

The right to freedom of religion

TODAY marks International Day Commemorating the Victims of Acts of Violence Based on Religion, an observation on the United Nations (UN) human rights calendar. The day is designed to draw attention to those who suffered or were persecuted for trying to exercise their freedom of religion or belief.

The day speaks to the responsibility of states and society at large to promote and protect human rights, including religious minorities. For us in Trinidad and Tobago, it is also a timely reminder that we should be thankful that, despite having a multitude of religions, we manage to exist and live harmoniously without the extremist persecution reflected in other parts of the world where religious war and oppression are the order of the day.

Our nation has been fortunate not to have the same history as places like Nazi Germany or Yugoslavia where groups of people have been killed because of their beliefs.

However, we cannot forget that things were not always harmonious as they are now. For example, many years ago Shouter Baptists were subjected to a prohibition ordinance which criminalised many of their practices. Recently much is being said about moving on from the shackles of our colonial legacy. However, those who forget the past are doomed to repeat it.

It is foolhardy to glorify past discrimination, but it is equally foolhardy to erase it. It is a reminder of where we came from, it helps us to celebrate what we have achieved, and it provides



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a roadmap for where we do not want to go in the future.

As the leading state advocate for equality of treatment and opportunity for all, the Equal Opportunity Commission (EOC) is one such critical institution that guides the nation on its roadmap to an inclusive and hopeful future.

It is the mandate of the EOC to receive, investigate and conciliate reports of discrimination and at the same time receive and impart information to play a positive role in strengthening democracy and combating religious intolerance. All people should have the right and freedom to practise their religion without fear of persecution.

This right of freedom of religion is protected through the Equal Opportunity Act (EOA) and, secondly, the Bill of Rights at section 4 of the Constitution,

along with other fundamental human rights such as the rights to life, liberty, equality before the law, the protection of the law, and the freedom of association and assembly.

These fundamental rights contained in the Bill of Rights are seen as a social contract between the State and the individual in that they guarantee what sort of treatment the person can expect from any and all institutions that are part of the state apparatus. For example, the police, immigration, the judiciary, regional corporations, service commissions and so on. If any of these agencies or entities contravene any of these rights, then the person affected has to retain an attorney and file a constitutional motion before the high court.

The EOA differs from the Constitution in two main ways.

Firstly, whereas the rights under the Constitution are only enforceable against the State, those under the EOA can be enforced against both the public and private sectors.

So, it would be possible under the EOA to claim redress if a bank, insurance company, supermarket, or doctor's office violates the individual's right not to be discriminated on the ground of their religion.

Secondly, the rights under the EOA can be enforced simply by the individual lodging a complaint with the Equal Opportunity Commission.

To lodge a complaint, visit our website www.equalopportunity.gov.tt or send an e-mail to complaints@eoc.gov.tt. All the services of the EOC are free of charge up until the stage of conciliation.