



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Twenty-sixth session

Summary record of the 547th meeting

Held at Headquarters, New York, on Tuesday, 29 January 2002, at 10 a.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 10.45 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined initial, second and third reports of the Republic of Trinidad and Tobago (continued)
(CEDAW/C/TTO/1-3)

1. *At the invitation of the Chairperson, Mr. McKenzie, Ms. Sirjusingh, Ms. McFee and Mr. Spencer (Trinidad and Tobago) took places at the Committee table.*

2. **Mr. McKenzie** (Trinidad and Tobago) said that the questions posed by the members of the Committee had shown wisdom, understanding and appreciation for the needs of its women. He pointed out once again that the Constitution, based on the pre-independence model, had been adopted at independence in 1962 and had been revised during the 1990s in the light of the evolution of society.

3. **Ms. Sirjusingh** (Trinidad and Tobago), replying to general questions posed by the Committee, said that the Government was giving consideration to the amendment to article 20, paragraph 1, of the Convention, but had not yet considered acceding to the Optional Protocol. There was currently no discussion of withdrawing the reservation to article 29, paragraph 1.

4. Regarding the questions concerning the Constitution, she said that although Section 2 of the Constitution stated that any law inconsistent with the Constitution was void, Section 13 gave the High Court jurisdiction to uphold legislation that might seem to abrogate a fundamental right if it deemed there was sufficient cause. The Domestic Violence Act of 1999 was an example, as it authorized the police to enter premises without a warrant when they had reasonable cause to believe that a person was engaging in violence that would result in injury or death.

5. Although the Constitution did not distinguish between intentional discrimination and discrimination of effect, it did offer women protection against discrimination in respect of all the fundamental rights expressed therein, including the right to equality before the law and equal treatment from any public authority. The masculine language in the Constitution had been inherited from the British legal tradition, but the laws

of the country made it clear that words in written law applied equally to male and female persons.

6. In reply to the questions on judicial review, she said that individuals could apply to the High Court if any of the provisions of the fundamental rights section of the Constitution were being violated, and, under the Judicial Review Act of 2000, could apply for review of decisions of a lower court, tribunal, public body or authority. Public interest litigation was permitted only under the Judicial Review Act. However, the process of judicial review could not be used to challenge legislation that discriminated against women, which could only be done under the Constitution. Statistics on applications for judicial review were not disaggregated by sex. Approximately 248 applications had been filed between 1991 and 1999; women had equal access to the process.

7. The Equal Opportunity Act of 2000 prohibited discrimination and promoted equal opportunity irrespective of sex, colour, race, ethnicity, origin, religion, marital status or disability in relation to employment, education, provision of goods and services and accommodation. Written complaints of violations of the Act could be lodged with a five-member commission, which would investigate and attempt to resolve the matter by conciliation. If the matter remained unresolved, proceedings could be initiated before a tribunal. The Government was in the process of working out administrative issues concerning establishment of the commission and tribunal, and thus the Act was not yet fully in force. The fact that the Act made no mention of sexual preference did not mean that the Government condoned discrimination against lesbians and homosexuals, but the population held largely orthodox moral beliefs and were not ready to accept those practices. Inasmuch as homosexuality and lesbianism had not yet been decriminalized in Trinidad and Tobago, it had not been recommended that the legislation should be extended to include discrimination on the grounds of sexual orientation.

8. **Ms. McFee** (Trinidad and Tobago), outlining the development of the national gender policy, said that initial efforts had begun in 1988 and a draft gender policy had been ready for review by 1999. Several options had been explored, and it had been decided that a consultant should be engaged to guide the process; several international organizations, including UNDP, had been approached for technical assistance to

complete the policy statement and plan of action. In the meantime, the Government was guided by the Medium Term Policy Framework — which identified the main objectives for women as economic empowerment, increased participation in politics and a reduction of violence against women — the CARICOM Plan of Action and the Beijing Platform for Action.

9. **Ms. Sirjusingh** (Trinidad and Tobago), replying to questions regarding the composition of the judiciary, said that four judges on the High Court and two on the Court of Appeals were women, as were magistrates. The independent Judicial and Legal Service Commission, appointed by the President in consultation with the Prime Minister and the Leader of the Opposition, was responsible for selecting members of the judiciary. A Judicial Education Committee had recently been formed, and among its activities were annual retreats for judges where workshops and discussions were held on topics of concern; gender sensitivity had been among topics addressed. There was growing awareness of such issues as domestic violence. The Government was not aware of any court verdicts which discriminated against women, particularly in domestic violence cases.

10. A review of the statistics revealed that complaints from women accounted, on average, for 29 per cent of all complaints regarding discrimination in 1999, 2000 and 2001. Under the Ombudsman Act, referrals could be made to the police, the Public Service Commission, the prison authorities and the education authorities. Such referrals were monitored in order to ensure that action was taken on the complaints. The Office of the Ombudsman was outside the public service establishment. He was appointed by the President after consultation with the Prime Minister and the Leader of the Opposition, and was an officer of Parliament.

11. The Legal Aid and Advice (Amendment) Act had recently been amended to expand the range of issues for which legal aid could be obtained. In practice, much of the work done by the Legal Aid Authority related to maintenance and custody of children. Legal aid for constitutional motions was granted only when, in the view of the Authority, a serious constitutional question was involved.

12. With respect to the question of marital rape, she said that newly enacted sexual offences legislation stipulated that a husband, wife or cohabitant could now be charged with marital rape during the course of a

marriage or cohabiting relationship, whether or not the parties were separated and divorced, and that the consent of the Director of Public Prosecutions was no longer required by statute.

13. **Ms. McFee** (Trinidad and Tobago) said that the Gender Affairs Division was the national focal point for gender planning, and that the National Council for Women and the Inter-Ministerial Committee played an advisory role in gender policy formulation. Their threefold pivotal role could not be overstated. The National Council for Women was made up of community-based and non-governmental organizations. The Government was working to develop a structure for the collaborative work of those three entities.

14. The Gender Affairs Division was committed to expanding its activities on the basis of an inter-agency collaborative approach. A large part of the Division's work involved capacity-building for community-based and non-governmental women's organizations, with a view to improving the quality of life for members of those organizations. It recognized, however, the need for those groups to frame their concerns in relation to national development issues.

15. The ministries participating in the Inter-Ministerial Committee were listed in the text of replies that the Government had circulated; each one had a gender focal point. The Committee members provided input to the Division and the Division, in turn, helped them integrate gender concerns into their particular sectors. In addition, Committee members had been taught how to undertake gender-training initiatives as part of an institutional strengthening programme undertaken by the Government and the Inter-American Development Bank.

16. Community-based organizations were grass-roots women's organizations that represented the concerns of their particular communities and geographical areas; non-governmental organizations, on the other hand, represented issues of national concern, and many acted as umbrella organizations that represented the concerns of community-based organizations at the national, regional and international levels.

17. The Gender Affairs Division had a staff of 30; 7 of those posts were administrative. Its budgetary allocation of about 2.3 million Trinidad and Tobago dollars for the fiscal year 2000-2001 had been increased to 4.9 million for 2001-2002.

18. **Ms. Sirjusingh** (Trinidad and Tobago) said that no research had been conducted regarding the use of the Convention by the courts to interpret domestic legislation. The provisions of international treaties were not automatically incorporated into domestic law. Usually, the Government ratified or acceded to international legal instruments and then gradually sought to ensure that its domestic laws conformed with their provisions. However, there was nothing to prevent the courts from invoking the Convention to support an argument or defend a decision. If, however, the Convention was in conflict with the domestic law, the domestic law was likely to prevail.

19. The report, with a copy of the Convention attached, had been widely disseminated to all non-governmental and community-based organizations dealing with women's issues, as well as to secondary schools, public libraries, the judiciary and the ministries. It had also been submitted to Parliament, and the Attorney General had delivered a statement to mark the occasion.

20. One of the roles of the Human Rights Unit was to educate people concerning their rights under international human rights instruments. Admittedly, much work remained to be done. The Unit had been focusing on the completion of periodic reports, and would work with the Information Division to publish those reports on the Government's web site. It also planned to disseminate more information about the Convention, and to raise awareness about its provisions. There were currently no school or college programmes concerning the Convention.

21. **Ms. McFee** (Trinidad and Tobago) said that the videotapes mentioned in the report examined cultural behaviours that fostered gender stereotypes and gender-based violence. They were an important component of the Division's gender training and sensitization programme and were also distributed to persons involved in teaching gender studies.

22. The Male Support Committee had been established in 1995 and had resulted in the creation of the Male Support Programme, which focused, inter alia, on training religious leaders to assist in counselling males engaging in domestic violence and gender sensitization and training programmes for males in secondary schools. The delegation would forward additional information on that programme subsequently.

23. The Gender Affairs Division was the national focal point for gender equality mainstreaming. The Government was planning to set up a Gender Management System, which would introduce gender-mainstreaming in the areas of finance, education, public service, trade and industry, agriculture and rural development, information and communication, and employment.

24. **Mr. Spencer** (Trinidad and Tobago) said that the Canadian International Development Agency (CIDA) had supported the formulation of a plan of action for gender policy development in Tobago; the results of that project were to be used as a best practices model throughout the Caribbean region. In addition, a Man-to-Man programme, staffed by men working in the health sector, sought to sensitize men to the problems that prompted them to react violently in relationships with both women and men.

25. **Ms. Sirjusingh** (Trinidad and Tobago) said that although there was no parliamentary committee responsible for gender issues, where appropriate, members of Parliament consulted with the Gender Affairs Division to ensure the incorporation of a gender perspective into legislation. The Central Statistical Office collected data disaggregated by sex regarding, inter alia, the labour force, education, crime, traffic accidents and vital statistics.

26. The Committee that had overseen the passage of the Counting of Unremunerated Work Act in 1996 was made up of representatives from various ministries. The purpose of evaluating unremunerated work was to include such work in the national budget. Data on unremunerated work was expected also to provide useful information on the division of labour between the sexes.

27. In its plans for eliminating poverty, the Government had created the Change Management Unit for poverty eradication and equity building, which had seven staff members. Its initiatives included regional workshops, consensus-building programmes, community programmes and microcredit programmes.

28. The Government was not currently considering the establishment of a quota system to increase women's participation in political life. Employment discrimination was prohibited under the Equal Opportunity Act, and the Government had embraced the principle of equal pay for equal work. Workers not covered by collective agreements and labour contracts

could appeal to the Labour Inspectorate Division of the Ministry of Labour, Manpower Development and Industrial Relations. Legislation had also been proposed that would regulate the basic conditions of work for all workers.

29. The Occupational Safety and Health Bill sought, *inter alia*, to ensure that an employer did not expose a pregnant woman to chemicals, substances or anything dangerous to the health of her unborn child. It had not passed, largely because employers had objected to a provision allowing an employee to refuse to do particular work if he believed it was likely to endanger himself or another employee. The Bill was to be reconsidered by Parliament.

30. The Old Age Pension Act provided grants in the amount of 800 Trinidad and Tobago dollars monthly. A task force was currently reviewing pensions. The Government also provided financial assistance to nine community homes for older persons at a cost of about 100,000 Trinidad and Tobago dollars yearly. There were currently 60 institutions providing care to older persons. The Older Persons Act of 2000, not yet in force, would establish a Division of Ageing that would be responsible for licensing homes for older persons, conducting investigations, developing standards of care, and monitoring and coordinating the national policy on ageing.

31. The Maternity Protection Act did not cover members of Parliament because they were not employees; it did, however, cover female employees of Parliament.

32. There was no evidence that female genital mutilation was practised in Trinidad and Tobago. The Domestic Violence Act provided greater protection for victims but did not make domestic violence a specific offence: perpetrators of domestic violence were charged under the Offences Against the Person Act. In 2000, 1,229 cases of domestic violence had been reported. In 2001, there had been 490 reported incidents of rape and incest (which had resulted in 33 people being charged) and 137 reported incidents of serious indecency (96 people had been charged). Information about protection orders and incest would be submitted to the Committee as soon as it was available.

33. Sexual harassment was not a statutory offence in Trinidad and Tobago. However, the draft Basic Conditions of Work Bill contained provisions to

prohibit sexual harassment, including procedures for making complaints, and would cover both public and private sectors. The Bill made no provision for preferential treatment of women in employment. No time frame could be given for the adoption of the Bill.

34. Prostitutes' clients could be charged with aiding in prostitution. In 2001, 19 women had been charged with soliciting, while a number of men and women had been charged with aiding in prostitution, keeping or managing a brothel and loitering for purposes of prostitution. The Government was already making considerable efforts to prevent drug and alcohol abuse; it would provide the Committee with further information when it had conducted more thorough research. There was no evidence that trafficking of women existed in Trinidad and Tobago, thus no research had been commissioned on that subject.

35. Although there were no overt barriers to the participation of women in politics or decision-making, their participation remained low: for example, only 6 out of 30 members in the lower house of Parliament were women. The Government had not considered introducing a quota system; perhaps more lobbying of the Government by non-governmental organizations was needed to promote that idea. A reply to the questions about discriminatory provisions in the Citizenship Act would be given once further research had been conducted. The Citizenship Act stated that a child born abroad could be registered as a citizen of Trinidad and Tobago upon application by the "responsible parent". The "responsible parent" had previously been defined as the father, but the Act had been amended in 2000 to allow either parent to apply to register a child.

36. The Government would provide more information on adult literacy when it became available. In both primary and secondary schools, female students outnumbered male students. The Government was constructing new schools and refurbishing existing schools in order to achieve the goal of universal secondary education. Most Roman Catholic, Hindu and Muslim schools were single-sex, but as far as she knew, all State schools were co-educational. Different schools sometimes offered different curricula, depending on the prevailing educational philosophy at the time the school had been founded. One of the aims of the Secondary School Modernization Programme was to standardize the curriculum. Gender was not taught as a separate subject, but the subject of social

studies contained a gender component. The question on the planned research into the gender component in the primary curriculum would be answered after consultation with the relevant ministry.

37. The right to education was not enshrined in the Constitution; however, the Constitution recognized the right of a parent or guardian to choose a school for his child or ward. Children usually started primary school at the age of 5, as education was free to all from the age of 5 to the end of secondary school. The Government also subsidized half the cost of tertiary education.

38. Under the decentralization of the Ministry of Education, eight education districts had been created in Trinidad and Tobago, each with a number of school supervisors and other staff. Implementation of the Government's education policy, which had previously been the responsibility of the Head Office of the Ministry of Education, was gradually being delegated to the education districts. There were private schools at all levels of the education system, mainly run by private individuals, and the Education Act provided for the monitoring of such schools. Sometimes there were difficulties in filling teaching vacancies in specific subject areas. Various steps had been taken to address that problem, including the creation of a Human Resource Unit in the Ministry of Education with a specific responsibility for ensuring that all teaching vacancies were filled. The questions about training in non-traditional areas would be answered when further information was available.

39. The principle of equal pay for work of equal value was included in the draft Basic Conditions of Work Bill. In addition, Trinidad and Tobago had ratified International Labour Organization (ILO) Convention 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value. The Minimum Wages Amendment Act stipulated penalties for employers who paid less than the minimum wage and a procedure for employees to claim wage arrears. The Employment of Women (Night Work) Act of 1939 would be repealed when the Occupational Health and Safety Bill was enacted. The number of domestic workers was not currently known. They were covered by the Maternity Protection Act, which had broadened the definition of "worker" to include domestic employees, and by the draft Basic Conditions of Work Bill. The Labour Inspectorate Division of the Ministry of Labour was responsible for

monitoring the implementation of the minimum wage with regard to domestic workers.

40. Programmes were in place to increase men's role in family planning and teach them about sexual and reproductive health. The incidence of tuberculosis among HIV/AIDS patients was increasing and measures were being taken to reverse the trend. The Government was also working to ensure that rural women were fully integrated into the food production process. Many measures were in place to improve the situation of disabled women, and an explanation would be sought as to why entitlement to disability benefits was limited to the 40 to 65 age group. Consultations had taken place between an inter-ministerial committee and religious bodies on the subject of raising the marriage age and making it uniform for members of all religious groups. No consensus had yet been reached and the Government was continuing its efforts to resolve the issue. However, statistics showed that, in practice, few early marriages took place. The incidence of vesicovaginal fistulae (VVF) was extremely low in Trinidad and Tobago and there was no evidence to suggest that discriminatory practices such as circumcision existed.

41. **Mr. McKenzie** (Trinidad and Tobago) said that his country was proud of its record of racial and religious harmony and the fact that the rights of citizens of all groups were recognized without discrimination. Women had taken up positions in the hierarchies of those religions which allowed them to do so. Trinidad and Tobago had also benefited from the efforts of the Caribbean Community (CARICOM) to improve the situation of women across the region.

42. **The Chairperson** thanked the representatives of Trinidad and Tobago for their extensive responses to the Committee's questions and welcomed the Government's intention to accept the amendment to article 20, paragraph 1, of the Convention. The provisions of the Convention, including the specific definition of discrimination in article 1, should be fully incorporated into domestic law, especially as the Optional Protocol stipulated that all available domestic remedies should be exhausted before a communication was submitted to the Committee. She urged the Government to continue its efforts to eliminate discrimination on the grounds of sexual orientation and also to give further consideration to the issue of equal pay for men and women. She welcomed the information provided on the issue of marital rape and

the establishment of the Inter-Ministerial Committee on Gender. She hoped that the questions which had not yet been answered would be addressed in the next report and, in addition, asked why most political parties were based on racial groupings, given that the level of racial harmony was said to be high. She hoped that the Committee's concluding observations would be widely disseminated in Trinidad and Tobago and commended the country's achievements to date in eliminating discrimination against women.

The meeting rose at 12.30 p.m.