



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

Distr.: General
30 January 2002

Original: English

**Committee on the Elimination of Discrimination
against Women**

Twenty-sixth session

Summary record of the 537th meeting

Held at Headquarters, New York, on Monday, 21 January 2002, at 3 p.m.

Chairperson: Ms. Abaka

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02-22574 (E)

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The meeting was called to order at 3.10 p.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) (continued)

1. *At the invitation of the Chairperson, the members of the delegation of Trinidad and Tobago resumed places at the Committee table.*

Article 6

2. **Ms. Manalo** asked why the report made no mention of trafficking in women and why the Government had not introduced legislation to prohibit harassment in the workplace.

Article 7

3. **Ms. Regazzoli** expressed concern that the Government's efforts to increase the number of elected women officials, particularly at the national level, had not met with greater success. That problem could not be resolved through training alone; the public needed to realize that society as a whole would benefit from women's participation in political life. She wondered whether the Government had considered a quota law to ensure that women were elected to at least 30 per cent of all political posts. The Equal Opportunity Commission and non-governmental organizations (NGOs) might also take steps to promote the appointment of women to ministerial and ambassadorial posts.

4. **Ms. Tavares da Silva** asked what steps the Government planned to take to increase the number of women holding high-level posts in the judiciary, the diplomatic corps, the governmental and political hierarchy and the private sector; special temporary measures would be appropriate. The fact that women parliamentarians were not entitled to maternity benefits contributed to the myth of the male parliamentarian and was an easily corrected problem.

5. **Ms. Gaspard** noted that because the post of senator was an appointed office, the Senate had a higher percentage of women members than the House of Representatives; nevertheless, full gender parity had not been achieved. She asked whether the Government

had considered enacting legislation or making a commitment to ensure the appointment of equal numbers of men and women senators.

Article 9

6. **The Chairperson** expressed concern at the statement that in cases of joint adoption, citizenship was acquired only if the male adopter was a national of Trinidad and Tobago (para. 204); such a policy constituted a serious violation of women's right to transmit their nationality to their children.

7. **Ms. Goonesekere** congratulated the delegation on Trinidad and Tobago's elimination of the discrimination inherent in British nationality law. However, paragraph 203 of the report stated that a child born abroad could be registered as a citizen only if the "responsible parent", as defined under the Citizenship Act, was the father. Women must be able to register their children upon returning to their country.

Article 10

8. **Ms. Manalo** requested further information on the extent of illiteracy and on the percentage of men and women students in adult literacy programmes. She wondered whether any specific group, such as indigenous or migrant women, was barred from those programmes. It would also be useful to know how many male and female students had benefited from the Government's decision to provide free secondary education as from 2000.

9. **Ms. Ferrer Gomez** asked why the Government-assisted schools were primarily single-sex and what percentage of primary and secondary schools were co-educational (para. 208). It was also disturbing that the so-called "non-academic" subjects were not open to students of both sexes; she was not convinced by the argument that a scarcity of teachers was to blame. The channelling of female students into traditional subjects perpetuated the scourge of discrimination and would have an impact on their future job opportunities. It would be interesting to see the conclusions of the Government task force review of the education curriculum for primary schools and to learn whether the 200 women graduates of the 1998 pilot training project had found work in non-traditional fields. She also wondered what the outcome of the training programme sponsored by the Inter-American Development Bank (IDB) and the Government had

been and whether the Women Second Chances Programme had been pursued beyond 1999.

10. **Ms. Corti** expressed alarm at the fact that the right to education, which was a fundamental human right, was not enshrined in the Constitution but had been incorporated only in the Education Act. Furthermore, it was not clear whether the statement that compulsory school age was defined as any age between six and twelve years meant that schooling was compulsory from ages six to twelve or that the age at which children began their schooling was flexible. She also requested clarification of the reference to the continued decentralization of the Ministry of Education and asked whether the responsibility for school curricula lay with the Government or the municipalities. It would be helpful to have the enrolment figures for government-assisted and non-government-assisted schools and to know whether private schools existed and, if so, how they were financed and whether they were church-run. Lastly, in light of the high unemployment rate, she was surprised that there was a teacher shortage; she wondered whether there were any teachers among the unemployed.

11. **Ms. Achmad** said that while she appreciated the Government's efforts to combat gender-based discrimination in the legal and institutional areas, general understanding of the concept of gender equity seemed to be lacking. In particular, she was concerned that, despite the Ministry of Education's stated policy of non-discrimination, school principals sometimes prevented students from pursuing non-traditional subjects. She wondered whether the Learning Centre established by the Federation of Women's Institutes provided instruction to both boys and girls and she welcomed the Federation's efforts to support single working mothers in their parenting roles.

12. In that connection, she asked what the Government had done to counter resistance to the Family Life Education curriculum on the part of school boards, churches and parent-teacher associations since those courses gave the schools an opportunity to introduce the concept of gender equality. She was pleased that family life education was part of the core curriculum at all teachers' colleges; it was important for teachers to receive training in the elimination of gender stereotypes within the family. However, it would be advisable to incorporate a gender perspective

into the training of lawyers, economists and other professionals as well.

Article 11

13. **Ms. Kapalata**, noting with concern that there were no programmes or policies to protect the rights of women in many areas, expressed the hope that through the adoption of the Basic Conditions of Work Bill, 2000, women's issues would be addressed in great detail.

14. **Ms. Livingstone Raday** asked what compensation was available for victims of discrimination in the workplace, how many actions claiming discrimination had been brought before the courts, and what was their outcome. She was interested in knowing when the Government of Trinidad and Tobago expected to pass the draft law on equal pay for work of equal value, and what provisions it contained for its implementation, such as job evaluation studies and the recourse to class action suits. She asked what remedies could be sought against employers who violated the Minimum Wages Act, how many had been prosecuted and whether workers could make minimum wage claims retrospectively after dismissal or termination of employment.

15. With regard to the Employment of Women (Night Work) Act, regulating the employment of women during the night in industrial undertakings, she asked whether the Government was considering converting that prohibition to give women the option to accept night work.

16. **Ms. Schöpp-Schilling** enquired, in connection with the Basic Conditions of Work Bill, 2000, what was the anticipated time frame for its adoption, and whether the Bill was intended to further the implementation of International Labour Organization instruments and article 11 of the CEDAW Convention. She wanted to know whether the Bill would contain a definition of "discrimination", in accordance with article 1 of the Convention, and how "sexual harassment" would be defined. Would it include regulations for the preferential treatment of women in employment, for instance, in positions of upper management or in jobs which had traditionally been occupied by men, and what would be the role of the Basic Conditions of Work Commission?

17. She also wanted to know whether domestic workers were included in the formal employment

sector, what percentage they comprised, whether employers were required to make social security payments on their behalf, and what body monitored the conditions of their employment. She suggested that legislative review was necessary to resolve a number of contradictions in the coverage given to domestic workers under existing laws.

18. The delegation had pointed out that women working on farms owned by the Government received less pay than men. In the light of such blatant discrimination, she wondered which branch of government would investigate and resolve the matter. While the placing of a value on unremunerated work was laudable, she would like to know how the Government intended to use those calculations. She suggested that rather than develop a new methodology for such measurement, the Government could refer to the results derived from ongoing research in that area.

19. She requested the delegation to provide additional statistics on women living in poverty and said she was interested in knowing whether the Occupational Safety and Health (No. 2) Bill, 1999 would also contain provisions for the protection of male reproductive health.

Article 12

20. **The Chairperson** lauded the Trinidad and Tobago's achievements with respect to the implementation of article 12, particularly the extensive provision of public sector health facilities, and its definition of mental illness. She nevertheless drew attention to issues of concern, including the rates of homicide and teenage pregnancy, national family planning efforts, drug and alcohol abuse, HIV/AIDS infection and the plight of sex workers.

Article 14

21. **Ms. Tavares da Silva**, referring to the absence of government programmes geared towards the needs of women in rural areas (para. 421), stressed the importance of formulating such a policy.

22. **Ms. Regazzoli**, with the permission of the Chairperson, said she would raise related issues under both articles 13 and 14.

23. Under article 13, she asked how many women were benefiting from public assistance (para. 394), and what conditions they had to meet in order to qualify for

a grant. She was puzzled by the apparent restriction of disability assistance (para. 397) to the 40-65-year age group. Why not give the grant to individuals from the start of their physical or mental disability, so that they could get a good education?

24. Under article 14, she would appreciate learning more about the reasons behind the gradual increase in rural women's participation in development. Was there a link with the training or other policies of the Port-of-Spain office of the Economic Commission for Latin America and the Caribbean (ECLAC)? How were women benefiting from the efforts of the Inter-American Institute for Cooperation on Agriculture (IICA)? Older rural women were often inadequately trained and illiterate; was the Forum of the Spouses of the Heads of State and the Heads of Government in the Caribbean, which focused on rural women as agricultural entrepreneurs, planning to offer them some real education and training?

25. **Ms. Kwaku** found it alarming that Trinidad and Tobago apparently still lacked a policy on rural women, even though they represented a quarter of the population. Had there been any concrete follow-up to the initiatives mentioned in the report (para. 434), such as the Network of Rural Women Producers or the Forum of the Spouses?

Article 16

26. **Ms. Goonesekere** noted that under the plural legal system of Trinidad and Tobago, the minimum age at which marriage could be contracted in the Muslim, Hindu and Orisa communities was lower for females than males. She was particularly concerned about the provision in the Muslim Marriage and Divorce Act that permitted girls to marry from the age of 12. Child marriage was harmful to health and was prohibited both under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and under the International Convention on the Rights of the Child.

27. She asked what the Government was doing to address that contradiction. One approach might be to take advantage of the fact that Trinidad and Tobago recognized public-interest litigation. A women's organization, for example, could bring such litigation under the equality clause of the Constitution. Another option that existed in many countries was to request an overriding of the fundamental right to privacy,

including privacy in marriage, in the interest of public welfare; after all, child marriage was a health issue.

28. On the subject of domestic violence, she welcomed the replacement of older provisions with the Sexual Offences (Amendment) Act, Act No. 31 of 2000, making it possible for a husband to be charged with marital rape. She asked whether there was a “no-drop policy” under which the State could take action even if the wife dropped the case.

29. **Ms. Aouij** congratulated Trinidad and Tobago on its development efforts over the past 40 years, including those aimed at advancing the rights of women and enabling them to participate in building their country. However, laws were important only to the extent that they were applied and respected in practice.

30. She shared the concern of the previous speaker over the health, educational and social implications of the very young age at which girls could be married under the Hindu and Moslem family laws — 14 and 12 years respectively. She stressed that minimum age at marriage was not a religious issue but a matter of human interpretation, since no religion prescribed a specific age.

31. She asked whether age at marriage was the only respect in which the various communities differed de jure and de facto in terms of family law, or whether the Government simply turned a blind eye to the practice of very different interpretations of customary law. What of polygamy, for example? The report specified that a polygamous marriage could not be officially registered (paras. 446-447) but she wondered whether that was sufficient dissuasion. The only way to prove that other discriminatory practices, such as repudiation of the wife, bride purchase and female circumcision had been eliminated was through actual studies; mere consultations were not sufficient.

32. If the Succession Act as detailed in the report (para. 450) applied in practice to the Muslim, Hindu and Orisa communities, that was to be welcomed, given the difficulties many Muslim women faced in connection with inheritance.

33. In short, there were many egalitarian aspects of the country’s legislation — on disposal of property, division of belongings on dissolution of marriage, payment of maintenance, child custody, adoption and family planning — which were quite a departure from

traditional Muslim legislation. Some Muslim countries, from Turkey to Tunisia, had indeed opted for modernism and amended most of their legislation, but at great cost. She was convinced that if Trinidad and Tobago had really achieved equality in all those important areas, then it should be a relatively simple matter to amend the one discriminatory provision on age at marriage.

34. **Ms. Kwaku** echoed the concerns of the previous two speakers. On the health implications of child marriage, she asked whether young married girls in Trinidad and Tobago developed vesico-vaginal fistula, a complication seen in her own country. What proportion of girls under 16 or 18 did marry?

35. She wondered whether the Muslim marriage age of 12 for girls had been influenced by the fact that 12 was the age at which children could leave school. If so, that suggested an opening for reform. Now that the Government had a new policy of free secondary education, it might consider raising the school-leaving age to 18 in the hope of influencing the minimum marriage age.

36. She noted that polygamy, although not recognized, did exist and asked whether its de facto existence was encouraging such marriages. She contrasted it with bigamy, which was specifically prohibited by law (para. 449). Were there any statistics on the number of cases of bigamy and on trial and conviction?

37. **Ms. Schöpp-Schilling** saw a legal contradiction between the Muslim marriage age of 12 and the fixing of age 14 as the legal minimum for sexual consent by girls. Perhaps that avenue could be exploited to support amending the marriage law.

38. **Ms. Aouij** commented that young girls had presumably given their consent to marry.

39. In reply to the Chairperson, **Ms. Sirjusingh** (Trinidad and Tobago) said that her delegation would prefer to provide written responses to the incisive comments and the guidance offered by the experts.

The meeting rose at 3.30 p.m.