



TRINIDAD AND TOBAGO:

PROTECT PEOPLE FLEEING

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW, 39TH SESSION OF THE UPR WORKING GROUP, 1-12 NOVEMBER 2021

AMNESTY
INTERNATIONAL



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INTRODUCTION

This submission was prepared for the Universal Periodic Review (UPR) of Trinidad and Tobago in November 2021. In it, Amnesty International evaluates the implementation of recommendations made to Trinidad and Tobago in its previous UPR, including in relation to specific human rights violations faced by asylum seekers, especially those fleeing Venezuela and in need of international protection.

It also assesses the national human rights framework with regard to its lack of protection for asylum seekers and refugees, as well as protection for women in need of international protection from a range of human rights violations.

Regarding the human rights situation on the ground, Amnesty International raises concern about pushbacks of people in need of international protection, as well as a range of human rights violations experienced by women in need of international protection, including gender-based violence, rape, labour exploitation, and trafficking.

FOLLOW UP TO THE PREVIOUS REVIEW

1. During its previous review, Trinidad and Tobago accepted 79 recommendations and rejected 78.¹
2. A large number of the accepted recommendations related to combating all forms of discrimination and gender-based violence against women and girls.² While gender-based discrimination and violence continues to be a serious and on-going problem in Trinidad and Tobago, the authorities have made some progress since the previous UPR.

¹ UN Human Rights Council, *Report of the Human Rights Council on its thirty-third session*, UN Doc. A/HRC/33/2, para. 793

² UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Trinidad and Tobago*, 15 July 2016, A/HRC/33/15, recommendations 106.10 (Bahamas), 106.11 (Senegal), 106.12 (Norway), 106.13 (Pakistan), 106.14 (Cuba), 106.15 (Algeria), 106.16 (Morocco), 106.21 (Paraguay), 106.22 (Jamaica), 106.23 (Guatemala), 106.24 (Ghana), 106.25 (Ecuador), 106.25 (Turkey), 106.27 (Bahamas), 106.28 (Honduras), 106.29 (Italy), 106.30 (Egypt), 106.31 (France), 106.33 (USA), 106.34 (Germany), 106.35 (Mexico), 106.36 (Slovenia), 106.38 (Spain), 106.39 (Canada), 106.40 (Malaysia), 106.51 (Argentina)

In January 2020, the Police Service established a Gender-based Violence Unit to respond to domestic violence,³ and in June 2020, for the first time in 21 years, the government passed amendments to the Domestic Violence Act.

3. Trinidad and Tobago also accepted recommendations to increase accountability for human rights violations committed by law enforcement officials.⁴ However, in 2020 there were reports of significant rises in killings by the police.⁵
4. Amnesty International regrets that Trinidad and Tobago did not accept recommendations to abolish the death penalty,⁶ or a host of recommendations related to strengthening protection against discrimination on the grounds of age, HIV status,⁷ gender identity and sexual orientation, issues which remain of concern.⁸
5. Amnesty International focuses this submission on the specific human rights violations faced by asylum seekers, especially those fleeing Venezuela and in need of international protection.⁹
6. In this regard, while Trinidad and Tobago accepted a recommendation to put into effect a National Policy on refugee and asylum seekers approved before Cabinet in 2014,¹⁰ in practice, it has failed to fully do this. Additionally, although Trinidad and Tobago accepted multiple recommendations to address trafficking of women and girls,¹¹ Amnesty International is particularly concerned about the trafficking of women to Trinidad from neighbouring Venezuela.
7. Regrettably, the state did not accept recommendations to provide better human rights protection for migrants,¹² or adopt national legislation that provides for the protection of refugees and safeguards against *refoulement*.¹³ As set out below, more than ever, these recommendations need addressing.

³ Loop News, *368 charged since launch of Gender-Based Violence Unit*, 25 February 2021, www.looptt.com/content/368-charged-launch-gender-based-violence-unit

⁴ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Trinidad and Tobago*, 15 July 2016, A/HRC/33/15, recommendations 106.18 (Botswana), 108.52 (USA)

⁵ Guardian TT, *86 per cent rise in police killings*, 29 June 2020, www.guardian.co.tt/news/86-per-cent-rise-in-police-killings-6.2.1146808.c6298e9ec4

⁶ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Trinidad and Tobago*, 15 July 2016, A/HRC/33/15, recommendations 109.1 (Panama), 109.2 (Chile), 109.3 (Chile), 109.3 (Uruguay), 109.4 (Netherlands), 109.5 (Portugal), 109.6 (Australia), 109.7 (Montenegro), 109.8 (France), 109.9 (Paraguay), 109.10 (Canada), 109.11 (Honduras), 109.12 (Mongolia), 109.13 (Italy), 109.14 (Switzerland), 109.15 (Germany), 109.16 (Slovenia), 109.17 (Spain), 109.18 (Kenya), 109.19 (Costa Rica)

⁷ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Trinidad and Tobago*, Addendum, A/HRC/33/15/Add.1, 21 September 2016, recommendation 108.36 (Colombia)

⁸ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Trinidad and Tobago*, Addendum, A/HRC/33/15/Add.1, 21 September 2016 recommendations 108.37 (USA), 108.38 (Canada), 108.39 (Chile), 108.40 (Australia), 108.41 (Netherlands), 108.42 (Norway), 108.43 (Spain), 108.44 (Argentina), 108.45 (France), 108.46 (Germany), 108.47 (Italy), 108.48 (Montenegro), 108.49 (Brazil), 108.50 (Chile)

⁹ Amnesty International, *Americas: Venezuelans need international protection* (AMR 01/9019/2018) www.amnesty.org/en/documents/amr01/9019/2018/en/

¹⁰ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Trinidad and Tobago*, 15 July 2016, A/HRC/33/15, recommendation 106.70 (Kenya)

¹¹ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Trinidad and Tobago*, 15 July 2016, A/HRC/33/15, recommendations 106.42 (Sierra Leone), 106.43 (Philippines), 106.44 (Spain), 106.45 (Turkey), 106.46 (Singapore), 106.47 (Uganda), 106.48 (Mexico), 106.49 (Egypt)

¹² UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Trinidad and Tobago*, Addendum, A/HRC/33/15/Add.1, 21 September 2016 recommendation 108.66 (Mexico),

¹³ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Trinidad and Tobago*, Addendum, A/HRC/33/15/Add.1, 21 September 2016 recommendation 108.67 (Uruguay)

THE NATIONAL HUMAN RIGHTS FRAMEWORK

8. Trinidad and Tobago is one of the few countries in the Americas to have no national legislation on refugees. In practice, this means that people who apply for asylum or who are granted refugee status by the UN High Commissioner for Refugees (UNHCR) - which has been permitted to process asylum claims - have no access to many of the rights granted under the Convention relating to the Status of Refugees (1951 Refugee Convention) and its Protocol (1967), to which Trinidad and Tobago is party. Additionally, Trinidad and Tobago's Immigration Act criminalizes irregular entry,¹⁴ in contradiction to international human rights law and standards, which leaves many asylum seekers at risk of detention and/or *refoulement*.¹⁵
9. While Trinidad and Tobago's cabinet approved a National Policy on refugee and asylum seekers in 2014,¹⁶ and accepted to implement this in the previous review, many aspects of the policy are not put into practice.
10. Trinidad and Tobago's Trafficking in Person's Act 2011 in theory provides important protection for survivors of trafficking.¹⁷ Despite this, lack of national refugee legislation means people identified as potential survivors of trafficking are not also in practice offered access to asylum processes.
11. Despite significant global evidence that demonstrates that criminalization of sex work pushes the sex industry underground and away from monitoring the range of human rights violations that may occur, including trafficking, debt bondage, and labour

¹⁴ Section 40 (a) of the Immigration Act 1969, https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/18.01.pdf

¹⁵ Amnesty International, *Annual Report 2019*, Trinidad and Tobago, <https://www.amnesty.org/en/countries/americas/trinidad-and-tobago/>

¹⁶ *Trinidad and Tobago: A phased approach towards the establishment of a national policy to address refugee and asylum matters in the Republic of Trinidad and Tobago*, June 2014, www.refworld.org/docid/571109654.html

¹⁷ Trafficking in Persons Act, https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/12.10.pdf

exploitation,¹⁸¹⁹ sex work remains criminalized in Trinidad and Tobago.²⁰ This has an important impact on women's rights, including women seeking international protection.²¹

HUMAN RIGHTS SITUATION ON THE GROUND

12. Ongoing mass human rights violations in Venezuela have led to the forced displacement of an unprecedented number of Venezuelan people. More than 5.5 million Venezuelans have fled the country.²²
13. In this context, Amnesty International has called on all states to provide unrestricted access to international systems of protection, to refrain from implementing visa controls, and to take a *prima facie* approach that provides Venezuelans with urgent protection.²³
14. In January and February 2020, Amnesty International researchers visited Trinidad and Tobago and interviewed dozens of women from Venezuela and met with various NGOs and state officials including the Attorney General, representatives from the police and Counter-Trafficking Unit, Ministry of Health, among others. Despite repeated requests, the Minister of National Security and representatives from the Immigration Division did not meet with Amnesty International. The below analysis of the human rights situation on

¹⁸ For more detail on human rights concerns of sex workers associated with the criminalization of the purchase of sex, see Explanatory note on the Amnesty International Policy on State Obligations to Respect, Protect and Fulfil the rights of Sex Workers, pages 16-21, <https://www.amnesty.org/en/documents/pol30/4063/2016/en/>

¹⁹ One paper which analyzed correlates of violence against sex workers based on findings from 41 peer-reviewed articles covering various geographic locations found consistent evidence of high levels of violence against sex workers globally. It also found a clear link between policing practices (e.g. arrests, coercion, and bribes) and elevated rates of physical and sexual violence against sex workers. See: Kathleen N. Deering PhD, Avni Amin PhD, Jean Shoveller PhD, Ariel Nesbitt MPH, Claudia Garcia-Moreno MD, MSc, Putu Duff MSc, Elena Argento MPH, and Kate Shannon PhD, 'A Systematic Review of the Correlates of Violence Against Sex Workers', *American Journal of Public Health*, May 2014, e50, Global Commission on HIV and the Law: 'Rights, Risks and Health', July 2012, Available at: <https://hivlawcommission.org/report/>, The Lancet, 'HIV and sex workers', 23 July 2014, Available at: <https://www.thelancet.com/series/HIV-and-sex-workers> and Platt L, Grenfell P, Meiksin R, Elmes J, Sherman SG, Sanders T, et al.

Lucy Platt, Pippa Grenfell, Rebecca Meiksin, Jocelyn Elmes, Susan G. Sherman, Teela Sanders, Peninah Mwangi, Anna-Louise Crago, *Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies*. *PLoS Med* 15(12): e1002680., December 2018, <https://doi.org/10.1371/journal.pmed.1002680>, Amnesty International, *China: Harmfully Isolated: Criminalizing Sex Work in Hong Kong* (Index: ASA 17/4032/2016), www.amnesty.org/en/documents/asa17/4032/2016/en/ and Amnesty International, *Argentina: "What I'm doing is not a crime"* (AMR 13/4042/2016), www.amnesty.org/en/documents/amr13/4042/2016/en/

²⁰ Sex work is criminalized in Trinidad and Tobago in various provisions of the Sexual Offences Act 1986, including sections 22, 23, 24

²¹ Amnesty International calls for "decriminalization" of sex work. This means the removal of all laws and policies that make sex work a criminal offence (such as those prohibiting selling, soliciting, manifesting, buying or facilitating sex work or living off the proceeds). It also relates to the discriminatory use of other laws, which are not specific to sex work, to harass, intimidate, exploit, arrest or justify the use of force against individuals engaged in sex work. In many cases, the mere existence of these laws – even if they are rarely applied – is used to justify the harassment and extortion of sex workers, or people presumed to be sex workers, both by police and others.

²² According to the Regional Inter-Agency Coordination Platform, as of 5 February 2021, 5,478,377 Venezuelan migrants, refugees and asylum-seekers had been reported by host governments. <https://r4v.info/en/situations/platform>

²³ Amnesty International, *Americas: Venezuelans need international protection* (AMR 01/9019/2018) www.amnesty.org/en/documents/amr01/9019/2018/en/

the ground is based principally on those interviews, combined with on-going monitoring Amnesty International did throughout 2020 and early 2021.

PUSHBACKS OF PEOPLE IN NEED OF INTERNATIONAL PROTECTION

15. Amnesty International is particularly concerned about pushbacks of Venezuelans in need of international protection from Trinidad and Tobago.²⁴ As the human rights and humanitarian crisis in Venezuela has intensified, thousands of Venezuelans have fled to Trinidad and Tobago.²⁵ While they initially arrived by plane and boat, in June 2019 Trinidad and Tobago's authorities began to require a visa for Venezuelans to enter the country, forcing people in search of international protection to arrive by boat, and to rely more on clandestine routes often run by people smugglers.
16. In 2019, Trinidad and Tobago granted an estimated 16,500 Venezuelans temporary visas and the right to work in one-off "amnesty." However, as of August 2020, over 24,000 Venezuelans were hosted in Trinidad and Tobago, and as of September 2020, 14,241 had lodged asylum claims, according to the UNHCR.²⁶ In March 2021, the authorities allowed those previously registered to re-register, but did not open a new regularization process.²⁷
17. According to information Amnesty International gathered during its visit to the country, Venezuelans who hold UNHCR registration cards are not exempt from being detained and held at the Immigration Detention Centre, which independent monitors and NGOs are rarely able to access. The position of the authorities is that in law the government registration cards issued to Venezuelans as part of the "amnesty" are the only documents which regularize migratory status. The overall perception by Venezuelans who spoke to Amnesty International is that being registered with UNHCR offers limited protection against detention or deportation.
18. Throughout 2020, Trinidad and Tobago's authorities forced people in need of international protection back to Venezuela, often via sea. In July, authorities reportedly deported at least 165 Venezuelans²⁸, and in September a further 93.²⁹ In November, an estimated 16 children - including a small baby - and approximately 12 adults were deported from Trinidad to Venezuela, but later returned following an outcry by lawyers and the public, as among those deported some reportedly had outstanding legal challenges to their deportations.³⁰ The Inter-American Commission on Human Rights later issued precautionary measures for six of the children who had been returned.³¹

²⁴ Amnesty International, *Urgent Measures: Venezuelans need International protection* (AMR 01/9019/2018) <https://www.amnesty.org/download/Documents/AMR0190192018ENGLISH.PDF>

²⁵ UNHCR, *Protection Monitoring Report: Venezuelan asylum-seekers and refugees in Trinidad and Tobago*, September-November 2018, <https://data2.unhcr.org/en/documents/details/71322>, *Refugees International, Forced into Illegality: Venezuelan Refugees and Migrants in Trinidad and Tobago*, 27 January 2019, www.refugeesinternational.org/reports/2019/1/27/forced-into-illegality-venezuelan-refugees-and-migrants-in-trinidad-and-tobago

²⁶ Regional Inter-Agency Coordination Platform, <https://r4v.info/en/situations/platform/location/7498>

²⁷ Loop News, *Gov't approves Venezuelan re-registration process*, 2 March 2021, www.looptt.com/content/govt-approves-venezuelan-re-registration-process

²⁸ Amnesty International, *Trinidad and Tobago: Deportation of 165 Venezuelans violates international law*, 6 August 2020, www.amnesty.org/en/latest/news/2020/08/trinidad-tobago-deportation-165-venezuelans-violates-international-law/

²⁹ Amnesty International, *Open letter to Dr Keith Rowley, Prime Minister of Trinidad and Tobago*, 8 October 2020, www.amnesty.org/download/Documents/AMR4931882020ENGLISH.PDF

³⁰ Amnesty International, *Trinidad & Tobago: Return of deported children gives government second chance to do the right thing*, 25 November 2020, www.amnesty.org/en/latest/news/2020/11/trinidad-tobago-return-deported-children-second-chance/

³¹ Inter-American Commission on Human Rights, *IACHR grants protection measures to six migrant children in Trinidad and Tobago*, 9 December 2020, http://www.oas.org/en/iachr/media_center/PReleases/2020/293.asp

19. In December 2020, approximately 28 children and adults died or went missing following a shipwreck off the coast of Venezuela, according to the UN.³² The boat was believed to be *en route* to Trinidad and Tobago.³³
20. A policy of repression in Venezuela in place since at least 2014,³⁴ the humanitarian emergency,³⁵ combined with Trinidad and Tobago's failure to meet its international obligations to provide international protection for those fleeing, creates this environment in which Venezuelans are left with little other choice than to take these dangerous routes.
21. The COVID-19 pandemic has exacerbated the precarious situation for Venezuelans seeking refuge in Trinidad and Tobago. In March 2020, the authorities closed its borders to all arrivals, including to nationals, migrants and refugees, in practice closing legal avenues for asylum seekers to enter. In July 2020, the Minister of National Security stated that people found to be helping Venezuelans enter the country would be criminalized.³⁶ Amnesty International believes this has risked pushing Venezuelans in need of international protection further underground, made them more dependent on trafficking, an organized criminal activity, and away from health services.³⁷
22. On two occasions during 2020, more than 20 civil society organizations, including Amnesty International, wrote to Prime Minister Keith Rowley asking for him to grant Venezuelans international protection.³⁸ Despite this, the government continued to refuse to recognize the seriousness of the human rights violations taking place in neighbouring Venezuela and continued to refer to those fleeing as "economic migrants."³⁹
23. According to reports, some 50 children were deported between January and November,⁴⁰ despite the fact that Trinidad and Tobago is also a signatory to the UN Convention on the Rights of the Child, which requires countries to act in the best interest of children, refrain from detaining them according to international law, and prohibits deporting them to situations where they could face ill-treatment or danger.

INSUFFICIENT PROTECTION FOR WOMEN IN NEED OF INTERNATIONAL PROTECTION FROM A RANGE OF HUMAN RIGHTS VIOLATIONS

24. Trinidad and Tobago accepted 26 recommendations related to addressing gender-discrimination and violence at the previous UPR.⁴¹ Despite some government efforts in

³² The United Nations High Commissioner for Human Rights said in a statement at the Human Rights Council on 11 March 2021: "The tragic death of at least 28 Venezuelan migrants in the Caribbean Sea in December 2020 was another reminder of the tough choices some have to make, and of their increased vulnerability to migrant smuggling and trafficking networks." www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26874&LangID=E

³³ UNHCR, 'UNHCR and IOM saddened at deaths of refugees and migrants in shipwreck off Venezuela coast', 15 December 2020, www.unhcr.org/news/press/2020/12/5fd7db764/unhcr-iom-saddened-deaths-refugees-migrants-shipwreck-venezuela-coast.html

³⁴ Amnesty International, *Crimes against humanity in Venezuela* (AMR 53/0222/2019)

³⁵ Amnesty International, *Annual Report Venezuela 2019*, www.amnesty.org/en/countries/americas/venezuela/report-venezuela/

³⁶ Ministry of Health News Conference, 25 July 2020,

www.facebook.com/CNC3Television/videos/1884100525065559/?vh=e&extid=TCSEnAJyR22ooCUG&d=n

³⁷ Amnesty International, *Trinidad and Tobago: Deportation of 165 Venezuelans violates international law*, 6 August 2020, www.amnesty.org/en/latest/news/2020/08/trinidad-tobago-deportation-165-venezuelans-violates-international-law/

³⁸ Amnesty International, *Open letter to Dr Keith Rowley, Prime Minister of Trinidad and Tobago, Return of deported children gives your government a second chance*, 25 November 2020, www.amnesty.org/download/Documents/AMR4933902020ENGLISH.pdf

³⁹ Office of the Prime Minister of Trinidad and Tobago, Post-Cabinet Media Briefing, 17 December 2020, www.facebook.com/OPMTT/videos/post-cabinet-media-briefing-thursday-17th-december-2020/112627100621875/

⁴⁰ Newsday TT, *UNHCR: Over 50 children sent back to Venezuela this year*, 24 November 2020,

<https://newsday.co.tt/2020/11/24/unhcr-over-50-children-sent-back-to-venezuela-this-year/>

⁴¹ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Trinidad and Tobago*, 15 July 2016, A/HRC/33/15, recommendations 106.10 (Bahamas), 106.11 (Senegal), 106.12 (Norway), 106.13 (Pakistan), 106.14 (Cuba), 106.15 (Algeria), 106.16 (Morocco), 106.21 (Paraguay), 106.22 (Jamaica), 106.23

this area, women and girls in Trinidad and Tobago continue to be at risk of gender-based violence and discrimination, an issue civil society continues to protest over.⁴²

25. The testimonies Amnesty International gathered during its visit to the country suggest that women in need of international protection are at particular risk of a spectrum of violence, often driven by intersecting forms of discrimination, based on nationality, gender, ethnicity, language, and migratory status.
26. Many Venezuelan women told Amnesty International that within the wider context of gender-based violence faced by women in the country, they are frequently targeted by men for harassment ranging from name-calling on the streets to physical and sexual attacks, including rape. In a system which has largely shirked providing international protection for asylum seekers, the organization found that Venezuelan women are often afraid to report these aggressions, including because of the real and perceived threat that their perpetrators will report them to the police or the immigration authorities, where under the current legal framework, they are at risk of detention and deportation.
27. Multiple Venezuelan women who spoke to Amnesty International also described having experienced a range of crimes associated with trafficking⁴³ into the sex sector, including deprivation of their liberty by traffickers, rape and other forms of sexual violence, labour exploitation, and debt bondage.⁴⁴
28. During the previous UPR, Trinidad and Tobago accepted eight recommendations related to trafficking, and agreed, among other things, to “ensure that victims of trafficking are provided with the opportunity to seek asylum”⁴⁵ and to “provide adequate funding and human resources for its anti-human trafficking programs.”⁴⁶
29. Despite this, Amnesty International’s research found that women who are identified as potential survivors of trafficking into the sex sector are not always in practice given the opportunity to seek asylum and the protection that could afford them.⁴⁷ Organizations also told Amnesty International that there are insufficient resources for anti-trafficking programs. This information was corroborated through multiple interviews with women survivors of trafficking who indicated that while the authorities had provided them with safe shelter, they had received no healthcare or counselling, and were unable in practice to work, leaving them without sufficient food.⁴⁸
30. According to information Amnesty International gathered, many women who are trafficked to Trinidad from Venezuela are afraid to report their traffickers for several reasons. Firstly, because irregular entry is criminalized by law, many believed they would be detained and deported for having entered irregularly. Secondly, because sex work is criminalized in law, some women believed they could be detained and/or criminally charged for sex work-related offences.

(Guatemala), 106.24 (Ghana), 106.25 (Ecuador), 106.25 (Turkey), 106.27 (Bahamas), 106.28 (Honduras), 106.29 (Italy), 106.30 (Egypt), 106.31 (France), 106.33 (USA), 106.34 (Germany), 106.35 (Mexico), 106.36 (Slovenia), 106.38 (Spain), 106.39 (Canada), 106.40 (Malaysia), 106.51 (Argentina)

⁴² Sean Douglas, *Walkout marchers demand safety, respect for women*, 8 March 2021, <https://newsday.co.tt/2021/03/08/walkout-marchers-demand-safety-respect-for-women/>

⁴³ Amnesty International uses the definition of human trafficking (or ‘trafficking in persons’) as set forth in the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2000)

⁴⁴ UN Human Rights Council, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences*, A/HRC/33/46, 4 July 2016 lists ways debt bondage can be addressed by states.

⁴⁵ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Trinidad and Tobago*, 15 July 2016, A/HRC/33/15, recommendation 106.47 (Uganda)

⁴⁶ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Trinidad and Tobago*, 15 July 2016, A/HRC/33/15, recommendation 106.43 (Philippines)

⁴⁷ Interview 29 January 2020

⁴⁸ During its trip to Trinidad Amnesty International staff interviewed multiple women in this situation.

31. Many women also described having seen law enforcement officials talking with their traffickers and believe the police are directly involved in trafficking.⁴⁹ Real and/or perceived police involvement in trafficking, coupled with criminalization of sex work and irregular entry, creates a climate of fear which resulted in almost none of the women Amnesty International interviewed reporting their traffickers, even after they had escaped.
32. The Venezuelan women interviewed by Amnesty International were powerful and often primary agents of support for their families in Venezuela. Many had made complicated and risky decisions to navigate the consequences of the ongoing humanitarian emergency and human rights crisis in Venezuela⁵⁰ and the lack of safe and legal routes to enter Trinidad and Tobago.
33. While some women believed they had been trafficked, and described situations which correspond with trafficking, other women interviewed by Amnesty International said they had consented⁵¹ to sell sex as a way to support their livelihoods. Those women often reported having to work long hours in often exploitative work conditions, and often had debts to pay off to traffickers related to their passage to the country.
34. Human trafficking is a criminal activity, which makes it hard to accurately estimate the number of survivors of trafficking, and the locations where victims are hidden. Similarly, the criminalized nature of sex work in Trinidad and Tobago, makes it difficult to estimate the number of sex workers, especially migrants or refugees who decide to sell sex,⁵² who can also be criminalized for irregular entry.
35. Prohibiting sex work through use of the criminal law does not address or challenge the macro socioeconomic forces, systemic discrimination, or humanitarian and human rights crises that can lead women, including migrant women and asylum seekers, to engage in sex work. Instead, criminalizing sex work - which many migrant women engage in as one of the few types of informal work available to them⁵³ - multiplies the types of stigma and discrimination they face.
36. In this regard, most Venezuelan women told Amnesty International that first and foremost they wanted the human rights and humanitarian crises in Venezuela to end. They also said that, in Trinidad, they needed options to regularize their migratory status and gain access to formal work which corresponded with their skillset, so they could regain their economic independence and overcome the intersecting discrimination they face as women who had been forced to leave their country of origin.
37. Finally, in criminalizing sex work and irregular entry, Amnesty International found that sex workers, migrants and refugees, and organizations working with them are pushed underground, making it hard for them to support in the identification of victims of trafficking, or to identify human rights violations, such as police ill-treatment, in the context of sex work. This goes against studies which show that these groups are often

⁴⁹ See also Newsday, *Human trafficking, growing trend among corrupt police*, 22 March 2019, Available at: <https://newsday.co.tt/2019/03/22/human-trafficking-growing-trend-among-corrupt-police/>

⁵⁰ Amnesty International, *Hunger for Justice: Crimes against humanity in Venezuela* (AMR 53/0222/2019), *Detailed findings of the Independent International Fact Finding Mission on the Bolivarian Republic of Venezuela*, A/HRC/45/CRP.11, 16 September 2020,

https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11.pdf, Amnesty International, *Emergency Exit: Venezuelans fleeing the human rights crisis*, www.amnistiaonline.org/SalidadeEmergencia/

⁵¹ While there is no clear uniform definition of consent under international law, for the purposes of this document Amnesty International applies the term to mean the voluntary and ongoing agreement to engage in a particular sexual activity. Consenting to sex or to sell sex does not mean consenting to violence and consent can be rescinded at any time. Consent analysis is necessarily fact- and context-specific and the views, perspectives and experiences of individuals selling sex should be fundamental to any consideration of issues of consent.

⁵² Women Refugee Commission, *Working with Refugees Engaged in Sex Work: A Guidance Note for Humanitarians*, 2017, <https://reliefweb.int/report/world/working-refugees-engaged-sex-work-guidance-note-humanitarians>

⁵³ While many systemic factors and personal circumstances such as poverty, discrimination and gender inequality can contribute to an individual's decision to engage in sex work, such conditions do not inevitably render individuals incapable of exercising agency in these contexts, and more specifically to consenting to engage in sex work.

best placed to help identify victims of trafficking and to differentiate them from migrants or asylum seekers consenting to sell sex.⁵⁴

RECOMMENDATION FOR ACTION BY THE STATE UNDER REVIEW

AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF TRINIDAD AND TOBAGO TO:

STOP PUSHBACKS OF PEOPLE IN NEED OF INTERNATIONAL PROTECTION

- Stop pushing people in need of international protection back to countries where they would be at real risk of persecution and could be at danger of human rights violations.
- Begin the process of developing national refugee legislation which enshrines Trinidad and Tobago's international obligations into domestic law, and in the interim implement the existing National Policy on asylum and refugees, as the state accepted to in the previous UPR.
- Engage with civil society and other regional actors, including the UN and IACHR, to find solutions of shared responsibility to providing international protection to asylum seekers.⁵⁵
- Grant NGOs and other independent monitors access to the Immigration Detention Centre to monitor the human rights situation.
- Refrain from using the COVID-19 pandemic as an excuse to deny access to international protection to those who need it most.
- Stop detaining child migrants and refugees, as detention is never in the best interest of the child; and stop deporting children to situations where they could face ill-treatment or other violations of their human rights.

INSUFFICIENT PROTECTION FOR WOMEN IN NEED OF INTERNATIONAL PROTECTION FROM A RANGE OF HUMAN RIGHTS VIOLATIONS

- Work with the UNHCR to ensure that migrants, especially women and girls, are screened as asylum seekers, and as potential survivors of trafficking.
- Ensure the range of gender-based violence services available are made accessible for migrant women and put in place a firewall between these services and immigration authorities.
- Work with international partners to scale-up and strengthen protection and reparation available for survivors of trafficking, as accepted by the state in the previous UPR,

⁵⁴ GAATW, *Sex Workers Organising for Change: Self-representation, community mobilization, and working conditions*, <https://gaatw.org/resources/publications/941-sex-workers-organising-for-change>

⁵⁵ Amnesty International, *Americas: Venezuelans need international protection* (AMR 01/9019/2018), Page 1, www.amnesty.org/en/documents/amr01/9019/2018/en/

including by regularizing their migration status and ensuring they have access to work, counselling, and healthcare, including sexual reproductive health services.

- Ensure mechanisms are in place to protect people who report instances of alleged trafficking from retaliation from traffickers, and from state officials who might be complicit in the trafficking.
- Fully involve sex workers, migrants and asylum seekers, and women and LGBTI-led groups in helping to identify victims of trafficking into the sex sector, in designing and implementing screening mechanisms and in supporting inspections for the identification of trafficking victims in workplaces.
- Review the Immigration Act with the view to de-criminalizing irregular entry, in line with international human rights law and standards.
- Review laws which criminalise sex work, with the aim of decriminalizing it.

ANNEX

AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE⁵⁶

Amnesty International, *Annual Report 2019*, Trinidad and Tobago, www.amnesty.org/en/countries/americas/trinidad-and-tobago/

Amnesty International, 'Trinidad and Tobago: Deportation of 165 Venezuelans violates international law', 6 August 2020, www.amnesty.org/en/latest/news/2020/08/trinidad-tobago-deportation-165-venezuelans-violates-international-law/

Amnesty International, 'Open letter to Dr Keith Rowley, Prime Minister of Trinidad and Tobago', 8 October 2020, www.amnesty.org/download/Documents/AMR4931882020ENGLISH.PDF

Amnesty International, 'Trinidad & Tobago: Return of deported children gives government second chance to do the right thing', 25 November 2020, www.amnesty.org/en/latest/news/2020/11/trinidad-tobago-return-deported-children-second-chance/

Amnesty International, 'Open letter to Dr Keith Rowley, Prime Minister of Trinidad and Tobago Return of deported children gives your government a second chance', 25 November 2020, www.amnesty.org/download/Documents/AMR4933902020ENGLISH.pdf

Amnesty International, Urgent Measures: Venezuelans need International protection (AMR 01/9019/2018) www.amnesty.org/download/Documents/AMR0190192018ENGLISH.PDF

Amnesty International, Explanatory note on Amnesty International's policy on state obligations to respect, protect and fulfil the human rights of sex workers (POL 30/4063/2016), www.amnesty.org/en/documents/pol30/4063/2016/en/

⁵⁶ All these documents are available on Amnesty International's website: <https://www.amnesty.org/en/>

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