on ALTA Literacy Survey and analysis provided by Ministry of Education (document dated 2/12/99).

989. **Literacy Status by Age Group (Years): ALTA National Literacy Survey, 1994.**

Literacy Status	15-24		25-34		35-44		45-60		61+		Total	
	No.	%	No.	%	No.	%	No	%	No.	%	No.	%
Functionally Literate	439	88.5	329	80.8	293	83.0	244	67.8	138	56.3	1443	77.4
Functionally Illiterate	45	9.0	58	14.2	48	13.6	73	20.3	49	20.0	273	14.6
Illiterate	14	2.8	20	4.9	12	3.4	43	11.9	58	23.7	147	8.0
Total	498	100.0	407	100.0	353	100.0	360	100.0	245	100.0	1863	100.0
Rows %		26.7		21.8		18.9		19.3		13.2		100.0

990. The proportion of literacy was markedly lower for the older age groups, as may be expected, as fewer educational opportunities were available to them in their younger days. A similar trend was apparent throughout the table. For the age groups from 15 to 44 years, literacy rates ranged from 90% to 82%. From age 45, rates were much lower.

UWI National Literacy Survey, 1995[399]

991. The findings of the Survey are as follows:

- 42.5% can read and write well enough to handle a wide cross section of every day tasks, including reading the newspapers and medicine labels.
- 32.7% can cope with some every day reading and writing but not all. For example, these persons cannot read and understand some parts of the newspapers and simple directions on a medicine label.
- 8.7% can read and write but so little that it hinders their everyday activities.
- 12.6% unable to read and write.

992. The Adult Education Unit through its forty six (46) Lifelong Learning Centres (based in schools throughout Trinidad and Tobago) provides opportunities for participants fifteen (15) years and older. It caters especially for school dropouts and those who did not have the opportunity to attend primary and/or secondary school.[400]

993. There is an enrolment of nine thousand, seven hundred and twenty four (9,724) participants, and a staff of forty five (45) supervisors and three hundred and seventy (370) tutors. The Government provides funding to pay the stipends of these tutors. There is a diversified

[399] Information provided by ALTA by fax dated 26 March 2002.
[400] From Education Extension Officer II of the Ministry of Education by memorandum dated November 19, 1999.

programme of activities which includes literacy and remedial education. Classes are also held in family life education, post primary and CXC/GCE subjects. Supervisors and tutors are usually selected from retired principals, supervisors and teachers of the Ministry of Education[401].

994. The Adult Literacy Tutors Association (ALTA) also operates 50 to 60 Adult Literacy Centres (the number varies according to enrolment).[402] ALTA has produced some 30 adult literacy books with local themes.

995. Under the Ministry of Education's *Operation Read Me Now*, three hundred and fifty (350) persons (including teachers, parents and Guidance Officers) participated in workshops on functional literacy for tutors.[403]

- **Any systems of non-formal education;**

996. Please refer to paragraph 438 at pages 168-169 of the Report for details about the non-formal educational programmes conducted by SERVOL (Service Volunteered for All). The Government gives a subvention to SERVOL.[404]

997. In order to respond to the need for career advancement or academic certification, the Distance learning Secretariat of the then Ministry of Training and Distance Learning conducted a Needs Assessment of secondary level and further education leavers and also of the non-school adult population to inform the distance learning programme policy. In addition, a database of requests for particular courses was developed. Subsequently, the Government through its Distance Learning Secretariat established several community-based Distance Learning Centres throughout Trinidad and Tobago.[405] Through this project, persons in the community including young persons can access teaching for courses (including academic craft, technical and enrichment courses) of their choice. Computer literacy courses are being offered at these centres as a prelude to the introduction of advanced training. Courses are conducted utilising a range of distance modalities such as television, radio, audio, video-cassette and the Internet. Upon completion, participants receive certification in the course of study pursued. The Centre is a location in the community which can be easily accessed by residents wishing to participate in any distance learning programme.[406]

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[401] Supra, fn.400.
[402] Report on Trinidad and Tobago's Implementation of the Plan of Action Emanating from the World Summit on Children and Social Policy in the Americas-12/09/2000.
[403] "Workshops and Consultations"-Information supplied by the Central Guidance Unit of the Ministry of Education in 2000.
[404] Supra, fn.401at p.22
[405] Information provided by representative of the Ministry of Science, Technology and Tertiary Education on the Human Rights Consultative Committee by fax dated 28/10/02.
[406] The then Ministry of Training and Distance Learning by memorandum dated November 19, 1999.

998. The Young Men's Christian Association (YMCA) offers a multi-faceted menu to youths, and specialises in coaching swimming to an advanced level. It offers after-school homework programmes, vacation and recreational programmes and computer training. It also runs an early childhood programme and playgroups for youths of all ages. The YMCA's community outreach programme is focused on working with youths in depressed communities and with street children. Through its Youth Volunteer Programme it offers youths who are recruited from secondary school opportunities for leadership training. The Association's programmes provide structured activity, fellowship skills, workshops in sexuality and parenting, and inter-generation encounters, among others.[407]

999. Please refer to paragraphs 883-886 at pages 315-316 of the Report for details about the CHOICES programme for teenagers during pregnancy.

1000. The Federation of Women's Institutes has opened five remedial centres that address youths who drop out of school after the Common Entrance Examination.[408] This is the post primary population aged 11 to 15. The Learning Centres are all located in depressed communities-Cocorite, St. Madeline, La Brea, Santa Cruz and Toco. The curriculum is being expanded to include Health and Family Life Education, Sexuality Forums, Parenting and Sport, among others. The Centres are staffed mainly with retired teachers. Limited funding is a major constraint. In the year 2000, some 300 youths were enrolled in the programmes.[409]

Enrolment in the Cocorite Learning Centre by Gender, 1994-2000:

YEAR	MALE	FEMALE	TOTAL
1994	20	32	52
1995	74	56	130
1996	58	27	85
1997	32	23	55
1998	39	21	60
1999	30	23	53
2000	29	18	47

[407] Trinidad and Tobago National Human Development Report, 2000: "Youth at Risk in Trinidad and Tobago" at p.31.
[408] Since 1000, with the introduction of universal secondary education, all pupils are being provided with a secondary school education.
[409] Supra, fn.406 at p.31.

- **Any system or extensive initiatives by the State to provide early development and education services for young children, especially for young children from disadvantaged social groups;**

1001. The findings of the 2000 Multiple Indicator Cluster Survey (MICS) with respect to early childhood education are as follows:[410]

> *According to the Trinidad and Tobago MICS, at least seven in every ten children aged 36-59 months were attending an organised early childhood education programme such as a kindergarten or community childcare with organised learning activities...The survey results also reveal that there was a slightly higher rate of attendance among girls than among boys...Whether 36-47 months or 48-59 months, more than half of the children have had exposure to an early childhood education programme. In the case of those aged 36-47 months, the attendance rate was approximately 59 percent and higher, in the vicinity of 81 percent for those aged 48-59 months. Table 8 also suggests that mother's education is strongly related to children's participation in early childhood education programmes. More specifically, about 60 percent of the children whose mothers had only primary education were exposed to early childhood education programmes as opposed to 73 percent in the case of their counterparts whose mothers had at least secondary level education.*

1002. Between 1990-2000, under the World Bank's Fourth Basic Education Programme, 13 new Early Childhood Care and Education (ECCE) Centres were built; 11 existing ECCE centres were reconstructed and 15 ECCE centres were upgraded. In addition, instructional material was supplied to 50 ECCE centres and furniture and equipment supplied to 60 ECCE centres.[411] In 2001, another seven (7) ECCE centres were completed and furnished.[412]

1003. The Early Childhood Care and Education Unit of the School Supervision Division, Ministry of Education, has overall responsibility for the provision and management of early childhood care and education. An early childhood education specialist and eight (8) facilitators have been added to the ECCE Unit. The early childhood education specialist assists in the coordination of the unit. The facilitators visit schools, conduct needs assessment and carry out related training, including remedial workshops.[413]

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[410] See Full Report at p.21
[411] Report on Trinidad and Tobago's Implementation of the Plan of Action Emanating from the World Summit on Children and Social Policy in the Americas-12/09/2000 at pp.2, 4 and 20
[412] Brief of the Ministry of Education dated Jan, 04, 2002 at p.16
[413] Supra, fn.411 at p. 10

1004. SERVOL works in conjunction with the ECCE Unit. SERVOL's field officers conduct field visits to Centres to ensure proper implementation of the ECCE curriculum.

1005. The ECCE teacher training curriculum has been harmonised.[414] There has also been upgrading of quality education at pre-school level. Two major institutions certify preschool teachers, SERVOL and the University of the West Indies. SERVOL's two year-preschool training programme includes one year of full-time study and one year of supervised apprenticeship in the classroom. The University of the West Indies offers a six-month course in methodology and another six month course in the management of early childhood centres. The Basic Education Project is strengthening and expanding these programmes to train the trainers and will also sponsor workshops for field supervisors run by SERVOL, other NGOs and the Ministry of Education.[415]

1006. There are 282 trained ECCE teachers currently placed at ECCE centres. Training for ECCE teachers has been undertaken in cycles. The fourth cycle began in September 2000, the 5th in November 2001 and the 6th in January 2003. There are 23 trainees on internship due to graduate in September 2003.[416]

1007. The Ministry of Education's new goal is to move toward universal pre-school education. To push the process forward, the Ministry hosted a three-day workshop in April 2001 to discuss proposals for implementation of the Caribbean Plan of Action for Early Childhood Care and Development, and in particular, the legislative framework for registering and licensing Early Childhood Care and Education Centres (ECCE). Approximately 200 persons including representatives from privately run early childhood care centres, SERVOL, UNDP and UWI participated in the formal launch of the Ministry's new vision for Early Childhood Centres on the final day of the workshop. The workshop was facilitated by Ms. Sian Williams, UNICEF Consultant, Caribbean Child Development Centre, Jamaica.[417]

1008. In 2001, 430 principals and teachers attached to the Infant Department of several primary schools participated in a three day workshop sponsored by the Early Childhood Care and Education Unit. The workshop was geared toward strengthening the critical transition from pre-school to primary school. The overall aim of the workshop was to help participants to understand and implement teaching methods that are realistic and which take into account the age and stage of the child's development. New teaching strategies and concepts were also explored.[418]

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[414] Supra, fn.412 at p.2
[415] See: http.//www.worldbank.org/children/ecd/book/5.htm
[416] Ministry of Education School Supervisor II, ECCE Unit, by memorandum dated May 27, 2003
[417] Education Newsline, Vol.2, Issue, 1 dated July 2001 (Newsletter of the Ministry of Education) at p.5
[418] Education Newsline (Newsletter of the Ministry of Education) Vol. No.2 Issue 1, July 2001 at p.3

- **The changes that have occurred in the education system (including with regard to legislation, policies, facilities, budgetary allocation, quality of education, enrolment, drop-out and literacy);**

- **Any monitoring mechanism developed, factors and difficulties encountered and targets identified for the future;**

1009. As regards school attendance, the Report of the 2000 Multiple Indicator Cluster Survey states:[419]

> *Overall, 89.3 percent of children of primary school age in Trinidad and Tobago were estimated to be attending primary school. The highest levels of school attendance were observed in the Borough of Point Fortin (95.5%), Diego Martin (92.5%), St. Patrick (93.0%) and Tacarigua (92.2%). The lowest levels of school attendance were observed in the City of San Fernando (81.8%) and the Borough of Arima (81.8%)...*

1010. **Enrolment in Government and Government-Assisted Schools by Educational Level- (Trinidad and Tobago, 1995-2000):**[420]

Academic Year	Primary			Secondary		
	Male	Female	Total	Male	Female	Total
1995-1996	94,468	91,430	185,898	50,379	52,499	102,878
1996-1997	91,991	89,012	181,003	50,946	52,920	103,866
1997-1998	89,801	86,417	176,218	52,001	54,187	106,188
1998-1999	86,234	83,306	169,540	51,798	54,196	105,994
1999-2000	83,051	80,155	163,206	51,471	54,071	105,542

1011. According to *Science and Technology Indicators, 1992-1997*,[421] the population of students enrolled in public secondary schools increased steadily from 101,107 in 1993/1994 to 106,188 in the academic year 1997/1998 with an annual growth of 1.3%, while the enrolment of students at public primary schools decreased from 195,041 in 1993/1994 to 176,218 in 1997/1998. The decrease in enrolment of students in public primary schools may be due to growth in students' enrolment at private primary schools. The number of public primary and secondary schools remained constant during this period. The average class size for public

[419] See pp.21-22 of the Report.
[420] Source: Representative of the Central Statistical Office on the Human Rights Consultative Committee.
[421] Science and Technology Indicators is the second in a series released by the National Institute of Higher Education, Research and Technology (NIHERST)- See p.viii for information quoted.

secondary schools was 21 students per teacher during 1997/1998 for Trinidad and Tobago. This ratio has remained constant for the period 1993/1994 to 1997/1998.

1012. With respect to dropout rates, the UNDP's National Human Development Report, 2000 provides:[422]

> *At the secondary level, significant numbers of students for whom school places have been provided drop out of the system. The figures indicate that, depending on the county of residence, between 47.8% and 63.6% of the related population is outside the formal system. Significantly, the research indicates that by the end of the second form of secondary education 28.2% of children from low-income homes have dropped out.*

1013. **Total Percentage of Dropouts by Sex in Trinidad and Tobago (1999-2000) in Government and Government Assisted Secondary Schools:**[423]

	MALE	FEMALE	MALE/FEMALE
Enrolment (Sept)	51,896	54,371	106,267
No. of Dropouts	425	300	725
Percentage of Dropouts	.81	.55	.68
Enrolment (end of year)	51,471	54,071	105,542

1014. Changes in budgetary allocation, 1998 [424]

- The allocation for Pre-Primary for 1998/1999 remained the same (1%).
- The allocation for Primary education for 1998 increased by 4% from 1997.
- The allocation for Secondary education for 1998 increased by 2% from 1997.

1015. The relevant budgetary allocations of the Ministry of Education are detailed at page 47 of the Report.

- **Other relevant disaggregated data on the children concerned, including on education outcomes, *inter alia* by gender, age, region, rural/urban area, and national, ethnic and social origin.**

1016. The following analysis of educational attainment is based on the findings of the 1990 Census Data:[425]

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[422] See page 9 of the Report.
[423] Source: Representative of the Central Statistical Office on the Human Rights Consultative Committee.
[424] Information supplied by the Ministry of Education (Response to Q.184,187).
[425] Education and Training Report-1990 Census, at p.xi.

Highest Level of Non-Vocational Educational Attainment

A dominant feature of the data presented...is that 186,625 or 58.7% of the population under 20 years and attending school/university full time, had attained Primary School level.

The number of persons having nursery/kindergarten as their highest level of education was 32,345 or 10.2% of the population under 20 years attending School/University full time.

The achievements at the primary level of education by males were slightly higher than for females. Whilst 93,988 or 59.2% of the male population under 20 years attending School/University full time attained a primary level education, the corresponding number for females was 92,637 or 58.2%.

At the secondary level there were more females than males. Whilst there were 48,111 or 30.3% of the male population under 20 years attending School/University full time having the highest level of non-vocational educational attainment as secondary, the corresponding figure for females was 49,822 or 31.3% of the female population under 20 years attending School/University full time.

...the population attending school full time at the time of the census enumeration numbered 322,751 of which 317,840 or 98.5% were under 20 years of age, while 4,486 or 1.4% were 20 years and over and 425 or 0.1% of persons enumerated did not state their ages. There were more females in attendance (161,616) than males (161,135).

Q.108. Reports should also indicate the particular measures adopted:

- **To make primary education compulsory and available free for all, particularly children, indicating the minimum age for enrolment in primary school, the minimum and maximum ages for compulsory education, the proportion of children enrolled, who complete primary education, as well as any relevant disaggregated data including by age, gender, region, urban/rural area, national, social and ethnic origin, service coverage and budgetary allocation;**

1017. **The Education Act, Chap. 39:01** provides for compulsory education for children between the ages of six and twelve years. However, the Government now offers free education from preschool to secondary school. Section 76 of the Act provides:

S.76(1) In this Act, the expression "a compulsory school age" means any age between six and twelve years and accordingly a person shall be deemed to be of compulsory school age if he has attained the age of six years and has not attained the age of twelve years, and a person shall be deemed to be over compulsory school age as soon as he has attained the age of twelve years.

1018. The minimum age of enrolment at primary school is officially 5 years and the maximum age, 14 years.

1019. **The Education Act, Chap. 39:01** makes provision for the appointment of school attendance officers to enforce compulsory school attendance as follows:

S.79 School attendance officers shall be appointed for local education districts established by the Minister under section 10.

S.80 A school attendance officer has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in any district.

S.81(1) A school attendance officer may-

(a) enter without warrant any place where children may be employed or congregated;

(b) at the request of the parent apprehend and deliver to the school from which he is absent or to his parent, without warrant, any child found illegally absent from school;

S.81(4) A school attendance officer shall inquire into every case of failure to attend school within his knowledge or when requested to do so by the Supervisor or Principal of a school, and shall give written warning of the consequences of the failure to the parent of a child who is not attending school as required, and shall also give written notice to the parent to cause the child to attend school forthwith.

1020. Although at one time (several decades ago) school attendance officers were appointed in accordance with the Act, this is no longer the case. There are no such officers employed by the Ministry of Education at the present time. Currently, whenever the Ministry of Education receives a report that a child of compulsory school age is not attending school, the Ministry

would deploy a Guidance Officer to conduct a home visit with the parents of the child to try to persuade the parents to cause the child to attend school.[426]

1021. Under **Education Act, Chap. 39:01** parents have a duty to ensure that their children attend school regularly, except as provided by S.78 of the Act. Parents who fail to comply can be fined but there are no school attendance officers in place to institute such proceedings against parents. The relevant sections of the Act are as follows:

> *S.77 Subject to section 78, it shall be the duty of every parent of every child of compulsory school age to cause him to receive efficient full-time education suitable to his age, ability and aptitude, by regular attendance at school.*
>
> *S.78 A child is excused from attendance at school-*
> *(a) if, in the opinion of the Minister, he is receiving satisfactory instruction at home or elsewhere;*
> *(b) he is unable to attend school by reason of sickness or other unavoidable cause;*
> *(c) he is excluded from attendance at school under any written law;*
> *(d) if he is absent temporarily as authorised under the Regulations.*
>
> *S.83(1) Every parent of a child of compulsory school age, who neglects or refuses to cause the child to attend school is, unless the child is legally excused from attendance, liable on summary conviction to a fine of seventy-five dollars.*
>
> *S.84(1)Prosecutions under S.83 may be instituted by the school attendance officer concerned.*

1022. The goal of achieving universal primary and secondary school education has now been attained with the transition rate from primary to secondary level at 100%. In the year 2000, all of the 29,567 pupils who wrote the Common Entrance Examination were assigned places in 154 secondary schools/centres throughout Trinidad and Tobago.[427] This transition rate remains the same to date.

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[426] According to representative of the Ministry of Education on the Human Rights Consultative Committee by telephone on 17/12/2002.

[427] Education Newsline, Vol.1, Issue 2 dated November 2000 (Newsletter of the Ministry of Education) at p.13.

Reports should also indicate the particular measures adopted:

- **To encourage the development of different forms of secondary education, including general and vocational education, and measures adopted:**

- **To make such forms available and accessible to every child, providing *inter alia* any relevant disaggregated data including by gender, age, region, rural/urban area, national, social and ethnic origin, coverage and budgetary allocation;**

1023. Government Senior Secondary schools provide a limited range of vocational offerings in two or four year programmes, depending on whether the school conducts Advanced Level classes. Government Senior Secondary Comprehensive schools provide a wide range of vocational offerings including Specialised Craft courses in two and four year programmes. However, under the SEMP, Specialised Craft and technical vocational subjects such as Auto Mechanics, Electrical Installation and Plumbing are being relocated to post secondary institutions. This allows all students at secondary schools to focus on and gain mastery of the basic academic skills, and gives them the opportunity to gain technical proficiency skills if required. [428]

1024. The Technical and Vocational Education and Training Division in the Ministry of Education is responsible for the provision and administration of all vocational education and training programmes in secondary schools. These programmes prepare students to write the National Examination Council's Craftsman Diploma examinations which include both practical and theoretical components. Among the key activities performed by this Division are *inter alia* to:[429]

- *Monitor and supervise the implementation of technical and vocational education and training curriculum in schools, technical institutes, vocational centres and technical teacher-education establishments;*

- *Design, develop and evaluate and revise the curriculum for technical and vocational education and training in schools, teacher-education institutions, technical institutes and vocational centres; and*

[428] Ministry of Education Booklet entitled "SEMP, Secondary Education Modernisation Programme" published February 2002.
[429] Ministry of Education Brief dated Jan 04, 2002.

- *Conduct research and evaluation to determine the effectiveness and efficiency of technical and vocational education and training curriculum initiatives.*

1025. Technical and Vocational Education is offered at a number of tertiary institutions. In the year 2000, the Government enacted legislation to establish a body corporate known as the College of Science, Technology and Applied Arts of Trinidad and Tobago (COSTAATT). The College is an umbrella body comprising a number of institutions such as the John Donaldson Technical Institution, NIHERST colleges, the San Fernando Technical Institute, the Government Vocation Centre and the Metal Industries Company among others. One of the objectives of COSTAATT is to provide programmes that meet internationally acceptable standards, to foster professional and personal development and to prepare students for careers and for advanced study in the areas of science, technology and applied arts. The College is a teaching, research and examining body. It is managed by a fifteen member Board of Trustees. The funds and resources of the Board consist of *inter alia* amounts appropriated by Parliament, special grants provided by the Government for special programmes, sums arising from grants from other persons including national and international bodies and sums received for tuition. The College is exempted under the Act from paying any stamp duty, corporation tax, custom duty, purchase taxes, motor vehicle taxes and all other taxes on its income or profits.

1026. Examples of other technical and vocational programmes being offered, including for young adults are set out below.

Youth Training and Employment Partnership Programme (YTEPP)

1027. The Government provides vocational education through YTEPP Limited. The programme consists of three basic components. *The Vocational Skills Training* component is designed to give youths between the ages of 15 and 25 years, skills for employment, including self-employment. YTEPP offers a wide range of training courses in production and service areas and those who complete training achieve competencies equivalent to pre-craft and craft level in Trinidad and Tobago. *The Career Enhancement Training* component addresses the trainee's attitudes to work, confidence building and self-esteem, and where necessary, remedial education in literacy and numeracy. *The Post Training Assistance* component provides technical support in project development, marketing and business management to those YTEPP graduates who are interested in starting their own businesses, as well as providing work experience for other graduates.

1028. The YTEPP Programme was designed to train approximately 10,000 young persons between the ages of 15 and 25 years per year in fourteen (14) occupational areas at schools and

community facilities throughout Trinidad and Tobago.[430] In 1997, the World Bank funded the continuation of the YTEPP Programme with an allocation of T.T. $20 million.[431]

1029. Paragraph 289 at page 126 of the Report sets out a table of YTEPP Enrolment by Occupational Area and Gender, Cycles 11-16 (1996-2000). Further enrolment data is contained in the table below.

YTEPP Enrolment Data, Cycles 11-16:

CYCLE / YEAR	MALE	FEMALE	TOTAL
Cycle 11 (1996)	2108	3119	5227
Cycle 12 (1997)	1916	2491	4407
Cycle 13 (1998)	1905	2285	4194
Cycle 14 (1998)	1552	2243	3795
Cycle 15 (1999)	919	990	1909
Cycle 16 (2000)	986	1079	2065

The Institute of Technology

1030. The Government has recently established a Trinidad and Tobago Institute of Technology to serve as the vehicle for providing advanced technical skills training to meet the critical needs of the energy and industrial sector.[432] The Institute's focus is on manpower base at the middle and upper levels of industry including engineering technicians, operators, engineering technologists and engineers among other. The Institute offers a one year certificate in process operations; a two year diploma in technology in industrial engineering disciplines and a four year bachelor of applied technology degree.[433]

Retraining Programme[434]

1031. In August 2000, the Government of Trinidad and Tobago formally reintroduced the Retraining Programme. Initially conceptualised to re-skill displaced workers, the Retraining Programme has been redefined to incorporate the needs of a growing labour force comprising both individuals whose skills need honing for the contemporary context or who may find themselves in need of a more relevant market skill.

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[430] The then Ministry of Training and Distance Learning by memorandum dated November 19, 1999.
[431] Supra, fn.31 at p.25.
[432] The then Ministry of Human Development, Youth and Culture Tertiary Education Project document: 2001at p.5
[433] http://www.southchamber.org/programmes/nesc.asp
[434] Information provided by representative of the Ministry of Science, Technology and Tertiary Education by fax dated 28/10/02.

1032. The programme targets unemployed persons in the eighteen to forty five (18-45) age group who need to be trained in a new vocational skill area. It also targets persons who have graduated from the formal school system but find themselves inadequately prepared to penetrate the job market. Roughly eighty (80%) percent of the participants in the Retraining Programme fall within the 18-25 age group.

1033. During the period August 2000 to September 2002, three thousand, five hundred and fourteen persons (3,514) persons have been trained at a total cost of eleven million, nine hundred and forty-four thousand, nine hundred and sixteen dollars ($11,944,916). In addition to skills development component, the trainees are exposed to attitudinal development sessions aimed at transforming behaviour and engendering positive work ethics. Training is conducted in communities throughout the country with special emphasis placed on rural communities.

On-The-Job Training (OJT)[435]

1034. The Government's OJT programme began in June 2002. This programme is designed to provide young persons with the opportunity to acquire work experience in order to develop the necessary skills and attitudes for their entry or re-entry into the world of work.

1035. The first placements under the programme were made with effect from July 1st 2002, for a period of six months. Apprentices placed at Government Ministries/agencies are paid stipends as follows:

- Entry level trainees-TT$1,250
- Technicians-TT$1,800
- University trained graduatesTT-$3,000

1036. Apprentices working in the private sector are paid no less than the minimum wage of $7 per hour, the cost of which is borne jointly by the Government and the employer.

1037. As at September 30th 2002, 1,624 apprentices have been placed under the programme. Expenditure in the sum of one million, two hundred and fifty-eight thousand, six hundred and thirty-two dollars ($1,258,632) was incurred in the payment of stipends to apprentices.

1038. The process of securing training opportunities, interviewing and selecting for placement and orientation programmes is on-going. More than ten thousand (10,000) applications have been received by persons interested in accessing On-the-job training.

[435] Information provided by representative of the Ministry of Science, Technology and Tertiary Education by fax dated 28/10/02.

1039. In the fiscal year 2002/2003, the Government allocated seventeen million (TT$17,000,000) dollars to the OJT programme.

Reports should also indicate the particular measures adopted:

- **To introduce free secondary education and offer financial assistance in case of need, indicating the children concerned, including by gender, age, region, rural/urban area, and national, social and ethnic origin, and the budget allocated for that purpose;**

1040. As mentioned above, the Government's policy with respect to education is to provide free secondary education for all. To this end, as of September 2000, every student completing primary school was placed in a secondary school to continue his/her education. To facilitate this, new Government secondary schools were built, new Government Assisted denominational schools were opened, and the Ministry of Education bought spaces in private secondary schools to accommodate students where further space was required. As of September 2000, Trinidad and Tobago has achieved not only Universal Primary Education but also Universal Secondary Education.[436]

1041. Prior to 2000, public secondary education was free of charge but not accessible to all children. There was a qualifying Common Entrance examination based on the results of which 70-75% of students were placed in schools. [437] See table on page 341 of the Report.

Reports should also indicate the particular measures adopted:

- **To make higher education accessible to all on the basis of capacity, indicating *inter alia* the rate of access to higher education by age, gender and national, social and ethnic origin;**

1042. In September 2001, a *Dollar for Dollar Plan* was introduced to facilitate tertiary education expansion. Under the Plan, the Government pays half the cost of tuition and relevant examination fees (of all new students and continuing students) for approved programmes at *bona fide* tertiary level institutions.[438] The programmes funded are Associate and Bachelor degrees, Technical/Vocational diplomas as well as Post Graduate degrees/diplomas in defined areas.[439]

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[436] Representative of the Ministry of Education on the Human Rights Consultative Committee- by fax dated December 19, 2001.
[437] Ministry of Education, Director of School Supervision by memorandum dated 19 November 1999.
[438] http:www.dollarfordollar.gov.tt
[439] Representative of Ministry of Science, Technology and Tertiary Education by fax dated 28/10/02.

1043. The objectives of the Dollar For Dollar programme are:[440]

- to make tertiary education affordable to the individual;
- to expand tertiary access and achieve the 20% target set for 2005;
- to build and strengthen the national tertiary education sector; and
- to establish and strengthen a national accreditation system which will ensure that citizens have access to quality tertiary education at local institutions.

1044. As an incentive to better performance and to allow some students free access to tertiary education, the Government through the Ministry of Education also has a National Scholarship programme. Through this programme, scholarships are awarded annually to secondary school students based upon their performance in the A' Level examinations. The scholarships fall into different groups such as languages, modern studies, sciences and mathematics among others. Under the terms of the scholarship, the Government pays the full cost of tuition of the student's tertiary education programme and provides a monthly stipend as well as an annual book grant to the student. Upon completion of the course of study, the student is expected to offer himself or herself for employment with the Government for a period equivalent to the duration of the scholarship. The number of scholarships awarded per annum was recently increased to two hundred (200). Although these scholarships are awarded on the basis of achievement not financial circumstances, many students who would otherwise be unable to afford tertiary education do benefit from these awards based upon high academic performance.

1045. The following table illustrates the levels of enrolment at the University of the West Indies, St. Augustine Campus (1996/1997):[441]

Degree	**Full time**			**Part time**		
	Male	Female	Total	Male	Female	Total
Undergraduate	1778 (47.0%)	2003 (52.9%)	3781	135 (31.3%)	297 (68.8%)	432
Diploma	11 (21.1%)	41 (78.8%)	52	36 (26.7%)	99 (73.3%)	135
Certificate	8 (30.8%)	18 (69.2%)	26	93 (33.2%)	187 (66.8%)	280
Higher degrees	96 (43.6%)	124 (56.3%)	220	532 (54.4%)	446 (45.6%)	978
Advanced Diploma	3 (100.0%)	0	3	35 (35.0%)	65 (65.0%)	100
TOTAL	**1896 (46.4%)**	**2106 (51.6%)**	**4082**	**831 (43.2%)**	**1094 (56.8%)**	**1925**

[440] http:www.dollarfordollar.gov.tt
[441] University of the West Indies Statistical Year Book 1997/1998.

1046. **GOVERNMENT EXPENDITURE ON TERTIARY INSTITUTIONS, 1996-2000**[442]

INSTITUTION		ACTUAL EXPENDITURE (TT$)					
		1996	1997	(Jan – Sept) 1998	1998/1999	1999/2000	Total
National Institute of Higher Education (Research Science and Technology) (NIHERST)	Recurrent Expenditure	9,820,125	8,834,500	9,924,730	16,037,000	19,049,530	63,665,885
	Development Programme					1,500,000	1,500,000
Cipriani College of Labour and Cooperative Studies	Recurrent Expenditure	1,913,972	2,109,450	1,814,320	2,657,182	3,187,427	11,682,351
	Development Programme	600,000	2,128,524	228,000	214,262	25,000	3,195,786
College of Science, Technology and Applied Arts of Trinidad and Tobago (COSTAATT)	Recurrent Expenditure					2,500,000	
	Development Programme				2,094,999	10,443,904	12,538,903
Trinidad and Tobago Institute of Technology (TTIT)	Recurrent Expenditure						
	Development Programme					8,991,036	8,991,036
Trinidad and Tobago Hospitality and Tourism Institute (TTHTI)	Recurrent Expenditure		2,500,000	1,875,000	2,009,000	2,500,000	8,884,000
	Development Programme					420,000	420,000
University of the West Indies (UWI)	Recurrent Expenditure	198,881,305	272,123,647	252,064,053	371,659,712	353,281,248	1,448,009,965
	Development Programme						
TOTAL		211,215,402	287,696,121	265,906,103	394,672,155	399,398,145	1,558,887,926

[442] Representative of the Ministry of Science, Technology & Tertiary Education by memorandum dated October 28, 2002.

Reports should also indicate the particular measures adopted:

- **To make educational and vocational information and guidance available and accessible to all children, indicating, *inter alia* , the forms of such information and guidance, the mechanisms used to assess their effectiveness, the budget allocated for that purpose, as well as any relevant disaggregated data, including by age, gender, region, urban/rural area, and social and ethnic origin;**

1047. The Guidance Unit of the School Supervision Division, Ministry of Education

Guidance and counselling has been in existence in a formal way in secondary schools since 1980. Cabinet in 1969 established guidance and counselling as a "Vocational Guidance Unit" with a proposal that a comprehensive guidance service be established. This service would have included educational guidance, vocational guidance and counselling. However, it was not until 1980, with the establishment of fifty five 55 posts of Guidance Officers' I, four (4) posts of Guidance Officers' II and one (1) Guidance Supervisor, that guidance and counselling became implemented in the secondary schools of Trinidad and Tobago.[443]

1048. Between 1981 and 1990, the Guidance Unit had its full complement of staff. However, there was a steady attrition rate in the early 90s reducing the number of officers to twenty nine (29). Since 1998 however, the numbers have gone up to its original allocation.[444]

1049. In 1998, the Guidance Unit reviewed its operations and procedures in keeping with its mission to provide effective and efficient guidance and counselling for all students. After two years of planning, the Guidance Unit developed a National Comprehensive Guidance and Counselling Programme with clearly defined components, processes, standards and a curriculum. This programme is currently being implemented in schools where there are guidance officers. The limited number of guidance officers makes it difficult for full implementation in schools. The primary goal of the School Guidance Programme is to impart specific skills and learning opportunities in a proactive and preventive manner which ensures that all students can achieve school success, through academic, career and personal/social development experiences.[445]

1050. The Guidance Unit's vision is to have fully implemented comprehensive guidance and counselling programmes in every school (primary and secondary) serving all students staffed by

[443] Ministry of Education Document entitled "Guidance and Counselling in a Decentralised and Restructured Ministry of Education", May 2003.
[444]Ministry of Education Document entitled "Guidance and Counselling in a Decentralised and Restructured Ministry of Education", May 2003 at p.2.
[445] Ministry of Education Document entitled "Guidance and Counselling in a Decentralised and Restructured Ministry of Education", May 2003.

active, trained guidance officers. The Unit's Mission is to provide the most effective and efficient Guidance and Counselling Services for all students through the implementation of a Comprehensive Guidance and Counselling programme. The Unit's objectives are to:

- *Facilitate the academic achievement of all students through the delivery of a comprehensive guidance programme;*
- *Provide teachers with strategies and support to facilitate the academic, career and personal/social development of the student;*
- *Provide parents with support and information so that they can be empowered to manage their children's education appropriately;*
- *Continue to retool and retrain Guidance personnel to provide effective guidance and counselling for students;*
- *Network with the community to enhance academic, career and personal/social development of students;*
- *Collaborate with the various Divisions of the Ministry of Education especially, the Division of Educational Research and Evaluation and the Curriculum Development Division to support the delivery of the Guidance Programme;*
- *Continue the integration of the Guidance Unit into the modernisation process of the Ministry of Education;*
- *Develop Guidance and Counselling as an integral section of the establishment of the Student Support Services Division; and*
- *Collaborate with national and international educational institutions re: the enhancement of the Guidance and Counselling Services.*

Reports should also indicate the particular measures adopted:

- **To encourage regular attendance at school and to reduce drop-out rates, including research, any mechanisms developed to assess the situation, and incentives provided to encourage school entrance, regular school attendance and school retention, any alternatives provided for children who are excluded from school, as well as other relevant data disaggregated by age, gender, region, urban/rural area, and social and ethnic origin.**

1051. Some initiatives of the Ministry of Education which serve to encourage regular attendance at schools are as follows:

- School transportation system to enable needy school children to access free transportation to attend public schools.

- School Nutrition Programme which provides needy school children at all levels with nutritious lunches and in some schools, breakfast. The programme is an incentive to encourage school attendance. A correlation has been observed in rural schools between school attendance rates and the serving of meals.

- Textbook allowance. The Government in 2002 implemented a book grant scheme which provides TT $1000 to the parents/guardians of children attending secondary school for the purchase of their school books. The Government has also agreed to provide free schoolbooks to all primary school students at an estimated cost of $37.6 million.

- The School Guidance Unit provides guidance and counselling to students in public schools. Guidance officers help students resolve personal issues so they do not drop out of school. In cases where a student has a high amount of absenteeism, guidance counsellors are asked to speak to the child's parent/guardian and to provide counselling for the family where necessary.[446]

1052. The Social Welfare Division of the Office of the Prime Minister (Social Services Delivery) provides grants to necessitous children including an education grant and a uniform grant as detailed in pages 50-51 of the Report.

1053. Every day on mornings and evenings teachers mark an attendance register to monitor the attendance of children at school. At the end of term, the number of days on which each student was absent is calculated, and this figure is reflected in the student's end of term report card. Parents/guardians are required to sign their children's report cards.

1054. To assist students who may be experiencing difficulty, in 1999, the Ministry of Education by Circular Memorandum directed school principals to implement *inter alia* the following measure:[447]

Student Support Team

This school team will consist of a teacher representative, a representative of the school administration, a Guidance Officer, a parent representative, Community Police, responsible community personnel and a form teacher or student representative who is to be invited to meetings at the discretion of the Committee. The purpose of this Team is to

[446] Representative of the Ministry of Education on the Human Rights Consultative Committee-by telephone, June 18 2003.
[447] Circular Memorandum No.54, dated May 27, 1999.

provide support for students experiencing difficulty in the school system and help these students through their difficulty.

Q.109. Reports should also provide information on any category or group of children who do not enjoy the right to education and the circumstances in which children may be excluded from school temporarily or permanently (for example disability, deprivation of liberty, pregnancy, HIV/AIDS infection), including any arrangements made to address such situations and to ensure alternative education. Disaggregated data should be provided, including by age, gender, region, rural/urban area, and social and ethnic origin.

1055. All children are afforded the right to education, unless they have been excluded in accordance with the provisions of the **Education Act, Chap. 39:01.**

1056. **The Education Act, Chap. 39:01** sets out the instances in which a child may be suspended or excluded from school. These include gross misconduct and contagious diseases. The Act does not provide for the suspension or exclusion of students on the basis of disability, pregnancy or HIV/AIDS. The relevant sections are as follows:

S.44(1) The principal of any public school may suspend from attendance any pupil who for gross misconduct may be considered injurious or dangerous to any other pupils or whose attendance at school is likely for any serious cause to have a detrimental effect upon the other pupils, so, however, that no such suspension shall be for a period exceeding one week.

S.44(2) Where any pupil is suspended from attendance under subsection (1), the principal of the school shall immediately notify the parent of the pupil and the Minister of the suspension and the reasons therefor and the Minister may, after receipt of the notification-

(a) order the extension of the term of suspension in order to enable proper enquiries to be made;

(b) after due investigation, order the reinstatement of the pupil on a date to be fixed by him;

(c) order the removal of the pupil to another school including a special school;

(d) order the expulsion of the pupil.

S.44(3) Any order may be the Minister under subsection (2) shall be final.

S.46 The principal of any school may suspend from attendance any pupil who may be likely to communicate any contagious disease and in every such case the principal shall forthwith report to the parents of the pupil and to the Supervisor of the school, the action taken by him and the reasons therefor.

1057. The procedure for dealing with students who have been placed on suspension has been set out by the Ministry of Education in a Circular Memorandum No. 54 dated May 27, 1999. This circular directs principals as follows:

Procedures for dealing with infraction of School Rules

Principals are expected to involve the school community in developing a matrix of the Disciplinary Procedures the school observes. Attached to this Circular is a demonstration model which may serve as a starting point. Once this is developed, the matrix is to be provided to all parents and guardians for their information.

Principals are advised that in each District Education Office a Student Case Conference Committee is established to form part of the Disciplinary procedure for students who have been placed on suspension by the School Principal.

The Committee consists of the District School Supervisor as Chairman, a Guidance officer, and Principal of a neutral school. The responsibility of this Committee will be to complete within three weeks investigations of student matters referred to it through the suspension of student, review reports and interview students (who are to be represented by their parent, a guardian or any other person of the parent's choice) and the Principal or his/her representative.

At the end of its deliberations, this Committee is required to inform the parties concerned of its recommendations which are to be submitted to the Honourable Minister for his consideration.

1058. There is no formal policy governing access to the education system by pregnant girls. In practice, pregnant students are allowed to attend school but are asked to refrain from attending classes in their third trimester, because of the physical discomfort and other restraints such as narrow benches and stairways. During this time, arrangements are put in place for the child to collect work assignments and to keep abreast with the school work. Once the child is born, the girl is allowed to return to school to complete her formal education. Support systems such as

baby-sitting must come from within the family.[448] However, prior to her return to school, a teenage mother may seek counselling and advice from officers of the Guidance Unit on ways to structure her studies and commitments as a mother. At these sessions, the girl's parents are invited to discuss ways in which they can support her when she returns to school.

Q.110. Please indicate all appropriate measures taken pursuant to article 28, paragraph 2, to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the Convention, including:

- **Legislation applying to public and private schools and other education institutions and prohibiting all forms of violence, including corporal punishment, as well as any other disciplinary measures which are not consistent with the child's human dignity or in conformity with the provisions of the Convention, including articles 19, 29 and 37 (a), and its general principles particularly of non-discrimination, best interests and respect for the views of the child;**

1059. Under S.27 of the **Education Act, Chap. 39:01**, the principals of schools are assigned responsibility *inter alia* for the discipline of the school. As set out in paragraph 1057 above, principals are expected to involve the school community in developing a matrix of the disciplinary procedures observed by the school. Once this is developed, the matrix is to be provided to all parents and guardians for their information.

1060. The Government has recently amended the legislation to prohibit the use of corporal punishment as a disciplinary measure in schools but this legislation is not yet in force. Please refer to paragraph 572 at page 209 of the Report for information in this regard. The relevant amending legislation is set out in paragraph (f) on page 10 of the Report.

1061. As reported in the media, there have been increasing incidents of violence in certain public schools over the reporting period. The reason for this has been attributed *inter alia* to increasing levels of crime and violence in the wider society. To address the issue of indiscipline in schools, the Ministry of Education has developed *School Intervention Strategies*. Ongoing projects under this under this programme include the following:[449]

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[448] Report on Trinidad and Tobago's Implementation of the Plan of Action Emanating from the World Summit on Children and Social Policy in the Americas-12/09/2000 at p.27.

[449] Ministry of Education School Intervention Strategies, Division of Educational Research and Evaluation, February 2002.

- **Changing the culture of the classroom.** This project is a UNESCO inspired innovative teacher training programme based on the premise that children can be educated in ways of peace as effectively as they are socialised into a culture of confrontation and hostility. The project was introduced to the Marabella Junior Secondary School and the Excel Composite School and is expected to be extended to other schools.

- **Mock Trials.** The conduct of mock trials is a strategy intended to develop desirable student attitudes and behaviours. Its format is a replication of real-life cases by which secondary schools are expected to (i) gain knowledge of the nature, scope and resources available to law enforcement officers in the apprehension and prosecution of lawbreakers and (ii) be made aware of the consequences of socially undesirable actions. A pilot mock trial was held at the *Learning Resource Centre* on September 18, 2001 for students drawn from secondary schools in Trinidad. Mock trials have also been conducted for students in the Victoria and Port of Spain environs and education districts.

- **School and Classroom Enhancement Programme.** The project is designed to encourage and assist students and teachers to create positive teaching and learning environments in their schools. Programmes undertaken include activities such as painting benches, book collection drives and classroom beautification activities. Programmes have been initiated at secondary schools including the Aranguez Junior Secondary School, the Morvant/Laventille Secondary School and the Siparia Junior Secondary School.

- **Public Education Programme on Parenting and Family Life Issues (School for Parents).** These programmes are designed for the dissemination of information on Family Life Education and the overall sensitisation of the population on family life issues. It provides opportunities for parents, especially young adults, to acquire knowledge and skills for parenthood. The programme, conceptualised and inaugurated by the then Ministry of Community Empowerment, Sports and Consumer Affairs, included the training of persons to develop Family Life Education materials in collaboration with the Ministry of Education and the finalisation of a survey on family life.

- **Training of Educators re: the Introduction of Conflict Resolution in Schools.** The Ministry of Education in collaboration with the Coalition Against Domestic Violence (an NGO) intends to continue and expand conflict resolution programmes in all schools. Conflict resolution programmes have proven to be quite effective in empowering students to manage conflict in a productive and non-violent or peaceful way.

- **Preparation of a National Code of Conduct for Schools in Trinidad and Tobago.** A draft Code of Conduct for schools has been prepared. When finalised, it will provide

teachers and students with guidelines for acceptable behaviours in and out of school. The Code covers *inter alia* serious misbehaviour, dress code, respect for persons and property, attendance, and the substance abuse policy of the Ministry.

1062. Some of the new strategies proposed for implementation in the near future under the *School Intervention Strategies* programme are *inter alia* as follows:

- **In-School suspension** is an in-house programme to which a student may be assigned for a short period of time ranging from 3-10 days, in lieu of school suspension. The programme provides a supervised environment in the school where suspended students are separated from their peers. Students are to be provided with academic work by their teachers as well as guidance and counselling sessions by guidance officers. Parent involvement is crucial and parents are expected to be participants at some of the counselling sessions.

- **Behaviour modification intervention** in selected schools. This project entails training for all staff members of as many schools as possible on a regular and sustained basis for one year. Training will cover the areas of Adolescent Psychology, Anger Management, Classroom Management and Self Esteem Enhancement.

- **"Together we light the way"**. This project (which is expected to extend over a three year period) seeks to reduce violence and indiscipline in schools through the development of strong partnerships with families and communities, including businesses. The model has four pillars:
    - Respect- to nurture in students a strong sense of self-respect, personal responsibility and respect for others;
    - Academics- to ensure that students reach their highest level of academic achievement;
    - Team Building- to enable students to work as effective team members;
    - Leadership Skills- to provide opportunities for students to demonstrate initiatives and take responsibility for themselves, their school and their community.

- **Any monitoring system of the administration of the school discipline, as well as mechanisms of reporting and complaint;**

- **Any independent mechanism established for that purpose;**

1063. There is no formal complaint mechanism with regard to school discipline. Generally, a student who has a complaint about disciplinary action taken against him or her by a teacher may

report the matter to the school principal. The principal would listen to the complaint and allow the teacher the opportunity to give an explanation. If necessary, disciplinary action can be instituted against a teacher. If the child is still aggrieved, the matter may be reported by the parent of the child to the school supervisor at the District Education Office. Parents of children sometimes write directly to the Minister of Education to lodge their complaints. On receipt of such complaints, the Minister would call for an investigation and report on the matter.

1064. One of the major roles of a school guidance officer is to be an advocate for the rights of the child. There are parents who make complaints directly to guidance officers both at the school level and at the district level.[450]

- **Legislation providing the opportunity for the child to participate in administrative or judicial proceedings relating to education and affecting him or her, including those relating to the choice of school, school exclusion.**

1065. Paragraphs 458-459 of the Report refer to the establishment of student councils which provides a mechanism for students to participate in school life.

1066. Please refer to paragraph 466 of the Report for information on the establishment of local school boards to support the initiatives of school based management. This is part of a two year pilot project. The legislation provides that the membership of the Board shall include a member of the student body.

1067. As regards choice of school, the **Constitution** in S.4(f) guarantees the right of a parent or guardian to provide a school of his own choice for the education of his child. Primary school students writing the entrance examination for secondary schools are required to submit in advance to the school, a list of four secondary schools which they would like to attend (in order of preference). These schools are normally chosen by the students in consultation with their parents and sometimes teachers. The placement of a child in one of his or her selected secondary schools is not guaranteed but depends on the pupil's score in the entrance exam, the number of children who have selected the school as their choice, and the number of children the school can accommodate.

1068. With respect to the child's participation in administrative proceedings re: school exclusion, as mentioned in paragraph 1057 above, the Ministry of Education has issued a circular

[450] Representative of the Ministry of Education by telephone on June 19, 2003.

providing for a case conference to be held. The objectives of the case conference are *inter alia* as follows:[451]

- *To allow the student/parent/guardian an opportunity to review and discuss the allegation of the incident.*

- *To allow the student an opportunity to experience justice and fair play through the process of the case-conference.*

- *To provide the panel with a holistic appraisal of the student so as to act in the student's best interests.*

Q.111. With regard to article 28, paragraph 3, please provide information on the measures adopted to promote and encourage international cooperation in matters relating to education, in particular with a view to:

- **Contributing to the elimination of ignorance and illiteracy throughout the world;**

1069. One of the areas receiving attention under component 1 of the SEMP is entitled "Pilot reading readiness and reading intervention". These programmes are designed to help first formers (in secondary schools) with severe reading problems. They are limited initially to selected schools and involve varied strategies such as tutoring and computer aided classes in reading comprehension. If these pilot and intervention projects are successful, they will be used in 30 under-performing schools. The Reading Readiness Pilot Programme was launched in four schools with 124 students participating.[452] Also please refer to paragraph 695 above.

- **Facilitating access to scientific and technical knowledge and modern teaching methods;**

- **Taking particular account of the needs of developing countries.**

Q.112. Reports should also indicate the activities and programmes developed, including at the bilateral and regional levels, the target groups identified, including by age, gender and national, social and ethnic origin, the financial assistance provided and/or received and the priorities established, and the consideration given to the aims of education as identified by article 29 of the Convention, as well as any evaluation made of the progress achieved and of the difficulties encountered. Mention should be made, whenever appropriate, of the

[451] From Guidance Supervisor by memorandum dated April 15, 1996.
[452] Ministry of Education Booklet entitled "SEMP, Secondary Education Modernisation Programme" published February 2002 at p.p.7-8.

involvement of United Nations organs and specialized agencies and non-governmental organisations.

1070. Please refer to the response to question 106 of the reporting guidelines at the top of this section for information on the international funding sourced and the programmes being implemented under the different programmes.

1071. The Ministry of Education also cooperates with UNESCO and UNICEF in programmes for school children. There is a Trinidad and Tobago National Commission for UNESCO. This unit serves as the channel between UNESCO and governmental agencies concerned with the fields *inter alia* of education. It advises them on matters related to the drafting and implementation of UNESCO's programmes for Trinidad and Tobago.[453]

B. Aims of education (art. 29)

Q.113. Please indicate the legislative, administrative, educational and other measures adopted to ensure that the aims of education established in the State party are consistent with the provisions of this article, in particular with regard to:

- **The development of respect for the child's personality, talents and mental and physical abilities to their fullest potential;**

1072. In primary schools and most secondary schools, physical education is a timetabled activity which provides students with the opportunity to develop their physical abilities. There are also student sports clubs in almost all secondary schools, representing a wide variety of student interests such as football, cricket, lawn tennis, table tennis, badminton, netball, hockey and swimming. In addition, many inter school, district and national school sporting competitions are organised for school children. Each school also has an annual sports day with competitive and fun filled sporting activities for children.

1073. Many secondary schools offer music as a subject for the lower form students. Through this subject, school children are able to learn about music theory, gain exposure to classical music, and learn to play musical instruments including the recorder, steelband and piano. Children can also join the school choir at these schools. Children with special talents in singing and playing musical instruments are encouraged to showcase their talents at fora outside of school and to participate in related national competitions. At the primary school level, children also have the opportunity to sing and to play musical instruments (where such instruction is

[453] www.nalis.gov.tt/Education/Min_Education.html

available). At denominational schools including *Hindu and Muslim,* pupils can learn religious and cultural songs, among others. Every year, Government primary and secondary schools as well as many Government Assisted schools organise calypso competitions for school children during Carnival time. In composing and delivering these songs, school children have an avenue for creativity and self expression.

1074. Many schools have drama and dance clubs and members of these clubs are often given the opportunity to stage school plays and other productions during the year.

1075. Many secondary schools have school debating clubs. These students are frequently given the opportunity to voice their opinions and demonstrate their mental abilities in inter-school debating competitions hosted by the Government and other corporate sponsors.

- **The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations, indicating whether the subject of human rights in general, and children's rights in particular, has been incorporated in the school curricula for all children and promoted in school life;**

1076. Human rights is included as part of the Social Studies curriculum at both the primary and secondary school levels. For the schools participating in the National Certificate of Secondary Education (NCSE) Programme, the Ministry of Education has developed an Instructional Strategies Booklet, entitled "Lesson Plans and Literature in the Module-Rights of the Child".[454] The contents of the booklet include:

- What are Rights/Responsibilities?
- What are Human Rights?
- What is the Universal Declaration of Human Rights?
- What is the Convention on the Rights of the Child?
- What are the rights of the Child as stated in the Convention?

1077. The objectives of the Booklet are as follows:
Students will be able to:

- Define what are rights;
- Define what are responsibilities;
- State what are the child's responsibilities to his/her- school, self, family, and nation/country;
- Explain why children need rights;

[454] Representative of the Ministry of Education on the Human Rights Consultative Committee- by fax dated December 19, 2001.

- Outline the circumstances that led to the Convention on the Rights of the Child.
- Identify the rights of the child as outlined in the Convention on the Rights of the Child;
- To identify infringements on the rights of the child under the headings: education, civil, political, economic and social;
- Infer factors that can lead to the infringement of the rights of the child;
- Infer ways in which the rights of the child are protected in Trinidad and Tobago;
- Identify laws, agencies and groups in Trinidad and Tobago which protect the rights of the child;
- Describe the services, agencies and groups which offer to protect the rights of the child; and
- Be sensitised to children's rights as stated in the Convention on the Rights of the Child.

1078. An alternative Human Rights Module has been developed for schools where the NCSE Programme has not yet been implemented. The contents of this Module are similar to that outlined above, but also include the following:

- The Constitution of the Republic of Trinidad and Tobago.
- The rights, freedoms and responsibilities of the citizen.
- An outline of the ways in which the rights of the citizen can be violated or abused.
- A description of the role of human rights activists such as Mahatma Gandhi, Nelson Mandela and Martin Luther King as well as local activists.
- Identifies singers who have championed human rights through the medium of song.
- Assesses the success of any one human rights activist.

1079. A regional CARICOM workshop for Chief Education Officers and Curriculum Specialists on the human rights of the child was held in Guyana. The aim was to develop programmes in the Caribbean territories attending.

1080. Several initiatives have also been taken to children's rights during the annual celebration of Child Rights Month. In this regard please refer to paragraphs 105-107, 110-112, 119-120, 123 and 125 of the Report.

- **The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she originates and for civilisations different from his or her own;**

- **The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;**

1081. The Ministry of Education has implemented a Values Education curriculum at all levels of the education system. The main aim is to help young people develop towards moral autonomy through critical thinking based upon an understanding of the philosophical relationships between concepts, logic and facts.[455]

1082. In a publication dated July 2001 the Ministry of Education stated:[456]

> *Morals and values will form an integral part of the school curriculum and the regular subject areas of study will be the mechanism. This approach is called infusion. All areas of the curriculum will be used as the teaching tool to help students understand and appreciate the importance of morals and values in daily living. Dr. Kwaku Senah, Project Officer, spearheaded a programme which saw 370 secondary school teachers being initiated as Values Educators, during a three day workshop at the Learning Resource Centre, Couva, last month. The intention is to provide all teachers throughout the system with this valuable learning tool.*

1083. Please refer to paragraph 552 of the Report for information on the Schools' Broadcasting Programme which is aired on radio and distributed in printed format for junior and senior primary school students. Topics such as Morals and Values Education, National Heroes and National Awareness are covered by the broadcasts.

1084. The Ministry of Education in collaboration with the United Nations Educational, Scientific and Cultural Organisation (UNESCO) has been promoting the UNESCO Associated School Project Network (ASPnet) which is aimed at undertaking pilot projects to strengthen the role of education in promoting a culture of peace and tolerance. The main focus of ASPnet over the period 2000-2001 has been twofold:[457]

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[455] Ministry of Education by memorandum dated 2nd August, 2002.
[456] Education Newsline, Vol.2, Issue, 1 dated July 2001 (Newsletter of the Ministry of Education)
[457] Supra, fn.454.

- **The Transatlantic Slave Trade (TST) Education Project**, which aims to break the silence surrounding the history of the Transatlantic Slave Trade and to promote an inter-cultural dialogue among young people through increased awareness of the TST, its causes and consequences and legacies; and

- **The World Heritage in Young Hands Project** which, in support of the application of the World Heritage Convention, teaches young people the value of maintaining and preserving the natural and cultural heritage in both its tangible and intangible forms.

1085. There are fifty-five (55) schools in Trinidad and Tobago participating in the ASPnet activities.

- **The development of respect for the natural environment.**

1086. An understanding of the natural systems and the impact of activities by people on them is obtained through the Science Technology, Industrial Arts and Geography and Social Studies programmes. Respect for the natural environment is part of the Social Studies syllabus in both primary and secondary schools. The Ministry of Education also facilitates the efforts of the Environmental Management Authority in its educational projects for students.[458]

Q.114. Reports should also indicate:

- **The training provided to teachers to prepare them to direct their teaching towards these aims;**

- **The revision of school policies and school curricula to reflect the aims identified in article 29 at the various levels of education;**

- **Relevant programmes and material used;**

1087. The Fourth Basic Education Programme includes *inter alia* the following sub-components: (i) Upgrading of Quality Education at Pre-school level (ii) Review and Revision of Syllabi (Primary Level) and (iii) Review and Revision of the Education System. Some of the achievements under the programme to date include training for ECCE teachers and primary school teachers and the review and revision of the primary school syllabus/curriculum in areas such as social studies, aesthetics, science, integrated arts, mathematics and language arts.[459]

[458] Information provided by the Ministry of Education in its response to a matrix of questions.
[459] Ministry of Education Brief, dated January 4, 2002 at p.15.

1088. Under Component I of the SEMP, a new curriculum is being introduced based on eight core areas which generally reflect the aims of education. The emphasis is on integrated learning activities for school children. Details of some aspects of the new curriculum are set out below.[460]

- The objective of the new secondary school curriculum is to ensure that all students are proficient in eight core subject areas, all of which are being studied in Forms One through Three. These subjects are English Language, Mathematics, Science, Social Studies, Spanish, Technology Education, Visual and Performing Arts and Physical Education. In terms of achievements to date, the Curriculum Division has developed syllabi for Forms 1 to 3 in these eight core subject areas.

- During Year I of the SEMP, the existing curriculum was assessed to establish a starting point for revision and reform. The primary school curriculum was also examined to ensure that it gives students adequate preparation for studies at secondary school.

- A blueprint is being developed to guide the creation of the core curriculum and selection of teaching materials. All stakeholders are being consulted in the development of this curriculum. This process involves the design of integrated learning activities and the selection of textbooks and multimedia learning tools. As at February 2002, 15 stakeholders' conferences on the SEMP curriculum had been held.

- The new curriculum is being used initially in pilot schools. It is being assessed and fine-tuned and then introduced throughout the system. This is taking place on a phased basis, year by year, one form level at a time.

- SEMP is also providing training for teachers and administrators who have to use the new curriculum. Curriculum officers are being specially trained and reoriented. Study tours are also being arranged. New teachers and administrators are visiting pilot schools to see the new curriculum in action.

1089. Component I of SEMP is called "Improved educational quality". It involves *inter alia* providing multimedia support for new curriculum including teaching/learning methods. In this regard, every school is getting:[461]

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[460] Ministry of Education Booklet "Secondary Education Modernisation Programme" published in February 2002.
[461] Ministry of Education Booklet entitled "SEMP, Secondary Education Modernisation Programme" published February 2002.

- A multi-media learning centre consisting of a well-stocked library with reading material of a genuine interest to students;

- Multimedia connectivity and Internet facilities to encourage wide ranging student inquiry;

- Mobile information technology units to permit widespread use of limited information technology facilities;

- Access to circulating resource libraries for students in the respective Regional Divisions.

1090. In addition,

- Computer laboratories are being installed, each initially with 18 workstations, but with a capacity for a maximum of 40 workstations. There are computer based learning activities to upgrade basic literacy and numeracy skills and to develop higher-order skills. This will facilitate the use of computers as one of several media for teaching and learning. Computer laboratories have been established in new SEMP schools.

- Science and technology laboratories with computer and multimedia facilities are being installed. These are taking advantage of opportunities for hands on learning and practical work in science and technology.

- **Any peer education and peer counselling promoted;**

1091. The Guidance Unit of the Ministry of Education has undertaken peer education and counselling in some schools. Generally however, the peer education undertaken has been limited. The Family Planning Association (an NGO) has also undertaken peer counselling in the school system as well as in communities.[462]

[462] Trinidad and Tobago National Human Development Report, 2000: "Youth at Risk in Trinidad and Tobago", Chapter three.

- **Efforts made to bring school organisation in line with the Convention's principles, for example mechanisms created within schools to improve the participation of children in all decisions affecting their education and well-being.**

1092. SEMP is financing school-based management and a pilot project on local school boards. Please refer to paragraph 466 of the Report in this regard. There are also student councils at which children can participate.

Q.115. Please indicate the measures adopted pursuant to article 29, paragraph 2, to ensure respect for the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirements that the education given in such institutions conforms to such minimum standards as are laid down by the State.

Q.116. Reports should also provide information on the appropriate mechanisms developed to:

- **Ascertain that the aims of education identified by the Convention are respected by such institutions;**

- **Ensure respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, survival and development to the maximum extent;**

- **Ensure that all such institutions are conducted in conformity with standards established by competent authorities, particularly in the areas of safety, health, number and suitability of staff, as well as of competent supervision.**

1093. **The Education Act, Chap.39:01** provides:

S.30 Subject to this Act, no person shall keep or continue to keep a private school unless the school and the proprietor are registered in the Register of Schools required to be kept under this Act.

S.31(1) The Minister shall cause to be kept...a Register of Private Schools, to be known as the Private Schools' Register...

S.33(1) If in the opinion of the Minister a private school which is on the Register has ceased to be conducted in accordance with the requirements of this Act and the

Regulations, he may, where no action has been taken to rectify the deficiencies within such time as the Minister may allow, cancel the registration of the school upon giving three months notice thereof to the proprietor.

S.33(2) A proprietor upon receipt of the notice of cancellation of the registration of his school...may, at any time before the date on which the cancellation takes effect, appeal in the prescribed manner to a court of summary jurisdiction against cancellation.

S.33(4) The Court shall hear and determine the appeal and make such order as it thinks just having regard to the merits of the case and the public welfare.

S.35 No person shall be employed in a private school as a teacher or act as a teacher therein, unless his name is registered on the Teachers' Register.

S.37(1) The Minister, or any public officer deputed by him in writing to act as his representative, may enter any premises wherein a private school is being conducted, and at any reasonable time during school hours, for the purpose of making enquiries and discharging such duties as may be imposed upon him by this Act.

1094. Although private educational institutions do register with the Ministry of Education in accordance with the Act, the Ministry of Education has been unable to effectively monitor these institutions owing to human resource constraints. Generally however, the quality of education delivered at private educational institutions is of a high standard.

Private Tertiary Institutions

1095. Within the last ten years, but particularly between the years of 1995-2000, there has been a proliferation of new educational institutions providing tertiary level programmes of study in Trinidad and Tobago. Private sector entrepreneurs have invested significantly in strengthening the non-public educational infrastructure with at least three "campus-like" institutions emerging in the East-West corridor, viz, the School of Accountancy and Management Studies, the School of Business and Computer Science and ROYTEC, the training institution created by the Royal Bank of Trinidad and Tobago. In addition, expansion in tertiary education access is seen in the

growing number of smaller institutions which offer specialised degree, diploma and certificate courses.[463]

1096. The absence of a national accreditation system which would provide individual and organisational consumers with some guarantee as to the quality and marketability of local higher education qualifications, coupled with the relatively limited array of tertiary and higher education programme offerings have produced three growing trends in postsecondary education provision:

- The importation of accreditation through franchise arrangements undertaken by private providers with international examination bodies such as the London Chamber of Industry and Commerce, the Royal Society of Arts, Pitman's and EdExcel of the United Kingdom;

- The establishment of training institutions by business and industry to deliver programmes to clients within their sector. For example, ROYTEC, the Institute of Banking, the Association of Real Estate Agencies, and the Insurance Association; and

- The on-site delivery of associate, bachelor and graduate level degree programmes delivered by international institutions such as University of New Brunswick, Henley, Herriot-Watt and the University of Sheffield in collaboration with local private sector providers.

Q.117. Reports should further provide information on the progress achieved in the implementation of this article, difficulties encountered and targets set for the future.

C. Leisure, recreation and cultural activities (art. 31)

Q.118. Please provide information on the measures adopted, including of a legislative nature, to recognise and ensure the right of the child to:

- **Rest and leisure;**

- **Engage in play and recreational activities appropriate to the age of the child;**

- **Participate freely in cultural life and the arts.**

[463] The then Ministry of Human Development, Youth and Culture Tertiary Education Project Document-2001 at pp.2-3.

Q.119. In this regard, reports should also indicate:

- **The proportion of the relevant overall budget allocated for children;**

- **The cultural, artistic, recreational and leisure activities, programmes or campaigns developed and provided at the national, regional or local, and where appropriate at the federal and provincial levels, to ensure the enjoyment of this right including in the family, in the school and in the community;**

- **The enjoyment of the rights recognised by article 31 in relation to other rights recognised by the Convention, including the right to education;**

- **The respect ensured to the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, survival and development to the maximum extent;**

- **Relevant data on the children concerned, including by age, gender, region, rural/urban area, and national, social and ethnic origin;**

- **Progress achieved in the implementation of article 31, difficulties encountered and targets set for the future.**

1097. **The Children (Amendment) Act, No. 68 of 2000** gives recognition to the child's right to rest and recreation in its Second Schedule, which contains "guiding principles for parents in relation to their children".

Second Schedule, Part B

Every person in Trinidad and Tobago who is a parent of the child, or who acts in loco parentis, has responsibilities under the law in respect of the parenting function including but not limited to-

1. the responsibility to ensure that the child has time for rest, recreation, creative expression and play;

1098. In the public education system, school hours are limited and children are afforded sufficient time for rest and recreation. There are recess and lunch breaks during which time children are free to engage in recreational activities of their choice. Many schools have recreation grounds which provide students with ample room to play and engage in other sporting activities.

1099. At the community level, the Government provides youth centers and community centers which provide a venue for the recreational activities of the youth. In 1999/2000, refurbishment and equipping of the Malick Youth Centre was completed at a cost of $3.6 million. In addition refurbishment works were carried out at the Persto Praesto and Chatam Youth Centres.[464] One NGO has stated however, that there is a need for more recreational facilities for the youth in all communities and for these facilities to be made accessible at all times, including during the night.[465]

1100. There are also sporting facilities located throughout the country. In 1999/2000, a total allocation of TT$113.5 million was provided to the Ministry of Sport and Youth Affairs to upgrade and expand sporting infrastructure and support youth development. [466]

1101. The Culture Division of the Ministry of Culture and Tourism promotes the participation of all age groups within the society in cultural life and the arts. The establishment of the National Steelband Youth Orchestra is one mechanism used to encourage youth to work towards professions in the musical field. The Government employs this Orchestra on a full time basis and members receive continued training and development in musical theory and practice. The Orchestra represents Trinidad and Tobago internationally and works towards the promotion of the Steelband instrument, which is indigenous to Trinidad and Tobago.

1102. During the period 2000-2002 the Division of Culture instituted an Open School for the Arts programme. The programme focuses on providing the youth with training in drama, painting, drawing, sculpture and other art forms. It is undertaken in communities across Trinidad and Tobago and is available free of charge. Students who complete these courses receive certification in their field of training. In the year 2002, the cost of implementing the Open School for the Arts programme was TT$600,000.

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[464] Public Sector Investment Programme 1999/2000 at p.21.
[465] According to Gregory Sloane Seale, Interview held on December 12, 2002.
[466] Public Sector Investment Programme 1999/2000 at p.42.

1103. The Cultural Immersion Project aims to expose the students of any one school, in the culture of the nation. Over the past three years the programme has been piloted in several schools, educating thousands of children about the culture of Trinidad and Tobago. The allocation for this project in the year 2002 was TT$200,000.

1104. Carnival which is a cultural tradition dating back to slavery, is the biggest national festival held in Trinidad and Tobago. Over the Carnival period there are a number of activities such as a parade of bands competition, calypso competitions and a King and Queen of Bands competition. Carnival activities take place over a nineteen day period and culminate on the Monday and Tuesday preceding Ash Wednesday. Children are allowed to fully participate in the various Carnival activities organised for them, including a Junior Calypso Competition and *Kiddies* Carnival which is a parade of bands for children (in costume). Many schools also organise their own Carnival celebrations for children which include calypso and costume competitions.

1105. Children of East Indian descent (as well as other students) also participate in annual *Phagwah* and *Divali* celebrations organised in some schools and communities.

1106. Some steps taken for the conservation, development and dilution of culture within the education system are as follows:[467]

Primary Level

- Pupils' exposure to Folk Literature via the Broadcast to Schools Programme.
- Treatment of the theme 'National Festivals' in the Social Studies Syllabus.
- Participation in national cultural events and school competitions e.g. folk dance and music.

Secondary Level

- Treatment of the theme 'Cultural Forms' in the CXC Social Studies Syllabus.
- Treatment of the theme 'Art Forms' in the Caribbean in the CXC Caribbean History Syllabus.
- Participation in national cultural events and school competitions.

[467] From Director, Curriculum Development by memorandum dated 23rd November 1999.

1107. The culture of Trinidad and Tobago is multi-faceted. The various ways of living and relating are honoured within the educational system and some are specifically taught as part of the curriculum. Although Standard English is the language of education, vernacular is honoured as the first language of the child and the one in which he is expert. Among the subjects in which culture is given focus are literature, drama and creative arts. Steps being taken to develop and diffuse culture include stipulating the outcomes in the Language Arts curriculum to include stories, speeches, rap, calypsos, songs and *rapso*. Pupils are encouraged to use their creativity and illustrate their work with line drawings and other modes of art. Pupils are expected to perform the outcomes of the curriculum before their peers. Exemplars of Trinidad and Tobago culture are also invited to teacher workshops to demonstrate the culture and to encourage children to appreciate and use the country's cultural ways.[468]

1108. Please refer to page 45 of the Report for information about the budgetary allocation for children under the Ministry of Sport and Youth Affairs.

[468] Supra, fn.466

VIII. SPECIAL PROTECTION MEASURES
(arts. 22, 38, 39, 40, 37 (b)-(d), 32-36)

A. Children in situations of emergency

1. Refugee children (art.22)

Q. 120 Please provide information on the appropriate measures adopted pursuant to article 22, paragraph 1 to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures, whether unaccompanied or accompanied by his or her parents or by any other person, receives appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the Convention and in other international human rights or humanitarian instruments to which the State is a party.

Q. 121 Reports should also indicate:

- **The international and domestic law and procedures applicable to the child who is considered a refugee or is seeking asylum;**

- **Relevant international human rights and humanitarian instruments to which the State is a party, at the multilateral, regional and bilateral levels;**

- **The domestic legislation and procedures in place, including to determine refugee status and ensure and protect the rights of asylum-seeking and refugee children, as well as any safeguards established and remedies made available to the child;**

- **The protection and humanitarian assistance provided to the child in the enjoyment of his or her rights set forth in the Convention, as well as in other relevant international instruments, including civil rights and freedoms and economic, social and cultural rights;**

- **The measures adopted to ensure and protect the rights of the unaccompanied child or of the child accompanied by his or her parents or by any other person, including in relation to temporary and long-term solutions, family tracing and family reunion;**

- **The measures adopted to ensure respect for the general principles of the Convention, namely non-discrimination, the best interests of the child,**

respect for the views of the child, the right to life, and survival and development to the maximum extent possible;

- The measures adopted to ensure appropriate dissemination of information and training on the rights of the child who is a refugee or is seeking asylum, particularly to the officials competent in the areas addressed by this article;

- The number of asylum-seeking and refugee children disaggregated *inter alia* by age, gender, country of origin, nationality, accompanied or unaccompanied;

- The number of such children going to school and covered by health services;

- The number of staff handling refugee children who attended training courses to understand the Convention on the Rights of the Child during the reporting period, classified by type of job.

Q. 122. Please also indicate the measures adopted pursuant to article 22, paragraph 2 to provide cooperation in any efforts by the United Nations and other competent intergovernmental organisations or non-governmental organisations cooperating with the United Nations to:

- Protect and assist the child;

- Trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family.

- In cases where no parents or other members of the family can be found, please indicate the measures adopted to ensure that the child is accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the Convention.

Q.123. Pursuant to this article, please also indicate any evaluation mechanism established to monitor the progress achieved in the implementation of the measures adopted, any difficulties encountered, as well as any priorities set for the future.

1109. As mentioned in paragraph 269 of the Report, the Government of Trinidad and Tobago acceded to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees on November 1, 2000. There was a media conference jointly hosted by the then Attorney General and the then Minister of Foreign Affairs to publicise the signing of the Convention. The Convention entered into force for Trinidad and Tobago on February 8, 2001. By acceding to this Convention, the Government of Trinidad and Tobago has demonstrated its commitment to assisting refugees including refugee children around the world.

1110. The Government is in the process of preparing legislation to incorporate the Convention into domestic law. **The Immigration Act, Chap. 18:01** of Trinidad and Tobago does not contain any provisions relating to refugees or procedures for the determination of refugee status. At the present time therefore, there are no domestic laws in place to provide for determination of refugee status and to ensure and protect the rights of asylum-seeking and refugee children.

1111. To date the Government of Trinidad and Tobago has not received any applications for refugee status from children or from adults on behalf of children.

1112. Further, only a few applications have been made by adults for refugee status since the date of this country's accession to the Convention. Such claims have been processed with the assistance of the Office of the UNHCR. To date, through an informal arrangement between the Government and the UNHCR, applicants for refugee status have been placed on a bond and released into the care of an NGO called *the Living Water Community* (the local UNHCR representative).

1113. Until **the Immigration Act, Chap. 18:01** is amended however, applicants for refugee status fall into the general category of illegal immigrants and can be incarcerated and deported in accordance with the provisions of the **Immigration Act**. The Government however, has not enforced the provisions of the Act against persons claiming refugee status but has dealt with each application received on a case by case basis. The Government has cooperated with the UNHCR in releasing such applicants into the care of the Living Water Community until their claims are assessed. In the event that an application is received from an adult on behalf of a child or by an unaccompanied child, this informal procedure is likely to be adhered to. Systems will no doubt be put in place by the Living Water Community to look after the best interests of the child including access to health services and schooling.

1114. As regards training for the relevant government officials, the Ministry of the Attorney General in collaboration with the United Nations High Commissioner for Refugees (through its Regional Representative) hosted a two day workshop on Refugee Protection on 19–20

March 2002 entitled *The International Framework; Procedures and Criteria for Refugee Status Determination in Trinidad and Tobago.*

1115. There were a total of thirty (30) participants at this workshop which was facilitated by a member of staff of the Office of the United Nations High Commissioner for Refugees (UNHCR). The participants at the workshop included representatives of the Immigration Department, the Police, the Coast Guard, the Ministry of Foreign Affairs, the Judiciary, the Trinidad and Tobago Red Cross Society, the Salvation Army, the Human Rights Unit and NGOs including the *Living Water Community.*

1116. At the workshop participants were informed *inter alia* about the global situation of refugees and procedures for determining refugee status. There were also group sessions in which participants were provided with actual case studies for discussion and analysis. At the close of the workshop, participants were presented with certificates issued by the United Nations High Commissioner for Refugees.

1117. On the 2-3 April 2003, the UNHCR hosted an *Advanced Workshop on Refugee Law Training in Trinidad and Tobago: Refugee Status and Determination & Procedures.* The workshop was held at the Ministry of the Attorney General in Trinidad and Tobago. The participants were mainly stakeholders who had participated in the first workshop. This workshop was facilitated by two members of staff of the Regional Office of the UNHCR. Participants at this workshop were presented with a certificate of attendance issued by the UNHCR.

1118. One of the aims of this advanced workshop was to formulate an *ad hoc* procedure for dealing with claims for refugee status, until such time as the necessary domestic legal framework is put in place. Based on consultations with stakeholders who attended the workshop, a proposed *ad hoc* procedure is now being finalised by the Government of Trinidad and Tobago with assistance from the UNHCR. This procedure will ensure that the Government adheres to the provisions of the Convention in dealing with refugees.

2. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)

Q. 124. Please provide information on the measures adopted pursuant to article 38, including of a legislative, administrative and educational nature, to respect and ensure respect for the rules of international humanitarian law applicable to the State in armed conflicts which are relevant to the child. In this regard, reports should identify the relevant international conventions, instruments and other rules of humanitarian law applicable to the State and the measures adopted to enforce them, as well as to ensure their effective dissemination and appropriate training for professionals concerned.

Q. 125. Please indicate all the measures taken pursuant to article 38, paragraph 2, including of a legislative, administrative or other nature, to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities. In this regard, reports should also indicate the measures adopted to ensure and protect the rights of the child during hostilities. Information should also be provided on any mechanism established to monitor this situation. When relevant, indication should also be given of the proportion of children participating in hostilities, including by age, gender and social and ethnic origin.

Q. 126. Please indicate the measures adopted pursuant to article 38, paragraph 3, including of a legislative and administrative nature, to ensure that no person who has not attained the age of 15 years is recruited into the armed forces, as well as to ensure that, in recruiting among those persons who have attained the age of 15 years but who have not attained the age of 18 years, priority is given to those who are oldest. In this regard, reports should also indicate any mechanisms established to monitor this situation, as well as the proportion of children being recruited or voluntarily enlisted into armed forces, including by age, gender, and social and ethnic origin.

1119. Trinidad and Tobago ratified the four 1949 Geneva Conventions on September 24, 1963 and acceded to the two 1977 Additional Protocols to the Convention on the 20th July, 2001.[469] In 1957, the United Kingdom enacted the Geneva Conventions Act to give effect to the Conventions. This Act has been applied to Trinidad and Tobago, which is a former colony of England.

1120. The Government of Trinidad and Tobago was the second member state of the international community to ratify the Rome Statute of the International Criminal Court on the 6th April, 1999.[470] Under the Statute, the International Criminal Court has jurisdiction over *inter alia* war crimes.[471] War crimes are defined under the Statute as including "grave breaches of the Geneva Conventions of 12 August 1949" and "other serious violations of laws and customs applicable in international armed conflict".

1121. The Government of Trinidad and Tobago is also considering accession to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.[472] The Ministry of the Attorney General has recently undertaken a review of the legislative and other measures that would be required to ensure compliance with the provisions of the Protocol.

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[469] See www.icrc.org
[470] The Rome Statute entered into force on 1st July 2002 in accordance with article 126.
[471] See Article 5(1)(c) of the Rome Statute.

1122. The domestic law does not provide a minimum age for participation in hostilities. However, the legislation has been recently amended to prescribe a minimum age of sixteen years for the voluntary enlistment of persons into the Defence Force of Trinidad and Tobago. Children who have not attained the age of 15 years are thereby precluded from taking a direct part in hostilities. The amended legislation in S.19 (2) provides further that a young person between the ages of sixteen and eighteen years can only be enlisted with the informed consent of his or her parents or guardians. The relevant provisions of the Act are set out in paragraph 182 at page 91 of the Report. Paragraph 184 of the Report is also relevant.

1123. There are no provisions for the compulsory enlistment of persons of any age under the **Defence Act, Chap. 14:01.** Section 19(1) of the Act provides that a recruiting officer shall give to a person offering to enlist in the Defence Force a notice in the prescribed form and shall not enlist any person unless he is satisfied that the person that he has given such a notice understands it and wishes to be enlisted. The Notice details the duties involved in military service.

1124. No disaggregated data is available on the number of children below 18 years who have been recruited into the Defence Force.

Q. 127. Please provide information on all the measures adopted pursuant to article 38, paragraph 4, and in accordance with the State's obligations under international humanitarian law to protect the civilian population in armed conflicts, including measures of a legislative, administrative, budgetary and other nature, to ensure the protection and care of children who are affected by an armed conflict.

Q. 128. In this regard, please indicate the relevant international humanitarian law applicable to the State, the criteria used to assess the feasibility of the measures adopted, the steps taken to identify and address the specific situation of children within the civilian population and to ensure respect for and protection of their rights, the measures adopted to ensure that humanitarian assistance and relief programmes are promoted and put in place, including through the negotiation of special arrangements such as corridors of peace and days of tranquility, as well as any relevant disaggregated data on the children concerned, including by age, gender, and national, social and ethnic origin. Where relevant, please also indicate the number of child casualties due to armed conflict, as well as the number of children displaced because of armed conflict.

Q. 129. When providing information on the implementation of the provisions of article 38, please further indicate the respect ensured to the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the

[472] Adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/363 of 25 May, 2000.

views of the child and the right to life, development and survival to the maximum extent.

Q. 132. Information should also be provided on the progress achieved on the implementation of articles 38 and 39, on any difficulties encountered and targets set for the future.

1125. Trinidad and Tobago has not experienced any internal armed conflict and members of its security forces have not participated in armed conflict outside of the jurisdiction. Accordingly, no specific measures have been implemented to promote the physical and psychological recovery and social reintegration of child victims of armed conflict as required by Article 39.

1126. The police training manual contains a module on Human Rights & International Humanitarian Law. The relevant courses covered and the number of contact hours per course is as follows:[473]

- *Introduction to International Humanitarian Law-Geneva Conventions; Protocols; the Hague Convention & Custom (3 hours);*
- *The Law of Armed Conflict, introduction and principles (3 hours);*

1127. There is also an active Trinidad and Tobago Red Cross Society which was founded in 1939 as a branch of the British Red Cross. It became an independent society and a member of the International Federation in 1963. The Red Cross Society headquarters was formally opened in 1998. The society employs a total of 15 staff. There are 1,300 members organised into branches or detachments. The society disseminates the Fundamental Principles and general knowledge of the Movement to members of the public and internal audiences. The Government directly encourages the society and its volunteers by offering them national recognition, medals and other awards.[474] The society is expected to provide first aid, food and clothing and to assist in shelter management if called upon, during the first 24 hours of a major emergency. It is also prepared to assist other Caribbean societies (and has done so in the past) during emergencies with both supplies and trained personnel. The society's main youth services are service to the community, the 'youth helping hand' service, the national youth competition and national youth training camp.

[473] Quoted from extract of training manual sourced from the Police Division.
[474] http:// www.ifrc.org

B. Children involved with the system of administration of juvenile justice

1. The administration of juvenile justice (art. 40)

Q. 133. Please provide information on the legislative and other measures taken to recognise and ensure the right of every child involved with the system of the administration of juvenile justice (alleged as, accused of, or recognised as having infringed the penal law) to be treated in a manner:

- **Consistent with the promotion of the child's sense of dignity and worth;**
- **Which reinforces the child's respect for the human rights and fundamental freedoms of others;**
- **Which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society;**
- **Which ensures respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, survival and development to the maximum extent.**

1128. In Trinidad and Tobago the rules which govern police officers in their interrogation of persons and in the taking of statements are the English Judge's Rules of 1964 with Appendices, which were adopted by the Judges of Trinidad and Tobago in 1965. The Judge's Rules are rules of practice for the guidance of police officers recognised by the Courts as the manner in which and the conditions under which statements may be given by or obtained from prisoners, persons in custody and persons accused of crime generally. The principal significance of these Rules in a trial is that evidence obtained through a breach of them, notably confessions, might be excluded at the discretion of the trial judge. Appendix B to these Rules sets out administrative directions on interrogation and the taking of statements. These directions provide *inter alia* as follows:

iii. *As far as practicable children (whether suspected of an offence or not) should only be interviewed in the presence of a parent or guardian, or, in their absence, some person who is not a police officer and is of the same sex as the child. A child or young person should not be arrested nor even interviewed at school, if such action can possibly be avoided.*

1129. In accordance with the best interests of the child, S.71 of the **Children Act, Chap. 46:01**[475] makes it mandatory for children who are apprehended and who cannot be taken immediately before a Magistrate to be released on bail, except in the circumstances described. This section is set out at paragraph 189 on pages 93-94 of the Report.

1130. Section 74(1) of the **Children Act, Chap. 46:01** provides that a Magistrate on remanding or committing a child or young person who is not released on bail shall, instead of committing him to prison, commit him to a place of detention provided under the Act. Please refer to paragraph 190 of the Report for the relevant legislation.

1131. Consistent with the promotion of the child's dignity, the Government through the **Children (Amendment) Act, No. 68 of 2000** has amended the **Children Act, Chap. 46:01** to prohibit Magistrates from imposing corporal punishment as a penal sanction against children below the age of eighteen years. Please refer to paragraph (k) at page 11 of the Report for details.[476]

1132. **The Children Act, Chap. 46:01** contains special measures for the treatment of accused and convicted child offenders. The court procedures and the institutions for child offenders are described in response to question 135 of the reporting guidelines below.

1133. **The Children Act, Chap. 46:01** defines a child as a person under the age of fourteen years and a young person as a person between fourteen years and sixteen years.[477] As mentioned in the Report, the **Children (Amendment) Act No. 68 of 2000** has amended the definition of a child to mean a person under the age of eighteen years. This Act when proclaimed will ensure that all children under the age of eighteen years would be subject to juvenile justice laws, policies and procedures.[478]

Q.134. With respect to article 40, paragraph 2, please indicate the relevant international instruments applicable in the area of the administration of juvenile justice, including at the multilateral, regional or bilateral levels, as well as legislative and other appropriate measures adopted to ensure in particular that:

- **No child shall be alleged as, accused of or recognised as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;**

[475] As amended by The Bail Act, No.18 of 1994.
[476] The Children (Amendment) Act is awaiting proclamation and is not yet in force.
[477] See paragraph 149 of the Report for the legislation.
[478] UNICEF Study- Juvenile Justice in the Caribbean: The Republic of Trinidad and Tobago at p.2.

- **Every child alleged as or accused of having infringed the penal law has at least the following guarantees, indicating, where relevant, additional guarantees provided to the child:**

  - **To be presumed innocent until proven guilty according to law;**

  - **To be informed promptly (indicating any time limit fixed by law) and directly of the charges against him or her and, if appropriate, through his or her legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence; in this regard, please indicate what other appropriate assistance may be made available to the child;**

  - **To have the matter determined without delay (indicating any time limit fixed by law) by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance (indicating what other appropriate assistance may be made available to the child) and, unless it is considered not to be in the best interests of the child, in particular taking into account his or her age or situation, in the presence of his or her parents or legal guardians;**

- **Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;**

- **If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;**

- **To have the free assistance of an interpreter if the child cannot understand or speak the language used;**

- **To have his or her privacy respected at all stages of the proceedings.**

1134. Section 4 of the Constitution of the Republic of Trinidad and Tobago recognises the right of all individuals to due process of law. The elements of due process of law are particularised under S.5 of the Constitution. These sections are quoted below:

S.4 *It is recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms namely:*

(a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;

S.5(2) *...Parliament may not-*

(c) deprive a person who has been arrested or detained-

(i) of the right to be informed promptly and with sufficient particularity of the reason for his arrest or detention;

(ii) of the right to retain and instruct without delay a legal adviser of his own choice and to hold communication with him;

(iii) of the right to be brought promptly before an appropriate judicial authority;

(iv) of the remedy by way of habeas corpus for the determination of the validity of his detention and for his release if the detention is not lawful.

(d) authorise a Court, tribunal, commission, board or other authority to compel a person to give evidence unless he is afforded protection against self-incrimination and, where necessary to ensure such protection, the right to legal representation;

(e) deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations;

(f) deprive a person charged with a criminal offence of the right-

(i) to be presumed innocent until proved guilty according to law, but this shall not invalidate a law by reason only that the law imposes on any such person the burden of proving particular facts;

(ii) to a fair and public hearing by an independent and impartial tribunal; or

(iii) to reasonable bail without just cause;

(g) deprive a person of the right to the assistance of an interpreter in any proceedings in which he is involved or in which he is a party or a witness, before a Court, commission, board or other tribunal, if he does not understand or speak English; or

(h) deprive a person of the right to such procedural provisions as are necessary for the purpose of giving effect and protection to the aforesaid rights and freedoms.

1135. Section 14 of the **Constitution** gives a right of redress if any of the above mentioned constitutional guarantees are violated. It provides:

S.14(1) For the removal of any doubts it is hereby declared that if any person alleges that any of the provisions of this Chapter has been, is being, or is likely to be contravened in relation to him, then without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to the High Court for redress by way of originating motion.

1136. The child's right to privacy is safeguarded by the **Children Act, Chap. 46:01** which provides that matters involving 'children' and 'young persons' are to be heard in camera in a Juvenile Court, which has jurisdiction for juvenile justice. Juvenile Court is a Magistrate's Court that at a particular time of the day or week hears juvenile matters.[479] Section 87 of the **Children Act, Chap. 46:01** provides:

S.87(1) A Magistrate, when hearing charges against children or young persons, or when hearing applications relating to a child or young person at which the attendance of a child or young person is required, shall, unless the child or young person is charged jointly with any other person not being a child or young person, sit either in a different building or room from that in which the ordinary sittings of the court are held, or on different days or at different times from those at which ordinary sittings are held, and a Magistrate's court so sitting in this Act referred to as a Juvenile court.

[479] Supra, fn. 478 at p.iv.

S.87(4) In a Juvenile court no persons other than the Magistrate and officers of the court and the parties to the case, their solicitors and counsel, and other persons directly concerned in the case, shall, except by leave of the Magistrate, be allowed to attend; but bona fide representatives of a newspaper shall not be excluded except by special order of the court.

S.87(5) No person shall publish the name, address, school, photograph or anything likely to lead to the identification of the child or young person before the court, save with the permission of the court or in so far as required by this Act. Any person who contravenes this subsection is liable, upon summary conviction to a fine of four hundred dollars.

Q. 135. Please indicate the measures adopted pursuant to article 40, paragraph 3 to promote the establishment of laws, procedures, authorities and institutions specially applicable to children alleged as, accused of, or recognised as having infringed the penal law, providing information *inter alia* on the areas addressed by legislation and procedures, as well as the functions, number and distribution throughout the country. Reports should in particular indicate the measures adopted to ensure a child-oriented system, including:

Laws and Procedures specially applicable to children

1137. There are special provisions in the legislation for the summary trial of a child or young person. These are set out in the **Summary Courts Act, Chap. 4:20** which provides as follows (emphasis added):

S.99(1) Where a child or young person is brought before a Court for any offence the Court shall as soon as possible explain to him in simple language the substance of the alleged offence.

S.99(2) Where a child is charged before a Court for any offence other than murder or manslaughter, the case shall be dealt with summarily and it shall not be necessary to ask the parent or guardian of the child if he consents to the child being dealt with summarily.

S.99(3) Where a young person is charged before a Court with an indictable offence other than murder or manslaughter and the Court becomes satisfied at any time during the hearing of the case that it is expedient to deal with it summarily, the Court shall put to the young person the following or a similar question, telling him that he may consult his parent or guardian before replying-"Do you wish to be tried by this Court or by a jury"? and the Court

shall explain to the young person and to his parent or guardian the meaning of being so tried and the place where the trial would be held.

S.99(4) After explaining the substance of the alleged offence the Court shall ask the child or the young person (except in cases where the young person does not consent to be tried summarily) whether he admits the offence.

S.99(5) If the child or young person does not admit the offence, the Court shall then hear the evidence of the witnesses in support of the charge. At the close of the evidence in chief of each such witness the child or young person shall be asked if he wishes to put any questions to the witness. If the child or young person instead of asking questions wishes to make a statement, he shall be allowed to do so. The Court shall put to the witnesses such questions as appear to be necessary. The Court may put to the child or young person such questions as may be necessary to explain anything in the statement of the child or young person.

S,99(6) If it appears to the Court that a prima facie case is made out, the evidence of any witnesses for the defence shall be heard and the child or young person shall be allowed to give evidence or to make any statement.

S.99(7) If the child or young person admits the offence or the Court is satisfied that it is proved, he shall then be asked if he desires to say anything in extenuation or mitigation of the penalty or otherwise. Before deciding how to deal with him the Court shall obtain such information as to his general conduct, home surroundings, school record, and medical history, as may enable it to deal with the case in the best interests of the child or young person and may put to him any question arising out of such information. For the purpose of obtaining such information or for special medical examination or observation, the Court may from time to time remand the child or young person on bail to a place of detention provided under section 84 of the Children Act.

Institutions specially applicable to children

1138. Section 44(2) of the **Children Act, Chap. 46:01,** provides that a Court may order a child below the age of ten years to be sent to a certified Orphanage.[480] Section 29(1) of the Act defines an Orphanage as a school for the industrial training of children in which they are lodged, clothed, and fed as well as taught. A child sent to an Orphanage is usually detained

[480] The Children (Amendment) Act No.68 of 2000 seeks to amend the Children Act by deleting the word "Orphanage" and substituting the words "Children's Home". The amendment is not yet in force.

until the child attains the age of sixteen years.[481] The St. Mary's Children's Home and the St. Dominic's Children's Home are certified Orphanages under the Act.

1139. Section 43 of the **Children Act, Chap. 46:01** provides that the Court may order youthful offenders between the ages of ten and sixteen[482] years to be sent to a certified Industrial School. An "Industrial School"[483] is defined in S.29(1) as a school for the industrial training of youthful offenders in which they are clothed, fed as well as taught. A youthful offender is usually committed to an Industrial School until he or she attains the age of eighteen years. The St. Michael's School for Boys and the St. Jude's Home for Girls are two Industrial Schools under the Act. The latter schools have been declared statutory authorities in accordance with the Statutory Authorities (Declaration) Order, made under S.3(2) of the **Statutory Authorities Act, Chap. 24:01.**

1140. Children between the ages of sixteen and eighteen are committed to an Institution known as the Youth Training Centre which is under the direction and control of the Commissioner of Prisons. This is done in accordance with the **Young Offenders Detention Act, Chap. 13:05** which provides as follows:

> *S.7(1) Where a person is convicted before the High Court on indictment of any offence other than murder, or before a Court of Summary Jurisdiction of any offence for which he is liable to be sentenced to imprisonment, and it appears to such Court-*
>
> *(a) that the person is not less than sixteen nor more than eighteen years of age, and*
>
> *(b) that by reason of his antecedents or mode of life it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime,*
>
> *the Court may, in lieu of sentencing him to the punishment provided by law for the offence for which he was convicted, pass a sentence of detention under penal discipline in the Institution[484] for a term not less than three years nor more than four years.*

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[481] The Children (Amendment) Act No.68 of 2000 seeks to amend the Children Act by replacing the word "sixteen" with the word "eighteen". This Act is awaiting proclamation to come into force.
[482] The Children (Amendment) Act No.68 of 2000 provides that S.43 is amended by deleting the word "sixteen" and substituting the word "eighteen". This Act is awaiting proclamation to come into force.
[483] The Children (Amendment) Act No.68 of 2000 seeks to amend the Children Act by deleting the words "Industrial School" and substituting the words "Rehabilitation Centre". The amendment is not yet in force.
[484] The Youth Training Centre.

S.7(2) Before passing sentence, the Court shall be satisfied that the character, state of health, and mental condition of the offender, and the other circumstances of the case, are such that the offender is likely to profit by such instruction and discipline as aforesaid.

S.7(3) No such sentence passed by a Court of Summary Jurisdiction shall be carried into effect until it has been approved by the Minister, for such period fixed by such Court or for some shorter period, and if such sentence is not so approved, the Court may sentence the offender to any punishment provided by law for the offence of which he was convicted.

1141. Section 78(1) of the **Children Act, Chap. 46:01** provides that a child (below the age of fourteen years) shall not be sentenced to imprisonment for any offence or committed to prison in default of payment of a fine, damages or costs.

1142. Section 78(2) provides that a young person (between the ages of fourteen and sixteen years) shall not be sentenced to imprisonment for any offence. However, S.78(3) of the Act provides an exception to this rule. A young person shall not be sentenced to imprisonment for an offence unless the court certifies that the young person is of so unruly a character that he cannot be detained in a place of detention provided under the Children Act or that he is of so depraved a character that he is not a fit person to be so detained. This section is set out in paragraph 191 at page 95 of the Report.

1143. Another exception is provided by S.74(2) of the **Children Act, Chap. 46:01** which permits a Magistrate on remanding or committing a young person who is not released on bail for trial, to commit the young person to prison if he is of so unruly a character that he cannot be safely committed to an alternative place of detention provided under the Act, or if he is of so depraved a character that he is not a fit person to be so detained.

1144. **The Children Act, Chap. 46:01** in S.61 and 62 provide that a Magistrate may order a youthful offender aged sixteen years or above who is detained in an Industrial School to be imprisoned for three months if the offender is guilty of a serious and wilful breach of the rules of the School or if the offender has escaped from School. However these sections have been amended by the **Children (Amendment) Act, No. 68 of 2000** which has removed the Magistrate's power to order the child to be imprisoned in these circumstances. Please refer to paragraphs (h) and (i) at page 10 of the Report for details.

1145. The Government is moving toward the establishment of Probation Hostels which would seek to rehabilitate first-time young offenders as an alternative to their entering the prison system and becoming exposed to the influence of hardened criminals. Additionally, efforts are being made during the 2002/2003 fiscal year to establish remand facilities for both

male and female young offenders so that these offenders are kept and treated differently from convicted young offenders.[485]

- **The establishment of a minimum age below which children shall be presumed *not* to have the capacity to infringe the penal law;**

1146. The common law rule is that a child under the age of seven is conclusively presumed to be incapable of committing a crime. This is the *doli incapax* rule. Such a child may not under any circumstances be charged with committing any crime. There is a further presumption, which operates in favour of a child between the ages of seven and fourteen. Such a child is presumed incapable of committing crime. This latter presumption is not conclusive, and can be rebutted by the prosecution producing evidence which shows that such child, at the time when he/she did the act in respect of which the charge was brought, had sufficient understanding to know that the act was seriously wrong. Trinidad and Tobago inherited this English common law position.[486] No steps have been taken to amend the minimum age of criminal responsibility during the reporting period. Please refer to paragraphs 185-187 on pages 92-93 of the Report for further details.

Q. 136. Please indicate the variety of dispositions made available pursuant to article 40, paragraph 4, including care, guidance and supervision orders, counselling, probation, foster care, education and vocational training programmes and other alternatives to institutional care, to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

1147. Generally, a child found guilty of any offence except homicide, is subject to special penalties, including alternatives to institutional care. The relevant sections of the **Children Act, Chap.46:01** are set out below:

S.83 *Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the Court to deal with the case, the case should be dealt with, namely, whether-*

(a) *by dismissing the charge;*

(b) *by discharging the offender on his entering into a recognisance;*

(c) *by so discharging the offender and placing him under the supervision of a welfare officer(probation);*

(d) *by committing the offender to the care of a relative or some other fit person;*

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[485] According to representative of the Ministry of Social Development on the Human Rights Consultative Committee-information submitted 15th January 2003.

[486] UNICEF Study- Juvenile Justice in the Caribbean: The Republic of Trinidad and Tobago at p.6.

(e) *by sending the offender to an Industrial School;*

(f) *by sending the offender to an Orphanage;*

(h) *by ordering the offender to be whipped;*[487]

(i) *by ordering the parent or guardian of the offender to pay a fine, damages, or costs;*

(j) *by ordering the parent or guardian of the offender to give security for his good behaviour;*

(k) *by committing the offender to custody in a place of detention provided under this Part;*

(l) *where the offender is a young person, by sentencing him to imprisonment;*[488] *or*

(m) *by dealing with the case in any other manner in which it may legally be dealt with.*

S.44(4)(b)...if the Magistrate thinks that is expedient that the child instead of being sent to a certified Orphanage should be placed under the supervision of a probation officer, the Magistrate may deal with him in like manner...

S.44(5) Where, under this section, a court is empowered to order a child to be sent to a certified Orphanage, the court, in lieu of ordering him to be so sent, may, in accordance with the provisions of Part I, make an order for the committal of the child to the care of a relative or other fit person named by the Court...

S.46 Where, under the provisions of this Part, an order is made for the committal of a child or young person to the care of a relative or other fit person named by the Court, the Court may, in addition to such order, make an order under the Probation of Offenders Act that the child or young person be placed under the supervision of a welfare officer (probation) provided that the recognisance into which the child, if not charged with an offence, or the young person is required to enter, shall bind him to appear and submit to further order of the Court.

1148. The Probation Division makes available to the Courts, the services of probation officers. The mission of the Probation Division is *inter alia* to promote the rehabilitation of probationers and offenders through counselling and education. The main thrust of the probation work is the supervision of offenders released on probation in lieu of custodial sentence ensuring the reduction of recidivism. Probation officers are expected to make visits to homes, schools and places of employment as part of their supervision plan.

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[487] This subsection has been deleted from the Children Act by Act No.68 of 2000 but the Act is not yet in force.
[488] Supra, fn.487.

1149. The Government in 1997 enacted a **Community Service Orders Act, No.19 of 1997** (which was implemented in June 1998) to provide for community service by persons 16 years and over. On a person being found guilty of an offence punishable with imprisonment for a period of twelve months or less, the Court is empowered under this statute to order that the offender be given a suspended sentence with a community service order requiring him to perform unpaid work. Section 6 of the Act provides that the Court shall not make an order under the Act unless the offender consents and the court has considered a report by the probation officer about the offender and his circumstances. This legislation is intended to spare young offenders from coming into contact with hardened criminals whilst at the same time allowing them the opportunity to provide a service to their community.

1150. The Government has also enacted a **Community Mediation Act, No.13 of 1998** as an alternative to court proceedings followed by institutionalisation. A person who is charged for the first time with an offence listed in Schedule 1 to the Act and who has not been convicted of any other offence is eligible for mediation. The Schedule covers offences under the **Summary Offences Act, Chap. 11:02** such as assault and battery, aggravated assault, damaging property, and using violent or obscene language. Section 9(3) of the Act provides that the process of mediation may, with the mutual consent of the parties, require the defendant to do *inter alia* community service, work for the *de facto* complainant; participate in an educational or rehabilitative programme or pay compensation to the *de facto* complainant. The Act provides for the establishment of community mediation centers staffed with mediators. To date, mediation centers have been established in Cunupia, San Juan, Scarborough (Tobago). Regional mediation centers have also been established at eight community and civic centers throughout Trinidad.

Q. 137. Reports should further indicate the training activities developed for all professionals involved with the system of juvenile justice, including judges, prosecutors, lawyers, law enforcement officials, immigration officers and social workers, on the provisions of the Convention and other relevant international instruments in the field of juvenile justice, including the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

Training for Police Officers

1151. Law enforcement officers have been exposed to specialised training with respect to children and their rights. Several officers including personnel from the Community Policing Unit and the Police Training College have been trained as resource personnel. Since then, training in this area has been implemented at the induction levels at the Police Training College. At the Police Training College, the newly appointed trainees receive lectures during their training sessions on subjects such as (i) Ethics-work and family life (ii) Police Duties-Judges' Rules, the Children Act, Police Service Regulations (iii) Human Rights and

International Humanitarian Law (iv) Anger management and (vi) The Mediation Act. These subjects are also taught at In-Service Training Courses.[489]

1152. Seminars have also been held at the Divisional/Branch level aimed at sensitising other police officers of their duties and responsibilities when dealing with juvenile victims and offenders. There are also a number of officers in the Police Service who are holders of degrees in Social Work, Sociology and Social Psychology. Some of these officers are attached to the Community Policing Section and at the Police Training College. At the Community Policing Section, the officers are involved in counselling juveniles and children to ensure their best interests.[490]

Training for Prison Officers

1153. An Adolescent Development Programme for Trainers provided by SERVOL (an NGO) is made available to prison officers attached to the Youth Training Centre. This training course of three months duration, sensitises officers in their approach to dealing with juveniles. The course prepares the officers *inter alia* to meet juveniles at their level and to evaluate any changes/success/growth accordingly.[491]

1154. The following staff development programmes for prison officers attached to the YTC were undertaken in 2002.[492]

Programme	**Amount of Staff**
Adolescent Development	14
Conflict Resolution	05
Youth Development	02
Self-esteem, anger management, stress management	70

1155. Please refer to paragraph 121 on page 70 of the Report for information on a Legal Sensitisation Workshop held by the Coalition for the Rights of the Child during Child Rights Month 2000. Participants included lawyers, probation officers and welfare officers.

[489] Police Division by fax dated 23-01-01
[490] Supra, fn. 489
[491] Memorandum from the Commissioner of Prisons dated January 31, 2001
[492] Information supplied by the Prisons Division (2002)

Q. 138. Relevant information should also be provided on the progress achieved in the implementation of article 40, any difficulties encountered and targets set for the future, as well as disaggregated data on the children concerned, *inter alia* by age, gender, region, rural/urban area, national, social and ethnic origin, offence and disposition made available.

1156. Many of the existing difficulties in the implementation of Article 40 are documented the recent UNICEF Study on Juvenile Justice in Trinidad and Tobago. Relevant extracts of the Study are quoted below.

- *A Magistrate presides in Juvenile court. A uniformed police officer, usually female, who is the prosecutor, a note-taker, a probation officer and the welfare officers attached to the various homes and detention centers, usually make up the complement of the court. Lawyers are few to represent the many juveniles who pack the court in jurisdictions where juvenile matters are heard on a fixed day. At the door of the court stands the orderly, another uniformed police officer who shouts the names of the parties, after the magistrate and prosecutor calls the names on the list...The Commission of Enquiry Into the Existing Conditions at the Prisons (the Abdullah Report) found that "the atmosphere of the Magistrate's Court Building with uniformed Police Officers in attendance, even though sittings take place on a different day and time, still had a deleterious effect on the child or young person".* [493]

- *...While the probation officer sometimes ascertains from the child his or her views, the probation officer is an officer of the court and not the representative of the child. Both the probation officer and the guardian ad litem take a best interest approach to representing the child, and do not necessarily represent the child's views. I recommend that a system of child advocates be instituted in Trinidad and Tobago to represent the views of the child to the court.*[494]

- *The public perception of due process and the juvenile is that the entitlement varies in direct relation to the class and status of the juvenile's family. To street children, due process is a pipedream. To the children of wealthy and prominent members of the society, if they are arrested at all, due process is their right and entitlement. Thus, it sometimes happens that the children of the poor and dispossessed may be "assisting the police with enquiries", for longer than the law allows, may be questioned in the absence of their parents, and may be beaten into a confession, and may have no access to legal representation because their parents cannot afford it and no-one advises them of their right to legal aid and/or how to access it.* [495]

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[493] UNICEF Study- Juvenile Justice in the Caribbean: The Republic of Trinidad and Tobago at p.21
[494] Supra, fn.493 at p.27
[495] Supra, fn.493 at pp.25-26

- *The juvenile's right to have a matter determined without delay is all too frequently breached. Cases against juveniles are not heard speedily at the Assizes. Recently, a young man was sentenced for a crime he had allegedly committed four years before. It was alleged that he had assisted his friends in the rape of a thirteen year old. The offender was fifteen at the time of the offence and had spent four years in custody awaiting trial. The judge found the probation officer's report to be "exceptionally favourable" and sentenced the juvenile to four years imprisonment...No concern was expressed at the delay in the determination of the matter. Had the youth been tried when a juvenile, he could not have been imprisoned.*[496]

- *No special training is required for appointment as a Magistrate in the juvenile court. Qualifications to practice and about five years' experience are the only criteria...*

  About half of the forty-two Magistrates presiding in the various district courts as at February 2000 have been recruited from various State attorneys offices, mainly the Office of the Director of Public Prosecutions...This is the pool from which Juvenile Magistrates come. One wonders if they possess the type of experience to prepare them for Juvenile Court adjudication. Most would have had no exposure to the law and practice in the civil jurisdiction. After presiding in juvenile court, and gaining experience and expertise, the Magistrate is frequently transferred to another court and a new Magistrate appointed to begin to learn the process...

  In the course of discussions, Magistrates admitted unfamiliarity with the CRC and the United Nations standards and norms in juvenile justice. Notwithstanding their unfamiliarity with these important guidelines, many were concerned about juvenile justice. A small group of them had begun a practice of visiting juvenile detention centers to get a first hand view of these institutions.

  Prosecutors receive no special training, neither do the attorneys who represent the juveniles. The probation officers are qualified with either a degree in social work, or psychology and/or sociology, but they have not been classified in the salary range for persons with degrees. This does not encourage persons to stay in the job, so some have moved on to greener pastures. Many in the juvenile justice system declared that the probation officers were doing a wonderful job but were overworked...[497]

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[496] UNICEF Study- Juvenile Justice in the Caribbean: The Republic of Trinidad and Tobago at p.28
[497] Supra, fn.496 at p.22

1157. Offences committed by convicted juveniles 1995-1999[498] (YTC)

Offences	**1995**	**1996**	**1997**	**1998**	**1999**
Persons with violence	08	09	06	04	08
Persons without violence	06	04	02	-	14
Property with violence	01	02	-	02	02
Property without violence	13	19	35	27	08
Narcotics laws	03	05	10	08	06
Other laws	08	10	12	05	06
Total	**39**	**49**	**65**	**46**	**44**

1158. No. of Juvenile offenders convicted by ages:1995-1999[499] (YTC)

1995		**1996**		**1997**		**1998**		**1999**	
Ages	**Nos.**	**Ages**	**Nos.**	**Ages**	**Nos.**	**Ages**	**Nos.**	**Ages**	**Nos.**
15	02	15	03	15	05	14	02	14	02
16	12	16	30	16	30	15	02	15	06
17	24	17	16	17	29	16	13	16	27
18	01			18	01	17	27	17	07
						18	02	18	02
Total	**39**	**Total**	**49**	**Total**	**65**	**Total**	**46**	**Total**	**44**

1159. No. Juvenile Offenders for 1999-2000[500]

Classification of Offence	**1999**	**2000**
Murder	2	3
Wounding & Shootings	7	27
Sexual Offences	6	13
Breaking and entering	47	30
Robbery	23	40
Larceny	71	84
Narcotic offences	72	159
Others	53	65
TOTAL	**281**	**421**

[498] The Commissioner of Prisons by memorandum dated February 06, 2001.
[499] Commissioner of Prisons by memorandum dated February 06, 2001.
[500] Source: Police Modus Operandi and Records Bureau.

1160. Data on Youths between 12-18 years involved in Criminal Activities[501]

Year	Total Crimes	
	Male	Female
1997	512	66
1998	517	64
1999	657	109
2000	595	73
2001	670	78
2002	722	70
TOTAL	**3673**	**460**

1161. The criminal activities in which these children were involved over the period 1997-2002 include murders (40 children); woundings & shootings (209 children); rape, incest and sexual offences (122 children); burglaries & break-ins (359 children); robberies (349 children); larceny including motor vehicle larceny (701 children); narcotic offences (1404 children); firearm offences (110 children) and other serious crimes (839 children).[502]

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b)-(d))

Q. 139. Please indicate the legislative and other measures adopted pursuant to article 37 (b) to ensure that:

- **No child is deprived of his or her liberty unlawfully or arbitrarily;**
- **The arrest, detention or imprisonment of a child is in conformity with the law and is used only as a measure of last resort and for the shortest appropriate period of time;**
- **The general principles of the Convention are respected, namely non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible.**

1162. Under the Constitution, children are entitled to due process of law and a child can only be deprived of his or her liberty in accordance with statutory provisions as set out for example, in the **Children Act, Chap. 46:01**. Section 44 of the Act sets out the circumstances (other than when the child has committed a criminal offence) in which a Magistrate is

[501] Supra, fn.500 (information dated 18 March 2003)
[502] Source: Police Modus Operandi Records Bureau. Information dated March 18, 2003.

empowered to order that a child be sent to a Children's Home. Please refer to paragraph 632 at pages 228-229 of the Report in this regard.

Q. 140. Reports should also indicate the existing alternatives to deprivation of liberty, the frequency with which they are used and the children concerned, including by age, gender, region, rural/urban area, and social and ethnic origin.

Q. 142. In this regard, information should further be provided on the number of children deprived of liberty, unlawfully, arbitrarily and within the law, as well as on the period of deprivation of liberty, including data disaggregated by gender, age, region, rural/urban area, and national, social and ethnic origin, and the reasons for such deprivation of liberty.

1163. The table below lists the offences for which juveniles were committed to St. Michael's School for Boys during the period January 1998- January 1999.[503]

Nature of offence	No. of offenders
Beyond control	17
Larceny	05
Breaking and Entering	05
Having no one willing to care for the child	06
Breach of Bond	02
Possession of Weapon	01
Robbery	01
Buggery	01
Total no. of offences	08
Total no. of Boys.	38

[503] UNICEF Study- Juvenile Justice in the Caribbean: The Republic of Trinidad and Tobago at p.9. (Source of table: St. Michael's School for Boys-Administrative Report 1998-1999)

1164. The table below lists the juveniles remanded or committed to the St. Jude's Home for Girls during 1999.[504]

Nature of offence	No. of offenders
Minor beyond control	78
Having no parent or guardian willing or able to provide control	45
Breaking and entering and larceny	5
Robbery	4
Breach of School Rules	6
Possession of marijuana	2
Possession of cocaine for trafficking	4
Application to send child to orphanage or suitable institution	14
Wounding with intent	3
Obscene language	3
Disorderly behaviour	1
Breach of probation rules	3
Found wandering	3
Found loitering for prostitution	3
Total number of offences	**174**

1165. The table below shows the number of juveniles on remand (at the YTC) by ages: 1995-1999[505]

1995		1996		1997		1998		1999	
Ages	**Nos.**	**Ages**	**Nos.**	**Ages**	**Nos.**	**Ages**	**Nos.**	**Ages**	**Nos.**
14	26	14	29	09	01	10	01	10	01
15	62	15	53	10	02	11	02	11	01
16	271	16	258	11	04	12	08	12	08
17	74	17	86	12	08	13	26	13	17
18	06	18	03	13	40	14	47	14	51
				14	51	15	113	15	117
				15	65	16	144	16	160
				16	116	17	103	17	118
				17	105	18	01	18	08
Total	**439**		**429**		**392**		**445**		**481**

[504]Supra, fn.503 at p.10.
[505] Commissioner of Prisons by memorandum dated February 06, 2001.

1166. The table below lists the daily average population at the Youth Training Centre:[506]

Year	No.
1997	251
1998	241
1999	245
2000	250
2001	228

1167. The table below provides data on the number of young females (below 18 years) who were detained at the Women's Prison from 1997-2002 (remanded inmates):[507]

Year	No.
1997	39
1998	44
1999	45
2000	52
2001	48
2002	37

Q. 144. Reports should also provide information on the measures adopted and arrangements made to ensure that:

- **The child deprived of liberty is separated from adults unless it is considered in the best interests of the child not to do so;**

1168. Section 73 of the **Children Act, Chap. 46:01** provides that a juvenile who is detained in a police station must be kept separate from adults. The relevant section of the Act is set out at paragraph 189 on page 93 of the Report. Section 78(4) of the Act states that a young person sentenced to imprisonment shall not be allowed to associate with adult prisoners. In addition, S.87(3) of the Act provides:

S.87(3) Provision shall be made for preventing persons apparently under the age of sixteen[508] years whilst being conveyed to or from court, or whilst waiting

[506] Source: Prisons Division (as at October 31, 2002)
[507] Source: Representative of the Prisons Division on the Human Rights Consultative Committee-submitted May 28, 2003.
[508] The Children (Amendment) Act No.68 of 2000 which is awaiting proclamation to come into force provides that S.87 is amended by deleting the word sixteen wherever it occurs and substituting the word "eighteen".

before or after their attendance in court, from associating with adults charged with any offence other than an offence with which the person apparently under the age of sixteen years is jointly charged.

- **The child has the right to maintain contact with his or her family through correspondence and visits (indicating the number of such contacts), save in exceptional circumstances, those circumstances being specified in the report;**

The Youth Training Centre

1169. **The Young Offenders (Male) Detention Regulations, Chap.13:05** provide:

R.61. Visits shall be allowed as follows:

From Reception to 2nd Grade	*2 visits*
From 2nd to 4th Grade	*1 visit per month*
From 4th Grade to Discharge	*1 visit per fortnight*

The number of persons who may visit an inmate at any one visit shall be limited to three, the duration of visits being as follows:

Special Grade[509]	*40 minutes*
Other Grades	*20 minutes*

1170. Despite the above quoted rule, juveniles are allowed visits from relatives on a regular basis. Such frequency of visits form part of the YTC's programme for early release of juveniles.[510] It may be noted that when an inmate acquires a Fourth Grade Conduct he is eligible for weekend leave. To qualify, the welfare officer must investigate the accommodation where the inmate wishes to spend the weekend. A day pass can also be granted to inmates of the YTC but the inmate has to be escorted by a prison officer.

1171. The table overleaf shows the number of inmates at the YTC who were allowed weekend leave to visit their families (from Friday evening to Monday morning).[511]

[509] Those grades above the 3rd Grade shall be collectively known as the "Special" grade.
[510] Memorandum from the Commissioner of Prisons dated January 31, 2001
[511] Source: Prisons Division as at October 31, 2002.

Weekend Leave	No. of Inmates
1997	39
1998	54
1999	66
2000	45
2001	58

- **The conditions in institutions in which children are placed are supervised and monitored, including by an independent mechanism;**

The Youth Training Centre

1172. Regulation 2 of the **Young Offenders (Male) Detention Regulations,** made under S.5 of the **Young Offenders Detention Act, Chap. 13:05** provide that the Youth Training Centre shall be under the direction and control of the Commissioner of Prisons, who shall be assisted by a Board of Management, consisting of the Inspector of Prisons (ex officio) and five other persons appointed by the Minister.

1173. The Board of Management of the YTC appointed in March 2000 was comprised as follows:[512]

Inspector of Prisons-Chairman(ex officio)
Psychiatric Social Worker-Ministry of Health
Youth Officer –Ministry of Sports and Youth Affairs
Social Worker-Children's Hospital, Eric Williams Medical Complex
Educationist- John Donaldson
Ordained Anglican Priest

1174. The Regulations also provide for the Officer in Charge of the YTC to be responsible for day to day management of the Institution. The Regulations provide *inter alia:*

R.7 *The Officer in charge duly appointed by the Minister, shall subject to the directions of the Commissioner of Prisons, be in immediate charge of the Institution, and of the Staff appointed to the Institution; he shall be responsible for the proper management of the Institution and for the maintenance of good order and discipline of the Staff and inmates.*

[512] Memorandum from the Commissioner of Prisons dated January 31, 2001.

R.8 The Officer in charge shall be responsible for seeing that each inmate receives rations in accordance with the appropriate dietary scale as set out in Schedule 2...

R.15 He shall ensure that every inmate is clad in sufficient clothing, and that he is issued with night clothing and such other equipment as may be necessary for his well-being and comfort.

Children's Orphanages and Industrial Schools

1175. **The Children Act, Chap. 46:01** provides for the appointment of an Inspector of Industrial Schools and Orphanages. The Act provides as follows:

S.31(1) There shall be in the public service an Inspector of Industrial Schools and Orphanages.

S.31(2) The Inspector...shall be charged with the general superintendence of all schools established under this Part...and shall, in particular, from time to time inspect all Industrial Schools and Orphanages and make such reports and in such form as the Minister may from time to time direct.

S.35(1)The Minister if dissatisfied with the condition, rules, management, or superintendence of a certified school, may, at any time, by notice served on the managers of the school, declare that the certificate of the school is withdrawn...

1176. **The Children (Amendment) Act, No. 68 of 2000** which is awaiting proclamation to come into force, seeks to repeal *inter alia* the sections of the **Children Act, Chap. 46:01** quoted at paragraph 1175. The Children's Authority to be established under the **Children's Authority Act, No. 64 of 2000** will be responsible *inter alia* for monitoring community residences (i.e. Orphanages and Industrial Schools) and for conducting periodic reviews to determine their compliance with any prescribed requirements.

1177. As mentioned in the Report, one of the roles of the National Family Services Division is to examine and monitor the care and safety of children housed at Government institutions including Industrial Schools and Orphanages.

- **Complaint procedures are made available to the child;**

1178. For children detained at the Youth Training Centre, R.5 of the **Young Offenders (Male) Detention Regulations, Chap. 13:05** provides as follows:

5. *One member of the Board of Management shall be deputed by the Chairman to visit the Institution each month, where he shall hear and record all complaints and requests made by inmates, recording any observations he may desire to make in the Official Visitors Book, together with any recommendations he may consider necessary.*

1179. Juveniles are advised of the procedures to adopt when making complaints and of the channels through which complaints are made i.e. Prison Supervisor, Assistant Superintendent of Prisons, Superintendent of Prisons, Deputy Commissioner of Prisons, Commissioner of Prisons, Inspector of Prisons, the Ombudsman and their legal representatives.[513]

- **A periodic review is made of the situation of the child and of the circumstances relevant to his/her placement;**

1180. **The Children's Community Residences, Foster Homes and Nurseries Act, No. 65 of 2000**, provides that on the coming into force of the Act, the Children's Authority shall evaluate all children and the suitability of placement of the child in the community residence. **The Children's Authority Act, No. 64 of 2000** defines a "community residence" as including Children's Homes (presently called Orphanages) and Rehabilitation Centres (presently called Industrial Schools). Once this new legislation comes into force, there will therefore be a review of the circumstances relevant to each child's placement.

1181. At the Youth Training Centre, there are several monitoring mechanisms for children who have been deprived of their liberty. In accordance with the **Young Offenders (Male) Detention Regulations, Chap. 13:05**, there is a motivational system known as the Conduct Grade system designed to allow the early release of inmates. The regulations provide as follows:

R.38. Persons sentenced to detention in the Institution shall be divided into the following conduct grades:

Penal, 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, and Discharge grades...

R.39. During the first three months of his detention, every inmate shall be under observation, and shall not be placed in any grade. At the end of that period, if his conduct at work, at school, and at games has been satisfactory, he may be promoted to the 1st Conduct Grade. Three months after promotion to the 1st Conduct Grade, provided the same conditions are fulfilled, he may be promoted to the 2nd Conduct Grade, and similarly to the other grades up to the Discharge grade. The Commissioner of Prisons may authorise accelerated

[513] Memorandum from the Commissioner of Prisons dated January 31, 2001

promotion to any grade as a reward for exceptional good conduct or ability, and he may also order reduction to any grade in cases of misconduct or laziness.

1182. **The Young Offenders (Male) Detention Regulations, Chap. 13:05** also provide for the establishment of a Discharge Board. The following regulations refer:

R.6. A Discharge Board shall be formed consisting of the Inspector of Prisons, the Commissioner of Prisons, and the After-care Officer. This Board shall meet monthly and shall decide on the fitness for Discharge...of all inmates who have reached the 7th or Discharge Grade.

R.44. Inmates placed in the Discharge Grade shall be brought before the Discharge Board at the next subsequent meeting of that body.

R.45. An inmate shall only be removed from the Discharge Grade by the orders of the Discharge Board...

1183. Discharge Board:[514]

Year	No. of Inmates
1997	16
1998	13
1999	28
2000	40
2001	16

1184. **The Young Offenders Detention Act, Chap. 13:05** also provides for the early release of a youthful offender detained at the YTC:

S.12(1) Subject to regulations made by the Minister, the Commissioner of Prisons may at any time after the expiration of six months from the commencement of the term of detention, if satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life, by licence permit him to be discharged from the Institution on condition that he be placed under the supervision or authority of any society or person named in the licence who may be willing to take charge of the case.

[514] Source: Prisons Division as at October 31, 2002.

S.12(2) A licence under this section shall be in force until the term for which the offender was sentenced to detention has expired, unless sooner revoked or forfeited.

- **Education and health services are provided to the child;**

The Youth Training Centre (YTC)

1185. **The Young Offenders (Male) Detention Regulations, Chap. 13:05** provides in R.9 that the officer in charge (of YTC) "shall cause to be delivered to the Medical Officer lists of all inmates...complaining of sickness or those who have been removed to the Infirmary or to a sick-cell". Regulation 10 provides that the officer in charge shall "carry out such instructions as the Medical Officer may give relative to the treatment of a sick inmate". In addition these regulations provide as follows:

R.16 The Medical Officer shall be held responsible for the hygiene of the Institution, and for the medical treatment of the inmates...

R.17. The Medical Officer shall keep a Medical record for each inmate of the Institution. Such record shall be kept under the care of the Dispenser in the Infirmary, and when an inmate is sick, there shall be recorded thereon the disease, history of the case, and treatment including any extra diet ordered.

R. 18 The Medical Officer shall enter in his Journal an account of all medicines or Medical treatment ordered at each visit, with such observations or explanations as he may consider necessary.

R.25 Where he is of the opinion that the health of any inmate is suffering by reason of his detention in the Institution, or that his physical condition or mental state are such that he is permanently unfitted for Institutional training, he shall report these facts for the information of the Minister. Such reports shall be forwarded through the Commissioner of Prisons, and shall be accompanied by such recommendations as the Medical Officer may desire to make.

1186. With respect to the education of children at the YTC, the **Young Offenders (Male) Detention Regulations** provide:

R26. The Educational Instructors shall be selected by the Commissioner of Prisons. They shall instruct the inmates, and perform such other duties as may be directed, at such hours as may be required, by the Commissioner of Prisons.

R27. Special attention shall be paid to the moral, mental, physical and educational training of inmates; they shall receive instruction in reading, writing, ciphering and hobbies, as well as in personal hygiene and physical drill. It will be the duty of the instructors to organise approved games for the inmates.

1187. The educational programmes for inmates at the YTC are structured into three phases namely Orientation, Mainstream and Pre-release. The Orientation phase is of six months duration and includes academic assessment, vocational assessment, welfare counselling, adolescent development, self-awareness, medical evaluation, physical education, spiritual self-awareness, drug counselling and cultural programmes. The Mainstream phase is of two years duration. The activities in this phase include programmes in learning disability, primary school education, library, Caribbean Examination Council Examinations, vocational subjects, trade, agriculture, sports, recreation, culture, counselling, health education, career enhancement, hobbies and art and craft. The Pre-release phase is geared toward preparing the inmates for discharge. The activities in this phase include academic, vocational, post-training support programme, small business micro-entrepreneurship, counselling, on the job training, career enhancement, welfare, leadership skills, anger replacement and moral education.[515]

St. Michael's School for Boys

1188. In addition to the vocational training offered, there is on the school compound, a primary school, where children between the ages of ten and fifteen are tutored by teachers appointed by the Ministry of Education. The children come to St. Michael's with varying levels of elementary school exposure, therefore careful organisation of the curriculum along lines that will assist the youngsters in overcoming their learning difficulties is required.

1189. Night classes are also offered for boys between the ages of 15 and 18 years who are attached to trade shops during the day. These night classes facilitate a better understanding of the theoretical aspects of the trade and serve as a vehicle for preparing the boys for the School Leaving Examinations. From time to time, boys are sent to the School, who have some secondary school background, although they are mainly dropouts. The School through its Welfare Department, makes every possible effort to re-activate the secondary school education of these children. [516]

1190. The St. Michael's School for Boys has in its continuous employ a Boys' Home Matron, who is a registered nurse. The Matron tends daily to the boys, administering medication and treatment and supervises the preparation of meals and menus. She also

[515] Trinidad and Tobago's third and fourth periodic report under the International Covenant on Civil and Political Rights at paragraph 165.
[516] Establishment of a Halfway House to Accommodate Children who leave Children's Institutions (document prepared by the then Ministry of Social Development).

ensures that proper measures are employed to maintain the general health of the boys and the general hygiene of the surroundings.

1191. The school is frequented by the District Health Visitor as well as two visiting physicians. Dental care is administered to the boys by a dentist. An ophthalmologist has treated the boys, some of whom have been referred for treatment by an optician.[517]

St. Jude's Home for Girls

1192. St. Jude's Home for Girls is staffed with teachers and female juvenile home supervisors, among others. Courses on academic subjects, as well as on *inter alia,* plumbing, handicraft and computer studies are delivered to the girls and counselling services are also provided.

Q. 145. Please indicate the measures adopted pursuant to article 37 (d) to ensure that every child deprived of liberty has the right to:

- **Prompt access to legal and other appropriate assistance, indicating *inter alia* whether there is any legal time limit for such access to assistance and what other appropriate assistance may be made available to the child;**

1193. **The Legal and Advice Act, Chap. 7:07** provides:

S.16(3) Where-

(a) a minor is charged with any offence before a Court of Summary Jurisdiction; ...

he may apply to the Court for legal aid and the Court may order that the person shall be granted legal aid for the purpose of the proceedings to which he is a party.

S.16(4) Where a party desires to appeal to the Court of Appeal against the Order of a Court of Summary Jurisdiction, that Court or the Court of Appeal may order that either party to the proceedings be given legal aid for the purpose of the appeal.

S.15(5A) A Court of Summary Jurisdiction shall not make an order for the giving of legal aid to a person unless it appears to the Court that his means are such that he requires assistance in meeting the costs which he may incur for that

[517] Supra, fn. 516

purpose and first refers the matter to the Director through the office of the Chief Probation Officer for the necessary inquiries and investigations.

1194. The number of young persons seen by the Legal Aid and Advisory Authority at the Youth Training Centre for the period 1996 to 2000 is as follows:[518]

Year	1996	1997	1998	1999	2000
No	60	12	5	-	3

1195. It should be mentioned that the recent UNICEF Study on Juvenile Justice in Trinidad and Tobago has found that many juveniles are not represented in court. It states:

> *...From interviews with magistrates, juveniles and prosecutors and from personal observation, it is clear that most juveniles are not represented in court. More than seventy-five percent of both male and female juveniles on remand at YTC and St. Jude's said that they had not been advised of their right to legal aid.*[519]

- **Challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority;**

- **A prompt decision on any such action, indicating *inter alia* whether there is any legal time limit for such a decision to be taken.**

Q. 146. Information should also be provided on the overall situation, as well as on the percentage of cases where legal or other assistance has been provided, and where the legality of the deprivation of liberty has been confirmed, including disaggregated data on the children concerned, including by age, gender, region, rural/urban area, and social and ethnic origin.

Q. 147. Reports should also indicate the progress achieved in the implementation of article 37 (b) to (d), difficulties encountered and targets set for the future.

1196. A child who wishes to challenge the legality of his or her detention has a remedy by way of *habeas corpus* to determine the validity of his or her detention and for his or her release if the detention is not lawful. This remedy is guaranteed under S.5(2)(c)(iv) of the Constitution. Under S.4(a) of the Constitution a child also has a right not to be deprived of

[518] Source: Legal Aid and Advisory Authority by fax dated December 18, 2000.
[519] UNICEF Study- Juvenile Justice in the Caribbean: The Republic of Trinidad and Tobago at p.26

liberty except by due process of law. Any breach of this constitutional right can be challenged by filing a constitutional motion in the High Court of Trinidad and Tobago.

1197. Constitutional motions and applications for the grant of habeas corpus are usually determined expeditiously by the High Court of Trinidad and Tobago. These matters are listed with priority for hearing over all other civil cases and evidence is usually on affidavit.

1198. No disaggregated or other data is available in respect of the cases in which legal assistance has been provided to children to enable them to challenge the legality of any deprivation of liberty.

3. The sentencing of children, with particular reference to the prohibition of capital punishment and life imprisonment (art. 37 (a))

Q. 148. Please provide information on the measures adopted, at the legislative and other levels, to ensure that neither capital punishment nor life imprisonment without possibility of release is imposed for offences committed by persons below 18 years of age.

1199. Please refer to paragraphs 194 and 195 at pages 98-99 of the Report for information in this regard.

Q 149. Please also indicate the progress achieved in the implementation of article 37 (a), difficulties encountered and targets set for the future.

1200. The imposition of corporal punishment against young offenders has been abolished. Please refer to paragraph 571 at page 209 of the Report in this regard.

4. Physical and psychological recovery and social reintegration of the child (art. 39)

Q. 150. Please provide information on all measures taken pursuant to article 39 and in the light of article 40, paragraph 1, to promote the physical and psychological recovery and social reintegration of the child involved with the system of the administration of juvenile justice, and to ensure that such recovery and reintegration take place in an environment which fosters the health, self-respect and dignity of the child.

Q. 151. Reports should also identify, *inter alia*, the mechanisms established and the programmes and activities developed for that purpose, as well as the education and vocational training provided, and indicate relevant disaggregated data on the children concerned, including by age, gender, region, rural/urban area, and social and ethnic

origin. They should further indicate the progress achieved in the implementation of article 39, difficulties encountered and targets set for the future.

1201. The Youth Training Centre is a vocational Institution under the direction of the Commissioner of Prisons, where young male offenders between the ages of 16 and 18 are committed. It is not only intended for their care and protection but also to encourage them to avail themselves of opportunities for industrial training, education and personal development.[520]

1202. Physical education, several sporting disciplines and other programmes are conducted at the Youth Training Centre by members of staff and external partners of the Institution including SERVOL, the Rotary Club and outside coaches in basketball and football et cetera. These programmes foster the positive development of juveniles for their constructive reintegration into social life.[521]

1203. The table below is a listing of the specific programmes and activities under various headings.[522]

Vocational/ Technical	**Academic**	**Social/Cultural**	**Religious/Spiritual Counselling Services**
Tailoring	Orientation Programme	Calypso/Carnival	A.C.
Basening Landscaping	CXC 'O'levels	Parang	Roman Catholic
Tyre Repairs	YTEPP	Eid Television Viewing	Spiritual Baptist
Electrical	Library Services	Divali Film Shows	Pentecostal
Arts & Crafts	Servol ADP	Emancipation	Seven Day Adventist
Carpentry	Computer Literacy	Concerts	Muslim
Agriculture		Chutney	Hindu
Plumbing		Music Classes	Presbyterian
Welding		Family Days/Outings	
Upholstery			
Auto Mechanics	**Welfare Corr.Educ.**	**Operations**	**Administration**
Food Preparation	Fin. Counselling/Aid	Visits	Discipline
Sports and Recreation	Job Placements	Food Service	Classification
Football Competition	Social Welfare	Laundry Services	
Cricket Competition	Life Skills	Ground Maintenance	**Psychological and Psychiatric Services**
Athletics Competition	Corporate Assistance	Airing/Exercise	Evaluation
Basketball Competition	Aggression Management	General Sanitation	Assessment
Boxing Competition	Substance Abuse Mgt.	Intake/Booking	Counselling
Hockey Competition	Film Shows		**Dental Services**
Indoor Games	Motivational Workshops		**Medical Services**

[520] Information provided by representative of the Prisons Division on the Human Rights Consultative Committee-submitted May 28, 2003

[521] Memorandum from the Commissioner of Prisons dated January 31, 2001

1204. The table below shows the number of inmates at YTC who participated in on the job training activities.[523]

On the Job Training	No. of Inmates
1997	05
1998	04
1999	06
2000	18
2001	14

1205. The table below shows the number of inmates at the YTC who participated in sports.[524]

SPORT	YEAR	NO. OF INMATES
Rugby	1999	40
	2000	40
	2001	41
Hockey	1999	14
	2000	14
	2001	14
Football	1999	30
	2002	20
Basketball	1999	20
	2000	20
	2001	20
Baseball	2002	20

1206. **Programmes at the Youth Training Centre:**

- **The Adolescent Development Programme**: This is a SERVOL based programme in which boys are required to participate as part of their Orientation programme.[525] The programme caters to the holistic development of the juvenile. Using the acronym SPICES, it develops the spiritual, intellectual, creative, emotional and social aspects of the juvenile. Among other things, the emotional development aspect prepares the juvenile to deal with hurt and how to be healed from it. The programme also allows the juvenile to build self-esteem and to make better choices.[526]

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[522] Supra, fn. 520
[523] Source: Prisons Division (as at October 31, 2002).
[524] Supra, fn.523
[525] Information provided by representative of the Prisons Division on the Human Rights Consultative Committee-submitted May 28, 2003.
[526] Memorandum from the Commissioner of Prisons dated January 31, 2001

- **Alternative to Custody**: This programme is conducted in conjunction with teachers, the police, social workers and volunteer professionals with a Christian base. The concept is to educate the youths by addressing their educational shortcomings, thus providing remedial support for literacy and numeracy skill development. Children enrolled in this programme also participate in organised games and sports through which cooperation, teamwork and fair play are encouraged. There is also education for violence reduction through:
  - non violent attitudes and behaviour;
  - anger management;
  - drug refusal skills;
  - development of personal talents for employment and independence;
  - alternatives to violence; and
  - the five components of awareness.[527]

- **Self Esteem Awareness:** This programme is designed to complement the training regime at the Youth Training Centre (trades, sports, academics etc.) to enable youths to better manage the challenging situations of life and the temptations after discharge from the Institution. This is a collaborative effort between a group of medical and psychiatric social workers and some specially selected prison officers, designed to strengthen the rehabilitative programmes which already exist at the YTC. The overall objectives of the programme are to:
  - Assist participants to look beyond their weaknesses and past experiences that led to deviancy and criminal behaviour;
  - Enable youths to develop skills for relationship building, confidence building and management change so that they can find their true worth;
  - Provide information on human sexuality and the risks of irresponsible sexual behaviour-HIV/AIDS and STD prevention;
  - Identify support agencies/services that can assist with on going development; and
  - Reduce recidivism among past youth offenders.[528]

- **Case Study and Assessment on Discharge:** This programme is to inform long-term intervention. It also entails visits to their homes to assess:
  - living conditions;
  - support systems in place; and
  - educational opportunities to continue school or advance to learning a trade for finding employment.

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[527] Supra, fn.525

[528] From representative of the Prisons Division on the Human Rights Consultative Committee-submitted May 28, 2003.

There is also a networking-on the youth's behalf-with other community agencies to facilitate the provision of emotional support and ongoing counselling.

This programme also includes the parent/guardian by:

- inviting them to become a part of/involved in the support group and attend meetings and related activities;
- to offer emotional support;
- referral to community/social services; and
- encouragement to visit the child if still at the Institution.

- **Life Line:** This is an Outreach Programme geared towards the development of pre-trial (remanded) young males. It is in conjunction with the Alternatives to Custody Programme and is designed for remedial education and covers:-
  - Improving self awareness;
  - Spiritual development;
  - Stress management;
  - Communication skills; and
  - Decision making.

  Some aspects of this programme are designed to rekindle family support structure in an attempt to foster and maintain positive family support.[529]

1207. The above mentioned programmes are offered to all juveniles at the Youth Training Centre. However, children who have been committed to the YTC by order of a court of summary jurisdiction must have their committals approved by the Minister of National Security and are not allowed to participate in these programmes (with the exception of the Life Line Progrmme), until such approval is granted. In many cases these children who are classified as "awaiting approval" have to wait long periods (owing to administrative delays) before their committals are approved (sometimes as much as two years) and are as such denied the opportunity to participate in the many programmes offered at the YTC. Efforts are however, made by the prison officers to allow these inmates to participate on an informal basis in some of the activities conducted at the YTC.

The St. Michael's School for Boys[530]

1208. St. Michael's School for Boys aims to provide young offenders with the physical and emotional environment wherein they would be able to learn the values that would eventually place them in a position to make a positive contribution to society. The primary focus of the

[529] Supra, fn.528.

School is rehabilitation. This entails in the broadest sense, impressing on the youngsters values and accepted patterns of behaviour which would facilitate their self advancement and making a positive contribution to the society. Emphasis is placed on the boys' welfare, health, nutrition, academic and vocational training as well as the re-establishment of familial links where these are non-existent and reinforcing these where they do exist.

1209. There are some ten trade shops at the School where boys are taught the practical and theoretical aspects of welding, tailoring, woodwork and carpentry; form/gardening; masonry; leather craft; auto mechanic; catering/baking; upholstery and plumbing.

1210. Recreation and sports play an integral part of the St. Michael's School for Boys in achieving its goals. The School has on its compound a football field, basketball court and cricket pitch. The boys of the School have shown a keen interest in basketball. A number of boys have been selected for training by major national basketball clubs with the possibility of being selected for these teams. In football, the School is always competitive in the West Zone and Port of Spain environs. The boys also continue to capture table tennis trophies. The School's annual summer camp to Tobago has proved to be very beneficial and allows the boys to be away from the confines of the School and to socialise.

1211. Counselling sessions are held regularly providing both group and individual counselling. The Manager, Deputy Manager and Welfare Officer of the School are trained social workers and are adequately equipped to deal with most of the problems that would arise.

St. Jude's Home for Girls

1212. Counselling services are provided to the girls at this Home. They are allowed to take part in nature and other outings, singing competitions, sports and Carnival celebrations. The school has its own netball and tennis teams which compete in various sporting competitions.

1213. The school invites persons and organisations to deliver seminars and lectures on different topics which affect young girls in particular. For example, seminars have been delivered on self-esteem and development as well as on women's health. In January 2001, members of the Coalition on the Rights of the Child (an NGO) and Government representatives delivered a lecture to the girls on the Convention on the Rights of the Child. The lecture provided information on alternative methods of dealing with children, encompassing respect and a human disposition. In addition, material and information was disseminated to the members of staff.

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[530] The information contained below is quoted from a document entitled "Establishment of a Halfway House to Accommodate Children who leave Children's Institutions (document prepared by the then Ministry of Social Development)".

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration

1. Economic exploitation of children, including child labour (art. 32)

Q. 152. Please provide information on the measures taken, including of a legislative, administrative, social and educational nature, to recognise and ensure the right of the child to be protected from:

- **Economic exploitation;**

1214. **The Children Act, Chap. 46:01** seeks to regulate the employment of children and to prevent their economic exploitation. However, these provisions do not restrict the employment of children between the ages of fourteen and eighteen during the day. The relevant provisions of the Act contained under Part V are as follows:

S.94(1) A child under the age of twelve shall not be employed.

S.94(2) Any person who employs a child under the age of twelve is guilty of an offence.

S.94(3) Any parent of a child under the age of twelve who conduces to the commission of the alleged offence by wilful default, or by habitually neglecting to exercise due care is guilty of an offence.

S.96 Any person committing an offence against this Part, other than an offence under section 92 or section 93(2) is liable on summary conviction to a fine of one hundred dollars for a first offence, and for a second and every other conviction to a fine of four hundred dollars.

S.91(1) Children under the age of fourteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed; and any person who employs any such child or permits him to work in contravention of this section is guilty of an offence.

S.90(1) An employer who employs a person under the age of eighteen years at night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the family of the proprietor or owner are employed, is guilty of an offence.

S.90(2) Persons over the age of sixteen years may be employed during the night...on work which by reason of the nature of the process, is required to be carried on continuously day and night:
(a) manufacture of raw sugar...

1215. Section 5(1) of the **Children Act, Chap. 46:01** also seeks to prohibit the economic exploitation of children by providing as follows:

S.5(1) If any person causes or procures any child or young person, or having the custody, charge or care of a child or young person, allows that child or young person to be in any street, premises or place for the purpose of begging or receiving alms, or inducing the giving of alms...that person is liable, on summary conviction, to a fine of one thousand dollars or alternatively, to imprisonment for three months.

1216. **The Shipping Act, No. 24 of 1987** specifies a minimum age of 16 years for admission to employment and eighteen years in respect of certain functions on board ships.

1217. The Labour Inspectorate Division of the Ministry of Labour and Small and Micro Enterprise Development is one mechanism employed by the Government to prevent and combat situations of child economic exploitation and child labour. However, the limited staff of the Division and the various areas for which they are responsible reduce the effectiveness of this mechanism. At present the Division is staffed by 2 Labour Inspectors II, 4 temporary Labour Inspectors II (contract) and 5 Labour Inspectors I.

1218. Efforts have been made in the past and continue to be made by the Ministry to enhance the capability of this Unit to undertake child labour inspections.[531] Officers of the Labour Inspectorate Division of the Ministry have been exposed to training in the area of child labour. Four (4) inspectors have benefited from a "Caribbean Sub-Regional Training Seminar" on child labour which was held in Jamaica from 7-11 October, 2002.[532]

1219. The Ministry of Labour and Small and Micro Enterprise Development is also represented on the NPA Committee referred to in paragraph 15 at pages 18-20 of the Report. Through this Committee, it is expected that the Ministry will be involved in a coordinated Government approach to addressing child labour.[533]

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[531] Information provided by representative of the Ministry of Labour and Small and Micro Enterprise Development on the Human Rights Consultative Committee on 13/12/02.
[532] Information provided by representative of the Ministry of Labour and Small and Micro Enterprise Development on the Human Rights Consultative Committee by fax dated 11 April, 2003.
[533] Information provided by representative of the Ministry of Labour and Small and Micro Enterprise Development on the Human Rights Consultative Committee on 13/12/02.

- **Performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.**

Q. 153. In this regard, reports should in particular indicate:

- **Whether legislation has included a prohibition, as well as a definition, of hazardous and harmful work, and/or of the activities considered to be hazardous, harmful to the child's health or development or to interfere with the child's education;**

1220. **The Factories Ordinance, Chap. 30 No. 3** (1948) prohibits the employment of persons under the age of fourteen years. Persons between the ages of fourteen and eighteen years can be employed in factories once the work is not hazardous to the health of the child.

1221. The Government has drafted a revised **Occupational Health and Safety Bill** which is expected to be introduced in Parliament in the near future. The Bill has been debated in Parliament on three previous occasions over the last eight years[534] but it was never enacted because it requires the votes of a special majority of the members of Parliament to be enacted.

1222. This Bill seeks to repeal the **Factories Ordinance** and provides for the revision and extension of the law regarding the health, safety and welfare of persons at work. While the **Factories Ordinance** applies only to persons employed in factories, the jurisdiction of this Bill would cover all persons at work.

1223. Some of the relevant draft clauses[535] of the Bill are set out below:

C.6(3) An employer shall ensure that an employee who works with or in proximity to a dangerous or toxic substance received from a supplier is informed about all hazard information the employer received from the supplier concerning that substance and all further hazard information of which the employer is or ought to be aware concerning its use, storage and handling.

C.22(1) In every industrial establishment, no young person[536] shall work at a machine to which this section applies, unless he has been fully instructed as to the

[534] Express Newspaper, May 5, 2003 at p.17: "Updated Safety Bill for Parliament".
[535] Because the draft bill has been recently revised, the clauses quoted are subject to change.
[536] The draft Bill defines a young person as "a person who has attained the age of fourteen years but has not attained the age of eighteen years".

dangers arising in connection with its operation, and the precautions to be observed, and-

(a) has received sufficient training in work at the machine; or

(b) is under adequate supervision by a person who has special knowledge and experience in the operation of the machine.

C.53(1) No young person shall be employed to work in an industrial establishment for a period of three months or more unless-

(a) a medical practitioner, on the application of the young person or his parent, has examined the young person and ascertained his fitness for work in that industrial establishment...

1224. The Government has also prepared draft legislation entitled "**The Basic Conditions of Work and Minimum Wages Bill**". At the present time, the Bill is still under review and it has not yet been introduced in Parliament. The Bill in Part VII seeks to prohibit the employment of children and forced labour. It contains the following draft clauses:

C.37(1) No person shall employ a child in employment-

(a) that is inappropriate for a person of that age; and

(b) that places at risk the child's well-being, education, physical or mental health or spiritual, moral or social development.

C.37(2) In this section "child" means a person under the age of eighteen years.

C.37(3) A person who employs a child in contravention of this section commits a basic conditions of work offence and is liable on determination by the Court to a fine of twenty-five thousand dollars.

- **Any preventive and remedial action undertaken, including information and awareness campaigns, as well as education, in particular compulsory education, and vocational training programmes, to address the situation of child labour both in the formal and informal sector, including as domestic servants, in agriculture or within private family activities;**

- **The measures adopted to ensure respect for the general principles of the Convention, particularly non-discrimination, the best interests of the child, the right to life, and survival and development to the maximum extent possible.**

1225. As detailed at paragraph 67 on page 43 of the Report, the Government through the Office of the Prime Minister (Social Services Delivery) funds two projects which address the

problem of street children, the Credo Drop-in Centre for Socially Displaced Children (at Nelson Street) and the Credo Aylward House (at Gonzales). One of the objectives of the programme is to reduce the number of children who live and/or work on the streets. Since the Credo Centre's inception, some 200 boys have been removed from the street and reintegrated with their families and/or the school system or referred to apprenticeship training and adolescent development programmes.

1226. The Government, by providing universal secondary education since the year 2000 for all children who complete primary school, hopes to reduce the number of children on the streets thereby reducing the incidence of child labour.

Q. 154. Please also indicate the appropriate measures adopted pursuant to article 32, paragraph 2, and having regard to the relevant provisions of other international instruments, including measures at the legislative and administrative levels, to provide in particular for:

- **A minimum age or minimum ages for admission to employment;**

1227. The minimum ages prescribed for admission to employment are set out in response to question 152 of the reporting guidelines on page 436 of the Report. As mentioned in the Report, the Government is taking steps to ratify ILO Convention 138 concerning the Minimum Age for Admission to Employment. Please refer to paragraph 229 at page 111 of the Report for information in this regard.

- **Appropriate regulation of the hours and conditions of employment;**

- **Appropriate penalties or other sanctions to ensure the effective enforcement of this article, and any mechanism of inspection and system of complaint procedures available to the child, either directly or through a representative.**

1228. **The Occupational Safety and Health Bill** referred to above, contains draft clauses relating to the hours of employment of young persons. The relevant draft clauses are set out below:

C.54(1) Except as provided for by section 90(2) of the Children Act, no young person shall be employed-

(a) between the hours of 10.00 pm and 7.00 am;

(b) during the period of twelve consecutive hours immediately following the end of the period during which he last worked; or

(c) for more than eight hours a day.

C.54(2) The hours of employment under subsection (1) shall include a rest period of at least one hour.

C.54(3) No young person shall be required to work more than forty-eight hours in any week.

Q. 155. In this regard, reports should also provide information on the international conventions and other relevant instruments to which the State may be a party, including in the framework of the International Labour Organisation, as well as on:

- **Any national policy and multidisciplinary strategy developed to prevent and combat situations of children's economic exploitation and labour;**
- **Any coordinating and monitoring mechanism established for that purpose;**
- **The relevant indicators identified and used;**
- **Relevant programmes of technical cooperation and international assistance developed;**
- **The progress achieved in the implementation of this article, benchmarks set up as well as difficulties encountered;**
- **Relevant disaggregated data on the children concerned, including by age, gender, region, rural/urban area, and social and ethnic origin, as well as on infringements observed by inspectors and sanctions applied.**

1229. Trinidad and Tobago has ratified the International Labour Organisation (ILO) Forced Labour Convention, 1930 (No.29).

1230. On the 23 April 2003, the Government of Trinidad and Tobago ratified ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Ministry of the Attorney General has also completed a legal opinion setting out all of the legislative amendments that are required in order to harmonise the domestic statutes with the provisions of the Convention. It is envisaged that steps will be taken in the near future to amend the domestic law accordingly.

1231. In respect of national programmes of technical cooperation, the ILO Caribbean Office has pledged support to assist national information campaigns on child labour issues. The ILO also provides institutional support to the Ministry of Labour in the ratification of ILO

Conventions, in research and in general awareness raising. Further, national policy development and practical action is assisted by the ILO through its International Programme on the Elimination of Child Labour (IPEC).

1232. Recent studies have been undertaken to determine the situation with regard to child labour in Trinidad and Tobago. One of the indicators used in the 2000 Multiple Indicator Cluster Survey was child labour. The Report contains the following findings on this issue:[537]

> *In Trinidad and Tobago, the MICS estimates that only 1.2 percent of the children aged 5-14 years engaged in paid work. Less than 1 percent (0.3 percent) were found to be participating in unpaid work for someone other than a household member.*
>
> *'Domestic work' is defined as cooking, shopping, cleaning, washing clothes, fetching water and caring for children. Slightly more than half of the children were estimated to be involved in these tasks for less than 4 hours a day while less than 1 percent (0.6 percent) spent more than four hours a day on such tasks. Overall, girls were more likely than boys, and older children (10-14 years) were more likely than younger children (aged 5-9 years) to be engaged in domestic work. Across the different administrative areas of Trinidad and Tobago, there were substantial variations in the proportions of children who engage in domestic work on a daily basis, from less than 5 percent (3.8 percent) in the Borough of Point Fortin to 82.5% in the Ward of Diego Martin.*
>
> *Children who have done any paid or unpaid work for someone who is not a member of the household or who did more than four hours of housekeeping chores in the household or who did other family work are considered to be 'currently working'. Overall, 4.1 percent of children were estimated to be currently working. The survey results also reveal that boys were a bit more likely than girls (5.1 percent of boys and 3.1 percent of girls) to be 'currently working'. From the standpoint of administrative areas, children from Tobago were the more likely than their counterparts in other areas to be currently working (8.3 percent). This was due primarily to their involvement in family work. Compared to children in other areas, those from the City of Port of Spain were also more likely to be currently working (7.1 percent), this being due primarily to their involvement in paid work.*

1233. Additionally, a study was carried out by the International Labour Organisation in collaboration with the Ministry of Labour and Small and Micro Enterprise Development to determine the magnitude of the worst forms of child labour in Trinidad and Tobago. The study in Trinidad focused on children in four economic activities: scavenging, prostitution

[537] Full Report at p.37

and pornography, agriculture and domestic work. The study in Tobago examined children in tourism.[538] Information about the Study has been provided at paragraphs 292 to 297 at pages 126 to 127 of the Report.

1234. Some of the Findings of the Study as detailed in the Summary Report[539] are quoted below:

> *The characteristics of child workers vary according to occupational group. Children engaged in scavenging by and large come from poor families and from communities where levels of poverty and unemployment are high. Most child workers interviewed have obtained only primary levels of education. In the survey of children engaged in scavenging, for example, 70% of those interviewed had only a primary level education, while 20% had a secondary level education up to form 4. These children come from both the urban and rural areas and are mainly of African and East Indian descent. About one third live with parent(s) alone or with parent(s) and brother/sister while an equal amount live with another relative and 27% live with a non-relative. In one third of the cases one or both parents had left the home... Their ages range from 13 to 17 years, with an average of 15.5 years.*
>
> *Child workers in agriculture, similar to those in scavenging, are primarily from low income households. Eleven (55%) of the 20 from this group who were interviewed have left school with just a primary level education while five are still attending secondary school. The remainder were all exposed to a secondary education with one completing form 5. Their ages range from 12 to 17 years, with an average age of 16 years. Four of those interviewed from this group were female. Eighty percent live with their parent(s) and another sibling...In three of the 20 cases one or both parents had left the home.*
>
> *All of the domestic workers are female, with ages ranging from 13 to 17 years with an average of 16.1 years. Nine of 15, had just a primary level education, while four were exposed to a secondary education with 2 attaining form 5 while the remaining two are attending secondary school. Like their counterparts in scavenging, these children also come from poor families. All except three are living with one or both parents, with 2 living with non relatives as sleep-in workers...*
>
> *The four girls who were victims of commercial sexual exploitation all had a secondary school education and came from the urban and semi-urban areas. On average they are older than those from other groups with all being 16 years of age. Two live alone while the other live with a brother/sister.*

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[538] Submitted by the representative of the Ministry of Labour on the Human Rights Consultative Committee-13th December 2002.

[539] Summary Report on the Rapid Assessment Survey of the Worst Forms of Child Labour.

Conclusions

The results of the Rapid Assessment Survey suggest that the four worst forms of child labour studied, namely, scavenging, agriculture, domestic work and prostitution and pornography do exist in Trinidad. The extent to which they exist, however, could not be determined by this study. The findings however, demonstrate the harsh and dangerous circumstances child labourers face daily. Dengue fever infections and accidental deaths have occurred in landfill sites, commercial sex workers are known to have been stabbed, while others have been infected with HIV/AIDS and other STDs. Domestic workers are exposed to physical and sexual abuse.

...In the case of scavenging the estimated number of children working at the three sites visited is about seventy (70). However, estimates from the quarterly labour force survey conducted by the Central Statistical Office, suggests that close to 4,000 children work in agriculture while almost 300 work as domestics. Based on information obtained from some of the interviewees and a key informant, there are about 40 female children working in prostitution in the Port of Spain area...

1235. As a result of this Study, a pilot project is being launched to remove and rehabilitate child workers from two major landfills in Trinidad namely, Beetham and Forest Park.[540]

2. Drug abuse (art. 33)

Q. 156. Please indicate all appropriate measures adopted, including legislative, administrative, social and educational measures, to:

- **Protect children from the illicit use of narcotic drugs and psychotropic substances, as defined in relevant international treaties;**

- **Prevent the use of children in the illicit production and trafficking of such substances.**

Q. 157. Reports should also indicate:

- **The relevant international conventions, including at the regional and bilateral levels, to which the State is a party;**

- **Any arrangements made and structures developed to raise awareness in the general population and amongst children, including through the**

[540] According to representative of the Ministry of Social Development on the Human Rights Consultative Committee by telephone on June 2, 2003.

school system and whenever appropriate by the consideration of this topic by the school curricula;

- **Any measures undertaken to assist children and their families, including through counselling, advice and helplines, where appropriate of a confidential nature, and policies and strategies designed to ensure the physical and psychological recovery and social reintegration of children concerned;**

- **Any measures designed to monitor the incidence of drug abuse on children, as well as their involvement in the illicit production and trafficking of narcotic and psychotropic substances, progress achieved, difficulties encountered and targets set for the future;**

- **Any relevant disaggregated data, including by age, gender, region, rural/urban area, and social and ethnic origin.**

Q. 158. In addition, please also provide information on legislative and other measures taken to prevent the use by children of alcohol, tobacco and other substances which may be prejudicial to their health and which may be available with or without restrictions to adults, and on any evaluation made of the effectiveness of such measures, together with relevant disaggregated data on the use by children of such substances.

1236. **The Dangerous Drugs Act, No. 38 of 1991** (as amended by **Act No. 27 of 1994)** was enacted to provide for the control of narcotic drugs and psychotropic substances and to make provision for the confiscation of the proceeds of drug trafficking and other provisions in connection with drug trafficking and matters connected therewith. "Dangerous Drugs" means a narcotic drug listed in the First Schedule to the Act or a psychotropic substance listed in the Second Schedule. The First Schedule lists *inter alia* opium, cocaine and cannabis as dangerous drugs.

1237. The Act prescribes severe penalties for possession of drugs and for trafficking in drugs. The relevant sections are as follows:

S.5(1) Subject to subsection (2), a person who has in his possession any dangerous drug is guilty of an offence and is liable-

(a) upon summary conviction to a fine of twenty-five thousand dollars and to imprisonment for five years;

(b) upon conviction on indictment to a fine of fifty thousand dollars and to imprisonment for a term which shall not exceed ten years but which shall not be less than five years.

S.5(4) A person who trafficks in any dangerous drug or in any substance represented or held out by him to be a dangerous drug or who has in his possession any dangerous drug for the purpose of trafficking is guilty of an offence.

S.5(5) Subject to subsection (7), a person who commits the offence of trafficking in a dangerous drug or of being in possession of a dangerous drug for the purpose of trafficking is liable-

(a) upon summary conviction-

(i) to a fine of fifty thousand dollars or, where there is evidence of the street value of the dangerous drug, three times the street value of the dangerous drug, whichever is greater; and

(ii) to imprisonment for a term which shall not exceed ten years but which shall not be less than five years; or

(b) upon conviction on indictment to imprisonment for life.

1238. Although the **Dangerous Drugs Act, No. 38 of 1991** does not contain any provisions specifically related to children, where a child is arrested on a drug related offence, the court exercises its discretion in dealing with the offender.[541] Some statistics on the number of young persons arrested for marijuana and cocaine are tabled below.

1239. Trinidad and Tobago Police Service Drug Seizure by Sex and Age Group of Persons Arrested (Cocaine)-January 1997-September 1998

Age Group	**Possession/Trafficking**				**Possession**			
	Male		Female		Male		Female	
	1997	1998	1997	1998	1997	1998	1997	1998
Under 10 years	-	1	-	-	-	-	-	-
10-14	1	1	-	-	2	1	-	2
15-19	34	49	14	9	27	26	1	1

[541] Police Division by fax dated 23 January, 2001.

1240. Trinidad and Tobago Police Service Drug Seizure by Sex and Age Group of Persons Arrested (Marijuana) January 1997-September 1998

Age Group	Possession/Trafficking				Possession			
	Male		Female		Male		Female	
	1997	1998	1997	1998	1997	1998	1997	1998
Under 10 years	-	-	-	-	-	-	-	-
10-14	5	4	1	1	3	10	-	-
15-19	76	97	35	13	86	147	13	9

1241. As mentioned on page 24 of the Report, a National Alcohol and Drug Abuse Prevention Programme (NADAPP) has been established and now falls within the Office of the Prime Minister (Social Services Delivery).

1242. A comprehensive demand reduction plan has been the foundation of NADAPP's strategy for addressing drug, tobacco and alcohol abuse among young people.

1243. In October 1996, an "Integrated Demand Reduction Programme" was implemented with the objective of streamlining the existing institutional frameworks and programmes in preventive education; treatment and rehabilitation; research, and community drug abuse control action. The project also sought to consolidate relationships among key stakeholders including the media, schools, community groups and treatment institutions. Initiatives implemented over the period 1996-2000 included:

- The institutional strengthening of NADAPP to develop staff capabilities in research, the provision of advisory services to policy makers, programme planners and communities and in the provision of information services and development of media campaigns.

- Implementation of the *Community Action Plan Programme* which facilitated the identification of community leaders, the establishment of action groups and promoted the development of a community action plan encompassing:
  -Promotion of healthy lifestyles and substance abuse prevention via school visits;
  -Employment creation;
  -Skills training; and
  -Attitudinal development.

- The Schools' Prevention Education Programme targeted both the primary and secondary school levels through the development and implementation of substance abuse and prevention curricula, formulation of guidelines regarding teaching aids/materials and extra curricula activities in the area of drug abuse prevention.

- A Parents Handbook entitled *"Parents- Play it Safe"* was completed for dissemination. Approximately 20,000 booklets have been distributed to schools.

- A comprehensive evaluation of all substance abuse treatment and rehabilitation centres was completed in October 1998.

- National laws and policies are being reviewed in the context of alcohol and drug abuse prevention.

1244. Under a project entitled "Drug Reduction Phase II Initiative" which started in 1997 and ended in 2000, the Government of Trinidad and Tobago in conjunction with the United Nations Drug Control Programme and the European Union, established six (6) Information Resource Centres throughout the country to inform the general public about drugs. One of these Centres has been established in Tobago and provides information to the public on drugs and related matters. Through these centres, the general public can research any matter connected with drugs through books, posters and brochures.

1245. Under this Project, NADAPP also spearheaded the conduct of two Rapid Assessment Surveys in 1997 and 2000 in five regions in Trinidad and Tobago, utilising ten (10) communities. The results of the 2000 survey are tabled overleaf:

Type of Drug Use	**Age Group**	**Percentage of Population Using Drug**
Alcohol	5-9	Nil
	0-14	Nil
	15-19	8.3
Marijuana	5-9	Nil
	10-14	0.6
	15-19	16.7
Cocaine	5-9	Nil
	10-14	Nil
	15-19	Nil

1246. The Report further stated that there was a clear pattern among marijuana users that suggested that younger persons are starting to use drugs at an earlier age. For example, among the 15-19 years age group 84.6% had used a drug by age 15 years. Alcohol users appeared to start at a later age with a similar trend for cocaine users.

1247. In June 2001, NADAPP hosted a week-long programme of activities to promote Alcohol and Drug Awareness and to commemorate International Day Against Drug Abuse and Illicit Trafficking on June 26, 2001. The project had as its main objectives to:

- *Strengthen networking amongst the key stakeholders in Demand Reduction and Supply Control;*
- *Raise Awareness of the public in general, and parents and school children in particular;*
- *Inform the national community about the various State Agencies and NGOs and the services they are delivering; and*
- *Mobilise the national community to supplement the efforts of these agencies/organisations to combat the drug menace.*[542]

1248. The Ministry of Education has also compiled a second handbook entitled "Draft School Policy on Drugs and Prevention", the aim of which is to create and maintain a well-informed school population able to properly and adequately resist the temptation of drug abuse. The draft substance abuse school policy explains the legal implications of the **Dangerous Drugs Act, No. 38 of 1991** (as amended).

1249. The prevention of drug use among children is also part of the formal Guidance Curriculum Programme of the Guidance Unit of the Ministry of Education. Guidance counsellors who visit schools throughout the country are required to inform and educate children in this regard.

1250. The Ministry of Education maintains a prevention policy statement that has, as its basis, a clear position of zero tolerance against all legally prohibited drugs. The policy is also based upon the following principles:

- *any product or substance that can produce a drug like effect should not be used on school premises unless it is prescribed by a certified medical practitioner or otherwise prescribed for under the policy;*
- *any legal drug including alcohol or tobacco should not be used by individuals who are legally under the age for such use, and*
- *the issue of prevention must involve all stakeholders in the school community, such as the students, parents, teachers, and non-teaching staff, if it is to be properly and competently dealt with.*

[542] Information provided by representative of the Ministry of Social Development on the Human Rights Consultative Committee by fax dated July 24, 2001.

1251. The Ministry of Education also has a policy of making timely interventions in all cases of substance abuse which occur at schools. The policy dictates that once the diagnosis has been made, the relevant information must be presented to the student and his or her parents or guardians in a sensitive, non-judgmental and straight-forward manner.

1252. The Ministry of Education's policy with respect to rehabilitation is that both the student and his or her parents need information about the dangers of developing dependence on tobacco, alcohol and other drugs. In this regard, 'Self Help Groups' such as Alcoholics Anonymous (A.A.) and Al Anon (an organisation which caters for the families of alcoholics) exist in many communities. In addition, councils on alcoholism and church sponsored anti-drug support groups are also part of the rehabilitation support mechanism.

1253. Referral services are also provided for teachers and non-academic staff through the Employee Assistance Programme (E.A.P.) of the Ministry of Education. With respect to students, referral services will depend upon the availability of resources and/or the adequacy or suitability of the facility in question and the specific needs of the student involved. The Ministry's policy with respect to referral is further driven by the recognition that early therapy often assists the student problem user in coping and adjusting at this stage of the treatment process.

1254. There are several hotlines in Trinidad and Tobago, which provide referrals and intervention services to children in respect of alcohol and drug abuse. Specifically, these include the Domestic Violence Hotline in Trinidad, the Domestic Violence Hotline in Tobago, and NGOs such as the Rape Crisis Society, Families in Action, etc.

1255. The Tobago House of Assembly's Social Services Population and Prevention Programme comprises *inter alia* an Alcohol and Drug Abuse Prevention Programme. Leaflets, brochures, booklets and posters have been produced and disseminated in Tobago.

3. Sexual exploitation and sexual abuse (art. 34)

Q. 159. Please indicate the measures adopted, including of a legislative, educational and social nature, to protect the child from all forms of sexual exploitation and sexual abuse. Reports should in particular provide information on all national, bilateral and multilateral measures taken to prevent:

- **The inducement or coercion of a child to engage in any unlawful sexual activity;**

1256. Information on the minimum age of sexual consent is provided in paragraph 181 at pages 89 to 90 of the Report. Additional information is provided on page 17 of the Report under the rubric "Sexual Offences Act".

1257. **The Sexual Offences Act, No. 27 of 1986** prohibits the procurement of a minor under the age of sixteen years to have sexual intercourse.

> *S.17 A person who-*
>
> *(a) procures a minor under sixteen years of age to have sexual intercourse with any person either in Trinidad and Tobago or elsewhere...*
>
> *is guilty of an offence and is liable on conviction to imprisonment for fifteen years.*

- **The exploitative use of children in prostitution or other unlawful sexual practices;**

1258. The offence of procuring a child for prostitution is prohibited under S.17(b) of the **Sexual Offences Act, No. 27 of 1986**. The section does not specifically refer to children. It provides:

> *S.17 A person who-*
>
> *(b) procures another for prostitution, whether or not the person procured is already a prostitute, either in Trinidad and Tobago or elsewhere...*
>
> *is guilty of an offence and is liable on conviction to imprisonment for fifteen years.*

1259. Section 21(1) of the **Sexual Offences Act** targets the owner and occupier of premises as follows:

> *S.21(1) A person who-*
>
> *(a) being the owner, occupier or manager of premises; or*
>
> *(b) having control of premises or assisting in the management or control of premises*
>
> *permits a minor under the age of sixteen years of age to resort to or to be in or upon premises for the purpose of having sexual intercourse with any person is guilty of an offence and is liable on conviction to imprisonment for ten years.*

1260. **The Children Act, Chap. 46:01** as amended by the Children (Amendment) Act, No. 19 of 1994 also provides as follows:

> *8(1) If any person having the custody, charge or care of a child or young person under the age of sixteen years causes or encourages the seduction or prostitution or unlawful carnal knowledge of that child or young person, he is liable, on conviction on indictment, to imprisonment for five years.*
>
> *9 (1) Where it is shown to the satisfaction of a Magistrate, on the complaint of any person, that a child or young person under the age of eighteen years is, with the knowledge of her parent or guardian, exposed to the risk of seduction or prostitution or of being unlawfully carnally known or living a life of prostitution, the Magistrate may adjudge her parent or guardian to enter into a recognisance to exercise due care and supervision in respect of the child or young person.*

- **The exploitative use of children in pornographic performances and materials.**

1261. As mentioned in paragraph 567 of the Report, the Law Commission in November 1999 published a working paper entitled "A Review of the Law on Obscene Publications and Pornography". The Report explores the need for legislative reform and examines the manner in which domestic statutes treat with issues of obscene publications and pornography. On the issue of child pornography, the Report at page 10 states:

> *" 3.1 ...Trinidad and Tobago has in place various pieces of legislation dealing with the publication and dissemination of obscene publications; absent however is specific legislation addressing child pornography...*
>
> *3.2 Child pornography is not unknown to Trinidad and Tobago; in the recent past, an appellant had his collection of pornographic material (which included child pornography) restored to him. The appellant was subsequently convicted and incarcerated in the United States for his participation in an international child pornography ring. (Hans Boos v Inspector M. Charles (CA) Magisterial Appeal No. 152 of 1993, judgment dated 23 May 1997)."*

1262. The Law Commission's Paper recommends that consideration be given to S.163.1 of the Canadian Criminal Code with a view to the possible introduction of provisions along these lines in Trinidad and Tobago in an effort to deal specifically with the ills of child pornography.

1263. Based on the recommendations contained in the Law Commission's Paper, a Bill was drafted by the Chief Parliamentary Counsel's Department entitled "The Obscene Publications and Child Pornography Bill, 2001". This draft legislation is under review at the present time.

Q. 160. Reports should also indicate, *inter alia*:

- **Information, awareness and education campaigns to prevent any form of sexual exploitation or abuse of the child, including campaigns undertaken in cooperation with the media;**

- **Any national and multidisciplinary strategy developed to ensure protection of children below the age of 18 against all forms of sexual exploitation and abuse, including within the family;**

- **Any coordinating and monitoring mechanism established for that purpose;**

- **The relevant indicators identified and used;**

1264. While the police and health care personnel are required to thoroughly investigate and treat cases of child sexual exploitation and abuse, they have been found by NGOs to be relatively ineffective insofar as disseminating information to victims and their parents/guardians on prevention and on the options available in cases where such abuse has taken place. Consequently, victims and their families have displayed an unwillingness to go to Court.

1265. Although there have been a few public awareness campaigns, including lectures in schools, on the topic by the Government and NGOs, these have been found to be limited in impact since the campaigns do not appear to reach enough people. The intention of both Government and NGOs is to heighten the scope of the public awareness campaigns and implement a pro-active, rather than a reactive policy of dealing with such instances, whereby the media is targeted.

1266. Several prevention initiatives have been implemented through the Gender Affairs Division in respect of violence and abuse. Recently, the Division also compiled an

information booklet that simplified the legislation contained in the **Domestic Violence Act, No. 27 of 1999** and provided information on domestic violence, incest and child abuse. This booklet will be distributed to schools and the wider public.

1267. The Ministry of Education is currently developing programmes that will inform children about their rights and the risks they take by becoming involved in sexual offences. One of the plans includes continuing awareness programmes that aim to train teachers and principals on the ways to treat and address children who are victims of such abuse or exploitation

1268. Another initiative of the Ministry of Education includes the preparation of a Student's Handbook setting out the rights and responsibilities of children of Trinidad and Tobago. The Handbook will also focus on issues that deal with children's responsibilities for themselves and their bodies and to their society.

1269. In 2001, the Ministry of Education conducted Principals' conferences in seven of the eight education districts of Trinidad and Tobago. At these conferences, principals, vice principals, school supervisors and teachers were informed and provided with literature highlighting their respective duties to report any evidence or incident of sexual abuse or exploitation to the police, as a result of the amendments to the **Sexual Offences Act, No. 27 of 1986** by the **Sexual Offences (Amendment) Act, No. 31 of 2000**. (As mentioned in the Report, the new legislation provides for mandatory reporting of sexual offences.)

- **Legislation developed to ensure effective protection of child victims, including through access to legal and other appropriate assistance and support services;**

1270. The Government has enacted a **Justice Protection Act No. 78 of 2000** which provides for the establishment of a Justice Protection Programme. The Act is awaiting proclamation. Offences which may give rise to protection under the Programme are listed in the First Schedule to the Act. For the purpose of administering the Programme, S.4(2) of the Act provides that the Minister shall, by regulations, provide for the establishment of an Administrative Centre; an Investigative Agency and a Protective Agency. The Administrative Centre will be responsible for deciding whether a prospective participant is to be afforded protection or assistance under the Programme, and in performing its functions, the Centre is required *inter alia* to arrange for the provision of safe-houses on the written recommendations of the Investigative Agency or the Protective Agency. It should be noted that an *Ad Hoc* Justice Protection Programme is currently in place.

1271. The Government has also enacted the **Criminal Injuries Compensation Act, No. 21 of 1999** to establish a system of State assistance for victims of certain crimes including offences under the **Sexual Offences Act**. Section 5 of the Act seeks to establish a Criminal Injuries Compensation Board. Under S.24 of the Act a victim or dependant may apply to the Board for compensation in accordance with the provisions of the Act. The Board, in determining whether or not to pay compensation, shall give consideration to the nature of the injuries suffered and whether there was any provocation by the victim. In determining the amount of compensation, the Board shall consider the amount received from any other source by the victim or his dependant.

Reports should also indicate, *inter alia*:

- **Whether sexual exploitation and abuse of children, child prostitution and child pornography, including the possession of child pornography, and the use of children in other unlawful sexual practices are considered criminal offences;**

1272. Information in this regard is provided in response to question 159 of the reporting guidelines above.

- **Whether the principle of extraterritoriality has been incorporated in the legislation to criminalise the sexual exploitation of children by nationals and residents of the State party when committed in other countries;**

1273. In Trinidad and Tobago criminal jurisdiction is based on the English common law and the foundation of criminal jurisdiction is territorial. It is only if a crime is committed in Trinidad and Tobago territory, that the courts of Trinidad and Tobago would have jurisdiction. To date, the principle of extra territoriality has not been incorporated into the legislation to criminalise sexual exploitation.

- **Whether special units of law enforcement officials and police liaison officers have been appointed to deal with children who have been sexually exploited or abused, and whether appropriate training has been provided to them;**

1274. During the period May 28-June 15, 2001, the British High Commission and the Coalition Against Domestic Violence coordinated regional police training in "Sexual Offences Investigative Techniques". Eleven police officers from the Trinidad and Tobago

Police Service participated together with officers from eighteen Caribbean islands. Persons who participated in the training are responsible for training the rest of the Police Service.[543]

1275. The Coalition Against Domestic Violence (an NGO) in collaboration with the Canadian High Commission and the Trinidad and Tobago Police Service hosted a four-day training programme for police officers and social workers at the Cascadia Hotel and Conference Centre from March 26th to 29th 2001. There were also children in attendance. The programme entitled 'Interviewing Skills with Child Victims of Sexual Assault' targeted female police officers and social workers, who deal with sexual offence investigations. Topics included interviewing skills re: child victims of sexual assault, sexual language and cognitive development, use video interviewing techniques and protecting child witnesses. Twenty-six police officers attended the programme along with sixteen other persons representing *inter alia* the Tobago House of Assembly, the Probation Department, the Coalition Against Domestic Violence, the Rape Crisis Centre, The St. Mary's Home, Family Services Division, the Domestic Violence Unit and the St. Jude's Home for Girls'.[544]

- **Relevant bilateral, regional and multilateral agreements concluded or to which the State party may have acceded to foster the prevention of all forms of sexual abuse and exploitation and to ensure the effective protection of child victims, including in the areas of judicial cooperation and cooperation among law enforcement officials;**

1276. In Trinidad and Tobago requests for mutual legal assistance are governed by the **Mutual Legal Assistance in Criminal Matters Act, No. 39 of 1997.** The Act applies to all Commonwealth countries.

1277. As regards non-Commonwealth countries, S.33 of the Act provides that where a treaty has been entered into between Trinidad and Tobago and a non-Commonwealth country providing for mutual legal assistance in a criminal matter, then upon the application of that country for assistance, the Attorney General may, by Order, subject to negative resolution of Parliament, declare that country to be a country to which this Act applies. To date the Government has concluded mutual assistance agreements with *inter alia* Canada, the United Kingdom and the United States

1278. **The Extradition (Commonwealth and Foreign Territories) Act, No. 36 of 1985** governs extradition between Trinidad and Tobago and declared Commonwealth and declared foreign territories under the Act.

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[543] Modus Operandi & Records Bureau by letter dated 14th May, 2003.
[544] Information on the training programme received from the Police Division on 25th July 2001.

1279. The declared Commonwealth countries to which the Extradition Act applies, are set out in Legal Notice 27 of 1986. There is no need for an extradition treaty to be concluded between Trinidad and Tobago and a declared Commonwealth territory for extradition to take place. In such circumstances, extradition is governed by the provisions of the 1985 Act. However, before Trinidad and Tobago can agree to extradite a person to a requesting state, the offence must be an extraditable offence. The Act in S.6(1) provides that an offence in respect of which a person is accused in a declared Commonwealth territory is an extraditable offence if,

(a) *it is an offence against the law of the requesting State which, however described in law, falls within any of the descriptions set out in the First Schedule to the 1985 Act;*

(b) *it is punishable under that law with death or imprisonment for a term not less than twelve months; and*

(c) *the facts constituting the offence would constitute an offence against the law of Trinidad and Tobago, if it took place within Trinidad and Tobago or, in the case of an extra-territorial offence, in corresponding circumstances outside Trinidad and Tobago.*

1280. In order for extradition to take place between Trinidad and Tobago and a non-Commonwealth or foreign territory however, a treaty must be concluded.

- **Relevant programmes of technical cooperation and international assistance developed with United Nations bodies and other international organisations, as well as with other competent bodies, including Interpol, and non-governmental organisations;**

- **Relevant activities and programmes developed, including of a multidisciplinary nature, to ensure the recovery and reintegration of the child victim of sexual exploitation or abuse, in the light of article 39 of the Convention;**

- **The measures adopted to ensure respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible;**

- **Relevant disaggregated data on the children concerned by the implementation of article 34, including by age, gender, region, rural/urban area, and national, social and ethnic origin. Such data should include the number of cases in which a child was used in drug**

trafficking during the reporting period; the minimum penalty in the law for using children in drug trafficking; and the number of cases of commercial sexual exploitation, sexual abuse, sale of children, abduction of children and violence against children reported during this period;

- **The progress achieved in the implementation of article 34, and targets set.**

1281. Sexual Offences Against Juveniles (1999-2000)[545]

Offences	**1999**	**2000**
Incest	41	92
Females under 14	115	77
Females 14-16	77	82
Total	**233**	**251**

1282. Sexual Offences Involving Children detected for the period 2000-2002[546]

Offences	**2000**	**2001**	**2002**
Females under 14	67	109	103
Females 14 to 16	79	82	129
Adopted Minor	20	1	20
Mentally Sub Normal	-	-	-
Sex with male under 16	-	5	6
Total	**166**	**197**	**258**

1283. As mentioned in paragraph 59 of the Report, in 1995 the Government commissioned an exploratory study entitled "Survey into the Nature and Extent of Child Prostitution, Child Pornography and the Sale of Children in Trinidad and Tobago". The study identified economic hardship and adverse social and domestic conditions as contributing factors for the involvement of persons under the age of eighteen years who are considered beyond control. The Study also revealed:

- Some children and adolescents in Trinidad and Tobago are involved in prostitution and pornography, but the extent is unknown.
- Prostitution is more prevalent among females than among males;
- Prostitution is more prevalent among persons in the lower socio-economic strata;
- There is some organisation of female commercial sexual exploitation in a network involving some fashion houses; night clubs and dating and escort services;
- The production of pornographic material is minimal and is possibly connected to this network;

[545] Source: Police Modus Operandi Records Bureau (23-01-2001)
[546] Source: Police Modus Operandi Records Bureau

- There is a market of business and tourist visitors for teenage prostitution;
- The commercial sexual exploitation of children and adolescents in Tobago appears to be mainly associated with the tourist industry;
- Erotic dancing and stage performances by females in nightclubs were found to be a common practice; and
- While there is no evidence of any connection to the drug trade, drug use is one factor influencing child prostitution.

1284. It was envisaged that the findings of the report would inform the development of a targeted programme of action. A final report was submitted in June 1997, however it suffered from many of the problems encountered by researchers globally, for example:

- The invisibility of child prostitution and child pornography was a major obstacle to quantifying the extent of commercial sexual exploitation in Trinidad and Tobago; and

- The major data inputs were anecdotal rather than emerging from a systematic data collection system.

1285. Despite these limitations, Cabinet agreed in 1999, that:

- Public awareness programmes be conducted on the existence of commercial sexual exploitation in Trinidad and Tobago;

- Law enforcement agencies should be sensitised to the seriousness of the phenomena addressed in the survey as criminal activity and that stiffer penalties be imposed for these offences;

- Measures be instituted for the systematic collection and analysis of data with respect to the incidence of commercial sexual exploitation of children; and

- Further in-depth and expansive research into the phenomena be undertaken to inform programme formulation. [547]

1286. A country report on commercial sexual exploitation was also prepared by the then Ministry of Community Empowerment, Sport and Consumer Affairs for submission to the Regional Governments Consultation scheduled to take place in Uruguay from November 7-9, 2001. The Report states *inter alia*:[548]

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[547] Trinidad and Tobago Country Report on Commercial Sexual Exploitation, November 1999 at pp.4-5
[548] Supra, fn.543 at p.11

In Trinidad and Tobago, commercial sexual exploitation of children has been identified in the following contexts:

- *Children and adolescents involved in formal prostitution, primarily girls;*
- *Adolescents involved in prostitution within the school system;*
- *Runaway adolescent girls who are recruited from the 'street' and 'kept' by older men;*
- *Children and adolescents who are sexually abused within the home by the 'breadwinner/stepfather or other adult relative. The mothers of these children feel powerless or are unwilling to intervene due to economic vulnerability;*
- *Sexual exploitation of primarily male street children;*
- *Adolescent boys and girls involved in sex tourism in Tobago; and*
- *School girls who establish sexual relationships with 'minibus' men/taxi drivers in exchange for free transportation, 'designer' clothes, jewellry, food and other material possessions.*

Data reflecting the actual number of children involved in prostitution and the distribution within the aforementioned categories is still non- existent since:

- *Previous research efforts were qualitative and to a large extent inconclusive;*
- *Findings have been based on anecdotal data because no state or non-governmental agencies collect data on child prostitution or pornography.*

Despite this, there is general agreement among stakeholders that commercial sexual exploitation is growing. The situation of adolescent schoolgirls and minibus drivers is particularly alarming since this phenomenon has been identified across socio-economic strata and geographical boundaries. Key informants suggest that it is now part of the secondary school culture in Trinidad and Tobago.

4. Sale, trafficking and abduction (art. 35)

Q. 161. Please provide information on all measures adopted, including of a legislative, administrative, educational and budgetary nature, at the national, bilateral and multilateral levels, to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Q. 162. In this regard, reports should indicate *inter alia*:

- **The legislation adopted to ensure effective protection of children against abduction, sale and trafficking, including through the consideration of these acts as criminal offences;**

- **Awareness and information campaigns to prevent their occurrence, including campaigns undertaken in cooperation with the media;**

- **The allocation of appropriate resources for the development and implementation of relevant policies and programmes;**

- **Any national strategy developed to prevent and suppress such acts;**

- **Any coordinating and monitoring mechanism established for that purpose;**

- **The relevant indicators identified and used;**

- **Whether special units have been created among law enforcement officials to deal with these acts;**

- **Relevant training activities provided to the competent authorities;**

- **Structures and programmes developed to provide support services to the children concerned and to promote their physical and psychological recovery and social reintegration, in the light of article 39;**

- **The measures adopted to ensure that in the implementation of article 35 due consideration is taken of other provisions of the Convention, including in the areas of civil rights, particularly in relation to the preservation of the identity of the child, adoption and prevention of any form of exploitation of children, including child labour and sexual exploitation;**

- **The measures adopted to ensure respect for the general principles of the Convention, including non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible.**

Q. 163. Reports should also indicate the relevant bilateral and multilateral agreements concluded by the State party, or to which it may have acceded, to prevent the sale and abduction of and trafficking in children, including in the areas of international cooperation between judicial authorities and law enforcement officials, *inter alia* on any existing system of collection and exchange of information on perpetrators of such acts as well as on the child victims. Relevant disaggregated information should also be provided

on the children concerned by the implementation of article 35, including by age, gender, region, rural/urban area, and social and ethnic origin, as well as on the progress achieved in the implementation of this article, the difficulties encountered and the targets set for the future.

1287. There are no provisions in the criminal law of this jurisdiction which prohibit the sale of children. However, the **Offences Against the Person Act, Chap. 11:08** covers the related offence of child stealing.

> *S.54. Any person who unlawfully, either by force or fraud, leads or takes away or decoys or entices away or detains, any child under the age of sixteen years, with intent to deprive any parent or guardian, or other person having the lawful care or charge of the child, of the possession of the child...and any person who with any such intent, receives or harbours any such child, knowing the same to have been by force or fraud, led, taken, decoyed, enticed away, or detained as mentioned...is liable to imprisonment for five years.*

1288. As mentioned in the Report, Trinidad and Tobago acceded to the Hague Convention on the Civil Aspects of International Child Abduction in June 2000. The Convention came into force in Trinidad and Tobago on October 1, 2000. The National Family Services Division is acting as the interim Central Authority for the purposes of the Convention. When established, the Children's Authority will be the Central Authority.

1289. The Government of Trinidad and Tobago is considering accession to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. In this regard, the Ministry of the Attorney General has prepared a legal opinion on all of the domestic statutes which would need to be amended to achieve conformity with the provisions of the Convention.

1290. As regards the sale of children, the study conducted by the then Ministry of Social Development in 1997[549] stated:

> *Some children and adolescents in Trinidad and Tobago are involved in prostitution and pornography but there is no evidence of the sale of children in this connection or any other.*

1291. According to anecdotal evidence provided by some NGOs there have been instances of trafficking and abduction of children.

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[549] Report on Child Prostitution, Child Pornography, and the Sale of Children 20th June 199; Ministry of Social Development: Researchers Ann Lee and Junior Felix.

1292. No special unit has been created in Trinidad and Tobago to deal with the abduction, sale and trafficking of children, as the prevalence of such cases is minimal. INTERPOL has conducted investigations in the few child abduction cases that have been recorded.

D. Children belonging to a minority or an indigenous group (art. 30)

Q. 166. Please provide information on the measures adopted, including at the legislative, administrative, educational, budgetary and social levels, to ensure that a child belonging to an ethnic, religious or linguistic minority or who is indigenous is not denied the right, in community with other members of his or her group:

- **To enjoy his or her culture;**
- **To profess and practise his or her own religion;**
- **To use his or her own language.**

Q. 167. In this regard, reports should also indicate *inter alia*:

- **The ethnic, religious or linguistic minorities or indigenous groups existing within the State party's jurisdiction;**
- **The measures adopted to ensure the preservation of the identity of the minority or indigenous group to which the child belongs;**
- **The measures adopted to recognise and ensure the enjoyment of the rights set forth in the Convention by children belonging to a minority or who are indigenous;**
- **The measures adopted to prevent any form of discrimination and combat prejudice against those children, as well as those designed to ensure that they benefit from equal opportunities, including in relation to health care and education;**
- **The measures adopted to ensure respect for the general principles of the Convention, namely the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible, as well as non-discrimination;**
- **The measures adopted to ensure that in the implementation of the rights recognised in article 30 due consideration is taken of other provisions of**

the Convention, including in the areas of civil rights, particularly in relation to the preservation of the child's identity, family environment and alternative care (for example art. 20, para. 3 and art. 21), education and the administration of juvenile justice;

- **Relevant disaggregated data on the children concerned, including by age, gender, language, religion, and social and ethnic origin;**

- **The progress achieved and the difficulties encountered in the implementation of this article, as well as any targets set for the future.**

1293. The Constitution of the Republic of Trinidad and Tobago in S.4 recognises the right of all individuals without discrimination by reason or race, origin, colour, religion or sex to (h) freedom of conscience and religious belief and observance and (j) freedom of association and assembly.

1294. In an effort to remove outdated discriminatory provisions in the statute and to ensure equality of all religions in accordance with the requirements of the Constitution, the Government enacted a **Miscellaneous Laws Act, No. 85 of 2000**. This legislation *inter alia* deleted certain provisions of the **Summary Offences Act, Chap. 11:02** which restricted the *Orisa* and *Spiritual Baptist* religious groups in the practice of their religion. The Summary Offences Act which was enacted in 1921 contained restrictions for example, on the beating of drums, the blowing of horns and the use of noisy instruments in public places; activities which are considered integral to the religious observances of these groups. This Act amended the law to provide an exception, "where the singing, or dancing is done, or the drums, gongs or tambours, bangees, chac-chacs or other musical instruments are used as part of a religious observation, ceremony or custom in any place of worship".

1295. Based on requests from the Inter Religious Organisation, the Government in the **Miscellaneous Laws Act, No. 85 of 2000**, also amended the provisions of the **Summary Courts Act, Chap. 4:20**, deleting the words which only applied to the Christian faith, such as "church" and "clergyman" and substituting them with religious-neutral language such as "religious building" and "religious head or official" respectively, thereby providing protection under the law for all religious groups.

1296. The Government of Trinidad and Tobago has also enacted a **Public Holidays and Festivals Act, Chapter 19:05** (as amended) which promotes religious harmony and the cultural identity of different groups. The Act declares as national public holidays for everyone, days which are of religious and/or historic cultural significance to the recognised religious groups of Trinidad and Tobago.

1297. The 1990 Population Census identifies ten different recognised religious groups living in a country with an estimated one million, two hundred and sixty two thousand, three hundred and sixty six persons (1,262,366) of whom fifty eight thousand and eighty four persons (54,084) live in Tobago Trinidad and Tobago (Preliminary Count of the Population and Housing Census for Trinidad and Tobago as at June 2000).

1298. The Division of Culture within the Ministry of Culture and Tourism is mandated to protect the components of our multifarious cultural heritage, and to uphold the values and cultural identities of the various groups.

1299. Earlier Government efforts have been directed to the giving of grants and subventions to various organisations which represent the interests of the various ethnic groups. This continues to be the mainstay of the Government's efforts to promote and safeguard the values and cultural identity of the various ethnic groups.

1300. Subventions are grants to large organisations and associations which are recommended for approval by the Minister to the Cabinet. The amount of funding granted varies according to the scope of the organisations. The *Santa Rosa Carib Community*, the *Sanatan Dharma Maha Sabha* and the *National Drama Association* are some of the organisations that are granted annual subventions. The National Carnival Commission for example is as a statutory body that is granted a subvention for the production of the Carnival celebrations.

1301. Through various cabinet decisions over a period of twenty odd years, the Government of Trinidad and Tobago, through the Culture Division, has been granting financial and technical assistance to various national and other organisations to produce religious festivals and celebrations. The following funds have been set up to assist the organisations with their annual programmes:

- **Assistance to Cultural Organisations Grant.** This fund is managed by the Division of Culture and provides financial assistance to various national or umbrella organisations for the promotion of the visual and performing arts such as Calypso, *Parang* (a Spanish based festival), and *Ramleela* (a Hindu drama festival). Organisations currently receiving this type of grant include:
  - Non-profit institutions;
  - Queens Hall (North of Trinidad);
  - Naparima Bowl (South of Trinidad);
  - National Steel Orchestra.
  - The Carnival Institute of Trinidad and Tobago.

- **Small Grants.** Many organisations, receive assistance in the form of small grants from the Division of Culture. These small grants may be given based on the merits of an applicant who may have applied to the Minister, the Permanent Secretary, or the Director of Culture. This grant also assists religious organizations in the celebrations of their festivals.

- **Assistance to Individuals and Organisations.** This fund provides individuals and organisations with financial assistance for the promotion of activities in relation to the preservation of the collective cultural heritage; the promotion of the cultural identity of a particular group, and generally the promotion and safeguarding of the national cultural heritage.

- **National Days and Festivals**. Assistance directed towards National Days and Festivals – This fund which is managed by the Division of Culture, provides assistance to organisations, which plan and implement activities for the celebration of the various national cultural festivals.

1302. Amerindian *middens* dating back to the pre-Columbian era were discovered in 1999 at Mayaro in the south of Trinidad. There is historical evidence to indicate that the First Nation's people once settled in the southern coastal line of Trinidad during the 15th Century. These *middens* were analysed and treated by the archaeologist within the Victoria and Albert National Museum of Trinidad and Tobago and are currently housed at this museum for public viewing.

1303. Although there are no pure Amerindians in the country, there are some 500 mixed blood descendants of Amerindians who live in the north east of Trinidad. The Government of Trinidad and Tobago provides technical and financial assistance to the *Santa Rosa Carib Community*, the representative organisation for the First Nation's People of Trinidad and Tobago. This Community collectively maintains the traditions of their ancestors. The Ministry of Culture and Tourism continues to service this small Community by the grant of an annual subvention in the amount of TT$36,000.

1304. In the year 2000, the *Santa Rosa Carib Community*, in collaboration with the then Ministry of Human Development, Youth and Culture hosted in Trinidad and Tobago, the Second International Gathering of First Nation's People. The Government of Trinidad and Tobago funded this International Gathering of First Nation's People in the amount of $244,770 TT. The purpose of this international gathering was to strengthen the linkages across Amerindian communities throughout the world, so that this vulnerable civilization would be protected from cultural extinction.

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1305. In the year 2000, the Government of Trinidad and Tobago under advisement from the *Santa Rosa Carib Community* introduced into the National Calendar, a day of recognition for the Amerindian people. October 14th has been designated "Amerindian Heritage Day".