

**CARIBBEAN CENTRE FOR HUMAN RIGHTS  
TRINIDAD AND TOBAGO**

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**STATEMENT ON THE UNIVERSAL PERIODIC REVIEW OF TRINIDAD AND TOBAGO  
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Your Excellencies,  
Distinguished delegates,

The Caribbean Centre for Human Rights is grateful for this opportunity to share some of our concerns regarding the human rights of migrants and refugees and persons deprived of their liberties in Trinidad and Tobago. Our report will focus specifically on immigration detention and access to justice for migrants and refugees and the situation in the prisons with respect to lengthy stay in remand and prison conditions. We would like to note that CCHR also made presentations on these issues at the IACHR with the hope that the international community will increase their engagement in the region on these matters.

**REFUGEES AND MIGRANTS**

We wish to acknowledge the efforts of the government of Trinidad and Tobago to honor their international obligations with respect to migrants and refugees. The government of TT established a National Registration Process in June 2019 where 15 653 Venezuelans were registered over a two week period. This national registration allows Venezuelans to legally live and work in TT and is renewed on a six month basis. This is a tremendous humanitarian gesture that has allowed for the economic mobility, self determination and integration of migrants and refugees. However there are several thousand more Venezuelans that were not able to register under this process and there are over thirty other nationalities that seek asylum in TT and who were excluded from the national registration process.

The situation for asylum seekers, refugees and migrants is very challenging and has been exacerbated by the COVID-19 pandemic. Too many human rights violations persist in contravention of the international treaties that Trinidad and Tobago are party to, in violation of the nation's laws, the Constitution and accepted international standards and norms.

**IMMIGRATION DETENTION**

Immigration detention policies and procedures in TT are of grave concern to CCHR. Because of the lack of a legal framework to treat refugees and lack of screening mechanisms, migrants and asylum seekers are charged with illegal entry, in violation of the non-penalization principle. They are often held for indefinite periods without sufficient legal basis and for periods beyond what is considered reasonable. Persons have been held in immigration detention for months and even years. Asylum seekers receive little support or guidance from the state as to their rights.

Lawyers are not allowed to meet with their clients at the detention facility at the Chaguaramas Heliport. Often, migrants are deported shortly after being detained.

The Immigration Detention Centre (IDC) at Aripo has been described by detainees as extremely unsanitary and inhumane and there have been several protests by detainees about the conditions and lengthy detention periods. It is reported that there is a Nigerian national that has been in IDC for over eight years and he is suffering from serious health conditions. There is a lack of transparency by the government with respect to monitoring of conditions in immigration detention. Independent bodies and civil society actors have not been allowed access to immigration detention facilities, even before the pandemic. CCHR is particularly concerned about the Covid health protocols in immigration detention.

## CHILDREN IN DETENTION

CCHR has also received reports that women and children are not separated from male detainees in these detention facilities and migrant children often share spaces with other adults. Of particular concern is that children have also been held at the Chaguaramas facility for extended periods which violates the 'best interest of the child' principle.

## MIGRANTS ACCESS TO JUSTICE

The Trinidad and Tobago Constitution states that everyone has access to a fair trial, yet far too often, migrants, asylum seekers and refugees are deported without having an opportunity to challenge their detention and deportation. Additionally, multiple adjournments, a feature of TT's broken criminal justice system, result in long delays between hearings, and lengthy detention periods add frustration, forcing many to abandon their habeas corpus applications.

These delays and multiple adjournments result in the denial of rights to migrants and refugees. Effectively these delays and multiple adjournments, and the conditions of detention pending determination of the cases threaten the right to life, right to health and the right to a hearing within a reasonable time as well as the right not to be arbitrarily detained without sufficient legal basis. Many of these deportation challenges end up in the High Court and migrants and refugees lack the resources and skilled legal support to substantively challenge state actions against them.

## **PRISONS**

### LENGTHY STAY IN REMAND

The situation in the prisons has remained largely the same since the last review and still fails to meet the minimum international human rights standards. The remand population remains at around sixty percent of the prison population. The average stay in remand for males is around four years and for females it is around two years. Several persons have been on remand for over ten and fifteen years. Lengthy stay in remand can be directly linked to the inefficient and

painfully slow criminal justice system. Virtual courts have been established due to the pandemic but that has not produced the results that was anticipated. Other factors that contributes to lengthy stay in remand are that 'a number of inmates continue to go unrepresented since the appointment process at the Public Defender office is slow', Legal Aid is severely under resourced which means that cases drag on for years and delays due to multiple adjournments because of police no-shows or that the state is not ready to proceed with the case.

## **PRISON CONDITIONS**

The lengthy stay in remand contributes to the severe overcrowding of prisons where there are five to ten persons per cell and the prison conditions are severely unsanitary and inhumane. Prisoners are forced to use pails to defecate, which remain in the cells at all times and they are forced to urinate in drains that run alongside the cells. These drains are close to where food is prepared and the prisons are poorly ventilated. Prisoners are exposed to the constant stench and unsanitary conditions which no doubt create a severely unhealthy environment and a breeding ground for the spread of the Covid-19 virus and other diseases which threaten detainees' right to health and right to life.

It should also be noted that the numbers in some of the prisons exceed the capacity for which it was built. There have been several protests by remandees and convicted persons, on the issue of lengthy stay in remand, the quality of the food being served, the risks of Covid-19 due to overcrowding and unsanitary conditions.

The government has engaged in some measures to deal with these challenges however implementation has been slow and has been compounded by the pandemic. Rehabilitation programmes are limited and reintegration programmes are almost non-existent. It should be noted that remandees are allowed one hour airing time as compared to the eight hours that convicted inmates are allowed. This is a particularly harsh penalty for persons that are yet to be found guilty of a crime.

## **RECOMMENDATIONS MIGRANTS AND REFUGEES**

CCHR would like to recommend the following actions be taken by the State in order to achieve compliance with its human rights obligations:

1. Implement a Multi-Agency "National Policy to Address Refugee and Asylum Matters", which has remained in draft since 2014. This Policy and its implementation would in the interim provide coherence and remove the ad hoc and often rights abusing nature of Trinidad's response to its migrant and refugees crisis. CCHR is, however, very clear that a policy is not a law nor does it have the force as such.
2. Establish a working group with civil society and government as well as relevant international agencies for the implementation of the policy.

3. Train all responsible officers on their duties and accountabilities under the finalized policy.
4. Coordinate with local and international stakeholders to ensure the policy is implemented with clear lines of responsibility and accountability for all stakeholders. These include but are not limited to the Coast Guard, the T&T Defence Force, the T&T Police Service, the Immigration Division, the Prison Service, the Health Services, the Children's Services, the Courts & the Judiciary, the responsible United Nations agencies, the Civil Society groups and the Citizen's of T&T.
5. Engage in alternatives to detention, and release persons on Orders of Supervision.
6. Develop and pass a comprehensive Immigration law that codifies how the State will fulfill its international obligations to migrants and refugees while protecting and enforcing its control over Immigration into its territory. Such a law would give the State:
  - Ability to screen persons entering the country and identify persons in need of protection
  - Ability to know who is entering the borders
  - Protect migrants and refugees from exploitation and abuse
  - Supports efforts to combat trafficking, smuggling and other criminal activities
  - Facilitate Migrant workers entry into the labour force

## **RECOMMENDATIONS PRISONS**

From the last periodic review, several recommendations were made to encourage TT to meet the minimum standards. We reiterate these recommendations:

- Enact comprehensive prison and related judicial reform to ensure that conditions of detention are in conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners, so as to address overcrowding and prison conditions,;
- Provide sufficient resources for rehabilitation and reintegration of prisoners
- Work to relieve the judicial backlog that has contributed to people in remand awaiting a trial, many who have been in custody for several years
- Build the capacity of the Public Defenders office
- Allow for independent monitoring of all places of detention