

The Death Penalty

Submitted by: The Advocates for Human Rights and The World Coalition Against the Death Penalty

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Summary: Trinidad and Tobago imposes a mandatory death penalty for murder and treason, with no individualized sentencing. The Government has not carried out any executions since 1999, but in 2025 signaled its intent to continue executions. Despite judicial rulings that prolonged delays on death row constitute inhumane punishment, there are 48 people who remain under sentence of death, 5 of whom courts sentenced to death in the last five years. Mandatory death sentences disproportionately subject women to capital charges because judges are barred from considering their survivorship histories. Nearly two-thirds of people in detention are held on remand, awaiting trial—some for over a decade. Prisons are severely overcrowded with inadequate sanitation, ventilation, and infrastructure.

Trinidad and Tobago maintains a mandatory death penalty and holds people on death row for prolonged periods.

- Under the Offences Against the Person Act of 1925, “every person convicted of murder shall suffer death,” with narrow exceptions. Treason also carries a mandatory death sentence.
- In 2023, the High Court of Trinidad and Tobago quashed the death sentence of Wenceslaus James, who had been on death row for 24 years. The court relied on the Privy Council’s decision in *Pratt and Morgan v. The Attorney General of Jamaica* (1993), which held that any delay of more than five years between sentencing and execution was *prima facie* evidence that carrying out the sentence would constitute inhumane or degrading punishment. The High Court held that executing Wenceslaus James after such an extraordinary amount of time would breach his constitutional rights.
- The Government has not carried out any executions since 1999, but the Prime Minister and the Minister of Homeland Security made statements in 2025 suggesting that the ruling party intended to resume executions.

High rates of gender-based violence risk placing women into conflict with the law, and the mandatory death penalty ignores gendered defenses and mitigation.

- Gender-based violence rates remain high and state protection and accountability mechanisms are often ineffective. Most complaints of sexual abuse and breaches of protection orders do not lead to formal criminal charges.
- Globally, women are more likely to be sentenced to death for criminal offenses committed within the context of gender-based violence and manipulative or coercive-control relationships with male co-defendants. Criminal legal systems frequently fail to give adequate weight to a defendant’s history as a survivor of gender-based violence in the context of gender-specific defenses and mitigation.

- This risk is heightened in Trinidad and Tobago because the mandatory death penalty bars individualized sentencing consideration. Courts cannot consider gender-specific mitigation evidence. In 2022, the Privy Council declined to invalidate the mandatory death penalty, despite acknowledging that by mandating death without regard to degree of culpability, it is “cruel and unusual.”

Detention conditions are inconsistent with international human rights standards.

- In 2025, nearly two-thirds of people in detention were waiting for trial. Since many people are not eligible for bail or cannot afford it, they may spend 10 to 15 years awaiting trial.
- People in detention continue to suffer harsh conditions due to gross overcrowding, inadequate lighting, poor ventilation, and inadequate sanitation. People in detention spend up to 23 hours a day in a cell. In 2025, the Maximum Security Prison in Arouca failed to make timely repairs to a water pump. Guards had carry buckets of water for daily prison functions, which resulted in unrest and a murder. A pigeon infestation affecting the air conditioning system in the Eastern Correctional Rehabilitation Centre in Santa Rosa caused respiratory issues and other health concerns.
- Women in prison rarely have reliable access to dignified sanitation and sufficient hygiene supplies, such as menstrual products.

Recommendations

- Abolish the death penalty and replace it with penalties that are fair, proportionate, and consistent with international human rights standards.
- In the interim:
 - Impose an immediate official moratorium on executions;
 - Seek technical assistance to initiate, with the participation of civil society, a comprehensive awareness-raising campaign on the death penalty, including public and parliamentary debates highlighting relevant human rights concerns and misconceptions about deterrence;
 - Codify gender-specific defenses and mitigation in capital trials, encompassing trauma, gender-based violence, economic pressures, and family caretaking responsibilities; and
 - Abolish the savings clause that protects laws that existed at independence, including the death penalty, from legal challenges.
- Adopt legislative and judicial reforms to ensure that in any criminal legal proceeding, the court may admit and consider evidence of prolonged gender-based violence and coercive control as relevant defenses and mitigation evidence, particularly when a woman is charged with an offense that could result in a sentence of death or life imprisonment.
- Take all necessary steps to minimize the use of remand (pretrial) detention, including by providing training and expanding judicial discretion to reduce bail terms and to bar pretrial detention for people accused of petty offenses.
- Take concrete measures to improve detention conditions, prioritizing plumbing, ventilation, sanitation, and adequate provision of menstrual products.