

National Workers Union

Workers of the world unite!



TIME TO REPEAL THE SUMMARY OFFENCES ACT

Article 20 of the Universal Declaration of Human Rights states: ***“Everyone has the right to freedom of peaceful assembly and association.”***

Chapter 1 of the Constitution of Trinidad and Tobago deals with THE RECOGNITION AND PROTECTION OF FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS. Part 1 of the constitution deals with Rights enshrined. It states: ***“It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms...”*** It goes on to list eleven (11) enshrined rights enjoyed by citizens of Trinidad and Tobago including (j) freedom of association and assembly.

Yet, in a country that, on the surface, appears to enjoy such a progressive legal framework, we have had a sustained assault over the years on the very freedom of assembly. In the immediate past there have been the attempts to shut down the Drumit at St. James and the march in Port of Spain organised by the trade unions during the Summit of the Americas

Since then the police have, on more than one occasion, attempted to stop the One Voice group from assembling; the President of the Industrial Court has suggested to trade unions that they do not picket the court; trade union pickets inevitably attract police officers who attempt to disperse them. The police attempted to stop the press conference held by the group of trade unions and NGO's outside the Red house and actually refused permission for the march commemorating the Jahaji Massacre. The police have arrested the President of FITUN during a red house picket and refused permission to demonstrate etc. It is clear that freedom of assembly is under attack.

The gap between what ought to be and what actually exists is nowhere more blatant than in the act of exercising this freedom of assembly. While it is generally accepted that no right is unlimited and that there will be circumstances under which rights will be circumscribed, freedom of assembly is circumscribed, indeed suffocated, by an old colonial ordinance called the **Summary Offences Act**.

The law outlines a bureaucratic nightmare of applying for permission from the Commissioner of Police to hold public meetings and marches and a host of conditions laid down if that permission is to be granted.

According to the law:

“A person who desires to hold or call together any public meeting shall, at least forty-eight hours but no more than fourteen days before the day on which it is proposed to hold such meeting, notify the Commissioner of Police. (2) Every notification...shall be in writing signed by the person or persons desiring to hold or call together the meeting and shall state - (a) the address of each of the persons desiring to hold or call together such meeting; (b) the purpose or purposes of the meeting; (c) the place at which the meeting is to be held and the approximate time at which it is to begin; and (d) the name of every speaker other than a citizen of Trinidad and Tobago or a resident who intends to address the meeting.”

After going through all this rigmarole, the Commissioner may still put a spoke in the wheel. The law states:

(3) “If the Commissioner of Police, having regard to the time at which, the circumstances in which or the purpose for which any public meeting is to be held has reasonable ground for apprehending that the holding of such meeting may occasion a breach of the peace or public disorder, he may - (a) subject to subsection (4), in writing, prohibit such meeting; or (b) give directions imposing upon the persons holding or calling together such meeting such conditions as appear to him necessary for the preservation of the peace and of public order, and where the notification is incomplete or the Commissioner has reason to believe that any information supplied in pursuance of the requirements of this Part is false, the Commissioner may prohibit such meeting.”

A non-citizen who wishes to address a public meeting must obtain a permit or is liable to a fine of five thousand

dollars or to imprisonment for two years. If a meeting is held without notifying the Commissioner or in defiance of a ban by the police or supplies false or misleading information or fails to comply with any condition imposed by the Commissioner is liable to a fine of ten thousand dollars or to imprisonment for two years.

It is just as onerous to hold a public march. There are permits to be applied for, routes to be specified. There are restrictions on the use of loudspeakers and the Commissioner of Police, like in the case of public meetings, *“where there are reasonable grounds for apprehending that the public march in respect of which the application is made may occasion a breach of the peace or serious public disorder, refuse the application.”* Of course, the word reasonable is open to interpretation.

But even if all the demands of the law are complied with, the law states in Section 118(1):

“... if at any time the Minister is satisfied that, by reason of particular circumstances ... serious public disorder would be occasioned by the holding of public meetings or public ... and that it would be in the interest of public safety or public order to do so, he may make an Order..., prohibiting for such period not exceeding one month as may be specified in the Order the holding of all public meetings or public marches or of any class of public meeting or public march ...”

What is, in fact, being said is that your right to assemble, guaranteed by the Universal Declaration of Human Rights and by the Constitution of Trinidad and Tobago may be circumscribed, restricted, limited, violated, eliminated by the Minister in charge of the police. What use is a right if it cannot be exercised?

This **Summary Offences Act** is known as Act 31 of 1921 and was actually preceded by Act no. 6 of 1921 and Act no. 12 of 1920. Interestingly, this law was passed in the aftermath of the first general strike, led by dockworkers, which took place in the colony of Trinidad and Tobago in 1919. It was in that year that the working class, having gone through the hardships of World War One, and influenced by the ideas of Socialism, Garveyism, trade unionism and the Russian revolution brought back to the colony by returning soldiers of the British army (Uriah Butler and A. A. Cipriani were among those returning soldiers) acted as a class for itself and not just as a class in itself and began that quest for social, political and economic change that exploded eighteen years later in 1937.

The **Summary Offences Act** was passed, like the Sedition Ordinance and the Strikes and Lockouts Ordinance and the regulations banning prohibited literature, as retaliation against the militant workers' in the 1919 general strike which saw hundreds of workers jailed, dismissed from their jobs and those who were born in other West Indian colonies deported. Check for the restrictions in the law on so-called non-citizens from addressing meetings. This very **Summary Offences Act** exposes its colonial genesis by dealing with other offences which deem people idle and disorderly persons. It deals with begging, placarding and fortune telling. It defines classes of people called rogues and vagabonds and incorrigible rogues.

In this day and age a political administration that goes on ad-nauseam about building a developed society (whatever that is!) is quite eager to inflict upon the population this colonial law.

We demand the repeal of the Summary Offences Act.

18th April 2010