

An Exploratory Study: Human Rights, Persons with Disabilities and the Criminal Justice System in Trinidad and Tobago

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ABSTRACT

This study explores the topics of human rights violations, persons with disabilities (pwds) and the criminal justice system of Trinidad and Tobago. The goal of this research is to discover whether human rights violations exist against pwds in the justice system and if so, how and why they may be violated. The various means by which these rights can be protected and enhanced is also critical to this research. This study encompasses three components of the justice system: the police, courts and prison systems as well as inculcated legislation as a key constituent. I adopted a qualitative methodology, with semi-structured interviews representing the main data collection medium accompanied by secondary sources. I found evidence that the human rights of pwds are possibly violated within the police, courts and legislative aspect of the system, with less clarity shed on the reality within the nation's correctional facilities. I identified numerous multifaceted and interlocked themes which assisted in explaining how and why the rights of pwds may be violated in the justice system. Based upon these findings, I provide multiple suggestions for ways in which the rights of pwds can be enforced and protected within the individualized sectors as well as overall justice system. In terms of accessing and maneuvering within the criminal justice system of Trinidad and Tobago, pwds are increasingly marginalised and susceptible to conscious as well as unintentional human rights violations in a number of ways due to a multitude of reasons.

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Key Words: Persons with disabilities, human rights violations, criminal justice system, marginalized

INTRODUCTION

Disability as a Human Rights Issue

“Disability is a human rights issue! I repeat: disability is a human rights issue”
(Bengt Lindqvist)

UN Special Rapporteur 1994-2002

Initially disability rights was understood within the context of political and civil rights, but in contemporary society it has somewhat metamorphosed into a human rights issue. Unravelling this paradigmatic shift is vital to understanding the interaction between human rights violations and disability. “The United Nations, after the Second World War, undertook the protection of the rights of the disabled within the framework for the promotion and protection of human rights” (Quinn and Degener 2002, 133). However, the process of recognising disability and human rights within the same framework has been painstakingly slow. Some researchers suggest that the “image of disability as a medical and social issue explains why disability has generally not been perceived as a human rights issue in the same way as gender or race” (Quinn and Degener 2002, 54).

According to the UN Division for Social Policy and Development (2016), it was not till later on in “the 1970s [...] the concept of human rights for persons with disabilities began to become more accepted internationally”. This was manifested in the fact that “two major declarations on persons with disabilities were adopted by the General Assembly [...] the Declaration on the Rights of Mentally Retarded Persons of 20 December 1971 [...] (and) the Declaration on the Rights of Disabled Persons [...] 9 December 1975” (UN DSPD 2016).

Quinn and Degener (2002, 6) state that “traditional human rights NGOs are themselves beginning to absorb disability as a mainstream human rights issue” which demonstrates that gradually there has been a definitive marriage between disability and human rights. In response, researchers have attempted to outline the underlying conduits of this union, sharing that the fundamental philosophy of “the human rights perspective on disability means viewing people with disabilities as subjects and not as objects” (Quinn and Degener 2002, 1).

Criminal Justice System (CJS) and Persons with Disabilities

Martin L. Frost (1977, 403) in his article; “To What Extent Should the Criminal Justice System Be a “System?”” indicated that the criminal justice system is usually comprised of “three main components-law enforcement, the courts, and correction”. Internationally “studies have shown there to be an overrepresentation of people with learning disabilities in prisons in Australia; America and Canada” (Cant and Standen 2007, 175). According to Mercier and Crocker (2010, 132), such individuals “encounter specific problems in their dealings with this system and do not receive the support they need to negotiate this system’s complexities”. The experiences and treatment of pwds who have had direct interaction with the CJS be it in terms of arrests, court proceedings or incarceration is a virtually unexplored area of research in Trinidad and Tobago. It follows then, that an absence of local statistics pertaining to the number of prisoners with intellectual disabilities means that there is essentially no information on the existence or scope of the problem within the domestic justice system. This can adversely affect persons belonging to vulnerable groups since safeguards are unable to be identified or enhanced which may increase their susceptibility to potential violations.

Apart from persons with intellectual disabilities, persons with disabilities such as visual, hearing or physical impairments may also face disabling barriers which prevent them from properly accessing routes of the criminal justice system. On an international scale physical inaccessibility of police stations, courts and prisons, inaccessible rehabilitation programmes, subjection of prisoners with disabilities to the same prison regime as inmates without disabilities and an overall lack of special provisions are all obstacles which culminate to bar pwds from receiving equal treatment within the justice system.

Each of the constructs mentioned above; disability, human rights and the criminal justice system triangulate and inevitably intersect each other to portray a deprioritized problem revolving on the concept of human rights violations against pwds within the justice system of Trinidad and Tobago.

Research questions

This study endeavoured to explore four fundamental questions intrinsic

to understanding the human rights and disability landscape within the specific context of the criminal justice system of Trinidad and Tobago: (i) Are the Human Rights of Persons with Disabilities Violated in the Criminal Justice System? (ii) How are the human rights of persons with disabilities violated within the criminal justice system? (iii) Why are the human rights of persons with disabilities violated within the criminal justice system? (iv) How can the human rights of persons with disabilities be protected and enforced within the criminal justice system?

This paper can be divided into three sections; the first section dissects the incorporated theoretical framework and details the methodology utilized in this research. The second section comprises the bulk of this paper and focuses on the relevant findings and discusses the uncovered themes pertaining to the multiple research questions. The third section provides a theoretical overview and draws conclusions from this research.

THEORETICAL FRAMEWORK

Positional differences which encompass the detrimental practices of discrimination and exclusion of pwds, the essentialist based medical model of disability versus the constructionist social or human rights model, along with the intersectionality of disability with gender, race and class are features which all comprise the theoretical framework of this research. These are unique concepts specific to understanding the intricacies involved with disability, human rights and the criminal justice system and form the common thread which runs throughout the entirety of this research endeavour.

Positional differences

History attests to the determinism and noble achievements of stalwart figures such as Ludwig van Beethoven, John Milton, Helen Keller, Franklin D. Roosevelt and Stephen Hawking who despite having disabilities inspired the world through their pioneering fortitude in the various fields of physics, arts and politics. Unfortunately, in spite of these exemplary biographies, advocates emphasize that from a historical as well contemporary perspective, persons with disabilities are continually marginalised and excluded from virtually every sector of society. Bengt Lindqvist, who served as UN Special Rapporteur on Disability of the Commission for Social Development from 1994-2002, alluded to the fact that “the ideas and concepts of equality and full participation for persons with disabilities have been developed very far on paper, but not in reality” (Despouy 2003-2004, 4).

The UN published 2002 report entitled ‘Human Rights and Disability’, stated that “during the United Nations Decade of Disabled Persons (1983-1992), the international disability community emphasized that discrimination is the main reason for the exclusion [...] from the mainstream of society and for their relative poverty” (Quinn and Degener 2002, 59). While discrimination against persons with disabilities may occur in different ways and to varying degrees, certain areas elicit an onus of universality in their overtly marginalised sceptre. Despouy uncovered several such areas through information provided by the ‘World Veterans Federation’, such as “education [...] employment [...] transport [...] housing” (Despouy 2003-2004, 4) and accessibility to physical infrastructure.

Although there has been considerable progress since Despouy’s 1992 report, the 2012 ‘Report of the Special Rapporteur on disability’ reveals that persons with disabilities are consistently confronted with numerous barriers which prevent their integration within mainstream contemporary society. According to current UN Special Rapporteur, Shuaib Chalklen, there are common threads of exclusionary practices across the globe:

[...] such as inadequate policies and standards [...] negative attitudes [...] lack of provision of services and service delivery [...] inadequate funding [...] lack of accessibility to the physical environment and information and communications technologies; lack of consultation and involvement of persons with disabilities; lack of statistical data and evidence-based research on disability” (United Nations Economic and Social Council 2012, 8).

The 2011 ‘World Report on Disability’ denotes that as a result of society’s exclusion, persons with disabilities are more likely to suffer “poorer health outcomes, lower education achievements, less economic participation and higher rates of poverty than people without disabilities” (WHO 2011, xi).

These accounts demonstrate the multiple ways in which pwds are discriminated against across the globe as well as highlights the marginalised and detrimental impact such exclusion has on the disability community. Despite the relative lack of studies specifically dedicated to measuring such practices and their effect on pwds in Trinidad and Tobago, the issue of positional differences and its correlation with disability is a universal concept which affects vulnerable sectors of the population both in a global as well as local context.

Medical vs Social model of disability

Disability has in recent decades become an increasingly humanitarian oriented issue rather than simply a medical model predicament. The medical

model of disability analysis is somewhat of an essentialist construct as it fixates on the innate nature of disability and seeks to effectively place “the ‘problem’ of disability within the person” (Quinn and Degener 2002, 14). Many scholars and advocacy agencies refute this model as they believe it “encapsulates a broader and deeper social attitude – a tendency to problematize the person and view him/her as an object for clinical intervention” (Rosenblum and Travis 2002, 5).

This essentialist based model has however been replaced by a ‘social’ or ‘human rights’ model which reflects a more constructionist perspective in relation to disability. It “contends that disability is created by social, political, and environmental obstructions – that social processes make people’s impairments into disabilities” (Rosenblum and Travis 2002, 5). To extrapolate further, “the human rights model focuses on the inherent dignity of the human being and subsequently, but only if necessary, on the person’s medical characteristics” (Quinn and Degener 2002, 14). Therefore, while this model does not completely negate the medical aspect of disability, it prioritizes the individual “in all decisions affecting him/her and, most importantly, locates the main ‘problem’ outside the person and in society” (Quinn and Degener 2002, 14). Simply put, “from the perspective of the medical model, individuals have problems that need to be treated by medical specialists” (Rosenblum and Travis 2002, 6) while contrastingly “from that of the social model, individual problems are the result of social structures that need to be changed” (Rosenblum and Travis 2002, 6).

There are various important notions which the social model of disability identifies and seeks to challenge or counteract. One such “premise [...] is that human difference is not innate but something socially constructed and applied through labels such as ‘the disabled’” (Quinn and Degener 2002, 15). They postulate that such labels are thrust upon individuals based on a standardized and unspoken status quo. This model of disability therefore seeks to eliminate barriers to the inclusion of pwds by exposing the linkage between societal labels and disability.

Another underlying feature of this model is that it hones in on the glaring positional differences enwrapped in the context of disability. It illustrates that “the social construct of disability is used not only to *set people apart* but also to *keep people apart*” (Quinn and Degener 2002, 15). Standards of daily living such as accessibility in terms “of education, of work, of the family or of social interaction – are established largely by reference to the dominant norm, in this instance that of the able-bodied” (Quinn and Degener 2002, 15). These characterizations of society in providing for persons who are able-bodied, simultaneously replicate an

unspoken 'norm' of segregation. The existence of these barriers prevents the integration of persons with disabilities within society and indeed allows the status quo to remain unchallenged.

A medical model of disability as opposed to a social or human rights model of disability is apparently adhered to within Trinidad and Tobago. Greater emphasis is placed on superficial means of inclusion for example through monetary assistance rather than affirmative measures, awareness campaigns and modifications to the physical infrastructure. Therefore, this model is increasingly applicable in the local scheme and is specifically intertwined with this research as it is regarded as an intrinsic tool to unearth violations, sensitizing people and tearing down societal barriers which prevent the inclusion of pwds from mainstream society.

Intersectionality

Intersectionality refers to the superimposition of cross dimensional facets of discrimination and its intertwining with an individual's master statuses. This term originally "comes from a tradition of feminist scholarship that analyzes how women's lives are subjected to different systems of power and oppression" (Moser 2006, 539). Rosenblum and Travis, in their article 'Constructing Categories of Difference', extrapolate this concept further by unravelling the machinations of an individual's master statuses. In reference to the American social framework, they stated that "race, sex, social class, sexual orientation, and disability are currently the primary axes of difference [...] they are also what social scientists would call master statuses" (Rosenblum and Travis 2002, 2). They are recognised as such, primarily due to the dominant effect they exert on the individual's life and interactions. Patricia Hills Collins denotes the interpellation between master statuses and intersectionality in stating that; "as opposed to examining gender, race, class, and nation, as separate systems of oppression, intersectionality explores how these systems mutually construct one another, [...] [how] certain ideas and practices surface repeatedly across multiple systems of oppression" (Rosenblum and Travis 2002, 4).

The intersectional nature of disability and its overlapping correlation with sex, race and poverty pose formidable challenges to the differently abled community as it transcends geographical location, time and context. The pervasive nature of intersectionality and disability in relation to the aforementioned areas will therefore be examined in greater detail.

METHODOLOGY

A qualitative approach was adopted to explore the concepts of human rights violations, persons with disabilities and the criminal justice system. “Qualitative research takes an interpretive, naturalistic approach to its subject matter” (Jones 1995, 2) and as Professor Roger Jones (1995, 2) explained the fundamental basics of qualitative research, revealing that it “is concerned with discovering the meanings seen by those who are being researched and with understanding their view of the world rather than that of the researchers”.

Semi-structured interviews comprised the main primary data collection method accompanied by secondary sources, the latter of which included domestic statutes such as the Equal Opportunity Act, 2000, Jury Act, Chapter 6:53 and the Immigration Act, Chapter 18:01 as well as International Conventions also for example; the ICCPR, ICESCR, CRPD, CEDAW and CAT. Case law, most notably; *George Daniel v the Attorney General of Trinidad and Tobago* (2005) also comprised a particularly informative and integral secondary source mainly due to its rarity, its invocation of Article 4 of the Constitution and the message the claimant’s victory sent to the state, disability community and wider society.

Sample

Purposive sampling was used to select interviewees. In this research, the sample was chosen with the purpose of providing information on the treatment accorded to pwds within the various sectors of the local criminal justice system. “The main goal of purposive sampling is to focus on particular characteristics of a population that are of interest, which will best enable you to answer your research questions” (Laerd dissertation 2012). As such a purely representative sample was not sought in this study, instead the exploratory element of this study which sought to answer the four research questions, formed the principal basis for selecting the incorporated sampling technique.

Sample size

The sample consisted of ten (10) interviews and a total of thirteen (13) interviewees. This sample size was predetermined due to time constraints, economic as well as resource constraints, the scale of this research endeavour, the availability of interviewees and most importantly the difficulty in locating pwds who have had direct experience or encounters with the legislative,

police, courts and prison structures of the local criminal justice system.

Interviewees

The interviewees comprised of eleven (11) pwds; nine (9) with visual impairments and two (2) with physical disabilities. The remaining two interviewees did not have disabilities but consisted of a prison Rehabilitation Therapist and a Disability Affairs Specialist employed with the Disability Affairs Unit (DAU), which allowed them both to be quite versed in the field of disability and the justice system. Although consent was received, the names of the interviewees involved in this research have been altered to protect their identity and privacy.

Data analysis

Pursuant to the collection of primary and secondary data, different methods of qualitative analysis were utilized; interpretive accounting, content analysis and 'thematic identification'. These 'reading between the lines' methods were incorporated as it allowed a deeper introspection into the policies of the justice system, which may not be out rightly apparent to scrutiny. Moreover, these analysis techniques were indeed essential to exploring whether any form of covert discrimination existed within the domestic legislative structure, police, courts and prison system.

Limitations: availability of interviewees

Interviewees were selected using one principal criterion; their experience and interaction with singular and in some cases multiple sectors of the justice system, so as to provide valid insight on the experiences of pwds within the justice system. This research was thus subject to certain limitations, one being the unavailability of interviewees who have actually had direct encounters with the criminal justice system of Trinidad and Tobago. As a result, a small sample was used to explore the issue of disability and human rights violations.

FINDINGS AND DISCUSSION

Absence of Specific Legislation

"Trinidad... don't have laws with regard to pwds"
(Jane Arlet 2012)

This theme was a common thread throughout the entire span of interviews since the majority of the sample indicated that there was a vacuum in terms of disability legislation in Trinidad and Tobago. This matter is thus integral to unearthing how and why the rights of pwds are violated in the justice system.

Absence of laws and how the rights of pwds are violated

Mr. Kirk Grey¹ (personal communication, July 25, 2012) stated that as a result of this legislative void “a lot of people don’t come out because of that [...] because you don’t have that voice”. He continued, stating that “we keep getting disregarded and sometimes people would want to give up”, (Grey 2012) a point corroborated by Mr. Ralph Manuel² (personal communication, July 25, 2012) who believed that “wherever it comes to issues, legislation, policies concerning persons with visual impairments government is always slow in either signing on or making the changes necessary and again it impacts on our rights”. Similarly, Mr. Mikhail Jones³ (personal communication, July 27, 2012) referring to the fact that at the time Trinidad and Tobago had not yet ratified the CRPD stated that “people with disabilities are not in my opinion regarded as very serious in most of our Caribbean countries”. In addition, Ms. Nathalie Michael⁴ (personal communication, July 26, 2012) also illustrated how the rights of pwds are possibly violated through a lack of legislation, mentioning that it impacts the disability community “negatively, you feel that you don’t belong [...] it puts you down [...] As a disabled person you feel like you don’t belong most of the time to society”. Ms. Jane Arlet⁵ going a step further, highlighted that within existing legislation

1 Interviewee background: Mr. Grey is visually impaired, a Paralympic athlete and recipient of the Trinidad and Tobago Hummingbird Medal Silver 2010.

2 Interviewee background: Mr. Manuel is visually impaired, founder and President of Persons Associated with the Visually Impaired (PAVI) and First Caribbean International Bank (CIBC) – *Unsung Hero* 2012.

3 Interviewee background: Mr. Jones is visually impaired, a disability advocate, an executive member of PAVI for ten (10) years, the former President of PAVI, a Pastor for forty-two (42) years and has a Bachelors and Masters in Theology.

4 Interviewee background: Ms. Michael is visually impaired and had first hand experience with the CJS as she was held in remand at the Wo Interviewee background: men’s Prison for six (6) weeks.

5 Interviewee background: Ms. Arlet is visually impaired, Acting Executive Officer 2009-2011 and Supervisor in the Welfare and Rehabilitation Department of the Trinidad and Tobago Association for the Blind and Visually Impaired, recipient of the 2011 James Alves Outstanding Achiever Award and Hummingbird Medal Silver 2012. She also has a Bachelors in Psychology and Sociology, is the author of two (2) books and column writer for the *Newsday* 1998-2009.

there is an exclusion of disability rights. According to her, in the Constitution of the Republic of Trinidad and Tobago “you don’t see them say about disabilities in there and then we as citizens are not treated as equally” (J. Arlet, personal communication, July 26, 2012). Mr. Clive Stapp⁶ (personal communication, 26 July, 2012) also contended that a lack of disability legislation deprives pwds of valuable opportunities; “you want to know that opportunities are there for you and you are protected in some way”.

These accounts display that an absence of specific legislation has the capacity to deprive pwds of significant rights, the confidence to be an active participant in society and sends a dismissive message to members of the differently abled community. Moreover this black hole in the domestic legislative framework impacts the disability community negatively as it acts to exclude one of the most marginalised populations in any given society, sustains an unequal playing field and relegates pwds to an unprotected cusp in society. It can therefore be inferred, that an absence of legislation is indicative of one way on how the human rights of pwds are possibly violated in the criminal justice system.

Lack of legislation and why the rights of pwds are violated

The absence of legislation feeds into answering the question of why the rights of pwds are violated based on the notion that the construct of laws in any society afford one of the most formidable avenues of enforcement and protection to citizens. CAT emphasizes that legislative mechanisms are “of profound importance in protecting people with disabilities and ensuring that they retain their physical and psychic integrity” (Quinn and Degener 2002, 134). The fact then that pwds are not afforded this invaluable measure means that they are rendered increasingly vulnerable and susceptible to human rights violations in general society and in the specific sphere of the criminal justice system. Furthermore, and more importantly, apart from exposing pwds to a risk of violations, this absence and the non-inclusion of disability in equality legislation such as the Constitution, translates to mean that pwds are not even procured with concrete and enforceable rights to begin with. This is attested by Ms. Arlet (2012) who conveyed that presently pwds in Trinidad and Tobago have “no rights except elections [...] that right to vote freely”. Consequently,

6 Interviewee background: Ms. Stapp is visually impaired, Vice president of PAVI and the former branch chairman of the All Trinidad Sugar and General Workers’ Trade Union.

there is the possibility that violations against pwds may occur and are allowed to persist because there is a vacuity of enforceable rights in existence. It is then evident that an absence of legislation which exclusively caters to pwds can offer a reason as to why the human rights of pwds are potentially violated in the justice system.

Discriminatory and Outdated Statutes

“A lot of all laws are old...not even addressing the common man far less for a person with disability”

(Kirk Grey 2012)

This theme on out-dated and discriminatory laws against pwds in Trinidad and Tobago was prevalent in the majority of the interviews. This area can be exemplified through the invocation of three statutes which include the; Equal Opportunity Act, 2000 along with the Jury Act, Chapter 6:53 (which illustrate the topic of discriminatory statutes) and the Immigration Act, Chapter 18:01 (which showcases the issue of outdated laws).

Discriminatory statutes

Equal Opportunity Act – Firstly, in terms of discrimination against pwds, some interviewees believed that article 14 (a) (ii) of the Equal Opportunity Act contained stipulations which discriminated against pwds. The EOA specifies that sections 8 to 10 of the Act which deals with discrimination in employment:

Shall not apply to the employment of a person with a disability if [...] the person because of disability [...] would, in order to carry out those requirements, require services or facilities that are not required by persons without a disability and the provision of which would impose an unjustifiable hardship on the employer (Ministry of the Attorney General 2000, 13).

Ms. Tiffany Patton⁷ (personal communication, July 26, 2012) indicated that “the wording of the law itself is a bit open to [...] interpretation” and speaking in a personal capacity as someone with a disability herself rather than on behalf of the DAU, asserted that “in effect [...] the law itself is discriminatory”. Corroborating this sentiment, Mr. Manuel (2012) stated that within the EOA, “there are some clauses in there that discriminate

7 Interviewee background: Ms. Patton is a Research Advisor Assistant in the Disability Affairs Unit (DAU), Ministry of Social Development and Family Services.

against persons with visual impairments”. This finding complies with the U.S. Department of State (2010, 16), ‘2010 Country Reports on Human Rights Practices: Trinidad and Tobago’, which uncovered potential social barriers such as “employer reluctance to make necessary accommodations that would enable otherwise qualified job candidates to work”.

Jury Act – Secondly and continuing on the thread of discriminatory statutes against pwds, the majority of the sample indicated that section 5 (b) of the Jury Act violates the rights of pwds. According to the Jury Act; “every person shall be disqualified for being a juror who [...] (b) is of unsound mind, or imbecile or deaf, or blind or afflicted with any other permanent infirmity of body or mind” (Ministry of the Attorney General 1922, 6).

It should be noted that “the State has never invoked section 5 (b) of the Jury Act, Chapter 6:53 which sets out grounds for disqualification of persons whose names appear on the jurors’ list, by reason of physical disability” (George Daniel 2005, 5). Instead it is maintained “that choice is left to the individual himself” (2005, 5). Nonetheless, Mr. Grey (2012) stated; “it’s wrong” and relayed that the Act makes it seem as though pwds are “not developed enough to make a sound decision so we are discriminated upon there”. He believed that despite it not being enforced in practice, “it is still there (in statute) and somewhere along the line somebody can use it against you” (Grey 2012). Mr. Stapp (2012) affirmed that the aforementioned stipulation: “is one of those clear discriminations [...] I can hear very well [...] I can understand, I went to school [...] So I think that one is blatant”. Ms. Arlet (2012) stated that if given the opportunity to be a juror she would not be interested but maintained that “it should be there [...] everything should be equal. It’s my choice for me to say yes or no”. Echoing her sentiment that the Jury Act consigns her to “not to be included”, Mr. Jones (2012) pondered why despite being educated he is denied this civil right:

I always wondered about that [...] why does it discriminate against people with disability? [...] What does seeing a person have to do with my ability to hear. I have a Bachelors, I have a Masters, I have studied. I consider myself a normal citizen with enough education, unbiased enough to make a judgment.

Based on the provisions outlined in article 14 (a) (ii) of the EOA and section 5 (b) of the Jury Act along with the interviewee accounts of it is quite plausible that the rights of pwds may be violated in a multitude of ways through these discriminatory statutes. They inhibit the active

participation of pwds in crucial aspects of society such as employment and deny citizens with disabilities the right to partake in a process described by “Alexis de Tocqueville’s [...] as a political institution fundamental to [...] democracy” (Dzur 2010, 604). In addition, the existence of such statutes is indicative of a form of legitimized discrimination which has the capacity to sanction exclusion and sustain discrimination against pwds, thereby again demonstrating how the rights of pwds are at risk of being violated in this aspect.

Outdated statutes

In relation to out-dated statutes, some interviewees highlighted that there are many old laws that relate to pwds. According to Mr. Grey (2012) “a lot of all laws are old [...] not even addressing the common man far less for a person with disability”. The Immigration Act (1969), section 8 (1) (a) states that:

Entry into Trinidad and Tobago of the persons described in this subsection, other than citizens and [...] residents, is prohibited, namely-(a) persons who are idiots, imbeciles, feeble-minded persons, persons suffering from dementia and insane persons, and who are likely to be a charge on public funds.

Mr. Jones (2012) giving his opinion, indicated that “this clause about people with disabilities not allowed to come in and reside, should [...] be struck out [...] those are antiquated stuff?”. Old laws such as the Immigration Act, apart from containing offensive and derogatory terms, have the effect of excluding members of the differently abled community based solely on the fact that they have a disability. The aforementioned clause does not consider whether pwds may be educated or skilled and as such not pose a burden on the state. Instead it classifies all pwds as a prohibited class in seeking to enter Trinidad and Tobago.

All in all, the matter of discriminatory and outdated statutes is interlocked and mutually exclusionary of pwds. They both possess hypocritical elements with the reproductive tendency to bolster anti-equality provisions. Therein lies part of the answer to the question in terms of how and why the rights of pwds are violated through the existence of discriminatory and outdated laws.

Enhancement of legislative mechanisms

The themes of absence of specific legislation as well as out-dated and discriminatory statutes are indicative of how and why the rights of pwds

are violated in the justice system as well as reflect the inefficacy of present legislative mechanisms in the context of disability. It then stands, that one way in which the human rights of persons with disabilities can be protected and enforced within the criminal justice system revolves on the enhancement of legislative mechanisms dedicated to pwds.

Trinidad and Tobago's legislative framework

Conventions, the UN Human Rights Council and the Inter-American Commission on Human Rights – In order for the notion of enhanced legislation to be examined the current international and domestic legislative framework applicable to disability rights must first be itemised. The domestic legal structure that addresses the human rights of persons with disabilities must be examined as it sheds lights on the enforcement mechanisms available to this marginalised community. To date there is no legislation dedicated solely to protecting the rights of pwds in Trinidad and Tobago. However, the country is a State Party to the ‘Convention on the Rights of Persons with Disabilities’ (CRPD), ‘International Covenant on Civil and Political Rights’ (ICCPR), ‘International Covenant on Economic, Social and Cultural Rights’ (ICESCR) and ‘Convention on the Elimination of All Forms of Discrimination against Women’ (CEDAW) which means that in addition to comprising authoritative international law, these treaties constitute a valid part of the domestic legal framework.

Constitution – There is no explicit mention of disability in terms of Article 4 of the Constitution, which outlines the “Recognition and Declaration of rights and freedoms” (Ministry of Legal Affairs 1976) accorded to citizens of Trinidad and Tobago. However, the Constitution represents a valuable tool in the struggle for the recognition of human rights of the local differently abled community. A prime example of how its articles can be invoked in the context of disability and the criminal justice system can be found in the case of *George Daniel v the Attorney General of Trinidad and Tobago* (2005). The claimant Mr. Daniel invoking articles; Article 4 (a), (d) and (g), alleged that the State infringed his fundamental human rights and freedoms.

Equal Opportunity Act, Evidence Act, Mental Health Act, National Insurance Act and Public Assistance Act –The Equal Opportunity Act, the Evidence Act (Chapter 7:02, Section 35 (9)), the Mental Health Act (Chapter 28:02), The National Insurance Act (Chapter 32:01) and the Public Assistance Act (Chapter 32:03) all serve as significant aspects of the domestic legal framework that are capable of enforcing and promoting the rights of persons with disabilities.

National Policy on Persons with Disabilities – The National Policy on Persons with Disabilities, which was devised by the Disability Affairs Unit, Ministry of the People and Social Development and key stakeholders, aims to promote the inclusivity of persons with disabilities within society as well as sensitize the public and private sectors to needs of the differently abled community. Though not a legally binding document, it provides a comprehensive list of areas where persons with disabilities suffer the most marginalisation and offers influential solutions on how to remove such barriers.

Increased legislation

Firstly, in cognition of the point on an absence of legislation; interviewees indicated that there should be increased legislation to cater to the needs of pwds. Mr. Grey (2012) recommended that laws regarding children with disabilities should be implemented so “for example their education would be taken care of, at least to give them a fair chance in life [...] things like for treatment”. Mr. Jones (2012), who also suggested an increase in legislation with respect to this area, highlighted another pertinent matter which he believed needed to be addressed by laws:

I'd like to zero in on certain specific areas for example our female [...] whether you disabled or not. As a girl you [...] have a disadvantage in any society [...] So I would like to see them zero in on [...] the rights of women.

This point ties into the concept of intersectionality outlined in the theoretical framework as it hones in on the double discrimination that women and girls with disabilities are confronted with, both in the general society and accessing the criminal justice system.

Ms. Nicole Drake⁸ (personal communication, July 26, 2012), speaking on behalf of the DAU, stated that at that time “a committee is in session that is trying to get the law passed with the Ministry and with stakeholders to bring forth the Policy and translate it into legislation”. She indicated that this Committee, based in the Ministry of People and Social Development, would be responsible for converting the National Policy into law, thereby making it the first piece of legislation in the nation dedicated specifically to pwds.

⁸ Interviewee background: Ms. Drake is a Disability Affairs Specialist in the Disability Affairs Unit (DAU), Ministry of Social Development and Family Services.

Non-bundling of disability issues

Secondly, in relation to the fact that there is no Act which exclusively targets the need of the differently abled community; interviewees stated that laws dealing with disability should not be “bundled” with other issues. Mr. Ronald French⁹ (personal communication, July 26, 2012) recommended that the state in relation to disability provisions should not:

Bundle it in with other things [...] you dealing with disability deal with that [...] but what we see they looking to do is to bundle it in with other (things) [...] when you doing that you could get lost in the whole process of everything else because (of) [...] prioritizing.

Amendment of laws

Thirdly and lastly, in response to the existence of outdated and discriminatory statutes; numerous interviewees indicated that out-dated and discriminatory laws should be amended. Mr. Ricardo Moore¹⁰ (personal communication, August 3, 2012), giving his standpoint as someone who is a police officer and visually impaired relayed that “there are a lot of old laws that need amending”. Furthermore, with specific regard to the Jury Act, Puisne Judge Nolan Bereaux, in the case of *George Daniel v the AG of Trinidad and Tobago* (2005, 19), supported the notion of amendment; indicating that although the state chooses not to enforce section 5 (b), “in my judgment such a position, however commendable, may not be sufficient absent an amendment of the Act itself”.

It should be noted that these suggestions which pertain to the enhancement of legal mechanisms, are aligned with the stipulations outlined in the the ICESCR and General Comment 5. These instruments denote “that the specific measures that States parties have to take [...] must include general, as well as specially designed, laws, policies and programmes” (Quinn and Degener 2002, 85). Therefore, in terms of a legislative perspective; increased legislation, non-bundling of disability issues and amendment of laws represent ways in which the rights of pwds can be enforced and protected in the criminal justice system.

9 Interviewee background: Mr. French is physically impaired and an administrative staff member of the Trinidad and Tobago Chapter of Disabled Peoples’ International (TIDPI).

10 Interviewee background: Mr. Moore is visually impaired and is a police officer with the Trinidad and Tobago Police Service (TTPS).

Physical Inaccessibility

“The non-provision by the State of direct public wheelchair access [...] to the Hall of Justice [...] is a breach of the applicant’s right to liberty”

Puisne Judge: Nolan Bereaux

(George Daniel v the AG of Trinidad and Tobago 2005)

This was a central subject in the majority of the interviews and is increasingly synonymous with answering how the human rights of pwds are violated in the criminal justice system. This theme spans the entirety of the justice system as the interviewees highlighted that the police stations and courts in Trinidad and Tobago are not physically accessible to pwds. Adding to this premise, they also stated that the prisons are not physically accessible.

Physical inaccessibility: how the rights of pwds are violated

Mr. Moore (2012) conveyed that local police stations are not physically accessible to pwds as they “don’t have like ramps”. Mr. Grey (2012) confirming this notion asserted that; “most police stations you can go and look at it right now it has steps, right there it’s a violation”. He also expressed the same view with regards to the courts, stating that “most court houses, I don’t know if it has changed, its steps again. If you look in the international building codes, it’s wrong” (Grey 2012). These findings substantiate the details of the case mentioned earlier; George Daniel v the AG of Trinidad and Tobago which also served to underscore the problem of physical accessibility to the nation’s courts by pwds. The judgment which stipulates; “that the non-provision by the State of direct public wheelchair access through the public entrance to the Hall of Justice [...] is a breach of the applicant’s right to liberty under section 4 (a) of the Constitution” (George Daniel 2005, 20) not only validates claims that the physical inaccessibility of courts constitutes a violation against the human rights of pwds but also perhaps sets a precedence for cases involving physical inaccessibility and human rights violations against pwds.

Intersectionality: disability, gender and the CJS

The intersectionality between disability and gender, as outlined in the theoretical framework, is manifested through Mr. Jones’ accounts of; women with disabilities and their experiences with the criminal justice system as victims. As depicted by Mr. Jones (2012), such repercussions and

difficulties are enhanced when women with disabilities attempt to access justice against crimes such as sexual abuse:

Because of my position as a pastor, I am being inundated with calls [...] girls who have been raped [...] it hurts because they have nowhere to go. Our justice system doesn't help so they go back to a home where relatives have been the first to rape them.

Apart from lamenting the absence of protective systems dedicated to women with and without disabilities in the police system, he also denoted the reaction of the police to these reports of rapes; "I would use one word; indifferent [...] this is how it is in Trinidad and Tobago" (Jones 2012). He unravelled how these responses have discouraged abuse victims with disabilities from seeking justice:

I know of people who were victims and who reported and who are still living with the fact that their reports fell on deaf ears [...] who don't feel that they could go back to the police because they don't trust the police.

Based on these excerpts it is somewhat apparent how the rights of women with disabilities as victims, may be violated in the criminal justice system. Mr. Jones (2012) contextualizes these issues in terms of its specific impact on women with disabilities; "it's difficult for a woman who is normal to go to court and prove rape, even in a democratic country, much more a person with a disability". He reiterated that while neglect in the system "has been meted out to people without disabilities too [...] where you have a disability it's worse". These findings coincide with CEDAW which recognises that "women and girls with disabilities experience double discrimination, which places them at higher risk of gender-based violence, sexual abuse, neglect, maltreatment and exploitation" (Salome et al. 2013, 4). As such, a lack of provisions and neglect towards "women belonging to vulnerable and disadvantaged groups such as [...] women with physical or mental disabilities" (UN DESA 1999, 2) can amount to a violation of article 12 of CEDAW, thus further demonstrating how the rights of pwds as victims are possibly violated in the local justice system.

Lack of Sensitization Training

"The police [...] they not trained to deal with the disabled community at all"
(Clive Stapp 2012)

Sensitization training and pwds in the CJS

The topic of lack of sensitization training postulates how and why the rights of pwds are violated in the various sectors of the justice system, namely the prison and court system. Some interviewees stated that police officers do not undergo any sensitization training to deal with pwds while others stated that prison officers are not trained to deal with pwds. These findings corroborate secondary data which revealed that there was an absence of sensitization exercises within the training regimen of police officers, to deal with vulnerable groups such as pwds. Mr. Stapp (2012) affirmed that “the police [...] they not trained to deal with the disabled community at all”. Mr. Manuel (2012) in reference to the police service conveyed that “whatever awareness they may have would be their own interaction with maybe the organizations or people whom they would know or groups that they may encounter”. It stands to reason then, that if police and prison officers are ill equipped to communicate with pwds and detect invisible disabilities, the rights of pwds can be unconsciously violated by personnel not sensitized to the specific needs of this community.

Sensitization training and protecting the rights of pwds

The linkage between the prospect of sensitization training and enforcing the rights of pwds is noticeably apparent as it offers a significant means of protecting and assuring the rights of pwds in the justice system. Several interviewees recommended that police officers undergo sensitization training and suggested that prison officers undergo sensitization training to deal with pwds. Mr. Stapp (2012) explained that persons with autism will “have certain kind of challenges” when it comes to police interaction. He continued, saying that if the police:

Don't know that this fellow is autistic and he behaving in a certain kind of way [...] (they) might think well he's a menace or a pest [...] they might beat him up and say well he resisting arrest [...] Definitely they need to be equipped with that kind of skills.

This statement perhaps epitomizes one of the most potent problems borne out of a lack of sensitization on the part of police and prison officers; the possible ill treatment of persons with intellectual disabilities. This notion is consistent with a study conducted by Nicholas Chown (2010, 256) on ‘Autism Awareness and Understanding in the UK Police Service’ which revealed that “people with autism are the subject of discrimination in the CJS due to a general lack of awareness and

understanding of autism”. In light of such a reality, Ms. Daphne Rally¹¹ (personal communication, August 5, 2012) recommended that “prison officers could be trained to recognise certain psychological disorders” and that they “could be more educated on matters concerning disability; intellectual [...] or physical disabilities”.

All in all, by inculcating sensitization training and equipping law enforcement personnel with the skills necessary to interact and treat with pwds, infringements such as those outlined above can perhaps be avoided and the rights of this vulnerable group properly safeguarded.

Inaccessible Rehabilitation Programmes, Slow Diagnosis and Exclusion of Pwds

“If these provisions are not made [...] to get them the diagnosis, to get what they need out of the rehabilitation programmes in prison; they will keep on going back to prison. So it will just be a cycle”
(Daphne Rally 2012)

Ms. Rally (2012) stated that in terms of rehabilitation programmes for pwds “there aren’t much provisions that I’m aware of” and acknowledged that “it is like excluding the person”. Her account on the dynamic between accessible rehabilitation programmes and inmates with disabilities revolve on two areas. These encompass; the slow diagnosis process of prisoners suspected of intellectual disabilities and a lack of provisions for prisoners with physical disabilities such as visual and hearing impairments. Both these problems look at the barriers which prevent on one hand prisoners with intellectual disabilities and on the other hand those with physical disabilities from accessing rehabilitation programmes.

Invisibility of Pwds

“Basically we are totally forgotten [...] you always have to identify that you are not recognised or you not thought of in today”
(Nathalie Michael 2012)

Invisibility by the state and private sector

The majority of the sample stated that as pwds they felt invisible to

11 Interviewee background: Ms. Rally is a Rehabilitation Therapist at an undisclosed correctional facility within Trinidad and Tobago

the state. The significance of this problem is aligned with Quinn's and Degener's proposition that one must "characterize specific violations in terms of the overarching problem of the invisibility of people with disabilities" (Quinn and Degener 2002, 27). This premise of invisibility denotes that the rights of pwds are possibly violated through the neglect by "both public and private" enterprises in society; a notion corroborated by many interviewees who believed that the state neglects the right of pwds. Trinidad and Tobago Chapter of Disabled Peoples' International [TTDPI] (personal communication, 26 July, 2012) confirmed that "of course you feel invisible, you feel neglected" by the state while Mr. Grey (2012) shared that "in all fairness it have certain times they (the state) come through [...] but it have times honestly I believe I'm neglected". Mr. Jones (2012) perhaps most aptly surmised it within the context of the justice system in reply to the question; "Do you feel that pwds are invisible to the state?"

In the justice system we are way behind [...] we are treated in the justice system as though we don't belong there, we are not supposed to be there and inevitably we are going to have to depend even more than you, on our justice system for protection. Because we are more vulnerable than the 'normal' people, so we need even more protection.

This interviewee statement demonstrates the importance and reliance by pwds on the justice system and thus reiterates the exclusionary impact this neglect may procure. Therefore, the invisibility of pwds by the state as well as private sector and its pervading effect on the justice system highlights another way of how the rights may be violated in this institution.

Mainstreaming disability

The reality of the neglected and invisible status of the differently abled community in the general society and justice system of Trinidad and Tobago is also indelibly linked to research question 4 as it raises the idea of disability mainstreaming. As the DAU (2012) stressed:

Disability issues is a cross cultural, cross ministerial issue; so that the Ministry of Planning when they are planning, need to plan with disability in mind, the Ministry of Foreign Affairs need to plan with disability in mind.

Members of the DAU (2012) emphasized that disability "has to be mainstream it has to be integrated into every aspect of society". In other words, "it supposed to really become second nature". This point therefore

highlights the lack of prioritization by the state on disability issues and the fundamental need to mainstream this matter.

Unawareness of Pwds on their Rights

“People could walk over you and you don’t know, because you don’t know what your rights are. Our responsibility is to find out what is my right as a citizen of Trinidad and Tobago”
(TTDPI 2012)

The interviewees stated that they themselves were not aware of any laws to protect the rights and dignity of pwds and indicated that the differently abled community as whole was not aware of such measures. According to the DAU (2012) this “is the problem with the majority of the community [...] they are not educated, they are not exposed” on what are their rights. They added that “some of them (pwds) don’t even know the policy exists and what it entails”. The TTDPI (2012) also confirms “that is one of the biggest downfall [...] because you don’t know what is your right”. He continued, explaining that “because we as individuals and as a society, we don’t know that [...] people could walk over you and you don’t know, because you don’t know what your rights are”. Consequently, unawareness of the disability community on what are their rights provides one reason which can supposedly account for why the rights of pwds may be infringed in the justice system and indeed within society as a whole.

This theme assists in answering how the rights of pwds can be enforced and protected in the justice system through an increased degree of awareness among the differently abled community. Some interviewees suggested that pwds should be more aware of their rights, with TTDPI (2012) cautioning that:

As pwds we need to know what is our rights [...] Our responsibility is to find out what is my right as a citizen of Trinidad and Tobago and a citizen of the world. What the government sign up to and (if) they violating my rights and I don’t know.

Societal Perception and Superficial Inclusion of Pwds

“We do not see the people [...] with disability in our country as people. We see them as hindrances [...] as burdens to the society”
(Mikhail Jones 2012)

Societal perception of pwds

Misperception of pwds by the general society was also an uncovered theme in this research. Ms. Patton, speaking in a personal capacity rather than as a member of the DAU (2012), reported a grim a reality stating;

I am not even seeing a change in terms of behaviour and thinking [...] I think physical is secondary [...] we adapt better to that, than to people's attitude and their perception, which is our main obstacle.

Mr. Stapp (2012) also emphasized that “there is still a lot of misperception [...] people don't really understand disabled persons [...] they treat you probably how they perceive you” while Mr. Manuel (2012) declared that a people first language philosophy is not practiced; “you always firstly seen as a blind person and not as a person who is blind”. Ms. Arlet (2012) expressed that pity is a common sentiment directed towards the differently abled community as the general perception of society is that “we are less than they are that we are not equal to them and we always want sympathy than empathy”. Mr. Moore (2012) also held a similar viewpoint; “I believe they (pwds) probably seen as people to look and feel sorry for, they seen to some as a bother [...] I can't say that the disabled community is treated as equal”. These findings demonstrate that pwds are misunderstood by society and stand the risk of being discriminated against, excluded or stigmatized. In addition, these findings wholly contradict the variants of the human rights model of disability and is in no way aligned with the “dramatic shift in perspective (that) has taken place over the past two decades from an approach motivated by charity towards the disabled to one based on rights” (Quinn and Degener 2002, 1). The present manner in which society perceives pwds therefore alludes to the lack of progress achieved in the realm of disability rights and shows that the nation has a long way to go in terms of changing how pwds are perceived in general society far less for the justice system.

Superficial inclusion of pwds

Based on interviewee accounts, the societal perception towards pwds in Trinidad and Tobago is compliant with the medical model of disability as opposed to the social template model. This is especially so as it appears as though society attributes the problems regarding disability to the individual rather than to external disabling barriers such as misperception and accessibility. This directly influences the state's inclusive policies geared towards this segment of the population, which tend to focus on monetary

assistance rather than affirmative action. Mr. Manuel (2012) explained that:

I think in a huge way we believe we could solve problems with money, so if you receiving social benefits then fine. But those social benefits never really compensate for the cost of living, they never really compensate for how somebody really wants to live [...] and I'm not in any way dismissing it, I'm just saying we need to go beyond that.

Ms. Nicole (2012) added that:

People who in the position to help, they don't recognise the full extent of the discrimination that pwds face on a regular basis and so they think, that when they put little things in place that they will actually change the entire dynamic of how people actually think.

The existence of this superficial practice which does not target the root of the problems confronting pwds or implement sustainable measures directly contravenes the tenets of the CRPD as it “marks a shift in thinking about disability from a social welfare concern, to a human rights issue, which acknowledges that societal barriers and prejudices are themselves disabling” (United Nations Enable 2007). In this context then, the superficial inclusion of pwds provides a formidable reason to explain why the rights of pwds are possibly violated in the justice system and indeed the wider society.

NGO Advocacy

Fragmented NGO advocacy

Several interviewees believed that there was a lack of collective NGO advocacy in Trinidad and Tobago. TTDP (2012) purport that there is a lack of leadership within the disability community; “we don't have anybody who representing pwds, in the sense that pushing for the rights in government to really push [...] put this on the agenda”. They elaborated further, explaining why a fragmented network perhaps exists in the first place; “sometimes with the different NGOs they focus upon their own situation and that is one of the problem itself” (TTDP 2012).

Mr. Stapp (2012) illuminated on the impact of a poor advocacy framework on the disability population, indicating that “organizations that represent disabled persons, they don't lobby hard enough [...] they don't push hard enough to have [...] things provided”. His statement thus highlights

the importance of NGOs and shows that a lack of lobbying can result in the negation of disability issues. This assumption is aligned with Quinn and Degener's postulation on the significance of NGOs in the context of disability. According to them "these institutions help in providing a bridge between international human rights law and domestic debates about disability law and policy reform" (Quinn and Degener 2002, 2). As a result, this finding is significant to clarifying why the rights of pwds are perhaps violated since it denotes the strength of a structure which is intrinsic to safeguarding the rights and interests of the differently abled community in Trinidad and Tobago.

A united front

This theme in helping to identify one of the possible causes on why the rights of pwds may be violated connects directly to how such rights can be better protected. Half of the interviewees indicated that there needed to be more collective action from the NGO advocacy network in Trinidad and Tobago. Mr. Stapp (2012) suggested that there should be more lobbying by the differently abled community, in which they must "insist upon legislation [...] in order to ensure that it really happens". Ms. Arlet (2012) maintained that "overall it's the responsibility of the NGOs to educate the public via the media via lectures [...] to reach out to those people who can't comprehend". Mr. Manuel (2012) adding to this proposition, advised that

As pwds [...] that is organizations; we have been talking about it but we have not come together collectively to make an impact and I think we need to do that in order to have some kind of change to that act.

Therefore circumventing the topic of NGO advocacy in terms of increased lobbying and representation at a government level, feeds into question 4 on how the rights of pwds can be protected and enforced in the wider community and within the specific domain of the justice system.

CONCLUSION

Findings especially in relation to the themes of 'societal perception' and 'superficial inclusion' demonstrate that the 'social or human rights model of disability' as depicted in the theoretical framework, is not manifested in Trinidad and Tobago. For example, the notion that pwds

must rely primarily on their own strengths or volition to combat daily challenges such as inaccessibility to transport and physical infrastructure reveals the possibility that the state and private sector do not recognise that, as Rosenblum and Travis outline, “disability is created by social, political, and environmental obstructions” (Rosenblum and Travis 2002, 5). Furthermore, the themes of societal perception and superficial inclusion implies that pwds are regarded as “objects” of pity rather than “subjects” who require affirmative measures and policies. It can then be said that within this country, the theoretical framework which is subconsciously adhered to by society and the state is not centralized on a human rights model of disability but perhaps a medically based model.

Along the lines of the theoretical edifice of intersectionality, what was unearthed in this study was an ‘intersection between sex and disability’. This matter was portrayed through Mr. Jones’s interview in two manifest ways; women and girls as victims in the justice system in terms of the lack of protective mechanisms and indifference accorded to them, along with his recommendation for increased legislation dedicated to the rights of women. His information on the experiences and treatment of women with disabilities in the justice system allowed an inlet to be explored on the vulnerability of this segment of the population based on their master statuses of gender and disability.

This study sought to explore a virtually untapped reservoir within the realm of the criminal justice system. The interviewees provided in depth knowledge on their encounters with the police, court and prison services as well as their take on the enforcement mechanisms dedicated to protecting the rights of pwds. The picture painted by these interviewees is an unfortunate one tarnished by neglect, invisibility and a patronizing element of pity. Themes such as an absence of legislation, existence of discriminatory and outdated statutes, physical inaccessibility to institutions of justice such as courts, prisons, and police stations, lack of sensitization training by relevant staff within the criminal justice system, unfavourable treatment of pwds as victims, suspects and witnesses, inaccessible prison rehabilitation programmes and slow diagnosis among others were representative of possible ways of how the rights of pwds are violated in the justice system of Trinidad and Tobago. These motifs were interlinked with other areas such as an unawareness of rights, lack of education and information, disjointed NGO framework, misperception by society and a lack of consultation which assisted in answering why the rights of pwds are perhaps violated in the various sectors of the justice system. Numerous avenues by which these rights could potentially be enforced and enhanced were

outlined, primarily revolving on the issue of increased and amended legislation, awareness and sensitization training along with united NGO advocacy and the prospect of disability mainstreaming. Perhaps Mr. Jones (2012) best summarises the austere reality of the situation; “generally in Trinidad and Tobago I think we have a long way to go [...] the strides we are making in the positive direction are very slow. We are getting there but we still have a long way to go”. Indeed, the stagnation of disability issues within the nation is an urgent problem which requires the undivided attention of policy and academic initiatives in order to begin to peel away the layers of indifference and discrimination this overlooked segment of the population has endured for decades.

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