

TRINIDAD AND TOBAGO 2022 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 2020. The ruling People's National Movement, led by Prime Minister 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 Trinidad and Tobago 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 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 trafficking in persons.

The government took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses or corruption, but impunity persisted due to 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 April 22, during a police operation in the city of Diego Martin, police shot at Jehlano Romney; police constable Clarence Gilkes was shot and killed during the operation. Police named Romney as a primary suspect in Gilkes's killing and launched a large-scale manhunt for Romney, who fled to Venezuela. Ballistics later confirmed that Gilkes was shot and killed from behind by a police weapon. A PCA investigation concluded that police officers had made false statements and characterized the incident as an abuse of police authority. Upon learning that the PCA investigation cleared him of the death of Gilkes, Romney returned from Venezuela and cooperated with the PCA investigation into Gilkes's death. In July Romney alleged police officers continued to harass and confront him. In August the director of public prosecutions gave investigators permission to charge police constable Kristian Genty for the murder of Gilkes as well as for shooting with intent to harm Romney, and charge police constable Crystal Williams-Bowman for shooting at Romney with intent to cause harm. On November 13, Romney was shot and killed by unidentified gunmen. As of mid-December, police were investigating Romney's death.

On July 2, police shot and killed three men following a police chase in Port of Spain. Police reported being shot at from the vehicle and alleged they recovered an illegal firearm from the vehicle. Autopsies revealed the three men were shot from behind. Three surviving occupants in the vehicle were arrested and released without charge. Following standard procedure, the incident was under investigation by the Police Complaints Authority (PCA). The Police Standards Bureau of the Trinidad and Tobago Police Service also investigates whether security force killings are justifiable.

On October 7, an off-duty police officer shot and killed a man in San Fernando as the two men argued and scuffled over a parking spot. This incident was being investigated by the PCA and Professional Standards Bureau.

Regarding investigations into the 2021 deaths of Joel Balcon and Andrew Morris, arrested in connection with the kidnapping and killing of Andrea Bharatt, early in

the year the PCA's file was referred to the director of public prosecutions, commissioner of police, minister of national security, and chief of defense staff with recommendations for their consideration.

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, and Other Related Abuses

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

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 and inadequate sanitation.

Abusive Physical Conditions: Gross overcrowding was a problem. Prisons also had inadequate lighting, poor ventilation, and inadequate sanitation. Conditions at the sole women's prison were better than those in other prisons but still inadequate. In some remand facilities, reports indicated that an average of five to nine prisoners shared a nine-by-six-foot cell and that buckets were used as toilets.

Administration: Authorities investigated and prosecuted credible allegations of mistreatment.

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

Improvements: In June the Minister of National Security announced the

completion of several major upgrades at many of the prisons, such as installing lighting, toilets, and wash basins in each cell and improving ventilation in a wing of the Golden Grove Remand Prison.

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.

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 (see Arbitrary Arrest below). 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.

Arbitrary Arrest: In May the state was ordered to pay businessman Inshan Ishmael 310,000 Trinidadian dollars (\$45,500) in compensation as a result of wrongful arrest, false imprisonment, and malicious prosecution in a 2017 case. High Court Judge Frank Seepersad also ordered that 40,000 Trinidad dollars (\$5,890) be paid in exemplary damages to deter police officers from engaging in similar conduct. In addition, the court also ordered the government to compensate Ishmael in legal fees he incurred.

In another case involving Ishmael, in September the government was ordered to pay compensation to Ishmael and self-employed businessman Devendra Partap for malicious prosecution and false imprisonment after their arrest in 2016 for

allegedly being involved in a public protest in Chaguanas. As of November, the amount of compensation owed to both men had not been determined.

In July, the Privy Council upheld a February ruling by the Court of Appeal declaring unconstitutional a section of the 1994 Bail Act and Children Act that barred judicial officers from considering bail for those accused of murder. The case had been brought by Akili Charles, who was arrested and charged with murder in 2010 and released in 2019 for lack of evidence.

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, and the judiciary generally enforced this right.

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 press and other 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).

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.

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. The law permits association and peaceful assembly but requires obtaining a permit from the commissioner of police at least 48 hours prior to holding public meetings, processions, marches, or demonstrations.

In January riot police fired tear gas on protesters and arrested 12 individuals during demonstrations against the government's handling of the pandemic in the Queens Park Savannah. The acting commissioner of police stated he had not granted permits due to COVID restrictions and because the protests were endangering

lives.

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 related rights. Married women must present marriage certificates to apply for passports, but married men do not.

e. 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 refugees, returning refugees, and asylum seekers, as well as other persons of concern.

Access to Asylum: 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 International Committee of the Red Cross, the domestic NGO Living Water Community, and UNHCR did not have access to the immigration detention center to register asylum seekers or screen for other needs. The center included a heliport based in Chaguaramas, managed by the Trinidad and Tobago Defence Force and created during the pandemic as a quarantine measure, but it served as a de facto detention center for Venezuelans.

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 February, the government worked with officials from Venezuela to repatriate 38 Venezuelans who illegally entered Trinidad and Tobago.

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. Those who were registered by the government in 2019 were not granted access to education.

Durable Solutions: The government collaborated with UNHCR to facilitate and complete refugee status determination interviews for 11 asylum seekers, and 15 refugees were resettled to a third country through the UNHCR resettlement program.

Temporary Protection: In March, the Ministry of National Security extended for the fourth time temporary work permits originally granted to approximately 16,500 Venezuelans in June 2019.

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 2020 parliamentary elections, the ruling People's National Movement (PNM), led by Prime Minister 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 reportedly did not effectively enforce the law, and officials allegedly engaged in corrupt practices with impunity. There were credible reports of government corruption during the year.

Corruption: Corruption was a problem at many levels of government. Credible reports of opaque public procurement processes and public service contracts with known gang leaders 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 August two police officers were charged with misbehavior in public office, unlawfully and dishonestly agreeing to accept and receive money. They were each granted bail of \$1.8 million Trinidadian dollars (\$265,000). The police officers allegedly asked for payment from a man to forgo prosecution in a criminal matter. At year's end, the matter was pending in court.

In another case, also in August, two police officers were charged with several offenses, including misbehavior in public office, money laundering, and receiving and soliciting money. The officers allegedly found an illegal loaded pistol while conducting a search at a man's workplace. The victim claimed that one of the officers took the gun and demanded 30,000 Trinidad dollars (\$4,400) to forgo charging him. The victim said he became afraid and gave the gun and money to the officers. On August 9, the officers were arrested. The matter was pending in court as of November.

In September Prime Minister Rowley accused new Tobago House of Assembly Chief Secretary Farley Augustine of discriminating against Tobagonian contractors because they were PNM supporters. Augustine alleged that an independent audit

revealed significant corruption under previous PNM governance of the House of Assembly.

In October 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.

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.

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 Minister of Social Development and Family Services, Donna Cox, data from the National Domestic Violence Registry showed a 30 percent year-over-year increase in women and girls who were verbally assaulted and beaten by men they knew. In most cases, their attacker was a current or former intimate partner. 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. Despite the lack of specific sexual harassment legislation, citizens reported cases. The Equal Opportunity Commission may provide legal remedy when sexual harassment constitutes "indecent assault," sexual discrimination, or general harassment of a person. 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.

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 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.

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, migrants, and other noncitizens.

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. The government enforced the law effectively, investigating and addressing 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 PNM 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 may 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. Birth registration was provided on a nondiscriminatory basis, but 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 may 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.

Institutionalized Children: In 2021, the cabinet appointed an independent team to investigate reports of child abuse at children’s homes under the purview of the Children’s Authority of Trinidad and Tobago. In May, the report noted allegations of sexual and physical abuse, overcrowding, and poorly maintained facilities. The report revealed that migrant children were also abused at many of the facilities where they were held. The report noted that the Children’s Authority failed to meet its mandate as required by law.

Antisemitism

There were fewer than 100 Jewish persons in the country. There were no reports of antisemitic acts.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law does not criminalize consensual same-sex sexual conduct between adults, following a 2018 ruling by the High Court. The legal age of consent is 18 for “sexual penetration” and 16 for “sexual touching.” 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 younger than the ages specified in the law.

Violence against LGBTQI+ Persons: According to the feminist civil society organization CAISO: Sex and Gender Justice, police officers often used their power to harass, ridicule, and intimidate lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals based on their sexuality. In some cases, they ignored or denied service to LGBTQI+ persons.

Discrimination: The law does not specifically prohibit discrimination against LGBTQI+ persons. Nevertheless, international LGBTQI+ experts believed several laws perpetuated discrimination against LGBTQI+ persons, including the Cinematograph Act, Sedition Act, Hotel Proprietors Act, and Immigration Act.

There were reports of discrimination against LGBTQI+ persons, but victims tended to avoid media attention due to stigmatization.

Availability of Legal Gender Recognition: There is no legal method by which individuals may update their gender markers on identity documents.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: The law does not prohibit so-called conversion or reparative therapy practices intended to change a person’s sexual orientation.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no restrictions on freedom of expression, association, or peaceful assembly related to LGBTQI+ speech or ability to organize or convene events.

Persons with Disabilities

Persons with disabilities faced discrimination, stigma, and denial of opportunities, including lack of access to employment, education, and civic participation. 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.

Public schools did not have sufficient resources to support the needs of children with disabilities. There is no legislation providing protection for persons with developmental disabilities to receive adequate care from families, caregivers, or public health providers. Public health institutions were unprepared to deal with abandoned children or persons with serious mental illnesses who became wards of the state.

Radica Mahase, founder of the NGO group Support Autism TT, said there continued to be a general lack of interest by government and persons in positions to make changes at a national level for the community of persons with disabilities. She said there had been few or no attempts to provide for this group in education, health, and employment.

Other Societal Violence or Discrimination

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.

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. The law's definition of a worker excludes publicly appointed or elected officers in government; members of the defense force, police, fire, prison services; educators, managers, members of the Central

Bank, apprentices, and domestic workers (house cleaners, chauffeurs, handymen, and gardeners), but domestic workers had an established trade union that advocated for their rights. A broad range of civil servants, including public servants and teachers are members of unions such as the Public Services Association and Trinidad Teachers Unified Teacher's Association. Unions must have prior authorization, and penalties can be applied to officers of unions that do not have official registration. Unions are precluded by law from engaging in political activities, and the government can unilaterally deregister a union under a variety of conditions.

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. Penalties were sometimes applied against violators.

By law, only officially registered unions may engage in collective bargaining, and they must demonstrate the support of an absolute majority of workers to be certified as a recognized majority union to engage in bargaining. Observers noted this requirement limited the right of collective bargaining. Collective bargaining agreements must be registered with the Ministry of Labour and are not binding until registered in the Industrial Court. They may be unilaterally cancelled or modified if the union that negotiated them loses its registration. The minister of labor must refer the matter to the Industrial Court for registration or submit notification to the parties and the court of any objections in writing within 14 days. If the minister or the parties cannot agree, the court may unilaterally execute and enforce a binding agreement upon the parties. Collective agreement negotiations are subject to mandatory mediation and must cover a minimum of three years and no more than five 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 government's chief personnel officer, 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.

There are significant impediments to exercising the right to strike. Strikes must have prior authorization, which requires the ministry to certify that a dispute is unresolved. Authorities may prohibit strikes at the request of one party unless the strike is called by a union representing a majority of the workers. Strikes to protect workers from discipline under agreed contractual terms. Strikes over political issues and sympathy or solidarity strikes are considered unlawful. Employees providing a broad range of essential services, including police, fire, prison, teaching, central bank, public health, public utilities, communication services, public transport, civil aviation, and meteorological services, do not have the right to strike. These employees are referred direction to a special tribunal in the Industrial Court to resolve labor disputes. The minister of labor may petition the court to curtail any strike he or she deems harmful to national interests.

In March, the chief personnel officer commenced wage negotiations with 11 public service associations and unions to discuss revised terms and conditions for approximately 90,000 public-sector employees. Before negotiations concluded, the minister of finance announced plans to refer the wage negotiations to the Industrial Court's special tribunal. One union said the referral undermined the entire wage negotiations process.

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. Refugees and migrants from Venezuela, in particular, those lacking legal status, were at risk for forced labor in domestic service and the retail sector.

The Ministry of Labour's chief labor relations officer, Sabina Gomez, stated that exploitation of migrants was a serious problem. She noted that from January to June, her unit received reports from 10 migrants that their employers were taking advantage of them. Gomez maintained that labor laws applied to both citizens and noncitizens.

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

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. The law does not require equal pay for equal work between men and women. Women's pay lagged men's, especially in the private sector. Penalties were not commensurate with laws related to civil rights, such as election interference. Penalties were sometimes applied against violators.

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 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.

Occupational Safety and Health: Occupational safety and health (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.

Under the OSH Act, the maximum punishable fine is 20,000 Trinidadian dollars (\$2,900) for each breach. Breaches resulting in death, critical injury, or

occupational disease carry an additional fine of 100,000 Trinidad dollars (\$14,700) or an amount equivalent to three years' pay of a deceased or injured worker.

In February, four divers died while doing repairs and maintenance work on an oil pipeline underwater for state-owned Paria Fuel Trading Company. A commission of enquiry, initiated six months after the accident, continued at year's end.

Wage, Hour, and OSH Enforcement: The government effectively enforced minimum wage, overtime, and OSH laws. Resources, inspections, and penalties appeared adequate to deter violations. With the lifting of COVID-19 restrictions, the labor inspectorate resumed in-person inspections.

The labor inspectorate employed 14 labor inspectors, which was insufficient to enforce compliance. The inspectors 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.

Penalties for wage, overtime, and OSH violations were less than penalties for similar violations such as negligence. Penalties were regularly applied against violators.

Informal Sector: The Central Bank estimated that informal-sector workers accounted for 5 percent of the labor force. Some NGOs believed this number to be much higher and growing, due to tax laws, fewer legal encumbrances in the informal sector, retrenchment because of the COVID-19 pandemic, the influx of refugees and migrants, and the lack of laws governing refugee or asylum status, which forced even highly skilled refugees, migrants, and asylum seekers to work informally. Informal-sector workers were concentrated in farming, carpentry, catering and food services, car repair, street vending, crafts, beauty and wellness, gardening, landscaping, medical services, cleaning, private security, manual labor, and domestic work.

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.

Workers in the informal economy meeting the definition of a worker are entitled to protections under the Industrial Relations Act. Domestic workers, most of whom worked as maids and nannies, are not covered by this law because they fail to meet the definition of a worker. They are entitled to protections under the Minimum Wages Order and the Maternity Protection Act granting them the same protections afforded other workers under these laws.