

INTERNATIONAL  
CONVENTION  
ON THE ELIMINATION  
OF ALL FORMS OF  
RACIAL DISCRIMINATION



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COMMITTEE ON THE ELIMINATION OF  
RACIAL DISCRIMINATION

Twenty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 9 OF THE CONVENTION

Third periodic reports of States Parties due in 1973

Addendum

TRINIDAD AND TOBAGO<sup>1/</sup>

[21 August 1979]

1. Information on the legislative, judicial, administrative and other measures that have been adopted and that give effect to the following provisions of the Convention:

(A) Condemnation of Racial Segregation and Apartheid in Accordance with Article 3

In the general debate at the thirty-third session of the General Assembly, the Honourable Minister of External Affairs of Trinidad and Tobago stated the following:

"The situation in southern Africa, Mr. President, remains grave, and nations of the world continue to be alarmed by the resistance of those régimes to the cries of the conscience of mankind .... The Government of Trinidad and Tobago continues to deplore the existence of the inhuman régime of apartheid in South Africa in the international community, and endorses requests to the Security Council to impose economic sanctions against South Africa. It is

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1/ The third periodic report of Trinidad and Tobago was due on 4 November 1978. For previous reports submitted by the Government of Trinidad and Tobago and for the summary records of the meetings of the Committee during which these reports were examined, see:

- (1) Initial report - CERD/C/R.65/Add.6 (CERD/C/SR.254-255);
- (2) Second periodic report - CERD/C/29 and Corr.1 and Add.1 (CERD/C/SR.393).

only through decisive, direct action that the flow of investment, goods, including petroleum and petroleum products and other essentials can be stemmed and that this régime, which violates every basic human right, be brought to heel. Today, Mr. President, has been designated the day of solidarity with South African political prisoners and I have despatched to the Chairman of the Special Committee against Apartheid, a message reaffirming the support of the Government of Trinidad and Tobago for all measures adopted by the United Nations for the total eradication of the crime of apartheid." 2/

On the occasion of the holding of a special session of the Special Committee against Apartheid from 22-25 May 1979 in Kingston, Jamaica, to pay tribute to Caribbean leaders of the past who contributed to the struggle for liberation in Africa especially southern Africa and to consult on international mobilization in support of the oppressed people of South Africa and their national liberation movement, the Honourable Prime Minister of Trinidad and Tobago addressed the following message:-

1. "On behalf of the Government of Trinidad and Tobago I would like to convey to the Special Committee against Apartheid the appreciation of the Government for its work and for the significant contribution it has made and continues to make in the ongoing struggle against apartheid and racial discrimination.

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2/ Message from the Minister of External Affairs, Government of Trinidad and Tobago on the occasion of the observance of the day of Solidarity with South African political prisoners - 10 October 1978 -

"Allow me to use this occasion, Mr. Chairman to convey my best wishes to you and the Special Committee and to wish you success in the contribution which you are making to the struggle against apartheid and racial discrimination.

On this day, designated as the day of solidarity with South African political prisoners, I wish, on behalf of the Government of the Republic of Trinidad and Tobago and on my own behalf to join with distinguished delegates here in extending greetings and pledging solidarity with those who have been imprisoned, detained or restricted in their movements because of their determination to free their country from the heinous crime of apartheid and bring to South Africa a measure of respect for human dignity.

It is with grave concern that my Government notes the repressive measures employed by the South African Government in its attempt to thwart efforts to extend to the African people of that country, rights and liberties which human beings everywhere else regard as basic and fundamental.

The crime of apartheid must not only be condemned, it must be totally eradicated. Only then can the just aspirations of all the people of South Africa be achieved.

Trinidad and Tobago gives its full support to all measures being adopted by the United Nations to achieve this goal."

2. The Government of Trinidad and Tobago joins other governments in pledging solidarity with those who have been imprisoned, detained or restricted in their movements because of their determination to root out the crime of apartheid so that they may live in pride and dignity in their own country.

3. The Government of Trinidad and Tobago also notes with satisfaction the decision of the Special Committee to hold this session in Jamaica in tribute to past Caribbean leaders who have played some part in the struggle for the liberation of Africa.

4. It is with great pride that the Government and people of Trinidad and Tobago join with the government and peoples of other Caribbean countries in honouring these great Caribbean leaders, among whom are numbered two sons of Trinidad and Tobago - George Padmore and Henry Sylvester Williams.

5. The Government of Trinidad and Tobago feels confident that this week of solidarity will serve as an impetus to all people to intensify their efforts in the battle against apartheid."

Trinidad and Tobago has consistently supported efforts aimed at the elimination of racial discrimination and colonialism in all parts of the world and more specifically in southern Africa.

In so far as South Africa is concerned, Trinidad and Tobago supports moves at the United Nations directed towards the elimination of apartheid and for the complete isolation of South Africa. Accordingly since 1962, Trinidad and Tobago has not only voted in favour of but has also taken the initiative in sponsoring several United Nations General Assembly resolutions dealing with preventive or enforcement action against economic, trade and sporting links with South Africa. As a result of resolutions passed in the Security Council, Trinidad and Tobago has legislated against trade with South Africa and condemns economic collaboration with South Africa.

On 29 November 1967, by proclamation - Government Notice No. 140 of 1967 - importation from or exportation to South Africa of any goods whatsoever was prohibited.

In keeping with the policy of the Government of Trinidad and Tobago in these matters, the Port Authority has been directed to ensure that:-

(a) employees of the Company should not intentionally discharge cargoes of South African manufacture found in the hold of vessels;

(b) where cargoes of South African manufacture are subsequently located in or around its transit sheds, the Authority will not accept liability for any part or portion of such consignment;

(c) The Master and/or Agent of a vessel discharging cargo of South African origin in any port in Trinidad and Tobago shall be liable for all charges, expenses and delays that may arise as a result of such cargo being discovered on the vessel or on the premises of the Authority; such goods may be confiscated by the Authority and disposed of as the Authority deems necessary.

Trinidad and Tobago has voted in favour or sponsored and voted in favour of several resolutions relating to southern Rhodesia and in fulfilment of its obligations under the United Nations Charter the Government of Trinidad and Tobago issued notices Nos. 4 and 13 of 16 December 1965 prohibiting exportation and importation of goods from southern Rhodesia.

Government Notice No. 27/1967 - (Proclamation No. 5 of 18 April 1967) under Section 38 of the Customs Ordinance Chapter 32 No. 2 - was issued in order to implement fully the requirements of Security Council resolution 252 of 1966 which called upon all States not to render financial or other economic aid to the illegal racist régime of southern Rhodesia.

(B) Prohibition and Elimination of Racial Discrimination in all its Forms, as Enumerated in Article 5, especially in the Field of Political, Civil, Economic, Social and Cultural Rights and the Right of Access to any Place or Service intended for use by the General Public

The Constitution of the Republic of Trinidad and Tobago is the supreme law of Trinidad and Tobago, and any other law that is inconsistent with the Constitution is void to the extent of the inconsistency. Chapter I of the Constitution states the following:-

**"THE RECOGNITION AND PROTECTION OF FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS**

**PART I**

**Rights enshrined**

4. It is hereby recognized and declared that in Trinidad and Tobago there have existed and shall continue to exist without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely:-

- (a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and the protection of the law;
- (c) the right of the individual to respect for his private and family life;
- (d) the right of the individual to equality of treatment from any public authority in the exercise of any functions;
- (e) the right to join political parties and to express political views;
- (f) the right of a parent or guardian to provide a school of his own choice for the education of his child or ward;
- (g) freedom of movement;

- (h) freedom of conscience and religious belief and observance;
- (i) freedom of thought and expression;
- (j) freedom of the press."

It is clear from the foregoing that racial discrimination in the political sphere is not legally sanctioned by the Government of Trinidad and Tobago. Furthermore, the question of the right to vote and to stand for public office in Trinidad and Tobago is regulated by the Representation of the Peoples Act 1967; and that of equal access to the public service is assured through the establishment of Independent Commissions for the Public Service, the Police Service, the Teaching Service, the Judicial and Legal Service Commission and the Statutory Authorities Service Commission whose members are appointed by the President after consultation with the Prime Minister and the Leader of the Opposition and whose powers include the power to appoint persons to hold or act in offices over which the respective Commission has jurisdiction.

The Constitution and laws of Trinidad and Tobago together with the policies of its Government reflect Trinidad and Tobago's commitment to racial, cultural and religious equality as well as its commitment to creating equal opportunities for all, irrespective of race, creed or sex. The Preamble to the Constitution moreover states that the people of Trinidad and Tobago respect the principles of social justice and therefore believe that the operation of the economic system should result in the natural resources of the community being so distributed as to subserve the common good, that there should be adequate means of livelihood for all, that labour should not be exploited or forced by economic necessity to operate in inhuman conditions but that there should be opportunity for advancement on the basis of recognition of merit, ability and integrity.

(c) Assuring Everyone within their Jurisdiction effective protection and remedies through the Competent National Tribunal and other State Institutions Against any Acts of Racial Discrimination which violate his Human Right and Fundamental Freedom contrary to this Convention as well as the Right to seek from such Tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such Discrimination, in accordance with Article 6

Section 14 of the Constitution of the Republic of Trinidad and Tobago provides that it is hereby declared that if any person alleges that any of the provisions of this Chapter has been, is being or is likely to be contravened in relation to him, then without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to the High Court for redress by way of originating motion. The High Court has original jurisdiction and may make such order, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement of any of the provisions of this Chapter to the protection of which the person concerned is entitled.

2. Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:-

(A) The Undertaking to engage in no act or practice of Racial Discrimination against persons, groups of persons or Institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation, in accordance with Article 2.1(a)

One of the fundamental rights of the individual that is enshrined in the Constitution of the Republic of Trinidad and Tobago is the right of the individual to equality of treatment from any public authority in the exercise of any functions. As a consequence national institutions such as the National Housing Authority, the Public Transport Service Corporation, hospitals and the National Insurance Board are prohibited from discriminating against citizens of Trinidad and Tobago on the basis of race in the field of housing, transport, public health, medical care, social security benefits and social services.

(B) The Undertaking not to sponsor, defend or support racial discrimination by any persons or organization, in accordance with Article 2(1)b

No information additional to that which is contained in the first and second periodic reports of Trinidad and Tobago is available.

(C) The Undertaking not to permit public authorities or public institutions national or local to promote or incite racial discrimination, in accordance with Article 4C

The criminal law of Trinidad and Tobago and in particular the Sedition Ordinance Chapter 4 No. 6 of the laws of Trinidad and Tobago (1950) as amended by the Sedition (Amendment) Act of 1971 impose fines and/or jail sentences for persons inciting racial hatred. Further, the Summary Offences Ordinance, Chapter 4 No. 17 as amended by the Summary Offences (Amendment) Act 1971 (No. 1 of 1972) has the effect of regulating meetings, marches and processions generally and more so if such meetings, marches and processions tend, or may threaten to promote or incite racial discrimination.

3. Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:

(A) The Undertaking to review Governmental, National and Local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists, in accordance with Article 2(1)c

There are no laws in Trinidad and Tobago which have the effect of creating or perpetuating racial discrimination. Furthermore the Constitution of the Republic of Trinidad and Tobago which guarantees equality of treatment, is the supreme law and any other law that is inconsistent with the Constitution is void to the extent of the inconsistency unless such law (of which there appear to be none) can qualify as an existing law under the said Constitution and thus continue to be a valid and subsisting law even though its provisions or some thereof may offend against provisions under the said Constitution.

(B) The Undertaking to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization in accordance with Article 2(1)d

No information additional to that which was conveyed by the second periodic report is available. At that time it was pointed out that the Standards Bureau of Trinidad and Tobago has published standards for advertising in any medium in Trinidad and Tobago which prohibit statements or visual representation that are likely to offend any ethnic or religious group in Trinidad and Tobago; as well as advertisements that include statements implying discrimination against any applicant on grounds of race, or favouring applicants of a particular race.

(C) The Undertaking to prevent, prohibit and eradicate in territories under their jurisdiction, all practices of racial segregation and apartheid in accordance with Article 3

In Trinidad and Tobago there are no practices of racial segregation and apartheid. The Constitution of the Republic of Trinidad and Tobago assures equality to all and is applicable throughout the territory of Trinidad and Tobago. In the Preamble to its Constitution it is stated inter alia that the people of Trinidad and Tobago have affirmed that the nation of Trinidad and Tobago is founded upon principles that acknowledge ..... the dignity of the human person and the equal and inalienable right with which all members of the human family are endowed by their Creator.

(D) The Undertaking to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination as well as acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities including the financing thereof, in accordance with Article 4a

The criminal law of Trinidad and Tobago (Sedition Ordinance as amended) has been found by the Committee to satisfy Trinidad and Tobago's obligations under this provision. No prosecutions were made under this law during the reporting period.

(E) The Undertaking to declare illegal and prohibit organizations and also organized and all other propaganda activities which promote and incite racial discrimination and shall recognize participation on such organizations or activities as an offence punishable by law, in accordance with Article 4(b)

Under the Sedition Ordinance as amended, a person is guilty of an offence who does or attempts to do or makes any preparation to do or conspires with any

person to do any act with a seditious intention. 3/ It is therefore the opinion of the Government of Trinidad and Tobago that this provision in its existing criminal legislation covers its obligations under article 4(b) since persons conspiring to promote or incite racial discrimination could be prosecuted. Government is however giving careful consideration to the enactment of additional legislation on the subject of declaring illegal, organizations that promote and incite racial discrimination.

At common law the offence of a breach of the peace can be committed by an actual assault on an individual or individuals or by bringing about or causing public alarm or excitement whereby the peace and good order of the community or State can be affected. In this regard, therefore, organizations whose acts or activities can or are likely to cause a breach of the peace or which have the effect of bringing about such a breach of the peace by their promoting or inciting racial discrimination could at common law become liable to be prosecuted.

Finally, the Summary Offences Ordinance, Chapter 4 No. 17 (as amended by the Summary Offences (Amendment) Act, 1971 No. 1 of 1972) has the effect of regulating meetings, marches and processions especially where such marches, meetings and processions can have the effect of inciting or do in fact bring about racial hatred and discrimination, or which can bring or tend to bring about a breach of the peace.

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3/ A Seditious intention is defined in the Act as an intention inter alia

"(d) to engender or promote -

(i) feelings of ill-will or hostility between one or more sections of the Community on the one hand and any other section or sections of the Community on the other hand; or

(ii) feelings of ill-will towards hostility to or contempt for any class of inhabitants of Trinidad and Tobago distinguished by race, colour, religion, profession, calling or employment.

(e) to advocate or promote, with intent to destroy in whole or in part any identification group (i.e. any section of the public distinguished by colour, race, religion or ethnic origin or profession, calling or employment) the commission of any of the following acts, namely -

(i) killing members of the group; or

(ii) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction."

4. Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:

(A) The Undertaking to encourage, where appropriate, integrationist, multi-racial or organizations and movements and other means of eliminating barriers between races and to discourage anything which tends to strengthen racial division, in accordance with Article 2(l)(c)

No information additional to that reported in Trinidad and Tobago's first periodic report is available. The following however needs to be stressed. In Trinidad and Tobago participation in social and cultural activities is open to all irrespective of colour, creed or race. Consequently persons of all races associate in sporting clubs, service organizations, youth organizations and projects in social gatherings, etc.

(B) The Undertaking to take, when circumstances so warrant in the economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms, in accordance with Article 2.2

No information on the subject of Trinidad and Tobago's Carib Indian population additional to that made available at the time of the consideration of the first and second periodic reports is available. It should however be pointed out that the Constitution provides equal treatment for all and that equal educational opportunities are available without discrimination to all from the primary through secondary to tertiary and vocational and technical levels.

(C) The Undertaking "to adopt immediate and effective measures particularly in the fields of teaching, education, culture and information with a view to controlling prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of all Forms of Racial Discrimination and this Convention", in accordance with Article 7

Trinidad and Tobago deposited its instruments of accession in respect of both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights with the Secretary-General on 8 December 1973 and 21 December 1978 respectively. Moreover to celebrate Human Rights Day, it was announced by the Ministry of Education and Culture that the following action would be taken:-

(a) The Government of the Republic of Trinidad and Tobago will reaffirm its adherence to the principles, values and ideas contained in the Declaration of Human Rights with special emphasis on the rights of the child which will be the focus of attention during the International Year of the Child in 1979;

(b) The Public Relations Division of the Prime Minister's Office will collaborate with the United Nations Secretariat in order to obtain and publicize materials relevant to the Declaration of Human Rights with particular emphasis on the Right of the Child;

(c) Implementation of the recommendation of the International Year of the Child Committee that ecumenical services be held throughout the Nation on Human Rights Day;

(d) Participation by public and private primary and secondary schools in an appropriate programme to be arranged to mark the occasion on Friday, 8 December. The programme will focus on the theme "Peace and Equality" and also on the President's address to the Nation's youths.

On the occasion of the Observance of the International Day for the Elimination of Racial Discrimination, 21 March 1979, the Government of the Republic of Trinidad and Tobago addressed a message to the Special Committee against Apartheid of which Trinidad and Tobago is a member. The text of that message is appended to this Report.

#### 5. Practice of the Courts relating to cases of racial discrimination

No cases relating to racial discrimination have come before the Court of Trinidad and Tobago.

MESSAGE FROM THE MINISTER OF EXTERNAL AFFAIRS  
OF THE REPUBLIC OF TRINIDAD AND TOBAGO ON THE  
OCCASION OF THE OBSERVANCE OF INTERNATIONAL  
DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION

21 MARCH 1979

Today, 21 March 1979, marks the nineteenth anniversary of the brutal massacre of Sharpeville, an event which shocked the international community and made us painfully aware of the evil nature and inhumanity of the apartheid system of South Africa. Designation of this day, annually, as the International Day for the Elimination of Racial Discrimination is a small but fitting tribute to the martyrs of Sharpeville, Soweto and all those who have given their lives in the just struggle for freedom from the shackles of racial oppression.

The Government and people of Trinidad and Tobago are therefore pleased, on an occasion such as this, to join other members of the world community in reaffirming unwavering support and solidarity with the still suffering masses in South Africa, Zimbabwe and Namibia.

We are all fully conscious that the situation in South Africa is at the crisis stage. Unwarranted attacks on the neighbouring States of Angola, Mozambique and Zambia by the illegal racist régimes of Pretoria and Salisbury indicate this. In order to prevent a holocaust in the region with its wider dangers to international peace, the international community must act in unison and accelerate its campaign to isolate the racist régimes and assist the South African peoples in their efforts to achieve self-determination and independence.

For those reasons, we recognize the importance and fully endorse the launching today of an international mobilization of world opinion against apartheid with its call for cessation of all collaboration with South Africa and increased assistance in the liberation movement.

It is our firm belief that such concerted action by the world community will aid significantly in bringing about the eradication of those policies which foster the twin evils of racial discrimination and its institutionalized system of apartheid.

The Government and people of the Republic of Trinidad and Tobago will continue to resolutely support all actions taken and all resolutions adopted by various organs of the United Nations aimed at ensuring that the citizens of southern Africa achieve their right to lead lives of equality and dignity in conformity with the principles of the United Nations Charter and the Universal Declaration of Human Rights.