

## **Response to UN General Assembly Resolution A/RES/33/22, "Equal participation in political and public affairs"**

The following refers to the various measures that Trinidad and Tobago has in place to observe equal participation in political and public affairs.

### **International Conventions**

Trinidad and Tobago has ratified an important UN Convention regarding the protection of equal participation in political and public affairs:

#### **The International Covenant on Civil and Political Rights**

Trinidad and Tobago ratified the Covenant on 21 December 1978 and, in recognition of its obligations under the Covenant, has worked towards the implementation of proposals aimed at facilitating the rights enshrined in this Covenant.

### **Domestic Legislation**

#### **1. The Constitution of the Republic of Trinidad and Tobago**

**Chapter 1, part 1**, of the Constitution recognizes as a fundamental human right and freedom the "right to join political parties and to express political views". This guarantee assures all citizens the right to take part in the conduct of public affairs, directly or through freely chosen representatives. Elections to the House of Representatives are constitutionally due every five years, while local government elections are held every three years. Citizens participate in the conduct of public affairs through freely chosen representatives. Trinidad and Tobago has held free and fair elections every five years since 1956. Citizens and qualifying residents, once registered, are eligible to vote at both parliamentary and local government elections. There is universal and adult suffrage. The election of members of the House of Representatives shall be by secret ballot and "in accordance with the first-past-the-post system".

**Section 70** of the Constitution provides that Trinidad and Tobago shall be divided into 36 constituencies and each constituency shall return one member to the House of Representatives. No less than two constituencies shall be in the island of Tobago. At parliamentary elections held every five years, different political parties nominate candidates for each of the 36 constituencies.

The candidate who secures the majority of votes in each constituency becomes the parliamentary representative for that constituency in the House of Representatives. The political party whose candidates have won the majority of the 36 seats in the House of Representatives forms the Government. Under the Constitution the President must appoint as Prime Minister a member of the House of Representatives who is the leader of the political party which commands the support of the majority of the members of that House.

Where no majority party emerges, the President appoints as Prime Minister, the person who in his view is most likely to command majority support in the House of Representatives. The Prime Minister presides over the Cabinet and is responsible for allocation of the functions among ministers.

**Section 71** of the Constitution provides for the establishment of an **Elections and Boundaries Commission**, an independent electoral authority. The members of the Commission include a chairman and not less than four other members. The Chairman and other members of the Commission have been appointed by the President, after consultation with the Prime Minister and Leader of the Opposition. A person shall not be qualified to hold office as a member of the Commission who is a minister, a parliamentary secretary, a member of the House of Representatives, a senator or a public officer. A member of the Commission shall vacate his office at the expiration of five years from the date of his appointment, but is eligible for reappointment. The Commission shall be provided with a staff adequate for the efficient discharge of its functions.

This Commission exercises general direction and supervision over the administrative conduct of elections and enforces, on the part of election officers, fairness and impartiality. Under the *Representation of the People Act's registration rules, chapter 2:01*, the Commission is required to prepare a list of electors qualified to vote in each parliamentary and municipal council election.

## **2. Representation of the People Act Chapter 2:01**

**Section 13** of the Act provides that a person is qualified to be an elector at a municipal council election who is 18 years or above and who is a citizen or is a Commonwealth citizen who is and for a period of one year preceding such date has been a resident of Trinidad and Tobago. However, in the case of local government elections, persons other than Commonwealth citizens are allowed to vote, provided they have resided in Trinidad and Tobago for a continuous period of five years preceding such date.

**Under section 15** of the Act no person is qualified to be or remain registered as an elector who is mentally ill, under sentence of death or is serving a sentence of imprisonment exceeding 12 months.

**Section 31** of the Act provides that a person who is holding or acting in the office of Chief Elections Officer or Assistant Chief Elections Officer shall be disqualified from membership of the House of Representatives, a municipal corporation or county council. Other persons disqualified from membership of the House of Representatives and municipal councils are those listed in the Second Schedule to the Act, including members of the Trinidad and Tobago Defence Force, the Chairman of the Board of Film Censors, the Chairman of the Water and Sewerage Authority, the Chairman of the Trinidad and Tobago Electricity Commission, the Chairman of the Port-Authority, the Chairman of the Public Transport Service and members of the Rent Assessment Board.

**Section 60** of the Act provides that a registration officer is guilty of a corrupt practice if he enters in the register for a registration area, a registration record card for a person not entitled to be

registered therein or if he, without reasonable excuse, omits from a unit register the registration record card of any person entitled to be registered therein. An election officer is guilty of a corrupt practice if he refuses to permit any physically incapacitated person to vote in the manner provided for or if he permits a person whom he has reasonable cause to believe is not entitled to vote, to vote at a polling station.

**Section 63** of the Act provides that an election officer who actively associates himself with the election campaign of any candidate or political party is liable on summary conviction to a fine of \$1,500 and to imprisonment for six months.

**Section 64** prohibits any person from interfering with an elector when he is voting or from attempting to obtain information as to the candidate for whom the elector has voted. Every person attending proceedings in connection with the opening of special ballot papers shall maintain the secrecy of the voting. No person, having undertaken to assist a physically incapacitated elector to vote, shall communicate any information as to the candidate for whom that person has voted.

Offences under **section 64** are punishable on summary conviction by a fine of \$750 or imprisonment for six months.

**Section 65** makes it an offence for a person to be knowingly registered in more than one unit register. Under section 96 a person is guilty of a corrupt practice if he gives money to an elector to induce that elector to vote or refrain from voting or who makes any gift or procurement to that person for this purpose.

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