

INTERNATIONAL  
CONVENTION  
ON THE ELIMINATION  
OF ALL FORMS OF  
RACIAL DISCRIMINATION



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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION  
Seventeenth session

UN/SA COLLECTION

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

Second periodic reports of States Parties due in 1976

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

[15 February 1978]

The provisions of the Constitution and the Legislation of Trinidad and Tobago apply to all citizens and, where applicable, to residents alike without regard to their race or ethnic origin. Reference to other areas not alluded to in the information furnished as mentioned above include -

1. Legal Aid

The Legal Aid and Advice Act, 1976, now renders obsolete the observations made at Page 4 of the information submitted to you on 5 June, 1975. The Act provides for the making of legal aid and advice in Trinidad and Tobago readily available for persons (without any reference to race, colour or ethnic origin) of small or moderate means and enables the cost of legal aid or advice granted to such persons to be defrayed wholly or partly out of monies provided by Parliament. Access to the courts to vindicate one's right or to redress a wrong is now readily made more available (not only theoretically) to a wider public without distinction.

2. Married Persons

The Married Persons Act, 1976, removed certain disadvantages and disabilities from which spouses suffered. For example, where formerly a spouse was unable to institute criminal proceedings against the other involving the appropriation of property of either except in certain defined circumstances, this Act now confers on any spouse such a right subject to the consent of the Director of Public Prosecutions. Except in certain cases where the court may stay an action for well defined reasons, spouses may sue each other in tort.

3. Legitimation

The Legitimation Ordinance, Chapter 5 No.13 was amended by Act No. 50 of 1976 whereby a child born prior to the marriage of his parents could now

<sup>1/</sup> The second periodic report of Trinidad and Tobago was due on 4 November 1976. For the initial report submitted by Trinidad and Tobago, see document CERD/C/R.63/Add.6 and for its consideration by the Committee, see CERD/C/SR.254-255.

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be legitimated by the subsequent marriage of his parents even though at the time of such child's birth neither of his parents was free to marry the other. Hitherto such a child could not have been legitimated in these circumstances.

#### 4. Miscellaneous

Legislation regarding elections (the Representation of the People Act, 1967) jury service and the admission of Barristers-at-Law and Solicitors to practise in the courts of Trinidad and Tobago do not distinguish in content or in their application between any class, colour, racial or ethnic origin of any person.

The creation of the office of Ombudsman under the Constitution is yet another step which can assist and contribute to the elimination of racial discrimination in and in dealing with the public service. Section 93 of the Constitution empowers and authorises the Ombudsman to investigate any decision or recommendation made, including any advice given or recommendation made to a Minister, or any act done or omitted by any department of Government or any other authority, or by officers or members of such a department or authority being action taken in exercise of the administration functions of that department or authority. The power conferred upon the Ombudsman is, however, limited to administrative actions and does not affect similar acts or omissions in certain departments or by certain officials as are specified in the Constitution. For example, action taken in respect of appointments or removals, discipline, superannuation or other personal matters in any office or employment in the public service or under any authority as may be prescribed may not be investigated by the Ombudsman.

Provision is made under the Constitution that no law (except as is provided for therein) may abrogate, abridge or infringe or authorise the abrogation, abridgment or infringement of any of the rights and freedoms recognized and declared by the Constitution and which are intended to be enjoyed by all individuals without distinction and regardless of their -

- (a) race;
- (b) origin;
- (c) colour;
- (d) religion; or
- (e) sex.

Redress for the infringement of any of these rights and freedoms is always open to the individual without distinction.

In conclusion, the National Anthem of Trinidad and Tobago truly represents this country's ideal in respect of the elimination of all forms of racial discrimination.