

## TRINIDAD AND TOBAGO

### CERD 30<sup>TH</sup> NO. 18 (A/10018) (1975)

166. Members of the Committee expressed the view that the information contained in the initial report of Trinidad and Tobago was comprehensive. They noted that that report furnished information on the implementation of articles 2 (para. 1, subparas. (a), (b), (c) and (e), and para. 2), 3, 4, 5, 6 and 7 of the Convention, as well as the information envisaged in the Committee's general recommendations III (on relations with racist régimes) and IV (on composition of the population); that it provided the texts of the relevant legislative provisions; that it described some administrative measures taken in order to ensure the implementation of the provisions of the Convention and the corresponding legislation of the reporting State; and that, in its organization, the report followed the guidelines laid down by the Committee at its first session.

167. Some members of the Committee expressed the hope that, in future reports, the texts of sections 3, 4 and 5 of the Constitution, to which the preamble of section 2 (quoted in the report) referred, would be made available to the Committee; and that information on cases which might have been brought before the courts in connection with section 4 of the Seditious (Amendment) Act would be furnished.

168. Most members of the Committee were of the opinion that section 4 of the Seditious (Amendment) Act did not give full effect to all the requirements of article 4, paragraph (b), of the Convention, and in particular to the mandatory obligation assumed by States parties to "declare illegal and prohibit organizations . . . which promote racial discrimination"; and they expressed the hope that the Government of the reporting State would consider adopting specific legislation to implement those provisions in order to ensure that, if the need to disband an organization which promoted and incited racial discrimination arose, there would be appropriate legislation for that purpose. Some members of the Committee, on the other hand, were of the opinion that there was no need for further legislation, inasmuch as the activities of organizations promoting and inciting racial discrimination could be curtailed under the law of the reporting State and the individual members of such organizations were subject to punishment for perpetrating those activities, even though the organizations themselves could not be declared illegal.

169. The representative of Trinidad and Tobago assured the Committee that the comments made and questions raised by members of the Committee during the consideration of the report, and in particular the views expressed in relation to the implementation of article 4, paragraph (b), of the Convention, would be conveyed to his Government.

**CERD A/33/18 (1978)**

269. The Committee considered the second periodic report of Trinidad and Tobago together with the introductory statement made by the representative of the reporting State, in which extensive supplementary information was given as well as replies to questions raised by members of the Committee during the consideration of the initial report at the twelfth session.

270. In accordance with the Committee's request at the twelfth session (A/10018, para. 167), the texts of sections 3, 4 and 5 of the Constitution were provided. As for information on cases which might have been brought before the courts in connection with section 4 of the Sedition (Amendment) Act, (*ibid.*) The representative of the reporting State said that no cases connected with racial discrimination had come before the courts of his country.

271. The doubts expressed at the twelfth session, concerning the existence, within the legal system of Trinidad and Tobago, of provisions which satisfied requirements of article 4, subparagraph (b), of the Convention (*ibid.*, para. 168), were not dispelled by the information given at the eighteenth session by the representative of the reporting State. It was suggested that the matter should continue to receive attention by the competent authorities in Trinidad and Tobago and be discussed in the next report. The representative of Trinidad and Tobago assured the Committee that he would transmit its views in that regard to his Government.

272. The information given in the report about the constitutional guarantees of redress for the infringement of any of the rights recognized and declared by the Constitution was relevant to the provisions of article 6 of the Convention, as was also the information on the creation of the office of ombudsman. In connection with the latter, it was noted that the new institution appeared to have strictly administrative functions and was not authorized to receive complaints from individuals. It was asked whether consideration had been given to the possibility of empowering the ombudsman to receive such complaints. It was also asked whether the ombudsman could draw to the attention of the Parliament or of the Cabinet cases of systematic violations of rights. In his reply, the representative of the reporting State recalled that, because the institution was new, it was difficult to give an exact interpretation of the ombudsman's responsibilities. He added that the present ombudsman of Trinidad and Tobago - a former judge - exercised a supervisory function and was required to make an annual report to the Parliament on his activities.

## **CERD A/35/18 (1980)**

128. The third periodic report of Trinidad and Tobago (CERD/C/17/Add.3) was considered by the Committee together with the introductory statement of the representative of the reporting State, in which he touched upon recent developments as regards the application of the Convention in his country, provided further details on the legislative, judicial, administrative and other measures that had been adopted to give effect to its provisions and replied to questions raised by members of the Committee during the consideration of the second report of Trinidad and Tobago.

129. Members of the Committee commended the Government of Trinidad and Tobago on the comprehensive and exhaustive information provided in the report and by its representative in his detailed introduction of that document.

130. Some members made reference, in general, to measures for the implementation of the Convention in Trinidad and Tobago and asked whether the Convention was automatically applicable or whether the authorities applied national laws adopted to give effect to its provisions, what was the status of the preamble to the Constitution enunciating principles concerning economic and social rights and whether a Labour Code existed in the country.

131. In connection with article 2 of the Convention, reference was made to paragraph 3 (A) of the report dealing with constitutional provision to rescind laws which have the effect of creating or perpetuating racial discrimination, and further information was requested as to how a law could in certain circumstances continue to be valid while offending against provisions of the Constitution. Reference was made also to paragraph 3 (B) of the report dealing with measures which prohibit racial discrimination through advertising in the media, and it was asked what legal sanctions would be applied if any of the media violated the standards for advertising and whether any such violations had been referred to the Ombudsman or other judicial authorities. Moreover, additional information was requested on measures to encourage multiracial organizations and movements and on programmes aimed at enabling the Carib Indian population to participate in the country's development.

132. With reference to the implementation of article 3, the Committee noted with satisfaction that the Government of Trinidad and Tobago did not limit itself to condemning apartheid but also adopted economic measures against the racist régime of South Africa.

133. With reference to article 4 of the Convention, the report mentioned the relevant provisions of Trinidad and Tobago's Sedition Ordinance as amended. Members of the Committee expressed the view that there were elements in the provisions of article 4 of the Convention, especially in its paragraphs (a) and (b), which were not covered by the Sedition Ordinance. It was observed, in particular, that there seemed to be some confusion between race and ethnic origin in the wording of that Ordinance and that no reference was made in it to punishment of acts of violence or for financing of racist activities. Information was requested on how the Ordinance was applied. Members of the Committee, nevertheless, noted with satisfaction that the Government of Trinidad and Tobago was reconsidering the need for specific legislation in order to cover all aspects of article 4 (a) and (b). As regards measures for the implementation of paragraph (c) of article 4, the opinion was expressed that it would be useful if the texts of the relevant provisions could be supplied in the

next periodic report.

134. With regard to article 6 of the Convention, the Committee took note with interest of the information on the activities of the newly instituted Ombudsman, referred to by the representative of the reporting State. In this connection, the Committee wished to receive further details concerning the responsibilities of that Official and to know whether the visits paid by the Ombudsman to various parts of the country had been made in response to complaints received and, if so, what kind of complaints had been received, since no cases of racial discrimination had yet been brought before the courts. Furthermore, they wished to know what investigations were being undertaken and what was the procedure for hearing complaints; and whether the Ombudsman could take any action other than reporting to Parliament after investigating complaints. Information was requested on the relevant legislative provisions which guaranteed the rights of victims of racial discrimination to seek just and adequate reparations for damages suffered as a result of such discrimination.

135. In connection with article 7 of the Convention, members of the Committee requested more detailed information on the educational measures taken by the Government of Trinidad and Tobago and on its activities to give effect to the provisions of that article.

136. The representative of the reporting State replied briefly to some of the questions raised by members of the Committee and assured them that detailed information on their questions would be provided in his Government's next report.

## **CERD A/36/18 (1981)**

434. The fourth periodic report of Trinidad and Tobago (CERD/C/64/Add.3) was considered by the Committee together with the introductory statement of the representative of the reporting State in which she referred to the queries which has been made by the Committee during the consideration of her country's third periodic report and pointed out that replies to those queries constituted the main part of the fourth periodic report.

435. Members of the Committee commended the Government of Trinidad and Tobago on its report which showed that that Government was fulfilling its obligations under the Convention and expressed satisfaction, in particular, at the measures taken, both at the national and the international levels, to combat racism and apartheid. It was noted, however, that treaty obligations were entered into only by the Executive of Trinidad and Tobago without the prior or subsequent approval of Parliament and that in appropriate cases Parliament was asked to enact legislation to give full force and effect internally to treaty obligations. It was asked, in this connection, whether international treaties entered into by the country automatically became law and could be applied in the courts and what the contents of common law with respect to the principle of non-discrimination on grounds of race were.

436. With reference to article 2 of the Convention, it was asked whether, in the light of the country's multiracial composition and the fact that two groups, the Africans and East Indians, balanced each other in size, it was really true that there was no racist tension in Trinidad and Tobago, as indicated in the report. It was noted that the information provided on the various ethnic groups in the country was based on the 1970 census and up-to-date information based on the latest census was requested on those groups. Further information was also requested on their economic status, on Government plans to aid backward regions or economically disadvantaged groups, on specific development programmes for the Carib and Arawak people, on steps taken to enable them to preserve their identity, on the reaction of ethnic groups to the introduction of the Hindi language in schools and on the effectiveness of measures taken by Trinidad and Tobago in 1980 to combat racism and racial discrimination. Reference was made, in particular, to the question as to how laws could continue to be valid while offending against the provisions of the Constitution, and it was asked whether an unjust law which came into being during the colonial period would still have to be applied in the country and whether an unjust law which had been enacted by Parliament after independence could be declared unconstitutional by the High Court, the Court of Appeal or the Privy Council.

437. With reference to article 3 of the Convention, one member inquired whether the condemnation of racial segregation and apartheid could only become part of the public order of Trinidad and Tobago if it was enacted as internal law.

438. With regard to article 4 of the Convention, members of the Committee requested information on the specific provisions of common law and criminal legislation which, according to the Government, provided an adequate framework within which Trinidad and Tobago's obligations under article 4 were satisfied. They requested also further information with regard to the study undertaken of the suitability of enacting special legislation to implement that article. In their view, the legislation existing in Trinidad and Tobago did not cover adequately all the requirements of

article 4, paragraphs (a) and (b) of the Convention.

439. In connection with article 5 of the Convention, one member wished to receive some detailed information on the national development programme. He expressed the opinion that, especially in view of the multiracial demographic composition of the country, it was important to know the extent to which all the various groups participated in society, how they were represented in Parliament, and how equality was guaranteed in areas such as land property, medical services, social security and housing. Furthermore, noting that in Trinidad and Tobago there was no labour code as such, he wished to receive information about decrees or regulations implementing the International Labour Organization Conventions to which Trinidad and Tobago was a party, and ensuring equal employment opportunities for all.

440. In respect to article 6 of the Convention, it was asked whether a recommendation of the ombudsman in Trinidad and Tobago had the force of a legal requirement with a penalty for failure to comply and also, noting that the ombudsman requested the judiciary to take decisions in specific cases, what the basis for those decisions was. In addition, information was requested on whether there was any system in Trinidad and Tobago under which a victim of racial discrimination could receive some form of free legal aid in order to seek redress for grievances.

441. With regard to article 7 of the Convention, the hope was expressed that further information would be provided on measures taken in the school curriculum and in the field of information.

442. Replying to questions raised by members of the Committee, the representative of Trinidad and Tobago stated, with regard to article 2 of the Convention, that there was really no racial tension in her country, that no group had been excluded from any institution and that the country had developed harmoniously as a nation. A population census had been taken in 1980 and its results would be available in a future report. The Government's development programme's basic thrust was to improve the quality of life of each citizen of the country without any discrimination whatsoever. There were social assistance programmes for socially and economically disadvantaged people and low-cost housing programmes for middle-income families as well as those almost destitute. Health programmes and public hospital services were free. The Carib-Indian population was extremely small, numbering less than 300, and had almost disappeared as a separate group. When the Hindi language was introduced in schools, there had been no negative reaction. With regard to the question of legal continuity between the Constitution and pre-existing laws, she confirmed that under section 5 of the Constitution, existing laws had to be so construed as to bring them into conformity with the Constitution.

443. With regard to article 4 of the Convention, the representative referred to legislation existing in her country which dealt with cases when intent to incite racial discrimination had not been established. She also stated that she would convey to her Government the Committee's concerns with the implementation in Trinidad and Tobago of that article.

444. As regards article 5 of the Convention, she stated that in her country there was no proportionate representation of the various racial groups in Parliament. Moreover, all citizens had the right to hold land and there was an Aliens Landholding Act applying to foreigners. In Trinidad and Tobago there was no single document codifying labour laws, but the Industrial Relations Act

and the Industrial Relations Code covered the interests of employers and employees and the implementation of the ILO Conventions. Furthermore, agreements with labour unions were made in accordance with the relevant ILO Conventions.

445. In connection with article 6 of the Convention, the representative stated that a legal aid system existed in Trinidad and Tobago.

## **CERD A/39/18 (1984)**

196. The fifth periodic report of Trinidad and Tobago (CERD/C/89/Add.4) was considered by the Committee together with the introductory statement of the representative of the reporting State, who highlighted some points of the report and provided the Committee with additional information concerning a number of provisions of the Constitution which afforded adequate protection for the fundamental rights of the individual.

197. Members of the Committee commended the Government of Trinidad and Tobago for its frank presentation of information and for its commitment to continuing its dialogue with the Committee. They noted, however, that a number of questions which had been raised during the discussion of the previous report with regard, in particular, to the results of the 1980 census, aid to the backward regions of the country and the reaction to the introduction of the Hindi language, had not been answered in the report under consideration. Some members also wished to know whether the provision of section 6 of the Constitution, concerning the continuing validity of laws which predated the independence of the country was of a temporary character.

198. With reference to article 2 of the Convention, information was requested on the state of relations between the different racial and ethnic groups in Trinidad and Tobago. The Committee was of the view that it would be useful to receive statistics on the country's demographic composition and to know on what basis individuals were classified as belonging to a given ethnic group. Moreover, members wished to know which ethnic groups were disadvantaged and what measures were being taken to enable them to catch up with the rest of the population, whether there were any refugees in Trinidad and Tobago and, if not, whether the Government was prepared to admit any into the country, whether comparative data could be made available on the educational level, literacy rate and income of the different ethnic groups, particularly of the Carib people, and whether any positive measures had been taken to protect and encourage the economic and social progress of the Carib people.

199. Referring to article 4 of the Convention, the Committee recalled that the adoption of positive measures to prohibit racial discrimination constituted an absolute obligation for States parties and expressed the hope that the Government of Trinidad and Tobago would provide for more severe criminal penalties against persons who practiced racial discrimination, particularly public officials. It was also noted that threat of disciplinary action, rather than criminal sanction, was the means relied upon to secure compliance with the recommendations of the ombudsman and it was asked whether such an approach prevented the authorities from instituting proceedings in the case of acts which were serious enough to warrant criminal sanctions.

200. In connection with article 5 (c) of the Convention, some members wished to receive a breakdown of parliamentary election results by ethnic groups and information on how the interests of whites, Chinese and persons of mixed race were represented politically.

201. With reference to article 6 of the Convention, it was asked what remedies were available to an individual if he was wronged by a private citizen.

202. More detailed information was requested on the implementation of article 7 of the Convention

by Trinidad and Tobago and, in particular, on measures taken in the field of training to familiarize such persons as police officers, lawyers and educators with the provisions of the Universal Declaration of Human Rights and the Convention, so that they would be better able to face the challenges of a multiracial society.

203. Replying to questions raised by the Committee, the representative of Trinidad and Tobago states that his Government was extremely generous in providing economic assistance and disaster relief to backward regions both on a bilateral basis and through international organizations and that Hindi had not been introduced in his country as an official language, but was taught in some schools.

204. As regards article 2 of the Convention, the representative stated that the growing integration of his country's peoples had not adversely affected the cultural identity of the various groups. His Government, therefore, did not feel that the racial situation of the country called for any strong measures to be taken, and in any case the Constitution provided adequate safeguards for all ethnic groups. Furthermore, Trinidad and Tobago could boast of a relatively high per capita income in comparison with other countries in the region and almost all the population was literate. There was at least one primary school in every village, and every child was eligible for free secondary education. A branch of the University of the West Indies was situated in Trinidad and Tobago, and government assistance was provided to enable qualified students to obtain post-secondary education either at home or abroad.

205. With reference to articles 4 and 6 of the Convention, he explained that, since the ombudsman was concerned with the operations of the government departments in which public servants were involved, the first recourse was to the Public Service Commission. If appropriate action was not taken, the matter was brought to the attention of the Parliament, and either the Attorney-General or the Director of Public Prosecutions could initiate proceedings. However, there had been only one formal complaint of racial discrimination, which had been investigated by a judge of the Supreme Court and found to be without merit. Political parties were not based on ethnic or racial lines; caste Indians, however, as far as they were identifiable as a separate group, were well represented in the civil service and in Parliament.

206. The representative finally stated that he would transmit the questions asked by the Committee to his Government so that the replies could be included in his country's next periodic report.

## **CERD A/42/18 (1987)**

449. The sixth periodic report of Trinidad and Tobago (CERD/C/116/Add.3) was considered by the Committee at its 782<sup>nd</sup> meeting on 5 March 1987 (CERD/C/SR.782).

450. The report was introduced by the representative of Trinidad and Tobago who indicated that her Government had endeavoured to reply to all questions raised by the Committee during the consideration of the previous report. However, her Government had not replied in writing to the question regarding political representation along ethnic lines, because it did not seem to be applicable to her country and because that type of approach was more conducive to division and disharmony than to racial cohesion. She referred to relevant parts of the report and to the recent elections that had taken place in her country following an electoral campaign characterized by racial tolerance and civic discipline.

451. Members of the Committee thanked the representative of Trinidad and Tobago for the interesting report which had been compiled in accordance with the Committee's guidelines (CERD/C/70/Rev.1) and expressed satisfaction at the constructive dialogue that Trinidad and Tobago was maintaining with the Committee.

452. Members asked how the exercise of the rights recognized in the Constitution was guaranteed and whether the Courts could challenge the application of laws that had been duly passed. Members requested further information regarding the ethnic composition of the population, in particular, the ratio of Africans to East Indians, who together accounted for 81.5 per cent of the total population, and the percentage of Caribs in the population. It was pointed out, however, that in the case of Trinidad and Tobago, the various ethnic groups were intermingled and that identification with a particular group was only possible in a very limited number of cases.

453. In relation to the implementation of article 2, paragraph 2, in conjunction with article 5 of the Convention, the request for a breakdown of the members of Parliament by ethnic group was reiterated, since it seemed quite possible, under the electoral system described in the report, to arrange constituency boundaries in such a way as to prevent a particular group from being represented in Parliament. Members of the Committee asked whether there were concentrations of ethnic groups in some parts of the country that could influence the results of elections, whether the political parties were based on ethnicity, whether the party that had recently come to power had an ethnically balanced membership and, if not, which groups predominated therein. They wished to know how the Government was helping the various ethnic groups to preserve their cultural heritage, whether work was regarded as a right and whether discrimination in employment was strictly prohibited by law and, if so, what means of legal redress were available to victims of racial discrimination, how the Government intended to eliminate economic inequality, how affiliation to a particular ethnic group affected the right to employment or to education, whether all ethnic groups had access, on an equal basis, to all levels of education, and whether the percentage of private establishments was as high in secondary and university education as in primary education. It was noted that the exclusive nature of the educational system, based on ethnic or religious affiliation, had an effect on the economic situation of the various ethnic groups and it was asked how article 2, paragraph 2, of the Convention was being applied. Members also requested information about refugees and immigrants and asked whether there were any restrictions.

454. With regard to article 3 of the Convention, members of the Committee congratulated Trinidad and Tobago on its exemplary and active role in the struggle against apartheid in South Africa. It was asked whether the Government maintained diplomatic relations with South Africa. The hope was expressed that the next periodic report would contain updated information concerning the measures that the Government had taken.

455. In connection with the implementation of article 4 of the Convention, members of the Committee referred to the Sedition Act and pointed out that, although the Act partly met the requirements of article 4 (a), it totally failed to meet those of article 4 (b). Members indicated that the intention to commit a seditious act as defined by the law was extremely difficult to prove in practice and asked how the courts interpreted that provision. With regard to the definition of spheres of competence, clarifications were requested as to the criteria for adjudication by a single judge or by a jury and, if the case was heard by a jury, the way in which that jury was constituted. Members of the Committee expressed the hope that Trinidad and Tobago would enact specific legislation to give effect to all the provisions of article 4 of the Convention, which was crucial.

456. Regarding article 6, information was requested on the effectiveness and promptness of the remedies available in the event of a violation of the rights recognized in the Convention. Clarification was requested regarding the Ombudsman; it was asked what type of cases were referred to him, whether he was appointed by the executive or by Parliament, what his relationship to the courts was, and whether he was able to intervene in legal proceedings.

457. Concerning article 7, members wished to know in particular whether there were any special programmes to inform police officers of the provisions of the Convention.

458. As to article 14, it was asked whether the Government intended to make the declaration under that article of the Convention recognizing the competence of the Committee to deal with individual communications.

459. The representative of Trinidad and Tobago stated that the replies to the questions and comments made by members of the Committee would be given in the next periodic report.

## **CERD A/50/18 (1995)**

31. The seventh, eighth, ninth and tenth periodic reports of Trinidad and Tobago, submitted in one document (CERD/C/224/Add.1), were considered by the Committee, at its 1072nd meeting, held on 28 February 1995 (CERD/C/SR.1072).

32. The reports were introduced by the representative of the State party who indicated that since the submission of the last report, the Government of Trinidad and Tobago had enacted a series of laws intended to promote the interests of various sectoral interest groups. The representative then emphasized that the information on the ethnic and religious composition of the population provided by the most recent census was merely one of record-keeping for statistical purposes. The Government continued to maintain that the categorization of the population along these lines might lead to racial division and disharmony, and that the country should not pursue strategies for development which divided the nation along racial or ethnic lines. The Government had worked to integrate all the people of Trinidad and Tobago, on a non-discriminatory basis, into one society.

33. Members of the Committee welcomed the fact that Trinidad and Tobago had decided to resume submitting periodic reports after a hiatus of eight years and urged the Government to continue its renewed dialogue with the Committee.

34. Members of the Committee asked why the Caribs had all but disappeared, exactly how many were left, why they were not treated as a separate racial group and whether measures were being taken to help them, particularly in the economic and educational fields, so as to compensate them for the injustices they had suffered.

35. Members of the Committee also asked why there were no political refugees in Trinidad and Tobago, although in some neighbouring countries political persecution was resulting in flows of refugees, or whether the refugees in Trinidad and Tobago enjoyed some other status.

36. With regard to article 4, members of the Committee noted, as during the consideration of the sixth report, that the Sedition Act posed a problem in that a seditious intention, as defined by the Act, was extremely difficult to prove in practice and that the Act, while it admittedly conformed to the provisions of article 4 (a), in no way conformed to those of subparagraph (b). It did not seem enough to condemn organizations or organized groups preaching discrimination in any form. Members therefore wondered whether specific legislative measures had been taken since 1987 to supplement existing measures concerning the implementation of article 4.

37. Regarding the implementation of the provisions of article 5 of the Convention, some members of the Committee noted that it would be helpful to have the results of the survey of recruitment practices in the public and private sectors which was scheduled to be carried out in 1994, and to know whether the survey had revealed cases of racial discrimination in hiring. Some members of the Committee asked why the numbers of Trinidad nationals of African origin employed in the public and private sectors differed from the numbers of those of Indian origin employed, although the size of the two communities was about the same. They asked whether measures had been taken by the Government to redress that ethnic imbalance with regard to employment. On the question of education, members of the Committee asked why there was such an overwhelming predominance

of catholic schools, while Hindu schools seemed few in number. Members also asked whether all social groups enjoyed equal access to higher education.

38. With regard to article 6, members noted that victims of acts of discrimination could apply to the High Court and asked whether Trinidad law provided for remedy procedures which were less protracted and less costly and whether the fact that no cases of alleged State violations of human rights on grounds of race, origin, colour, religion or sex had been brought before the High Court might not be due to unfamiliarity with the provisions of the Convention.

39. On article 7, members asked about the existence of information programmes designed to familiarize police officers with the provisions of the Convention.

40. Finally, members asked whether the Trinidad authorities intended to make the declaration referred to in article 14 of the Convention and, in accordance with the Committee's general recommendation XVII (42) and with various recommendations of the Commission on Human Rights and the United Nations General Assembly, establish a national institution to facilitate the implementation of the Convention.

41. In reply to the Committee's questions and observations, the representative of the State party explained that Trinidad had no refugee problem because people wishing to emigrate went to other countries in the region, such as the United States of America. However, two members of a Haitian junior football team had recently applied for, and been granted, refugee status.

42. There were historical reasons for the differences in the distribution of ethnic groups between the public and private sectors. Following the abolition of slavery, former slaves, who were of African descent, settled in towns, while people of Indian descent, who had been hired as agricultural workers, remained in the rural areas, mainly where sugar cane was grown.

43. There was no racial obstacle to access to education. Students wishing to take higher studies were selected on the basis of their examination results at the end of secondary school. Similarly, students wishing to take secondary studies must sit an entrance examination which was the same throughout the country.

#### Concluding observations

44. At its 1094th meeting, held on 15 March 1995, the Committee adopted the following concluding observations.

##### (a) Introduction

45. Appreciation is expressed as to the submission of the report and the readiness of the Government of Trinidad and Tobago to resume, after a break of eight years, a dialogue with the Committee. It is noted with regret that the report under consideration did not comply with the Committee's revised general guidelines for the preparation of reports. However, the oral dialogue allowed the Committee to re-establish cooperation with the Government of Trinidad and Tobago with a view to the effective implementation of the provisions of the Convention.

(b) Positive aspects

46. Appreciation is expressed with regard to the commitment of the Government of Trinidad and Tobago to combat racial discrimination and hatred and the efforts made by the State party to comply with the provisions of the Convention.

(c) Principal subjects of concern

47. It is noted that there is a lack of information provided by the Government of Trinidad and Tobago with regard to the legal status of the Convention in the domestic legislation. Concern is expressed on the failure to adopt legislative, administrative and other measures implementing article 4 of the Convention (especially paragraph (b)). It is noted that the report did not provide adequate information on access of the various ethnic groups to primary, secondary and tertiary education. It is also regretted that the report did not give a clear picture of the actual implementation of articles 6 and 7 of the Convention.

(d) Suggestions and recommendations

48. The Committee calls upon the Government of Trinidad and Tobago to report to the Committee on a regular basis, in compliance with its obligations under article 9 of the Convention. The Committee recommends that appropriate consideration should be given by the State party to the effective implementation of article 4 of the Convention, especially paragraph (b), in national legislation. The Committee recommends that more publicity be given to make the public aware of the right to seek from national tribunals just and adequate reparation for any damage suffered as a result of racial discrimination. The Committee further recommends that police officials receive intensive training to ensure that in the performance of their duties they uphold the human rights of all persons without distinction as to race, colour, descent or ethnic origin. The Committee, noting that the eleventh report of Trinidad and Tobago was due on 4 November 1994, invites the Government to submit a brief report on matters outstanding as a result of the Committee's consideration of the tenth report. It expects the twelfth report to be comprehensive and to be submitted by 4 November 1996.

## **CERD A/56/18 (2001)**

343. The Committee considered the eleventh, twelfth, thirteenth and fourteenth periodic reports of Trinidad and Tobago, due on 3 November 1994, 1996, 1998 and 2000, respectively, submitted as one document (CERD/C/382/Add.1), at its 1470th and 1471<sup>st</sup> meetings (CERD/C/SR.1470 and 1471), on 1 and 2 August 2001. At its 1479th meeting (CERD/C/SR.1479), on 8 August 2001, it adopted the following concluding observations.

### **A. Introduction**

344. The Committee welcomes the eleventh, twelfth, thirteenth and fourteenth periodic reports as well as the updated additional information that the State party's delegation provided during its oral presentation, and expresses its appreciation for the opportunity to renew its dialogue with the State party after more than six years. The Committee notes with appreciation that the report was more exhaustive and of a higher quality than the previous periodic report.

### **B. Positive aspects**

345. The Committee welcomes the relevant statistical information provided by the State party in the report, which demonstrates an encouraging effort to provide the Committee with information requested during the consideration of the tenth periodic report.

346. The Committee welcomes the establishment of the Human Rights Unit in the Office of the Attorney-General and Ministry of Legal Affairs to address, *inter alia*, the compliance with treaty obligations, and the positive announcement by the delegation of the various measures envisaged to disseminate the International Convention on the Elimination of All Forms of Racial Discrimination, the State party reports, as well as the concluding observations and recommendations of the Committee.

347. The Committee notes that the State party has taken significant steps which will contribute to combating racial discrimination, including the passage of the Equal Opportunities Act, No. 39 of 2000, the Judicial Review Act, No. 60 of 2000 and other pertinent legislation. The Committee furthermore welcomes the proposed steps to strengthen the powers of the Ombudsman, including to enable him to apply to the High Court for the enforcement of his recommendations. The recent introduction of public interest litigation by the Judicial Review Act should further assist in the effective work of the Ombudsman.

### **C. Concerns and recommendations**

348. The assertion by the State party as to the absence of racial discrimination on its territory was not accepted by the Committee and it was recommended by the Committee that the State party reconsider this stand.

349. The Committee is concerned at the absence in the State party of specific legislative, administrative and other measures implementing article 4 of the Convention, especially article 4 (b)

prohibiting racist organizations. While noting the opinion expressed by the delegation that criminalizing dissemination of ideas based on racial superiority or hatred, as well as racist organizations, could have adverse effects, the Committee underlines the obligations in accordance with the Convention and reiterates its view as to the preventive role of such legislation. In this connection, the Committee also draws the attention of the State party to its general recommendations VII and XV on the compatibility of the prohibition of the dissemination of ideas based upon racial superiority or hatred with the right to freedom of opinion and expression. Welcoming the statement of the delegation that the State party is prepared to re-examine its position in accordance with its obligations under the Convention, the Committee urges the State party to give due consideration to adopting the necessary legislation in compliance with article 4, particularly article 4 (b), of the Convention as a matter of priority.

350. Moreover, the Committee requests the State party to include in its next periodic report statistical information on prosecutions launched and punishment awarded in cases of offences which have a bearing on racial discrimination, including indirect discrimination, and where the relevant provisions of the existing domestic legislation have found application. The Committee reminds the State party that absence of complaints by victims of racial discrimination could possibly be an indication of a lack of awareness of available legal remedies. It is therefore essential to inform the public of the availability of all legal remedies.

351. The Committee expresses its concern at the absence in this report of specific information on the indigenous population as well as other relatively small ethnic groups of the State party in the report, and particularly the absence of a specific categorization of the indigenous population as a separate ethnic group in official statistics on the population. The Committee encourages the Government to include the indigenous population in any statistical data as a separate ethnic group, and actively to seek consultations with them as to how they prefer to be identified, as well as on policies and programmes affecting them.

352. The Committee is concerned that the Police Complaints Authority, which receives complaints about the conduct of police officers and monitors their investigation, has indicated that racial discrimination is not a category of complaint which is examined, owing to the small number of such complaints. The Committee welcomes the assurances of the delegation that the Police Complaints Authority will be given clear instructions to identify complaints of racial discrimination as a separate category and to report to the higher authorities the results of investigations into cases of racial discrimination.

353. The Committee notes the absence of any reference in the report to the contribution of civil society organizations in the promotion of ethnic harmony and in the preparation of the periodic report, and expresses its hope that the next periodic report will reflect the contribution of such organizations, particularly those dealing with issues related to combating racial discrimination.

354. The Committee notes the lack of disaggregated data on the student population and encourages the Government to take appropriate steps to ensure the provision of adequate statistics on this segment of the population.

355. The State party is invited to provide further information in its next periodic report on the

following issues: (a) the ethnic composition of the population and in particular statistical data relating to the numerically small ethnic groups; (b) sufficient data on the employment of different racial groups in government service in different sectors, including comparative data, so as to indicate changes in the ethnic distribution in government service; (c) the involvement of civil society organizations in addressing issues related to racial discrimination and in raising awareness of the Convention; (d) the outcome of investigations of complaints with the Ombudsman's office and the respective remedies, particularly with regard to cases of racial discrimination; and (e) the functioning and impact of the new legislation pertinent to combating racial discrimination, in particular the new Equal Opportunities Act, No. 39 of 2000 and the corresponding institutional framework, particularly the Equal Opportunity Commission and the Equal Opportunity Tribunal, with regard to their functioning, membership and performance.

356. It is noted that the State party has not made the optional declaration provided for in article 14 of the Convention, and the Committee recommends that the possibility of such a declaration be considered.

357. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

358. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

359. The Committee recommends that the State party submit its fifteenth periodic report jointly with its sixteenth periodic report, due on 3 November 2004, and that it address all points raised in the present observations.