

Response to Questionnaire on Local Government and Human Rights

1. **How is local government organised in your country? Please describe the existing legal framework for the organisation, functioning, competences and financial resources of local government in your country.**

Legislation:

Local government in Trinidad and Tobago is governed by several pieces of legislation. The principal piece of legislation is the *Municipal Corporations Act, 1990*, which governs local government in Trinidad. However, in Tobago, the *Tobago House of Assembly Act, 1996* governs local government in Tobago. The *Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, 1967* provide for the system of elections for electing local government councils in Trinidad and Tobago.

Although local government in Trinidad is not enshrined in the Constitution, the Tobago House of Assembly is enshrined in Chapter 11A of the Constitution.

Structure:

Trinidad is divided up into 14 municipal corporations which are of three types. There are 2 City Corporations, 3 Borough Corporations and 9 Regional Corporations. All have the same powers and responsibilities, and are empowered to make policies and by-laws in relation to its functions for the local area. The Local Government Councils are headed by a mayor in a city or borough. However, the head of a Regional Corporation is called a Chairperson. Each council also has a deputy mayor/vice chairperson.

In Tobago, the Tobago House of Assembly is an executive council which is responsible for carrying out the functions of the assembly. It comprises the chief secretary, deputy chief secretary and such number of secretaries as may be prescribed. The responsibilities of the assembly are carried out through eight divisions, each under the direction of one of the secretaries. The 12 divisions are: agriculture; marine affairs and the environment; community development and culture; education; youth affairs; sport and energy; finance and planning; health, infrastructure and public utilities; tourism; transportation; enterprise and settlement.

For both Trinidad and Tobago there is Ministerial oversight through the Ministry of Local Government which is headed by a Cabinet Minister. It is the central coordinating agency and is responsible for carrying out national and policy initiatives of the Government.

Responsibilities:

In Trinidad, municipal corporations have statutory responsibility for:

- Policing
- Street management
- Nurseries and childcare
- Homes for the elderly
- Bus and taxi shelters
- Maintenance and management of street markets, slaughterhouses, and common and recreation grounds
- Waste removal and management
- Corporation cemeteries and crematoria

They also have discretionary powers for:

- Libraries
- Management and improvement of the physical environment, including parks, open spaces, recreation areas and monuments
- Other crematoria and burial grounds
- Development, trade fairs and events

In Tobago, the Tobago House of Assembly Act, 1996 gives the assembly powers to take on a wide range of responsibilities including:

- Finance
- Customs and excise, licensing and valuation
- State lands, public buildings and infrastructure
- Highways and roads
- Health services and social welfare
- Agriculture, fisheries and food production
- Environment, forestry, housing and marine parks
- Sports, culture, arts and tourism
- Education, museums and libraries

Financial resources:

Central government provides substantial general and specific grants to municipal corporations, such as through the Public Sector Investment Programme and Road Improvement Fund. The Tobago House of Assembly receives a large part of its income from central government. (4.1-6.9% of the national budget.

In the 2013-2014 national budget, the Minister of Finance announced that the allocation for the Ministry of Local Government was TTD \$2.448 billion. The allocation for the Tobago House of Assembly was TTD \$2.477 billion.

In addition, municipal corporations are responsible for assessing and collecting land and building taxes, but only the cities and boroughs have the institutional mechanism to do so.

2. Is local government in your country required by legislation to promote and protect human rights? Please describe how local government in your country is involved in the implementation of human rights obligations.

Legislation governing local government in Trinidad and Tobago does not specifically use the terms “promote and protect human rights”. However, through its statutory responsibilities, both the municipal corporations and the Tobago House of Assembly are engaged in ensuring certain human rights are protected as within its jurisdictional boundaries.

In Trinidad, a significant part of the municipal corporations’ responsibilities relate to the right to sanitation, and the right to health. This can be seen through its responsibilities to inter alia:

- Maintain sanitary conveniences in streets and public spaces vested in the Corporation;
- Regulate the operations and conditions in marketplaces and slaughterhouses;
- Regulate the operations of street vendors;
- Distribution of truck-borne water;
- Construction and maintenance of certain drains and water-courses;
- Disposal of garbage from private and public property;
- Development and maintenance of sanitary landfills;
- Maintenance and control of burial grounds and crematoria;
- Chemical treatment for insect and vector control; and
- Dissemination of information for primary health care.

In relation to children’s rights and rights of the elderly, the municipal corporations have responsibility for maintenance and control of childcare centres and homes for the elderly. The right to safety and security is also protected through the operations of the municipal corporations through the establishment of municipal police to maintain law and order.

In relation to the Tobago House of Assembly, its wide functions and responsibilities (as indicated above) also closely relate to protecting human rights. The operations of the Assembly relate to the protection of inter alia, the right to culture and the arts; right to food; right to

healthcare; right to information; right to education; right to social welfare; and the right to housing.

Some of the services in relation to these rights include:

- Registration, inspection and licensing of food establishment and related business (restaurants, bakeries, snack bars, food vendors, supermarkets etc)
- Conducting training sessions in Food Safety and certification of food handlers weekly
- House to house inspections/routine inspections
- Inspection sampling testing and water supplies and food samples
- Collection of Food and water samples for analysis
- Inspection of daycares, pre-schools and other schools
- Inspection of homes for the aged or nursing homes
- Inspection of water bodies, re Pest control - cutlassing and canalising
- Perifocal inspection of premises and treatment for mosquito breeding. (Vector Control)
- Investigation of Infectious diseases
- Rodent evaluation and malaria evaluation
- Port health duties
- Investigation of complaints/nuisance complaints re: food, water, obnoxious odors, water and atmospheric pollution, mosquito and rodent infestation etc.
- Review and make recommendations for approval, Building Plans, Sub-division of Lands of waste water and sewage treatment and disposal systems through plans referred by Town and Country Planning Department
- Emptying of septic tanks-liquid waste
- Collection and disposal of solid waste

3. Is there any cooperation between local government and the central government in your country regarding the implementation of human rights at local level? If yes, please describe the existing operating framework.

In Trinidad and Tobago there is cooperation between the municipal corporations as well as the Tobago House of Assembly and the central government. Direct contact between the central government and the Trinidad municipal corporations is on an ad-hoc basis at the minister's discretion. Currently the minister holds regular monthly meetings with mayors and chairmen. The meetings usually focus on finance and local government terms and conditions of employment.

Under section 269 of the ***Municipal Corporations Act, 1990*** the minister can give general or specific directions to municipal councils in relation to government policy on any matter. The minister is also tasked with promoting an effective and equitable partnership between central and local government in the development of socioeconomic growth, balanced sustainable development and social welfare. The ministry also manages the communication strategy for the sector as well as acting as adjudicator in cases of disputes between municipal corporations. The chief secretary of the Tobago House of Assembly may, at the invitation of the prime minister, attend meetings of the central cabinet to provide information on decisions that have been taken by the House of Assembly or to represent Tobago on matters that affect it. Additionally the 1996 Act set up a dispute resolution committee to intervene in any dispute between the government and the assembly on budgetary allocations. This committee comprises two appointees and the ombudsman (or similarly qualified person) as chairperson.

4. Do you have human rights protection mechanisms at the local level in your country (e.g. ombudspersons, human rights commissions, mediators, etc.)?

Office of the Ombudsman

Yes. In Trinidad and Tobago the Constitution enshrines the Office of the Ombudsman to which the office holder is an officer of Parliament. The Ombudsman is appointed by the President after consultation with the Prime Minister and the Leader of the Opposition. The main responsibility of the Ombudsman is to investigate complaints made by individuals concerning administrative acts or decisions of Government agencies in circumstances where the individual alleges that an injustice has been done to him. On completion of an investigation where a matter of injustice is determined, the Ombudsman has the authority to make recommendations to the public institution to correct the injustice and where that fails, he may lay a special report to Parliament.

Equal Opportunity Commission/Tribunal

There is also established an Equal Opportunity Commission and an Equal Opportunity Tribunal which are governed under the ***Equal Opportunity Act, 2000***. Under this mechanism, the Commission has the power to receive and investigate complaints of discrimination or victimisation. Once it is determined that the complaint falls within the scope of the jurisdiction of the Commission, it has the power to engage in conciliation between the parties, or where conciliation fails or is inappropriate in the circumstances, it may refer the matter to the Tribunal for adjudication. However, the Equal Opportunity Act, 2000 states the specific scope and jurisdiction of the Commission, that is, it engages complaints relating to the named types of

discrimination under the Act. The grounds of discrimination covered under the Act are: sex, race, ethnicity, origin, religion, marital status, or disability. Further, these grounds of discrimination must fall within the scope of: discrimination in relation to employment, education, provision of goods and services, and the provision of accommodation, victimisation or offensive behaviour in order to fall within the purview of the Equal Opportunity Commission.

Community Mediation

Through the Ministry of the People and Social Development, the Government provides Community Mediation services as an alternative method of resolving conflict. Community Mediation Centres proactively implement programmes that positively impact the way members of society respond to difficult life situations and conflicts. Programmes provided by Community Mediation Centres include:

- Anger management for parents, adolescents and teens;
- Building trust;
- Managing conflict in families and communities; and
- Leadership skills development.

5. What initiatives have been taken to include human rights mainstreaming in local administration and public services?

One significant initiative to include human rights mainstreaming in the provision of services through local government, is the effort by the local government to disseminate information about its services as widely as possible. Information dissemination includes the use of the Government portal internet website, as well as the Ministry's own website, where one may obtain access to information or services from the website. There is also the use of social media to make information more readily available and to appeal to a younger demographic. By making information easily available, it illustrates the commitment to the human right to freedom of information.

In addition, local government is also engaged in providing assistance to persons for self-help projects. This assistance does not include financial assistance, but instead may involve technical assistance such as advice for the construction of walls or fences or assistance in cutting fields, playgrounds, or repairs to schools. In this way, communities have the opportunity to engage local government in obtaining non-financial help for the improvement of their communities. This type of initiative shows the commitment of local government to the human right to development.

6. What is the role of civil society in the planning and implementation of activities for the protection and promotion of human rights at local level in your country?

Trinidad and Tobago has the benefit of a very active and vibrant civil society. Civil society organisations address a very wide range of human rights issues such as women's rights, children's rights, domestic violence, issues of poverty, migrants and asylum seekers, rights of ex-convicts, LGBT rights, right relating to labour, cultural rights etc. These organisations usually work closely on the ground and provide services and even rehabilitation to persons who are victims of human rights violations. As such civil society often works both cooperatively or independently from the Government.

One of the ways that civil society works cooperatively with the Government is through consultation. The Government frequently engages with civil society and NGOs in consultation as it relates to the introduction or reforming of laws that affect human rights. One example is the recent consultations held in 2013 across Trinidad and Tobago in relation to the proposed reform of the Constitution.

In addition, the Government works together with, and even relies, to some extent, on the valuable expertise and resources of civil society in certain areas of protection and promotion of human rights. In these circumstances, the Government may provide subventions to these institutions to assist in carrying out their activities. One example of this type of situation is the operation of Living Waters Community in relation to its work with vulnerable migrants such as asylum seekers and refugees.

Civil society also takes on the role as advocate for issues that they feel are not adequately addressed by the Government, and as such may take on an opposing role so as to lobby for changes in the society. This type of advocacy and lobbying may often lead to Parliamentary debate and ultimately changes in the law. The rising crime rate, child abuse and violence against women are some of the issues that have been raised by civil society and ventilated in Parliament.

7. What is the role and programme of your organisation in the planning and implementation of activities for the protection and promotion of human rights at the local level in your country?

Within the Ministry of the Attorney General, the International Law and Human Rights Unit (ILHRU) is responsible for drafting all the major national human rights reports for conventions that Trinidad and Tobago is party to. These international conventions include the Convention on the rights of the Child, the Convention on the Elimination of all forms of Discrimination

Against Women, the Convention on the Elimination of all forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights. In addition, the ILHRU is responsible for reporting under the Universal Periodic Review and also the United Nations Convention Against Corruption.

The ILHRU engages with stakeholders and civil society in the drafting of these reports. This process allows for the documentation of areas of our human rights framework that are best practices or areas of concern, as well the consideration of recommendations from international human rights bodies.

Further, the Ministry of the Attorney General is responsible for the drafting of all legislation, including legislation pertaining to human rights e.g. *Trafficking in Persons Act, 2011* and the *Children's Act 2012*.

8. What are the main challenges faced by local government in your country in the promotion and protection of human rights?

Two main challenges faced by local government in the promotion and protection of human rights are lack of resources/funding to carry out the work needed, and difficulties in coordination between agencies.

In relation to the lack of resources and funding, the Government is continually faced with the challenge of allocating its scarce resources among competing interests. Although local councillors are willing to engage in new projects, many municipal corporations are unable to fund these projects that may be needed to improve communities in their districts. In addition, councillors are compensated by only a stipend which provides little incentive for full time commitment.

The second challenge is related to difficulties in coordination between agencies. As it relates to dealing with issues of social welfare, infrastructure development and community development, there are many different government agencies that deal with these issues. As such there is often times overlapping of efforts or unequal distribution of resources, resulting in inefficiencies in the provision of services.

**Prepared by:
International Law and Human Rights Unit
Ministry of the Attorney General**