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CASE STUDY : Arbitrary Detention

(A resolution towards the Universal Declaration of Human Rights in the Republic of Trinidad & Tobago from two perspectives)

METHODOLOGY : The Data Analysis of CJW case files.

(Specific analysis of The Venezuelan Refugee Crisis & Nationals of the republic of Trinidad and Tobago (Women & Children) situate in Refugee Camps in Syria)

INTERVIEWEES : The Victims (The data of “CJW”)

TOPIC : The creation of a National Human Rights Institute (NHRI) in accordance with the Paris Principles.

(It must compliment the United Nations’ efforts to ensure lasting world peace amongst states and where citizens can be *actively persuaded* to participate in the ideals of freedom, peace, happiness, and nonviolence either voluntarily or through a system of governance that prevents conflicts that results in violence or serious abuses to Human rights)

Hypothesis : Active Persuasion & The Human Rights Due Diligence Policy

(the identification and integration of mitigatory measures in support provided by UN entities to national or regional security forces and Civil Society Organizations)

Recommendation : Category 5

The immediate establishment of a NHRI in the Republic of Trinidad & Tobago in keeping with the Paris Principles.

Memo

*“The findings of the Authors indicate the data to be obtained from the Victims (*Active court cases in the data of “CJW”) has the propensity to establish the framework of “active persuasion” towards the present Government of the Republic in the context of the UPR should it be accepted. The Actions of the Republic must also be considered in light of the Covid-19 Pandemic and National Security concerns.*

The faith of the Victims on today, the 25th day of March 2021 in the year of our God (God A topic to be further expanded as important to the United Nations Security Council) 2021, have not yet been decided in the High Court of Justice. A positive verdict can only be achieved with the input of all Constitutionally Protected Institutions in the Republic.

Actively persuaded, the Republic of Trinidad and Tobago has the capacity to be a model utopia to the world, reflective of society’s obligation to the American declaration.

A NHRI can rewrite the United nations peace keeping model to provide a national framework in the urban context that contributes to academic research to the benefit of other societies.”

Authors Contributions

The Quantum Foundation

“The Civil Contract”: The utility of the toolkit to actively persuade the Government of Trinidad and Tobago to adopt a Public Health Approach towards National Security.

Criston J. Williams & Co.

Its data and precursory analysis. This data cannot accurately calculate the potential effect on the Victims. It can only assist the global war on Terrorism. This data is from the Month of September, 2019 to 25th January, 2021. It includes both active and non-active cases.

“The Protection of Human Rights and Peace.”

Perspective 1

A discussion on the findings of Arbitrary Detention in the Republic by Executive Decisions.

- i. During the months of March to December 2013, a National Commission on Constitutional Reform was established to engage the population in a dialogue about their aspirations and desires in respect of constitutional reform.
- ii. The right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law is enshrined in section 4 of the Constitution. This is consonant with the Universal Declaration of Human Rights.
- iii. Recognising the global crisis concerning the situation of refugees and asylum seekers, and being party to the 1951 Convention Relating to the Status of Refugees as well as the 1967 Protocol Relating to the Status of Refugees, the former Government of the Republic has sought to address the issue as it relates to the refugees and asylum seekers within its borders.
- iv. There is no law in the Republic of Trinidad and Tobago that addresses the status of a Refugee/ Asylum Seeker, a category of person(s) undefined in the **Immigration Act Chap 18:01**.
- v. The data of CJW indicates there are currently twenty one(21) Judicial Review matters docketed in the Judiciary of the Republic of Trinidad and Tobago which seeks to address the rights of Refugees and specifically address this issue. (This also includes Nationals 9women and children) in the war/conflict zone of Syria)
- vi. In June 2014, a National Policy to Address Refugee and Asylum Seeker Matters was approved by the Cabinet. This policy provided a framework for the gradual development of domestic Refugee Status Determination (RSD) in Trinidad and Tobago. Its objective was to promote the systematic development of capability

- through capacity building and training for officials, adoption of Standard Operating Procedures (SOPs) for treating with refugees and asylum seekers, the enactment of legislation and the creation of a “Refugee Unit or Office” within the Immigration Division of the Ministry of National Security to treat with these matters.
- vii. To date the Executive of the Republic of Trinidad and Tobago has failed to denounce the 1951 Convention in accordance with Article 44 and/or implement any legislative framework that specifically recognises the category of person(s) defined as a Refugee.
 - viii. Further, there has been no Statement by the Government of the Republic of Trinidad and Tobago denouncing our international obligations exemplified in our said 2014 Draft Policy to address Refugee/Asylum matter despite the data of CJW that shows the mindset of the Executive that the said policy is illegal and of no effect.
 - ix. CJW’s data has established in the Court of Appeal that Refugees have a legitimate expectation in the Jurisdiction of Trinidad and Tobago, should it not be in violation of a deportation order made according to the Immigration Act.

History of the Corona Virus (2019-nCoV)

- x. In December 2019, a highly infectious Novel Coronavirus disease with a high mortality rate caused by severe acute respiratory syndrome was identified in China. This viral disease was subsequently named Coronavirus disease 2019 or COVID-19.
- xi. Thereafter, the Government of the Republic of Trinidad and Tobago ("GORTT") caused immediate steps to be taken in or around January 30th, 2020 to prohibit the entry of persons coming from China into our borders by the making of the Public Health (2019 Novel Coronavirus [2019-nCoV]) (No. 3) Regulations, 2020 several other Regulations: were introduced.

- xii. Considering the global pandemic caused by COVID-19, the Government of Trinidad and Tobago ("GORTT"), through various organs of the state, has undertaken a series of actions intended to mitigate and suppress the spread of the highly contagious COVID-19 disease.
- xiii. Primary among these measures is an attempt to limit the movement of persons entering and leaving Trinidad and Tobago and also domestically. The purpose of measures such as these is to afford COVID-19 less opportunities for the community spread of infections.
- xiv. Refugee's rights to life, freedom and liberty as enunciated under **Article 3 of the Universal Declaration of Human Rights and Section 4 of the Constitution of Trinidad and Tobago** have been infringed and violated.
- xv. The data of CJW indicates that vulnerable persons were held at the Chaguaramas Heliport (Covid-19 facility for Refugees) The legal maneuvers employed by the Executive has resulted in six (6) victims to be subject to "Covid-19 Quarantine Orders" for a period ranging from thirty-four (34) to eighty-four (84) days. The basis of their continued detention was either being exposed to the Corona Virus or having contracted the Corona virus.
- xvi. No external body has been able to access the Heliport Facilities to provide an independent analysis of the conditions of detention considering Covid-19.

INTERVENTION

- xvii. A team from the International Narcotics Control Board (INCB) visited Trinidad from the period Wednesday 11th September to Friday 13th September 2019. The Executive, the Commissioner of police as well as Chief Immigration Officer were beneficiaries of their advice.
- xviii. The Authors have proceeded on the premise that the Republic of Trinidad and Tobago is the recipient of support from the United Nations.
- xix. As such at this stage any reasonable analysis of the data of CJW provides evidence of:-
- a. *“The record of the intended recipient(s) in terms of compliance or non-compliance with international humanitarian, human rights and refugee law, including any specific record of grave violations;*
 - b. *The record of the recipient(s) in taking or failing to take effective steps to hold perpetrators of any such violations accountable;*
 - c. *Whether any corrective measures have been taken or institutions, protocols or procedures put in place with a view to preventing the recurrence of such violations and, if so, their adequacy, including institutions to hold any future perpetrators accountable;*
 - d. *An assessment of the degree to which providing or withholding support would affect the ability of the United Nations to influence the behaviour of the receiving entity in terms of its compliance with international humanitarian, human rights and refugee law;*
 - e. *The feasibility of the United Nations putting in place effective mechanisms to monitor the use and impact of the support provided;*

- f. *An assessment based on the factors above and on the overall context of the support, of the risk that the receiving entity might nevertheless commit grave violations of international humanitarian, human rights or refugee law {Emphasis QF}*

N.B:

The United Nations in conjunction with an established NHRI entity should make clear that support will not be possible unless and until the Republic of Trinidad and Tobago takes measures that are of such effect that there are no longer substantial grounds for believing that there would be a real risk of such grave violations occurring. Such measures might include, for example, the removal of an officer from a senior command position when there are substantial grounds for suspecting that officer of being responsible for grave violations of international humanitarian, human rights or refugee law.

- xx. Unless actively persuaded, the data of the Law firm's data suggests the following issues may continue in Republic of Trinidad and Tobago: -
- a. Actions, may constitute acts of "Grave Violations" in the Republic of Trinidad and Tobago contrary to the human rights due diligence policy on United Nations support to non-United Nations security forces.
 - b. As a member state, the Republic of Trinidad and Tobago, as a member state was advised of the decision to institute the policy of the United Nations by means of a note verbale dated 25th October 2011.
 - c. "Grave violations" mean, for the purposes of the present policy:
 - (a) *In the case of a unit:*
 - (i) *Commission of "war crimes" or of "crimes against humanity", as defined in the Rome Statute of the International Criminal Court, or "gross violations" of human rights, including summary executions and extrajudicial killings, acts of torture, enforced disappearances, enslavement, rape and sexual violence of a*

comparable serious nature, or acts of refoulement under refugee law that are committed on a significant scale or with a significant degree of frequency {Emphasis mine} (that is, they are more than isolated or merely sporadic phenomena); or

(ii) A pattern of repeated violations of international humanitarian, human rights or refugee law committed by a significant number of members of the unit {CJW}; or

(iii) The presence in a senior command position of the unit of one or more officers about whom there are substantial grounds to suspect:

- Direct responsibility for the commission of “war crimes”, “gross violations” of **human rights or acts of refoulement**; or*
- Command responsibility, as defined in the Rome Statute of the International Criminal Court, for the commission of such crimes, violations or acts by those under their command; or*
- Failure to take effective measures to prevent, repress, investigate or prosecute other violations of international humanitarian, human rights or refugee law committed on a significant scale by those under their command;”*

xxi. The Immigration department currently operates an unwritten policy, having regard to the issues contained in the data of the law firm it is important to conduct a microscopic introspection of Immigration Department. The context of this enquiry should encapsulate the Republic’s: -

- a. **Human Rights record:** The record of the Chief Immigration Officer (CIO) in taking or failing to take effective steps and corrective measures to hold perpetrators of any such Human Rights violation(s) accountable, both

generally and for specific cases of violations. The effective nature of the “steps” should be assessed on the basis of relevant international human rights standards (for example, a mere disciplinary procedure is not adequate for an act of contempt of a Court order of the Judiciary of the Republic of Trinidad and Tobago.)

- b. **Accountability record:** The record of the CIO in taking or failing to take effective steps and corrective measures to hold perpetrators of any such violations accountable, both generally and for specific cases of violations. The effective nature of the “steps” should be assessed on the basis of relevant international human rights standards (for example, a mere disciplinary procedure is not adequate for an act of torture
- c. **Preventative mechanisms:** Whether any corrective measures or mechanisms have been taken or institutions, protocols or procedures put in place with a view to preventing the recurrence of such violations and, if so, their adequacy, including institutions to hold any future perpetrators accountable.
- d. **Legislative/ policy framework:** Any legal opinion that is the basis of the CIO’s unwritten policy. This ought to reasonably contemplate whether certain legislations or policies, for example a so-called “*escort a pirogue with minors on board whilst in the territorial waters of the Republic of Trinidad and Tobago*” policy, may contribute to increasing the risk of grave violations.[which has resulted in precaution measures by the IACHR against the government.]

“Peacebuilding, performance, people, partnerships, politics”

Perspective 2

A discussion on the findings of Arbitrary Detention Trinidad Nationals (Women and Children) in the Syria & Iraq by Executive Decisions.

Context:

- i. We support the Secretary-General’s vision for reforming the peace and security pillar of the UN Secretariat and his commitment to improving the ability of the UN to deliver on its mandates through management reform, which will enhance the impact of peacekeeping. We collectively commit to support tailored, context with a specific peacekeeping approach to protecting civilians, in relevant peacekeeping operations, emphasizing *the protection of women and children* in those contexts.
- ii. In response to the Secretary general’s statement, *“A peacekeeping operation is not an army, or a counter-terrorist force, or a humanitarian agency. It is a tool to create the space for a nationally-owned political solution,”* The QF has launched its unique new initiative, “The Civil Contract”, aimed at mobilizing all partners and stakeholders to support the great enterprise of United Nations peacekeeping.
- iii. Data suggest **United Nations Sustainable Development Goals 2030** (“SDGs 2030”) may not aptly calculate the application of the Universal Declaration on Human Rights to ensure the right(s) of a refugee. To put it succinctly, there is the need for *“the specific inclusion of an indicator relating to refugees to allow those advocating for refugee protection to be included in the discourse on sustainable development.”*¹

¹ See Petra Nahmias (UNHCR), Natalia Krynsky Baal (JIPS) “Including forced displacement in the SDGs: a new refugee indicator” (Dec 02nd 2019) <https://www.unhcr.org/blogs/including-forced-displacement-in-the-sdgs-a-new-refugee-indicator/>

- iv. It is agreed, “a distinctive feature of the 2030 Agenda for Sustainable Development is its emphasis on reaching the poorest and most vulnerable, as expressed in the Preamble and Declaration. Further, “the Agenda refers to the empowerment of the most vulnerable and includes, among the groups “whose needs are reflected in the agenda”, “all children, youth, persons with disabilities (of whom more than 80% live in poverty), people living with HIV/AIDS, older persons, indigenous peoples, refugees and internally displaced persons and migrants” as well as “people living in areas affected by complex humanitarian emergencies and in areas affected by terrorism”².”

The Republic of Trinidad and Tobago: A National Problem

- v. The Syrian conflict has entered its tenth year, yet peace still remains far too elusive. The Secretary General of the United Nations has instructed, “We cannot allow the tenth year to result in the same carnage, the same flouting of human rights and international humanitarian law, the same inhumanity.” It has created “**Europe’s Guantanamo: The indefinite detention of European women and children in North East Syria**”.³
- vi. Tens of thousands of women and children captured from territories formerly controlled by the Islamic State of Iraq and the Levant (‘ISIL’) currently languish in detention camps in North East Syria run by the Syrian Democratic Forces (‘SDF’), the military force of the Autonomous Administration of North East Syria (‘AANES’).
- vii. “Children, in particular, have suffered grievous violations of their rights – including those who may have been indoctrinated or recruited by ISIL to perpetrate violent acts. The primary consideration must be their rehabilitation, protection and best

² [Ensuring that No One is Left Behind: Reaching the most vulnerable .. Sustainable Development Knowledge Platform \(un.org\)](#) [Paragraph 23]

³ [Europes-guantanamo-THE_REPORT.pdf \(rightsandsecurity.org\)](#)

*interests. Despite the complex challenges involved in repatriating these families amid concerns that they pose a potential terror risk, stripping them of their nationality so that they can never return home “is never an acceptable option.”*⁴

Migration from the Republic of Trinidad and Tobago has contributed to “**foreign terrorist fighters**” in Syria. This has promulgated ISIS propaganda.

- viii. “**European countries are being challenged in court to repatriate their foreign fighters and families.**”⁵” The Republic of Trinidad and Tobago faces this dilemma by CJW.
- ix. Countries are reluctant and hesitant to facilitate the return of their nationals from detention camps in Syria due to uncertainty, violence, and the fear of fostering extremism of the population of their home country upon their return.
- x. There is no law that bars the return of the National (women and children), situate in a war/conflict zone. The return of the nationals must not only consider the security of the Republic of Trinidad and Tobago, but of that of the Americas.

⁴ See the United Nations High Commissioner for Human Rights entire address at the 41st session
<https://news.un.org/en/story/2019/06/1041131>

⁵ See <https://icct.nl/publication/european-countries-are-being-challenged-in-court-to-repatriate-their-foreign-fighters-and-families>

The Trinidad Solution: The Civil Contract:

Active Persuasion, A work in Progress

- xi. CJW has the mandate to repatriate fifty children and twenty-four women persons detained in the war/conflict zone in Syria, to Trinidad and Tobago.
- xii. This Civil Contract has been prepared to facilitate the prompt repatriation, reunification, rehabilitation ,reintegration, resettlement and remedy of these Trinidadian women and children into the society by collaborating and working closely with the State Agencies as well as the non-governmental organizations⁶.
- xiii. The objective of the civil Contract falls into four parts:-
 - a. The Civil contract is the pre-arrangement that dictates the terms of the prompt repatriation of the women and Children.
 - b. On return the families make it clear that the women and children are open to a process of release, rehabilitation ,reintegration, reunification, resettlement, and remedy (otherwise known as the Six R's) of these Trinidadian women and
 - c. Children into the society;
 - d. And this is achieved by collaborating and working closely with the State Agencies as well as the non-governmental organizations.
- xiv. The “Civil Contract” is the solution to the call of the United Nations General Secretary that ***“in the absence of legitimate protection concerns in their country of origin, the best solution for Trinidadian and all other foreign nationals currently stranded in limbo in Al Hol and other locations in Syria is for their countries of origin to acknowledge their nationality and take concrete steps to ensure their***

⁶ proposed social contract between the government of Trinidad and Tobago and relatives of Trinidadian citizens currently held in refugee camps in Iraq and north east Syria.

prompt repatriation,” evidenced by the data of CJW in correspondence from Grianne O’hara Director, Division of International Protection.

Current Anti-Terrorism Legislation in the Republic of Trinidad and Tobago.

- xv. Trinidad and Tobago do not have any legislative provision(s) that establishes the office of an Independent Reviewer of Terrorism Laws.
- xvi. The current draft(2020) to this Bill sets out the Government intention to put in place control orders or Terrorism Prevention intervention measure to both the women and Children should this bill pass through parliament. It has been consulted upon and agreed in principal subject to a number of amendments with a number of Muslim organisations. It is this legislation that deals specifically with returnees.
- xvii. The government intention is to :-
 - a. Create a temporary exclusion order which prohibits the return of the adult and their children.
 - b. To gain consent to return the adult must agree to subject themselves to certain obligations.
 - c. The first is to reside under detention in a government facility.
 - d. A mix of the restrictions.

Restriction imposed elsewhere in the world.

- xviii. The women have been in the camps for a long period of time. On return they will be arrested and questioned by the National Security office and the police. Where there is

evidence that the mother has participated in a terror related activity to prosecutable threshold then that will over-ride anything within the civil contract and will follow the criminal process within Trinidad and Tobago.

- xix. The control orders system, or an alternative system providing equivalent and proportionate public protection, remains necessary, but only for a small number of cases where robust information is available to the effect that the individual in question presents a considerable risk to national security, and conventional prosecution is not realistic.⁷ Where Europe use this in a small number of cases The Government of Trinidad and Tobago intend to restrict and detain all persons when reading the Anti- terrorism (Amendment) Act. It is on this point that we construct the civil contract.
- xx. It is worrying that the government policy approach⁸ is that they intend to apply restrictions in discriminatory without exception to the entire cohort of both women and children. This is not like any model in the world. Worst is the fact that certain Islamic organisations and Non-islamic organisations accepted this concept.
- xxi. In countries that have applied restrictions such as Australia, Canada, and the UK restrictions are imposed on a case-by-case basis and are kept to the minimum necessary to protect the public and to prevent the individual from engaging in terrorism-related activity.
- xxii. The purpose of controls or restrictions is to disrupt the attempts by Daesh returnees to direct or inspire attacks elsewhere, including in the Trinidad and Tobago. It is a proven method providing real practical assistance to the police and the security and intelligence agencies in allowing better risk management of individuals subject to a control or restriction. However, its application is imposed and by its very nature it is forced upon the individual which reduced the probability of achieving real behaviour change.

⁷ UK Home Office statement

⁸ Reading the anti-terrorism (Amendment) Bill

- xxiii. The problem with controls and restrictions is that they are only sufficient to serve the management of a single issue. That is, they look to restrict the movement of an individual for the purpose of disrupting activity to assist a perceived national security risk.
- xxiv. QF's approach looks to use restrictions in a broader sense and to a higher standard where any agreed restriction adequately deals with the national security risk and in addition gives the returnee the confidence that they will be able to develop and attain resources to concentrate on the wellbeing of their children which will further the child's development and secure its productive future within Trinidad and Tobago.
- xxv. At the point of writing this report CJW has a number of Judicial reviews which have both a direct impact on the returnee situations. An example is CJW's success in an immigration case where Judge Charles states that the detention of children is wrong. This ruling directly interferes with the Anti- Terrorism (Amendment) Bill which seeks to detain children. This means the bill must deal with the question of law before it can proceed through parliament.
- xxvi. A pending Judicial Review (JR) against the Chief Immigration Officer to provide travel documents for the women and children in the camps. The unchanged Immigration Act (Chapter 18:01) sets out the right of return for a citizen of the republic of Trinidad and Tobago to be absolute.
- xxvii. This is the case even when these citizens are *persons who are or have been at any time before or after the commencement of this Act advocates of the overthrow by force or violence of the LAWS OF TRINIDAD AND TOBAGO established Government of Trinidad and Tobago or any other country, or of all forms of law, or who advocate the abolition of organised government, or who advocate the assassination of public officials or who advocate or teach the unlawful destruction of property or who are or have been members of or affiliated to any organisation which*

entertains and preaches any of the doctrines and practices specified in this paragraph; The JR case comparator is the 1990 Islamic coup in Trinidad where those person shot and killed Trinidadian citizens and government officials and still earned a presidential pardon. The JR substantive argument is that the immigration act does not give public policy the consent to refrain or delay in the issuing of citizens papers on National security grounds.

- xxviii. It is impossible to believe that a government with the responsibility of protecting a country will allow the families back without some measure of control. Without the Anti-terror bill they have no direct control mechanism. Where the immigration bill compels the Chief immigration officer to act, the group must risk assess what will the government do to get some control to demonstrate their worth to the wider citizenry.
- xxix. The only legislation that gives the government some grip on this substantive situation to their office is the children legislation. When forced to rely on this legislation it is a real risk that they will state that the mothers irrespective of the circumstances that drove them to the conflict knew before departure that they were exposing themselves to moral danger. It follows that by taking their children they also knew at that point that they were exposing their children to moral danger. On this premise the government may make a case under the Children's Authority Act 2000 that they are an unfit person and the children (that were exposed) should be taken into the care of the authority.
- xxx. It must be said that even if the government decided to treat the mother as an unfit person and take the children as wards of the court. In the UK for example there exists the possibility that the children can stay at the grandparents or an appropriate persons residence subject to the Children services assessments. However, the mother may lose parental rights temporarily until she becomes fit again. The Executive of the republic must consider that the splitting of the family be avoided at all costs.
- xxxi. A civil contract is a tri-party agreement between:-

- a. The adult returnee making the request to return either as a single person or with their children.
- b. The Republic of Trinidad and Tobago through its National Security Minister, education ministry, health ministry and the minister for children's services.
- c. The family based in Trinidad and Tobago advocating the return and providing instructions to CJW.

xxxii. Central to the return is the Human rights of the children with the mother being an essential part of the development of their well-being. In this sense the return of the children is the primary focus of the contract and the return of the mother the secondary focus. This is the essential ingredient in the contractual intention.

xxxiii. The Civil contract takes effect where the individual in question presents a considerable risk to national security, and conventional prosecution is not realistic and to facilitate a return to their country the individual agrees that on return , to conduct themselves:-

- a. In a manner that adequately addresses the risk.
- b. As a fit person to bring up and develop children within their control.

xxxiv. A contract is an agreement giving rise to obligations which are enforced or recognised by law.

xxxv. There are 3 essentials to the creation of a contract:-

- a. Agreement
- b. contractual intention; and
- c. consideration.

xxxvi. The starting point towards the agreement is the offer that the family presents to the government. An offer is an expression of willingness to contract on specified terms,

made with the intention that it is to be binding once accepted by the person to whom it is addressed. There must be an objective manifestation of intent by the offeror to be bound by the offer if accepted by the other party. Therefore, the offeror will be bound if his words or conduct are such as to induce a reasonable third-party observer to believe that he intends to be bound, even if in fact he has no such intention.

xxxvii. In this case the families are making an offer on behalf of themselves and the returnees to the government. In this sense the family must be willing within the offer that sets an obligation upon them which is enforceable by their breach in the contract.

xxxviii. The draft Civil contract will include the families offer and only becomes a contract when both the government with all its arms And the Adult returnee agree the terms. It is imperative due to the location of the returnees that the terms the family make on their behalf **WILL BE AGREED TO**. There is absolutely no room for error considering the plight of the returnees. But the returnees have the right to counter the offer.

xxxix. CJW's representative or the government representative when delivering this agreement in the camps cannot put the returnee under duress. For clarity, when delivering the contract terms they cannot state that if the adults do not sign this document they nor their children will return home, as this will force the returnee to sign under duress to bring relief to their plight and on return to Trinidad and Tobago void the contract.

xl. Central to this contract is something that has never been done in the world before. That is the offer of a parent to extend its the use emotional and parental bond to the returning adult to the partnership use with the institutions. That is to say that with the correct government resourced training and counselling skills the parent that have the closest reach and strongest bond with the adult confirms they will be part of any intervention, monitoring or scrutiny of the adult and child.

- xli. It is the extension of the bonding capital to the institution that is the offer in exchange for the counselling and training from the government to achieve the overriding objective.
- xlii. The second piece of the offer is the application of the training to intervene with the adult mother to achieve the security concerns of the government.
- xliii. This adds another intervention strand to the policy. This application is Child focus and is to ensure a plan B. That is if the adult fails on their contract and receives their penalty for the breach this does not cease the contract. Where the mother is found to unfit, the government will deem the family member the third party to the contract as being a fit person to who the care (or the temporary legal guardianship) of the children automatically transfers subject to the relevant assessments by the appropriate office.
- xliv. The Civil Contract is based on the Universal Declaration of Human Rights and encompasses the ICCPR, in that “*no one shall be arbitrarily deprived of the right to enter their own country*” and non-derogation of the principle which mandates “*freedom from torture or cruel, inhuman and degrading treatment or punishment; and freedom from medical or scientific experimentation without consent.*”

Conclusion

The authors suggest that Quantum foundation can achieve this co-production objective. We have modularised and urbanized the concepts of peace to fully integrate it with state operational systems.

The Quantum Foundation sets out the following objectives:-

- a. The use of the Civil Contract to protect Trinidad and Tobago national security by bringing internal peace through mitigating the public conflict of the returning foreign terrorist fighters and their families from camps in Syria and Iraq back to Trinidad and Tobago. To achieve this, the civil contract applies where the returnee agrees to comply with UN resolution 2178 of 24 September 2014, to create desistance.

- b. The measure of this is via restrictions accepted by the returnee in the interest of National security where it is enforceable as a civil remedy in exchange for the release and return. This prevents member states from having to derogate human rights by constitutional amendments.
- c. The use of the Civil Contract to proportionately improve the immigration conflict in Trinidad and Tobago by seeking to partner with private entities as well as other civil society actors in its Human rights department to articulate human rights issues and mitigate against organised crime from developing structures to abuse human rights through trafficking and modern-day slavery models.