

Reference: C.N.214.2021.TREATIES-IV.4 (Depositary Notification)

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
NEW YORK, 16 DECEMBER 1966

TRINIDAD AND TOBAGO: NOTIFICATION UNDER ARTICLE 4 (3)

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 30 June 2021.

(Original: English)

Note No. 150

The Permanent Mission of the Republic of Trinidad and Tobago to the United Nations presents its compliments to the Secretary General of the United Nations and has the honour to refer to Article 4 of the International Covenant on Civil and Political Rights and wishes to inform the Secretary General of the United Nations that on May 15, 2021 the President of the Republic of Trinidad and Tobago in accordance with the Constitution of the Republic of Trinidad and Tobago (Chap. 1:01) being satisfied:

“that a public emergency has arisen as a result of the outbreak of an infectious disease [2019 Novel Coronavirus (2019-nCoV)],

by Proclamation (L.N. No. 141 of 2021) declared the existence of a State of Emergency in the Republic of Trinidad and Tobago. In accordance with Section 10 of the Constitution, the Proclamation was on May 24, 2021 extended by resolution of the House of Representatives for a further period of ninety (90) days (L.N. No. 173 of 2021).

The Permanent Mission of the Republic of Trinidad and Tobago to the United Nations as required by Article 4, paragraph 3 of the International Convention on Civil and Political Rights hereby notifies the Secretary General of the United Nations of the consequent necessity for the suspension of certain rights protected by the Covenant by the enactment of the Emergency Powers Regulations 2021 (L.N. No. 142 of 2021) which were subsequently revoked by the Emergency Powers (No. 2) Regulations 2021 (L.N. 176 of 2021) and later varied by the Emergency Powers (Variation of Curfew Times) Order, 2021 (L.N. No. 177 of 2021) and the Emergency Powers (Variation of Curfew Times) (No. 2) Order, 2021 (L.N. No. 178 of 2021).

Derogation from the rights protected by **Article 9** of the Covenant, namely the right to liberty and security of person, and not to be subjected to arbitrary arrest or detention; is authorized by the above-mentioned Emergency Powers Regulations as follows:

(i) Regulation 8. (1)

“Notwithstanding any law to the contrary, a police officer may arrest without warrant, any person who he reasonably suspects has acted or is acting or is about to act in a manner prejudicial to public health, public safety or to public order or to have committed or is committing or is about to commit an offence against these Regulations”.

The right to liberty of movement of persons lawfully within the territory of a State protected by **Article 12** of the Covenant has been derogated from by curfew restrictions on movement and travel imposed by virtue of Emergency Powers (No. 2) Regulations as follows:

(i) Regulation 4. (1)

“Subject to the exemptions set out in subregulation (5), no person shall be outside of their private dwelling, including in a motor vehicle, ship or vessel during the hours of –

- (a) 9:00 pm to 5:00 am from Monday to Friday;
- (b) 9:00 pm to 5:00 am on Saturdays and Sundays,

without the authorization of the Commissioner of Police or such other person or authority as may be authorized by him for the purpose and any such permission may be granted subject to such conditions as may be specified therein.

The times above were varied by the Emergency Powers (Variation of Curfew Times) (No. 2) Order with effect from Sunday 6th June, 2021 as follows:

“3. The curfew times specified in the Regulations are varied as follows:

(b) in regulation 4:

- (i) from 9:00 p.m. to 5:00 a.m. on Mondays, Tuesdays, Wednesdays and Thursdays; and
- (ii) from 7:00 p.m. to 5:00 a.m. on Fridays, Saturdays and Sundays.

(ii) Regulation 6. (1)

“The Commissioner of Police or a person authorized by him in that regard, may for the purposes of ensuring the protection of public health, public safety or to public order –

- (b) prohibit any person from travelling except in accordance with permission given to him by such authority or person as may be specified; and
- (c) require any person to quit any place or area or not to visit any place or area.

Derogation from the rights protected by **Article 21** of the Covenant, namely the right of peaceful assembly, is authorized by the above-mentioned Emergency Powers Regulations 3. (1)

(i) Regulation 3. (1)

“During the period of public emergency between the hours of 5:01 a.m. to 8:59 p.m. every day, a person shall not –

- (a) gather in any public place unless the gathering –
 - (i) for the purpose of the services are specified in subregulation (10);
 - (ii) does not exceed five persons at a time;
- (b) be at any workplace unless the services are specified in subregulation (10) and shall where possible work from home;

- (c) be found at or in any beach, sea, river, stream, pond, spring or similar body of water, any public pool or any mud volcano or mud pool for recreational purposes;
- (d) operate a party boat, boat tour or club;
- (e) hold public parties or public fetes;
- (f) have a public or private pre-school, early childhood education centre, open for classes in such places;
- (g) operate a day-care or pre-school for children for the care or education of young children;
- (h) operate a water park or amusement park;
- (i) participate in any group contact sports;
- (j) participate in any team sports;
- (k) participate in outdoor sports or exercise in public places; or
- (l) operate any sport clubs including cycling, running, hiking, swimming, golf, tennis, football, rugby and hockey clubs,

except where authorized by the Minister.

The times above were varied by the Emergency Powers (Variation of Curfew Times) (No. 2) Order with effect from Sunday 6th June, 2021 as follows:

“3. The curfew times specified in the Regulations are varied as follows:

(a) In regulation 3:

- (i) from 5:01 a.m. to 8:59 p.m. on Mondays, Tuesdays, Wednesdays and Thursdays; and
- (ii) from 5:01 a.m. to 6:59 p.m. on Fridays, Saturdays and Sundays; and”

(ii) Regulation (5)

“During the period of a public emergency between the hours of 5:01 am to 8:59 pm every day, a religious or ecclesiastical organisation or any other religious organization shall not be open for the conduct of religious activities and services except that they may conduct funeral services and wedding services where the gathering of persons at any place used for that purpose does not exceed ten persons”.

(iii) Regulation (8)

“The following places shall at all times remain closed to the public:

- (a) a club as defined in section 2 of the Registration of Clubs Act;
- (b) a dancehall or theatre licenced under the Theatres and Dancehalls Act;
- (c) a theatre licensed under the Cinematograph Act;
- (d) a common gaming house, betting pool or office licensed under the Gambling and Betting Act;
- (e) spas, hairdressers, hair and beauty technicians and barbers; and
- (f) a gym or fitness centre; and
- (g) hardware stores including electrical and plumbing establishments,

unless otherwise prescribed by the Minister under subregulation (12)”.

The Permanent Mission of the Republic of Trinidad and Tobago to the United Nations wishes to avail itself of this opportunity to renew to the Secretary General of the United Nations the assurances of its highest considerations.

New York Le 24 juin 2021

12 July 2021

A handwritten signature in black ink, consisting of the letters 'DN' with a horizontal line underneath.