

TRINIDAD AND TOBAGO 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Trinidad and Tobago is a parliamentary democracy governed by a prime minister and a bicameral legislature. The island of Tobago's House of Assembly has some administrative autonomy over local matters. The country held parliamentary elections in August 2020. The ruling People's National Movement, led by Keith Rowley, defeated the opposition United National Congress led by Kamla Persad-Bissessar. Local media observers considered the elections generally free and fair.

The Ministry of National Security oversees three major divisions: police, immigration, and defense. Police maintain internal security. The defense force, which includes the Coast Guard, is responsible for external security but also has specific domestic security responsibilities. The Coast Guard is responsible for maritime border security in places with no official ports of entry. Civilian authorities maintained effective control over the security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings by police, refoulement of asylum seekers, serious acts of corruption, and human trafficking.

The government took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses or corruption, but impunity persisted because of open-ended investigations and the generally slow pace of criminal judicial proceedings.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically

Motivated Killings

There were credible reports that police committed arbitrary or unlawful killings.

On January 31, members of the police's Special Operations Response Team (SORT), a specialized subunit of the Trinidad and Tobago Police Service comprising police and members of the Trinidad and Tobago Defense Force, arrested four suspects in connection with the kidnapping and killing of Andrea Bharatt.

One suspect, Andrew Morris, was allegedly beaten by the SORT team in front of family members before being taken to SORT headquarters and later to a SORT training facility in Wallerfield for interrogation. Morris died on February 1 at Arima Hospital. Police did not report the death until February 3. Police stated that Morris suffered from comorbidities, sustained injuries while resisting arrest, and died of injuries resulting from falling from a chair while in the hospital. Two autopsies both reported Morris suffered bleeding from internal organs, had multiple skull fractures, and died from blunt force trauma.

Police reported a second suspect, Joel Balcon, was also arrested within hours of Morris by SORT and taken to the same facility for interrogation. Police alleged Balcon sustained injuries while attempting to escape police custody. He was paralyzed, lapsed into a coma, and died eight days later in the hospital. An autopsy report stated Balcon suffered multiple skull fractures and died due to multiple blunt force traumas to the body.

In February the Police Complaints Authority (PCA) and the Professional Standards Bureau launched investigations into the deaths of Balcon and Morris. In October the PCA completed its investigation and concluded that Balcon and Morris were subjected to torture and acts of violence that led to their deaths. The case was referred to Director of Public Prosecutions Roger Gaspard, who at the end of the year was reviewing PCA findings and had not determined whether to file charges.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the law prohibits such practices, there were reports that police officers and prison guards sometimes used excessive force.

On April 20, SORT commander Mark Hernandez was charged with misconduct in public office for his role in the beating of a third suspect in Andrea Bharatt's killing (see section 1.a.).

In August, seven prisoners at the Wayne Jackson Building, a maximum-security prison also known as Building 13, filed a lawsuit against the government claiming they had been dragged from their cells and beaten by masked police, soldiers, and prison officers. The prisons commissioner stated the incident was precipitated by rebellious prisoners who refused to comply during a search and who had been waging a series of provocations with guards to attempt to dissuade crackdowns on contraband. Injured prisoners were treated at the prison's infirmary, and one was transferred to a hospital for treatment.

In a separate incident in November, prisoners at Building 13 alleged that prison officers beat, threatened, and abused prisoners in response to two killings within three days of off-duty prison officers who worked at Building 13. Although the deaths took place outside the prison, prison officials alleged that inmates coordinated the killings through external gang contacts and threatened to kill 13 more prison officers before Christmas.

Despite government steps to punish security force members and other officials charged with unlawful killings or other abuses, open-ended investigations and the generally slow pace of criminal judicial proceedings created a climate of impunity.

Prison and Detention Center Conditions

Conditions in some of the prison system's nine facilities continued to be harsh due to overcrowding.

Physical Conditions: Gross overcrowding was a problem. All prisons had inadequate lighting, poor ventilation, and inadequate sanitation. Conditions at the

sole women's prison were better than those in other prisons.

In May a small riot broke out in the women's prison following news that a prison officer had tested positive for COVID-19. The female prisoners feared contracting COVID-19 and protested for the Ministry of Health and the Prison Services to intervene.

On May 11, three prisoners were awarded compensation following an incident in 2018 when they were severely beaten by prison guards in the Port of Spain prison. Each was awarded 85,000 Trinidadian dollars (\$12,500) in compensation and 45,000 Trinidadian dollars (\$6,600) in exemplary damages after the government accepted liability for assault and battery.

Administration: Authorities investigated and prosecuted credible allegations of mistreatment.

Independent Monitoring: The government did not permit outside observers to monitor the immigration detention center. The government permitted monitoring of prisons and other detention centers by UN officials and independent human rights organizations.

Improvements: Repair projects improved physical conditions at some detention facilities. In February the Ministry of National Security reported that it made infrastructure upgrades at several prison facilities, including the upgrade of the alarm system at the Golden Grove Prison, the installation of a closed-circuit television system at the maximum-security prison, and improvements to the plumbing and electrical system at Remand Yard.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements, and the courts addressed one reported case.

On May 5, a man was awarded 980,000 Trinidadian dollars (\$144,000) in compensation because he was forced to serve his entire sentence for drug

trafficking and was prevented by prison officers while incarcerated from filing a legal challenge to his conviction. He eventually appealed and successfully overturned his conviction, but not until after serving his full term. The judge denounced the misconduct of prison officials and cited it as the reason for awarding damages for breaches of constitutional rights, deprivation of liberty, and vindictory damages.

Arrest Procedures and Treatment of Detainees

Police may arrest a person based on a warrant issued or authorized by a magistrate, or without a warrant if an officer witnesses the commission of an offense.

Detainees must be charged and appear in court within 48 hours, and the government respected this standard. There was a functioning bail system, and bail was ordinarily available for those accused of most crimes. Persons accused of murder, treason, piracy, kidnapping for ransom, or hijacking, as well as persons convicted twice of violent crimes, are ordinarily ineligible for bail for 120 days. Authorities granted detainees immediate access to a lawyer.

The minister of national security may authorize preventive detention to protect public safety, public order, or national defense. The minister must state the grounds for the detention.

In September 2020 the government amended the law to allow courts to use electronic monitoring devices as a condition of bail, probation, or community service. In March a landmark court order was made for the first use of the new electronic monitoring system. All parties to the proceedings appeared virtually, and the applicant was granted bail, conditional on being fitted with an electronic monitoring device.

Pretrial Detention: Lengthy pretrial detention was a problem. Pretrial detainees constituted more than two-thirds of the prison population. Most detainees' trials began seven to 10 years after their arrest, although some spent even longer in pretrial detention. The length of pretrial detention frequently equaled or exceeded the maximum sentence for the alleged crime. Officials cited several reasons for the backlog, including the burden of the preliminary inquiry process. The law requires anyone charged and detained to appear in person for a hearing before a

magistrate every 10 days, even if only to have the case postponed for an additional 10 days. This increased the caseload and created further inefficiency.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial; an independent judiciary generally enforced this right. Criminal defendants enjoy the right to a presumption of innocence; to be informed promptly of the charges; to receive a fair, timely, and public trial; to be present at their trial; to communicate with an attorney of their choice or have one provided at public expense if unable to pay; to have adequate time and facilities to prepare a defense; to receive free assistance of an interpreter for any defendant who cannot understand or speak English; to confront prosecution or plaintiff witnesses and present their own witnesses and evidence; not to be compelled to testify or confess guilt; and to appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights violations through domestic courts and may appeal adverse decisions to the Inter-American Commission on Human Rights.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The law provides for freedom of expression, including for members of the press and other media. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media. The government generally respected the right to freedom of expression; however, the government sometimes used the antiquated Sedition Act to limit freedom of expression, according to some nongovernmental organizations (NGOs). Although the High Court struck down sections of the Sedition Act in 2020, the attorney general appealed, and the act was reinstated in March.

Freedom of Expression: Government prosecutors attempted to use the sedition law against Watson Duke, a union president and political leader, and the Hindu religious organization Sanatan Dharma Maha Sabha. Although charges against Duke were dismissed, the investigation into the Maha Sabha had continued under the sedition law for inflammatory statements the former and now deceased secretary general of the Maha Sabha, Sat Maharaj, made on his television program regarding citizens living in Tobago. Sat Maharaj stated the government was preparing to press charges for sedition and initiated a legal motion to challenge the law itself. Maharaj died before the issue was settled, but the Maha Sabha organization continued to appeal its case. In 2020 High Court justice Frank Seepersad ruled that the Sedition Act imposed unjustified infringements on free speech, expression, thought, and freedom of the press. Seepersad ruled the sections be struck, as “they violate the rule of law because they lack certainty, are vague and so their status as law cannot be reasonably justified in this sovereign, democratic state.” In March the Court of Appeals reinstated most of the provisions of the law, ruling that only Parliament had the constitutional authority to make changes to the legislation. Attorneys representing the Maha Sabha appealed to the Privy Council to adjudicate the case.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. Married women are required to present marriage certificates to apply for passports, but married men are not.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to asylum seekers, stateless persons, and other persons of concern. As of October more than 20,800 refugees and asylum seekers in the country were registered with UNHCR. UNHCR's registered population of concern originated

from 40 different countries; of these persons, 86 percent were from Venezuela and 7 percent from Cuba.

Access to Asylum: Although the country is a party to the 1951 Convention of the Status of Refugees, the law does not provide for granting asylum or refugee status, and the government has not established a system for protecting asylum seekers. The government agreed to let UNHCR conduct refugee status determinations. Thousands of UNHCR's determinations affirmed refugee status. A positive determination by UNHCR, however, did not confer recognition by the government of an individual as a refugee or otherwise affect the person's legal status in the country. Access to asylum remained a significant problem for detained individuals, since there were no formal procedures to register those who seek asylum. The refugee NGO Living Water Community and UNHCR did not have access to the immigration detention center to register asylum seekers.

Refoulement: Various international agencies expressed alarm that Venezuelans deported from the country were subject in Venezuela to detentions of more than standard quarantine periods, extortion, solicitation of bribes, and abuse by Venezuelan officials.

In July the government worked with Venezuela to repatriate more than 700 Venezuelans. UN agencies and NGOs expressed concerns to the government and requested access to detained persons who were to be deported; reportedly, access was limited.

Access to Basic Services: Refugee children had no access to public education because they do not qualify for the required student permit under the Immigration Act. The government had no plans to provide alternative educational resources for these children.

Durable Solutions: The government collaborated with UNHCR to facilitate transit of a few refugees to countries that offered them resettlement.

Temporary Protection: In response to a large influx of Venezuelans, the government conducted a one-time registration exercise in June 2019 and agreed to allow registrants to reside, work, and access emergency health services in the country for one year from their registration date. Approximately 16,500

Venezuelans registered at that time with the government. Registration was unavailable in 2020 and 2021 to those who arrived after or who failed to register during the June 2019 exercise. In March the government conducted a reregistration exercise to extend the original permits: 13,800 of the original 16,500 persons reregistered by the April 9 deadline to have their permits extended, valid until mid-October. UNHCR and the International Organization for Migration reported that as of December the government had not extended these registrations.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In the August 2020 parliamentary elections, the ruling People's National Movement, led by Keith Rowley, defeated the opposition United National Congress, led by Kamla Persad-Bissessar, winning 22 parliamentary seats to the United National Congress's 19 seats. While there were no international election observers due to COVID-19 travel restrictions, local media observers considered the election to be generally free and fair.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not enforce the law effectively, and officials sometimes engaged in corrupt practices with impunity. There were credible reports of police and government corruption during the year.

Corruption: Corruption was a problem at many levels of government. Opaque public procurement processes were a concern. Statutes governing conflicts of

interest were rarely enforced, making nepotism and corruption commonplace. There were credible reports of government ministries and public companies manipulating or bypassing established procurement procedures to favor specific vendors unfairly.

In January senior police officials acknowledged the involvement of police with transnational gangs in the trafficking of drugs, weapons, and persons. Police officers reportedly often accepted bribes and payments for assisting criminal enterprises.

In July a municipal official was charged with misbehavior in public office. He allegedly demanded a 15,000 Trinidadian dollar (\$2,200) bribe from a contractor. The court granted bail to the official, and at year's end the matter was still before the court.

In August stories in media alleged bribery within the police gun license unit, which issued private firearms licenses. Media reported that approximately 5,000 gun licenses were approved during former commissioner of police Gary Griffith's tenure, compared with approximately 400 gun licenses issued annually by his predecessors. Media reported that the number of gun dealers and shooting ranges approved by Griffith also increased exponentially. There were allegations that businesses and individuals paid bribes to expedite gun licenses and that certain officers were reportedly given senior positions within the Firearms Unit to facilitate the issuance of these licenses. The Police Service Commission hired former judge Stanley John to probe the allegations and other issues of police misconduct. In August the director of public prosecutions charged two police officers for misbehavior in public office in corruptly obtaining and soliciting money to expedite the processing of firearm license applications.

NGOs reported, and government officials acknowledged, corruption, bribery, and extortion of immigration, police, and Coast Guard officials by human traffickers and by corrupt immigration officials.

In October the police's Crime and Problem Analysis Unit reported that more than 840 reports of corruption were received during the year.

In November, Energy Minister Stuart Young acknowledged that corruption among

public officials was a major factor in resistance to technology innovations such as electronic payments to replace cash systems because digitization allows greater efficiency, accountability, and transparency in payment systems.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Government Human Rights Bodies: The Office of the Ombudsman investigates citizens' complaints concerning the administrative decisions of government agencies. Where there is evidence of a breach of duty, misconduct, or criminal offense, the ombudsperson may refer the matter to the appropriate authority. The ombudsperson has a quasi-autonomous status within the government and publishes a comprehensive annual report. Both the public and the government had confidence in the integrity and reliability of the Office of the Ombudsman and the ombudsperson's annual report.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of men or women, including spousal rape, is illegal and punishable by up to life imprisonment. The government generally enforced the law, but the courts often imposed considerably shorter sentences in cases of spousal rape. The law criminalizes domestic violence and provides for protection orders separating perpetrators of domestic violence, including abusive spouses and common-law partners, from their victims. Victims reported incidents but often claimed police trivialized the matter. Courts may fine or imprison abusive spouses but rarely did so.

Rape and domestic violence were serious and pervasive problems. According to the UN Global Database on Violence against Women, 30 percent of women in the

country experienced physical or sexual violence from an intimate partner in their lifetime, and 19 percent experienced sexual violence from a nonpartner.

Survivors of rape and domestic violence had access to national crisis hotlines and could access temporary shelter and psychosocial services through a law enforcement referral. The police's Victim and Witness Support Unit encouraged reporting of rape and domestic violence.

Sexual Harassment: The law does not criminalize sexual harassment.

In March, Senator Hazel Thompson-Ahye stated that women continued to suffer indignities, physical and mental distress, financial loss, and hostile environments where they worked or studied because of a lack of appropriate legislation.

In March a Roman Catholic priest reportedly threatened a female security guard and later pressured to have her dismissed from her position after she rebuffed his advances. The Roman Catholic Archdiocese launched an investigation into the incident.

Despite the lack of specific sexual harassment legislation, citizens reported cases. The Equal Opportunity Commission can provide legal remedy. The commission has the power to receive, investigate, conciliate, and refer sexual harassment complaints to the Equal Opportunity Tribunal.

Reproductive Rights: There were no reports of coerced abortion, involuntary sterilization, or other obstetric violence on the part of government authorities.

The government reported that through the Ministry of Health and its network of health facilities, survivors of sexual violence and rape had access to emergency care, HIV prophylaxis, and emergency contraception.

Abortion is only legal in cases where the pregnancy threatens the life, physical, or mental health of a woman. Unsafe abortions remained a leading cause of maternal morbidity. Sexual health education is not a part of the national school curriculum, and barriers to access to contraception included cost, availability, locality, and parental consent for minors younger than age 18. The law sets the age of sexual consent and marriage at 18 and carries mandatory reporting requirements for

health-care providers and parents. These reporting requirements, intended to prevent abuse, had the unintended effect of dissuading minors from seeking (and health-care providers from facilitating) sexual and reproductive health-care services to minors.

The government provided prenatal health care to all pregnant women, including Venezuelan refugees, free of cost at public health facilities. There were, however, reports of limited access to these services for Venezuelan refugees.

Discrimination: The law provides for the same legal status and rights for women and men, and the government enforced the law effectively. No law mandates equal pay for equal work between men and women. Married women are required to produce all marriage certificates to verify name changes, while married men are not required to do so. Additionally, men and women filing for divorce have different filing requirements by gender.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibits discrimination based on sex, race, ethnicity, origin, religion, marital status, or disability. There were no reports of ethnic violence or systemic discrimination between workers among these groups. The government investigated and addressed racial or ethnic discrimination practices.

The government supported principles of racial harmony, which were woven into the constitution, public discourse, education, and by the declaration of national holidays that hold religious or cultural significance for various ethnic groups. The government stated disparities in outcomes for ethnic groups were due to lingering effects of institutional racism inherited from slavery and colonial rule and described any racial tensions as secondary symptoms stemming from differing economic conditions or lack of economic opportunity.

The primary political parties tended to break along racial lines between the Afro-Trinbagonian-dominated People's National Movement and the Indo-Trinbagonian-dominated United National Congress. Both dominant political parties used and defended racially charged language in recent elections.

Children

Birth Registration: Every person born in the country is a citizen at birth, unless the parents are foreign envoys accredited to the country. A child born outside the country can become a citizen at birth if either parent is a citizen. The law requires every child be registered within 42 days of birth. Registration is required to access public services. There were reports that refugees and migrants had difficulties obtaining birth registrations when they could not present requisite identification documents to authorities.

Child Abuse: The law prohibits corporal punishment of children. According to reports from the Children's Authority, however, abuse of children in their own homes or in institutional settings was a serious problem. Penalties for child abuse can include a moderate fine, two years' imprisonment, or both.

Child, Early, and Forced Marriage: The legal minimum age of marriage is 18.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation of children through selling or procuring children for prostitution, and for any practices related to child pornography. Authorities enforced the law.

The age of sexual consent is 18. The age of consent for sexual touching is 16.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There were fewer than 100 Jewish persons in the country. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination based on disability but does not mandate equal access for persons with disabilities. The law does not require providing access to buildings and transportation to persons with disabilities, nor does it require that information and forms be available in accessible formats. Persons with disabilities faced discrimination, stigma, and denial of opportunities, including lack of access to employment, education, and civic participation.

Children with significant learning disabilities generally did not attend public or assisted schools because those schools did not have sufficient resources to support their needs and most families are not able to afford private schools. The Social Services and Public Administration Joint Select Committee chairman, Paul Richards, referred to the lack of government support for children with disabilities and special needs as “institutionalized marginalization.” The Joint Select Committee reported that the Student Support Services Division tasked with meeting the needs of 3,365 referred students had less than 20 percent of its required staffing, including administrators. National curriculum and state exams did not have accessibility provisions, and there were reports that students with disabilities and special needs were denied registration to the Secondary Entrance Assessment exam because schools were not able to accommodate them.

Persons who believe they were discriminated against may file a complaint with the Equal Opportunity Commission for conciliation. Complaints that remain unresolved may be brought before the Equal Opportunity Tribunal, a superior court that has the power to impose fines, make orders for compensation, and grant injunctions. There was, however, a case of discrimination filed against the Equal Opportunity Tribunal.

In March, President Paula Mae-Weekes appointed Veera Bhajan, an attorney born without arms, to be a lay assessor on the Equal Opportunity Tribunal. The appointment was subsequently blocked by the tribunal’s chairman, Donna Powell-Raphael, who stated that Bhajan did not have adequate qualifications in law and social welfare, that the tribunal could not afford a second assessor or the logistical means to accommodate her disability, and that Bhajan would be perceived as being biased because of her disability. Bhajan filed a lawsuit against the tribunal and its

chairman for discrimination. In November, High Court judge Avason Quinlan-Williams condemned the tribunal and its chairman's shifting narrative blocking Bhajan from taking up her appointment. The judge ordered an injunction restraining the tribunal from preventing Bhajan from fulfilling her duties and ordered the tribunal to pay Bhajan the salary that had been withheld since her appointment, an additional 100,000 Trinidadian dollars (\$14,700) for the emotional distress and embarrassment the incident caused Bhajan, and 250,000 Trinidadian dollars (\$36,800) in vindictory damages. Powell-Raphael and the tribunal planned to appeal the ruling.

HIV and AIDS Social Stigma

Persons with HIV or AIDS faced persistent stigmatization, especially persons in high-risk groups. This created barriers to access and use of prevention and treatment services. The government's HIV and AIDS Unit coordinated the national response to HIV and AIDS, and the government employed HIV and AIDS coordinators in all ministries as part of its multisectoral response.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law criminalizes consensual same-sex sexual conduct between adults, but the government did not enforce it.

The law decriminalizes sexual exploration between minors who are close in age. The law specifically retains language criminalizing the same activity between same-sex minors.

The law does not specifically prohibit discrimination against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons. There were reports of harassment and threats against LGBTQI+ persons, but victims tended to avoid media attention.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of most workers, including those in state-owned enterprises, to form and join independent unions, bargain collectively, and conduct legal strikes, but with some limitations. A union must have the support of an absolute majority of workers to obtain bargaining rights. Employees providing essential services do not have the right to strike; these employees negotiate with the government's chief personnel officer to resolve labor disputes. The law stipulates that only strikes over unresolved labor disputes may take place and that authorities may prohibit strikes at the request of one party unless the strike is called by a union representing a majority of the workers. The minister of labor may petition the court to curtail any strike he deems harmful to national interests.

The law prohibits employers from discriminating against workers due to union membership and mandates reinstatement of workers illegally dismissed for union activities. Penalties were commensurate with penalties for other laws involving denials of civil rights, such as discrimination. The government's ability to effectively enforce applicable laws was limited by the pandemic.

The law's definition of a worker excludes domestic workers (house cleaners, chauffeurs, and gardeners), but domestic workers had an established trade union that advocated for their rights.

A union must have the support of an absolute majority of workers to obtain bargaining rights. Observers noted this requirement limits the right of collective bargaining. Furthermore, collective agreement negotiations are subject to mandatory mediation and must cover a minimum of three years, making it almost impossible for such agreements to include workers who are on short-term contracts. According to the National Trade Union Center, the requirement that all negotiations go through the Public Sector Negotiation Committee, rather than through the individual government agency or government-owned industry, added significant delays. Some unions claimed the government undermined the collective bargaining process by pressuring the committee to offer raises of no more than 5 percent over three years.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor. The government enforced the law effectively, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination.

Forced labor cases are referred to the labor inspectorate for investigation. Migrants from the Caribbean region and from Asia, in particular those lacking legal status, were at risk for forced labor in domestic service and the retail sector.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for employment at 16. Children ages 14 to 16 may work in activities in which only family members are employed or that the minister of education approves as vocational or technical training. The law prohibits children younger than age 18 from working between the hours of 10 p.m. and 5 a.m. except in a family enterprise. There is no separate minimum age for working in hazardous activities.

The government was generally effective in enforcing child labor laws, but penalties were not commensurate with those for analogous crimes, such as kidnapping. There were reports of children working in agriculture, as domestic workers, or in commercial sexual exploitation, sometimes as a result of human trafficking.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits employment discrimination based on political opinion, sexual orientation, gender identity, language, age, disability, HIV, or other communicable disease status. The government generally enforced the law effectively, but discrimination in employment occurred with respect to disability. Penalties were not commensurate with laws related to civil rights, such as election interference.

Women's pay lagged behind men's, especially in the private sector. The law does not require equal pay for equal work between men and women.

e. Acceptable Conditions of Work

Wage and Hour Laws: The national minimum wage was greater than the official poverty income level. The Ministry of Labour is responsible for enforcing labor laws related to minimum wage and acceptable conditions of work. The labor inspectorate employed 15 labor inspectors, who are responsible for ensuring both employers and employees are aware of their rights and responsibilities. The unit is tasked with conducting periodic inspections to verify if the workplace is managed in accordance with the law and to follow up on reports of violations.

Workers in the informal economy reported wages above the national minimum wage but reported other labor laws, including limits on the number of hours worked, were not enforced.

The law establishes a 40-hour workweek, a daily period for lunch or rest, and premium pay for overtime. The law does not prohibit excessive or compulsory overtime. The law provides for paid leave, with the amount of leave varying according to length of service.

Domestic workers, most of whom worked as maids and nannies, are covered by labor laws.

Occupational Safety and Health: The Occupational Safety and Health Agency enforced occupational safety and health (OSH) regulations. Penalties were commensurate with those for similar crimes. Resources, inspections, and penalties appeared adequate to deter violations. The labor inspectorate faced a partial moratorium during the year because of COVID-19; however, inspectors conducted follow-up telephone and virtual meetings and in person when needed.

OSH standards are appropriate for the main industries in the country. Responsibility for identifying unsafe situations remained with OSH experts and not the worker. The law gives workers the right to remove themselves from situations that endanger health or safety without jeopardy to their employment; authorities generally protected this right. On October 11, the government implemented a safe-

zone policy that permitted certain businesses such as restaurants and gyms to reopen at 50 percent capacity for fully vaccinated patrons. Businesses in this category were required to ascertain that their employees were fully vaccinated. Those found breaching safe-zone guidelines faced a moderate fine. Business owners cited vaccine hesitancy from employees as a major hurdle to meeting safe-zone requirements, with smaller businesses complaining the burden of enforcement and costs for noncompliance were discriminatory. Many businesses opted out of the safe-zone policy because they did not want to make vaccinations compulsory for their employees.

Informal Sector: Workers in the informal economy reported wages above the national minimum wage but noted that other labor laws, including on the number of hours worked, overtime, or minimum wage, were not enforced. Economists estimated the size of the informal work sector to be 5 percent of the labor force participation rate. Some NGOs believed this number to be much higher, given the influx of refugees and the lack of laws governing refugee or asylum status, which forced even highly skilled refugees and asylum seekers to work informally. Informal sectors included farming, catering, carpentry, food services, car repairs, street vendors, crafts, beauty and wellness, gardening, landscaping, medical services, cleaning, private security, manual labor, and domestic work.