



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

List of issues prior to submission of the fifteenth and sixteenth periodic reports of Trinidad and Tobago*

General information

1. Please provide information on any significant developments of a legislative, institutional or policy nature that have taken place in the State party since the previous review and that have contributed to the promotion and protection of human rights, in particular those rights covered by the Convention. Please indicate how the Committee's previous concluding observations have been taken into account in realizing those developments and whether civil society organizations have been involved in this process.
2. Please provide information, including disaggregated statistics, on the ethnic composition of the State party, including on persons of African and Indian descent, on indigenous peoples and on non-citizens, such as migrants, asylum seekers, refugees and stateless persons. Please clarify whether there are groups that are officially considered to be national or ethnic minorities or indigenous peoples in the State party and, if so, which groups, taking into account the Committee's general recommendations No. 8 (1990) and No. 24 (1999), and paragraphs 10 and 12 of its revised reporting guidelines.¹
3. Please provide information on the status of the Convention in the domestic legal order and indicate, providing examples, whether the Convention can be directly invoked in domestic courts. Please also include information on the measures adopted to incorporate the Convention into the domestic legal order of the State party. Please describe measures taken to raise awareness of the Convention among judges, lawyers, prosecutors and other law enforcement officials, and to raise public awareness of the rights and protection to which individuals are entitled under the Convention.
4. Please provide information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level, and on the programme of activities for the national implementation of the International Decade for People of African Descent.

Article 1

5. Please indicate whether the definition of racial discrimination in domestic law encompasses discrimination based on the grounds of race, colour, descent and national or ethnic origin, as set out in article 1 of the Convention, or whether measures are being taken to ensure that it does, including with regard to the Constitution and the Equal Opportunity Act of 2000. Please also indicate whether both direct and indirect forms of discrimination are, or will be, included in the definition of racial discrimination in domestic law. Please provide information on the extent to which domestic laws provide for differential treatment based on citizenship or immigration and the compliance of any such differentiation with article 1 (2) and (3) of the Convention.

* Adopted by the Committee at its 105th session (15 November–3 December 2021).

¹ CERD/C/2007/1.



6. Please indicate whether the State party's legal system allows for the adoption of special measures to ensure the adequate advancement of individuals and groups protected by the Convention, including migrants, refugees and asylum seekers. If so, please describe these measures and provide information on the results achieved through their application.

Article 2

7. Please provide information on the legal and institutional framework, policies adopted and other measures put in place to eliminate racial discrimination, including de facto discrimination by persons, groups or organizations, and to give effect to the provisions of article 2 of the Convention. Please indicate the extent to which the Equal Opportunity Act of 2000 is applicable to all areas of life, or specify the legislation, policies and other measures in place that cover aspects not addressed in the Act with regard to the prevention and elimination of racial discrimination.

8. Please also provide information on the Equal Opportunity Commission and the Equal Opportunity Tribunal established through the Equal Opportunity Act, as well as on the Office of the Ombudsman of Trinidad and Tobago, in particular with regard to their mandates, composition and independence and the human and financial resources allocated to their effective functioning. Please indicate whether the Commission and the Office of the Ombudsman can receive and examine complaints from individuals on the grounds of racial discrimination set out in article 1 of the Convention, what assistance they provide to victims and whether they have the power to take action on their own initiative in this regard. Please also provide information on the measures adopted or envisaged to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

9. In light of the Committee's previous concluding observations,² please provide information on steps taken to allow the Policy Complaints Authority 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. Please provide information on the steps taken to adopt legislation and other measures to prevent and prohibit excessive use of force and racial profiling by security forces, in particular against persons of African descent, as well as to set up a complaints mechanism and to ensure that all victims have access to adequate remedies.

Article 3

10. Please indicate measures taken to prohibit, monitor and prevent tendencies of segregation of ethnic groups and persons protected by the Convention, including non-citizens, such as migrants, refugees and asylum seekers, in various fields of social and public life.

Article 4

11. In light of the Committee's previous concluding observations,³ please provide information on the legislative, judicial, administrative and other measures taken to bring the State party's legislation fully into line with article 4 of the Convention, in particular measures to:

- (a) Criminalize all dissemination of ideas based on racial superiority or hatred, or incitement to racial discrimination;
- (b) Declare as punishable offences all acts of violence or incitement to such acts against any group of persons because of their race, colour, descent or national or ethnic origin;
- (c) Criminalize the provision of any assistance for racist activities, including the financing thereof;

² A/56/18, para. 352.

³ Ibid., para. 349.

(d) Declare illegal and prohibit organizations which promote and incite racial discrimination, and to declare punishable by law participation in organizations and organized propaganda activities, and any other propaganda activities, that promote racial discrimination;

(e) Prohibit public authorities or public institutions, national or local, from promoting or inciting racial discrimination, directly or indirectly.

12. Please indicate whether racist motives constitute an aggravating circumstance under domestic criminal law and whether the police and judicial authorities refer to them during investigations and trials.

13. Please provide information on decisions taken by national courts and other State institutions regarding acts of racial discrimination, including those offences referred to in article 4 of the Convention. Please also provide statistical data, disaggregated by sex, age and ethnic or national origin, on complaints filed, including to the Police Complaints Authority, the Equal Opportunity Commission, the Equal Opportunity Tribunal and the Office of the Ombudsman. Please include information on prosecutions launched and sentences imposed for acts of racial discrimination, in particular those prohibited under article 4 of the Convention, as well as on the reparation provided to the victims of such acts.

14. Please provide information on the measures adopted to combat racial hate speech in the media, including on the Internet, and on the results of the implementation of these measures, if any. Please include disaggregated data on the number of cases of online racist hate speech that have been effectively prosecuted. Please provide information on steps taken to prevent and address the reported spreading of xenophobia, including online hate speech, against migrants, refugees and asylum seekers, in particular those of Venezuelan origin, which has intensified during the coronavirus disease (COVID-19) pandemic.

15. Please provide information on the measures adopted to prevent and combat instances of ethnopolitical polarization and of racist hate speech in social media, particularly during pre- and post-electoral periods, including information on initiatives to promote political commitments among the main political parties to publicly condemn any racial discrimination and racially motivated hate speech.

Article 5

16. Please provide information on the measures adopted to bring national legislation, in particular the Immigration Act of 1969, into conformity with international standards and the obligations of the State party, including steps taken to abolish the criminalization of irregular entry into the territory of the State party. Please also provide information on the steps taken to accelerate the adoption of national refugee legislation that complies with the Convention relating to the Status of Refugees, and that includes procedures for refugee status determination, ensures respect for the principle of non-refoulement, and guarantees the enjoyment of human rights by asylum seekers and refugees. Please include information on the implementation of the national policy to address refugee and asylum matters of 2014, and its impact on the enjoyment of human rights by asylum seekers and refugees in the State party.

17. Please provide information on measures adopted to:

(a) Fully comply with the principle of non-refoulement by ensuring that non-nationals, including those of Venezuelan origin and those who are children, are not returned or removed to a country or territory where they risk being subjected to serious human rights abuses, including torture and cruel, inhuman or degrading treatment or punishment, and to ensure that non-citizens are not subjected to collective expulsion, in particular in situations where there are insufficient guarantees that the personal circumstances of each of the persons concerned have been taken into account;

(b) Ensure that administrative detention of non-citizens for irregular entry into the State party is used only as a last resort, establish alternative care arrangements for migrant children and their families, and ensure that conditions in centres for migrants, refugees and asylum seekers, such as the immigration detention centre in Aripo and the detention centre in Chaguaramas, meet international standards;

(c) Establish safe and legal migration channels in order to prevent non-citizens from resorting to taking dangerous migration routes and being exposed to trafficking. Please include information on measures taken to coordinate and cooperate with neighbouring States to protect the lives and safety of migrants, including search and rescue operations at sea, and on investigations conducted to determine the whereabouts of missing migrants at sea, and their results.

18. Please provide information on the enjoyment of the rights enshrined in article 5 of the Convention by migrants, refugees and asylum seekers residing in the territory of the State party, in particular those of Venezuelan origin, focusing on economic, social and cultural rights, particularly access to social services and social protection measures, including in the context of the COVID-19 pandemic. In this regard, please specify the measures adopted to:

(a) Ensure that all migrant, asylum-seeking and refugee children have equal access to education without discrimination, in particular by removing administrative and legal status barriers restricting access to education from legislation and policies, such as the Immigration Act of 1969;

(b) Guarantee access to adequate food, shelter and health services for migrants, refugees and asylum seekers, including psychological support and access to sexual and reproductive health services;

(c) Uphold the right of migrants to just and favourable conditions of work, strengthen inspection of the working conditions of non-citizens, and inform non-citizens of their rights and the remedies that are available in cases of discrimination in the workplace.

19. Please provide information on the concrete measures adopted to protect migrant, refugee and asylum-seeking women and girls from gender-based violence, which has reportedly intensified during the COVID-19 pandemic. Please include information on the steps taken to facilitate the filing of complaints by such women and girls in situations of vulnerability, and to ensure prevention of and protection from reprisals. Please also indicate the measures taken to overcome language barriers and fear of detention and deportation due to the lack of regular status, which discourage non-citizen women and girl victims of violence from filing complaints.

20. Please provide information on measures taken to prevent and combat trafficking in persons, in particular with regard to the protection of non-citizens, including non-citizen children, women and persons of Venezuelan origin. Please indicate the scale of trafficking in persons affecting non-citizens, including statistics, disaggregated by sex, age and national origin, specifying the cases of trafficking for the purpose of sexual exploitation and forced labour. Please include information on:

(a) The impact of the implementation of the Trafficking in Persons Act of 2011, the National Plan of Action against Trafficking in Persons for 2021–2023, and agreements concluded with other States to combat trafficking in persons, including in the areas of victim identification, joint investigations and judicial cooperation;

(b) The number of cases of trafficking reported, investigations conducted, prosecutions carried out, convictions and sentences pronounced against those responsible, including those involving police and immigration officers who are complicit in trafficking in persons, since the adoption of the Trafficking in Persons Act;

(c) The remedies provided and the protection measures offered to victims of trafficking, including shelters, legal, medical and psychological assistance, protection from retaliation and measures to ensure access to fair and efficient asylum procedures for victims of trafficking who may be in need of international protection.

21. Please provide information on the impact of the COVID-19 pandemic on the persons most vulnerable to discrimination and the different groups protected by the Convention, including non-citizens. In particular, please provide information on the measures taken:

(a) To ensure their participation in the design and implementation of the response to the COVID-19 pandemic;

(b) To protect them against the effects of the COVID-19 pandemic and to ensure their access to immunization, taking into account their situation and needs;

(c) To mitigate the socioeconomic impact of the COVID-19 pandemic on such persons and groups.

Article 6

22. Please provide information on the legislative, judicial, administrative or other measures that give effect to article 6 of the Convention. In particular, please provide information on the practice and decisions of the courts and other judicial and administrative organs, including the Equal Opportunity Commission, the Equal Opportunity Tribunal and the Office of the Ombudsman, relating to cases of racial discrimination. Please indicate the measures taken to inform the public of the different remedies available in relation to acts of racial discrimination, to promote the filing of complaints and to ensure prevention of and protection from reprisals against complainants.

23. Please provide information, including examples, on the types of reparation that are considered adequate in domestic law in cases of racial discrimination. Please also provide information on the burden of proof in civil proceedings for cases involving racial discrimination. Please indicate whether the State party intends to make the optional declaration provided for in article 14 of the Convention and, if not, please provide information on the obstacles to making such a declaration.

Article 7

24. Please provide information on the legislative and administrative measures taken to combat prejudices that lead to racial discrimination, including general information on the education system. Please also provide information on human rights education in schools, including in relation to the principles underpinning the Convention. Please indicate the measures taken to include in textbooks, at all appropriate levels, chapters about the history, culture and traditions of the ethnic groups of the State party, including indigenous peoples.

25. Please indicate measures taken to provide intensive training for law enforcement officials, immigration officers and judicial authorities to ensure that, in performing their duties, they respect and protect human dignity, without discrimination on the grounds of race, colour or national or ethnic origin. Please include measures adopted to disseminate, among police, immigration officers and judicial authorities, information on current trends in racial discrimination, racist hate speech and trafficking in persons, so that victims are identified in a timely manner and such crimes are effectively investigated, prosecuted and punished.

26. Please indicate the role of the official media in the dissemination of information to combat prejudices that lead to racial discrimination. Please provide information on the measures adopted to raise awareness among professionals of all media of their particular responsibility not to encourage prejudices and to avoid reporting incidents involving individual members of groups protected under the Convention in a way that blames such groups as a whole. Please provide information on the measures taken to promote tolerance, understanding and dialogue between the different ethnic groups and other groups living in the territory of the State party, including in cases of ethnopolitical polarization and racially motivated hate speech, and on the results of such measures.
