

RESPONSE TO THE RECOMMENDATIONS/COMMENTS CONTAINED IN THE “SECOND REPORT OF THE JOINT SELECT COMMITTEE ON HUMAN RIGHTS, EQUALITY AND DIVERSITY ON THE CHALLENGES FACED BY PERSONS WITH DISABILITIES WITH SPECIFIC FOCUS ON ACCESS TO SERVICES AND EMPLOYMENT”

Recommendations of the Joint Select Committee and Responses

Recommendation 4.15 (Page 38 of Report)

The Ministry of Planning and Development and the Ministry of Rural Development should review the stakeholder facilities and infrastructural access recommendations in Appendix V.

Response to Recommendation 4.15

Stakeholder	Facilities (Infrastructure Access) Recommendations	Comments/Recommendations of the Ministry of Planning and Development based on review.
Consortium of Disability Organisations	Sensitizing and training our population on the “Rights of Persons with Disabilities and the CRPD” will be an extremely important part of this exercise	<p>Article 8 of the United Nations Convention on The Rights of Persons with Disabilities (CRPD) addresses the need to raise awareness in society about Persons with Disabilities (PWDs). Further, Article 9 requires the provision of training for stakeholders with regard to accessibility issues facing PWDs.</p> <p>The Town and Country Planning Division, within the Ministry of Planning and Development (TCPD), is willing, in collaboration with the Consortium of Disability Organisations, to provide the necessary training and sensitization on the rights of persons with disabilities and the CRPD to the relevant stakeholders involved in the design, management and construction of the built environment in Trinidad and Tobago.</p> <p>This would assist in ensuring that all proposals for development as defined under the Town and Country Planning Act, which are submitted to the TCPD, will be guided by the need to provide equal access to PWDs.</p>

<p>Autistic Society of Trinidad and Tobago</p>	<p>Parents or caregivers of children and young people with autism should be entitled to one or more benefits such as Caregiver's Allowance, Housing and Tax Benefits, Income Support.</p> <p>A plan should be in place within all communities to assist families who have a child/ an adult with a disability</p>	<p>This does not fall within the remit of the Ministry of Planning and Development. However, it is suggested that the Ministry of Finance, the Ministry of Social Development and Family Services and the Ministry of Housing collaborate to spearhead this effort.</p> <p>In terms of local government reform, the Ministry of Planning and Development is aware that the Municipal Corporations will be responsible for the delivery of services and so would be utilized to distribute allowances provided.</p>
<p>Squeaky Wheels</p>	<p>Use of tax incentives as a mechanism to have private sector building owners comply with the National Standard for Accessible Buildings</p>	<p>Tax incentives can be provided to encourage compliance with the said Standards. However, this should be the remit of the Ministry of Finance.</p>
<p>Trinidad and Tobago Blind Welfare Association</p>	<p>Law required to compel all sectors in the community to ensure that all new buildings meet the national building code and international standards to accommodate persons with a disability</p>	<p>In 2011, Cabinet agreed to the establishment of Multi-disciplinary Committee to spearhead and oversee the development of a National Building Code for Trinidad and Tobago, which included the Ministry of Planning and Development. However, the work of this Committee was never completed. The Committee's original intent remains valid and critical today. The Committee will be re-established under the Ministry of Planning and Development to complete the formulation of the National Building Code.</p> <p>Full Proclamation of the Planning and Facilitation of Development Act No. 10 of 2014 (PAFD Act), will ensure that all new buildings will have to meet certain requirements, through the bringing into effect of Regulations that would adopt both a finalised National Building Code and the Accessibility Standards.</p> <p>Further, the CRPD was ratified by the Government of the Republic of Trinidad and Tobago on June 25, 2015. A Legislative Policy Brief is currently before the Chief Parliamentary Council concerning PWDs that will give</p>

		<p>effect to the CRPD. This Legislative Policy Brief was submitted by the Disabilities Affairs Unit of the Ministry of Social Development and Family Services, in June 2015.</p> <p>Article 9 of the Convention specifically requires the provision of equal access to persons with disabilities to the physical environment, and to all facilities provided to the public. It seeks to ensure that all facilities and services provided for the public can be accessed equally by PWDs.</p> <p>At Present, access to PWDs is already a condition included in TCPD considerations for approvals for all buildings, with the exception of residential buildings.</p> <p>Until the full Proclamation of the PAFD Act, the TCPD would continue the development of policies, standards, guidelines and procedures. These would ensure that all proposals for development would only be approved, if appropriate provisions are made for equal access to PWDs.</p>
<p>United Nations agencies in Trinidad and Tobago</p>	<p>Data on the accessibility of both public and commercial buildings, as well as the transportation system should be collected and analysed. This analysis would inform public policy if it is determined that access to facilities and transport services impede PWDs from joining the labour force.</p>	<p>The Research Unit of the TCPD undertook a research project in 2013 entitled “The Situational Analysis of the Accessibility of Government Owned Buildings”. This project was based on a critical assessment of the needs of all sectors in society but particularly PWDs. After submitting the results of an internal test pilot project to management, the Ministry of Planning and Development approved the Situational Analysis of Government Owned Buildings as a PSIP Project in 2014. The project commenced in April 2014 and was completed in October 2015.</p> <p>The project entailed conducting a Land and Building Use survey of all state owned buildings using a listing compiled by the Property and Real Estate Services Division (PRES D), the Ministry of Public Administration and the Tobago House of Assembly. The purpose of the project was to determine whether these state owned buildings were currently outfitted with universal accessibility features and in compliance with site development standards catering to the needs of all members of sectors of society, inclusive of PWDs.</p> <p>This Report will now be used to ensure that Government</p>

		<p>buildings are constructed or renovated to meet universal design and accessibility standards, once applications for building operations are submitted to the TCPD.</p> <p>The Situational Analysis of the Accessibility of Government Owned Buildings Report contains data and statistics on all Government owned buildings in Trinidad and Tobago.</p> <p>Collation of data for access to transport should be spearheaded by the Ministry of Works and Transport.</p>
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Recommendation 4.16 (Page 38 of Report):

The Committee recommends that the National Standard TTS/ICC/ANSI A 117.71, Accessible and Usable Buildings and Facilities is adopted by the Ministry of Planning and Development as an enforceable regulatory document. This would mitigate against building access challenges faced by PWDs.

Response to Recommendation 4.16

The National Standard TTS/ICC/ANSI A117.1 would be adopted through the mechanism of Regulations made under the Planning and Facilitation of Development Act No. 10 of 2014. The Planning and Facilitation of Development Act (PAFD Act) has been partially proclaimed by Legal Notice No. 151 of 2015 and this partial proclamation of certain sections of the PAFD Act allowed for some regulations to be made. Section 61(4) of the PAFD Act which makes provision for Regulations to be made that “*may adopt by reference with necessary changes, any code, standard or practice set by any appropriate association or body*.” was not however one of the sections proclaimed.

The Ministry would therefore, in the near future, seek to proclaim this section, so that the necessary regulations can be made which would facilitate the adoption of the National Standard TTS/ICC/ANSI A 117.1.

It should be noted that even though the necessary regulations are made to facilitate the adoption of the National Standard TTS/ICC/ANSI A 117.1, such regulations can only become effective and enforceable upon the full proclamation of the PAFD Act.