
Human Rights Committee**List of issues prior to submission of the fifth periodic report of Trinidad and Tobago*****A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant**

1. Please provide information on processes in place to implement the recommendations contained in the Committee's previous concluding observations. Please provide information on measures taken to implement the Committee's Views under the Optional Protocol.
2. Please report on any other significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the previous concluding observations, which is not otherwise addressed in the following questions.
3. Given the dualist constitutional system of the State party, please provide information on the extent to which, and the modalities of incorporation of the Covenant into domestic law, and provide examples of cases in which the provisions of the Covenant have been referred to by national courts. Please indicate the steps taken to increase awareness and understanding of the Covenant among the general public and State employees, especially teachers, judges, lawyers, medical practitioners and law enforcement officials.

B. Specific information on the implementation of articles 1–27 of the Covenant, including with regard to the previous recommendations of the Committee**Constitutional and legal framework within which the Covenant is implemented (art. 2)**

4. Please report on any progress in withdrawing the reservations, and/or declarations to articles 4 (2), 10 (2)(b), 10 (3), 12(2), 14(5), 14(6), 15(1), 21 and 26 of the Covenant and indicate whether consideration has been given to withdrawing the State party's other reservations, in particular that to article 1 of the Optional Protocol to the Covenant. Please also indicate whether the State party has taken or is planning to take measures with a view to ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
5. Please provide information on the availability and accessibility of remedies for individuals claiming violations of the rights contained in the Covenant. In this regard, please provide information on the mandate and activities carried out by the Office of the Ombudsman. Please also provide information on the mandate of the Equal Opportunity Commission, established under the Equal Opportunity Act, including statistical information

* Adopted by the Committee at its 124th session (8 October to 2 November 2018).

on the number of complaints, investigations ordered, and any remedial measures granted. Please also provide information on steps taken to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

State of emergency and counter-terrorism measures (arts. 2, 3, 4, 7, 9, 10 and 14)

6. With reference to section 7 of the Constitution, please (a) provide information on the legal framework governing the state of emergency; and (b) report on the compatibility of existing laws or regulations with article 4 of the Covenant. With reference to the state of emergency declared in August 2011, please indicate on which grounds it was declared and terminated, whether the procedures in article 4 were followed for such declaration, and which rights were derogated from during the state of emergency and why. Comment on allegations that members of the armed forces, including a senior official, were involved or responsible for assaults, excessive use of force and inhumane treatment of detainees and civilians and elaborate on the outcomes of proceedings against those responsible for such acts before the martial court, and provide information on any other similar incidents that occurred during the state of emergency between August and December 2011.

7. With reference to the Anti-Terrorism Act of 2005, provide further information on the counter-terrorism legal framework, including the definition of terrorism and terrorist activities, the legal safeguards afforded to persons suspected of or charged with terrorist activities or related crimes, and whether there have been any proceedings or other actions taken by the State party on the basis of the Act, and if so, what were the charges and outcomes of such cases.

Non-discrimination (arts. 2, 3, 20 and 26)

8. Please provide information on the national legal framework regarding discrimination and indicate whether it: (a) provides a definition of discrimination that includes a comprehensive list of prohibited grounds of discrimination including race, colour, sexual orientation, gender identity, religion, health, social and other status; (b) includes direct, indirect and intersecting forms of discrimination; and (c) provides for effective judicial and administrative remedies. Please also provide information on the implementation of existing anti-discrimination laws, as well as numbers on complaints received by the Police Complaints Authority and other competent state agencies in relation to discrimination.

9. Please elaborate on the steps and measures taken to combat the marginalization, stigmatization, lack of access to public services, and discrimination against persons living with HIV/AIDS and persons with disabilities. Please indicate whether (a) the implementation of the 2006 National Policy on Persons with Disabilities has been successfully concluded, including which legislative proposals were made and which projects were concluded by the Disability Unit; (b) whether the State party envisages to revise the Immigration Act of 1969, which prohibits the immigration of persons with disabilities; and (c) whether measures have been taken to establish special education institutions and programs for children with physical and mental disabilities.

10. Please provide information on measures taken to combat discrimination against LGBT and Intersex people. In this regard, please provide information on measures taken and the inclusion of different representatives from civil society in the development and implementation of policies and the drafting of legislation in this regard. Concerning the latter and in light of the High Court of Justice's ruling on 12 April 2018, indicate whether the state party intends to (a) ensure that same-sex relations between consenting adults are not subject to criminal sanctions; (b) repeal the law barring homosexuals from immigrating to the State party; (c) include same-sex unions, homosexuality or sexual orientation in its National Gender policy; (d) include sexual orientation into legislation as a protected status from discrimination as suggested by the Equal Opportunities Commission; and (e) raise awareness among the general population on the need not to discriminate against LGBT and Intersex people

11. Please provide information on the representation of women in senior positions in government, the judiciary, the diplomatic corps, academic institutions and civil service.

Please indicate whether any measures were taken to implement the recommendations of CEDAW regarding the need to increase the participation of women in the job market and to close the wage gap between men and women.

Violence against women, including sexual and domestic violence (arts. 2, 3, 6, 7 and 26)

12. Please provide information on measures adopted to guarantee that cases of gender-based violence, including sexual and domestic violence and femicide, are investigated, prosecuted and sanctioned, as well as an assessment of the results of those measures. Please also provide disaggregated data on the number of deaths resulting from each type of crime, complaints, investigations and prosecutions and the sentences imposed and the compensation received by victims or relatives. Please provide information on the measures adopted to: (a) ensure that protection measures, including shelters and restraining orders, counselling centres and assistance, are available to victims and witnesses of violence; (b) guarantee access to justice, including compensation; (c) ensure that those responsible are prosecuted and punished; (d) change social and cultural patterns and stereotypes tolerating gender-based violence; (e) prevent early teenage pregnancies; (f) ensure access to sexual and reproductive health and education; and (g) adopt regulations for the Sexual Offences Act (1986), in order to introduce a sex offender registry, which would help to deal with repeat offenders.

Voluntary termination of pregnancy (arts. 3, 6, 7, 17 and 26)

13. Please explain if the State party intends to decriminalize the voluntary termination of pregnancy, including in cases of rape, incest or when pregnancy is not viable. Please describe the measures taken to ensure that women do not have to resort to unsafe abortions that may put their lives or health at risk and steps taken to prevent the stigmatization of women and girls seeking abortion. Please describe the measures taken to reduce the high rates of teenage pregnancy and maternal mortality, including in fields of medical training and sanitary conditions. Please also report on the steps taken to ensure access for women and men, and, especially, girls and boys, to quality and evidence-based information and education about sexual and reproductive health and to a wide range of affordable contraceptive methods.

Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment, liberty and security of person, and treatment of persons deprived of their liberty (arts. 6, 7, 9, 10 and 24)

14. With reference to paragraph 7 of the Committee's previous concluding observations, please enumerate the crimes which remain subject to the death penalty and elaborate on the criteria and methods of assessment used to determine which crimes qualify as the "most serious crimes"; please also provide information on the terms under which the death sentence is mandatory; on the categories of individuals who are ineligible to receive the death penalty, including persons with serious psychosocial disabilities; on the methods of execution, and on procedural safeguards, including access to legal counsel. Please provide data on the number of persons sentenced to death during the reporting period. Pending the abolition of the death penalty, please provide information on the steps taken towards an official moratorium on executions.

15. With reference to paragraph 14 of the Committee's previous concluding observations, please indicate which progress has been made (a) to address concerns about the police forces' alleged brutality, abuse of power and obstacles placed in the way of police personnel and witnesses who seek to correct such practices; (b) in the investigation and prosecution of police officers responsible for (among other things) harassment and battery; and (c) in the collaboration between the Complaints Division and the Police Complaints Authority for them to effectively and efficiently fulfil their statutory functions to investigate into complaints on violations of articles 7 and 9(1). Please provide information on (a) allegations that the police is responsible for summary executions; (b) the alleged failure of law enforcement bodies to reduce the high murder rate in the State party.

16. Please provide information (a) at what age children or juveniles can be held criminally responsible, and at what age can they be sentenced as adults; (b) what progress and results has achieved to date in promoting the Juvenile Justice Program ; (c) trainings envisaged and

completed by persons involved in juvenile justice matters; (d) on the results of reports issued by the Children's Authority, which monitors the treatment of children placed in institutions. Please provide information on whether, in practice, children who are of an "unruly" or "depraved" character are held in adult incarceration facilities.

17. Please explain which steps have been taken to address prison conditions, including overcrowding, inmate illnesses and injuries and to implement the Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), especially in relation to sanitary conditions in prisons, and rehabilitation and reintegration of prisoners in society.

Administration of justice, right to a fair trial and independence of the judiciary (arts. 2, 10 and 14)

18. With reference to paragraph 14 of the Committee's previous concluding observations, please indicate which progress has been made in reviewing chapter 15.01 of the Police Act with respect to arrest without a warrant, with a view to bringing it in compliance with article 9 of the Covenant. Please also explain which steps the state party has taken to strengthen and improve the effectiveness of the Anti-Gang Act, in particular to address the repeated arrest and release of arrestees due to the failure to charge them within 120 days. Please comment on (a) the alleged close relationships between gang leaders and police officials; (b) the allegation that police, customs, and immigration officers often accepted bribes to facilitate drug, weapons, and human smuggling and trafficking; and (c) allegations that the Integrity Commission is lacking in effectiveness and that public officials do not comply with financial disclosure obligations.

19. With regard to the severe backlog of criminal cases reported, please provide information on (a) the steps taken to reform the judicial system, in particular in order to address the issue that pre-trial detainees and remand prisoners constitute sixty-three percent (63%) of the prison population; (b) the legislative requirements for placing persons in police custody and pre-trial detention, including on the maximum length of custody and pre-trial detention (c) the rights of persons while in police custody, including access to a lawyer; (d) the use and rules governing bail and other alternatives to detention in the State party; and (e) any improvements achieved by the new Criminal Case Management Rules of 2016.

20. Please provide information on specific measures taken to guarantee the independence and impartiality of the judiciary, including through the Constitution or laws establishing clear procedures and objective criteria for the appointment, remuneration, tenure, promotion, suspension and dismissal of the members of the judiciary and disciplinary sanctions taken against them, including in cases of corruption. Please respond to allegations that the judicial branch is subject to political pressure.

Elimination of slavery and servitude (art. 8)

21. Please provide information about efforts to effectively detect, prevent and investigate cases of trafficking and punish the perpetrators, particularly with respect to trafficking of women and children for labour and sexual exploitation. With regard to the Trafficking in Persons Act of 2011, provide specific data on the number of complaints of human trafficking received, the investigations and prosecutions pursued, the convictions secured, the nature of the sentences imposed and the reparation and protection afforded to victims, including access to shelters. Please address concrete measures taken to: (a) train judges and prosecutors and sensitize and raise awareness on human trafficking among the public; (b) investigate, prosecute and combat complicity of public officials, including law enforcement officers, in trafficking offences as well as exploitation of women for prostitution, including the running of brothels; and (c) provide witnesses with effective support and protection, including access to medical and psychosocial assistance and appropriate shelters. Please provide information on the criminal proceedings which have taken place in the last five years under the Sexual Offences Act.

Treatment of aliens, including refugees and asylum seekers (arts. 7, 9, 10, 13 and 17)

22. Please comment on the alleged deportation of refugees, especially to Venezuela, despite an alleged serious risk of persecution and elaborate on the safeguards in place to

ensure full respect of the principle of *non-refoulement*, including access to legal aid and language assistance. Please respond to allegations of arbitrary detention of migrants and comment on reports indicating that decisions to detain on an immigration basis appear to be based solely on the irregular status of individuals, including irregular entry, and do not taking into account the individual's vulnerabilities such as health, age or sexual orientation. Please also provide information on relevant training activities provided to immigration officers.

23. Please indicate: (a) reasons for the dissolution of the National Consultative Committee on Migration; (b) which steps have been taken to coordinate and oversee the number and rights of migrants, refugees and asylum seekers; (c) the numbers of refugees, asylum seekers and migrants present within the State party, individuals deported and resettled through cooperation mechanisms as well as on the number of camps and reception centres; and (d) comment on the reports of high numbers of unaccounted migrants and outline the efforts to establish their whereabouts and to prevent such future occurrences. Please provide information on the National Policy to Address Refugee and Asylum Matters adopted in 2014, including information on: (a) its content and progress of implementation; (b) legislation enacted; and (c) how it envisages the provision of basic rights to all refugees.

Freedom of expression (art. 19)

24. With reference to paragraph 19 of the Committee's previous concluding observations, the Committee notes the repeal, in 2014, of article 9 of the 2013 Libel and Defamation Act on malicious defamatory libel. Please specify (a) whether the State party also intends to review remaining provisions criminalizing defamatory libel; and (b) how many persons have been tried on the basis of the *Act* in the reporting cycle, including charges, sentences and imprisonment served. Further, indicate which safeguards exist in the State party to guarantee the freedom of expression, access to information and the freedom of the media under article 19 of the Covenant.

Freedom of assembly and association (art. 21, 22)

25. Please indicate whether there are any legislative restrictions to the right to strike and right to form trade unions, especially for particular categories of workers. Further explain if any procedures are in place to obtain permits for public gatherings or protests, on which legal grounds law enforcement officials can intervene in such gatherings or disperse participants and whether law enforcement officials receive regular training in this regard.

Marriage, family and the protection of minors (art. 7, 23 and 24)

26. Please provide information on the progress made in the adoption of legislative and practical measures to implement article 23 of the Covenant. Further indicate the measures taken to effectively address, including through access to appropriate complaint mechanisms (a) child abuse and sexual abuse of children, especially in connection with sex tourism; (b) child marriage and in particular (c) prohibit corporal punishment of children in all settings.

Right to participate in public life (arts. 25 and 26)

27. With regard to the last Parliamentary elections in 2015 and the increase in the representation of women in Parliament, please provide information if the State party envisages (a) any further measures to accelerate the participation of women in politics at all governmental levels and public life, including statutory quotas and arrangements for maternity leave for parliamentarians; and (b) clearer rules governing the financing of political parties, campaign funds and elections with an aim to increase transparency or avoid incidents such as wrongful voting extension. Please elaborate on (a) the progress made in establishing a National Commission for Women's Empowerment and Gender Equity; (b) its status, appointment of members and structure and (c) its mandate, in particular with regard to the advancement of women's participation in public life. Further, indicate how political pluralism is guaranteed in the State party as well as whether and if so, to which extent civil society participates in the political process.
