**Response to the Office of the High Commissioner on the Human Rights implication of COVID-19**

**Introduction - Impact on human rights**

The 2019 Novel Coronavirus (COVID-19) global public health pandemic created an unexpected exceptional circumstance which required all countries, including Trinidad and Tobago, to adopt extraordinary measures to preserve the lives of its citizens and residents, especially those persons in vulnerable categories. In such a circumstance, it was unavoidable that some fundamental human rights of citizens were impacted in order to accomplish the overarching goal of controlling and preventing the spread of the virus.

**Promising/good Human Right Practices**

1. By necessity, **30 Public Health Regulations and Guidelines** were enacted to-date in accordance with the **Public Health Ordinance Chap 12 No.4**, which initiated complete closure of the borders and various stay-at-home orders between the months of March to October 2020 to slow transmission of the virus. The enactments of these regulations were seen as necessary, yet proportional response to the crisis which faces the country.
2. The **Public Health Regulations** temporarily suspended the following forms of movement and business:

* Closure of borders to both nationals and non-nationals;
* Closure of all schools and places of learning.
* Closure of all places of worship;
* Closure of recreational places;
* Prohibition on gatherings of more than 5 persons;
* Limiting of public transportation capacity to 50%;
* Closure of work places to non-essential services;
* Closure of all restaurants and other similar establishments.

1. Particularly, **Public Health Regulation (No.26)**, made the failure to wear a face mask, face covering or face shield in public a ticketable offence for both adults and children over the age of 8.
2. Despite such curtailments, the Government’s early closure responses proved to be effective risk management and can be deemed as a good human right practice, to be adopted in similar situations.
3. Noteworthy, in April 2020, the University of Oxford in a research study ranked Trinidad and Tobago second in a list of countries based on four measures the University used to rank countries were control of virus transmission; testing, tracing and isolation policies; management of risk of exporting and importing cases and community engagement.
4. Another of the Government’s approaches to combatting the COVID-19 pandemic was consultation with medical personnel such as the Chief Medical Officer and other members of his epidemiological team. These consultations would have charted the way forward taking into account specifications under the **Public Health Ordinance Chap 12 No.4** which governs measures to be taken in times of public health emergencies.
5. The human rights of citizens across all groups and sectors in Trinidad and Tobago were affected by the pandemic, including health-care workers, the majority of whom are women, and other essential workers, older persons, migrants, refugees, internally displaced persons, persons with disabilities, persons belonging to minorities, indigenous peoples, persons deprived of their liberty, homeless persons and persons living in poverty.

1. The courts of Trinidad and Tobago have worked to incorporate technology to provide service for urgent matters, as far as possible, therefore, lessening the need for person entering into court buildings.
2. The Chief Justice of Trinidad and Tobago issued the latest **Practice Direction** **on Court Operations No.8** pursuant to **Part 4 of the Civil Proceedings Rules 1998 (as amended), Part 20 of the Criminal Procedure Rules, Part 4 of the Family Proceedings Rules and Part 22 of the Children Court Rules** and is applicable to the Supreme Court and the Summary Courts to take effect from the 26h October 2020. The purpose of the practice direction is to provide for adequate and appropriate measures for treating with the COVID-19 pandemic.
3. The Practice Direction temporarily suspended in person hearings and advised that the following categories of hearings are to be conducted by electronic means ONLY:

a. Case Management Conferences;

b. Directions Hearings;

c. Status Hearings;

d. Cause List Hearings;

e. Pre-Trial Reviews;

f. Initial Hearings;

g. Intake Hearings;

h. Bail Applications;

i. Delivery of Judgments;

j. Applications including applications for detention of cash; and

k. Any other category of hearing which the assigned Judge or judicial officer deems appropriate for hearing by electronic means having regard to the need to maintain appropriate health and safety requirements and the room capacity standards set by the Judiciary.

1. In person hearing of the following categories of cases were allowed in the interest of justice:

a. Domestic violence matters;

b. Family matters;

c. Petty Civil matters; and

d. Urgent applications.

1. The judiciary was responsible for setting up a domestic violence court hotline for applications for protection orders to ensure that protections were afforded in cases of domestic violence and protection orders were accessible.
2. Notably, the innovative efforts of the Trinidad and Tobago judiciary were recognized internationally. In a publication by UN Women “Justice for Women Amidst Covid-19” which aimed to examine how the impacts of COVID-19 are threatening women’s ability to access justice, it was noted that “in Trinidad and Tobago, while there are general court closures, innovative approaches have been adopted to bring emergency justice services closer to the people. Women judges and court staff are working from home, using their computers and mobile phones as channels for conducting court proceedings.”