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**Human Rights Committee****Concluding observations on the fifth periodic report of  
Trinidad and Tobago\***

1. The Committee considered the fifth periodic report of Trinidad and Tobago<sup>1</sup> at its 4052nd and 4053rd meetings,<sup>2</sup> held on 18 and 19 October 2023. At its 4068th meeting, held on 30 October 2023, it adopted the present concluding observations.

**A. Introduction**

2. The Committee is grateful to the State party for having accepted the simplified reporting procedure and for submitting its fifth periodic report in response to the list of issues prior to reporting prepared under that procedure.<sup>3</sup> It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral responses provided by the delegation.

**B. Positive aspects**

3. The Committee welcomes the adoption by the State party of the following legislative and policy measures:

- (a) The Domestic Violence (Amendment) Act, 2020;
- (b) The Administration of Justice (Electronic Monitoring) (Amendment) Act, 2020;
- (c) The Bail (Amendment) Act, 2019;
- (d) The Miscellaneous Provisions (Marriage) Act, 2016;
- (e) The Trafficking in Persons Act, 2011;
- (f) The National Clinical and Policy Guidelines on Intimate Partner Violence and Sexual Violence, 2022;
- (g) The National Child Policy, 2021;
- (h) The National Youth Policy, 2021;
- (i) The National Sexual and Reproductive Health (SHR) Policy, 2021.

4. The Committee also welcomes the ratification by the State party of the Optional Protocol to the Convention on the Rights of Persons with Disabilities, on 25 June 2015.

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\* Adopted by the Committee at its 139<sup>th</sup> session (9 October - 3 November 2023).

<sup>1</sup> [CCPR/C/TTO/5](#).

<sup>2</sup> See [CCPR/C/SR.4052](#) and [CCPR/C/SR.4053](#).

<sup>3</sup> [CCPR/C/TTO/QPR/5](#).

**Constitutional and legal framework within which the Covenant is implemented**

5. While noting that the State party has a dualist legal system and that the Covenant has been incorporated into several pieces of legislation, the Committee is concerned that gaps still remain between the domestic legal framework and the Covenant, and that no examples were provided of court decisions referring to the Covenant in the application or interpretation of domestic law. The Committee remains concerned that the State party maintains its reservations to articles 4 (2), 10 (2-3), 12 (2), 14 (5-6), 15 (1), 21 and 26 of the Covenant (art. 2).

6. **The State party should take effective measures to ensure that all rights protected under the Covenant are given full effect in its domestic legal order with a view to ensuring that the Covenant is directly invoked before, and applied by, domestic courts. In particular, the State party should: (a) implement a thorough, accessible and regularly updated programme of specialized training on the Covenant for judges, prosecutors and lawyers to ensure that they apply and interpret domestic law in the light of the Covenant; (b) review its constitutional law to ensure that rights protected by the Covenant are restricted only as permitted under the Covenant; and (c) consider withdrawing its reservations to articles 4 (2), 10 (2-3), 12 (2), 14 (5-6), 15 (1), 21 and 26 of the Covenant.**

7. The Committee regrets that the State party is not currently considering re-acceding to the first Optional Protocol to the Covenant and that no information was provided on the implementation of Views adopted under the Optional Protocol to the Covenant prior to the State party's denunciation of the Optional Protocol (art. 2).

8. **The State party should consider re-acceding to the Optional Protocol to the Covenant that provides for an individual communication procedure, with a view to ensuring the rights of individuals to an effective remedy. Furthermore, it should provide the Committee, in a timely manner, with the information requested on the measures taken to implement all of the Views adopted, as requested under the Committee's follow-up to Views procedure.**

**National Human Rights Institution**

9. While noting the important role of the Office of the Ombudsperson and the Equal Opportunities Commission, the Committee is concerned that they are not in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Furthermore, while welcoming the information provided by the Delegation that the State party is considering converting the Equal Opportunity Commission into a national human rights institution in compliance with the Paris Principles, the Committee is concerned by the lack of information provided regarding the State party's concrete plans and steps for the establishment of such an institution (art. 2).

10. **The Committee calls upon the State party to establish an independent national human rights institution with a comprehensive mandate and appropriate powers in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to allocate adequate financial and human resources to the institution. The State party should carry out a transparent consultation process regarding the creation of a national human rights institution, ensuring the participation of a wide range of stakeholders, including civil society organizations.**

**Anti-corruption measures**

11. The Committee welcomes the steps taken by the State party to prevent and combat corruption among persons exercising public functions, and the statement by the State party reaffirming its commitment to those goals. However, it is concerned by the lack of information provided on the effectiveness of the Integrity Commission, especially considering that less than half of those required to submit declarations and statements of registrable interest for 2017 had done so, and that there are 556 outstanding declarations for 2019. The Committee notes that the Integrity Commission has indicated that the Office of

the Director of Public Prosecutions does not fully cooperate with the Commission's investigations. Furthermore, while noting the measures taken to identify police officers involved with transnational gangs in the trafficking of drugs, weapons and persons, the Committee is concerned by the lack of information on the specific measures the State party has taken to identify, prevent and punish police officers who are involved in these activities. The Committee regrets the lack of information provided on the State party's progress to adopt the Whistleblower Protection Bill (arts. 2 and 25).

**12. The State party should intensify its efforts to prevent and eradicate corruption and impunity at all levels. In particular, it should take all necessary measures:**

**(a) To independently and impartially investigate and prosecute all cases of corruption, and, if a person is convicted, impose penalties commensurate with the seriousness of the offence;**

**(b) To provide effective training to law enforcement officials, prosecutors and judges on detecting, investigating and prosecuting corruption;**

**(c) To ensure the independence, effectiveness, transparency and accountability of all anti-corruption bodies, including the Integrity Commission;**

**(d) To effectively protect whistle-blowers, inter alia, through the prompt enactment of the Whistleblower Protection Bill;**

**(e) To implement training and awareness-raising campaigns to inform public officials, politicians, the business community and the general public about the economic and social costs of corruption and the mechanisms in place to address it.**

#### **State of emergency**

13. While noting the information provided by the State party regarding the provisions of the Constitution governing states of emergency, the Committee remains concerned by the State party's reservation to article 4(2), which allows for derogation of rights that the Covenant designates as non-derogable during states of emergency. The Committee is also concerned by the application of the Anti-Gang Act during the 2011 state of emergency, detaining approximately 450 individuals, and the provisions of the Act allowing for individuals to be held without bail for as long as 120 days until the filing of charges. In that regard, the Committee regrets the lack of information provided on the necessary safeguards to ensure the protection and non-derogation of due process rights during emergency situations (art. 4).

**14. Recalling the Committee's previous recommendations,<sup>4</sup> the State party should ensure that the national legal framework on emergencies as well as the application of other laws during emergencies, are fully compatible with the provisions of the Covenant and the Committee's general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency. It should also ensure that any measures introduced to protect the population in a state of emergency, including a pandemic, are strictly required by and proportional to the exigencies of the situation and are limited in duration, geographical coverage and material scope, and are subject to judicial review.**

#### **Counter-terrorism measures**

15. While acknowledging the information provided by the State party regarding the legislative framework on counter-terrorism, the Committee is concerned that the broad definitions of "terrorism" and "terrorist activities" in the Anti-Terrorism Act, 2005 and the Anti-Terrorism (Amendment) Act, 2018 have led to the misclassification of non-combatants as Foreign Terrorist Fighters. Furthermore, the Committee is concerned that a number of nationals from Trinidad and Tobago continue to be detained as suspected members of Islamic State (ISIS), together with their family members and children under harsh conditions at the al-Hol refugee camp in the Syrian Arab Republic. While noting the State party's commitment and efforts to repatriate its nationals, the Committee regrets the lack of concrete information

<sup>4</sup> CCPR/CO/70/TTO, para. 9.

regarding the specific plans to carry-out repatriations and whether any repatriations have taken place (arts. 2, 9, 12 and 14).

**16. The State party should:**

**(a) Adopt effective safeguards and preventive measures to ensure that its counter-terrorism legislation - especially its definitions, the powers granted and limits on their exercise - is in compliance with the Covenant and the principles of legality, certainty, predictability and proportionality, and that persons suspected of or charged with terrorist acts or related crimes are provided, in law and practice, with all legal safeguards, in accordance with the Covenant;**

**(b) Intensify its efforts to swiftly repatriate all nationals of Trinidad and Tobago who are currently in armed conflict zones, and their families and children, by means of a clear and fair procedure that respects the principle of the best interests of the child and provides adequate access to rehabilitation services and care upon repatriation.**

**Non-discrimination**

17. The Committee welcomes the information provided by the State party regarding the ability of the Office of the Ombudsperson and the Equal Opportunities Commission to receive and investigate complaints of discrimination, as well as of the Equal Opportunity Tribunal to adjudicate on matters referred to it by the Commission in order to provide for effective judicial and administrative remedies. However, the Committee remains concerned that the existing legal framework does not afford full and effective protection against direct, indirect and intersectional discrimination in the public and private sectors and on all the grounds prohibited under the Covenant. In particular, it is concerned that: (a) section 4 of the Constitution does not explicitly mention sexual orientation and gender identity as grounds of non-discrimination, and that the Equal Opportunity Act 2000 does not prohibit discrimination based on sexual orientation, gender identity or HIV status; (b) same-sex relationships between consenting adults are criminalized in articles 13 and 16 of the Sexual Offences Act, notwithstanding the decision of the High Court of Trinidad and Tobago on 12 April 2018 concluding that these provisions are unconstitutional; and (c) that the Immigration Act prohibits free movement into and out of the State party of persons with disabilities as well as of lesbian, gay, bisexual, transgender and intersex persons. Furthermore, while noting the efforts of the State party to address discrimination, the Committee is concerned about the persistent discrimination suffered by persons with disabilities, persons with HIV or AIDS, and lesbian, gay, bisexual, transgender and intersex persons, especially in the areas of education, health and employment (arts. 2, 3, 17, 20 and 26).

**18. The State party should adopt comprehensive legislation prohibiting discrimination, including intersectional, direct and indirect discrimination, in all spheres, in both the public and private sectors, on all grounds prohibited under the Covenant, including sexual orientation and gender identity. In particular, the State party should:**

**(a) Consider amending section 4 of the Constitution and the Equal Opportunity Act 2000 to prohibit discrimination based on sexual orientation and gender identity;**

**(b) Review the relevant legislative framework with a view to guarantee that all persons can, regardless of their actual or perceived sexual orientation or gender identity, fully enjoy all rights enshrined in the Covenant, including through the decriminalization of sexual relationships between consenting adults of the same sex;**

**(c) Amend the discriminatory provisions of the Immigration Act with the aim of giving full effect to the principle of equality enshrined in the Constitution and the Covenant, and ensuring it is in line with international standards;**

**(d) Take effective measures to combat stereotypes about and negative attitudes towards persons on the basis of disability (including HIV status), sexual orientation and gender identity in legislation, public policies and programmes, in both the public and private spheres;**

**(e) Ensure that all acts of discrimination and violence, particularly against persons with disabilities, persons with HIV or AIDS, and persons due to their actual or perceived sexual orientation or gender identity, are promptly and effectively investigated, perpetrators are brought to justice, and if convicted, punished with appropriate sanctions, and victims are provided with redress;**

**(f) Adopt specific measures to prevent acts of discrimination, including by providing training and awareness-raising programmes for civil servants, law enforcement bodies, the judiciary, and public prosecutors.**

### **Gender Equality**

19. The Committee welcomes the measures taken by the State party to increase the representation of women in political life. However, the Committee remains concerned about the underrepresentation of women in decision-making positions, including in the judiciary and the legislative and executive bodies, especially in high-level positions. Furthermore, the Committee is concerned about the persistence of patriarchal stereotypes concerning the role of women and men in the family and in society as well as gender-based discrimination against women (arts. 3, 25 and 26).

**20. The State party should continue and intensify its efforts to ensure the full and equal participation of women in political and public life, including in executive, judicial and legislative bodies at all levels, particularly in decision-making positions. It should raise public awareness regarding the principle of equality between women and men and the need to eliminate gender stereotypes as well as encourage media outlets to promote positive images of women as active participants in public and political life.**

### **Violence against women, including sexual and domestic violence (arts. 2, 3, 6, 7 and 26)**

21. The Committee welcomes the State party's efforts to address violence against women, including the 2020 amendment of the Domestic Violence Act, broadening the definition of abuse to include emotional and psychological abuse. Furthermore, while the Committee notes with satisfaction the various steps taken to provide specialized support services for women who are victims of domestic violence, it regrets reports that emergency protection orders cannot be granted to persons of the same sex in cases of domestic violence and that the State party failed to provide information in this regard. The Committee is also concerned that femicide is not expressly defined in national law, and that no information was provided regarding investigations, prosecutions and convictions related to cases of domestic violence (arts. 2, 3, 6, 7, 23 and 26).

**22. The State party should continue its efforts to prevent, combat and eradicate all forms of violence against women and girls, including by addressing the root causes of this problem. In particular, the State party should:**

**(a) Adopt and enforce comprehensive legislation to criminalize all forms of violence against women, including intentional killing of women with a gender-related motivation;**

**(b) Intensify efforts to prosecute and secure convictions for perpetrators of violence against women and girls, and if they are convicted, punished with appropriate sanctions;**

**(c) Continue and expand the training of relevant public officials, including judges, prosecutors, lawyers and law enforcement officers on identifying and handling cases of violence against women, including femicide and domestic and sexual violence;**

**(d) Encourage the reporting of cases of violence against women, including by ensuring that all women and girls have access to multiple avenues of reporting and information about their rights and available remedies;**

**(e) Continue efforts to ensure that all victims have access to effective remedies, receive full reparation, including adequate compensation, and have access to appropriate protection and assistance, including in cases of domestic violence of same sex partners;**

**(f) Strengthen awareness-raising campaigns for society as a whole to address social and cultural patterns and stereotypes that facilitate tolerance of gender-based violence.**

#### **Voluntary termination of pregnancy and sexual and reproductive rights**

23. While commending the extensive sexual and reproductive services available in the State party, as well as the significant decrease in maternal mortality, the Committee is concerned that abortion continues to be criminalized, under Sections 56 and 57 of Chapter 11:08 of the Offences Against the Person Act, except in cases where there is a direct threat to the woman's life. It is concerned that no other exceptions are allowed and that the State party has no intention of modifying legislation until it is widely accepted by society (arts. 3, 6, 7, 17 and 26).

24. **Bearing in mind the Committee's previous recommendations<sup>5</sup> and paragraph 8 of the Committee's general comment No. 36 (2018) on the right to life, the State party should:**

**(a) Take specific steps to amend its legislation, policies and guidelines to guarantee safe, legal and effective access to abortion where the life and health of the pregnant woman or girl is at risk, or where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or where the pregnancy is not viable;**

**(b) Ensure that criminal penalties are not applied to women and girls who have recourse to abortions or to the professionals who provide them with medical care;**

**(c) Strengthen policies to inform and educate women, men and adolescents about sexual and reproductive health and related rights, and to prevent the stigmatization of women and girls who have recourse to abortion and ensure access to appropriate and affordable contraception and reproductive health services.**

#### **Right to life**

25. The Committee welcomes the State party's efforts to combat police misconduct, however it is concerned by reports that summary executions and the use of lethal force by the police officers have increased significantly since 2020. Furthermore, the Committee notes reports of significant delays and limited results in the investigation of serious police misconduct carried out by the Police Complaints Authority due to the Authority's limited powers to process crime scenes or collect evidence (art. 6).

26. **The State party should take additional measures to effectively prevent and punish the excessive use of force by law enforcement officers, including by:**

**(a) Ensuring that all legislative and regulatory provisions governing the use of force are in line with the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and the Committee's general comment No. 36 (2018), which require that the use of lethal force by law enforcement be resorted to only when strictly necessary in order to protect life or prevent serious injury from an imminent threat;**

**(b) Introducing procedures to guarantee that law enforcement operations are properly planned to minimize the risks to human life;**

**(c) Ensuring that all reports of excessive use of force by law enforcement officers are investigated promptly, effectively and impartially and that redress and compensation are provided for victims of such violations;**

**(d) Increasing the investigative capacity of the Police Complaints Authority, including by allocating sufficient financial and human resources and widening its ability to investigate claims of serious police misconduct;**

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<sup>5</sup> [CCPR/CO/70/TTO](#), para. 18.

**(e) Ensuring that all law enforcement officers systematically receive training on the use of force based on the Basic Principles and the Guidance and ensuring that the principles of legality, necessity and proportionality are strictly adhered to in practice.**

27. The Committee, while taking note of the State party's efforts to discourage membership in gangs, is concerned by the high rates of homicide and the increase in gang-related violence. The Committee is also concerned that the legislative framework combatting gang violence, including the Anti-Gang Act, reportedly leads to mass arrests and the escalation of violence (arts. 2, 6, 9, and 24).

**28. The State party should continue and enhance its efforts to reduce the high levels of violence and to protect the right to life of its citizens, including by:**

**(a) Reviewing the legislative framework for combatting violence, including the Anti-Gang Act, to ensure it fully complies with the Covenant;**

**(b) Increasing preventive and rehabilitative measures, including education and protection programmes for children and young people to deter them from joining gangs;**

**(c) Conducting prompt, effective and thorough investigations of all persons responsible for violent crimes and other serious offences.**

#### **Death penalty**

29. While noting the State party's longstanding de facto moratorium on the death penalty, the Committee is gravely concerned that courts continue to hand down sentences of death, and that the death penalty remains mandatory for murder, leading to a large number of persons on death row. In addition, it notes with concern that the State party's reliance on the death penalty as a deterrent to violent crime has resulted in increased public support for capital punishment. The Committee regrets the State party will not consider abolishing the death penalty or at least establishing an official moratorium until violent crime is under control (art. 6).

**30. In the light of the Committee's general comment No. 36 (2018), the State party should take all measures necessary, including legislative action, to ensure that the death penalty is only applied to the most serious crimes involving intentional killing, is never mandatory, and should pursue an irrevocable path towards complete eradication of the death penalty, de facto and de jure. In particular, the State party should:**

**(a) Commute all pending death sentences to imprisonment;**

**(b) Enhance efforts to change public attitudes about the necessity of maintaining the death penalty, including by engaging in constructive national dialogue about the desirability of abolition, inter alia through appropriate awareness-raising measures;**

**(c) Give due consideration to establishing a de jure moratorium on the death penalty with a view to abolishing it and consider acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.**

#### **Liberty and security of person and treatment of persons deprived of their liberty**

31. The Committee welcomes the State party's efforts to improve its correctional services and the conditions in places of detention, including its commitment to develop a restorative justice model, providing rehabilitation and reintegration services to further education and vocational standards for prisoners. However, the Committee remains concerned about reports of inadequate conditions in detention facilities, in particular limited access to medical care, poor sanitation, inadequate lighting, insufficient ventilation and overcrowding, and regrets the lack of information provided by the State party on the official and actual capacities of places of detention. Furthermore, it is concerned by the high number of pre-trial detainees and remand prisoners deprived of their liberty often detained for prolonged periods. (arts. 7, 9, 10 and 24).

32. **The State party should strengthen its efforts and take the measures necessary to guarantee that, in law and in practice, anyone arrested or detained enjoys, from the outset of the deprivation of liberty, all the fundamental legal safeguards enshrined in articles 9 and 14 of the Covenant, in line with the Committee's general comment No. 35 (2014) on liberty and security of person, and that the detention is in full conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), including with regard to access to counsel and the provision of medical attention when needed. It should also:**

**(a) Continue its efforts to reduce overcrowding in detention facilities, including by taking practical steps to curtail delays in the judicial system and through the wider application of non-custodial measures as an alternative to imprisonment, as outlined in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);**

**(b) Ensure that pretrial detention is exceptional, imposed only when necessary and is as short as possible;**

**(c) Ensure independent, regular and unhindered access to all places of deprivation of liberty, including military, immigration and national security facilities, by independent monitoring and oversight mechanisms, without prior notice and on an unsupervised basis.**

#### **Elimination of slavery servitude and trafficking in persons**

33. The Committee welcomes the State party's efforts to prevent and combat trafficking in persons, especially within the framework of the National Plan of Action Against Trafficking in Persons 2021-2025. However, it is concerned about gaps in the identification of victims of trafficking in persons and the low number of investigations, convictions and sanctioning of perpetrators. Furthermore, the Committee is concerned by reports that officials, including law enforcement officers, are complicit to trafficking offences and the sexual exploitation of women (arts. 2, 8 and 26).

**34. The State party should further strengthen its efforts to combat, prevent, eradicate and punish trafficking in persons by, inter alia, improving identification of victims, providing for the effective prosecution and sanctioning of perpetrators of trafficking in persons, with particular attention to public officials, and ensuring that victims receive reparation. The State party should also continue and strengthen prevention and awareness-raising campaigns, as well as training aimed at public officials and other persons responsible for investigating and prosecuting these offences, and should ensure that sufficient financial, technical and human resources are allocated to all institutions responsible for preventing, combating and punishing trafficking in persons.**

#### **Treatment of aliens, including refugees and asylum seekers**

35. While acknowledging the challenges caused by the significant number of refugees and asylum-seekers entering the State party, and the steps taken by the State party to address these challenges, the Committee is concerned by the absence of a comprehensive legislative and institutional framework for the protection of refugees and asylum-seekers entering the country. It also regrets that the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the 1954 Convention relating to the Status of Stateless Persons, ratified by the State party, have not yet been incorporated into domestic law. Furthermore, the Committee is concerned by reports of the increasing issuance of deportation orders to individuals seeking international protection, particularly persons coming from Venezuela. In this respect, the Committee is particularly concerned by the information provided by the delegation that migrants originating from Venezuela are classified as economic migrants and, therefore, could be deported under the provisions of the Immigration Act. The Committee is also deeply concerned by reports of the ongoing arrest and detention of asylum-seekers and refugees for irregular entry into the State party and that individuals, including children, are held in immigration detention for extended periods of time, and sometimes in prisons alongside convicted persons. Furthermore, the Committee is particularly concerned by the

conditions at the Heliport immigration facility where reports indicate women and children are not separated from male detainees and are often sexually abused (arts. 2, 6, 7, 9, 10, 13, and 26).

**36. The State party should take all necessary measures to enhance protection of refugees and asylum-seekers. To this end, it should:**

**(a) Expedite the adoption of national legislation to protect the rights of refugees and asylum-seekers and to incorporate relevant procedures in conformity with the Covenant and other international standards, and take the necessary measures to ensure the application of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the 1954 Convention relating to the Status of Stateless Persons into the domestic legal order;**

**(b) Develop procedures for identifying persons in need of international protection, namely asylum-seekers and refugees, including those who are at risk due to detention or who have received a deportation order, in line with the State party's obligations under the Covenant and the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;**

**(c) Strictly adhere to the principle of non-refoulement with respect to all asylum-seekers and refugees and refrain from penalizing persons in need of international protection for irregular entry or stay, and ensure that all persons applying for international protection are given access to an independent judicial appeals mechanism with suspensive effect against negative decisions;**

**(d) Ensure that the detention of migrants and asylum-seekers is justified as reasonable, necessary and proportionate, in accordance with the Committee's general comment No. 35 (2014) on liberty and security of person, that living conditions and treatment in accommodation centres for asylum-seekers are in conformity with international standards, and that alternatives to detention are used in practice, particularly with regard to children, ensuring they are not deprived of liberty, except as a measure of last resort and for the shortest appropriate period of time;**

**(e) Guarantee that all allegations of discrimination and violence against refugees and asylum-seekers, in particular women, are investigated promptly, thoroughly and impartially, that those allegedly responsible are prosecuted and, if found guilty, punished and that the victims obtain redress.**

#### **Administration of justice, right to a fair trial and independence of the judiciary**

37. While noting the efforts of the State party to improve the justice system, the Committee is concerned by the excessive delays in trials and the ensuing backlog of cases, resulting in lengthy periods of pretrial detention for many individuals and prison overcrowding. The Committee is also concerned by the limited resources and capacity of the Public Defenders' Department of the Legal Aid and Advisory Authority and that not all due process guarantees are protected, in particular regarding the right to be tried without undue delay. While welcoming the adoption of Statements of Principle and Guidelines for Judicial Conduct, the Committee is concerned about challenges to ensuring the independence of the judiciary, notably that the Judicial and Legal Service Commission was improperly constituted as recently as 2017, and the lack of objective selection criteria for judicial appointments, resulting in significant levels of public mistrust in the judiciary and the belief that judges may be improperly influenced by government officials. Furthermore, the Committee notes with concern the allegations of judicial misconduct and regrets the lack of information provided by the State party regarding channels of accountability for judicial misconduct (arts. 2, 10 and 14).

**38. The State party should continue its efforts and take all measures necessary to reform the justice system and ensure that all court proceedings are conducted, without undue delay, in full observance of the due process guarantees set forth in article 14 of the Covenant and in light of the Committee's general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, as well as to ensure the full independence and impartiality of the judiciary and guarantee that judges are free**

**to operate without any type of undue pressure or interference from the executive and legislative branches. In doing so, it should:**

**(a) Take concrete steps to address the court backlog, including by strengthening financial resources allocated to the judiciary and increasing the number of trained judges, prosecutors and public defenders;**

**(b) Ensure that free legal aid is provided in a timely manner in all cases where the interests of justice so require, including by increasing the allocation of human and financial resources to ensure the adequate and efficient functioning of the Public Defenders' Department of the Legal Aid and Advisory Authority;**

**(c) Take all measures necessary to prevent corruption within the judiciary, and guarantee that all corruption cases are independently and impartially investigated, and that perpetrators are brought to justice and given appropriate punishment should they be found guilty;**

**(d) Ensure that the procedures for the selection, appointment, suspension, transfer, removal and disciplining of judges and prosecutors comply with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors;**

**(e) Ensure prompt, thorough, independent and impartial investigations into all allegations of undue interference by other branches of government; and prosecute and punish the persons responsible.**

#### **Juvenile justice**

39. While welcoming the efforts to strengthen the juvenile justice system, including the establishment of the Children Court in February 2018, the Committee is deeply concerned by the very low age of criminal responsibility (7 years old). The Committee is further concerned that despite the adoption of alternative measures to deprivation of a child's liberty, children in conflict with the law, according to the information provided by the State party in its report can be detained in facilities with adult prisoners and, exceptionally, can be allowed to associate with adult prisoners (arts. 9, 14 and 24).

**40. The State party should continue its efforts to ensure that its juvenile justice system is in line with article 24 of the Covenant, the Committee's general comment No. 35 (2014) on liberty and security of person, and other international standards, including by taking steps to:**

**(a) Significantly raise the age of criminal responsibility;**

**(b) Ensure that adequate alternatives to detention are made available and applied in practice, and that deprivation of liberty of children in conflict with the law is used only as a measure of last resort and for the shortest appropriate period of time;**

**(c) Ensure that juveniles are fully separated from adults in all places of detention and prisons.**

#### **Freedom of expression**

41. While noting the information on the Libel and Defamation Act and that no one has been charged under the Act, the Committee is concerned by the criminalization of defamatory libel which may hamper the activities of journalists or human rights defenders and restrict their freedom of expression. It is also concerned by reports that the perceived freedom of civil society and of the media to express opinions against the government without fear of retaliation has declined. Furthermore, the Committee is concerned that media professionals were allegedly denied access to a press briefing given by the Prime Minister in 2022 and regrets the lack of comment by the delegation on the criteria for admitting journalists to press conferences (art. 19).

**42. The State party should take the necessary measures to ensure that everyone can, in law and practice, freely exercise the right to freedom of expression, in accordance with articles 19 of the Covenant and the Committee's general comment No. 34 (2011)**

**on the freedoms of opinion and expression, and that any restrictions on the exercise of freedom of expression, especially as applied to journalists and media professionals, comply with the strict requirements of articles 19 (3) of the Covenant. In particular, it should decriminalize defamatory libel and ensure that imprisonment is never a punishment for such acts and that the provisions under the Libel and Defamation Act are not improperly used to curb freedom of expression.**

#### **Right to peaceful assembly**

43. While noting the information provided by the State party that there are no restrictions on the freedom of assembly, the Committee is concerned that the legal requirement of notification of peaceful assemblies may amount to de facto prior authorization, which is incompatible with article 21 of the Covenant. It is also concerned by the provisions under section 111 (1) of the Summary Offences Act, Chap. 11:02 allowing for the dispersal by police of public meetings. Furthermore, it is concerned that the broad grounds for arrest without a warrant - as stipulated in Chapter 15.01 of the Police Act, which allows for the arrest of anyone in a public or private place whom an officer reasonably suspects of having committed or being about to commit an offence - could lead to arbitrary arrests and restrictions on peaceful assemblies (art. 21).

**44. In the light of the Committee's general comment No. 37 (2020) on the right of peaceful assembly, the State party should review and consider amending its law and practices to ensure that individuals fully enjoy their right of peaceful assembly and guaranteeing that any restrictions on the right of peaceful assembly comply with the strict requirements of article 21 of the Covenant, in particular, ensuring that any notification requirement is not misused to stifle peaceful assemblies.**

#### **Rights of the child**

45. The Committee notes the important steps taken by the State party to protect the rights of children, including its efforts to abolish child marriage and raise the minimum age for marriage to 18 through the Miscellaneous Provisions (Marriage) Act, 2016. While noting the prohibition of corporal punishment of children in schools through the Children Act, 2012, the Committee is concerned that the Act reserves to parents the common law defence of reasonable chastisement in respect of corporal punishment of their children. Furthermore, the Committee is concerned by reports of the persistent abuse of children in their own homes and in institutions (arts. 7, 23 and 24).

**46. The State party should take the necessary measures to: (a) protect minors against all forms of abuse and enact legislation that explicitly and clearly prohibits corporal punishment of children in all settings and by all people, including parents; (b) encourage non-violent forms of discipline as alternatives to corporal punishment; and (c) conduct awareness-raising campaigns about the harmful effects of corporal punishment.**

### **D. Dissemination and follow-up**

47. **The State party should widely disseminate the Covenant, its two Optional Protocols, its fifth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public.**

48. **In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State party is requested to provide, by 3 November 2026, information on the implementation of the recommendations made by the Committee in paragraphs 36 (treatment of aliens, including refugees and asylum seekers), 38 (administration of justice, right to a fair trial and independence of the judiciary) and 40 (juvenile justice) above.**

49. In line with the Committee's predictable review cycle, the State party will receive in 2029 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its sixth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2031 in Geneva.

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