

Response to Questionnaire on the Right to Adequate Housing

(Human Rights Council)

1. Please explain how your government defines homelessness in various contexts, for example, when measuring the extent of homelessness or determining eligibility for programmes and services. Please explain why the definition was chosen, and whether it is formally referred to in laws, policies or programmes.

While the concept of homelessness is recognized in Trinidad and Tobago, there appears to be no legal definition of homelessness and there also appears to be no fixed criteria in law set out to determine eligibility for programmes and services.

However, it may be noted that homeless persons are formally referred to as 'street dwellers' according to the Central Statistics Office (CSO) of Trinidad and Tobago, which considers 'street dwellers' to mean persons with no fixed place of abode.¹ For the purpose of the 2011 Population and Housing Census conducted by the CSO, 'Street Dwellers refer to persons who were found sleeping or preparing to sleep on the sidewalk and pavements of streets or on the ground of open plots of land adjoining a street'²

The Social Displacement Unit of the former Ministry of the People and Social Development (now known as the Ministry of Social Development and Family Services), adds to this definition by stating that street dwellers are persons who are destitute, without fixed place of abode and without immediate social and economic support.³

¹ Trinidad And Tobago 2011 Population And Housing Census Demographic Report, pg 20, para 5;
<http://cso.planning.gov.tt/sites/default/files/content/images/census/TRINIDAD%20AND%20TOBAGO%202011%20Demographic%20Report.pdf>

² Trinidad And Tobago 2011 Population And Housing Census Demographic Report, pg 23, para 6;
<http://cso.planning.gov.tt/sites/default/files/content/images/census/TRINIDAD%20AND%20TOBAGO%202011%20Demographic%20Report.pdf>

³ Trinidad And Tobago 2011 Population And Housing Census Demographic Report, pg 23, para 5;
<http://cso.planning.gov.tt/sites/default/files/content/images/census/TRINIDAD%20AND%20TOBAGO%202011%20Demographic%20Report.pdf>

2. How is homelessness measured in your country? What criteria and indicators are used and how is data collected and systematically updated for this purpose? Please provide available data over a period of time on the extent of homelessness in general and among particular groups (for example: children and youth, women, indigenous peoples, persons with disabilities, and others).

Homelessness is measured by the Central Statistical Office of Trinidad and Tobago (CSO), which is the Division of the Ministry of Planning and Sustainable Development responsible for taking censuses in Trinidad and Tobago and collecting, compiling, analyzing and publishing statistical information relating to all social and economic activities of the people of Trinidad and Tobago.

The statistics from the CSO show that the number of street dwellers increased from 471 persons in the year 2000, to 534 persons in January 2011. The street-dweller population grew by 13.4 per cent over the decade 2000 to 2011.

Data is collected geographically and as such it has been determined that the largest number of street dwellers was discovered to be in Port of Spain, 307 street dwellers, followed by the second largest number of street dwellers in San Fernando which was a total of 45 street dwellers. The 2011 census shows an increase of street dwellers in Port of Spain, increasing from 246 persons in 2000 to 307 persons in 2011.

The census also considers the gender of the street dwellers. While the distribution by sex remained predominantly male there was a slight decrease from 95 per cent in 2000 as compared to 93 per cent in 2011. The 2011 census showed that men remained in the majority when compared with the number of women specifically 494 males and only 40 females.

Of the 307 street dwellers in Port of Spain in the 2011 census, 279 street dwellers were male and only 28 were female. Of the 246 street dwellers in Port-of-Spain revealed in the 2000 census, 238 street dwellers were male and only 8 were female.

The census conducted by the CSO providing a street-dwelling figure does not include persons at shelters.

3. What population groups are most affected by homelessness in your country? How have their experiences been documented and by whom (whether officially by national or subnational governments, National Human Rights Institutions, or by non-governmental or other organizations, charities, etc.)? If studies exist, please indicate or share a link, a reference or a copy.

Males are predominantly affected by homelessness as determined by the CSO (see Question 2). There are currently no National Human Rights Institutions in Trinidad and Tobago.

Various non-governmental organizations in Trinidad and Tobago, such as Vision on Mission and Transform Life Ministries, unofficially document experiences of the homeless, as regards homeless persons who are taken to a psychiatric clinic or hospital or the temporary housing of homeless persons and rehabilitation to re-enter society. The studies done by NGOs are based on their interaction with persons through their work on the ground.

However, the information collected by these organizations is not available at the Ministry of the Attorney General and Legal Affairs.

4. Please provide information and details on the primary systemic and structural causes of homelessness in your country and explain how these are being addressed.

Information not available in the Ministry of the Attorney General and Legal Affairs

5. Please provide any information available about discrimination and stigmatization of people who are homeless, including laws or policies that may be used to remove homeless persons from public spaces or to prohibit activities in public spaces such as sleeping, camping, eating, sitting or asking for money. Please explain whether such discrimination is prohibited by law at national and/or local levels.

There is no law prohibiting discrimination and stigmatization against persons who are homeless. The law relating to the removal of homeless persons from public spaces and the prohibition of certain activities in public spaces is as follows:

- The Summary Offences Act, 1921

The Summary Offences Act, 1921, as amended, sections 45(b) (c), 46(a), 65(a) contain provisions which may be used to remove homeless persons from public spaces or to prohibit

activities in public spaces such as sleeping, camping, eating, sitting or asking for money, and provide as follows:

“45. A person committing any of the offences mentioned below in this section may be deemed an idle and disorderly person, and shall be liable to a fine of two hundred dollars, or to imprisonment for one month—

(b) any person wandering abroad or placing himself in any street to beg or gather alms, or causing or procuring or encouraging any child to do so;

(c) any person found sleeping or loitering in or under any building, including any open outhouse, verandah, gallery, passage, or gateway, or in any vehicle or vessel, without leave of the owner, occupier or person in charge thereof, or on or under any wharf, quay, jetty, bridge, footway, or in any street or other public place, and not giving a good account of himself.”

“46. A person convicted a second time of being an idle and disorderly person, and a person apprehended as an idle and disorderly person violently resisting any constable apprehending him and who is subsequently convicted of the offence for which he was apprehended, and a person who commits any of the offences mentioned below in this section, may be deemed a rogue and vagabond, and shall be liable to imprisonment for two months—

(a) any person procuring or endeavouring to procure alms or charitable contributions for himself or others under any false or fraudulent pretence;”

“65. Any person who, in any street, commits any of the following offences to the obstruction, annoyance or danger of any resident or passer-by is liable, for each offence, to a fine of two hundred dollars, or to imprisonment for one month, that is to say, any person who:

(a) places or leaves, or causes to be placed or left, any furniture or goods, or any cask, tub, basket, box, pail, bucket, stool, bench, seat, or package on any footway, or places or causes to be placed any blind, shade, covering, awning, or other projection over or along any such footway unless it is at no point less than eight feet above such footway; Goods on footway, Hanging clothes, Obscene songs, Naked children, Street lamps, bells, knockers, Signboards, Placing materials on street, Hoops, Missiles, bonfires, Obstruction, Offences in streets to the annoyance or danger of residents or passengers.”

- **The Police Service Act, 2006**

According to section 46(1)(e) and 46(2) of *the Police Service Act 2006*, as amended:

46. “(1) A police officer may arrest without a warrant—

(e) a person whom he finds lying or loitering in any public or private place or building and who does not give a satisfactory account of himself;

(2) Without prejudice to the powers conferred upon a police officer by subsection (1), a police officer, and all persons whom he may call to his assistance, may arrest without a warrant a person who within view of such police officer commits an offence and whose name or residence is unknown to such police officer and cannot be ascertained by him.”

- **The Mental Health Act, 1975**

The Mental Health Act 1975, as amended, provides at Section 15:

“15. (1) A person found wandering at large on a highway or in any public place and who by reason of his appearance, conduct or conversation, a mental health officer has reason to believe is mentally ill and in need of care and treatment in a psychiatric hospital or ward may be taken into custody and conveyed to such hospital or ward for admission for observation in accordance with this section.

(2) The Psychiatric Hospital Director or a duly authorised medical officer may, on the application of a mental health officer, admit to a psychiatric hospital or ward a person conveyed thereto pursuant to subsection (1).

(3) The Psychiatric Hospital Director or a duly authorised medical officer, shall as soon as practicable after the patient has been admitted, make or cause to be made on the patient such examination as he may consider necessary for determining whether or not the person is in need of care and treatment.

(4) A person who has been admitted to a psychiatric hospital or ward under subsection (2) shall not be kept therein for more than seventy-two hours unless on examination the Psychiatric Hospital Director or the duly authorised medical officer is satisfied that the person is in need of further care and treatment.

(5) Where the Psychiatric Hospital Director is satisfied that a person to whom subsection (4) applies is in need of further care and treatment in a psychiatric hospital or ward, the person shall be deemed to be a medically recommended patient and all the provisions of this Act relating to a medically recommended patient shall apply to such a person.

(6) A police officer shall, if required by a mental health officer, render such assistance as may be necessary for the apprehension and safe conveyance to a psychiatric hospital or ward of a person referred to in subsection (1).

(7) A person shall not be liable to any suit or action in respect of any act done pursuant to the provisions of this section, if he acted in good faith and on reasonable grounds.”

Additionally, under section 13 of the *Mental Health Act, 1975*, if a homeless person is charged for the offence of loitering and the Magistrate forms the opinion that he is in need of psychiatric treatment, an order may be made for him to be admitted to a hospital. Thereafter, a further order may be made that is only rescinded if he no longer needs care and treatment.

6. Has homelessness been recognized as a human rights violation by courts or by national human rights institutions in your country, and if so, on the basis of which human rights (for example: right to adequate housing, right to life, etc)?

There are currently no National Human Rights Institutions established in Trinidad and Tobago (see Question 3).

There appear to be no cases which specifically demonstrate recognition of homelessness as a human rights violation by the courts. However, Trinidad and Tobago, as a member of the United Nations is committed to implementing the rights as declared in the Universal Declaration of Human Rights including the right to adequate housing and safe water and sanitation. The policy of the Government of Trinidad and Tobago since independence has been one that has recognized the rights of persons to adequate housing and continues to provide affordable housing to low and middle income families through its housing construction programme facilitated by Housing Development Corporation through the Ministry of Housing and Urban Development.

7. What legal or administrative procedures are available to challenge actions or inaction by governments or private actors on the grounds that they lead to or fail to address homelessness?

There are no legal or administrative procedures available to specifically challenge actions or inaction by the Government or private actors in relation to homelessness. However, a person may challenge generally, the action of the Government or public institution through a Constitutional motion if he alleges his constitutional rights have been violated. Also a person may challenge the action of a Government institution or a person exercising a public function through the process of judicial review. Additionally a person may challenge the action of a public institution through

the Ombudsman if he is of the opinion is has suffered an injustice and it falls within the jurisdiction of the Ombudsman as outlined in the Constitution.

8. Please provide information about any strategies or legislation in place at national, sub-national or local levels to reduce or eliminate homelessness, explain any goals or timelines that have been adopted for this purpose describe how progress is monitored and provide information on results to date.

Trinidad and Tobago has enacted legislation that deal with the removal of street dwellers (see Question 5).

The Trinidad & Tobago Housing Development Corporation (HDC) is an Agency of the Ministry of Housing & Urban Development and has been in the business of providing critical housing assistance, through an aggressive construction programme. The Corporation is mandated by the Act No. 24 of 2005 to provide affordable shelter and associated community facilities for low and middle income persons.⁴

Over the period 2012 to 2014, the HDC constructed **5,198 houses**, and has launched an initiative in 2015 to distribute 100 homes each week to citizens. 5% of all housing is reserved for distribution to members of the differently abled community. The HDC also constructed and provided homework centres and recreational facilities.

The Ministry of Housing and Urban Development continues to be responsible for:

- The provision of appropriate low-cost housing solutions through the direct construction and distribution of new homes at approved locations in the country;
- Develop and implement innovative home financing policies to enable first-time homeowners to purchase their new homes;
- Maintain the current housing stock through refurbishment and upgrade programmes so that all homes under the Ministry remain in good condition;
- Develop approximately 8,500 residential housing lots for distribution to ex-workers of Caroni (1975) Ltd;
- Fulfill government's mandate for urban development through renewal and growth by UDeCOTT, focusing on social infrastructure projects including hospitals, police stations and fire stations with emphasis placed on Port of Spain as the business and financial centre, and San Fernando as the energy capital.

⁴ <http://hdc.gov.tt/About-Us>

Towards this end, the Ministry has a number of key agencies and departments under its purview with responsibilities to assist in the achievement of its mandate to provide adequate and accessible housing for the citizens of Trinidad and Tobago.⁵

The policy document "Showing Trinidad and Tobago a New Way Home"⁶ has provided the template for guiding the development of housing programmes and projects within Trinidad and Tobago geared towards "providing access to adequate shelter and improvement of the lives of all segments of the population." Over the years since 2002, modifications via cabinet decisions have been made to the policy to meet the needs of the changing society, however the basic underlying principles of the document still hold. These principles include the provision of financing to ensure home ownership; squatter regularization; rental of housing units; and allocation of resources to provide construction of shelters for special needs such as the elderly, the disabled and victims of domestic violence.

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

⁵ http://www.ohchr.org/Documents/Issues/Housing/HabitatIII/Trinidad_and_Tobago.pdf; pg 1

⁶ <https://afraraymond.files.wordpress.com/2011/10/housing-plan.pdf>