



## **Trinidad and Tobago's Compliance with the Convention on the Rights of Persons with Disabilities**

### **Suggested List of Issues Relating to: The Death Penalty**

#### **Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996

and

#### **The World Coalition Against the Death Penalty**

### **for the 21st Pre-sessional Working Group of the Committee on the Rights of Persons with Disabilities**

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**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

**The World Coalition Against the Death Penalty** is a membership-based global network committed to strengthening the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

## EXECUTIVE SUMMARY

1. Trinidad and Tobago retains a mandatory death penalty for murder and treason, and while authorities have not carried out an execution since 1999, 37 people remain under sentence of death. The criminal legal system fails to accommodate people with disabilities who come into conflict with the law—particularly people with intellectual or psycho-social disabilities. People with such disabilities may face the choice of facing a mandatory death penalty or being stripped of legal personhood. Detention conditions also fail to accommodate people with disabilities.

### **Trinidad and Tobago fails to uphold its obligations under the Convention on the Rights of Persons with Disabilities**

2. Trinidad and Tobago’s criminal code imposes a mandatory death penalty for murder. Under the Offences Against the Person Act of 1925, “every person convicted of murder shall suffer death,”<sup>1</sup> although the law allows for certain exceptions.<sup>2</sup> The law also imposes a mandatory death penalty for treason.<sup>3</sup>
3. The only exceptions to the death penalty are, pursuant to Section 4A(1) of the Offences Against the Person Act, for people with “abnormality of mind” that “substantially impaired [the offender’s] mental responsibility for [the offender’s] acts or omissions in doing or being a party to a killing,”<sup>4</sup> as well as provisions exempting individuals under the age of 18 at the time of the offense, and pregnant women from the death penalty.<sup>5</sup>
4. According to Amnesty International, and confirmed by the government in May 2025, there are currently 37 people known to be under sentence of death in Trinidad and Tobago, and as recently as 2024, a court sentenced one person to death, subject to provisions calling for the

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<sup>1</sup> Offences Against the Person Act, Laws of Trinidad and Tobago (Ch. 11:08) (updated to Aug. 31, 2021), Section 4. Also available online at [https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/11.08.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/11.08.pdf) (“4. Every person convicted of murder shall suffer death”).

<sup>2</sup> Offences Against the Person Act, Laws of Trinidad and Tobago (Ch. 11:08) (updated to Aug. 31, 2021), Section 4.

<sup>3</sup> Treason Act, Laws of Trinidad and Tobago (Ch. 11:03) (updated to Dec. 31, 2016), Section 2.

<sup>4</sup> Laws of Trinidad and Tobago - Offences Against the Person Act 1925, Section 4A(1) (“Where a person kills or is a party to the killing of another, he shall not be convicted of murder if he was suffering from such abnormality of mind (whether arising from a condition of arrested or retarded development of mind or any inherent causes or induced by disease or injury) as substantially impaired his mental responsibility for his acts and omissions in doing or being a party to the killing”). Also available online at [https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/11.08.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/11.08.pdf).

<sup>5</sup> Laws of Trinidad and Tobago - Offences Against the Person Act 1925, Section 4(A) (“Where a person kills or is a party to the killing of another, he shall not be convicted of murder if he was suffering from such abnormality of mind (whether arising from a condition of arrested or retarded development of mind or any inherent causes or induced by disease or injury) as substantially impaired his mental responsibility for his acts and omissions in doing or being a party to the killing”); 75 (“The sentence of death shall not be pronounced on or recorded against a person convicted of an offence if it appears to the Court that at the time when the offence was committed he was under eighteen years of age.”). Also available online at [https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/11.08.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/11.08.pdf); Criminal Procedure Act, ch. 12:02, Section 62 (“A pregnant woman who is convicted of a death-eligible offence shall instead be sentenced to life imprisonment upon a factual determination by the jury that she is pregnant”). Also available online at [https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/12.02.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/12.02.pdf).

mandatory death penalty.<sup>6</sup> The country’s last known execution took place in 1999.<sup>7</sup> Trinidad and Tobago is one of the only countries in the world<sup>8</sup>—and the only country in the Americas<sup>9</sup>—that retains a mandatory death penalty for murder.<sup>10</sup>

5. A newly elected government has signaled its intention to look into resuming and fast-tracking the process by which authorities may execute people sentenced to death.<sup>11</sup>
6. Murder is defined as unlawfully killing another person with the intent to kill or to cause grievous bodily harm. Murder is given a broad interpretation and is not classified by degree or category. Therefore, any charge of murder (regardless of the accused person’s intention) triggers a death sentence.
7. A person may also be convicted of murder under the common law doctrine of joint enterprise. Under the doctrine of joint enterprise, a person may be convicted of murder if they acted with another person in a “common design” that causes death or grievous bodily harm which was intended or contemplated as a possible consequence of the common design, and if the defendant committed an act in furtherance of that common design. Hence, a court may convict a person of murder and sentence that person to death even if the person neither intended death or serious injury to the victim nor inflicted the physical harm.<sup>12</sup> When Trinidad and Tobago last carried executions in 1999, several of the people executed had been convicted under the doctrine of joint enterprise.
8. The Judicial Committee of the Privy Council (Privy Council) has consistently ruled that the mandatory death penalty for murder is unconstitutional in Trinidad and Tobago because it violates the constitutional right not to be subjected to cruel and unusual punishment. The government contends that the penalty is nevertheless protected by a savings clause in section 6 of the Constitution, which states that: “Nothing in sections 4 or 5 [Recognition and Protection of Fundamental Human Rights and Freedoms] shall invalidate an existing law.”<sup>13</sup> The government argues, therefore, that the country may abolish the mandatory sentence only through the enactment of a law. The Privy Council has agreed that the “saved nature” of the law makes the retention of and sentencing of persons to death permissible. The apex court also

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<sup>6</sup> Amnesty International, *Death Sentences and Executions: 2024*, (May 2025), 12, 14, 16, available at <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

<sup>7</sup> The Death Penalty Project, *Evidence in Support of Abolition of the Mandatory Death Penalty in Trinidad and Tobago*, (Dec. 2021), <https://deathpenaltyproject.org/knowledge/evidence-in-support-of-abolition-of-the-mandatory-death-penalty-in-trinidad-and-tobago/>.

<sup>8</sup> The Death Penalty Project, *Evidence in Support of Abolition of the Mandatory Death Penalty in Trinidad and Tobago*, (Dec. 10, 2021), <https://deathpenaltyproject.org/knowledge/evidence-in-support-of-abolition-of-the-mandatory-death-penalty-in-trinidad-and-tobago/>.

<sup>9</sup> Amnesty International, *Death Sentences and Executions: 2021*, (May 24, 2022), 19. Also available online at <https://www.amnesty.org/en/documents/act50/5418/2022/en/>.

<sup>10</sup> Offences Against the Person Act, Laws of Trinidad and Tobago (Ch. 11:08) (updated to 31 August 2021), Section 4.

<sup>11</sup> Gail Alexander, *Govt hopes to resume the death penalty but can’t touch death row inmates*, Trinidad & Tobago Guardian, 16 May 2025, <https://www.guardian.co.tt/news/govt-hopes-to-resume-the-death-penalty-but-cant-touch-death-row-inmates-6.2.2308879.4df6128e43>.

<sup>12</sup> Caribbean Death Penalty Research [https://caribbeanddeathpenaltyresearch.wordpress.com/particular-issues/#Doctrine-of-Joint-Enterprise-and-Felony-Murder-Rule]

<sup>13</sup> Caribbean Death Penalty Research, *The Death Penalty in Trinidad and Tobago* (last visited Feb. 24, 2021), <https://caribbeanddeathpenaltyresearch.wordpress.com/home/trinidadtobago/>.

highlighted that it cannot strike out the law which retains the death penalty and has said that only Parliament has the power to repeal the law. Therefore, strategic litigation and judicial rulings are not viable avenues for redress.

**I. The criminal legal system does little to accommodate people with intellectual or psycho-social disabilities who come into conflict with the law and may undermine their legal personhood.**

9. The initial State Party Report provides census results regarding the number of people with various disabilities in Trinidad and Tobago, but those results show that authorities focus exclusively on physical disabilities<sup>14</sup> and ignore the existence of people with intellectual and psycho-social disabilities. Indeed, the report itself makes no specific reference to people with psycho-social or intellectual disabilities, beyond a passing reference to a provision that “allow[s] for a person who is disabled, in particular the mentally disabled, to have legal capacity through a ‘next friend’” if they are “otherwise incapable as in accordance with the [Civil Proceedings Rules] and the Mental Health Act.”<sup>15</sup> The report sets out constitutional provisions regarding the right to life and protections against torture and arbitrary detention,<sup>16</sup> but provides no information about whether or how the criminal legal system provides accommodations for people with disabilities who come into conflict with the law, beyond stating that “there is ongoing improvement within the judicial system in its accommodations for persons with disabilities.”<sup>17</sup>
10. The initial State Party Report also sets out that the Constitution of Trinidad and Tobago protects fundamental freedoms without discrimination as to various protected characteristics,<sup>18</sup> but disability is not among those characteristics. Hence, the law permits discrimination on account of disability, and neither the Constitution nor statutory laws require that government facilities and services accommodate people with disabilities. The initial State Party Report further contends that the government is in the process of finalizing its revised National Policy on Persons with Disabilities,<sup>19</sup> but that draft policy has existed since 2018 or 2019 and no action to implement it appears to be forthcoming.<sup>20</sup> Moreover, the draft policy makes no reference to prisons or people in carceral detention.<sup>21</sup>

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<sup>14</sup> Committee on the Rights of Persons with Disabilities, *Initial report submitted by Trinidad and Tobago under article 35 of the Convention, due in 2017*, (31 Dec. 2024), U.N. Doc. CRPD/C/TTO/1, ¶ 17.

<sup>15</sup> Committee on the Rights of Persons with Disabilities, *Initial report submitted by Trinidad and Tobago under article 35 of the Convention, due in 2017*, (31 Dec. 2024), U.N. Doc. CRPD/C/TTO/1, ¶ 86.

<sup>16</sup> Committee on the Rights of Persons with Disabilities, *Initial report submitted by Trinidad and Tobago under article 35 of the Convention, due in 2017*, (31 Dec. 2024), U.N. Doc. CRPD/C/TTO/1, ¶¶ 75-76.

<sup>17</sup> Committee on the Rights of Persons with Disabilities, *Initial report submitted by Trinidad and Tobago under article 35 of the Convention, due in 2017*, (31 Dec. 2024), U.N. Doc. CRPD/C/TTO/1, ¶ 88.

<sup>18</sup> Committee on the Rights of Persons with Disabilities, *Initial report submitted by Trinidad and Tobago under article 35 of the Convention, due in 2017*, (31 Dec. 2024), U.N. Doc. CRPD/C/TTO/1, ¶ 75.

<sup>19</sup> Committee on the Rights of Persons with Disabilities, *Initial report submitted by Trinidad and Tobago under article 35 of the Convention, due in 2017*, (31 Dec. 2024), U.N. Doc. CRPD/C/TTO/1, ¶ 18.

<sup>20</sup> Communication with civil society representative, 18 June 2025, on file with The Advocates for Human Rights. See also National Policy on Persons with Disabilities, Apr. 25, 2019, <https://www.social.gov.tt/wp-content/uploads/2020/10/National-Policy-of-Persons-with-Disabilities-April-25-2019-1.pdf>.

<sup>21</sup> Communication with civil society representative, 18 June 2025, on file with The Advocates for Human Rights.

11. In 2021, the Government of Trinidad and Tobago represented to the Human Rights Committee that the Offences Against the Person Act prohibits individuals who are “found to be ‘insane’” from standing trial, and presumably courts therefore cannot sentence those people to death.<sup>22</sup> The Government did not provide the Human Rights Committee with any information regarding how that determination of “insanity” is made, whether it is appealable, or what constitutes “insanity.”
12. Trinidad and Tobago has sentenced to death several persons determined to have psycho-social disabilities. In *Chandler v The State* [2018], the Privy Council upheld the conviction and capital sentence, but admitted it was a “troubling case.”<sup>23</sup> Lawyers for Chandler presented a report from a forensic psychiatrist who has diagnosed him as suffering from episodes of psychosis.<sup>24</sup> *The Guardian* reported that Death Penalty Project expressed concern over the Chandler case, stating “[t]his is yet another example of someone being sentenced to death who has never been assessed by mental health experts.”<sup>25</sup> The decision in *Chandler* follows two more convictions of persons with severe psycho-social disabilities in *Lester Pitman and Neil Hernandez v The State* [2017].<sup>26</sup> These cases raise a serious concern that people with psycho-social disabilities face the death penalty in Trinidad in part because of limited or nonexistent funding for psycho-social disability assessments, precluding defense attorneys from raising the defense in the first instance.
13. **Suggested questions** relating to accommodations for persons with intellectual and psycho-social disabilities who come into conflict with the law:
  - Please describe efforts to collect data about the number of people in Trinidad and Tobago with intellectual and psycho-social disabilities and to incorporate programming and accommodations for those people into the country’s policies and programs for people with disabilities.
  - Please provide comprehensive data about all people currently under sentence of death, disaggregated by age, sex/gender, nature of any disabilities, date of offense, crime of conviction, date of conviction, status of any appeals or requests for pardon, current location, and relationship to any codefendants or victims.
  - Please provide comprehensive data about any persons alleged or determined to have “abnormality of mind” under Section 4A(1) of the Offences Against the Person Act over the past five years, including the status of their cases, the nature of their disabilities, and their current location.

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<sup>22</sup> Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019*, (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶ 149.

<sup>23</sup> *Chandler v. The State (Trinidad and Tobago)*, [2018] (UKPC 5).

<sup>24</sup> *Chandler v. The State (Trinidad and Tobago)*, [2018] (UKPC 5).

<sup>25</sup> Owen Bowcott, *Trinidad waits on British judges’ death row ruling as murders soar*, *The Guardian* (Jan. 15, 2018). Also available online at <https://www.theguardian.com/law/2018/jan/15/trinidad-waits-on-british-judges-death-row-ruling-as-murders-soar>.

<sup>26</sup> *Lester Pitman and Neil Hernandez v. The State (Trinidad and Tobago)*, [2017] (UKPC 6).

- What improvements has the judiciary undertaken to enhance accommodations for persons with disabilities in conflict with the law, particularly for persons with intellectual and psycho-social disabilities?
- During the investigation stage, what accommodations does law enforcement provide to persons with intellectual or psycho-social disabilities who are suspected of having committed a criminal offense?
- Please describe the procedure by which courts determine under Section 4A(1) of the Offences Against the Person Act whether a person is ineligible for the death penalty, as well as any funding or training for defense counsel to invoke Section 4A(1) in capital cases. Absent applicability of this provision, or of any provision relating to a determination of “insanity,” is there any means by which a sentencing authority may take into account a person’s disability in determining an appropriate sentence for a capital crime?
- How do public defenders or court-appointed attorneys in capital cases enlist experts to ascertain whether the defendant has a psycho-social or intellectual disability that may be relevant to the defense? Does the state provide funding for such experts?
- Under what circumstances is a person with an intellectual or psycho-social disability denied legal personhood when the person comes into conflict with the law?
- What efforts are underway to align the scope of the offense of capital murder with international standards for “most serious” crimes?
- Under the joint enterprise doctrine, may a court take into consideration a defendant’s intellectual or psycho-social disability in determining whether the defendant is culpable of capital murder and therefore subject to the mandatory death penalty?

## **II. Detention conditions are inhumane, particularly regarding women’s hygiene, and fail to accommodate people with disabilities.**

14. As discussed in paragraph 10 above, Trinidad and Tobago does not prohibit discrimination on account of disability or require accommodations for people with disabilities. The Prison Service’s code of conduct regulations do not mention disability or set minimum standards for treatment of people with disabilities who are incarcerated.<sup>27</sup>
15. The Government of Trinidad and Tobago represented to the Human Rights Committee in 2021 that under the Restorative Justice Policy, the Prison Service must “link” individuals deprived of their liberty “with skills, resources and opportunities that will enable them to successfully return to society.”<sup>28</sup> Such programming may involve education, sports, arts, and other life-skill

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<sup>27</sup> Communication with civil society representative, 18 June 2025, on file with The Advocates for Human Rights.

<sup>28</sup> Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019* (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶ 30.

development, including adult literacy and vocational education. Individuals who are under sentence of death, however, are not eligible to participate.<sup>29</sup>

16. A civil society source reports that prison authorities commonly subject people with “mental impairments” to solitary confinement, purportedly for their own safety and protection.<sup>30</sup>
17. In December 2021, Criston Williams, an attorney for someone charged with murder, wrote the Caribbean Centre for Human Rights (the CCHR) requesting an independent body investigate claims from individuals deprived of their liberty that conditions at the maximum security prison in Arouca are inhumane.<sup>31</sup> Williams’ client told him that meals were not delivered on time, individuals were not allowed to bathe on time or at all, they were denied time outside their cells, and officers abused and threatened some of the people in the prison.<sup>32</sup> The CCHR also called for an independent body to investigate these claims, noting that independent bodies have not been allowed to conduct monitoring visits to assess prison conditions even prior to the COVID-19 pandemic, and that it is impossible to independently verify prison authorities’ claims with respect to the treatment of people in detention.<sup>33</sup>
18. In 2023, then-Master Martha Alexander ordered the State to compensate nine men who had been acquitted of murder, after the men prevailed on their claims of malicious prosecution and inhumane prison conditions. Alexander detailed the conditions in the prison: “These prison experiences suffered by the present claimants were deplorable, mentally grating, sub-human conditions. Such shocking conditions applied across the prison system while they were incarcerated at the various prison institutions and police stations.”<sup>34</sup> The men slept on newspapers on the floors, used pail buckets to relieve themselves which were only emptied once a day, were confined to overcrowded cells, ate non-nutritious meals, and received poor medical treatment. Doctors diagnosed one prisoner with kidney disease and only prescribed an over-the-counter pain killer. Prison staff also frequently beat, degraded, and humiliated the people under their care.<sup>35</sup>

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<sup>29</sup> Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019* (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶ 31.

<sup>30</sup> See also Yvonne Baboolal, *Transformed*, Trinidad & Tobago Guardian, 7 Aug. 2010, <https://www.guardian.co.tt/article-6.2.340020.2bdf2f75b1>.

<sup>31</sup> *Human Rights Group Wants Access to Prisons*, Trinidad and Tobago Newsday, Dec. 6, 2021, <https://newsday.co.tt/2021/12/06/human-rights-group-wants-access-to-prisons/>.

<sup>32</sup> *Human Rights Group Wants Access to Prisons*, Trinidad and Tobago Newsday, Dec. 6, 2021, <https://newsday.co.tt/2021/12/06/human-rights-group-wants-access-to-prisons/>.

<sup>33</sup> *Human Rights Group Wants Access to Prisons*, Trinidad and Tobago Newsday, Dec. 6, 2021, <https://newsday.co.tt/2021/12/06/human-rights-group-wants-access-to-prisons/>.

<sup>34</sup> *Trinidad-Court-State Ordered to Pay Millions in Compensation to Men Acquitted of Murdering Businesswoman*, Caribbean Times, Jan. 31, 2023, <https://caribbeantimes.com/trinidad-court-state-ordered-to-pay-millions-in-compensation-to-men-acquitted-of-murdering-businesswoman/>; *Shervon Peters and Others v. The Attorney General of Trinidad and Tobago*, CV2020-01243 (2023), <https://bloximages.newyork1.vip.townnews.com/trinidadexpress.com/content/tncms/assets/v3/editorial/1/87/187ba902-a0cc-11ed-b8bb-bfe0962aed03/63d80cf31a77f.pdf.pdf>.

<sup>35</sup> *Shervon Peters and Others v. The Attorney General of Trinidad and Tobago*, CV2020-01243 (2023), <https://bloximages.newyork1.vip.townnews.com/trinidadexpress.com/content/tncms/assets/v3/editorial/1/87/187ba902-a0cc-11ed-b8bb-bfe0962aed03/63d80cf31a77f.pdf.pdf>; *Trinidad-Court-State Ordered to Pay Millions in Compensation to Men Acquitted of Murdering Businesswoman*, Caribbean Times, Jan. 31, 2023, <https://caribbeantimes.com/trinidad-court-state-ordered-to-pay-millions-in-compensation-to-men-acquitted-of-murdering-businesswoman/>

19. Greater Caribbean for Life has received credible reports that detention conditions in women’s prisons are similarly unhygienic and that the women housed in these prisons lack access to toilets and sanitation and hygiene products. In response to a request for information, the Office of the Deputy Commissioner of Prisons asserted in an email dated 4 January 2023, that “Women Lifers have access to toilets” and receive hygiene products fortnightly.<sup>36</sup> Despite these assertions, sources familiar with prison conditions at the women’s prison in Trinidad and Tobago, who do not want to reveal their identities for fear of reprisals, have said that to date female inmates do not have access to toilets but have to use buckets instead. According to one news report, people living in the prison “who don’t have the support of family or friends to provide their most basic needs must ration the limited personal hygiene supplies provided by the State. When bath soap, laundry detergent and sanitary pads run out, thousands of male and female prisoners are left lacking a sense of dignity.”<sup>37</sup> Several civil society organizations have coordinated occasional efforts to supply women in prison with toiletries, including feminine hygiene products,<sup>38</sup> but even when “the public’s response [is] generous, the supplies inevitably dried up.”<sup>39</sup> Debbie Jacob, the founder of the Wishing for Wings Foundation, reported that women face particular hygiene challenges: “There are women who cannot afford sanitary pads. (They) use rags or whatever, but that is now 19<sup>th</sup>-century stuff.”<sup>40</sup> In a November 2022 interview, she emphasized that “it will be difficult to access a consistent donation of pads,” and added, “I don’t think anyone should go through the indignity of not having sanitary support during their period.”<sup>41</sup>
20. Finally, while not directly related to people with disabilities who come into conflict with the law, a 2023 report describes inhumane conditions of confinement at St. Ann’s Hospital for people with “developmental disabilities” such as cerebral palsy, for example. The report states that the 39 people with disabilities who live in wards 12 and 13 at the hospital have been there for an average of 30 years, and many of them had been abandoned as children by their families. Staff at the facility are trained to provide services to people with psycho-social disabilities, not the disabilities present in the population of those wards. Hospital staff have not provided these people with disabilities with therapy, schooling, or any activities beyond basic food, housing,

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<sup>36</sup> Email correspondence from the Office of the Deputy Commissioner of Prisons, Jan. 4, 2023, on file with The Advocates for Human Rights.

<sup>37</sup> Andrew Gioannetti, *Needy prisoners left without soap, sanitary products*, Trinidad & Tobago Newsday, Nov. 20, 2022, <https://newsday.co.tt/2022/11/20/needy-prisoners-left-without-soap-sanitary-supplies/> (last visited Jan. 21, 2023).

<sup>38</sup> Prison Fellowship Trinidad & Tobago, “Prison Fellowship Trinidad and Tobago,” accessed Jan. 21, 2023, <https://www.facebook.com/pftt2009/posts/231973949022788/>; Andrew Gioannetti, *Needy prisoners left without soap, sanitary products*, Trinidad & Tobago Newsday, Nov. 20, 2022, <https://newsday.co.tt/2022/11/20/needy-prisoners-left-without-soap-sanitary-supplies/> (last visited Jan. 21, 2023); *Donation of Feminine Hygiene Products to the Women’s Prison*, <https://portal.clubrunner.ca/4795/Stories/donation-of-feminine-hygiene-products-to-the-women-s-prison> (last visited Jan. 21, 2023).

<sup>39</sup> Andrew Gioannetti, *Needy prisoners left without soap, sanitary products*, Trinidad & Tobago Newsday, Nov. 20, 2022, <https://newsday.co.tt/2022/11/20/needy-prisoners-left-without-soap-sanitary-supplies/> (last visited Jan. 21, 2023).

<sup>40</sup> Andrew Gioannetti, *Needy prisoners left without soap, sanitary products*, Trinidad & Tobago Newsday, Nov. 20, 2022, <https://newsday.co.tt/2022/11/20/needy-prisoners-left-without-soap-sanitary-supplies/> (last visited Jan. 21, 2023).

<sup>41</sup> Andrew Gioannetti, *Needy prisoners left without soap, sanitary products*, Trinidad & Tobago Newsday, Nov. 20, 2022, <https://newsday.co.tt/2022/11/20/needy-prisoners-left-without-soap-sanitary-supplies/> (last visited Jan. 21, 2023).

and hygiene.<sup>42</sup> St. Ann's is also the facility that houses people with psycho-social disabilities who come into conflict with the law but who do not stand trial due to "abnormality of mind."<sup>43</sup>

21. **Suggested questions** relating detention conditions:

- What accommodations do prison authorities provide for people in detention who have disabilities? What medical services do they receive related to their disabilities?
- Under what circumstances may a person with a psycho-social disability who is incarcerated be subjected to solitary confinement? What is the maximum duration of such confinement?
- Please describe efforts to improve detention conditions, particularly for people under sentence of death.
- What steps have prison authorities taken to ensure that people under sentence of death have access to all vocational training and other support services and programming available to the general prison population?
- What measures have prison authorities taken to ensure that personal hygiene conditions and supplies for women, transgender men, and gender-non-conforming people comport with the Bangkok Rules?
- What steps have authorities taken to address allegations of inhumane conditions of detention for people with disabilities at St. Ann's Hospital?

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<sup>42</sup> *The Dark Secret at St Ann's*, Trinidad Express, 8 Jan. 2023, [https://trinidadexpress.com/special-report/the-dark-secret-at-st-anns/article\\_9b9e9522-8e45-11ed-bdb9-e716eeebfde2.html](https://trinidadexpress.com/special-report/the-dark-secret-at-st-anns/article_9b9e9522-8e45-11ed-bdb9-e716eeebfde2.html).

<sup>43</sup> Communication with civil society representative, 18 June 2025, on file with The Advocates for Human Rights.