

**Civil Society Follow-Up Strategy to the
Implementation
of the Quebec Plan of Action**



TRINIDAD AND TOBAGO REPORT

Prepared by
The Network of Non Governmental Organisations of
Trinidad and Tobago for the Advancement of Women

CITIZEN PARTICIPATION IN THE SUMMIT OF THE AMERICAS

Civil Society Follow-Up Strategy to the Implementation of the Quebec Plan of Action TRINIDAD AND TOBAGO REPORT

Coordinating Agency



Supporting Agencies

Canadian International Development Agency (CIDA)
Inter-American Development Bank (IDB)
Inter-American Council for Integral Development of the Organization of
American
States (CIDI/OAS)
US Agency for International Development (USAID)
Inter-American Democracy Network (IADN)
Partners of the Americas (POA)
Corporación Andina de Fomento (CAF)

The opinions expressed in this document do not necessarily reflect those of the Organizations supporting the Project, neither of its bodies or of its staff nor that of the Member States of these Institutions.

Project Citizen Participation in the Summit of the Americas

PARTICIPA Corporation – María Luisa Santander 0321 – Providencia
Phone (562) 274-7413 – Fax (562) 274-7356 – E-mail info@sociedadcivil.org
www.sociedadcivil.org

Trinidad and Tobago Facts

Population: 1.3 million

Capital: Port-of-Spain

Major language: English

Major religions: Christianity, Hinduism, Islam

Life expectancy: 68 years (men), 74 years (women); average 71 years

Main exports: Petroleum and petroleum products, natural gas, chemicals, steel products, fertiliser, sugar, cocoa, coffee, citrus, flowers

Average annual income: \$9,108.72 per person

Internet domain: .tt

International dialing code: +1 868

Ethnic Groups: Indo-Trinidadians (41 percent), Afro Trinidadians (40 percent), mixed (14 percent), Euro-Trinidadians (1 percent), Chino-Trinidadians (1 percent), other (3 percent)

Trend arrow: Trinidad and Tobago receives a downward trend arrow due to greater government hostility toward the press.

According to estimates by the U.S. Freedom House organisation, Trinidad and Tobago received a score of three in an index ranging from seven (high) to one (low), in terms of its practice of civil and political liberties. Trinidad and Tobago has been given a score of three, on a scale ranging from 0 (autocratic) to +10 (democratic), for democratic institutions, according to a polity IV Project at the University of Maryland.

Based on information provided by Transparency International, Trinidad and Tobago ranks number 70th among the “most corrupt” nations of the world, and ranks 57th among the world’s 100 “most educated.” Trinidad and Tobago holds position number 73 among the world’s 100 richest nations, with an average income of \$9,108.72 per person; at the same time, it ranks 90th among the world’s poorest nations, with 21 percent of its population being termed poor.

Trinidad and Tobago ranks 88th among the 100 most taxed nations, with the average person paying some \$1,323.34 in taxes.

Trinidad and Tobago rates 49th on the United Nation’s Human Development Index, with a score of 0.805.

Trinidad and Tobago subscribes to such general declarations as the Universal Declaration of Human Rights, the Declaration of Chapultepec and the OAS Declaration, along with specific documents such as the International Covenant on Civil and Political Rights, and the Inter-American Convention on Human Rights.

The Constitution of Trinidad and Tobago, recognized as the supreme law of the land, affirms the belief in a democratic society and holds that Trinidad and Tobago is

founded upon principles that acknowledge fundamental human rights and freedoms, in a society of free men and free institutions that respects the principles of social justice.

The Constitution recognises and declares that there shall continue to exist without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms:

- a. The right to life, liberty, security of the person and enjoyment of property;
- b. The right to equality before the law and the protection of the law;
- c. The right to respect for his private and family life;
- d. The right to equality of treatment from any public authority in the exercise of any functions;
- e. The right to join political parties and to express political views;
- f. The right of a parent or guardian to provide a school of his own choice for the education of his child or ward;
- g. Freedom of movement;
- h. Freedom of conscience and religious belief and observance;
- i. Freedom of thought and expression;
- j. Freedom of association and assembly; and
- k. Freedom of the press.

The Constitution ensures protection of these rights through assurance that no law may abrogate, abridge or infringe on any of these rights and freedoms.

Description of Methodology for this report

In compiling information for this report, some 200 questionnaires were sent out via the Internet. Recipients were requested to complete and return questionnaires within a specific time frame.

Recipients included government officials, as well as members of the general population, NGO activists, academics, business interests and private individuals and experts in the respective areas of media, law, governance, and civil society operations.

Periodic e-mail, telephone and face-to-face reminders to complete the questionnaires followed their distribution. However, despite follow-up telephone requests that the questionnaires be completed, none were returned, largely owing to the busy holiday period within which the questionnaires were sent, but also because few recipients seemed willing to sit and fill out a questionnaire on their own.

As a result, in the first two weeks of January, two field officers were assigned to elicit responses from 78 respondents in both face-to-face and telephone interviews.

Through this method, 30 expert respondents participated in the interview process, according to the following denominations:

Freedom of Expression – 6

Access to Information – 7

Access to Justice – 8

Local Government – 5

Civil Society Participation – 4

The interviews were accompanied by accumulation of existing data, legislation and reports on the five designated areas.

Dr Kris Rampersad, who represented the Network at the project workshop in Mexico, has fine-tuned the questionnaires to make them more accessible to the general public and to the various readership groups at which they are aimed.

Each of the questionnaires was divided into two sections – those of the general questions and those requiring more technical data from expert sources.

1.1 Executive Summary

Part A: Access to Justice

Access to Justice in Trinidad and Tobago is increasingly threatened by the nebulous position of the Constitution on such definitions as what constitutes, for example, discrimination, which is contradicted by other laws. In fact, the Constitution is believed to have discrimination built into its definition, which goes against its own basic principle that all citizens should enjoy free and equal rights.

The powers granted to the Prime Minister to approve such key appointments as the Chief Justice, Commissioner of Police, Commissioner of Prisons and the fact that the Attorney General is a political position, leave room for political manipulation of the judicial system, and there have been some not entirely unwarranted charges.

Additionally, that the so-called independent institutions must rely on Government for their funding and facilities leaves the door open for political influence to threaten and harm the delicate balance of power that the Constitution designates between the Executive and the Judiciary.

There are also claims that the system of appointment of senior officials and judicial authorities is too opaque for comfort.

Additionally, while the general public is increasingly losing faith in a police and prison system that more and more evidence is showing to be corrupt – with an alarming level of “rogue elements” – the judicial system itself suffers from inadequate to poor levels of funding, infrastructure, facilities, and even compensation.

Administration of justice to the poor and disadvantaged, including women and children, is also affected, because supporting legislation to several conventions has not been passed. Some existing laws also contradict one another, leaving many loopholes in the system to pervert justice.

Increasing levels of crime, especially crimes against persons, and the failure to effectively prosecute such crimes, point to a justice system that is seemingly more and

more ineffective in serving the needs of the society.

Part B: Access to Participation in Local Government

Administration of local government functions can be highly ineffective in Trinidad and Tobago, due to the numerous levels of jurisdictions and the resulting overlap in functions. Confusion and ambiguity regarding under which jurisdiction a particular function falls contributes to this inefficiency, and oftentimes provides bureaucrats with an excuse to pass the buck.

Operations and functioning of local government authorities in Trinidad, in particular, is largely emasculated by the dependence on central Government and the operations of the Ministry of Local Government. The work of the latter is essentially politicised and the Ministry is seen to serve the interests of the party in power rather than national interest. Public trust in the operations and intentions of the Ministry of Local Government is low, with an increasing perception of municipal authorities – particularly those under Opposition-control – as being ineffective. This is aggravated by a highly polarised political culture.

The weakening of local government by the central Government, as noted by a 1997 OECS report, continues, with the central Government having instilled a public perception that the only way for the general public to address development needs is through a Member of Parliament or a central government agency.

Local Government is severely limited in its ability to act on local needs related to agriculture, community development, health, labour, works, telephones, public safety, and water, as these are under the jurisdiction of central government agencies.

As such, local government bodies also suffer from inadequate funding, equipment and supplies, as well as the availability of skilled and experienced persons. These inadequacies are especially acute in regard to these bodies' political functions.

Because of the relatively small size of the island, many local problems reflect national situations and cannot be tackled from a local level alone; for example, problems of crime, poverty, illiteracy, etc.

There seems to be no redistribution system to compensate for income inequalities among municipalities. In fact, the converse seems true, where redistribution favours supporters of the party in power or efforts by the party in power to win votes in a particular area, and not on the basis of need, size, and demands on the resources of the municipality.

The escalating numbers of complaints against the Corporations filed in the annual Ombudsman reports indicate a growing concern regarding the operations of the corporations in meeting citizens' expectations and needs.

There is a need for Constitutional Reform that will take a local-level approach to development and poverty alleviation; promote greater participation by civil society

organisations; and increase public consultation on the functions and projects of local government. At the same time, greater decentralisation is required to give local authorities the power, finances and equipment to meet the needs of local communities.

Part C: Freedom of Expression

Freedom of the press and freedom of expression are basic rights enshrined in the Trinidad and Tobago Constitution. Trinidad and Tobago has signed international treaties and agreements related to freedom of expression, including the United Nations' Universal Declaration of Human Rights, the Declaration of Chapultepec, and the OAS Declaration, along with specific documents such as the International Covenant on Civil and Political Rights, and the Inter-American Convention on Human Rights.

In 2002, the national government signed the Inter-American Press Association's declaration on press freedom.

Though the laws permit free expression, these are limited by restrictions on infringements on the rights of others, and on matters related to national security. Furthermore, despite the constitutional guarantees, specific experiences suggest that the exercise of those freedoms is not always effectively practiced.

Though there are public pronouncements of State commitment to freedom of expression, limitations and manipulation of existing national political and administrative systems compromise the dissemination of some information, thought and creative work.

Part D: Access to Information

While the right to know (free access to information) is not enshrined in the Trinidad and Tobago Constitution, it is a citizen's basic right and is essential for good management of the government and the economy.

Trinidad and Tobago can boast to being one of the first countries in the region to introduce a Freedom of Information Act. This act, passed in Parliament in 1999, came into effect in 2001. It aims to allow the public right to freedom of access to information.

While it contains clauses to limit access to information in order to ensure respect for individuals' right to privacy, individuals' reputations, protection of children and adolescents, and protection of national security, it also restricts access to information that may be in the interest of transparency and accountability.

The definitions of documents exempt from the Freedom of Information Act are too broad and wide ranging, and do not facilitate the kind of transparency that is required of the State and Statutory bodies. The cases in which the State is hindered from

providing information (e.g., protection of privacy or national security) are not enunciated in a clear and restrictive manner.

Exceptions to the principle of public access to information are not reduced to an unavoidable minimum. In fact, the Government has been known to list requested information under “exemptions” after a request has been made to disallow the provision of information that may reflect its involvement in questionable or corrupt use of State resources. This makes the process opaque and defies the principles of transparency under which the law was made.

Additionally, although the justice system exercises oversight over this process, the limitations on citizens’ access to justice itself – including socio-economic status, an overburdened legal system, and lack of awareness of rights – also affect freedom of access to information.

The principle of public access to information held by the government serves as a guide in cases of doubt about the interpretation of the law, but the government itself has been known to manipulate the exercise of this right and so itself cast doubt on the process and interpretation of the law.

And while there is a requisite response time of 30 days, this response period has been known to be used to delay the provision of information.

Persons requesting information can resort to the justice system to ask for explanations if information is refused, obligating the State to respond, but, like most legal action, it is a costly and burdensome exercise plagued by all the deficiencies of the judiciary system, including shortage of resources and manpower. All of these factors combine to convince most citizens not to pursue the matter further.

Public perception is that information held by Government and accessible to the public is insufficient, partial, of little relevance, not up-to-date, or virtually incomprehensible.

In general, the public believes that information on Government spending, public contracts with the private sector, and information about economic measures (such as privatization and international agreements) are not available to a satisfactory degree.

Part E: Civil Society Participation

Civil society contributes to the dynamics of citizen participation in public life without dependence on the political parties, helping the citizenry serve as a counterweight to the power of the State. The Quebec Plan of Action defines civil society as a dynamic element which expresses, through participation, the rights of men and women to influence the decision-making processes affecting their lives and well-being, in conditions of equality and equity.

The inherent diversity and differentiation in civil society must not become a hindrance to the participation process and citizens' exercise of their rights. Although civil society comprises a variable and heterogeneous spectrum, its diversity of opinions,

experiences and technical knowledge represent an important and valuable resource for governments and democratic institutions. Participation fulfills a positive function for society because it contributes to institutional stability and social progress. The participation of civil society also contributes to the regional objectives of the consolidation of democracy and the success of development policies. Within this perspective, the highest form of citizen participation is the control and oversight of government action.

Cultural aspects are key in the development of a stronger civil society. The Plan of Action emphasizes the importance of formal education and public information in this respect. However, an emerging topic in this area is the development of an associative culture, which promotes "civic virtues" such as an interest in public affairs, commitment to concerns transcending one's own group, and active participation in associations.