



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

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**Committee on the Elimination of Discrimination
against Women**
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Summary record of the 536th meeting

Held at Headquarters, New York, on Monday, 21 January 2002, at 10.30 a.m.

Chairperson: Ms. Abaka

Contents

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

Combined initial, second and third reports of Trinidad and Tobago

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

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

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

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

2. **Mr. McKenzie** (Trinidad and Tobago) said that his country would soon celebrate the fortieth anniversary of its independence. For the most part, its people were the descendants of slaves and indentured servants, and the aim of the Government since independence had been to elevate all its citizens without distinction and to equip them to participate in the life of the country.

3. **Ms. Sirjusingh** (Trinidad and Tobago) conveyed the apologies of the Government of Trinidad and Tobago for the late submission of its reports. Recognizing that its capacity to meet its international reporting obligations needed strengthening, the Government had established a Human Rights Unit within the Ministry of the Attorney-General with the primary responsibility of fulfilling its reporting obligations. It would be fully up to date with all its international reporting obligations within two months. The report to CEDAW had been submitted to Parliament and had been widely distributed through the Human Rights Unit to non-governmental and community organizations, secondary schools and public libraries, and would be posted on the Government web site, along with any concluding observations.

4. Her Government's accession to the Convention constituted a message to the international community and to its people that it was committed to the global fight to eliminate the discrimination faced by women in the enjoyment of their civil, political, economic, social and cultural rights. In that undertaking, it drew on the assistance of a number of active non-governmental and community organizations for women. Bearing in mind the dynamic process of the Beijing conference and its recent review, it had pledged to take action to address all the critical areas of concern in the Beijing Platform for Action.

5. The status of women in Trinidad and Tobago compared favourably with their status in other middle income developing countries as reflected in such indicators as life expectancy, maternal mortality and school enrolment. However, women continued to experience gender-based constraints, in particular violence against women and girls and limited economic power. Those phenomena predominated in the lowest paid and least protected occupational categories.

6. In an effort to address those concerns, the Government had established a Ministry of Community Development and Gender Affairs. Its commitment to women's issues dated to the early 1970s, when a Women's Desk had been established within the Ministry of Labour, which had led to the establishment of a Women's Affairs Division, since renamed the Gender Affairs Division.

7. To combat the disturbing increase in domestic violence, the Government had launched a comprehensive programme, including a twenty-four hour toll-free hotline, a Domestic Violence Unit which conducted education programmes in schools and communities, training for service providers and a treatment programme for perpetrators of domestic violence. A documentary produced jointly with Jamaica on incest and community-based drop-in centres staffed by social workers were strategically situated throughout the country. The Government was developing a national policy on domestic violence, and the Gender Affairs Unit was implementing a Domestic Violence Programme. The Police Service had created a Community Policing Section whose officers had special training in handling domestic violence.

8. New legislation had broadened the definition of domestic violence to include all forms of physical, sexual, emotional, psychological or financial abuse. The Government had also amended the Legal Aid and Advice Act to permit more persons to qualify for legal aid and authorized emergency assistance in respect of proceedings under the Domestic Violence Act. An alarming increase in sex crimes against women had forced the amendment of existing legislation to protect women against all forms of sexual violation and increased the penalty for rape in aggravated circumstances. Significantly, a husband or cohabiting partner could be charged with rape or grievous sexual assault of his wife or partner even while the parties were still married or cohabiting.

9. Although the Constitution explicitly prohibited discrimination by reason of sex, there had been a lacuna in the law regarding discrimination in the private sector. The Government had therefore enacted equal opportunity legislation to prohibit discrimination in employment or education on the grounds of sex, colour, race, ethnicity, origin, religion, marital status or disability. The Maternity Protection Act guaranteed female employees paid maternity leave and safeguarded their right to return to work after pregnancy. It also granted three days' paid paternity leave to fathers. The Cohabitation Relationships Act provided protections to women and children in the event of the break-up of a common-law union.

10. Women continued to be underrepresented in decision-making, and few were employed as senior officials, managers and professionals. They continued to be underpaid in all sectors except the Government. Their unemployment rate was also significantly higher than men's. In a bid to promote their economic rights, the Government had taken several initiatives to provide training and opportunities to women in business. Trinidad and Tobago had also been one of the first countries to enact legislation requiring assignment of a monetary value to unremunerated work, such as domestic work and child care. It had also enacted minimum wage legislation and ratified International Labour Organization Convention No. 100 calling for equal remuneration for work of equal value.

11. A recent survey of living conditions had revealed that poverty was more widespread among female-headed households. In response the Government was attempting to raise their standard of living by providing access to capital, resources, credit, technical assistance and training. Its Government had pledged to provide free secondary education for all students, and was also making an effort to encourage women to enrol in vocational and technical courses and train for non-traditional jobs. Just over half of the students at the Trinidad campus of the University of the West Indies were female. To reduce the incidence of gender stereotyping, the Government had convened a task force to review the primary school curriculum and to establish a secondary school curriculum to ensure gender sensitivity and equitable participation by boys and girls.

12. A 1997 national survey on child prostitution, pornography and the sale of children had indicated that some children and adolescents were involved in

prostitution and pornography, but that there was no evidence that children were being sold. The Government had implemented a comprehensive package of legislation dealing with social reform in respect of children to defuse such problems as a growing number of street children, alleged abuse and neglect of children in institutions and an unworkable adoption process.

13. Traditionally, women's health had been viewed in terms of maternal and child health, with the major focus on women in their reproductive years. That emphasis had changed to include their physical and mental health as well as the increasing importance of the ageing process.

14. Recent Government efforts had focused on increasing the participation of women in politics, and the new Government had appointed eight women Ministers, including the Attorney-General, and 16 women as Permanent Secretaries. Although those developments were promising, more work was needed to increase the participation of women in politics and in Parliament.

15. **The Chairperson**, thanked the representative of Trinidad and Tobago for her statement and expressed appreciation, in particular for the information provided about women's health during the menopause and the establishment of the Human Rights Unit in the Ministry of the Attorney-General and Legal Affairs. She invited Committee members to put questions to the delegation.

Article 1

16. **Ms. Schöpp-Schilling** welcomed the report but said that the delay in submitting it had been regrettable. She sought the delegation's assurances that the Government would endeavour to submit its next report on time and step up its efforts to ratify the amendment to article 20, paragraph 1, of the Convention and the Optional Protocol to the Convention. She also hoped that the Government would withdraw its reservation relating to article 29, paragraph 1, of the Convention.

17. **Ms. Kwaku** asked what progress had been made with the review of the draft gender policy mentioned in paragraph 60 of the report.

Article 2

18. **Ms. Goonesekere** noted that, although fundamental human rights were protected by the Constitution, Parliament could pass laws inconsistent with those provisions by a three-fifths majority (paras. 73 and 74 of the report). She would like to know whether that meant that the fundamental right to equality could be changed by legislation. According to the report (paras. 41 and 42), individuals whose rights had been violated could seek redress either by applying to the High Court or by instituting Judicial Review proceedings. She asked why there were so few women judges in the High Court and, in that light, expressed concern that the High Court appeared to be the main body empowered to provide redress in cases of discrimination.

19. She would also like to know whether the family laws, some of which discriminated against women, could be challenged under the Constitution as a violation of the right to equality. She noted that the Constitution did not prohibit acts of discrimination by non-State or private bodies. Although that gap in the law was to some extent filled by the enactment of the Domestic Violence Act and the Equal Opportunity Act, the lack of constitutional remedies in cases involving the private sector restricted the rights of women in many areas. She asked whether the Government planned to change that situation.

20. **Ms. Tavares da Silva** said that, although an impressive range of legislation had been adopted in Trinidad and Tobago with a view to guaranteeing equality, some discriminatory laws remained. She was particularly concerned that, despite the adoption of the Sexual Offences (Amendment) Act and other initiatives, violence against women still seemed to be a serious problem. Moreover, the social support structures for victims of violence were inadequate and there was a persistent culture of tolerance of violence. The attitudes and imbalance of power at the root of violence against women needed to be challenged. Nonetheless, there did seem to be a coordinated strategy for addressing the problem, and she suggested that the State party provide an evaluation of its effectiveness.

21. **Ms. Gaspard** said she had heard that a law had been adopted to prohibit discrimination on the grounds of sexual orientation, but that the law included a new penalty for sexual relations between women, which

would constitute a violation of the Convention. She asked the delegation to confirm whether or not such a law existed and provide information about how it was applied.

22. **Ms. Kapalata**, noting the continued existence of legislation that could discriminate against women, asked that the Government of Trinidad and Tobago keep the Committee informed of its progress in repealing the remaining outdated legislation.

23. **Ms. Saiga**, noting that the Equal Opportunity Act had been adopted but was not yet in force, asked for more information on the content and current status of the Act.

24. **Ms. Schöpp-Schilling** said that, like previous speakers, she was concerned that the Constitution allowed for discriminatory legislation and asked whether there were plans to change the relevant provisions. Moreover, the definition of discrimination contained in article 1 of the Convention should be incorporated into the constitutional provision prohibiting discrimination, since it was common to a number of human rights instruments. She would also like to know whether there was a time frame for the repeal of the remaining discriminatory legislation. Noting that the Equal Opportunity Act did not prohibit discrimination on the grounds of sexual orientation, she asked whether that meant the Government condoned discrimination against homosexuals. She would like to know to what extent human rights concerns had been incorporated into the training of judges, as she had received independent information about court verdicts that discriminated against women, particularly in cases involving violence against women.

25. **Ms. Hazelle** (Rapporteur) requested a breakdown of the types of complaint made to the Ombudsman and some examples of the Ombudsman's findings and of cases referred by him to other authorities (para. 44 of the report). She would like to know whether he had the authority to suggest remedies for infringements of rights. She welcomed the availability of legal aid in cases involving domestic violence and asked whether legal aid also covered other areas, such as redress for infringements of fundamental rights, actions under the Cohabitation Relationships Act and actions relating to the custody and maintenance of children. She asked whether the training of judges mentioned in paragraph 90 of the report had had any tangible impact on the outcome of court cases with a specific gender

dimension. She would like to know whether the law on marital rape covered separated and divorced couples. She also wondered what was being done to strengthen inter-agency collaboration on gender-related issues and whether the Inter-Ministerial Committee was involved in such efforts.

26. **Ms. Shin**, referring to paragraph 64 of the report, noted that article 4 of the Constitution used the word 'his' in reference to both men and women. That language reflected the male-centred nature of the Constitution and she hoped that it would be changed in the future. She also hoped that, following the review of treaties and conventions mentioned in paragraph 46 of the report, legislation would be enacted explicitly prohibiting discrimination against women.

27. **Ms. Gabr** said that tougher penalties should be imposed on perpetrators of violence against women. She requested more information on violence against rural women, which was a particularly serious problem requiring comprehensive solutions and a change in fundamental attitudes.

28. **Mr. Melander**, noting that the Convention had not been automatically incorporated into domestic law, asked whether other conventions had been incorporated word-for-word and whether there were any cases where the Convention had been used as a tool to interpret domestic law. He also asked to what extent people in Trinidad and Tobago were aware of the existence of the Convention and what efforts were being made to disseminate it.

29. **Ms. Manalo** requested disaggregated data on cases where women had brought Judicial Review proceedings, other court action or complaints to the Ombudsman relating to discrimination. She would also like to know whether a media campaign was being conducted to educate the general public about the Convention and the basic laws for the protection of women.

Article 3

30. **Ms. Ferrer Gomez** requested more information on the role and effectiveness of the Inter-Ministerial Committee and the National Council for Women and on the relationship between the two, as well as on the role played by the Gender Affairs Division in promoting gender mainstreaming in all government ministries. It was not clear whether the draft gender policy of 1998 had led to formulation of a clear plan

and timetable for the promotion of equality of opportunity as an integral part of government policy and she wondered whether guidelines in fact existed on integration of gender mainstreaming into all aspects of government programmes.

31. More information would also be welcome on the Male Support Programme, including its functioning, current status and membership, as well as on the debate on gender affairs organized by Parliament in 1998. Noting the input of non-government sources in the preparation of the report, she asked for more information on the different types of organizations, including community-based and non-governmental organizations, consulted and asked whether there was an established mechanism for ensuring a continuing working relationship between such organizations and the Gender Affairs Division. Given the fact that the latter did not have sufficient resources to adequately fulfil its mandate, she wondered what its current staffing level was and whether any increase in its human and financial resources was planned.

32. **Ms. Tavares da Silva** expressed satisfaction at the use of mechanisms for training civil servants and ministers on gender issues but wondered whether any mechanism existed for evaluating or reviewing the performance of the National Council for Women, which had been inadequate, according to the report (para. 100).

33. She also observed the lack of a comprehensive policy on mainstreaming of gender issues. Although the mandate of the Gender Affairs Division was to promote equality and gender mainstreaming (para. 83) and it was represented on numerous national committees (para. 98), there was little information on the existence of structures for monitoring and on whether the Division's policies were truly supported by the Government and implemented at all levels.

34. **Ms. González** said that although the report contained information on measures taken by the Government to eliminate discrimination against women, she recalled the State party's obligation under article 3 of the Convention to take all appropriate measures, including legislation to ensure the effective elimination of discrimination against women, and stressed that many examples of discriminatory legislation could still be cited. More concrete measures were necessary to promote real equality for women.

35. **Ms. Kapalata** said more information was necessary on the mandates, functioning and relationship of the various bodies involved in the promotion of gender issues, such as the National Council for Women, the Gender Affairs Division, the Ombudsman, etc. She wondered how many gender-related cases the Ombudsman dealt with and was concerned that there might be some conflict of interest in cases where the Ombudsman, a government appointee, was required to investigate cases of discrimination on the part of the administration. She asked whether there were guarantees to protect the independence of that office.

36. **Ms. Manalo** said that the report did not seem to contain any information on the existence of a plan of action or programme containing clear goals in the area of women's issues and budgeting for gender mainstreaming or of any comprehensive evaluation or monitoring mechanism to oversee gender mainstreaming. With regard to re-socialization of men guilty of domestic violence, she wondered if the re-socialization programme was implemented at the national and local levels and in both the public and private sectors.

37. **Ms. Schöpp-Schilling** also regretted the lack of any comprehensive, coordination and monitoring structure governing gender issues and wondered whether that was the result of the lack of political will or of financial and human resources in a still largely patriarchal society. She asked if any parliamentary committee vetted all laws to ensure that they incorporated a gender perspective and whether all legislation prepared by all ministries, in consultation with the Ministry of Culture and Gender Affairs were assessed in terms of their gender impact. She also suggested that the need to improve the status of women could be cited by the Government in its requests for bilateral assistance from the developed countries and that any assistance obtained should be allocated to support gender issues.

38. **Ms. Shin** wondered whether the draft gender policy of 1998 (para. 60) had actually been adopted, publicly discussed and provided with adequate resources. She also noted that in general more gender-disaggregated data was necessary in all areas.

39. **Ms. Hazelle** requested more information on the composition of bodies such as the Inter-Ministerial Committee and the National Council for Women and

how their members were appointed. She also wondered why the Council had not functioned adequately.

40. She asked further whether a gender perspective had been fully incorporated into the Government's national agenda. On the other hand, she welcomed Trinidad and Tobago's groundbreaking work in the area of compensation for unremunerated work and asked for more information on the composition and mandate of the Technical Advisory Committee on the Counting of Unremunerated Work. She also requested more information on the draft gender policy of 1998 and the Gender Management System in Tobago, based on the Commonwealth Plan of Action. In addition, while recognizing the activities undertaken by the Gender Affairs Division to promote mainstreaming and re-socialization, she stressed the important role which should be played by the Ministry of Education in promoting such concepts.

41. **Ms. Livingstone Raday** welcomed the Government's efforts to recognize the unremunerated work of women. Nevertheless, since more than 50 per cent of households were headed by women and more than one third were below the poverty level, and despite the measures taken to facilitate credit and to provide training and child care, she wondered whether there were adequate social security measures to relieve the poverty of families. She was also concerned that despite women's high educational levels and success in the professional fields, they were poorly represented in Parliament and at leadership levels in unions. She wondered whether, in addition to non-governmental organization and government programmes to promote leadership by women, the Government had envisaged the possibility of imposing quotas, at least temporarily.

42. Since the unemployment figures for women were higher than for men at all educational levels, she asked whether any measures had been taken to eliminate discrimination in hiring and to provide incentives for the hiring of women. She also wanted more information on the situation of older women: for example, how many were living in poverty, how many received state pensions, was there any government measure to compensate for their relatively lower pensions, which were based on lower incomes than men, and were they entitled to widow's pensions.

Article 4

43. **Ms. Schöpp-Schilling** stressed that article 4 (1) of the Convention referred to temporary special measures which might need to be implemented to correct an existing situation in order to accelerate de facto equality but article 4 (2) referred to measures of a permanent nature protecting maternity rights. With regard to the latter, she requested more information on the provisions of the Maternity Protection Act. She wanted to know for example whether benefits were only available for the first child, or every two years and if so, why and why female members of Parliament were not eligible for the leave provisions.

44. **Ms. Hazelle** wondered, in the context of Government efforts to encourage women to enter politics, whether the provision denying maternity leave to female members of Parliament, which was certainly a disincentive, would be amended. She also requested more information on the efforts of the Ministry of Labour to promote equal opportunity and treatment for women as well as on the provisions and current status of the new Occupational Safety and Health (No. 2) Bill.

45. **The Chairperson**, speaking in her personal capacity, commended the Government on making maternity benefits available to household assistants as one of the provisions of the Minimum Wages (Household Assistants) Order, 1991.

Article 5

46. **Ms. Ferrer Gomez** said that, unfortunately, the initiatives undertaken by Trinidad and Tobago to achieve gender sensitization were insufficient. It would be useful to know why the National Youth Outreach Caravan had targeted only primary schools and excluded secondary schools and universities, and whether the Creative Arts Centre of the University of the West Indies was continuing its programme of performing plays dealing with domestic violence.

47. She wondered whether the gender training programmes offered to police officers and crisis staff was also provided to other strata of society, such as university professors. In addition, she would like to know whether any programmes on gender themes and the elimination of stereotypes were disseminated by the mass media, and what had been the consequences of the Male Support Committee. It would also be helpful to know what had been the outcome of the debate with

non-governmental organizations concerning the report now under discussion.

48. **Ms. Corti** congratulated the Government for the extensive and informative report but noted that patriarchal attitudes were still deeply rooted in the society of Trinidad and Tobago. The accepted idea of the male as the breadwinner hardly applied to a country where most households were headed by women. That failure to acknowledge reality was a major obstacle to the implementation of a gender perspective. In view of the worldwide increase in violence against women, she had been surprised to learn that the number of deaths related to domestic violence had decreased precisely because 86 per cent of the reported cases of domestic violence in Trinidad and Tobago were perpetrated by men against women.

49. The media should be encouraged to play a strong role in efforts to mobilize young people to support gender equality. It would be useful to know more about the Male Support Committee, in particular what was meant by the re-socialization of men and boys. Who were the “vulnerable men in society” mentioned in paragraph 117 of the report?

50. She would also like to know why the National Youth Outreach Caravan had targeted only seven schools.

51. **Ms. Livingstone Raday** said she had been glad to hear that marital rape could now be prosecuted during marriage, rather than only after divorce as was previously the case, and would like to know whether the consent of the office of the Attorney-General was still required for such an action.

52. She noted with satisfaction that under the Domestic Violence Act, women could obtain protection orders. The punishment of offenders was essential as a deterrent to violent crimes against women. In that regard, she would like to know the nature of the protection order, the length of time a violator was barred from home, and whether men who violated protection orders were prosecuted.

53. It would be useful to know whether reports indicating that female homosexuality had recently been criminalized in Trinidad and Tobago were accurate. If so, what was the explanation for that invasion of women’s privacy and autonomy, which reinforced stereotypes regarding sexual behaviour.

54. **Ms. Hazelle** said she was disturbed to learn that the Central Statistical Office was hampered in its work on gender violence because the relevant statistics were not disaggregated by sex. She asked whether the Ministries of Health, Education and Social and Community Development, as well as the Police, contributed data for that purpose. She would also like to know whether the video programmes developed by the Gender Affairs Division for the International Day to Eliminate Violence Against Women were also shown in other venues, such as schools and parent/teacher associations, or as part of the re-socialization programmes for men and boys. She enquired why fewer than 50 per cent of the applications for protection orders had been granted, and what was the punishment for spousal violence.

55. Paragraph 135 of the report indicated that the Sexual Offences Act defined incest as a sexual act between blood relations. It would be useful to know whether the Government envisaged extending that prohibition to guardians, adoptive parents, and other parental figures unrelated by blood. More information would be welcome with regard to convictions for the crime of incest.

56. **Ms. Shin** said she was impressed by the report's discussion of article 5, in particular the description of hotlines, drop-in centres, male counselling and video programmes. And yet, it seemed to lack an underlying philosophy with respect to domestic violence. She was unsure, for instance, whether the Domestic Violence Act defined domestic violence as a crime. Although there were many programmes for victims, fewer than one half of the applications for protection orders had been granted. In its oral introduction, the Government had indicated that it preferred mediation rather than prosecution for crimes of domestic violence. She would like to know what mechanisms existed for the punishment of such crimes, how many prosecutions and convictions had occurred, and what was meant by re-socialization.

57. She would also like to know whether the Government of Trinidad and Tobago envisaged the formulation of legislation prohibiting sexual harassment.

Article 6

58. **Ms. González** said that while prostitution apparently was not a crime, living from the proceeds of

prostitution was a crime. She wondered if that meant that prostitutes were punishable under the law, but that customers were not. Paragraph 175 indicated that prostitution, and pornography occurred in the country; paragraph 176 indicated that children and adolescents were involved in prostitution and pornography, that criminal groups were involved in prostitution, that the prostitution of children and adolescents was related to the tourist industry, and that drug use was a factor influencing child prostitution. Paragraph 182 then stated that no specific measures were being taken to combat sexual tourism or pornography. The prostitution of children and adolescents was a grave matter, and endangered the psychic health and stability of future generations. The Government should avail itself of the many international programmes that existed to prevent and halt child and adolescent prostitution. It should also pay greater attention to the prevention of alcoholism and drug use in adolescents and children.

The meeting rose at 1 p.m.