

INTERNATIONAL
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ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION



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RACIAL DISCRIMINATION
Thirty-third session

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

Sixth periodic reports of States parties due in 1984

Addendum

TRINIDAD AND TOBAGO 1/

[Original: English]
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1/ For the previous reports submitted by the Government of Trinidad and Tobago and the summary records of the meetings of the Committee at which the reports were considered, see:

Initial report - CERD/C/R.63/Add.6 (CERD/C/SR.254-SR.255);
Second periodic report - CERD/C/29 and Corr.1 and Add.1
(CERD/C/SR.393);
Third periodic report - CERD/C/17/Add.3 (CERD/C/SR.463);
Fourth periodic report - CERD/C/64/Add.3 (CERD/C/SR.538);
Fifth periodic report - CERD/C/89/Add.4 (CERD/C/SR.660).

PART I - GENERAL

1. The Constitution of the Republic of Trinidad and Tobago recognizes and declares that in Trinidad and Tobago there have existed and shall continue to exist the fundamental human rights and freedoms listed therein without discrimination by reason of race, origin, colour, religion or sex. Moreover the Constitution provides the individual with judicial protection against infringement of his fundamental rights and freedoms by the State. Legislation inconsistent with these rights can only be passed by qualified majorities in Parliament and even so can be challenged in the Courts: Section 14 of the Constitution.

2. With respect to the enforceability and/or invocability of the provisions of the Convention before the Courts of Trinidad and Tobago, the practice of Trinidad and Tobago with respect to international treaties has been that the Constitution vests in the Cabinet the power to enter into any agreement and to execute its terms. Treaties, however, are not directly invocable before or directly enforceable before the Courts of Trinidad and Tobago except where their provisions have been incorporated into domestic legislation through an Act of Parliament.

3. The demographic composition according to the 1980 Population Census of Trinidad and Tobago indicates that some 81.5 per cent of the population is of either African or East Indian descent. Some 16.3 per cent are of mixed race and the remaining 2.2 per cent are of European, Chinese or other origin, for example, Syrian-Lebanese. The choice of racial category is left up to the individual. The estimated mid-year population of Trinidad and Tobago in 1984 was 1,168,200.

PART II - INFORMATION IN RELATION TO ARTICLES 2 TO 7

[Article 2]

4. The Republic of Trinidad and Tobago is a harmonious multiracial, multireligious society where, in the words of the National Anthem and in practice, "every creed and race find an equal place". There are no disadvantaged groups in the society distinguished by race or ethnic origin. The GNP income per capita of Trinidad and Tobago in 1982 was TT\$ 16,966. The literacy rate of the population is near 100 per cent and educational opportunities are available to all children in the society irrespective of race, ethnic origin or religion. It should moreover be noted in this connection that out of a total of some 466 primary schools (ages 5 - 12), 117 are government schools and the rest, the overwhelming majority, are denominational i.e., Roman Catholic (125), Presbyterian (72), Anglican (63), Hindu (52), Muslim (18) and other Christian denominations (19).

5. Previous reports have indicated that the Carib population does not exist as a separate racial group of statistical significance. Persons who consider themselves to be Carib or of Carib ancestry are part and parcel of the society. Cultural recognition of the Carib in the society is reflected by the annual celebration of the religion's festival of Santa Rosa, during which a Carib queen is crowned and a procession takes place through the streets of the Borough of Arima.

6. There are no refugees in Trinidad and Tobago and the Immigration laws and regulations of Trinidad and Tobago stipulate the conditions under which aliens can be admitted and permitted to remain in the country.

[Article 3]

7. In Trinidad and Tobago there are no practices of racial segregation and/or apartheid. As was mentioned previously the Constitution of the Republic of Trinidad and Tobago emphasizes that all persons are equal. In keeping with its policies Trinidad and Tobago has been very supportive of efforts to abolish the policy of racial segregation and apartheid in South Africa. Trinidad and Tobago continues to be an active member of the United Nations Special Committee against Apartheid.

8. In so far as South Africa is concerned, the Government of Trinidad and Tobago supports all the moves initiated by the United Nations geared towards the total elimination of apartheid and for the isolation of the racist régime. To show its abhorrence for the system, Trinidad and Tobago has legislated against trade with South Africa and condemns economic interfacing with South Africa.

9. On 26 November 1967 by proclamation - Government Notice No. 140 of 1967, importation from or exportation to South Africa of any goods whatsoever was prohibited. Furthermore, the Port Authority of Trinidad and Tobago has been directed to ensure that:

- "(i) employees of the Company should not intentionally discharge cargoes of South African manufacture found in the hold of vessels;
- (ii) 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;
- (iii) 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."

It is important to note that these prohibitions are still in force.

10. During the meeting of the Special Committee against Apartheid held on 21 March 1985 in observance of the International Day for the Elimination of Racial Discrimination, in a statement issued on behalf of the Prime Minister of Trinidad and Tobago, it was stated inter alia:

"Trinidad and Tobago has been unequivocal in its condemnation of apartheid and its support of United Nations efforts to bring about a peaceful end to this repugnant and brutalizing system.

Trinidad and Tobago places great value upon its racial religious and cultural diversity.

We realise that from these threads the tapestry of our national life is woven. On this day we join with freedom loving people throughout the world in rededicating ourselves to the elimination of all forms of racism and racial discrimination ...".

[Article 4]

11. In previous reports, it has been stated that the Sedition Act, Chapter 11:04 of the Laws of Trinidad and Tobago satisfies fully Trinidad and Tobago's obligations under Article 4 of the Convention. Under that legislation a person is guilty of an offence who:

- "(a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a sedition intention:
- (b) communicates any statement having a sedition intention:
- (c) publishes, sells, offers for sale or distributes any seditious publication;
- (d) with view to its being published prints, writes, composes, makes, reproduce, imports or has in his possession, custody, power or control any seditious publication."

12. The Act has further defined a seditious intention as an intention, inter alia, to raise discontent or disaffection amongst inhabitants of Trinidad and Tobago; to engender or promote 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: to engender or promote feelings of ill-will towards, hostility to or contempt for any class of inhabitants of Trinidad and Tobago distinguished by race, colour, etc., to advocate or promote, with intent to destroy in whole or in part any identifiable group, the commission of such acts as killing members of the group or deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.

13. Individuals who are charged under these sections, if tried summarily and found guilty can be fined TT\$ 3,000 and imprisoned for two years and if tried on indictment and found guilty can be fined TT\$ 20,000 and imprisoned for five years.

14. The foregoing existing legislation of Trinidad and Tobago is therefore sufficient to prohibit and punish persons who disseminate ideas based on racial hatred or incite racial discrimination in Trinidad and Tobago.

15. With regard to the hope expressed by the Committee that more severe criminal penalties should be provided for in the laws of Trinidad and Tobago against persons who practised racial discrimination, particularly public officials, it should be noted that the size of the fines and the terms of imprisonment provided in the Sedition Act would constitute a sufficient deterrent. Moreover, the people of Trinidad and Tobago have access to the Ombudsman who has been described as a "grievance man" to whom a citizen can make a complaint with a view to redressing the mistakes, carelessness, delays, rigidity and perhaps heartlessness which are often occupational failings of bureaucracies. The Ombudsman who is non-political is an officer of Parliament and submits annual reports to that body to which he is solely responsible. No complaints of racial discrimination practised by public officials have been made to his Office. In any event, the Director of Public Prosecutions who is also a public officer under the Constitution has the power in any case in which he considers it proper to do so to institute and undertake criminal proceedings against any person before any Court in respect of any offence against the law of Trinidad and Tobago.

[Article 5]

16. The electoral system in Trinidad and Tobago is not based on proportional representation according to races. It is based on the Westminster system of Parliamentary government under which the entire country is divided up into electoral districts and the candidate winning the most votes in each district is elected to Parliament, irrespective of race, colour or ethnic origin. Political parties like most social organizations in Trinidad and Tobago are not structured along racial lines and everyone is free to join and/or vote for the party "of his choice". The Constitution of the political parties usually provides that membership is open to all regardless of race, colour, ethnic origin, religion, etc. Membership of the Senate is through nomination by the ruling party, the opposition party and by the President.

[Article 6]

17. As regards the remedies available to an individual if he is wronged by a private citizen as opposed to the State, no such case has ever come before the Courts.

18. With respect to the continuing validity of laws which predated the independence of Trinidad and Tobago, such a provision is of a permanent character.

19. When the Constitution came into effect in 1962, the common law and statutes which commenced before Independence and between the time of Independence and the changeover to Republican status were existing law and these laws are still valid today.

[Article 7]

20. As part of the Social Studies Programme in all schools, exercises are conducted which expose all children to the culture of all racial and ethnic groups which make up the multiracial society that is Trinidad and Tobago. Schools are also encouraged to set aside periods for teachers to discuss our efforts to combat racism and racial discrimination. The National Days Festival Committee plays an important role in the provision of greater understanding on the different races and religions which co-exist harmoniously in Trinidad and Tobago. As an instance of this, the Hindu festival of Divali, which is a significant religious occasion for Hindus and a public holiday throughout Trinidad and Tobago, is celebrated on a national scale and is in no way restricted to any one section of the community or to any one part of the country.