

TRINIDAD AND TOBAGO

CEDAW A/57/38 (Part I) (2002)

119. The Committee considered the combined initial, second and third periodic report of Trinidad and Tobago (CEDAW/C/TTO/1-3) at its 536th and 537th meetings, on 21 January, and its 547th meeting on 29 January 2002 (see CEDAW/C/SR.536, 537 and 547).

(a) Introduction by the State party

120. In introducing the combined initial, second and third report, the representative of Trinidad and Tobago regretted that, despite its efforts, the Government had fallen behind in its reporting obligations under article 18 of the Convention and had not submitted its report until January 2001.

121. A significant reason for the delay in submitting the report had been that no mechanism existed to deal with reporting under international human rights treaties and insufficient resources had been allocated for that purpose. In 1999, a Human Rights Unit was created within the Ministry of the Attorney-General for the preparation of reports required under international instruments. In order to assist the Unit, a Human Rights Committee, comprising representatives of some 13 ministries of the Government and one representative from the Tobago House of Assembly, had been established.

122. Upon the completion of the report, the Attorney-General tabled it before Parliament, outlining its content and the significance of the Convention. The report had been widely distributed, including to Government ministries, secondary schools, non-governmental and community-based organizations, international human rights organizations and public libraries.

123. By its accession to the Convention on the Elimination of All Forms of Discrimination against Women, the Government of Trinidad and Tobago had expressed its commitment to the global struggle to eliminate discrimination faced by women and to the promotion of their enjoyment of civil, political, economic, social and cultural rights. Encouraged by the review of its implementation by the General Assembly in 2000, the Government had also pledged itself to implement the actions identified in the Beijing Platform for Action. Non-governmental and community-based women's organizations assisted the Government in the implementation of the Convention. The Ministry of Community Development and Gender Affairs sought to address all forms of gender inequality and inequity through its Gender Affairs Division.

124. The representative indicated that the Constitution of Trinidad and Tobago explicitly prohibited discrimination on the ground of sex and enshrined equality and the protection of the law. Equal opportunity legislation to prohibit discrimination on the grounds of sex, colour, race, ethnicity, origin, religion, marital status or disability in the fields of employment, education, the provision of goods and services and accommodation had been passed and would enter into force following the appointment of the Equal Opportunity Commission and Tribunal. Legislation preventing employers from discriminating against female employees on account of pregnancy had been passed. The Cohabitation Relationships Act, regulating the rights of cohabiting couples, had entered into force

in 1998.

125. Gender-based violence, including sexual attacks on women and young girls, was pervasive and had long been a matter of grave concern for the Government. Between 1990 and 1996, 39 domestic violence-related murders had been committed in the country. A comprehensive programme against domestic violence had been launched, the components of which included the establishment of a 24-hour national domestic violence hotline, a Domestic Violence Unit within the Gender Affairs Division, a male support programme and 19 community-based drop-in information centres. A Community Policing Section had been established within the police service; and the Government was developing a national policy on domestic violence.

126. In 1999, the Domestic Violence Act 1991 had been repealed and replaced with legislation reflecting international standards, while the Legal Aid and Advice Act had been amended to allow more people, including women victims of domestic violence, to qualify for legal aid. The law relating to sexual offences had been amended to increase penalties for such offences and to penalize all forms of sexual violation, including rape and sexual assault within marriage. Progress had also been made in the implementation of legislation, in particular legal reforms implementing the provisions of the United Nations Convention on the Rights of the Child, to protect and promote the rights of children. A national survey, completed in June 1997, indicated that some children and adolescents were involved in prostitution and pornography, but there was no evidence of the sale of children.

127. Women had limited economic power and predominated in the lowest paid and least protected employment sectors. Women continued to be underrepresented in positions of power and decision-making. Especially in the private sector, few women have been able to ascend to the very top occupational levels and, despite their educational qualifications, women continue to be underpaid in every sector of employment, except when employed by the State. A “Women’s Leadership Enhancement Institute” within the Gender Affairs Division, and a “Women’s Second Chance Programme” had been introduced to address that problem. In 1996, Trinidad and Tobago became the first country in the world to enact a Counting of Unremunerated Work Act to ensure that the unremunerated work of women is recorded and calculated. It had also enacted a Minimum Wage Act to provide all workers with a minimum level of pay by establishing a single economy wide minimum wage.

128. Poverty was more widespread among single parent female-headed households and those headed by women who had received limited education. The Government was committed to improving the standard of living of poor women and their families by increasing their access to capital, resources, credit, land, technology, information, technical assistance and training. The Government, as part of its commitment to provide free secondary education for all students, had undertaken two pilot projects to train women in non-traditional areas, including masonry, plumbing, technical drawing and electrical installation.

129. In order to address gender stereotyping, a task force had been convened to review the educational curriculum for primary schools and another would be established to review the curriculum of secondary schools. A “dollar for dollar” programme, allowing every citizen to pursue the equivalent of an Associate or Bachelor’s degree at half the cost of the programme, had been

implemented to expand access to tertiary education.

130. The Government was committed to ensuring that women enjoyed the highest attainable standards of physical and mental health and well-being throughout their lives. The provision of accessible and affordable primary and secondary health care, including sexual and reproductive health care, were among the Government's priorities.

131. In concluding, the representative highlighted the efforts of the Women's Leadership and Enhancement Institute of the Division of Gender Affairs to increase the participation of women in politics, which had included the holding of a regional conference held in July 2001. Female Ministers in the Government now included the Attorney-General, the Minister of Community Development and Gender Affairs, the Minister of Social Development and the Minister of Education. Although those developments were promising, the representative indicated that the Government recognized that more work was needed to increase the participation of women in politics and in Parliament.

(b) Concluding comments of the Committee

Introduction

132. The Committee commends the State party on its report, which, although presented with some delay, complied with the Committee's guidelines.

133. The Committee commends the State party on the open and frank presentation of the delegation and the detailed responses to the oral questions posed by the Committee.

Positive aspects

134. The Committee particularly welcomes the creation of a Human Rights Unit within the Ministry of the Attorney-General to strengthen Trinidad and Tobago's capacity to report to international human rights treaty bodies. It encourages the State party to continue its efforts to fulfil its international reporting obligations.

135. The Committee also welcomes the recognition given by the State party to the role played by a number of active non-governmental organizations and community-based women's organizations in the country, which assist the State party in its efforts to eliminate all forms of discrimination against women.

136. The Committee notes with appreciation the extensive law reform initiated in Trinidad and Tobago since independence and appreciates the efforts made to repeal or amend legal provisions which discriminate against women. The Committee welcomes, in particular, the Counting of Unremunerated Work Act of 1996. The Committee notes with satisfaction that, since the repeal in 2000 of sections 5 (1) and 5 (3) of the Sexual Offences Act No. 27 of 1986, marital rape is a criminal offence in Trinidad and Tobago.

137. The Committee commends the State party for its comprehensive programme to combat

domestic violence through such initiatives as a 24-hour hotline, the establishment of a Domestic Violence Unit within the Gender Affairs Division, a male support programme and community-based drop-in information centres. The Committee commends the State party for steps to provide emergency legal aid, in particular in cases of domestic violence.

Factors and difficulties affecting the implementation of the Convention

138. The Committee notes that the entrenched stereotypical attitudes with regard to the role of women and men and the persistence of gender-based violence within the society constitute obstacles to the full implementation of the Convention.

Principal areas of concern and recommendations

139. The Committee is concerned that the Convention has not been incorporated into domestic legislation. The Committee regrets, in particular, that article 1 of the Convention which defines “discrimination against women” is not part of the legislation of the State party.

140. The Committee recommends that the State party give consideration to the incorporation of the Convention into domestic law. It points particularly to the importance of the incorporation of article 1 of the Convention. The Committee requests that the State party report on progress made in this regard in its next periodic report, including information on whether the Convention has been invoked before domestic courts.

141. The Committee notes with concern that, despite provisions in the Constitution, laws exist in the State party which may allow for discrimination against women.

142. The Committee recommends that an inventory be made of the laws that discriminate against women, with a view to their revision, amendment or repeal.

143. The Committee is concerned that the apparent lack of coordination among government bodies tasked with the oversight of gender issues and a failure to allocate responsibility for activities may compromise gender mainstreaming activities and that national women’s machinery may be affected adversely by limited human and financial resources.

144. The Committee encourages gender mainstreaming in all government ministries, as well as the creation of an impact assessment of these efforts. It recommends that the State party clearly define the mandates of the various committees and councils concerned with gender issues and the level of interaction among them. The Committee encourages the State party to continue its process of restructuring the national machinery and to allocate the necessary human and financial resources to ensure effective implementation of governmental policies and programmes related to gender equality. It also encourages gender mainstreaming in all ministries.

145. The Committee expresses concern that, despite innovative legislation, policies and programmes, violence against women remains a serious reality that is being perpetuated by deeply rooted traditional patriarchal attitudes, apparently tolerated by society.

146. The Committee urges the State party to place a high priority on measures to address violence against women in the family and in society in accordance with the Committee's general recommendation 19 and the Declaration on the Elimination of Violence against Women. The Committee recommends that the State party introduce further measures to raise public awareness about violence against women and urges the State party to strengthen its activities and programmes to focus on sexual violence, incest and prostitution.

147. The Committee is concerned about the entrenched stereotypical attitudes and behaviour with regard to the roles of women and men in the family and in society which tend to reinforce women's inferior status in many sectors of public life.

148. The Committee recommends that the State party take urgent measures to overcome traditional stereotypes regarding the role of women and men in society. The Committee emphasizes that a policy of gender equality in compliance with the Convention will require the reconceptualization of the role of women in society from that of mother and wife, exclusively responsible for children and the family, to that of individual person and actor in society.

149. The Committee is concerned about women's underrepresentation in politics and economic leadership. It is concerned that factors impeding women's participation in these areas include stereotypical attitudes, women's disproportionate share of household and family responsibilities, as well as structural and cultural barriers, such as the lack of maternity leave for women parliamentarians, which reinforce the idea that politics is a male sphere.

150. The Committee recommends the introduction of strategies to increase the number of women in decision-making bodies at all levels and in all areas. To this end, the Committee recommends that the State party utilize temporary special measures in accordance with article 4, paragraph 1, of the Convention to increase the number of women in decision-making levels in government, governmental bodies, public administration and State-owned enterprises. It also recommends that the State party strengthen its efforts to organize special training programmes for women and to conduct on a regular basis, awareness-raising campaigns in this regard.

151. The Committee is concerned that, despite high educational qualifications, women continue to be underpaid in every sector of employment, except the State employment sector. It is also concerned about the consequences of gender stereotyping in curricula and the impact of the fact that girls take traditional "female" courses and boys traditional "male" courses on women's employment options and income. The Committee is also concerned about the lack of specific legislation prohibiting sexual harassment in the workplace and providing a remedy for victims of sexual harassment.

152. The Committee encourages the State party to analyse the lack of correlation between the high level of education attained by women and their income levels; it urges the State party to implement curriculum reform and the revision of textbooks in order to combat traditional attitudes towards women and to help to create an enabling environment for women's presence in high-level and well-paid positions. It also recommends that the State party avail itself of existing research and practice with regard to equal pay for work of equal and comparable value in order to overcome

inequality in pay. The Committee further recommends that sexual harassment in the workplace, including in the private sector, should be penalized, and remedies provided for those affected.

153. The Committee is concerned that, although domestic workers are entitled to a minimum wage under the new Minimum Wage Order, they are not included within the definition of “worker” in the Industrial Relations Act.

154. The Committee calls upon the State party to bring domestic workers within the definition of “worker” in the Industrial Relations Act.

155. The Committee is concerned at the high incidence of poverty among various groups of women, in particular female heads of households. The Committee recognizes that women-headed households have been negatively affected by structural adjustment programmes and the changing global situation.

156. The Committee requests the State party to provide additional information on the programmes and projects that have been implemented to combat the negative impact of structural adjustment programmes on women, and in particular households headed by women, and to ensure that governmental policies to eradicate poverty are continuous, incorporate a gender perspective and do not marginalize women.

157. The Committee is concerned that child marriages are sanctioned under several of the legal regimes regulating marriage. The Committee notes that such marriages are prohibited by article 16, paragraph 2, of the Convention, and that such marriages have serious consequences for girls, including with regard to health. The Committee is concerned about the high rate of teenage pregnancy and its consequences for girls’ enjoyment of the rights guaranteed by the Convention, in particular in the sphere of education.

158. The Committee urges the State party to ensure that all its minimum age of marriage laws and other programmes to prevent early marriage are in line with the obligations of the Convention. The Committee also recommends that Trinidad and Tobago introduce appropriate policies and programmes for sex education and family planning education.

159. The Committee is concerned that family planning programmes appear to be aimed only at women and there is limited emphasis on male responsibility in this regard.

160. The Committee recommends the introduction of programmes to encourage men to take part in family planning responsibilities.

161. The Committee is concerned at the absence of details on any public policy for rural women, including in respect to employment and health. It is particularly concerned about the situation of older women in rural areas.

162. The Committee urges the State party to include in its next report more information and data on the situation of rural women, and of older rural women in particular, and on any policy aimed at their economic empowerment as well as their access to employment and health-care services.

163. The Committee requests the State party to respond in its next periodic report to the specific issues raised in the present concluding comments. It also requests the State party to provide in its next report an assessment of the impact of measures taken to implement the Convention.

164. The Committee urges the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

165. The Committee also urges the State party to sign and ratify the Optional Protocol to the Convention.

166. The Committee requests the wide dissemination in Trinidad and Tobago of the present concluding comments in order to make the people of Trinidad and Tobago, in particular governmental administrators and politicians, aware of the steps that have been taken with regard to de jure and de facto equality for women and of the future steps that are required in that regard. It requests the State party to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention and its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".