



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Combined fifteenth and sixteenth periodic reports
submitted by Trinidad and Tobago under article 9
of the Convention, due in 2004^{*}, ^{**}**

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* The present document is being issued without formal editing.

** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting (CERD/C/TTO/QPR/15-16).



I. Introduction

1. The Government of Trinidad and Tobago is pleased to respond to the List of Issues Prior to Reporting presented by the Committee on the Elimination of All Forms of Racial Discrimination in connection with the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).
2. The International Law and Human Rights Unit (ILHRU) in the Office of the Attorney General and Ministry of Legal Affairs of Trinidad and Tobago is responsible for the drafting of National Human Rights Reports including the List of Issues Prior to Reporting on the International Convention on the Elimination of All Forms of Racial Discrimination.
3. A consultative approach was adopted by hosting stakeholder consultations with both Government Stakeholders, Civil Society Organizations and academics; such as Counter Trafficking Unit, Immigration Division, Gender Based Violence Unit of the Trinidad and Tobago Police Service all under the auspices of the Ministry of National Security; Office of the Prime Minister, Gender and Child Affairs Division (OPM GCAD); Ministry of Health, Ministry of Social Development and Family Services (MSDFS); Equal Opportunity Commission (EOC); the Judiciary; Police Complaints Authority; Office of the Ombudsman; the Living Waters Community respectively.

II. Replies to the list of issues prior to reporting (CERD/C/TTO/QPR/15-16)

General information

Reply to paragraph 1

Significant developments

4. In the last report, it was stated that racial discrimination did not exist in Trinidad and Tobago. The experience in Trinidad and Tobago has been that after Emancipation and the end of Indentureship and upon the advent of Independence; persons of all ethnic backgrounds of the major races found in the country have developed tolerance for one another and lived peacefully together. During this time, there has been considerable inter-marrying between races to the extent that many persons can boast of a very mixed heritage. The resultant fact is that persons of varying ethnicities go to work, school and church together as well as engage in commerce and industry together. Admittedly, although there is general racial harmony, cultural differences do cause friction in certain circumstances such as in political affairs. It is well understood that some discriminatory perspectives have survived from the older generations manifesting itself through the political landscape, with the two major opposing political parties representing the two major races in Trinidad and Tobago.
5. Since its last review under this Convention, the Equal Opportunities Act, 2000 (EOA) was proclaimed by the President and took effect on the 20th day of November 2000. The Act was passed to prohibit certain kinds of discrimination, applicable to both the public and private sector, and to create a mechanism for accessing redress to persons who might have been subject to that discrimination. The EOA allows persons to make complaints of discrimination on the grounds of status, which is defined as Sex, Race, Ethnicity, Religion, Marital Status, Origin (including geographic origin) and Disability.
6. The Act has been amended only once by The Equal Opportunity (Amendment) Act which was passed by Parliament as Act No 5 of 2001 and assented to on 11th June 2001. A second amendment to the Act was proposed in 2011 and the Bill was laid during the 02nd Session of the 10th Parliament on 09th November 2011, as the Equal Opportunity Amendment Bill (No 2) 2011. However, this 2011 Bill lapsed on 26 June 2012 and has not been re-laid.
7. Section 26 of the EOA, established the Equal Opportunity Commission (EOC) as a public body for the purpose of exercising the jurisdiction conferred by that Act. The mandate of the Commission is to receive and investigate complaints of discrimination (to which the EOA applies) from members of the public, and where possible try to conciliate those disputes.

Where a complaint cannot be resolved, section 41 of the EOA created a second intuition, that is, the Equal Opportunity Tribunal (EOT), as a superior Court of record chaired by a Judge, that is mandated is to hear and adjudicate upon the unresolved dispute, once the complainant consents to having the matter referred to be heard and determined by the Tribunal.

8. The EOC and EOT have now been operational for the past twenty-one years (21) and have heard thousands of discrimination matters. Noteworthy, the Commission records the demographic information of complainants on the grounds of Sex, Age and Race/Ethnicity. Trends on the racial background of complaints are also noted across years.

Implementation of previous Concluding observations and Recommendations

9. The Republic of Trinidad and Tobago maintains its commitment to the implementation of the recommendations and concluding observations made by the Committee.

10. As it regards the complaints received by the Police Complaints Authority (PCA), unfortunately, complaints are not disaggregated to reflect racial discrimination specifically. Complaints are classified under the following heads:

- (a) Police Corruption;
- (b) Criminal Offences Involving Police Officers; and
- (c) Serious Police Misconduct.

11. In 2011, the Central Statistical Office conducted another population census, which included Indigenous persons as a separate ethnic group in accordance with the Committee's recommendation following the country's last review. Another population census is scheduled to be conducted in 2023, using the same categorizations as in the 2011 census.

Reply to paragraph 2 Ethnic composition

12. Trinidad and Tobago is known for its ethnic, religious and cultural diversity. The ethnic composition of Trinidad and Tobago according to the 2011 National Population and Housing Census published by the Central Statistical Office is persons of East Indian origin is 35.4%; persons of African origin is 34.2%; persons of Mixed origin is 22.8%, disaggregated into the 'African/East Indian' 7.7% and 'Mixed Other' 15.1%; Caucasian is 0.59; Portuguese is 0.06; Chinese is 0.30; Syrian/Lebanese is 0.08; Indigenous is 0.11; and other ethnic group is 0.17 of the population.

13. According the National Central Statistical Office, the category of "Indigenous" will also be used in the ethnic breakdown for the 2023 Population and Housing Census.

Reply to paragraph 3 Domestic status of UN CERD

14. Trinidad and Tobago signed to the Convention on the Elimination of Racial Discrimination (CERD) on the 9th June 1967 and acceded on 04th October 1973. The protections afforded under the Convention exist in section 4 of the Republican Constitution of Trinidad and Tobago that guarantees certain fundamental rights and freedoms without discrimination because of race, origin, religion or sex. Additionally, the Equal Opportunities Act, 2000 incorporates the protections afforded under the Convention into domestic law as the purpose of the Act is to prevent discrimination on the grounds of status, which includes "the sex; the race; the ethnicity; the origin, including geographical origin; the religion; the marital status; or any disability" of a person.

15. The Judicial Education Institute of Trinidad and Tobago (JEITT) is responsible for training judicial officers and raising their awareness on various topics that affect the human rights of members of society, including racial discrimination. On November 30 and December 1, 2017, the JEITT, in collaboration with the Faculty of Law of the University of the West Indies, St Augustine Campus (UWI STA); the Institute for Gender and Development Studies (IGDS), The UWI STA; the Faculty of Law, UWI Rights Advocacy

Project (U-RAP), and CARICOM's Pan Caribbean Partnership against HIV/AIDS (PANCAP); hosted the Judicial Dialogue. The Dialogue was a small gathering of approximately 25 appellate, High/Supreme and Summary Court judges and Magistrates from around the English-speaking Caribbean, who met in Port of Spain, Trinidad and Tobago. The theme was 'Securing Equality for All in the Administration of Justice: With a Special Focus on the Impact of Discrimination, Vulnerability and Social Exclusion on Access to Justice'. National, regional and international instruments, including Caribbean constitutions, the Charter of Civil Society for the Caribbean Community, and the various Codes for Judicial Conduct in the Caribbean, informed the dialogue, which all emphasise equality before the law and equal treatment as core mandates of the judiciary.

16. The Honourable Chief Justice, Mr Justice Ivor Archie ORTT, in his speech entitled, 'Focusing on the Impact of Discrimination, Vulnerability and Social Exclusion',¹ noted that it is imperative for judicial officers, "to constantly train and retrain and educate ourselves in the hope that we can progressively identify and reduce implicit bias in our structures, procedures and thought processes". Training, retraining and educating judicial officers on the causes of and cures for inequality of treatment and discriminatory behaviour was the purpose of the Judicial Dialogue.

17. He emphasized that to ensure equality of treatment of all before the law, judges must be "aware of our society, understanding issues of gender, race, colour, national origin, ethnicity, sexual orientation and such like"... Also, that "as judges, prosecutors and lawyers there is a professional duty to turn existing legal provisions on the right to equality and non-discrimination into truly effective tools and, must also apply, or at least be guided by, international legal norms on these matters. If done consistently and effectively, there would be a genuine possibility of slowly turning our world into a less hostile place for all."

18. Further, as part of its mandate, the Equal Opportunity Commission (EOC) generally conducts awareness raising campaigns geared towards educating professionals from various settings about anti-discrimination laws as they exist in Trinidad and Tobago.

Reply to paragraph 4

Implementation of the Durban Declaration

19. The Government of the Republic of Trinidad and Tobago respects and promotes the protection of fundamental human rights of persons of African descent within our country. Notably, Trinidad and Tobago is the first country in the world to proclaim a national holiday to commemorate the end of African enslavement, through the celebration of Emancipation Day on 1st August 1985. The government's commitment to supporting the Durban Declaration and the implementation of the International Decade of People of African Descent continues to be shown through its annual contributions to the national Emancipation Day celebrations coordinated by the Emancipation Support Committee of Trinidad and Tobago. It should be noted that on the 18th April 2024 by Legal Notice No. 68, the Government changed the name of this holiday by amending the Schedule to the Public Holidays and Festivals Act Chapter 19:05, to African Emancipation Day.

20. The Emancipation Support Committee of Trinidad and Tobago (ESCTT) is the principal organisation that promotes Pan-African identity and culture lost during slavery, for persons of African descent within Trinidad and Tobago. The ESCTT as a non-governmental organisation, was first formed in 1992 with the objective of empowering Afro-Trinidadians by restoring their African self-hood and embracing a contemporary vision of Emancipation for development. The organisation boasts of creating networks for African organisations in Trinidad and Tobago to connect with the international diaspora. The ESCTT also heavily encourages and facilitates regional and international exchanges in the fields of culture, intellectual exchange, sharing human resource, economies and all other areas of African development. The organisation's vision is to empower African people to be able to meet the challenges of the national, regional and global environments.

¹ The Hon Mr Justice Ivor Archie ORTT, 'Focusing on the Impact of Discrimination, Vulnerability and Social Exclusion', Chapter 2, page 10, Securing Equality for all in the Administration of Justice, proceeding of the Caribbean Judicial Dialogue, edited by Janeille Zorina Matthews and Jewel Amoah.

21. The ESCTT plays a critical role in creating awareness and monitoring the implementation of the Durban Declaration in Trinidad and Tobago. In 2016, the ESCTT hosted a conference titled, Awaken- I am, with the objective of providing clarity, confidence and awareness of participants about the International Decade of Persons of African Descent. The overarching focus was the theme of the United Nations International Decade for People of African Descent, Recognition, Justice and Development. The key objectives of the Conference were to:

“(a) To strengthen national, regional and international action and cooperation in relation to the full enjoyment of economic, social, cultural, civil and political rights by people of African descent, and their full and equal participation in all aspects of society;

(b) To promote a greater knowledge of and respect for the diverse heritage, culture and contribution of people of African descent to the development of societies;

(c) To adopt and strengthen national, regional and international legal frameworks in accordance with the Durban Declaration and Programme of Action and the International Convention on the Elimination of All Forms of Racial Discrimination, and to ensure their full and effective implementation.”

Article 1

Reply to paragraph 5

Definition of racial discrimination

22. In defining the meaning of “racial discrimination” in the context of domestic law, it is necessary to examine first the Constitution of the Republic of Trinidad and Tobago as the supreme law of the land. The Constitution under section 4 guarantees certain fundamental rights and freedoms without discrimination by reason of race, origin, religion or sex. This protection, although broad permeates all other domestic laws, as no law may be inconsistent with the Constitution.

23. In 2000, the Parliament passed the Equal Opportunity Act (EOA), which gave way to legislative prohibition, outside of the Constitution itself, of certain kinds of discrimination with the effect of promoting equality of opportunity between persons of different status. The meaning of “status” under the Act is defined in relation to a person as “the sex; the race; the ethnicity; the origin, including geographical origin; the religion; the marital status; or any disability of that person”.

24. The Equal Opportunity Act, 2000 expressly outlines the areas of discrimination to which it applies, that is, discrimination in relation to employment, education, the provision of goods and services and the provision of accommodation is prohibited. Under these main headings, discrimination is prohibited on the ground of status (as defined above), by victimization or offensive behaviour.

25. Section 5 of the EOA defines discrimination on the ground of status as circumstances where:

“a person (“the discriminator”) discriminates against another person (“the aggrieved person”), by reason of:

(a) The status of the aggrieved person;

(b) A characteristic that appertains generally to persons of the status of the aggrieved person; or

(c) A characteristic that is generally imputed to persons of the status of the aggrieved person,

where the discriminator treats the aggrieved person, in circumstances that are the same or are not materially different, less favourably than the discriminator treats another person of a different status.”

26. Section 6 (1) of the EOA also defines victimization in relation to discrimination in circumstances where:

“A person (“the discriminator”) discriminates against another person (“the person victimised”) in any circumstances relevant for the purposes of any provision of this Act if he treats the person victimised less favourably than in those circumstances he treats or would treat other persons, and does so by reason that the person victimised has:

(a) Brought proceedings against the discriminator or any other person under this Act, or any relevant law;

(b) Given evidence or information in connection with proceedings brought by any person against the discriminator or any other person under this Act, or any relevant law;

(c) Otherwise done anything under or by reference to this Act, or any relevant law, in relation to the discriminator or any other person; or

(d) Alleged that the discriminator or any other person has committed an act, which (whether or not the allegation so states) would amount to a contravention of this Act, or any relevant law,

or by reason that the discriminator knows the person victimized intends to do any of those things referred to in paragraphs (a) to (d), or suspects the person victimised has done, or intends to do, any of them.”

27. In relation to discrimination by offensive behaviour, section 7 (1) of the EOA states:

“A person shall not otherwise than in private, do any act which:

(a) Is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of persons;

(b) Is done because of the gender, race, ethnicity, origin or religion of the other person or of some or all of the persons in the group; and

(c) Which is done with the intention of inciting gender, racial or religious hatred.”

28. As seen under these provisions of the Equal Opportunity Act, 2000 it aims to comprehensively address and contextualize the various forms of discrimination under broad headings. This includes acts relating to racial discrimination which also takes into consideration the ethnicity, the origin, including geographical origin and the religion of a person.

29. The EOA in its current form speaks only to direct discrimination. The proposed 2011 Amendment Bill had contained a reference to direct and indirect discrimination. However, this Bill has since lapsed and was not re-laid. In 2016, the then Attorney General constituted an ad hoc Committee to review the current workings of the EOC in its remit and consider proposals to amend the Act relative to Trinidad and Tobago’s international obligations and domestic requirements. In its 2019 report, the Committee recommended that, provision be made for discrimination to be both direct and indirect as contained in the 2011 Bill; and for these concepts be clearly defined.

30. As it regards differential treatment based on citizenship or immigration, Immigration Act 1969, defines a “citizen” of Trinidad and Tobago as a “person who is a citizen of Trinidad and Tobago by virtue of the Constitution or the Citizenship of the Republic of Trinidad and Tobago Act, 1976”. Additionally, the Immigration Act defines a “resident” as “a person who is not a citizen of Trinidad and Tobago but has a right to admission into Trinidad and Tobago”. This distinction creates certain restrictions for residents as opposed to citizens, for example in the areas of public life and political affairs.

31. However, these restrictions are strictly based on the fact of a person’s immigration status, and not on any racial distinction. For example, under the Constitution, to be a Member of Parliament, whether in the Upper House (the Senate) or the Lower House (House of Representatives), a person must be a citizen. Also, to be eligible to vote in Parliamentary and

Tobago House of Assembly elections, a person must be, among other things, a citizen or a Commonwealth citizen, as in accordance with the Representation of the People Act, 1967. However, in the case of city or borough elections, a Non-Commonwealth Citizen may be eligible to vote.

32. Additionally, The Trafficking in Persons Act makes provisions for the care and protection of all victims of human trafficking. There is a distinction made based on citizenship and immigration status, which stipulates that victims of trafficking require identification documents to regularise their stay for the duration of court proceedings. Protection is provided regardless of immigration status.

33. While the aforementioned restrictions apply for residents as opposed to citizens, the principle of non-discrimination as enshrined in the Constitution, serves as a guiding framework observed in the Immigration Act for the benefit of both citizens and non-citizens in Trinidad and Tobago. Within deportation proceedings, claimants are granted the opportunity to appeal if they believe to be discriminated against for race, religion or political opinion. In the class of persons prohibited from entering Trinidad and Tobago, the Immigration Act does not make a distinction of race, colour, descent, or nationality or ethnic origin.

Reply to paragraph 6

Adoption of special measures

34. Trinidad and Tobago does not have any legal provisions to allow the adoption of special measures at this time.

Article 2

Reply to paragraph 7

Legal framework and general policies to eliminate racial discrimination

35. The legal framework established to give effect to the provisions of Article 2 of the Convention is grounded in the Constitution. As stated earlier, the Constitution guarantees fundamental rights and freedoms free from discrimination by reason of race, origin, religion or sex. As such, under the Constitution, all persons regardless of their race can enjoy among other things:

- (a) The right of the individual to life, liberty, security of the person, and the enjoyment of property and the right not to be deprived thereof except by due process of law;
- (b) The right of the individual to the 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) Freedom of conscience and religious belief and observance;
- (f) Freedom of thought and expression; and
- (g) Freedom of association and assembly.

36. As regards the regulation of public institutions, it is significant to note that Service Commissions such as the Judicial and Legal Service Commission, the Police Service Commission, the Public Service Commission, and the Teaching Service Commission, together with their relevant boards and tribunals are established under the Constitution. Therefore, its regulations, policies and procedures must be consistent with the principles laid down in the Constitution. Similarly, all public bodies and statutory bodies are also subject to the Constitution, being the supreme law of the land.

37. In circumstances where a person alleges that his constitutional rights have been violated, he may apply for redress under section 14 of the Constitution, which states that a person may apply to the High Court by way of originating motion. According to section 14,

the Court may make such orders or directions as it thinks fit for the purpose of enforcing or securing the enforcement of any of the provisions under chapter 1 of the Constitution.

38. Apart from the protection as afforded under chapter 1 of the Constitution, several other pieces of legislation touch and concern the elimination of racial discrimination. These are: the Equal Opportunity Act, 2000; Sedition Act, 1920; International Criminal Court Act; 2006; the Summary Offences Act, 1921; and the Malicious Damage Act, 1925; and Anti-terrorism Act 2005.

39. The Equal Opportunity Act, 2000, establishes the Equal Opportunity Commission and the Equal Opportunity Tribunal. The Commission and the Tribunal act as complaint mechanisms, whereby persons may seek redress through these institutions where it is alleged that they may be victims of certain kinds of discrimination. The types of discrimination applicable to the Act include discrimination in relation to employment, the provision of goods and services and the provision of accommodation. Under these main headings, discrimination is prohibited on the ground of status, by victimization or offensive behaviour. The meaning of “status” under the Act is defined in relation to a person as “the sex; the race; the ethnicity; the origin, including geographical origin; the religion; the marital status; or any disability of that person”.

40. The Sedition Act, 1920, the purpose of the Sedition Act is to provide for the punishment of seditious acts and seditious libel, to facilitate the suppression of seditious publications, and to provide for the temporary suspension of newspapers containing seditious matter. Under this Act, a “seditious intention” includes among other things, an intention “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, religion, profession, calling or employment” in accordance with section 3(1)(d)(ii).

41. The International Criminal Court Act, 2006 was enacted to provide for the prevention and punishment of genocide, crimes against humanity and war crimes, to give effect to the Rome Statute of the International Criminal Court. This Act allows Trinidad and Tobago to cooperate with the International Criminal Court in matters relating to international crimes and crimes against humanity. Section 10 of the Act provides for the punishment of persons convicted of a “crime against humanity”. Under the Act, a “crime against humanity” is defined to include “the crime of apartheid”. The Schedule to the Act incorporates the Rome Statute to the International Criminal Court, 1998 which includes the definition of apartheid to mean, “inhumane acts of a character committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.”

42. The Summary Offences Act, 1921 makes it an offence for a person to bring another person’s religion into contempt or disbelief or attacks or vilifies that person’s religion in a manner that is likely to provoke a breach of the peace. In addition, any person who disturbs a place of worship or who molests a religious head or official while performing religious functions is guilty of an offence.

43. The Malicious Damage Act, 1925, section 3 states that, “Any person who unlawfully and maliciously sets fire to any church, chapel, meeting-house, or other place of divine worship is liable to imprisonment for life.”

44. The Anti-Terrorism Act, 2005 makes it an offence to commit an act of terrorism. The Act defines an “act of terrorism” to include, “acts of political, ideological, or a religious nature that have a purpose of disrupting national security or public safety and also intimidates others or a particular section of the public may fall within the scope of a terrorist act and is punishable by law.”

45. As it regards the applicability of the Equal Opportunity Act, 2000 to all areas of life, the Act’s applicability is limited to education, employment, the provision of goods and services and the provision of accommodation.

46. Part III, sections 8 to sections 14 EOA prevents discrimination in employment. Under this Part, aggrieved workers are provided with a mechanism whereby they may lodge complaints of discrimination, including racial discrimination, and have their matters investigated and adjudicated.

47. However, Section 11 of the EOA provides for an exception on the ground of sex where sex (male or female) is genuine qualification of for the job based on the nature of the work. Section 14 EOA gives exceptions for hiring a person with a disability on the ground that it will cause unjustifiable hardship.

48. Section 15 EOA prohibits discrimination against children when accessing education. Section 15 (2) states:

“An educational establishment shall not discriminate against a student— (a) by denying or limiting the student’s access to any benefits, facilities or services provided by the educational establishment; or (b) by expelling the student or subjecting the student to any other detriment.”

49. Section 17 EOA prohibits discrimination in relation to accessing goods and services. Section 17 states:

“17. (1) Any person concerned with the provision (whether or not for payment) of goods, facilities and services to the public or a section of the public shall not discriminate against a person who seeks to obtain those goods, facilities and services:

(a) By refusing to supply the goods, provide the facilities or perform the services;

(b) In the terms on which he supplies the goods, provides the facilities or performs the services; or

(c) In the manner in which he supplies the goods, provides the facilities or performs the services.

(2) The following are examples of the facilities and services mentioned in subsection (1):

(a) Access to and use of any place which members of the public or a section of the public are permitted to enter;

(b) Accommodation in a hotel, guest house or other similar establishment;

(c) Facilities by way of banking or insurance or for grants, loans, credit or finance;

(d) Facilities for entertainment, recreation or refreshment;

(e) Facilities for transport or travel;

(f) The services of any profession or trade, or any statutory authority or municipal authority.”

50. Section 18 EOA prohibits discrimination against persons as it relates to the provision of accommodation. Section 18 states:

“(1) A person shall not discriminate against another person:

(a) In the terms on which he offers the person accommodation;

(b) By refusing an application of the other person for accommodation; or

(c) By deferring an application for the other person, or according him a lower order of precedence on any list of applicants, for that accommodation.

(2) A person shall not discriminate against another person for whom accommodation has been provided:

(a) By denying him access, or limiting his access, to any benefit connected with the accommodation;

(b) By evicting him, or subjecting him to any other detriment.

(3) Nothing in this section applies to:

(a) The provision by a person of accommodation in any premises if that person or a relative of his resides, and intends to continue to reside, on the premises;

(b) The provision by a person of accommodation where the premises comprise not more than three units available for lease;

(c) The accommodation in any hostel or other similar institution established wholly for the welfare of the person of a particular status;

(d) Accommodation provided by a religious body; and

(e) Shared accommodation which for reasons of privacy or decency or because of the nature of the sanitary facilities should be used by one sex only.”

51. The right of access to places of service has been addressed through specific pieces of legislation. The Registration of Clubs Act, 1997 empowers a Licensing Committee to strike off from the Register of Clubs, any club to which the public has access, if it is proved by any aggrieved person that the person was discriminated against on the ground of race, colour, religion or sex. The Liquor Licences Act, 1955 was amended to prohibit discrimination on licensed premises on the ground of race, colour, religion or sex. Inequality of treatment and segregation of a person by a place or position by reason of race, colour, religion or sex is deemed to constitute discrimination. Also, the Theatres and Dance Halls Act, 1934 was also amended to prohibit discrimination on the ground of race, colour, religion or sex including the refusal of access to facilities on any licensed premises. The Licensing Authority is now empowered to suspend or cancel a license if it is satisfied that discrimination has occurred.

52. The right to healthcare through the public health system is provided free of charge to everyone in Trinidad and Tobago, including non-nationals. Health services are provided through Health Centres, District Health Facilities and Hospitals that provide different services and levels of care. Free Pediatric Healthcare Services are also provided to all children including non-nationals.

53. Responsibility for the provision of health care services in Trinidad and Tobago was devolved from the Ministry of Health to Regional Health Authorities (RHAs) with the passing of the Regional Health Authorities Act, 1994. RHAs are autonomous bodies that own and operate health facilities in their respective regions. Today, five (5) RHAs deliver public health care services to the population of Trinidad and Tobago. They are: North West Regional Health Authority (NWRHA); North Central Regional Health Authority (NCRHA); South West Regional Health Authority (SWRHA); Eastern Regional Health Authority (ERHA) and Tobago Regional Health Authority (TRHA).

54. The Patient’s Charter of Rights and Obligations is a landmark policy of the Ministry of Health that stipulates the approach to patient care by public healthcare institutions. Services and medical treatment are provided regardless of race, religion, gender, national origin or social class. The rights and obligations as outlined in the Patient’s Charter are as follows:

- (a) The right to access to treatment;
- (b) The right to respect;
- (c) The right to privacy and confidentiality;
- (d) The right to personal safety and security;
- (e) The right to freedom from abuse;
- (f) The right to know the identity and the professional position of the individuals who are providing you with services;
- (g) The right to information;
- (h) The right to access people other than hospital personnel, through visitors and through oral and written communication;
- (i) The right to be informed about and to participate in the decisions related to your health and treatment;
- (j) The right to consult with a specialist and get from him/her a second opinion on a major diagnostic or therapeutic procedure proposed (at own expense);

- (k) The right to refuse treatment;
- (l) The right to respect for culture and religion;
- (m) The right to file a complaint, when you consider that your rights have been infringed;
- (n) The right to access the contents of your records;
- (o) The right to participate in the planning of your healthcare ;
- (p) The right to notify family members;
- (q) The right to continuity of care.

Reply to paragraph 8

Mandates of Equal Opportunity Commission, Equal Opportunity Tribunal and Ombudsman

55. There are two important mechanisms in Trinidad and Tobago that may deal with the investigation of complaints relating to racial discrimination, those are, the Equal Opportunity Commission and Equal Opportunity Tribunal, established under the Equal Opportunity Act, 2000 and the Office of the Ombudsman.

56. The Equal Opportunity Commission is a statutory body established under the Equal Opportunity Act, 2000 with the jurisdiction to receive complaints of discrimination from both the public and private sectors. The independence of the Commission is reflected in its composition. The Commission comprises five Commissioners including a Chairman and a Vice-Chairman appointed by the President after consultation with the Prime Minister and the Leader of the Opposition. Section 26 of the Act states that a Commissioner shall be a person with training and experience in the field of the law, industrial relations, sociology or administration and who has served in either of these fields for a period of not less than ten years or who has served in a combination of these fields for a period which in the aggregate is not less than ten years. There is also a panel of advisors to the Commission comprising representatives of every principal religion in Trinidad and Tobago. The Act also mandates that the members of the Commission reflect as far as possible, a balance of race and gender.

57. The Commission is responsible, among other things, for receiving and investigating allegations of discrimination including racial discrimination and, as far as possible, facilitating the conciliation of those allegations. When a person lodges a complaint with the Commission, the Commission may accept the complaint once it is lodged within six months of the alleged discrimination. The Commission is mandated under section 32 of the Act to investigate every complaint lodged with it, once it fulfils the six-month requirement. In carrying out an investigation, the Commission may by notice in writing (a) require any person to furnish such information as may be described in the notice; (b) specify the time within which the required information is to be furnished; and (c) require the person to attend at such time and place specified in the notice and to give oral evidence about and produce all documents in his possession or control relating to, any matter specified in the notice.

58. In addition to its powers of investigation, the Commission may also facilitate the conciliation of matters in circumstances where it may be appropriate. The Commission may by notice require the complainant and the person who is alleged to have committed the act of discrimination which is the subject matter of the complaint to attend the conciliation. In addition, any other person who is likely to be able to provide information relevant to the proceedings of the conciliation or whose presence at the proceedings is likely to assist in the settlement of the matter may also be required to attend. The Commission in its notice, may also require any person so invited to produce documents at the conciliation as specified in the notice. Under section 36 of the Act, failure to comply, without reasonable excuse, with the notice of the Commission may result, in the case of an individual, to a fine of one thousand dollars on summary conviction, and in the case of a body corporate, to a fine of five thousand dollars for every day that the individual or body corporate refuses or fails to comply with any of the requirements of the notice.

59. After the Commission has taken the steps listed at section 39(1) of the Act, it is for the Complainant to consider whether he/she would like to have his/her matter referred to the

Equal Opportunity Tribunal for hearing and adjudication. The Tribunal is created by section 41 of the Act as a Superior Court of Record and is vested with all powers inherent in such a Court, in addition to the jurisdiction and powers conferred on it by the Act. It consists of a Chairman, who enjoys a status equal to that of a Judge of the High Court. The Chairman may be assisted by two lay-assessors appointed by the President of the Republic of Trinidad and Tobago. The Tribunal is independent from the Commission. It is charged with hearing and adjudicating on complaints that are referred to it by the Commission. The Tribunal can make a finding as to whether the Complainant was subjected to discrimination and/or victimisation, as would have been alleged.

60. Based on section 39(2) of the Act, only where a Complainant consents to his/her matter being initiated in the Tribunal can the Commission then proceed to initiate same. As such, once a Report is published, a matter may either be discontinued or initiated in the Tribunal based on the Complainant's ultimate decision.

61. The Office of the Ombudsman is an independent oversight body, established pursuant to section 91(1) of the Constitution, with authority to receive complaints of discrimination by public authorities. The Office performs the dual role of providing a fair and impartial investigation service to members of the public who believe that they have been adversely affected by a decision or action of a government department and public authorities; and assisting public sector agencies to improve their decision-making and administrative practices and procedures.

62. To ensure the independence of the Office, the President appoints the Ombudsman after consultation with the Prime Minister and the Leader of the Opposition. Additionally, the Ombudsman is an Officer of the Parliament and does not form part of the machinery of Government. He is answerable only to Parliament, to which he makes annual reports on the performance of the Office's functions including statistics of the complaints received and the results of his investigations in accordance with section 96 (5) of the Constitution. Further, the Ombudsman cannot hold any other office nor engage in any occupation for reward other than the duties of the seat of the Ombudsman. Moreover, no proceedings may be brought against the Ombudsman unless it can be shown that he acted in bad faith in accordance with section 98 (5) of the Constitution. Pursuant to section 98 (6) of the Constitution and section 6(b) of the Ombudsman Act, the Ombudsman may not be called to give evidence in Court in respect of anything coming into his knowledge while holding office. Nor is any proceedings or decision of the Ombudsman liable to be challenged, reviewed, quashed or called into question in any Court in accordance with section 98 (8) of the Constitution.

63. In relation to the investigation of complaints, the Ombudsman is not given an express power under the Constitution with respect to the investigation of complaints relating to racial discrimination. However, the responsibility of investigation given to the Ombudsman is very wide and encompasses all kinds of injustice.

64. Section 93 (2) of the Constitution outlines the following circumstances relating to which the Ombudsman may exercise his investigative powers:

(a) Where a complaint is duly made to the Ombudsman by any person alleging that the complainant has sustained an injustice as a result of a fault in administration;

(b) Where a member of the House of Representatives requests the Ombudsman to investigate the matter on the ground that a person or body of persons specified in the request has or may have sustained such injustice;

(c) In any other circumstances in which the Ombudsman considers that he ought to investigate the matter on the ground that some person or body of persons has or may have sustained such injustice.

65. The Ombudsman also has powers to obtain evidence. Under section 97 of the Constitution, the Ombudsman has the powers of the High Court to summon witnesses to appear before him and to compel them to give evidence on oath and to produce documents relevant to the proceedings before him and all persons giving evidence at those proceedings shall have the same duties and liabilities and enjoy the same privileges as in the High Court. The Ombudsman also has the power to enter and inspect the premises of any department of government or any authority under which it has jurisdiction, to call for, examine and where

necessary retain any document kept on such premises and there to carry out any investigation in pursuance of his functions.

66. Upon completion of an investigation, the Ombudsman may make recommendations as he thinks fit. Where he is of the opinion that an injustice occurred, he may also specify a time within which the injustice should be remedied. Where the Ombudsman is of the opinion that the matter is of sufficient public importance, or where he has made a recommendation relating to an injustice and no sufficient action has been taken to remedy the injustice, then the Ombudsman has the authority to lay a special report on the case before Parliament. The Ombudsman is also responsible for making annual reports on the performance of his functions to Parliament.

67. The following table provides a breakdown of the human and financial resources for the Office for each financial year for the period 2000-present. The data presented for the staff includes the Ombudsman, established staff and contracted workers as outlined in the organizational chart below.

Table 1

Showing the organizational structure of the Office of the Ombudsman

Organizational Chart – Office of the Ombudsman

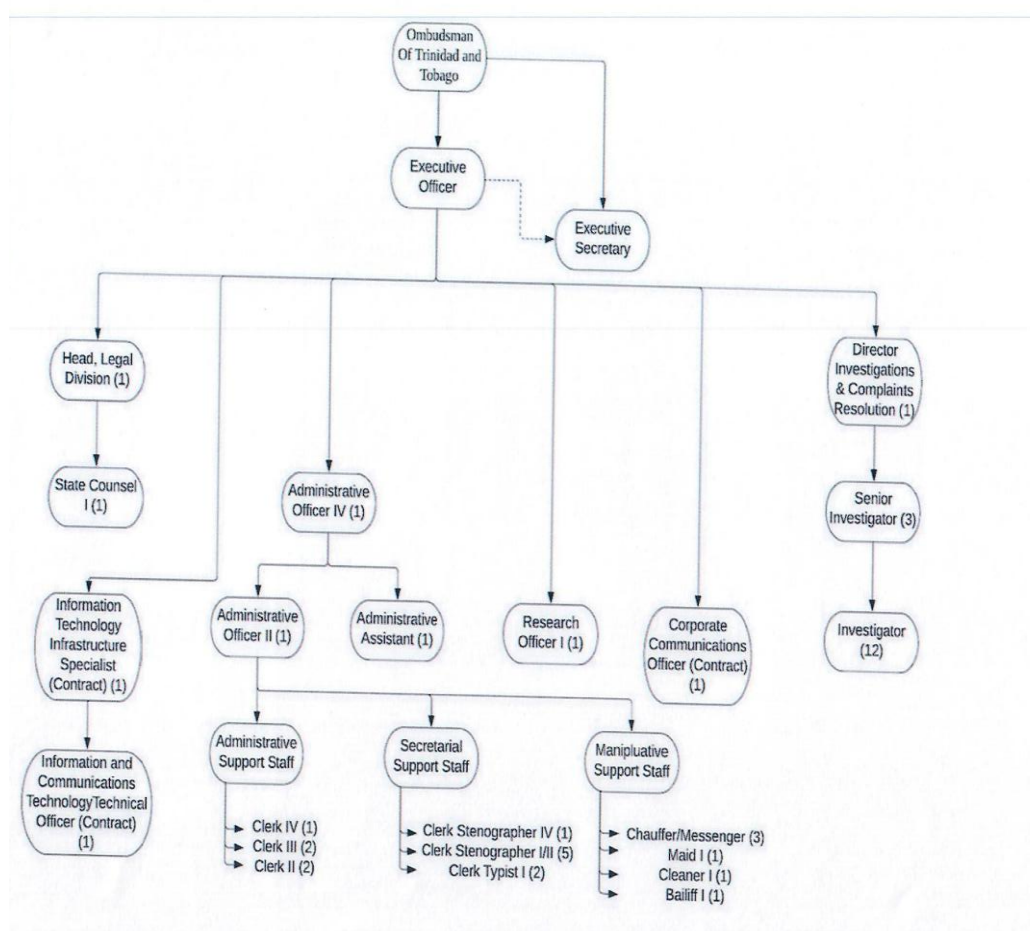


Table 2
Showing the Budgetary allocation to the Office of the Ombudsman

FINANCIAL YEAR	BUDGETARY ALLOCATION	STAFFING
2000-2001	\$2,145,880	27
2001-2002	\$3,579,405	27
2002-2003	\$4,878,230	27
2003-2004	\$5,022,662	29
2004-2005	\$5,507,625	30
2005-2006	\$6,369,279	37
2006-2007	\$8,037,520	41
2007-2008	\$8,287,300	41
2008-2009	\$9,585,020	44
2009-2010	\$10,370,990	44
2010-2011	\$4,492,592	44
2011-2012	\$11,673,030	44
2012-2013	\$9,426,810	45
2013-2014	\$11,448,499	46
2014-2015	\$13,022,900	46
2015-2016	\$7,859,735	46
2016-2017	\$15,132,700	46
2017-2018	\$12,596,700	46
2018-2019	\$11,574,000	51
2019-2020	\$8,605,000	51
2020-2021	\$8,559,500	52
2021-2022	\$9,160,600	52
2022-2023	\$8,980,700	52

68. The Government of the Republic of Trinidad and Tobago is considering the possibility of establishing a National Human Rights Institution (NHRI) which is properly accredited under the Paris Principles.

Reply to paragraph 9
Police Complaints Authority

69. The Police Complaints Authority (“the PCA”) is mandated by the Police Complaints Authority Act, Chapter 15:05 to investigate criminal offences involving police, police corruption and serious police misconduct. While the ethnicity of the complainant is recorded as demographic data when a report is retrieved, the PCA’s does not classify racial discrimination as a substantive matter upon which complaints can be made at this time.

70. The PCA’s investigations center on the commission of a criminal offence contrary to the Laws of Trinidad and Tobago and/or a disciplinary offence pursuant to the Trinidad and Tobago Police Service Regulations. Complaints are classified under the following heads:

- “(d) Police Corruption;
- (e) Criminal Offences Involving Police Officers; and
- (f) Serious Police Misconduct.”

Article 3

Reply to paragraph 10

Measures to prohibit and prevent segregation

71. The government, through the Ministry of Tourism, Culture and the Arts, has vowed to develop Trinidad and Tobago's many cultural and artistic forms, through policy and strategic interventions, research, monitoring and evaluating trends, collaborating with industry stakeholders, and raising awareness.

72. The Government of the Republic of Trinidad and Tobago recognizing that our nation is a multi-ethnic, multi-religious and multi-cultural society has sought to build tolerance and respectful appreciation for our diverse cultures through the observance of several religious and cultural holidays. Trinidad and Tobago is known for its many religious festivals and holidays in its annual calendar. These festivals are not only celebrated by persons belonging to the particular religious denomination, but also by the wider community, including those of other religious faiths as well as by those who hold no religious belief. These religious observances are also commemorated by a national holiday and include as follows.

Corpus Christi

73. Mainly observed by Roman Catholics the Thursday after Trinity Sunday, Corpus Christi is an official public holiday. Dating back to Spanish colonisation of the island, this feast day is celebrated with large religious processions.

Easter

74. Easter is traditionally marked in Trinidad and Tobago with two public holidays – Good Friday and Easter Monday.

Eid-ul-Fitr

75. Islamic in origin, Eid-ul-Fitr is observed by Muslims worldwide. A public holiday, Eid-ul-Fitr is celebrated after the sighting of the new crescent moon which signals the end of Ramadan, the holy fasting month.

Divali

76. A national holiday, Divali is usually celebrated during the months of October and November. Affectionately described as the “festival of lights”, Trinidad's celebration of Divali is one of the largest outside of India and pays homage to the Hindu Goddess Lakshmi, Goddess of light, wealth and prosperity.

Spiritual/Shouter Baptist Liberation Day

77. In 1951, March 30, the Shouter Prohibition Ordinance 1917 which prohibited the activities of the Shouter or Spiritual Baptist faith, was repealed. In commemoration of religious freedom for this group, March 30 is celebrated as a national holiday, “Spiritual/Shouter Baptist Liberation Day”.

78. Additionally, several non-governmental organizations encourage the promotion of racial harmony while at the same time, creating awareness and educating on cultural and religious identities and traditions. The Inter-Religious Organisation of Trinidad and Tobago which was established in 1973, serves to foster the collaboration of all religious organizations with a view to bringing about the spiritual, intellectual and economic advancement of the people of Trinidad and Tobago. The Emancipation Support Committee of Trinidad and Tobago is an African organization, commemorates “Emancipation Day” with public lectures, trade shows, concerts and processions. The National Council of Indian Culture (formerly known as “the National Council for Indian Music and Drama”) was first formed in 1964 and has significantly contributed to the development of Indian culture in Trinidad and Tobago.

Article 4

Reply to paragraph 11 (a) and (c) Criminalisation of Article 4 offences

79. Incidents of violence or incitement due to racial hatred or superiority or even displays or expressions of intolerance based on ethnicity in Trinidad and Tobago are extremely rare. Nevertheless, legislation has been enacted to make punishable by law, acts relating to extreme violence based on religious or ethnic superiority, hatred or discrimination. These include the Anti-Terrorism Act, 2005 (as amended), the Genocide Act, 1977, the International Criminal Court Act, 2006, and the Sedition Act, 1920.

80. The Anti-Terrorism Act, 2005 (as amended), makes it an offence for any person to commit a terrorist act and such person is liable to imprisonment for twenty-five years. Additionally, where a terrorist act involves the commission of a crime under some other law, the person committing it shall be liable to be punished for that crime as well as for the offence of committing a terrorist act, and any term of imprisonment imposed in respect of such crime shall run consecutively to that imposed in respect to the terrorist act. Under this Act, a “terrorist act” means:

(a) An act whether committed in or outside of Trinidad and Tobago which causes or is likely to cause:

- (i) Loss of human life or serious bodily harm;
 - (ii) Damage to property; or
 - (iii) Prejudice to national security or disruption of public safety including disruption in the provision of emergency services or to any computer or electronic system or to the provision of services directly related to banking, communications, infrastructure, financial services, public utilities, transportation or other essential infrastructure, and is intended to;
 - (iv) Compel a government or an international organisation to do or refrain from doing any act; or
 - (v) Intimidate the public or a section of the public, for the purpose of advancing a political, ideological or a religious cause; or
- (b) An offence under any of the Conventions.

81. In relation to the definition of a “terrorist act” as in accordance in with the legislation, it is important to note that under the Anti-Terrorism Act, acts of political, ideological, or a religious nature that have a purpose of disrupting national security or public safety and also intimidates others or a particular section of the public may fall within the scope of a terrorist act and is punishable by law.

82. The Genocide Act, 1977, makes the offence of genocide as in accordance with the definition under Article II of the Genocide Convention, punishable by law. However, the International Criminal Court Act, 2006, repeals the Genocide Act, 1977 by virtue of section 182. The purpose of the International Criminal Court Act as stated under section 3, is to make provision in Trinidad and Tobago law for the punishment of certain international crimes, namely, genocide, crimes against humanity and war crimes; and to enable Trinidad and Tobago to co-operate with the International Criminal Court established by the Rome Statute in the performance of its functions.

83. Under the International Criminal Court Act, “genocide” is defined as acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, such as: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; or forcibly transferring children of the group to another group. It is important to note that the penalty for genocide, or conspiring with, or agreeing with any person to commit genocide is the same as the penalty for murder, and in any other case, imprisonment for life or lesser term.

84. Further, “crimes of humanity” under the International Criminal Court Act are defined to include among other things, persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3 of article 7 of the Rome Statute, or other grounds that are universally recognised as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the International Criminal Court.

85. The Sedition Act, 1920 is also an important piece of legislation in relation to the criminalization and elimination of racial hatred and superiority. The purpose of the Sedition Act is to provide for the punishment of seditious acts and seditious libel, to facilitate the suppression of seditious publications, and to provide for the temporary suspension of newspapers containing seditious matter. Under this Act, a “seditious intention” includes among other things, an intention to:

“(3)(1)(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; or

3(1)(e) to advocate or promote, with intent to destroy in whole or in part any identifiable group, 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.”

86. Persons who commit an offence under this Act are liable on summary conviction to a fine of three thousand dollars and to imprisonment for two years; or on conviction on indictment to a fine of twenty thousand dollars and to imprisonment for five years. The Sedition Act, 1920 was also previously discussed in the last periodic report of Trinidad and Tobago.

Reply to paragraph 12

Racists motives as an aggravating circumstance

87. In Trinidad and Tobago, the issue of aggravating circumstances and sentencing is governed by the common law. The seminal case of *Aguillera and Others v The State* C.A.CRIM.5–8/2015, decided by the Court of Appeal, gave judicial officers clear and direct instruction on the sentencing methodology. At paragraph 24 of its decision, the Court of Appeal instructed that sentencing structure should reflect, inter alia:

- The calculation of the starting point which takes into account the aggravating and mitigating factors of the offence only; these are the objective circumstances which relate to the gravity of the offence itself and which assist in gauging its seriousness, that is, the degree of harmfulness of the offence;
- An appropriate upward or downward adjustment of the starting point (or dependent on the circumstances, and if there is in effect, a cancelling out, no adjustment at all), which takes into account the aggravating and mitigating factors relative to the offender; these are the subjective circumstances of the offender which in turn inform the degree of the culpability of the particular offender.”

88. According to the Sentencing Handbook 2016, issued by the Judiciary of Trinidad and Tobago, race can be considered a general aggravating factor to a crime. More specifically, it states, “a racial element accompanying an offence of violence is a gravely aggravating feature”.

89. In such cases, the Trinidad and Tobago Court will use the case of Attorney General’s Reference Nos 29, 30 and 31 of 1994 (1995) 16 Cr App R (S) 698 as authority. In this case three men who had stabbed and deliberately run over a black man while shouting racial abuse,

were convicted of causing grievous bodily harm with intent. They were sentenced to five years and three years respectively; the Attorney General successfully applied for review of the sentences, and the sentences were increased to seven years and five years (the maximum sentence for the offence is life imprisonment). The court observed that, even without the racial element, the circumstances of the attack were horrific, and stated:

“It cannot be too strongly emphasised by this court that where there is a racial element in an offence of violence, that is a gravely aggravating feature. There is no specific offence of racial violence, although it has been suggested that there should be one. We take the view that it is perfectly possible for the court to deal with any offence of violence which has a proven racial element in it, in a way which makes clear that that aspect invests the offence with added gravity and therefore must be regarded as an aggravating feature.”

90. Additionally, the Sedition Act criminalizes seditious acts and seditious libel. “Seditious intention” in the Act is defined in section 3(1)(d) as an intention to engender or promote feelings of ill-will or hostility between multiple sections of the community or contempt for any class of inhabitants of Trinidad and Tobago distinguished by race, colour, religion, profession, calling or employment; or section 3(1)(e) advocating or promotion of the killing members of a group or deliberately inflicting conditions to bring about the physical destruction of a group.

Reply to paragraph 13

Decision taken by national courts

91. In Trinidad and Tobago, the dissemination of ideas and propaganda promoting racial superiority, hatred and incitement of racial discrimination, either by individuals or organisations, as espoused in Article 4 of the Convention, is prohibited and categorised as a criminal offence under the Sedition Act, Chap. 11:04.

92. The Judicial Committee of the Privy Council (JCPC) recently gave final judgment in the case of the Attorney General of Trinidad and Tobago v Vijay Maharaj (substituted on behalf of the Estate of Satnarayan Maharaj for Satnarayan Maharaj) and Central Broadcasting Services Limited, [2023] UKPC 36² (appealed from the Court of Appeal of Trinidad and Tobago [C.A.CIV.P 203/2020]), which concerned the Constitutionality of sections 3 and 4 of the Sedition Act Chap. 11:04. The JCPC dismissed the appeal of the Appellants, upholding the ruling of the Court of Appeal on the constitutionality of sections 3 and 4, as it did not lack legal certainty and met the requirements of a valid law.

93. It should be noted that though the legal issues in this case concerned the Sedition Act which attaches criminal charges for the offences committed thereunder, no criminal charges were laid and instead the case was heard in the civil courts.

94. The facts of this case involved Satnarayan Maharaj (SM) who was a Hindu civil rights leader, religious leader, cultural activist, media personality, journalist and Attorney-at-law. The Second Respondent, Central Broadcasting Services Limited (CBSL), is a company engaged in the supply of multi-media services, of which SM was the founder and managing director. CBSL operates a radio station called Radio Jaagriti. SM hosted a bi weekly “call-in” show called ‘The Maha Sabha Strikes Back’, which was aired on Radio Jaagriti. During that programme, SM offered commentary and facilitated the opinions of listeners on various issues, which they thought affected Trinidad and Tobago.

95. In April 2019 during the programme, SM allegedly made certain statements which were viewed by the Telecommunications Authority of Trinidad and Tobago (the ‘TATT’) as ‘divisive and inciteful’. On April 17, 2019, the TATT issued a warning to CBSL. The alleged statement involved comments about the sister isle Tobago. They were as follows:

“And now let’s get down to Tobago ah little bit and what’s happening there. Nothing going correct in Tobago. They lazy, six out ah ten of them working for the Tobago House of Assembly, getting money from Port of Spain. They doh want wok and when they get a job. They go half pass nine and ten o’ clock they go for tea, breakfast. The

² <https://www.jcpc.uk/cases/docs/jcpc-2021-0099-judgment.pdf>.

rest of them abled bodied men they doh wah no wok ah tall. Run Crab Race, run Goat Race and go on the beach hunting for white meat. Yuh see ah white girl dey. They rape she, they take away all she camera and everything. This record inno. This is what Tobago is all about but anything they want, they going to get.”

96. It came to the attention of the police that an open-source publication of the statement was circulating on social media and this prompted an investigation. Attempts to execute a first warrant was unsuccessful, however, the execution of a second warrant yielded audio and video attributed to SM. SM concerned that the police were of the opinion that he had committed an offence under the Sedition Act, filed a constitutional motion challenging, sections 3, 4 and 13 of the Sedition Act.

97. Prior to the hearing of the matter, SM died. The trial judge found that SM’s son, Vijay Maharaj (VM) could be properly substituted for and on behalf of the estate of the deceased First Respondent, Satnarayan Maharaj (SM). In relation to the substantive matter, that sections 3 and 4 of the Sedition Act Chapter 11:04:

- Does contravene the principles of legality and/or legal certainty in that they are vague, uncertain and therefore illegal, null, void and offend the rule of law;
- Infringe the right of the individual to enjoy freedom of thought and expression, the right to join political parties and express political views and the right to freedom of the press, which are all tenets of a sovereign democratic state. Individually or collectively, these provisions infringe the binding declaration contained in section 1 of the Constitution; and
- Are, pursuant to section 2 of the Constitution, void to the extent of their inconsistency with the Constitution.

98. The Court of Appeal reversed the decision of the Trial Judge, finding at paragraph 90 that sections 3 and 4 did not lack legal certainty and met the requirements of a valid law. In coming to its decision on the legal certainty of sedition, the judges discussed at length the issues of Context and Time; Social/Cultural/Racial Issues as aids to statutory interpretation. At paragraph 51 they stated, “The offence of sedition is unquestionably one which, by its very nature, is acutely time, issue and context sensitive. The socio-cultural and political issues of one generation are often not those of preceding or succeeding generations...”

“[52] Context is everything with respect to an offence, the primary objective of which is to safeguard and maintain public order and safety...”

[53] Some aspects of the offence of sedition, by their very nature, (unlike many other criminal offences of which three examples are murder, rape and robbery), are not capable of a precise definition. They are therefore best described by a general reference to the nature of the activities as opposed to the methods by which they can be committed, since they can occur in many varied circumstances.

[54] In this way, the sedition laws would retain a level of flexibility to keep pace with changing circumstances and societal evolution...

[55] In addition, the essence of the offence of sedition is the dissemination of words, however published. It is therefore clear that the offence cannot be time bound and must be accorded flexibility to keep pace with advances in communication.”

99. Additionally, the judges also held that the law defined the criminal offence with sufficient clarity, and anyone charged with the offence, with appropriate legal advice, could understand what conduct was prohibited and regarded as criminal.

100. Further, the Court of Appeal, at paragraph 151, disagreed with both the trial judge and the Respondent on the treatment of section 1 or section 2 of the Constitution as paths to impugn an Act or sections of an Act, which they complained of being a fetter on freedom of speech, in violation of the fundamental freedoms enshrined in sections 4 and 5 of the Constitution.

101. Regarding the Equal Opportunity Commission and Tribunal, it should be noted that the Equal Opportunity Act, 2000 does not treat with discrimination in the context of Article 4,

as such, the prohibition of discrimination under the EOA is not a criminal offence, and consequently there are no prosecutions or sentences. Matters brought to the attention of the Commission or the Tribunal are civil matters that are remedied by a lawsuit between two parties. Information on the decisions taken by the Tribunal and reparations are more appropriately discussed under Article 6 of the Convention.

Statistical data on complaints filed

102. The Equal Opportunity Commission (EOC) records the disaggregated statistical information of complainants on the grounds of Sex, Age and Race/Ethnicity. Trends on the racial background of complaints are also noted across years.

103. Between the years 2017 to 2019, the EOC noted the following trends:

(a) Persons of African origin surpassed its composition in accessing the Commission's complaints services, as this group accounted for forty-two percent (42%) of complainants, and about thirty-four percent (34%) of the national population;

(b) Whereas, persons of East Indian origin slightly under-utilised the Commission's complaints services, as this group accounted for thirty-five percent (35%) of the national population, but only sixteen percent (16%) of complainants, which is less than half their population composition. This under-utilisation was the greatest of all three (3) years being half than the previous year which accounted for thirty-two (32%) using the complaints service;

(c) Persons of Mixed origin about equivalently accessed the Commission's complaints services in 2019 as this group accounted for twenty-three percent (23%) of the national population. The complaints received from this group significantly increased to twenty-four complaints, or twenty-two percent (22%), from eighteen percent (18%) and fourteen percent (14%) of complainants in 2017 and 2018 respectively;

(d) Persons of White/French Créole, Portuguese, Chinese and Syrian/Lebanese ancestry did not utilise the Commission's complaints services.

104. In 2019, twenty-six (26) complaints, or about thirty-one percent (31%) of all complaints received, involved an allegation of racial and/or ethnic discrimination. This was an increase from twenty-eight and half percent (28.5%) in 2017, but a decrease from thirty-two percent (32%) in 2018. In all three years, this combined ground was the single largest status alleged. Of the twenty-six (26) complaints received in 2019:

(a) Six (06) persons alleged race alone;

(b) Zero (0) persons alleged ethnicity alone;

(c) One (01) person alleged race and ethnicity together;

(d) The remaining nineteen (19) persons alleged race and/or ethnicity along with other status grounds.

105. Statistics on the number of complaints received by the Office of the Ombudsman are not disaggregated by sex, age, or ethnic/ national origin. According to the Office, consideration may be given to having this done in the future. Further, complaints on the basis of racial discrimination cannot be provided by the Office as the institution's investigations are not on the grounds of discrimination but rather maladministration. Complaints solely on the grounds of discrimination are referred to the Equal Opportunity Commission for resolution.

106. As previously stated, the Police Complaints Authority do not receive complaints solely on the basis of racial discrimination. Therefore, no statistical data is available.

Reply to paragraph 14

Measures to combat hate speech

107. The Trinidad and Tobago Police Service (TTPS) is the law enforcement agency responsible for enforcing and investigating incidences of racial hate speech.

108. A whole of government approach has been adopted as several Ministries have conducted sensitisation campaigns to combat against online racial hate speech and cyberbullying. In 2020, the TTPS formed the Cyber and Social Media Unit to provide technical assistance in the detection of crime wherein the computer is the target or the means used. The public is encouraged to make reports to the TTPS for investigations, and subsequent charges to be made.

109. The Counter Trafficking Unit (CTU) continues to release public announcement advertisements that address false views held of female Venezuelan nationals. These advertisements are aired during prime-time television and radio during peak viewership for maximum impact. The CTU also engages in ongoing in-person sensitisation sessions with secondary school which highlight the need to treat migrants and victims of trafficking with respect and understand.

Reply to paragraph 15

Prevention of ethno-political polarization

110. Section 4(e) of the Constitution recognizes the “right to join political parties and to express political views” as a fundamental human right and freedom. This guarantee assures all citizens the right to express political views and to take part in the conduct of public affairs, directly or through their freely chosen representative. There are two major political parties in Trinidad and Tobago. While these two parties have traditionally had strong voter support by particular ethnic groups, younger voters are encouraged to vote based on country rather than party or race. The Prime Minister of Trinidad and Tobago in his victory speech following the 2015 election, indicated his commitment to leadership that seeks to unite rather than to divide and to develop consensus amongst all sectors of the national community.

111. Trinidad and Tobago has held free and fair elections every five years since 1956. There is universal adult suffrage. The right of eligible citizens and qualifying residents, to vote in Parliamentary and Local Government elections is protected by the Representation of the People Act, Chap 2:01. The election of members of the House of Representatives is by secret ballot and in accordance with the first-past-the-post system.

112. Additionally, civil society from the Commonwealth Caribbean have always been invited to make up the Election Observation Mission to oversee the General Elections as independent observers. This mechanism serves to ensure that the electoral process remains free of any interferences including those of a racial or discriminatory nature.

113. Further, in Trinidad and Tobago legislative safeguards exist to prevent and combat political interferences into the electoral process, even those based on race. For instance, The Representation of the People Act prohibits Election Officers or any other officers governed by the Act from willfully and knowing permitting a person who is not eligible or refusing someone who is eligible to exercise is right to vote from so doing. Any person guilty of such an offence will be liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for twelve months in accordance with section 62 of the Act.

114. Moreover, section 63(1) of the Act prohibits canvassing on Election Day. Essentially, the section prohibits a Scrutineer, Presiding Officer, Deputy Presiding Officer, Poll Clerk and any other Election Officer from attempting to persuade persons to vote for or support; or refrain from voting or supporting a candidate or political party on Election Day; or even attempting to ascertain which candidate or party the person intends to vote. If found guilty, the officer is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for six months.

115. Additionally, the convening of meetings on behalf of a candidate or a political party by an Election Officer who actively associates himself with same on Election Day is summarily punishable by a fine of fifteen thousand dollars and to imprisonment for six months pursuant to section 63(2) of the Act.

116. A similar penalty exists for Police Officers, Special Reserve Police or Estate Constables who attempt to persuade or dissuade voters for exercising their freedom of choice on Election Day pursuant to section 63(3) of the Act.

Reply to paragraph 16**Domestic status of the 1951 Convention and Protocol**

117. Trinidad and Tobago acceded to both the 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees (“the Protocol”) on 10 November 2000. However, Trinidad and Tobago has not incorporated their protections into its domestic legislation.

118. Trinidad and Tobago operates under a dualist system which unequivocally means that the country is not automatically bound by any international convention upon signing. The mechanism via which international laws become binding and enforceable is through the enactment of domestic legislation giving life to said provisions. In the dualist system, properly enacted domestic legislation takes precedence over an international convention to which the State is party to.

119. This position was confirmed by the High Court of Trinidad and Tobago in the recent case of CV2023-00767 Yohan Jesus Rangel Dominguez vs The Minister of National Security and the Attorney General with United Nations High Commissioner of Refugees (UNHCR) and Living Water Community as Interested Parties, which involved a Venezuelan migrant against whom a Deportation Order was made on the grounds of his illegal entry into Trinidad and Tobago, despite him being in possession of a refugee status card granted by the UNHCR in April of 2022. At paragraph 90 the Honourable Court held:

“[90]. At the time the Claimant entered this jurisdiction in 2021 the Government had expressly communicated that illegal immigrants whether or not they were in possession of an asylum seeker certificate would be treated in accordance with the provisions of the Immigration Act. In the absence of legislation which incorporated convention obligations, the Government, not constrained by any legislative shackle, was free to revise, re-evaluate and/or refashion its approach with respect to the status of persons who may have fallen under the ambit of protection outlined in the 1951 Refugee Convention. Having considered the evidence adduced, the Court is unable to conclude that the approach adopted by the Government was one which was arbitrary or irrational.”

120. Further At paragraph 91 the Judge noted that, “This is a small island State with limited and over taxed resources. The unlawful, unregulated, uncontrolled and unrelenting influx of migrants purporting to be refugees and/or asylum seekers posed and still poses critical challenges and has significant societal consequences. The influx of migrants is a circumstance which materially impacts upon the lives and resources of every citizen of this Republic. The Government was therefore entitled to reconsider the approach to be adopted and to re-evaluate its policy implementation response.”

121. Requests for the granting of refugee status on political or economic grounds continue to be dealt with under the appropriate sections of the Immigration Laws of Trinidad and Tobago governing the grant of resident status. Cases of refugees from national disasters are left open and to be decided, when the need arises, on the basis of the circumstances prevailing in Trinidad and Tobago at the particular period in time. The treatment of asylum and refugee claims by immigration officials and the non-removal of applicable persons from Trinidad and Tobago, again is governed by the Immigration Act, Chapter 18:01.

122. There are no immediate plans to bring amendments to the Immigration Act, Chapter 18:01 at this time.

123. In an attempt to address the mass irregular entry of Venezuelan nationals into the country, in May 2019, the Government granted a twelve (12) month amnesty to those persons already within the borders of Trinidad and Tobago, under the Immigration (Amendment) Regulation 2019 and the Immigration (Amendment to the Second Schedule) Order 2019 in accordance with section 10 of the Immigration Act, Chap 18:01. Under this amnesty, Venezuelan migrants were required to be registered and were issued a Registration Card by the Immigration Division. This Registration Card authorized the holder to work legally in Trinidad and Tobago for one (1) year, with a notice that the holder of the permit is to be assessed every six months. A re-registration exercise was conducted in March 2021 with that Work Permit Exemption being extended to December 2023.

124. It is noteworthy that victims of trafficking entering into the country illegally are never charged for illegal entry.

125. In light of the global refugee crisis and in the absence of legislation incorporating the 1951 Refugee Convention and 1967 Protocol, the Government of Trinidad and Tobago, had developed a National Policy to Address Refugee and Asylum Seeker Matters which was approved by the Cabinet 2014. The Policy was intended to provide a framework to enable the Government to conduct its own Refugee Status Determination (RSD) process to be implemented in three (3) phases. Interim Standard Operating Procedures (SOPs) on treating with refugees and asylum-seekers were designed to ensure that asylum claims were assessed in a timely and efficient manner, through the coordinated efforts of the Immigration Division and UNHCR. However, the 2014 Policy was unable to be fully implemented due to the influx of Venezuelan migrants that threatened to overwhelm the immigration system and hinder the advancement of the national asylum system. Therefore, since 2018 the GORTT has taken a firm position to diverge from the use of the 2014 Policy. Again, this was confirmed in the recent case of Yohan Dominguez referenced at paragraph 119 above.

126. In light of the challenges encountered, the Ministry of National Security has developed a Draft Revised Refugee and Asylum Seekers Policy which is intended to operationalize the refugee status determination (RSD) process. This draft policy is currently under review by the Executive. When this revised Policy is approved, it is envisioned that what was originally phase 3 of the discontinued 2014 Policy will come to fruition. At that stage the GORTT will adopt full responsibility of the RSD process.

Reply to paragraph 17 (a)

Non-refoulement

127. Persons found to be in contravention of the Immigration Act, Chapter 18:01 are subject to deportation proceedings as described in the within Part III of the Act, irrespective of their nationality. However, persons who have entered illegally are screened and an assessment is made as to whether deportation should be considered. Consequently, alternatives to deportation, such as the issue of Orders of Supervision may be considered. It is not the practice to repatriate migrants if doing so would put them at risk of serious human rights violations.

128. The Immigration Division is bound by precedence set in case law and specifically, by the decisions outlined in the judgement of Justice Frank Seepersad in Yohan Dominguez which states:

“The Court hereby declares that the obligations enumerated under the 1951 Refugee Convention and the principle of non-refoulement do not apply to the Republic of Trinidad and Tobago as there been no domestic incorporation.”

129. The Court also declared that Section 11 of the Immigration Act is not unconstitutional as it does not offend the rule of law nor does it stand in conflict with provisions of the Constitution. Section 11 of the Immigration Act States:

“Nothing in this Part shall be construed as conferring any right to be or to remain in Trinidad and Tobago on any person who:

(a) Either before or after the commencement of the Act has come into Trinidad and Tobago otherwise than in accordance with the former Ordinance or this Act, as the case may be; or

(b) Is at the commencement of the Act a prohibited immigrant within the meaning of the former Ordinance;

and the Minister may make a deportation order against such person and such person shall have no right of appeal therefrom and shall be deported as soon as possible.”

130. Under the Trafficking in Persons Act, victims of trafficking who wish to be voluntarily repatriated to their home country are assisted in so doing. However, if a victim wishes to remain in Trinidad and Tobago, steps are taken to provide them with the necessary legal documentation. Some victims are also resettled through the assistance of international organisations.

Reply to paragraph 17 (b)
Administrative detention

131. The Immigration Division may consider alternatives to detention by issuing Orders of Supervision. This may be issued on a case-by-case basis after a thorough assessment and investigation is conducted. In the case of migrant children and families, children are not separated from their parents or legal guardians, and unaccompanied minors are placed in specialised homes for children operated by the Children's Authority of Trinidad and Tobago (CATT).

132. Victims of trafficking are housed in state-run accommodations, and underage victims of trafficking are housed in specialised homes for children.

Reply to paragraph 17 (c)
Efforts to ensure safe migration

133. Trinidad and Tobago cooperates with neighbouring States and international organisations to bring awareness to the dangers of traversing irregular routes that may expose migrants to human traffickers and smugglers, as well as the dangerous conditions of transit. Trinidad and Tobago works with neighbouring countries in search and rescue operations to rapidly deploy joint resources to assist migrants in distress or missing at sea.

134. The CTU conducts awareness sessions with the Venezuelan migrant community on the dangers associated with using illegal means to enter into the country.

Reply to paragraph 18 (a)
Education of migrants

135. The recent migrant crisis which Trinidad and Tobago is facing has grown exponentially overnight; a significant part of this issue is the safety, well-being and protection of the rights of children. The GORTT is cognizant of the socio-economic consequences of providing a nurturing environment for migrant children. A multi-sectoral approach is required for achieving this goal. A few essential stakeholders in this process are the Ministry of Education, Ministry of National Security, Immigration Division, Office of Prime, Gender and Child Affairs Division and the Ministry of Social Development and Family Services.

136. Several non-governmental organisations such as the Catholic Commission and the Living Waters Community (LWC) play a vital role in educating migrant children. The Equal Place Programme is an online education initiative launched by the LWC and serves to assist in continuous education of migrant children.

Reply to paragraph 18 (b)
Access to adequate food and shelter for migrants

137. In 2019, Trinidad and Tobago established the Migration Registration Framework (MRF) which allowed for Venezuelan migrants (regular and irregular) to be registered and to be granted a Minister's Permit. The Minister's Permit allows migrants to remain in Trinidad and Tobago for six months, with the possibility of an extension up to twelve months. This permit may be renewed annually at the discretion of the Minister of National Security. The permit also allows migrants work legally and has been continuously renewed since its implementation to present.

138. Non-nationals in Trinidad and Tobago can access free emergency public health care. Treatment of non-nationals who access the public healthcare system is guided by the Policy for Treating with Non-Nationals with respect to the Provision of Health Care Services (dated June 2019).

139. The Policy states, "With regard to non-nationals accessing public care health services it is based on the discretion of the home country, given its limited resources and capacity. The Ministry of Health is recommending that this position be rendered to all non-nationals inclusive of CSME certificate holders and their spouses and immediate dependent family members with the follows details:

- Emergency Medical Services at all levels of care within the primary, secondary and tertiary healthcare services setting using the Canadian Triage & Acuity Scale (CTAS) 1-V including: initial treatment, stabilization and discharge for acute medical conditions such as accidents, injuries, asthma, heart attacks, stroke, diabetic coma; and relevant diagnostics for acute care with no further treatment;
- Primary Health Care Services for maternal and child healthcare including the full spectrum of antenatal care, labour/delivery services and post-natal care within Health Centres, District Health Facilities (DHF), Enhanced Health Centres, and Hospitals; and
- Population and Public Health Services including: immunization and treatment of communicable diseases, including HIV/AIDS & Sexual Transmitted Diseases (STDs); and other high-risk infectious diseases.

140. Trinidad and Tobago had universal access to immunization against the COVID-19 pandemic. Therefore, all migrants, regardless of immigration status had access to COVID-19 vaccines through the public health system.

141. Additionally, the Ministry of Social Development and Family Services, through the support of civil society and international organisations provided vulnerable migrants with services to cover their basic needs.

142. Victims of trafficking are provided with food and shelter. Victims of trafficking are psychologically assessed to determine the level and frequency of care required. After the assessment, victims of trafficking, who are willing to receive counselling are referred for regular session with a certified psychologist. Family planning, as well as sexual health/reproductive education are provided to victims of trafficking.

Reply to paragraph 18 (c)

Favourable work conditions for migrants

143. In Trinidad and Tobago, both nationals and non-nationals (regardless of their immigration status) are entitled to the rights and protections afforded to workers under National Labour Legislation and Policy. The Ministry of Labour is responsible for facilitating employment, ensuring decent work and promoting industrial peace in Trinidad and Tobago. As such, the Conciliation, Advisory and Advocacy Division (CAAD) and the Labour Inspectorate Unit (LIU) are two units within Ministry charged with responsibility for managing workplace conflict and ensuring that nationals and migrants alike can enjoy just and favourable working conditions. All workers in Trinidad and Tobago, including migrant workers (documented and undocumented), have access to the services of the CAAD and LIU.

144. The Conciliation, Advisory and Advocacy Division (CAAD) of the Ministry of Labour is a neutral third party responsible for managing conflict through dialogue and fosters the practice of tripartism to engender a culture of mutual respect and encourages preventative conciliation which is an indispensable social responsibility. CAAD treats with all issues stemming from workplaces in Trinidad and Tobago, inclusive of complaints from both nationals and non-nationals.

145. Additionally, the CAAD conciliates in trade disputes emanating from the private sector and from some areas of the public sector, provides mediation services for workplace conflict, advice and assistance to employers and non-unionised workers in respect of matters arising from employer-employee relationship. Further, the CAAD conducts training for trade unions and employers on industrial relations issues as part of its preventative conciliation. The CAAD also conducts outreach and advocacy in assisting stakeholders with the implementation of the National Workplace Policy on Sexual Harassment (NWPSH) for which it is responsible.

146. The Labour Inspectorate Unit (LIU) monitors and enforces labour laws relating to Minimum Wages and terms and conditions of work, as well as Maternity Protection in the Workplace. Further, this Unit also undertakes work related to Child Labour, including issues relating to the employment of young persons aged sixteen (16) to eighteen (18) years. Labour Inspectors investigate complaints and conduct routine inspections by visiting establishments

to ensure compliance. Inspectors also provide information and advice to workers and employers on their rights and responsibilities.

147. Noteworthy, in March 2021, the Ministry of Labour signed a Memorandum of Understanding with the Ministry of National Security to formalise collaboration between the Labour Inspectorate Unit (LIU) and Counter Trafficking Unit (CTU) for the purpose of investigating cases of human trafficking and forced labour, particularly those cases that involve labour exploitation. Spanish-speaking migrant workers can also access information about their rights from the Ministry's website and Social Media pages.

148. With respect to workers of Venezuelan origin, the Ministry of Labour is undertaking efforts towards making its services more easily accessible by implementing a tri-lingual helpline 800-CAAD in English, Spanish and French. The Ministry also partners with non-governmental organisations (NGOs) which work with this population, such as the Living Water Community (LWC) and by extension the Catholic Commission which has community-based networks within the various Parishes. The Ministry also partners with United Nations specialised agencies [such as the International Labour Organisation (ILO) and the International Organisation for Migration (IOM)] to conduct outreaches, build the Spanish-language capacity of staff members and translate informational materials about workers' rights and responsibilities into Spanish. The CAAD has also recruited Spanish speaking Officers specifically to treat with the Venezuelan nationals who experience work related issues inclusive of sexual harassment issues. Venezuelan migrant workers have been using our email address conciliation.mol@gov.tt to forward their complaints that are addressed upon receipt.

149. Moreover, Trinidad and Tobago also ratified the ILO Convention No. 97 on Migration for Employment in 1963. Furthermore, work is currently underway by the Ministry of Labour to develop a National Labour Migration Policy which would provide a framework for managing labour migration, including protecting the rights of migrant workers.

Reply to paragraph 19

Protection of migrants from gender-based violence

150. Treating with gender-based violence is of significant priority to Government of the Republic of Trinidad. In 2020, the Trinidad and Tobago Police Service (TTPS) launched the Gender-Based Violence Unit (GBVU) to address domestic disputes and intimate partner crimes. The GBVU also investigates reports of violence perpetrated against migrant women. All migrants, regardless of immigration status are encouraged to come forward to make reports against discrimination, and in particular gender-based violence. In order to treat with the language barriers, interpreters are used when taking reports by law enforcement.

151. The TTPS also launched the Sexual Offences Unit in 2020, designed to treat with intimate partner violence and sexual violence in adults. The unit will offer complete protection and anonymity. Persons can utilize the TTPS mobile application to report not only domestic violence and sexual offences but all crimes.

152. Further, the CTU coordinates ongoing sensitisation sessions in collaboration with law enforcement and Ministries to broaden the reach of awareness of gender-based violence in the population.

Reply to paragraph 20

Combatting human trafficking

153. The Ministry of National Security has made significant efforts to strengthen existing policies and procedures to combat human trafficking and identify victims. These steps include, inter alia:

(a) The CTU contributed to the development of the National Child Policy and procedures to treat with Unaccompanied and Separated Children in conjunction with UNICEF;

(b) With respect to the investigative work of the CTU, a Special Task Force was established in the Police Service to strengthen and support the investigative capacity of the

Unit, while the CTU continues to actively participate in INTERPOL regional human trafficking investigations;

(c) Frontline police officers received specialized training on pro-active human trafficking investigations and were equipped with a Pocket Guide for Frontline Officers aimed at providing guidance on procedures for identifying victims of trafficking, and possible referral to the CTU;

(d) Television, newspaper and radio advertisement which advise on protecting oneself from becoming a victim of human trafficking;

(e) In-person sensitisation sessions of online grooming at schools;

(f) Establishment of MOUs between the CTU and other law enforcement agencies to strengthen the investigatory process into human trafficking offences;

(g) Ongoing training and capacity building at the CTU and other law enforcement agencies; and

(h) Sensitisation sessions on other types of human trafficking such as forced labour and domestic servitude.

Statistics

154. To date, the majority of human trafficking cases are sexual exploitation cases with all victims being females: Venezuela (80%); Colombia (2%); Trinidad and Tobago (2%); St. Vincent and the Grenadines (1%) and Dominican Republic (1%). The other type of cases are domestic servitude and forced labour: India (8%); Guyana (4%), Bolivia (1%) and Nepal (1%).

Reply to paragraph 20 (a) Trafficking in Persons Act

155. The Trafficking in Person Act Chap 12:10 (TIPS) is a robust piece of legislation that empowers the CTU to execute a number of duties to combat trafficking in persons. The object of the Act is to prescribe measures to prevent and combat trafficking in persons including children, by:

(a) protecting and assisting victims of trafficking;

(b) facilitating the efficient investigation of cases of trafficking in persons;

(c) facilitating the prosecution of individuals and organizations involved in trafficking in persons; and

(d) promoting cooperation between Trinidad and Tobago and other States in order to prevent and suppress trafficking in persons and to punish offenders.

156. To-date, the TTPS has received hundreds of reports of trafficking in persons. The majority of those cases reported have been investigated, with numerous prosecutions conducted for offences under the TIPs Act, Chap 12:10. There has only been one conviction under the Act thus far.

Reply to paragraph 20 (b) Reported TIPS cases

157. The following is statistics for the period 2018 to 2023:

- Number of cases of trafficking reported: 370;
- Number of investigations conducted: 305;
- Number prosecutions conducted: 44;
- Number of convictions and sentences pronounced: 1.

Reply to paragraph 20 (c)
Protection of victims of trafficking

158. Protection Measures for victims of human trafficking are provided by the State agencies that sit on the Working Committee for the Delivery of Care of Victims of Trafficking, as well as non-governmental and international organisations. Victims are provided with accommodation, food items, grocery vouchers, clothing as needed, and medical as well as dental attention. Psychosocial counselling is also available upon request.

159. With regard to child victims, government stakeholders such as the Office of the Prime Minister, Child Affairs Division (CAD) and Children's Authority of Trinidad and Tobago (CATT) play an instrumental role in providing protection.

160. In providing remedies and protection measures to child victims of trafficking, the Office of the Prime Minister, Gender and Child Affairs Division (OPM GCA) has established and operationalised the Transition Home for Migrant Girls, which offers relevant, needs-based programming for children who are victims of human trafficking and witnesses in police matters. Through this intervention, basic needs such as foods, clothing, medication, medical expenses, transportation and recreation are borne by the State, in keeping with the Payment Per child (PPC) regime, which was implemented to provide financial assistance to licensed Community Residences for the upkeep of children placed in their care. Since 2022, bi-lingual case management services have been made available. Those services include monitoring, psychosocial interventions [Spanish speaking psychologists provided by the International Organisation for Migration (IOM) and Families in Action] and referrals to other essential resources.

161. As such the establishment and operationalisation of this Home has strengthened the National Child Protection system by alleviating the burden of care for migrant children, with particular needs, alongside local Wards of the State. The Home also provides the undermentioned basic education service for migrant children, in support of their development and training needs:

- (a) Tutoring in English language;
- (b) Facilitating them with opportunities:
- (c) To complete secondary school level examinations that would conclude studies which have started in Venezuela;
- (d) To engage in art, dance, sports and/or drama classes which serve both therapeutic and recreational needs; and
- (e) To access vocational training.

162. Additionally, instances where non-Spanish speakers have been identified as survivors of trafficking, a number of remedies and protection measures are utilized, in the best interests of the child.

163. Regarding legal services, where a child has been identified as a potential survivor of trafficking, the CATT files a Wardship application, which will be the legal framework under which their care and protection will flow. These proceedings are heard in the Family and Children Division's Children court and all information regarding the child are sealed to protect their privacy.

Reply to paragraph 21 (a)
COVID-19 protections

164. The COVID-19 pandemic has impacted the lives of the world population regardless of race, colour, descent, national or ethnic origin. As such, the Government of Trinidad and Tobago took immediate action in response to the COVID-19 pandemic by implementing various intervention strategies to interrupt and reduce the transmission of the virus. The Public Health Ordinance Chap 12 No.4 was amended to add COVID-19 to its list of Dangerous and Infectious Diseases. The pursuant regulations, the Public Health [2019 Novel Coronavirus (2019-nCoV)] Regulations were also regularly updated and necessary, yet proportional guidelines, were issued in response to slow transmission of the virus and

mitigate post pandemic effects on the society. Further, existing systems were strengthened to ensure that nationals, non-national and all other vulnerable groups had continued access to all levels of public health care, free of charge and without any distinction.

165. The GORTT, through the Ministry of Health, implemented a whole-of-government approach in responding to the pandemic. The first step undertaken was the development of a Multi-sectoral Committee to treat with COVID-19 and any other emerging infectious diseases. This committee included stakeholders from public agencies and approximately twelve (12) government entities.

166. The Pandemic Preparedness and Response Plan was also updated with specific reference to COVID-19 with the aim of detecting and responding to the threat posed by the pandemic and strengthening the existing systems for public health preparedness. This Plan allowed for the following:

- (a) A flexible and agile approach to the public health response;
- (b) The building of infection prevention and control (IPC) capacities such as training of care staff, and ensuring availability of IPC supplies (hand hygiene and environmental cleaning and disinfection materials, personal protective equipment), or factoring in these needs into regional and national supply chains to avoid stock-outs; and
- (c) Facilitating health access, including immunization through community and primary healthcare.

167. One of the guiding principles throughout the pandemic was the concept of inclusiveness and sensitivity. Sensitivity to stakeholders' needs was the key principle underlying the selection of engagement methods. Special attention was given to vulnerable groups, in particular women, youth, elderly persons, persons with disabilities, displaced persons, those with underlying health conditions and to the cultural sensitivities of diverse ethnic groups.

Reply to paragraph 21 (b)

Access to immunization against COVID-19

168. Regarding COVID-19 vaccination, there was proactive stakeholder engagement which was instrumental in communicating the principles of prioritisation of vaccine allocation; the vaccine rollout schedules, outreach to disadvantaged and vulnerable groups; and overcoming demand-side barriers to access (such as mistrust of vaccines, stigma, cultural hesitancy).

169. A Vaccination Rollout Plan was developed which prioritised high-risk groups, which included some vulnerable groups such as the elderly and the immunocompromised. Additionally, NGOs who deal with different categories of vulnerable groups were engaged to ensure that their clients had information and opportunity to access care, treatment and vaccination. As the supply of vaccines increased, no one was denied access to vaccination. Vaccines were made available at all public healthcare facilities; the twenty-six (26) mass vaccination sites established by the government; through outreach exercises in public places, for example malls and supermarkets; and at private organisations upon request. Home visits were also conducted to vaccinate those persons who were unable to get to the designated sites.

170. There was universal access to immunisation against the disease, this meant that migrants (documented or undocumented) were also allowed access to COVID-19 vaccination and were encouraged to receive same for the overall protection of the society as a whole.

Reply to paragraph 21 (c)

Mitigation of impact of COVID-19

171. The Government recognizing the immediate and long-term impact of the pandemic on the livelihoods of citizens and the economy has placed economic recovery as a major priority. As such, the Ministry of Social Development and Family Services (MSDFS) bolstered several existing social support measures by providing additional monthly support for three months to assist individuals affected by the Covid-19 pandemic. Non-clients also received support through the provision on income support, rental assistance and emergency

food hampers and grocery vouchers. Households with children who received meals from the School Feeding Programme also benefitted from temporary food support. The Ministry of Finance also provided assistance to specific categories of persons.

Article 6

Reply to paragraph 22

Measures against racial discrimination

172. The right of all persons to equality before the law and protection of the law as well as the right to a fair hearing before an independent and impartial tribunal are fundamental freedoms guaranteed to all persons without discrimination by reason of race, origin, colour, religion or sex, pursuant to sections 4 and 5 of the Constitution.

173. As previously mentioned, the Equal Opportunity Act, 2000 established the Equal Opportunity Commission (EOC) which is mandated to receive and investigate complaints of racial discrimination from members of the public, and where possible try to conciliate those disputes. The Act also established the Equal Opportunity Tribunal (EOT) as a superior Court that has jurisdiction to hear and adjudicate upon the unresolved dispute, once the complainant consents to having the matter referred to be heard and determined by the Tribunal. The EOC and EOT have the power to provide reparation to a successful Complainant in accordance with section 41 (4) of the Act.

174. Only decisions of the EOT are published and can be accessed on its website. The Tribunal has heard several matters where complainants have either alleged discrimination on the status ground of race alone or also together with other claims. Decisions from 2016 to present are available on the Tribunal's website.³

175. In the case of *Kerwin Simmons v The Water and Sewerage Authority Trinidad and Tobago (WASA)*, E.O.T No. 0002 of 2014,⁴ decided in 2016, which involved the allegation of racial discrimination in employment, the Tribunal found that the Respondent did in fact treat the Complainant less favourably than another person of a different status (race) in circumstances that were same or not materially different.

176. The Tribunal, at paragraph 31 of that case, interpreted discrimination on the status of race in the following way, "Simply put, the Act is saying that (as in this case) you fall within the employment relationship, and you are of an appropriate status (race) and your employer in circumstances that are the same or are not materially different, treats you less favourably than he treats another person of a different status; then once you can adduce evidence to prove on a balance of probabilities that the above characteristics apply to you, then you would have proven your case, that you were discriminated against."

177. In determining the compensation to be paid the Tribunal was guided by the principle that "remedies for claims of discrimination closely match the remedies available in other claims for a breach of a statutory tort". In this regard, the Tribunal looked at the award of exemplary damages in local defamation cases. Resultantly, the Complainant was awarded compensation for injury to feelings in the upper band, equivalent to \$186,000; and the Respondent was ordered to pay the Complainant's costs.

178. In cases where a complainant successfully proves discrimination in employment on the status of race, the Tribunal usually awards damages within a similar range. For instance, in the case of *Geeta Sahatoo v The Ministry of Labour and Small and Micro Enterprises Development*, E.O.T No. 0004 of 2013⁵ decided in 2017, the Complainant was awarded damages of \$180,000 and costs.

³ <https://equalopportunity.gov.tt/publications/>.

⁴ <https://equalopportunity.gov.tt/downloads/publications/2016-Kerwin%20Simmons%20vs%20WASA.pdf>.

⁵ <https://equalopportunity.gov.tt/downloads/publications/2017-Geeta%20Sahatoo%20vs%20Labour%20and%20Small%20and%20Micro%20Enterprise%20Development.pdf>.

179. To-date, the Tribunal continues to add to its jurisprudence on cases involving discrimination on the status of race. In its 2020 judgment in the case of *Moriba Baker v University of Trinidad and Tobago*, E.O.T No. 0004 of 2016,⁶ the Tribunal expertly discussed the burden of proof for allegations of racial discrimination. The Tribunal at paragraphs 28–30 stated:

“28. The burden of proof in discrimination cases before the Tribunal was recently considered in *Patti Ann Adena Dick Williams v. Ministry of Rural Development and Local Government*, EOT 007 of 2017. The Tribunal adopted the criteria enunciated by Lady Hale delivering the judgment of the Privy Council in *Annisia Webster & others v. The Attorney General of Trinidad*, [2015] UKPC 10 to sustain a claim for discrimination under the Act. These criteria can be summarised and placed in the context of the Act as follows:

(a) The situations between the comparator and the complainant must be comparable, analogous, or broadly similar, but need not be identical. Any differences between them must be material to the difference in treatment;

(b) Once such broad comparability is shown, it is for the respondent to explain and justify the difference in treatment;

(c) To be justified, the difference in treatment must have a legitimate (that is to say genuine or valid within the policy, rules or regulations of the respondent) aim and there must be a reasonable relationship of proportionality between the means employed and the aim sought to be realised;

(d) Weighty reasons will be required to justify differences in treatment based upon status mentioned in sections 3 and 5 of the Act: (a) the sex; (b) the race; (c) the ethnicity; (d) the origin, including geographical origin; (e) the religion; (f) the marital status; or (g) any disability of that

(e) It is not necessary to prove *mala fides* on the part of the respondent (unless of course this is specifically alleged).”

29. This approach places the burden on the complainant to show criterion (a) above. Once this is done the burden shifts to the respondent to show b) bearing in mind the requirements of (d). There is some obvious commonality between criteria (a) and (c), and between (b) and (d). Although the onus is on the respondent to provide an explanation for the difference in treatment, to show that the difference had a legitimate aim and the means and end were reasonably proportional, it may be necessary for the complainant to adduce some evidence in rebuttal.

30. As in all civil cases the standard of proof is on the balance of probability. Where there is conflicting evidence, the Tribunal would decide which evidence to accept on the weight or preponderance of evidence adduced. The nature, quality of the evidence adduced and respective weight determine whether the requisite standard of proof is met.”

180. On the basis of the above criteria, the Tribunal dismissed to claim of discrimination on the status ground of race.

181. Further, the Supreme Court of Trinidad and Tobago also has jurisdiction to hear matters involving racial discrimination and/ or matter which involve race as an aggravating factor. One such matter was the case of, *In re an application by Feroza Ramjohn ... Foreign Service Executive Officer II, for leave to apply for judicial review ... Feroza Ramjohn v Permanent Secretary, Ministry of Foreign Affairs* [respondent]; Manning, Patrick, Prime Minister of the Republic of Trinidad and Tobago [Interested party], H.C.S.1098/2004. The first instance decision was appealed to the Court of Appeal, case reference C.A./CIV.21/2007, and was heard before Justices of Appeal Warner, Kangaloo and Mendonca; with judgment given on 2009.07.08.

⁶ <https://equalopportunity.gov.tt/downloads/publications/2020-Moriba%20Baker%20V%20UTT%20Judgment.pdf>.

182. This matter was ventilated at the highest appellate level of the Judicial Committee of the Privy Council (JCPC) (case reference [2011] UKPC 20)⁷, where the Privy Council upheld the judgment of the majority of the Court of Appeal and confirm the correctness of the declaration they made.

183. In this matter, the Applicant alleged, amongst other things, that she was discriminated against by the decision to revoke her transfer in the light of the racial imbalance in the composition of staff at the country's foreign Missions. Though it was found that the Applicant was treated unfairly and contrary to the principles of natural justice; and the decision to revoke the Applicant's transfer to the High Commission for the Republic of Trinidad and Tobago in London, United Kingdom was ultra vires, therefore null and void and of no legal effect. Her claim of racial discrimination was dismissed as she failed to discharge her burden, of proving racial discrimination.

184. The Court, at paragraph 89, referred to the case of *King v Great King v Britain-China Centre* [1992] IRLR 513, which identified important considerations in cases of alleged racial discrimination which should guide the Court;

“1. The burden of proving racial discrimination lay on the applicant, which must be done on a balance of probabilities.

2. Direct evidence of racial discrimination is unusual to find therefore the outcome of the case will depend on what inferences it is proper to draw from the primary facts found by the tribunal.

3. Though there will be some cases where for example non-selection of the applicant for the post or for promotion is clearly not on racial grounds, a finding of discrimination and a finding of a difference in race will often point to the possibility of racial discrimination. In such circumstances the tribunal will look to the employer for an explanation. If no explanation is then put forward or if the tribunal considers the explanation to be inadequate or unsatisfactory it will be legitimate for the tribunal to infer that the discrimination was on racial grounds.”

185. The case of the Attorney General of Trinidad and Tobago v Vijay Maharaj (substituted on behalf of the Estate of Satnarayan Maharaj for Satnarayan Maharaj) and Central Broadcasting Services Limited, C.A.CIV.P 203/2020, as discussed above was also heard before the Supreme Court of Trinidad and Tobago.

186. Regarding efforts taken to raise public education and awareness, one of the Equal Opportunity Commission's core functions at section 27(1) EOA, is to engage in public education and awareness.

187. Given this mandate, the Commission has developed a robust public education and awareness programme that includes the following:

- Training and sensitivity sessions conducted at the request of an employer or other body;
- Social Media presence on Facebook, including Facebook Live discussions;
- A weekly column in the Newsday Newspaper;
- Media interviews on radio and television talk programmes.

188. The following is the number of Public Education and Awareness Sessions the Commission done from 2017 to 2021 and the number of participants per year:

Public Awareness and Education Sessions (2017–2021)

<i>Year</i>	<i>Number of Sessions</i>	<i>Number of Participants</i>
2017	15	329
2018	26	743

⁷ <https://www.jcpc.uk/cases/docs/jcpc-2010-0038-judgment.pdf>.

<i>Year</i>	<i>Number of Sessions</i>	<i>Number of Participants</i>
2019	32	902
2020	09	364
2021	07	200
Total	89	2.528

189. The sessions ranged from 1-hour to a half-day; prior to the COVID-19 pandemic they were almost always in-house at the requester's facilities and lasted at least 2 hours, but with the advent of the pandemic they moved to online and were generally shorter. Topics covered included:

- The background into the Commission;
- What constitutes discrimination under the Equal Opportunity Act;
- The process of handling complaints;
- Discrimination in employment;
- Sexual harassment as a form of sex-based discrimination.

190. In 2020 and 2021, these sessions were presented to the following among others:

- The Legal Aid and Advisory Authority (LAAA);
- The National Entrepreneurship Development Company Limited (NEDCO);
- Tobago Information Technology Limited;
- The University of the West Indies, St Augustine (Heads of Department);
- Gender and the Law Class and the Faculty of Law, University of the West Indies;
- The Trinidad and Tobago Regiment (TTR);
- The Ministry of Public Utilities;
- The Ministry of Energy and Energy Industries;
- The Ministry of Works and Transport;
- Living Water Community;
- Trinidad and Tobago Manufacturers Association (TTMA);
- Trade and Investment Convention (TIC) – Webinar in both 2020 and 2021;
- The PSCU Credit Union;
- Guardian Media Limited.

191. Social Media (Facebook) – In 2020 the Commission increased its social media presence by developing content for its Facebook page. In 2020 its Facebook page received a total of 1,939 page likes and 2,025-page followers. In 2021 the page received 2,731-page followers, of which, 685 were new page followers. Also in 2021, the Commission launched its Facebook Live series with an aim to discuss relevant topics with the public and respond to their questions in real-time. Five sessions were held as follows:

1. How to Access Free and Easy EOC Redress. – Wednesday 11th October 2021;
2. Consider Conciliation: A Viable Alternative to Going to Court. – Wednesday 27th October 2021;
3. Workplace Discrimination – The Recruitment Stage – 10th November 2021;
4. Education: A fundamental right for all – Wednesday 24th November 2021;
5. Open Forum: Public Questions and Answers – Wednesday 15th December 2021.

192. Newspaper Column in Newsday Newspaper: In September 2021 the Commission, in partnership with Newsday Newspaper, began publishing a weekly column every Monday, 12 Columns were published.

193. Media Interviews on Radio and Television Talk Programmes: Members of the Board of Commissioners and members of staff appeared on various radio and television talk programmes in 2020 and 2021 to discuss the following among other topics:

- Discrimination, Employment and the EOC: Know Your Rights;
- Commemorating International Day of Persons with Disabilities;
- Zero Discrimination Day and the work of the EOC;
- The Role of the EOC in Disability Rights;
- Roles and Functions of the EOC;
- International Day for the elimination of discrimination and the work of the EOC;
- Equality Opportunity Act and how it provides for members of the blind community, and others;
- Racism in Sport;
- Unique Not Different.

Reply to paragraph 23

Reparations in cases of racial discrimination

194. The type of reparation granted by the EOT in cases where discrimination in employment on the status of race was discussed under question 22 above. Also as previously discussed, in the award of compensation, the Tribunal is guided by the principle that “remedies for claims of discrimination closely match the remedies available in other claims for a breach of a statutory tort”. In this regard, the Tribunal is inclined to look at the award of exemplary damages in local defamation cases. In Kerwin Simmons,⁸ the Complainant was awarded compensation for injury to feelings in the upper band, equivalent to \$186,000; and the Respondent was ordered to pay the Complainants costs. In Geeta Sahatoo,⁹ the Complainant was awarded damages of \$180,000 and costs.

195. The burden of proof in cases of racial discrimination appearing before the Equal Opportunities Tribunal and the Supreme Court of Trinidad and Tobago was also discussed under question 22. The burden of proof was expounded by the Tribunal as recently as 2020 in the Moriba Baker¹⁰ case, where the Tribunal referenced Patti Ann Adena Dick Williams v. Ministry of Rural Development and Local Government, EOT 007 of 2017, in which that Tribunal adopted the criteria enunciated by Lady Hale delivering the judgment of the Privy Council in Annissa Webster & others v. The Attorney General of Trinidad, [2015] UKPC 10 to sustain a claim for discrimination under the Act.

196. Trinidad and Tobago is unable to make any declarations under Article 14 of the Convention in relation to the recognition of the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by the State Party of any of the rights set forth in this Convention. As aforementioned, there are several domestic remedies available to individuals or groups of persons who allege a violation of their fundamental rights and freedoms on the basis of racial discrimination. Reliefs are available even at the highest appellate level before the Judicial Committee of the Privy Council, as evidenced in cases above.

⁸ Ibid at paragraph 175.

⁹ Ibid at paragraph 178.

¹⁰ Ibid at paragraph 179.

Article 7

Reply to paragraph 24 Education

197. Education is a major priority of the Government of the Republic Trinidad and Tobago. The right to education free from discrimination is recognized and protected under the Education Act, 1996. Section 7 of the Act explicitly denounces discrimination, the provision states:

“7. No person shall be refused admission to any public school on account of the religious persuasion, race, social status or language of such person or of his parent.”

198. The Act establishes a system of public education and makes provisions for the promotion of education in Trinidad and Tobago. The compulsory school age in Trinidad and Tobago is between 5 and 16 years old, in accordance with section 76 of the Education Act. The country has successfully achieved Universal Early Childhood Care and Education (ECCE) and Universal Primary and Secondary Education.

199. In Trinidad and Tobago, the national school system comprises pre-primary, primary, secondary, technical and vocational education and training (TVET) and tertiary education levels as well as special education and teacher education.

200. Early Childhood Care and Education is the first phase of the education system in Trinidad and Tobago. ECCE targets children aged less than 5 years. Education centres cater to children aged 3 to 4 years, while Care centres accommodate children 0-2 years. However, in exceptional cases, some children turn 5 years while at the ECCE level. Students at this education level experience programmes that are developmentally appropriate, and promote the holistic development of young children, thus laying the foundation for lifelong learning.

201. At the primary education level, students experience 7 years of compulsory learning from Infant Year I to Standard V. Primary schools cater to children aged 5 to 12 years. However, in exceptional cases, children who are aged 4 years and turn 5 years in the academic year of entry and children up to age 14 years access primary education. The primary education curriculum is designed to prepare students with the knowledge, skills and dispositions to optimise their own development, to constitute a caring, respectful and socially conscious citizenry and to competently lead our country onto the world stage.

202. The Ministry of Education (MOE) provides specialised services for students with special education needs at all ages. However, the average duration of special schooling is 10 years. Special Education facilitates learning by individuals who, for a wide variety of reasons, require additional support and adaptive pedagogical methods in order to participate and meet learning objectives in an education programme. Special schools are considered part of the primary education level. However, inclusive education is promoted at all levels of education.

203. At the secondary education level, students experience at least 5 years of compulsory learning from Form 1 to Form 5 or age 12 to 16 years. However, secondary school also caters to students at the advanced secondary level (Lower and Upper 6 Forms) up to age 20 years. The secondary level comprises lower secondary (Forms 1 to 3), upper secondary (Forms 4 to 5) and advanced level education (Lower and Upper 6 Forms). Students at the secondary education level are exposed to a wider range of subject areas (both general education and TVET) and a greater degree of programme divergence. Secondary school students possess widely varying levels of literacy and numeracy competence.

204. After secondary school, some students pursue TVET. However, there are no academic entry requirements at some TVET institutions. Hence, TVET can also be accessed by persons who have not completed secondary school. TVET is offered in a wide range of crafts and skills. After secondary education, at the CSEC or CAPE levels, students also enroll in Tertiary Education, which includes Certificate, Diploma, Associate Degree, Bachelor Degree or equivalent, Master Degree or equivalent and Doctoral Degree or equivalent programmes.

205. The history, culture and traditions of our multi-ethnic, multi-racial and multi-cultural society is taught in age-appropriate formats from the primary level through the university

level. In primary school, Social Studies is taught as a subject which covers topics such as religious holidays and past leaders of the country. Students learn the national anthem, pledge and watch words which as a means of firmly inculcating not only our Nation's history but principles of non-discrimination into them at an early age.

206. At the Secondary school level, history is incorporated into the curriculum. Textbooks authored by local historians are also used as tool to aid the course of study. The topics of colonisation, slavery, indentured servitude, the indigenous peoples and much more is covered throughout forms one to five, with the possibility of advancing this course of study through two years of form six.

207. At the tertiary level, degrees in Caribbean History are offered from undergraduate level through to the Doctoral level.

Reply to paragraph 25

Training of law enforcement

208. The GORTT acknowledges the importance of training and sensitization of security personnel in promoting the principle of non-discrimination. Law enforcement agencies of the Ministry of National Security, particularly those with frequent interaction with the migrant population, such as the Immigration Division, TTPS and CTU are exposed to sensitivity training as part of their regular and ongoing capacity building regime. Additionally, training programmes are frequently conducted through the support of international, regional and local organisations such as the various agencies of the United Nations (UN), Organisation of American States (OAS) and CARICOM IMPACS. The Equal Opportunity Commission (EOC) also conducted discrimination sensitization sessions with the Trinidad and Tobago Regiment, pursuant to its own mandate.

209. Pocket guidebooks have been disseminated to frontline agencies to guide officers on trauma-informed and victim-centred approaches when engaging victims of Human Trafficking.

210. As aforementioned, The Judicial Education Institute of Trinidad and Tobago (JEITT) has carried out training for judicial officers geared at raising their awareness on various topics that affect the human rights of members of society, including racial discrimination.

Reply to paragraph 26

Role of media in promoting racial tolerance

211. The media plays a critical role in combatting discrimination by controlling the dissemination of racially prejudicial information. Acknowledging this role, the GORTT, in tandem with the Telecommunications Authority of Trinidad and Tobago produced The National Broadcasting Code made pursuant to the provisions of section 79 of the Telecommunications Act 2001. The Code applies to any person granted a concession to operate under the Act. Rule 2 of the Code touches and concerns the issue of Harm, Abuse and Discrimination; the objective of which is "To ensure that standards are applied to provide adequate protection for listeners and viewers against harmful, abusive or discriminatory material".

212. Rule 2.1 of the Code provides that "Broadcasters shall ensure that their programming contains no gratuitously abusive or unduly discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, religious traditions, age, gender, sexual orientation, marital status, or physical or mental disability."

213. Further, Rule 4 of the Code treats specifically with the issue of combatting racial discrimination. Broadcasters have an obligation to ensure that programmes do not involve any abusive treatment of persons on the basis of the racial group to which they belong and to treat all groups with due impartiality. Rule 4.1 requires Broadcasters to avoid the use of derogatory racial labels, save where justifiable by the context, which is defined in the interpretation section of the Code.

214. Moreover, Rule 4.2 prohibits Broadcasters from allowing any statements which denigrate or negatively stereotype individuals on the basis of race, when such statements imply that all individuals possess the same negative traits solely on the basis of race.

215. Rule 4.3 mandates that in the instance where statements which offend against Rule 4.1 or 4.2 are made by callers to call-in programmes, the presenter(s) should correct or clearly indicate the inappropriateness of such statements to the callers.

216. Regarding the relationship between the media and ethno-political polarization, Rule 6.3 of the National Broadcasting Code prohibits Broadcasters from using race, ethnicity or religious beliefs as a basis for denigration of persons' political affiliation.

217. Trinidad and Tobago is a multi-ethnic, multi-religious and multi-cultural society. In this context, the people of Trinidad and Tobago continue to live together, developing an understanding and respectful appreciation for the diversity in cultures.

218. This tolerance is encouraged through the observance of our several religious and cultural holidays. Trinidad and Tobago is known for its many religious festivals and holidays in its annual calendar. These festivals are not only celebrated by persons belonging to the particular religious denomination, but also by the wider community, including those of other religious faiths as well as by those who hold no religious belief. These religious observances are also commemorated by a national holiday and include as follows.

Corpus Christi

219. Mainly observed by Roman Catholics the Thursday after Trinity Sunday, Corpus Christi is an official public holiday. Dating back to Spanish colonisation of the island, this feast day is celebrated with large religious processions.

Easter

220. Easter is traditionally marked in Trinidad and Tobago with two public holidays – Good Friday and Easter Monday.

Eid-ul-Fitr

221. Islamic in origin, Eid-ul-Fitr is observed by Muslims worldwide. A public holiday, Eid-ul-Fitr is celebrated after the sighting of the new crescent moon which signals the end of Ramadan, the holy fasting month.

Divali

222. A national holiday, Divali is usually celebrated during the months of October and November. Affectionately described as the “festival of lights”, Trinidad's celebration of Divali is one of the largest outside of India and pays homage to the Hindu Goddess Lakshmi, Goddess of light, wealth and prosperity.

Spiritual/Shouter Baptist Liberation Day

223. In 1951, March 30, the Shouter Prohibition Ordinance 1917 which prohibited the activities of the Shouter or Spiritual Baptist faith, was repealed. In commemoration of religious freedom for this group, March 30 is celebrated as a national holiday, “Spiritual/Shouter Baptist Liberation Day”.

224. Moreover, there are several non-governmental organisations existing in Trinidad and Tobago that promote racial and ethnic harmony, while at the same time, creating awareness and educating on cultural and religious identities and traditions.

225. The Inter-Religious Organisation of Trinidad and Tobago which was established in 1973, serves to foster the collaboration of all religious organizations with a view to bringing about the spiritual, intellectual and economic advancement of the people of Trinidad and Tobago.

226. The Emancipation Support Committee of Trinidad and Tobago (ESCTT) was first formed in 1992 and is dedicated to promoting Pan-African culture lost due to slavery, particularly during the International Decade of African People 2014–2024, as declared by the United Nations. The group annually commemorates Emancipation Day by hosting celebrations which include public lectures, trade shows, concerts and processions.

227. The National Council of Indian Culture (formerly known as “the National Council for Indian Music and Drama”) was first formed in 1964 and has significantly contributed to the development of Indian culture in Trinidad and Tobago. It is recognized as one of the leading East Indian cultural organisations in the country.

228. Overall, the GORTT remains committed to combatting racial discrimination and promoting tolerance amongst all groups within Trinidad and Tobago
