



**PERMANENT MISSION OF THE REPUBLIC OF TRINIDAD AND TOBAGO
TO THE OFFICE OF THE UNITED NATIONS, GENEVA**

Note No. 34/2013

The Permanent Mission of the Republic of Trinidad and Tobago to the United Nations Office and its Specialized Agencies in Europe presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the latter's Note dated 8th January, 2013, concerning Human Rights Council Resolution 21/23 on the Human Rights and Older Persons, has the honour to transmit herewith the response from the Government of the Republic of Trinidad and Tobago

The Permanent Mission of the Republic of Trinidad and Tobago to the United Nations Office and its Specialized Agencies in Europe avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 21st March 2013



Response to Questionnaire on Human Rights Council Resolution 21/23, "Human Rights of Older Persons"

Major challenges related to promotion and protection of the human rights of older persons in Trinidad and Tobago.

One of the main challenges faced by the elderly population of Trinidad and Tobago is a lack of access to information. Access to information is a critical aspect of any effort to promote and protect the human rights of vulnerable groups. The increasing usage of electronic media in the dissemination of such information is an obstacle to the elderly in Trinidad and Tobago for many reasons. A lack of computer literacy and limited or no internet access are the main causes, and are resultant of a number of socio-economic factors.

The Government of Trinidad and Tobago established the Older Persons Information Centre (OPIC) in 2005, inclusive of a toll-free hotline providing information related to the elderly, though these efforts are yet to be supplemented by means of implementing a further reaching information dispersal system.

The elderly population of Trinidad and Tobago is a growing one, currently standing at 12% and projected to rise to 17.7% in 2025 and to 30.1% in 2050. The Government of Trinidad and Tobago has to ensure that adequate financial resources are allocated to the elderly population, while simultaneously balancing the disproportionate growth of the elderly population to that of the working population.

Gender specific needs must also be taken into consideration with regard to the promotion and protection of the rights of the elderly population. Several major diseases of prevalent in Trinidad and Tobago, such as coronary disease, diabetes and depression affect ageing women more severely than ageing men. Presently, Government policies address concerns relating to older persons both male and female. However, it has been noted that the percentage of the elderly female population surpasses the elderly male population, and in this regard a Draft National Gender Policy is being finalized, which addresses health and economic issues affecting older women.

One of the challenges in providing care to older persons in Trinidad and Tobago is ensuring older persons have access to and receive the benefit of primary care and care giving programmes. As a result of the growing ageing population, challenges are faced in providing for increases in demand for such programmes. However, the Government has noted these increases and aims to allocate its resources accordingly.

Access to justice is another matter of contention to the ageing population. There have not been many specific actions aimed at improving access to justice by older persons. Older persons are often faced with difficulty in this area due to a lack of awareness of their legal rights, as iterated above; age based discrimination; financial constraints; and physical difficulty. There is no special provision in the Legal Aid Act allowing free legal services for the elderly. The following agencies, though not specific to the needs of the elderly, could potentially assist their access to speedier justice:

- Consumer Affairs Division
- Bureau of Standards
- Police Complaints Authority
- The Ombudsman
- Legal Aid (Ministry of Legal Affairs)
- Community Police

Specific Constitutional provisions, legislation and organisational bodies which protect against age discrimination or are mandated to protect and promote the rights of older persons:

During the past five years there have been no constitutional reforms in Trinidad and Tobago that explicitly incorporate the rights of older persons and under the Constitution, the elderly are not specifically recognised as a group. Instead, they are afforded the same protection as all other citizens, namely the rights to liberty, due process, protection of their property, protection of the law, together with all rights enshrined in the Constitution. The *Equal Opportunity (Amendment) (No.2) Bill, 2011*, currently before Parliament, seeks to amend the *Equal Opportunity Act 2000 (EOA 2000)* to prohibit discrimination on the grounds of age. Upon the anticipated enactment of this piece of legislation, an elderly person suffering age discrimination will have the right to file a complaint with the Equal Opportunity Commission in matters of: employment, education, provision of goods and services and provision of accommodation.

The Equal Opportunity Commission was established under the *EOA 2000*, and in accordance with its mandate, facilitates an efficient system for dealing with discrimination claims. The Commission may investigate complaints and also has the authority to enter into conciliatory procedures for the resolution of matters brought before it. In the event of the failure of conciliation efforts, the commission may then refer the matter to the Equal Opportunity Tribunal, also established by the *EOA 2000*. In cases where conciliation has been deemed an inappropriate measure, the Commission may refer the matter directly to the Tribunal.

The growth of the country's ageing population led to the establishment of a Division of Ageing in 2003. In 2007, the Division of Ageing, of the Ministry of the People and Social Development launched the National Policy on Ageing (and Action Plan) to address the challenges faced by the ageing population, as identified by the Madrid International Plan of Action on Ageing (*MIPAA*).

Specific legislation, national policies, strategies and plans of action adopted by Trinidad and Tobago to ensure the equal enjoyment of rights by older persons, particularly in the areas of prevention and protection against violence and abuse, social protection, food and housing, employment, legal capacity, access to justice, health support, long-term and palliative care:

National Policy and Specific Legislation

In line with the projected growth of the ageing population, Government policy is focused on preparing for a "society of all ages" through the implementation of measures in accordance with the Madrid International Plan of Action on Ageing and the Regional Strategy for its Implementation in Latin America and the Caribbean. The National Policy, launched by the Division of Ageing, addresses the priority areas of action which are consistent with those identified in MIPAA on the promotion and protection of the rights of older people. These priority areas are:

- Social Security;
- Income Security and Employment;
- Participation, Involvement and Social Inclusion;
- Dignity and Respect for the Elderly;
- Healthcare and Standards for hospitals and care facilities;
- Housing;
- Education and Training;
- Recreation ;
- Legislation;
- Transportation;
- Disaster Preparedness; and
- Research.

In recognition of the fact that 95% of our elderly citizens live in non-institutionalised settings within their communities, a Draft National Community Care Policy has been developed to guide the delivery of health and social support services to the elderly members of the community. This fact has also led to the development of The National Policy on the Family being formulated to address the elderly within the context of the family.

Trinidad and Tobago does not currently have legislation *specifically* focused on the rights of older persons. In light of the strides made in the development of the national policy on the ageing population, several mechanisms and initiatives have been undertaken which can facilitate the birth and enactment of such legislation.

One such instance may be found in the *Homes for Older Persons Act No. 20 of 2007*. In 2007, Parliament enacted the Homes for Older Persons Act, 2007, which repealed the former Homes for Older Persons Act, 2000 and also provided for the licensing, regulation and control of homes for older persons. This

important piece of legislation ensures the protection of the rights of older persons who reside in institutions providing long-term care. The Homes for Older Persons Regulations outlines, *inter alia*, the standards of care for Homes and care facilities for older persons and introduces elder abuse as an offence punishable by a fine and imprisonment. The Regulations were assented to by Parliament in 2009; however, the legislation on *Homes* awaits proclamation while the requisite administrative structures are being developed. These include the establishment of an Inspectorate in the Division of Ageing, to provide oversight for the operations of Residential Homes for Older Persons. In the interim, Homes for the Aged are governed by the Ministry of Health's Private Hospitals Act.

National Strategies

In Trinidad and Tobago, the Government provides universal access to health care. As such, all citizens and persons residing in Trinidad and Tobago, including the elderly, have access to health care offered at public health care institutions. However, specific programmes target the needs of the elderly such as the Chronic Disease Assistance Programme (CDAP) which provides senior citizens, along with the rest of the population, with 100% Government funded medication for non-communicable diseases such as hypertension, diabetes, heart disease and certain cancer therapies.

Non-contributory pensions to all persons 65 years and over were increased in 2001, 2003, 2004, 2006, 2007 and again in 2010, when the maximum Senior Citizens' Pension was increased to TT\$3 000 per month.

Persons aged 60 years and over are also entitled to free public transportation. This group of older persons enjoys free bus rides; free Ferry trips to Tobago; and free trips on Water taxis during non-peak hours on one of the most modern and efficient transport systems in Latin America and the Caribbean.

A contributory National Insurance Retirement Benefit of US\$ 333 per person per month is paid to retirees aged between 60-65 years. In addition, grants are available through the Social Welfare Division for Disability, Public Assistance, Medical Equipment, Burial Assistance, Household Items, Pharmaceuticals (not on the Chronic Disease Assistance Programme), and Food subsidy through the Targeted Conditional Cash Transfer Programme (TCCTP). Home repair grants are also available through the Ministries of the People and Social Development (US\$ 1,667); Community Development (US\$ 2,500); and Housing and the Environment (US\$ 3,333).

As part of a National Poverty Reduction Programme, Social Welfare Grants to persons aged 60 years and over provide for: (i) free eye-glasses; (ii) free hearing aids; (iii) free transportation on buses; (iv) house repairs to the value of US\$ 5,000; and (v) burial of a pensioner to the value of US\$ 500. Additionally, the Socio-Economic Policy Frameworks of 2002-2004; 2005-2007; and 2008-2010 have included population ageing in their comprehensive poverty reduction strategies.

Though in need of upgrades, home caregiving services are provided through the Geriatric Adolescent Partnership Programme (GAPP), which falls under the purview of the Ministry of Community Development. The programme sensitizes young adults to the ageing process and trains them in practical skills in basic geriatric care. Graduates are utilized to provide caregiving services, which are means-tested through the GAPP initiative. Caregiving services can also be accessed from the Trinidad and Tobago Registered Nurses Association and the Women in Harmony Programme (Ministry of Gender Youth and Child Development).

International Treaties

In 1962, Trinidad and Tobago became a member of the United Nations, thereby officially observing the Charter of the United Nations. Therefore, the twin-island State abides by the principles set forth in the 1948 United Nations Universal Declaration of Human Rights. Trinidad and Tobago has also signed and ratified five other Human Rights Conventions:

- International Convention on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- International Convention on the Elimination of all forms of Racial Discrimination;
- Convention on the Elimination of Discrimination Against Women; and
- Convention on Rights of the Child.

However, only the International Covenant on Economic, Social and Cultural Rights (1976) makes a veiled reference to social safety net provisions, which can be interpreted as a call for the provision of social pensions for elderly persons in the society.

The Convention on the Elimination of Discrimination against Women, (CEDAW), which was signed on June 27, 1985 and ratified on January 12, 1990, though extending to *all women*, may be similarly interpreted to address concerns of *elderly women*, namely:

- Maintenance of homes for battered and abused women
- The eradication of violence against women
- Eliminating all forms of discrimination against women
- Gender equality and the empowerment of women
- Access to employment for women
- Access to education for women
- Ensuring maternal health

Trinidad and Tobago is also a signatory to the *MIPAA*, which was declared in 2002 at the United Nations Second World Assembly on Ageing and guides the National Policy on Ageing.