

FROM: The Catholic Commission for Social Justice (CCSJ) (Ms. Leela Ramdeen, Chair)

TO: Permanent Secretary, Ministry of the Attorney General

SUBJECT: CIVIL SOCIETY CONSULTATION FOR UNIVERSAL PERIODIC REVIEW

DATE: Thursday 16 June, 2011 from 10 a.m. to 2 p.m.

VENUE: Ground Floor Conference Room, Office of the AG, Cabildo Chambers, 23-27 St. Vincent St., POS.

SUBMISSION BY THE CATHOLIC COMMISSION FOR SOCIAL JUSTICE (CCSJ)

I write to accept your kind invitation to attend the Civil Society Consultation for Universal Periodic Review on Thursday 16 June.

On behalf of The Catholic Commission for Social Justice, I submit the following information as our contribution to the Review process.

Human rights are central to the Catholic Church's mission in the world. While we recognize the Universal Declaration of Human Rights and other international human rights instruments, we wish to share a Catholic perspective on this theme.

In 1963 Pope John XXIII expressed a "charter of rights" in his encyclical letter of 1963, *Pacem in Terris* (Peace on Earth). He said that human rights include

"the right to life; the right to bodily integrity and to the means necessary for the proper development of life, particularly food, clothing, shelter, medical care, rest, and the necessary social services; the right to be looked after in the event of ill-health, disability, widowhood, old age, unemployment; the right to a good name; freedom to investigate the truth, and freedom of speech and publication; freedom to pursue a choice of career; the right to be accurately informed about public events; the right to share in the benefits of culture; the right to receive a good general education; the right to raise children, which belongs primarily to the parents; the right not only to be given the opportunity to work but also to enjoy the exercise of personal initiative in that work; the right to a just wage; the right to the private ownership of property including that of productive goods; the right to meet together with others and to form associations; the right to freedom of movement; and the right to take an active part in public life, and to make a contribution to the common welfare. Pope John then adds a crucial consideration (nn. 28, 30)...

"The natural rights of which we have so far been speaking are inextricably bound up with as many duties. ... These rights and duties derive their origin, their sustenance, and their indestructibility from the natural law, which in conferring the one imposes the other. ... It follows that in human society one's natural right gives rise to a corresponding duty in others; the duty, that is, of recognising and respecting that right. ... To claim one's rights and ignore one's duties, or only half fulfill them, is like building a house with one hand and tearing it down with the other."

Catholics see human rights within the context of the “gift” of life. Life is a gift from God and we have a duty to ensure that we promote and enhance it at all stages and in all circumstances. And since we journey through life in relationship with each other, we must stand in solidarity with those whose rights are being violated. As Martin Luther King Jr. said: “Injustice anywhere is a threat to justice everywhere.”

CCSJ accepts that action has been/is being taken to improve the human rights situation in TT in order that we will fulfil our human rights obligations. However, while we celebrate our achievements e.g. signing/ratifying certain International Conventions/Protocols/Instruments, and introducing relevant pieces of legislation that seek to address various human rights issues, there remains an unacceptable gap between such action and implementation.

In light of this, CCSJ wish to highlight some areas of concern which should be addressed:

1. We need to link human rights to the concept of integral human development – putting the person(s) at the centre of development. Pope Benedict XVI defines ‘integral human development’ as ‘the development of each dimension of a person and of all persons’. We must strive to ensure that no one is left behind.
2. We must do more to meet the needs of:
 - a. **the poor/vulnerable/socially excluded.** There is no agreed definition for social exclusion. The UK’s Social Exclusion Unit describes it as “a shorthand label for what can happen when individuals or areas suffer from a combination of linked problems such as unemployment, poor skills, low incomes, poor housing, high crime environments, bad health and family breakdown” (SEU 1997). A key social justice principle is that people should be able to participate in the economic, social, political, and cultural life of society. Social exclusion marginalizes people and prevents them from participating effectively in society. As Walker and Walker 1997:8 stated, social exclusion is “the dynamic process of being shut out ... from any of the social, economic, political and cultural systems which determine the social integration of a person in society”.

Our 2005 statistics of 16.7% (about 210,000 persons) living in poverty are out of date and do not reflect the reality of our situation. This creates an obstacle to effective planning. How effective is our Poverty Reduction Strategy(ies)? Some of our people lack the basic necessities required to live in dignity. Poverty reduction strategies must be linked to a cross-Ministerial/Government plan to create conditions that will enable people to live their lives in dignity and to realize their potential. Too many Ministries continue to work in silos – no overall plan e.g. how is our plan (if there is one) to promote food security, linked to our plan to empower people so that they don’t develop a dependency on handouts? Too often, the left hand does not know what the right hand is doing.

National resources are being wasted. There is a need for more effective targeting of resources. Photo opportunities will not cut it - neither will handing out huge grants for festivals/celebrations etc. The country yearns for distributive justice, commutative justice, social justice etc.

b. those living in **rural areas**, and those living in **urban areas**. An analysis of the state of play in rural and urban areas in TT highlights the glaring disparities in terms of services etc. that affect the lives of people. Therefore, the boast that TT has e.g. free education needs to be unpacked. We need to examine issues relating to equality of opportunity and equity and to note the difference between these concepts. Let's level the playing field for our people. Everyone is not at the same level and so the size of the 'cake' that each receives according to his/her need must, of necessity, be different if we are to promote equity – fairness/equality of outcome.

c. the differently-abled. We need a strategic plan to develop and deliver appropriate services to the differently-abled;

d. persons with HIV/AIDS. Latest figures show that of the 25,000 or so persons affected in TT, only 6,000 access anti-retroviral drugs. There are 4 new HIV cases daily. Are we doing all that we can for those affected and infected? Can we have some information as to when the Statutory Body is likely to be established to replace the now disbanded National AIDS Coordinating Committee (NACC)? Will that body be responsible for developing a strategic plan in this area?

e. victims and perpetrators of **domestic violence, child abuse, incest.** The Children's Authority is still not up and running. Over the past few weeks there have been some horrific cases of domestic violence leading to the maiming/deaths of women and, in one case, a man. We must develop a multi-faceted approach to deal with these issues – including a plan that focuses also on prevention. How is our Police Service dealing with these issues? We don't even have a **National Child Abuse Register or a National Child Protection Policy.**

TT has no **correctional facility for female minors.** CCSJ understands that there are about 60 female minors housed on the site of the Women's Prison. They sleep separately but mingle freely with adult female prisoners during the day. Also, there is no YTC in Tobago. CCSJ understands that some male minors are 'housed' with adult male prisoners in Remand in Tobago. This situation is unacceptable and violates the rights of these female and male minors. We must protect juveniles in our legal system and establish suitable facilities for juvenile offenders. This must be seen within the context of inadequate/lack of facilities to which Courts can refer juveniles e.g. St Jude's home, St Dominic's etc often have no spaces.

Juveniles should not be held in holding bays with adults.

CCSJ understands that at times juveniles are placed with certain families who receive funding from the state for 'taking in' youths at risk. What regulatory/inspection systems exist to ensure that the human rights of such youths are protected? At a **Youth At Risk Seminar** held by CCSJ a few years ago, issues relating to this were highlighted by participants. To date, CCSJ understands that there are still no appropriate systems in place.

One of our Ministers has 'Gender Affairs' as part of his Portfolio. How is that Ministry (and indeed, all Ministries) evaluating its effectiveness in relation to these and other gender-related issues?;

f. 'youths at risk'/'people at risk': those youths who fall within this category include socially displaced children/youths. Much more must be done to address the needs of our youths at risk. Government subventions to NGOs are not all that is required to meet the needs of vulnerable citizens.

We need homes for our socially displaced people – young and old, and Officers who will be charged with responsibility for seeking to re-integrate **socially displaced people** with their families, where possible; to seek treatment for those who need it etc. A survey conducted some years ago highlighted the fact that there are about 4/5 categories of socially displaced persons. Who is assessing their needs and arranging for these to be met? We need prevention, education, treatment, and rehabilitation activities targeted at socially displaced persons.

g. all our people in terms of integral human development.

- Children have a right to **education** yet our legislation still records that a child can legally leave school at 12 years old. The Minister of Education stated some time ago that about 4,000 children are out of school. These are human rights issues. Why are children dropping out of school and what is being done to address the needs of those in this category? The system is failing too many of our children. Quality Assurance systems are essential if we are to improve the quality of education in TT.

- Catholics are **pro-life**. While we welcome the fact that we have anti- abortion legislation in place we must do more to assist those in need to have their babies and to strengthen family life at all levels.

- **substance abuse** is taking its toll on our people.

Drugs and alcohol are obstacles to the promotion of people's human rights. More must be done to stop the trafficking of drugs into TT, to educate the public about the dangers of substance abuse and to support families whose members are addicts. Are there any plans for the establishment of national rehabilitation centres?

h. inmates who are in our prisons. Our human rights record in this area is well-known. People can languish in our archaic, overcrowded Remand Yard for years before their cases are dealt with. And the state of our prisons still leaves much to be desired. At a colloquium organized by a former AG, the foreign speaker had an opportunity to visit some of our prisons before delivering his lecture. He said our Remand Yard was not quite hell, but was a room next to hell. There are international instruments which exist to guide countries to ensure that those incarcerated are treated with dignity.

Our society seems to prefer punishment to rehabilitation and retribution to restoration, thereby indicating a failure to recognize prisoners as human beings. Punishment must have a constructive and redemptive purpose – it must be coupled with treatment. Our response to crime should not be abandonment and despair, but rather justice, contrition, reparation, reconciliation, and return or reintegration of all into the community.

If we do not seek to rehabilitate offenders and help to reintegrate them into society so that they can live productive lives, then our communities will continue to feel unsafe and insecure. There is a sense of urgency in the air.

Careful reviews of the literature on rehabilitation have concluded that treatment does reduce recidivism/re-offending. Not all offenders are open to treatment, but all deserve to be challenged and encouraged to turn their lives around.

If we are not to descend into barbarism we should truly embrace the concept of **Restorative Justice**. Our recidivism rate is about 65%. To stop the revolving door, we should take note of some of the recommendations made by Prof. Ramesh Deosaran over the years about ways in which we can reduce crime e.g. see his paper: “Key Regional Issues in Crime and Justice: The Caribbean” (July 20, 2003) Guyana Chronicle: <http://www.landofsixpeoples.com/news303/nc307205.htm>

We desperately need more rehabilitation facilities and should consider introducing a Parole System. CCSJ’s Chair was a member of a Cabinet appointed Committee (Parole Introduction Committee) that produced a report on this issue (2003 – 2006).

It is time for a new national dialogue in TT about how we deal with crime and violence; how we restore our respect for law and life; how we protect and rebuild communities, and how we help offenders to redeem themselves.

Inmates should also receive appropriate treatment to address substance abuse, HIV/AIDS etc.

i. citizens who are all affected by **crime** at all levels and on all fronts. Are we looking at the **root causes**? How are human rights affected? Life seems to have little value in our society. We must explore the link between poverty and crime. Are we doing enough to address white-collar crime and to identify and prosecute the ‘big-boys’ who are bringing in the **drugs and guns** that adversely impact on the lives of our people?

We have finally acknowledged that TT is a country/point of origin, transit and destination for **human trafficking** - that vicious form of modern-day slavery. We have recently passed some relevant legislation. Once again, we will need to ensure that we move from legislation to implementation to ensure that women, men and children who are affected are protected. Heartless people are making billions of dollars on the misery of those they traffic. Blessed John Paul II said:

“The trade in human persons constitutes a shocking offense against human dignity and a grave violation of fundamental human rights. . . . Such situations are an affront to fundamental values which are shared by all cultures and peoples, values rooted in the very nature of the human person.”

We must speed up action to meet at least the minimum standards required to counter all forms of human trafficking (In the 2010 US Department of State Trafficking in Persons Report, T&T dropped from Tier 2 to Tier 2 Watch List). The four Ps apply to us also: prosecution, protection, prevention and partnership. As the US report states: “a victim-centred approach to trafficking requires us equally to address the “three Rs” – rescue, rehabilitation, and reintegration.

The Trafficking Victims Protection Act states that “the purpose of combating human trafficking is to ensure just and effective punishment of traffickers, to protect their victims, and to prevent trafficking.”

At times in TT we see women, who may have been trafficked to work as prostitutes in brothels and clubs in T&T, being taken to Court, fined, imprisoned if they can't pay the fine, and then deported. How many traffickers have we successfully prosecuted? What about the ‘big boys’ who are raking in the money on the backs of our brothers and sisters?

In August 2010, CCSJ wrote a **letter to each MP and Senator** in response to the debate about resuming Capital Punishment. We attach a copy of that letter in which we list a number of suggestions that are pertinent to the issue of promoting human rights.

We need to consider the issue of Capital Punishment within the context of a TT in which there are a number of deficiencies e.g. in our legal system – lengthy delays in the administration of justice etc., corruption within the Police Service and so on. CCSJ notes with concern that in 1998 TT withdrew from the American Convention on Human Rights and the Optional Protocol to the UN Covenant on Civil and Political Rights. Although TT re-acceded to the Optional Protocol almost immediately, it did so with the reservation that the death penalty could not be heard by that Commission. When the Commission refused to accept this reservation, TT withdrew from the Protocol for the 2nd time in the year 2000.

Policing in TT must be evaluated in terms of its impact on people’s human rights. Areas of concern include corruption within the Service, involvement of some members of the Service in organized and other crimes, excessive force used by some members of the Service at times etc. Police killings in TT are of concern. Many members of the public believe that these killings are not properly investigated.

TT should consider the introduction of Community Policing and establish special units to deal with issues such as Domestic Violence, Child Abuse etc.

j. Refugees and Asylum Seekers:

“According to United Nations High Commission for Refugees (UNHCR) statistics for 2009, 37 refugees and individuals in refugee-like situations were resident in Trinidad and Tobago from the following countries of origin: Bangladesh (3), Cameroon (1), Columbia (5), Cuba (1), Cote d’Ivoire (3), Gambia (2), Haiti (6), Iran (Islamic Republic of) (4), Kenya (1), Liberia (4), Senegal (3), Sierra Leone (1), Somalia (3). (Southern Refugee Legal Aid Network : <http://www.srlan.org>).

It is difficult to determine the exact numbers of individuals within this category. “According to the World Bank, the Refugee population by country or territory of origin in TT in 2008 was 230.8. Refugees are people who are recognized as refugees under the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol, ...people recognized as refugees in accordance with the UNHCR statute, people granted refugee-like humanitarian status, and people provided temporary protection. Asylum seekers--people who have applied for asylum or refugee status and who have not yet received a decision or who are registered as asylum seekers--are excluded. Country of asylum is the country where an asylum claim was filed and granted.”(www.tradingeconomics.com).

The Catholic organization, Living Water Community, led by Ms Rhonda Maingot, plays a key role in TT in championing the cause of refugees and asylum seekers in TT. On November 2nd 2000 “became the 140th country to sign the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol – the foundations of international refugee law.” However, as Kris Janowski has said, TT is still to put in place policies and practices that will “ensure that refugees and asylum seekers in need of protection are treated according to international standards.”

Our love of neighbour has global dimensions. We have a duty to reach out in a compassionate and humane manner to those seeking a safe place to avoid e.g. war or persecution. As Pope Benedict XVI said in his Encyclical, Charity in Truth: “The migrant is a human person who possesses fundamental, inalienable rights that must be respected by everyone and in every circumstance” (cf. [n. 62](#)).

k. those affected by **environmental injustice**. Human Rights are adversely affected by such injustice. CCSJ’s **Draft framework towards an Environmental Policy for the Archdiocese of Port of Spain addresses some of these issues. See Special Focus on CCSJ’s website:** <http://rcsocialjusticett.org/2.0/special-focus/environment/>.

The rainy season is upon us and we still do not seem to have addressed age-old problems that make the lives of many misery. Earthquakes are devastating many countries around the world and we still have not introduced building codes that will alleviate some of the problems that we may encounter at any time in the future.

3. Human Rights issues must also be seen within the context of the culture(s) in which we live. Today **individualism** is rampant. Too often we are only concerned about ourselves and fail to reach out to our ‘neighbours’.

Moral Relativism also poses problems. “Moral relativism is the view that ethical standards, morality, and positions of right or wrong are culturally based and therefore subject to a person's individual choice. We can all decide what is right for ourselves. You decide what's right for you, and I'll decide what's right for me. Moral relativism says, "It's true for me, if I believe it.” (<http://www.moral-relativism.com/>) What’s the worldview of many? We live in a culture in which many believe that there is no objective morality, the ‘if it feels good, do it’ mentality can lead individuals to ‘do their own thing’ – without any thought/care about the consequences. The decline in morals and values is also linked to this.

Human rights must also be seen within the context of: the breakdown in family life; the erosion of the extended family, challenges faced by families, including single parent families; the negative aspects of modern technology can fuel ‘get-rich-quick’ mentality – instant gratification; lack of good governance/integrity/transparency at level of leadership; lack of positive role models/mentors – at all levels; peer pressure; lack of discipline, guidance; an education system that does not meeting the needs of 21st century students/adults and, inter alia, fails to build character and form moral consciences; lack of respect for law and for those in authority; a media that should play a stronger role in our democracy e.g. by seeking to strengthen democratic institutions through investigative reporting on issues relating to e.g. corruption, organized crime etc.

There is also a need to be ‘brave’ enough to address, in a dispassionate manner, the elephant in the room – ethnic issues in our society. While we can boast that things are not as bad here as they are in certain countries around the world, we must do more to create a society in which all ethnic groups respect each other. We need to develop what Pope Benedict XVI calls a “new humanism” which includes a moral and spiritual dimension; a humanism that enables us to see “the other” as another “self.”

4. Conclusion: Members of CCSJ recognize that there are many issues and challenges that we must address if TT is to improve its Human Rights records. The issues raised in this paper, including those in the letter below, are just some of the issues that must be addressed. Catholics believe that the measure of any society is whether what we do threatens or enhances the life and dignity of the human person. Let us continue to examine our policies, procedures, legislation and practices to determine what we must do to lift us and our people to a higher, “more noble” level (Martin Luther King Jr.).

Our vision for society must be an inclusive one. CCSJ and the rest of the Catholic Church stand willing and able to support initiatives that will promote the human rights of our people and build a nation in which truth, justice, love, and freedom become a reality.

APPENDIX 1

COPY OF LETTER SENT FROM CCSJ TO EACH MP AND SENATOR ON 27 August, 2010

Re: Capital Punishment

This Commission has responsibility in the Catholic Archdiocese of Port of Spain to take action to regenerate the moral and spiritual values of our society. I am sure that you will agree with me that the erosion of morals and values in T&T has led, to a large extent, to the unprecedented rise in crime and violence.

The causes of crime are complex, many and varied and require a multi-faceted approach. We all have one common purpose, to rid our beloved country of this plague. The challenge for us is to find ways of doing so while still affirming and protecting the sanctity of ALL human life as a gift from God at all stages and in all circumstances.

We must all take action to embrace the victims of crime and their families. CCSJ is working with communities to create victim support networks across the country. The words of Rev Bernice King, daughter of Martin Luther King Jr., are instructive. She said:

“Having lost my father and grandmother to gun violence, I will understand the deep hurt and anger felt by the loved ones of those who have been murdered. Yet, I can’t accept the judgement that their killers deserve to be executed. This merely perpetuates the tragic, unending cycle of violence that destroys our hope for a decent society.”

At a time when the issue of resuming hangings in TT is being discussed, CCSJ offers you for your reflection a copy of a Pastoral Letter on Capital Punishment (2000) written by the AEC Bishops of the Caribbean Pastoral Letter. It is worth noting that in their Pastoral Letter of 2008: The Gift of Life, they reaffirmed their belief in the Church’s teaching that: “Non-lethal forms of punishment are more in keeping with the concrete conditions of the common good and more in conformity with the dignity of the human person.”

Society has a right to protect itself from those who destroy the lives of so many of our people without impunity. But let us develop methods other than hanging to provide for the safety and well-being of the public. We oppose hanging and continue to pray and work for its abolition.

We offer the following suggestions that may be of use to our nation as we seek to nurture a peaceful society and to develop a comprehensive crime plan. These suggestions have been drawn from comments made to CCSJ in the recent past and do not only relate to those who commit murders. We can:

“- strengthen family life e.g. promote good parenting and enhance the quality of life of families, address poverty and social exclusion, review safety nets available through the various Govt. Ministries, and empower citizens to take responsibility for their lives and their health;

- develop and implement programmes to regenerate the morals and values of society: at all levels (including our families, schools, universities, and workplaces);

- encourage faith communities to address the issue of crime and violence in their communities;

- revamp the education system to make it more relevant to needs of young people. Establish special projects for helping truants and school drop outs. Review subventions to NGOs, CBOs

and FBOs that support the work of schools – are these sufficient? Offer tax deduction incentives to encourage corporate contributions to such initiatives.

- develop the capacity of the police service to undertake their duties effectively and to ensure quality policing e.g. through systematic performance appraisal, Employee Assistance Programme, and adequate equipment;

- deal with gangs;

- root out those who are bringing in drugs and guns and ‘white-collar’ criminals;

- develop first class detection strategies. Lay charges and enhance the criminal justice system so that cases will proceed swiftly through the judicial system - followed by conviction where cases are proved and appropriate penalties applied.

- achieve swift justice/improve the criminal justice system e.g. by abolishing preliminary inquiries - with indictable offences being heard only through the High Court; streamline prosecution; set up special courts such as gun courts and review sentencing for possession of guns.

- improve detection rates with new technology such as:

- a) wire-tapping to assist detection (the Govt. will need to introduce legislation dealing with wire-tapping which should be subject to a Court Order (St Kitts to use wire-tapping to ‘get’ gangs);

- b) DNA (beef up the DNA legislation and the capabilities of the forensic lab with an ability to use foreign facilities if necessary);

- c) GPS and criminal database should be made available to all police cars. Evidence can then be produced without lay witnesses who are susceptible to intimidation, being killed.

- improve the prison system e.g. develop a comprehensive programme to rehabilitate prisoners (within prisons and on their release) and address issues such as mobile phones being used by inmates. Sentences could be based on time taken by the prisoner to learn e.g. a trade/skill, reading, writing, mathematics, along with good behaviour.”

Yours faithfully,

Leela Ramdeen, Chair of CCSJ, Attorney-at-Law and Education Consultant