Trinidad and Tobago

1. Discriminatory family code

In Trinidad and Tobago, marriages are legally recognised under civil law or under religious law.\(^1\) The *minimum legal age for marriage*, as stipulated by the Civil Marriage Act, is 18 years old for both men and women.\(^2\) However, exceptions are granted on religious grounds. The Muslim Marriage and Divorce Act sets the minimum age for marriage at 12 years for women and 16 years for men. The Hindu Marriage Act fixes the minimum age at 14 years for women and 18 years for men. The Orisa Marriage Act sets the minimum age at 16 years for women and 18 years for men.\(^3\) National law states that minors cannot marry without the consent of their parents and must have reached the minimum age set by their community. However, Hindu women under 18 but older than 16 can marry without their parents' consent.\(^4\) Furthermore, provisions were made for couples cohabitating out of wedlock.\(^5\)

Concerning *early marriage*, according to the 2006 Multiple Indicator Cluster Survey, just 1.6% of women married women aged 15-49 were married before their 15th birthday. For women aged 20-49, 10.7% were married before they turned 18.\(^6\) In 2000, 2.6% of girls between 15 and 19 years of age were married or in union.\(^7\). During the National Consultation on the Standardization of the Legal Age for Marriage, held in November 2011, the Minister of Gender, Youth, and Child Development, argued that the legal provision for exceptions on religious grounds was in conflict with international conventions signed by Trinidad and Tobago. In 2012, during the discussion for the amendments of the Children Bill, the Minister spoke before the House of Representatives restating her position on the need to raise the legal age for marriage to international standards.\(^8\)

Under Trinidad and Tobago’s Family Law (Guardianship of minors, Domicile and Maintenance) Act\(^9\) mothers and fathers have equal rights in terms of *parental authority* and child custody as

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\(^1\) Marriage Act Chapter 45:01, Muslim Marriage and Divorce Act Chap. 45:02, Hindu Marriage Act Chap. 45:03, Orisa Marriage Act No. 22 of 1999 in CEDAW (2001), pp. 134-135; FAO (n.d.)
\(^3\) CEDAW (2001), p. 135
\(^4\) CEDAW (2001), pp. 134-135
\(^5\) UN Human Rights Committee (1999), p. 71
\(^6\) MSD et al. (2008), Multiple Indicator No. 67
\(^7\) OECD (2014), Gender, Institutions and Development Database, http://stats.oecd.org
\(^8\) Trinidad and Tobago’s Parliament Official Website (n.d.)
\(^9\) Guardianship of minors, Domicile and Maintenance) Act Chap. 46:08
the “natural guardians of the child”, with the courts deciding child custody arrangements in the best interests of the child.\textsuperscript{10} For children born out of wedlock, the Family Law provides for the mother to be the sole guardian of the child until the paternity has been registered under the Births and Deaths Registration Act.\textsuperscript{11}

The 1981 law on inheritance does not discriminate on the grounds of gender.\textsuperscript{12} According to data gathered by the Food and Agriculture Organisation (FAO), while Afro-Trinidadian communities do not necessarily favour males over females, inheritance has traditionally been patrilineal among the country’s East Indian communities. This gap has shifted to a more egalitarian distribution in recent years. In terms of customary practices that affect inheritance rights for women, polygamy, for example, continues to be practiced in Trinidad and Tobago, despite being punishable by law.\textsuperscript{13}

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Women and men appear to have the same rights to initiate divorce,\textsuperscript{14} with the report to the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) stating that repudiation (i.e. unilateral divorce on the part of the husband) is not practised.\textsuperscript{15}

Under the Citizenship Act, women and men have the right to pass citizenship onto their children.\textsuperscript{16}

\textbf{2. Restricted physical integrity}

Trinidad and Tobago was one of the first nations in the English-speaking Caribbean to pass domestic violence legislation.\textsuperscript{17} The 1999 Domestic Violence Act No. 27 defines domestic violence as physical, emotional, psychological and economic violence.\textsuperscript{18} Under the Domestic Violence Act, protection orders are implemented to prevent the perpetrator from making any contact with the victim and/or forcing the perpetrator to pay monetary compensation; if these are breached, perpetrators can be fined or imprisoned for up to 5 years.\textsuperscript{19} The Gender Affairs Division has put in place campaigns to publicise available services for protecting women.\textsuperscript{20} Also, Ongoing training is provided for law enforcement officers for domestic violence intervention. Since 2001, as part of a regional inter-agency project; a Procedural Manual for Police Officers on Domestic Violence Intervention is now in use by the Trinidad and Tobago Police Service and a

\textsuperscript{10} Family Law -Guardianship of Minors, Domicile and Maintenance- Act No. 15, Chap. 46:08, 1986, FAO (n.d.); CEDAW (2001), p. 139  
\textsuperscript{11} CEDAW (2001), p. 139  
\textsuperscript{12} Succession Act, No.27 of 1981; FAO (n.d.)  
\textsuperscript{14} Matrimonial Proceedings and Property Act No. 2, Chap. 45:51, 1972; FAO (n.d.)  
\textsuperscript{15} CEDAW (2001), p. 135  
\textsuperscript{16} Citizenship Act, Chap. 1:50, 1976; FAO (n.d.)  
\textsuperscript{17} Lazarus-Black (2001)  
\textsuperscript{18} Domestic Violence Act, No. 27 of 1999; OAS (2012), p. 110  
\textsuperscript{19} CEDAW (2001), pp. 141-142  
\textsuperscript{20} OAS (2012), p. 177
module is included as a training tool at the Police Training Academy.  

In order to enforce the law, Trinidad and Tobago created the Domestic Violence Units in Police Stations and a National Domestic Violence Hotline. Moreover, the government subsidises a dozen shelters run by civil society organisations and there are also several community-based drop-ins and information centres. Victims of domestic violence are also protected under the Legal Aid and Advice Act, which guarantees their right to an attorney and legal advice. Furthermore, under the Legal Aid and Advice Act, victims of domestic violence can request an Emergency Certificate to expedite the procedures of acquiring legal aid.

The Gender Affairs Division has implemented a pilot project to establish a national Central Registry for Domestic Violence and a children’s registry to co-ordinate the collection of statistics on domestic violence. Data collected by Amnesty International found that there was a four-fold increase in domestic violence-related deaths from 2004 to 2008, and 632 reports of rape, incest, and other sexual offences were made in 2010. According to Freedom House, as of 2013, domestic violence remains a significant concern in Trinidad and Tobago. A 2001 study conducted by Mindie Lazarus-Black from the University of Illinois at Chicago seeks to examine the underlying factors for the prevalence of domestic violence in Trinidad and Tobago through an ethnographic methodology. According to the scholar, many domestic violence cases are dropped by the victims themselves because the process is time-consuming, due to economic constraints (for instance, fear of losing economic support from the partner or the high costs of the legal procedure), but also because of family pressure and intimidation. However, the scholar considers that the law has been effective at least in changing the mind-set of Trinidadians in the sense that, before the creation of the 1991 law, domestic violence in Trinidad was accepted as part of the culture. The Domestic Violence Act of 1991 rendered "public" what formerly had been "private" familial behaviour.

Following the 2000 amendment to the Sexual Offences Act of 1986, rape, including spousal and cohabitant rape, is a criminal offence punished with imprisonment for life. A perpetrator cannot escape conviction by marrying the victim. According to Amnesty International, 689 cases of sexual offence were reported from January to September 2013.

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22 OAS (2012), pp. 154, 183
23 OAS (2012), p. 174
24 Chap. 7:07
25 Article 16A
27 Amnesty International (2011), p. 6
29 OAS (2012), p. 118

Trinidad and Tobago’s Labour Code does not provide any protection against sexual harassment. Moreover, the Offences against the Person (Amendment) (Harassment) Act of 2005 makes no mention of the sexual dimension of harassment, nor does it specifically address gender-based sexual harassment. In 2000, a bill was proposed under the name of Basic Conditions of Work Bill, which included a provision prohibiting Sexual Harassment in the workplace. However, this bill expired after the Parliament was dissolved in November 2000.

Female genital mutilation is punishable by 10 to 25 years of imprisonment and/or a fine, as established in the Children Act No.12 of 2012.

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Abortion is only legal in cases where the woman’s mental or physical health is in danger.

According to Amnesty International’s 2011 report on Trinidad and Tobago, gender-based violence continues to go unreported due to a lack of proper training within law enforcement bodies, as reported by women’s organisations.

In terms of social perceptions related to gender-based violence, a 2010 survey led by the World Values Survey revealed that 19% of women and men in Trinidad and Tobago think that it is sometimes or always justifiable for a man to beat his wife. The 2008 Multiple Indicator Cluster Survey (MICS) offered respondents one of five reasons why a man might be justified in hitting his wife; just 7.6% agreed with at least one reason.

Homosexuality is illegal in Trinidad and Tobago, which contributes to a discriminatory environment toward lesbian and transgender women. Sexual orientation, as a basis for discrimination, is specifically excluded in the Equal Opportunity Act of 2000, which seeks to “promote equality of opportunity between persons of different status”.

3. Son bias

The male-to-female sex ratio at birth in 2013 is 1.03 and for the working age population (15-64 years old) is 1.06. There is no evidence to suggest that Trinidad and Tobago is a country of concern in relation to missing women.

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32 CEDAW (2001); Reddock and Bobb-Smith (2008), p. 45
34 UN DESA (2013)
35 Amnesty International (2011), p. 6. A similar conclusion was achieved by the US Department of State on the 2011 Trinidad and Tobago Country Report: gender-based violence remain unreported due to police “insensitivity” and “lax” enforcement of the laws
36 UN Women (2012), pp. 136-137
37 MSD et al. (2008), Table CP. 5
38 Sections 13 and 16 of the Sexual Offenses Act; Amnesty International (2011), p. 4
39 Equal Opportunity Act Of 2000
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In 2012, the mortality rate for male children under five was 22.8 (per 1,000), compared to 18.5 for female children.\textsuperscript{41}

In terms of education, almost every child, regardless of sex, is enrolled in a primary education institution. Also, the literacy rate for both females and males (aged 15-24) was 99.6 in 2011.\textsuperscript{42} Hence, there is no indication of a significant gender gap in that sense. For secondary education, there is some evidence that males are less likely to attend than females. A similar phenomenon occurs in early childhood education.\textsuperscript{43} Moreover, date from 2010 suggests that males are more likely to repeat a school grade than females.\textsuperscript{44}

In terms of child labour, children aged 5 to 11 participate almost equally, regardless of sex. For children aged 12 to 14, boys are more vulnerable to child labour than girls. Also, males invest more hours than females in household chores, according to the 2000 Trinidad and Tobago, Multiple Indicator Cluster Survey 2.\textsuperscript{45}

4. Restricted resources and assets

The Constitution of Trinidad and Tobago recognises the individual right to property ownership and the right not to be deprived thereof, except by due process of law, without discrimination by reason of race, origin, colour, religion or sex.\textsuperscript{46} Subsequent to the 1972 Law on Matrimonial Proceedings and Property, married women have the same rights as their husbands in regard to access to property other than land. The Married Persons Act enables wives to sign contracts in their name, without their husbands' authorisation, and protects their capacity to administer their own property.\textsuperscript{47}

Women enjoy the same rights as men to access to financial services in Trinidad and Tobago. However, women are still less likely to access credit in practice. According to a 1990 study, the majority of the land owned and managed by women has been inherited from parents or spouse, as opposed to purchased.\textsuperscript{48}

According to 2012 data from the World Bank, in 2011 nearly 70\% of women had accounts at formal financial institutions, compared to 82\% of men, and 7.1\% of women had a loan from a financial institution, while nearly 10\% of men did.\textsuperscript{49}

Recent state strategies have been implemented in order to enhance women's access to financial services through micro-credit programmes, such as the Youth Widow Project of the Agriculture Development Bank and the Network of Rural Women Producers (NRWP). Nevertheless, FAO and

\textsuperscript{41} World Bank (n.d.)
\textsuperscript{42} World Bank (n.d.)
\textsuperscript{43} UNICEF http://www.unicef.org/infobycountry/trinidad_tobago_statistics.html (accessed 28/03/2014)
\textsuperscript{44} World Bank (n.d.)
\textsuperscript{46} The Constitution of the Republic of Trinidad and Tobago, Chap. I, Part I, 4a
\textsuperscript{47} FAO (n.d.)
\textsuperscript{48} Harry (1990)
\textsuperscript{49} World Bank (2012)
CEDAW (2001) report a link between these efforts to promote women’s place in society as breadwinners and an increase of gender-based violence, as a re-empowering strategy by men.\(^{50}\)

Women do make up the majority of borrowers from microfinance institutions – which tend to offer smaller loans. Women in Trinidad and Tobago made up 52.28% of borrowers in 2012.\(^{51}\)

5. Restricted civil liberties

The Constitution upholds the rights of women to freedom of movement, and there are no reported de facto restrictions on these rights. All citizens of Trinidad and Tobago have the right to a passport under the Constitution.\(^{52}\)

Regarding political voice, women and men enjoy the same rights to freedom of expression and assembly as stated by the Constitution. In addition, women and men have the same right to join a political party, to vote and to stand for election in Trinidad and Tobago.\(^{53}\) Over 72% of those polled in 2006 either disagreed or disagreed strongly with the statement, “Men make better political leaders than women do.”\(^{54}\) According to CEDAW 2001, there are no statistics on electoral processes that take into account gender. Although “women are said to participate actively” in voting, registration and fundraising, they remain underrepresented in terms of positions of power and authority.\(^{55}\)

According to the Global Database of Quotas for Women, despite not having any quota legislation for Parliament, women hold 28.6% of seats in 2014.\(^{56}\) In 2000 a bill was proposed to create a quota system requiring the same number of female and male candidates, but it failed to pass into law. In May 2010, the first female Prime Minister was elected in Trinidad and Tobago.\(^{57}\)

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Under the Maternity Protection Act of 1998, all employed women in Trinidad and Tobago receive 13 weeks of paid maternity leave.\(^{58}\) Provided that the woman has been insured for three months from the date of delivery, the leave is covered by the national social security system.\(^{59}\)

The Equal Opportunity Act of 2000 includes the prohibition of discrimination in relation to employment and provides for an Equal Opportunity Commission to receive, investigate, and decide upon claims of discrimination.\(^{60}\)

\(^{51}\) Microfinance Information Exchange (2013)
\(^{52}\) 1976 Constitution, Chapter 1, Section 4; FAO (n.d.)
\(^{53}\) CEDAW (2001), p. 65
\(^{54}\) WVS (2006), Question V61
\(^{55}\) CEDAW (2001), pp. 65-66
\(^{57}\) Trinidad and Tobago Parliament, http://www.ttparliament.org/members.php?mid=54&id=KPB01 (15/05/2014)
\(^{58}\) FAO (n.d.)
\(^{59}\) CEDAW (2001), p. 42; ILO (2011)
\(^{60}\) FAO (n.d)
Sources


Multiple Indicator Cluster Survey Trinidad and Tobago (2006)


UN Human Rights Committee (1999) Third and Fourth periodic reports of States parties due in 1990 and 1995 respectively. Addendum Trinidad and Tobago (15 September 1999).


