

## TRINIDAD AND TOBAGO

### CESCR E/1989/22

267. The Committee jointly considered the initial reports of Trinidad and Tobago concerning rights covered by articles 6 to 9 (E/1984/6/Add.21), 10 to 12 (E/1986/3/Add.11) and 13 to 15 of the Covenant (E/1988/5/Add.1) at its 17<sup>th</sup> to 19<sup>th</sup> meetings, held on 16 and 17 February 1989 (E/C.12/1989/SR.17-19).

268. The reports were introduced by the representative of the State party, who emphasized the effects of the fall in the price of oil, Trinidad and Tobago's main export, on the promotion and respect of economic, social and cultural rights. Between 1982 and 1988 there had been a decline of 27 per cent in GNP and of more than 30 per cent in the population's real income, making it necessary to rearrange the country's short-term priorities and introduce austerity measures. The growth targets set in the 1989 budget could thus be met only through co-ordinated efforts by the international community, aimed, *inter alia*, at alleviating of the problem of developing-country indebtedness and improving the situation of the commodity market.

269. With more particular reference to the implementation of articles 6 to 9 of the Covenant, he said that the Constitution of the Republic of Trinidad and Tobago provided no guarantee of the right to employment. The unemployment rate had increased drastically between 1982 and 1987, to a level of 22.3 per cent, and its social cost had entailed additional constraints for an already weakened economy. However, vocational guidance and training measures, as well as provisions guaranteeing the trade union rights of workers subject to certain conditions, had been adopted. In addition, discrimination against women in the area of employment was gradually being eliminated. Noting that the public sector was the country's largest employer, the representative indicated that efforts were in progress to cut public expenditure by reducing the wage bill, particularly through early retirements.

270. With regard to the implementation of articles 10 to 12 of the Covenant, the representative emphasized that the family was the pivot of his country's efforts at social, economic and cultural advancement in his country. Ambitious programmes had been launched in respect of access to health, education, training and housing, but there again their implementation had been slowed down by the difficulties to which he had referred. Thus, there were still deficiencies in primary health care, the hospitals being required to dispense services which should normally have been provided at other levels. Furthermore, the Town and Country Planning Act, although promulgated in 1969, was still not being implemented consistently, resulting in irretrievable damage to the environment. Lastly, he drew attention to an experimental town planning programme based on the "Sou Sou Lands" concept, which had captured the attention of the United Nations Centre for Human Settlements (Habitat).

### General matters

271. With regard to the general framework within which the Covenant is implemented, members of the Committee inquired whether the Government of Trinidad and Tobago had requested

technical assistance from the United Nations system, in particular ILO, to diagnose and solve any problems hampering the full implementation of the rights set forth in articles 6 to 9 of the Covenant, whether the restrictions on the right of a foreign husband of a Trinidad and Tobago woman to acquire the nationality of his wife were compatible with the principle of non-discrimination and equality of the sexes, and whether the terms and conditions which could be specified in a work permit were compatible with the non-discrimination clause of article 2, paragraph 2 of the Covenant. With regard to the rights set forth in articles 10 to 12 of the Covenant it was asked whether the Government was aware of any non-realization of these rights and to which extent these rights were realized in Trinidad and Tobago. Lastly, in connection with articles 13-15 of the Covenant, it was inquired what the implications of the drop of the GNP per capita and of the consequent austerity measures on educational public expenditures were and whether the Government had considered addressing the problems of low wage rates and unfavourable tax structure which provide disincentive to potential teachers with a view to enhancing the relevant educational opportunities.

272. In addition, it was asked whether economic, social and cultural rights did not risk being marginalized in the framework of the efforts to redress the country's economic situation. In that connection, members inquired whether there was a plan for the recognition of those rights, whether there were pressures for a relaxation of employers' legal obligations, particularly in regard to wage negotiations and the exercise of trade union rights and, lastly, whether measures had been taken to encourage skilled personnel working abroad to return to the country.

273. Further information was sought on the situation of citizens of Trinidad and Tobago working abroad, and on the protection they enjoyed, in particular when they fell sick. Additional information was also requested on the main ethnic groups, their languages, their religion and their situation; on the equality of opportunity and treatment of all ethnic groups; on the situation of the most vulnerable groups; on why a five-year period of residence was required to acquire citizenship; and on the measures taken to combat poverty. It was also asked how many female offenders there were, and whether they were guarded by women warders. Lastly, members wished to know to which extent non-governmental organization had been associated in the preparation of the reports, and what measures had been taken by the Government to publicize the content of the reports.

274. The observer of ILO informed the Committee about the ratification and application by Trinidad and Tobago of the relevant ILO conventions.

275. In reply, the representative of the State party said that his country had drawn upon the services of ILO in the past, particularly in connection with the establishment of a Centre for Management Development and Productivity, the introduction of the national insurance scheme and the formulation of manpower policy. He also stated that the provision requiring the foreign husband of a Trinidad and Tobago woman to hold a work permit in order to obtain employment was not discriminatory in its implementation and was designed to give nationals priority as regards recruitment.

276. Replying to other questions, the representative assured the Committee that, despite the economic difficulties, the rights guaranteed by the Covenant and the Constitution would continue

to be respected. With regard to Trinidad and Tobago nationals working abroad, he explained that, under agreements concluded with Canada, such persons were recruited each year as seasonal workers on farms. The candidates were selected by the services of the Ministry of Labour and their travel was financed jointly by the Trinidad and Tobago Government and the Canadian farmers. However, because of competition from other countries, the number of persons concerned had declined from 700 in 1985 to fewer than 300.

277. Referring to the questions about the ethnic composition of Trinidad and Tobago and the most disadvantaged groups, he emphasized that the expression “ethnic minorities” had no meaning in his country, since the population was entirely composed of descendants of immigrants. In 1980, 40.8 per cent of the population had been of African origin and 40.7 per cent of Indian origin, the remainder consisting of persons of so-called “mixed”, European or other origin. Similarly, the population was divided among many religious faiths. Nevertheless, English was the country’s only official language. Clearly all citizens of Trinidad and Tobago were equal before the law and hence enjoyed equality of opportunity and remuneration. The five-year requirement imposed on persons applying for Trinidadian nationality corresponded to the period needed to renounce the nationality of origin. However, since the law now recognized dual nationality, it would now be possible to contemplate a reduction in that period. Lastly, the representative stated that there were very few women prisoners and that they were usually guarded by women warders.

#### Article 6: Right to work

278. Members of the Committee sought clarification of the statement according to which the right to employment was not guaranteed, and wondered how this conformed with the requirements of article 6 of the Covenant (E/1984/6/Add.21, para. 2). Further information was requested on the activities and achievements of the National Commission on the Status of Women; on the extent of unemployment in Trinidad and Tobago and on the measures taken to solve this problem; on the participation of women in economic development; on the National Training and Service Programme and the National Training Board and their impact on the level of unemployment in the various economic sectors; and on any training programme aimed at the rehabilitation of disadvantaged persons in useful and productive employment. They also inquired how the Education Plan related to the National Training and Service Programme, the National Training Board and the National Economic Plan, and whether reinstatement in the case of unjustifiable or arbitrary dismissals had created any problem for the employee or employer concerned.

279. In addition, members wished to know what the relative proportion of public and private enterprise was, whether efforts were being made to expand the private sector, and how the competitive examinations for employment in the Civil Service were organized. Further information was requested on the results achieved by the employment-promotion measures introduced, the system of self-help in employment, the Unemployment Levy Fund, the situation of the most disadvantaged groups in relation to that problem, and the system of temporary recruitment in government ministries or services. It was also wondered whether the Government was planning to raise to 14 years the minimum age for employment, as recommended by ILO.

280. With regard to the possible retirement of public servants in the public interest, members

requested further information on the remedies available against such decisions, the criteria for determining the public interest, the pension rights of a person retired in that manner, the procedures applicable to such retirement and its impact on the principle of permanent appointments for public servants, and the difference between compulsory retirement and retirement in the public interest. It was also wondered which particular rules governed arbitrary dismissals and what security was available to officials whose office had been abolished.

281. In his reply, the representative emphasized that while every adult human being had an inalienable right to work, the onus was on the individual to seek employment. With regard to the National Commission on the Status of Women, now renamed the National Council of Women, he explained that since that institution's establishment, the status of women had improved, although true equality between men and women was conditioned by the economic situation. Activities in favour of women, which originally had been mainly legal, had expanded into the economic and social fields. Thus, the Council dealt with such matters as the place of women in the working environment, women and the law, and family violence. Measures had been taken within the limits of available resources, and women's associations were playing an increasingly important role in social life and were associated with the Council's work. The representative also stated that a 12-year-old child could only work in a family undertaking.

282. With regard to problems related to unemployment, the representative again emphasized the general economic context and, in particular, the decline in the construction sector and its influence on the employment situation. The economically active population amounted to 471,000 persons, and its average growth rate was approximately 1.6 per cent. Measures had been adopted to give enterprises a boost, improve the educational system and establish industrial zones working for export.

283. In reply to other questions, the representative stated that, in 1986, nearly 103,000 persons had been working in the Civil Service, corresponding to one quarter of the economically active population. Recruitment to clerical posts was by administrative examination, while university graduates were appointed on the basis of their qualifications. The Government had nevertheless set out to reduce the relative share of the public sector and had consequently begun to denationalize certain enterprises. Various incentives were offered to small firms, particularly financial assistance and 25-year loans at nominal interest granted by the Agricultural Bank and the Development Financing Corporation.

284. With regard to unemployment, the representative emphasized that all workers who had contributed to the national social insurance scheme were entitled to receive unemployment benefits. The self-help system was based on co-operation between the local authorities which defined the project concerned and provided the manpower, and the Government which supplied the materials and supervised the project. The Unemployment Levy Fund had been abolished in the 1989 budget.

285. Decisions concerning retirement in the public interest were taken by the Civil Service Commission and were subject to appeal. In addition, the officials concerned retained their pension rights in most cases. In the event of restructuring, the individuals affected were not retired but

transferred to other posts.

#### Article 7: Right to just and favourable conditions of work

286. Members of the Committee asked how wages and conditions of work were determined. They wished to receive information on any national industrial safety codes relating to the enforcement of standards concerning safe and healthy conditions of work, and inquired whether there were any specialized inspectorates responsible for its application.

287. Additionally, members wished to receive information on the impact of free trade zones on the workers' rights set forth in article 7 of the Covenant.

288. In his reply, the representative of the State party highlighted the different legal provisions governing labour inspection. In particular, he stated that the officials responsible for work safety were university graduates with science and technology degrees and that they, together with the labour inspectors, formed the Factory Inspectorate of the Ministry of Energy, Labour, Employment and Manpower Resources. As to the establishment of free zones, he emphasized that, even though the wages paid might be lower than in the rest of the country, the rights of those who worked there, particularly the right of association and the right of collective bargaining, were respected.

#### Article 8: Trade union rights

289. Members of the Committee wished to know to which extent the right to strike was afforded to trade unions in the public and private sectors.

290. Referring to the provision according to which strikes in essential public services could be prohibited, members wished to know who decided whether a service was essential, and what procedures were used in that respect. Further information was also requested on trade unions, on whether they were grouped together in a federation and, if so, whether the federation was affiliated to an international trade union federation.

291. In his reply, the representative of the State party said that some 19 per cent of workers belonged to trade unions, and that the trade unions were independent both from the Government and from political parties. Workers could strike and employers practice a lock-out when mediation or conciliation efforts in a dispute had failed. After a period of three months, the matter could be referred to the labour courts, which were independent tribunals, and they would then render a decision that was binding on the parties to the dispute. With regard to public services which were deemed to be essential and whose employees did not have the right to strike, he said that it was for the Government to determine the services concerned but that basically it was the fire, police and hospital services that were involved.

#### Article 9: Right to social security

292. Members of the Committee wished to receive information on the consequences of the exhaustion of an individual's entitlement to unemployment benefits and they inquired whether

there were any other services or supplementary income benefits.

#### Article 10: Protection of the family, mothers and children

293. Members of the Committee wished to receive statistical information on public and private hospitals, nursing homes and child care institutions. Further information was sought on the National Insurance Scheme; on whether before and after childbirth paid leave or leave with adequate social security benefits were accorded to working mothers; and on the rate of divorce in Trinidad and Tobago.

294. Additionally, members wished to know what were the relative legal status of civil and religious marriages, what was the legal status of married women, whether they were able to administer their own property, and whether they could take up employment without their husbands' consent. Further information was also requested on the legal régime applicable to divorce and on the filiation régime. It was also inquired whether the juvenile delinquency rate was rising and whether there were juvenile courts and institutions for the protection of young people.

295. In his reply, the representative of the State party stressed that an individual must be at least 18 years of age in order to be able to marry. He said that because of the multi-denominational nature of the society, marriages could be celebrated according to different rites, and that since the person officiating was regarded as a civil registrar, marriage always had a civil character. In the event of divorce, custody of the children was generally given to the mother.

296. With regard to juvenile delinquency, he stressed the special treatment given to juvenile offenders. As a general rule, the juveniles' courts placed them under the supervision of probation officers or social workers. However, they could be taken away from their families and put into orphanages, and in the most serious cases, and if they were over 10 years of age, they could be interned in special institutions.

#### Article 11: Right to an adequate standard of living

297. With regard to that issue, members of the Committee wished to know which problems, if any, had been encountered by Trinidad and Tobago with regard to the right to housing and asked what measures had been taken or planned to ensure the full implementation of the rights of everyone to adequate food and adequate clothing.

298. Information was also requested on the subject of possible regulations concerning housing, the criteria for determining what constituted adequate food, and procedures for controlling rents and protecting tenants in general.

299. In his reply, the representative of the State party said that his country was a net importer of food. The Government subsidized the price of basic commodities such as butter, milk, rice and flour. Referring to other issues, he said that between 1980 and 1988, the Housing Office and other competent bodies had granted more than 15 million dollars' worth of mortgage loans. However, despite Government efforts, the housing sector continued to experience considerable difficulties,

which meant that many people had no possibility of becoming owners. In order to meet the population's needs, strategies taking the country's economic situation into account had been introduced with a view to the construction of 1,000 new dwellings per year over a period of 5 years.

#### Article 12: Right to physical and mental health

300. Members of the Committee wished to know the consequences of the drop in annual GNP per capita on the implementation of the right of different income groups to an adequate standard of living and wondered whether any specific sectors had suffered disproportionately under the circumstances. It was also inquired whether health facilities were equally available and accessible in rural and urban areas, whether any problems had been encountered in ensuring full health services to all segments of the population, and whether Trinidad and Tobago had received or requested any technical assistance from the WHO. Furthermore, it was asked whether traditional medicine was practiced in Trinidad and Tobago and, if so, what kind of relations there were between traditional practitioners and physicians.

301. In his reply, the representative of the State party said that health facilities were not equally accessible in rural and in urban areas; he made particular mention of the main causes of death in Trinidad and Tobago and the endemic diseases which still existed there, although infant mortality had dropped considerably. Measures had been taken to ensure that the most vulnerable groups of society did not suffer from nutritional deficiencies and to improve and rationalize primary health care services, particularly in respect of health centre staff and equipment. The participation of the private sector in these steps, and more generally of the community as a whole, was encouraged.

302. With regard to assistance which Trinidad and Tobago had requested from WHO, the representative said that his country did have cases of AIDS and that the proportion of AIDS-positive patients in relation to population size was very high. A regional workshop on planning and financing action against AIDS had been held in Trinidad and Tobago in November 1987. In addition, a medium-term programme for AIDS prevention covering the period 1988-1990 had been set up with the collaboration of two WHO experts and had received a credit of 250,000 dollars from the Organization; a meeting of donors had been held in 1987. Funds had also been received from the EEC to renovate a building to be used as a counselling centre for AIDS patients and their relatives. He also said that traditional medicine was no longer practiced in the country except for benign cases. However, research was being carried out on the use of herbs to treat disease.

#### Article 13: Right to education

303. Members of the Committee wished to receive further information on the number of children not enrolled in primary schools; and on whether a fine of 25 dollars for failure by a parent to enrol a child in primary school constituted an adequate deterrent. Further information was also sought concerning church-controlled schools, in particular with regard to the admittance in these schools of children of different religion or belief.

304. In addition, members wished to know whether education was one of the Government's chief

priorities, whether the Government had any plans to extend the school leaving age to 13 or 14 years, whether there was still a problem of illiteracy in Trinidad and Tobago, if so, what percentage of the population was illiterate, and which percentage of the total student population were women. Details were requested on student access to the three universities mentioned in the report and of the implications of a university tax for the implementation of article 13 of the Covenant.

305. In his reply, the representative of the State party said that because of the annual 6 per cent drop in per capita GNP between 1980 and 1986, steps had been taken to ensure a much stricter and more efficient management policy in the universities. A university tax had been introduced, and education allowance abroad had been temporarily abolished. He added that 98 per cent of school-age children were enrolled in educational establishments. Where church-controlled schools were concerned, he stressed the spirit of tolerance existing in Trinidad and Tobago society and said that refusal to enrol a child in a church-controlled school on religious grounds would be tantamount to an act of discrimination which was punishable under section 4 of the Constitution.

306. In reply to other questions, he said that education had always been a matter of priority in his country, as could be seen from the adoption of the plan of the Ministry of Education for 1985-1990, which had required appropriations in the order of 325 million dollars. The illiteracy rate was less than 1 per cent and primary and secondary education were free and compulsory. A system of scholarships granted following an examination enabled beneficiaries to acquire the supplies they needed. In addition, students who could not pay the university tax were always able to request a low-interest bank loan to be reimbursed on completion of their studies. He went on to say that the University of the West Indies comprised three campuses specializing in specific disciplines. Medicine was studied in Jamaica, engineering and agronomy in Trinidad and Tobago and law in Barbados. Lastly, he said that the proportion of women attending university had increased considerably in the last 20 years and that a number of women who had graduated with high marks from the engineering colleges had been given posts in State enterprises.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of the interests of authors

307. Members of the Committee wished to know whether there was a governmental programme established with a view to helping and promoting young people seeking to establish artistic or creative careers. It was also inquired whether the Government of Trinidad and Tobago was aware of any negative effects of tourism amounting to an infringement of the cultural rights set forth in article 15 of the Covenant.

308. In his reply, the representative of the State party referred to the various measures adopted since 1962 to promote the arts and culture. In particular, he mentioned that a system of scholarships, partly financed by the Government and the rest by foreign Governments, particularly from the commonwealth, had been introduced. Efforts had also been made in the area of the folk arts, and consultations with the private sector had recently begun with a view to expanding its support of the country's cultural policy. The representative said that tourism, which had long been neglected because of economic prosperity, was now being developed. However, the Government was determined not to open the country to mass tourism.

### Concluding observations

309. In concluding their consideration of the Trinidad and Tobago reports, the members of the Committee once again thanked the representative of the State party for the quality and frankness of his statement. They noted with satisfaction his offer to furnish additional information at a later date. They regretted, however, that the report did not contain sufficient statistical data and did not give an idea of developments in the implementation of the Covenant during the period under consideration. It was also noted that a general lack of balance was notable in all three reports, although the report on articles 13 to 15 (E/1988/5/Add.1) was more satisfactory in that respect. Another comment made was that national criteria should be established to determine the poverty threshold and permit better identification of disadvantaged groups. Lastly, some members regretted that they had not been given sufficient information concerning the right to strike and the immunity which persons exercising that right should have.

## **CESCR E/2003/22**

249. The Committee considered the second periodic report of Trinidad and Tobago on the implementation of the Covenant (E/1990/6/Add.30) at its 15th and 16th meetings, held on 8 May 2002, and made public, at its 27th meeting, held on 17 May 2002, the following concluding observations.

### Introduction

250. The Committee welcomes the second periodic report of the State party, which was prepared in general conformity with the Committee's guidelines. While the Committee regrets the late submission of the second periodic report, it is pleased to have been able to reinstate a dialogue with the State party. However, it regrets that the delegation did not comprise sufficient experts in the field of economic, social and cultural rights.

### Positive aspects

251. The Committee welcomes the establishment in 1998 of the Human Rights Unit within the Office of the Attorney-General and Ministry of Legal Affairs.

252. The Committee takes note with satisfaction of the adoption of legislation during the past five years, including the Equal Opportunity Act, the Domestic Violence Act, the Maternity Protection Act and the Children (Amendment) Act.

253. The Committee welcomes the State party's ratification of the 1951 Geneva Convention relating to the Status of Refugees and the 1967 Protocol thereto.

254. The Committee welcomes the establishment of the Domestic Violence Unit within the Gender Affairs Division.

255. The Committee commends the introduction of free secondary education for all.

### Factors and difficulties impeding the implementation of the Covenant

256. The Committee takes note from the statement of the delegation that the current political stalemate in the State party is impeding the enactment of legislation relating to the advancement and full realization of economic, social and cultural rights for the people of Trinidad and Tobago.

### Principal subjects of concern

257. The Committee is deeply concerned that the State party has not incorporated or reflected the Covenant or its provisions in the domestic legal order and that the State party could not provide information on case law in which rights contained in the Covenant were invoked before the courts.

258. The Committee is concerned that the State party has not yet formulated a comprehensive plan of action on human rights in accordance with paragraph 71 of the Vienna Declaration and Programme of Action.<sup>8</sup>

259. The Committee is concerned that economic, social and cultural rights are not part of the mandate of the Ombudsman.

260. The Committee notes with concern that the State party has not ratified a number of ILO Conventions relevant to economic, social and cultural rights and that it has denounced various human rights instruments, including the Optional Protocol of 1966 to the International Covenant on Civil and Political Rights.

261. The Committee is concerned at the lack of disaggregated data in the State party's report and written replies, especially with regard to gender participation in employment, participation of women and children in the informal sector and poverty, in particular with regard to disadvantaged and marginalized groups.

262. The Committee is concerned about the lack of specific and comprehensive anti-discrimination legislation in the State party. The Committee is particularly concerned that the Equal Opportunity Act 2000 does not afford protection to individuals on the grounds of sexual orientation, age and HIV/AIDS status, among others.

263. The Committee is concerned about the lack of facilities for persons with disabilities, who are unable to participate in many occupations owing to physical barriers and lack of equipment.

264. The Committee is concerned about the high rate of unemployment in Trinidad and Tobago, in particular among young people between 15 and 19 years old.

265. The Committee notes with concern that women earn less than men for work of equal value, especially in the private sector.

266. The Committee is concerned that the minimum wage is not sufficient to provide a decent standard of living for workers and their families.

267. The Committee is deeply concerned that the minimum age for work, which is too low, in certain cases as low as 12 years, leaves children more vulnerable to exploitation and prejudices their right to education.

268. The Committee is concerned at the range of categories of workers denied the right to strike with legal justification. The Committee also notes with concern the existence of legislation that greatly restricts the recognition of trade unions in collective bargaining with employers.

269. The Committee is concerned about the high rate of child labour. In this respect, the Committee notes with concern that the State party has not ratified ILO Convention No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child

labour.

270. The Committee is concerned that, despite some positive initiatives, including the establishment of the Domestic Violence Unit, the incidence of violence against women remains high. The Committee also notes with concern the persistence of gender stereotypes that discriminate against women.

271. The Committee is concerned that clandestine abortion is the cause of a high rate of maternal mortality due to infections and complications from procedures performed under unsanitary conditions by untrained personnel.

272. The Committee also notes with concern the continuing high rate of HIV/AIDS, especially among young women.

273. The Committee notes that the State party, in answering questions about specific programmes devoted to reducing and preventing infant mortality and maternal mortality, as well as teenage pregnancies and backstreet abortions, did not provide disaggregated data on a comparative basis which would put the Committee in the position to ask focused questions as to how the delineated health programmes have actually been put into practice.

274. The Committee is deeply concerned about the living conditions of prisoners and detainees in the State party, especially with regard to access to health care and adequate food and basic facilities.

275. The Committee is concerned about the large number of people living below the poverty line, especially women heading single parent households, who receive insufficient protection from the State party in the enjoyment of their economic, social and cultural rights.

276. The Committee is deeply concerned about the lack of housing programmes to provide the poorest members of society with appropriate accommodation. The Committee is also concerned at the number of urban squatter communities which are exposed to forced evictions, in the light of the highly restrictive legal conditions governing their right to tenure.

277. While the Committee welcomes the abolition of corporal punishment in schools, it is concerned at the continued resort to corporal punishment at home and for adult males in the justice system.

278. The Committee is also concerned at the high rates of domestic and sexual violence, the excessive use of force by the police and the persistence of a generalized “culture of violence” in Trinidad and Tobago.

279. The Committee is concerned that problems of persisting overcrowding in hospitals, lack of staff and non-accessibility of basic drugs have put great strain on the public health service, which has detrimental effects on access to basic health-care facilities, goods and services, especially for the disadvantaged and marginalized groups of society.

### Suggestions and recommendations

280. The Committee urges the State party to ensure that economic, social and cultural rights are incorporated in national domestic legislation and made justiciable. The Committee points out that, irrespective of the system through which international law is incorporated in the domestic legal order (monism or dualism), following ratification of an international instrument, the State party is under an obligation to comply with it and to give it full effect in the domestic legal order. In this respect, the Committee draws the attention of the State party to its general comment no. 9 (1998) on the domestic application of the International Covenant on Economic, Social and Cultural Rights.

281. The Committee recommends that the State party formulate and implement a comprehensive national plan of action for the protection and promotion of human rights, as recommended in paragraph 71 of the Vienna Declaration and Programme of Action, and include information on this matter in the next periodic report.

282. The Committee recommends that the State party provide the Ombudsman with powers to deal with all human rights issues, including economic, social and cultural rights.

283. The Committee recommends that the State party ratify the ILO conventions relevant to economic, social and cultural rights and that it withdraw its reservation to article 8 of the Covenant. In addition, the Committee notes with interest the State party's declaration that it will reconsider its position regarding the denunciation of human rights instruments.

284. The Committee requests the State party to provide in its next periodic report extensive gender-disaggregated data in order to facilitate the analysis of trends, progress or worrying tendencies with regard to the enjoyment of economic, social and cultural rights.

285. The Committee recommends that the State party take legislative and other effective measures to eliminate discrimination, in accordance with article 2, paragraph 2, of the Covenant. In particular, the Committee wishes to encourage the State party to undertake proactive policies to promote the rights of individuals, especially with regard to their sexual orientation and HIV/AIDS status.

286. The Committee urges that the State party enact specific legislation and adopt concrete measures to ensure better living conditions for persons with disabilities.

287. The Committee recommends that the State party take effective action to reduce unemployment among young people by providing further vocational training opportunities.

288. The Committee urges the State party to take legislative and other measures to ensure equal pay for work of equal value for men and women.

289. The Committee recommends that the State party review the minimum wage level in order to enable workers to attain an adequate standard of living for themselves and their families.

290. The Committee urges the State party to review and harmonize legislation on the minimum working age and to implement measures to provide children with sufficient legal protection. In this regard, the Committee recommends that the State party ratify ILO Convention No. 138 (1973) concerning minimum age for admission to employment.

291. The Committee recommends that legislation preventing workers from striking be reviewed in the light of the State party's international commitments and that the requirements for trade union membership be lowered, in order to facilitate more constructive and meaningful dialogue between workers and employers. The Committee also urges the State party to ensure that mechanisms for monitoring conditions at work are provided with sufficient human and financial resources to enable them to protect the rights of workers effectively.

292. The Committee urges the State party to take effective legislative and other measures in order to address child labour. In this regard, the Committee recommends that the State party ratify ILO Convention No. 182 (1999) concerning the worst forms of child labour.

293. The Committee calls upon the State party to take all effective measures, including the enforcement of existing legislation and the extension of national awareness campaigns, to eliminate all forms of violence and discrimination against women.

294. The Committee requests the State party to provide in its next periodic report detailed information based on comparative data about the problem of abortion in Trinidad and Tobago and the measures, legislative or otherwise, including the review of its present legislation, it has undertaken to protect women from clandestine and unsafe abortion.

295. The Committee, while noting the sustained efforts made to address HIV/AIDS problems, urges the State party to step up its measures to combat HIV/AIDS and, in particular, to enhance the provision of education on sexual and reproductive health.

296. The Committee recommends that the State party, in its next periodic report, provide more detailed statistics on a disaggregated and comparative basis concerning specific health programmes devoted to reducing and preventing infant mortality and maternal mortality, as well as teenage pregnancies and backstreet abortions. The State party is invited to set benchmarks in this area which might form the basis of the dialogue with the Committee during the next periodic review.

297. The Committee urges the State party to enact specific legislation and adopt measures necessary to improve the living conditions of prisoners and detainees.

298. The Committee urges the State party to integrate economic, social and cultural rights into its poverty reduction programmes. In this regard, the State party is urged to give the most careful

attention to the Committee's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights.<sup>16</sup>

299. The Committee urges the State party to devise a housing strategy for disadvantaged and marginalized groups and to provide low-cost housing units to them. The Committee also urges the State party to provide more disaggregated data on squatters, as well as to adopt measures to improve their legal position with regard to their security of tenure. In addition, the Committee recommends that the State party take into account the Committee's general comments no. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant) and no. 7 (1997) on forced evictions.

300. The Committee calls on the State party to prohibit effectively the use of corporal punishment in all areas of life.

301. The Committee calls upon the State party to exercise the full authority of the law and all means at its command to eradicate the scourge of violence. The Committee reminds the State party that, in undertaking measures to combat violence, it must ensure respect for human dignity and the protection of human rights at all times. The Committee requests the State party to provide in its third periodic report detailed information on the measures it has taken and the progress it has achieved in its efforts to eradicate all forms of violence, particularly violence against women and children and excessive force used by the police.

302. The Committee recommends that the State party provide in its next periodic report, on a disaggregated and comparative year-by-year basis, facts and figures on access to basic health-care facilities, goods and services, and similar figures about the development of a private health-care system, including on the effects of this on continued access to health facilities by the disadvantaged and marginalized groups of society.

303. The Committee encourages the State party to continue to provide human rights education in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among government officials and the judiciary.

304. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, in particular among State officials and the judiciary, and, in its third periodic report, to inform the Committee on all steps taken to implement them. The Committee also recommends that the State party involve non-governmental organizations and other members of civil society in the preparation of its third periodic report.

305. Finally, the Committee requests the State party to submit its third periodic report by 30 June 2007 and to include in that report detailed information on the steps it has undertaken to implement the Committee's recommendations contained in the present concluding observations.

---

8/ Adopted by the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993 (A/CONF.157/24 (Part I), chap. III).

[...]

16/ [*Official Records of the Economic and Social Council*], 2002, Supplement No. 2 (E/2002/22-E/C.12/2001/17), annex VII.