



International Covenant on Civil and Political Rights

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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 Tobago¹ at its 4052nd and 4053rd meetings,² 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.³ 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 Policy, 2020.

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

* Adopted by the Committee at its 139th session (9 October–3 November 2023).

¹ [CCPR/C/TTO/5](#).

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

³ [CCPR/C/TTO/QPR/5](#).



C. Principal matters of concern and recommendations

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 remain between the domestic legal framework and the Covenant and that no examples were provided of court decisions in which reference was made to the Covenant in the context of the application or interpretation of domestic law. The Committee remains concerned that the State party maintains its reservations to articles 4 (2), 10 (2) (b) and (3), 12 (2), 14 (5) and (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 thereunder; and (c) consider withdrawing its reservations to articles 4 (2), 10 (2) (b) and (3), 12 (2), 14 (5) and (6), 15 (1), 21 and 26 of the Covenant.**

7. The Committee regrets that the State party is not currently considering reacceding to the Optional Protocol to the Covenant and that no information was provided on the implementation of the Views adopted under the Optional Protocol to the Covenant in relation to the State party prior to its denunciation of the Optional Protocol (art. 2).

8. **The State party should consider reacceding to the Optional Protocol to the Covenant, which provides for an individual communications 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 information on the measures taken to implement all the Views adopted in relation to the State party 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 Ombudsman and the Equal Opportunity 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 fact that, according to the information provided by the delegation, the State party is considering converting the Equal Opportunity Commission into a national human rights institution that is in compliance with the Paris Principles, the Committee is concerned about the lack of information provided regarding the State party's specific 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 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 State party's reaffirmation of its commitment to those goals. However, it is concerned about the lack of information provided on the effectiveness of the Integrity Commission, in particular as less than half of those required to submit declarations and statements of registrable interest for 2017 did so and as there were 556 outstanding declarations for 2019. The Committee notes that,

according to the Integrity Commission, 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 in transnational gangs in the trafficking of drugs, weapons and persons, the Committee is concerned about the lack of information on the specific measures taken by the State party to identify, prevent and punish police officers who are involved in those activities. The Committee regrets the lack of information provided on the State party's progress towards the adoption of the whistle-blower 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 measures necessary:

(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 through, inter alia, the prompt enactment of the whistle-blower 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 about the State party's reservation to article 4 (2), which allows for derogation, during states of emergency, from rights designated under the Covenant as non-derogable. The Committee is concerned about the application of the Anti-Gang Act during the 2011 state of emergency, which led to the detention of approximately 450 individuals, and the legal provisions under which individuals charged with an offence under the Anti-Gang Act may be held without bail for as long as 120 days. In that regard, the Committee regrets the lack of information provided on the safeguards necessary to ensure the protection of and non-derogation from due process rights during emergency situations (art. 4).

14. In line with the Committee's previous recommendations,⁴ the State party should ensure that the national legal framework on emergencies and 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, 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 the State party's nationals continue to be detained as suspected members of Da'esh, together with their family members and children, under harsh conditions at the Hawl camp in the Syrian Arab Republic. While noting the State party's commitment to repatriating its nationals

⁴ CCPR/CO/70/TTO, para. 9.

and its efforts to fulfil that commitment, the Committee regrets the lack of concrete information regarding the specific plans to carry out repatriations and whether any repatriations have been carried out (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 is in compliance with the Covenant and the principles of legality, certainty, predictability and proportionality, in particular with regard to definitions, powers granted and the limits established on the exercise of those powers, and that persons suspected of or charged with terrorist acts or related crimes are provided, in law and in practice, with all legal safeguards, in accordance with the Covenant;**

(b) **Intensify its efforts to swiftly repatriate all its nationals 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 powers of the Office of the Ombudsman and the Equal Opportunity Commission to receive and investigate complaints of discrimination and the powers of the Equal Opportunity Tribunal to adjudicate on matters referred to it by the Commission in order to determine whether to provide 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 prohibited grounds of discrimination, and 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 under articles 13 and 16 of the Sexual Offences Act, notwithstanding the position of the High Court of Trinidad and Tobago, as set out in its decision of 12 April 2018, that the provisions in question are unconstitutional; and (c) the Immigration Act prohibits free movement to and from the State party by persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons. Furthermore, while noting the State party's efforts to address discrimination, the Committee is concerned about the persistent discrimination suffered by persons with disabilities, persons living with HIV or AIDS and lesbian, gay, bisexual, transgender and intersex persons, in particular 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 the private sectors and 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 or gender identity;**

(b) **Review the relevant legislative framework with a view to guaranteeing that all persons can, regardless of their actual or perceived sexual orientation or gender identity, fully enjoy all the 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 that 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 the private spheres;

(e) **Ensure that all acts of discrimination and violence, in particular against persons with disabilities or persons living with HIV or AIDS or on the basis of a person's actual or perceived sexual orientation or gender identity, are promptly and effectively investigated, that perpetrators are brought to justice and, if convicted, punished with appropriate sanctions and that 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 legislative and executive bodies, in particular 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 and about 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, in particular in decision-making positions. It should raise public awareness of the principle of equality between women and men and the need to eliminate gender stereotypes and 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

21. The Committee welcomes the State party's efforts to address violence against women, including the Domestic Violence (Amendment) Act, 2020, pursuant to which the definition of abuse was broadened 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 that, in cases of domestic violence, emergency protection orders reportedly cannot be granted to persons who are of the same sex as the perpetrator and that the State party failed to provide information in that regard. The Committee is concerned that femicide is not expressly defined in national law and that no information was provided on 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 the problem. In particular, the State party should:**

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

(b) **Intensify efforts to prosecute and secure convictions of perpetrators of violence against women and girls and, if they are convicted, punish them 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 for reporting and information about their rights and available remedies;**

(e) **Continue its efforts to ensure that all victims have access to effective remedies, receive full reparations, including adequate compensation, and have access**

to appropriate protection and assistance, including in cases of domestic violence against a same-sex partner;

(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 health 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 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 abortion is widely accepted by society (arts. 3, 6, 7, 17 and 26).

24. **Bearing in mind the Committee's previous recommendations⁵ 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 or 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 about reports that summary executions and the use of lethal force by police officers have increased significantly since 2020. Furthermore, the Committee notes that the investigations of serious police misconduct carried out by the Police Complaints Authority have reportedly been significantly delayed and produced limited results due to the Authority's limited powers to process crime scenes and 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 establish a requirement that law enforcement officers use lethal force 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 in order to minimize the risks to human life;**

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

⁵ *Ibid.*, para. 18.

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

(e) **Ensuring that all law enforcement officers systematically receive training on the use of force based on the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and 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 of gangs, is concerned about the high rates of homicide and the increase in gang-related violence. The Committee is also concerned that the legislative framework for combating gang violence, including the Anti-Gang Act, has reportedly led 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 combating 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 long-standing de facto moratorium on the application of the death penalty, the Committee is gravely concerned that courts continue to hand down sentences of death and that a sentence of death 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 that the State party has indicated that it will not consider abolishing the death penalty or even 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 applied only to the most serious crimes involving intentional killing and 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 sentences of imprisonment;**

(b) **Enhance its 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 through, inter alia, 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 conditions in places of detention, including its commitment to developing a restorative justice model to provide rehabilitation and reintegration services aimed at improving 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 about the high number of pretrial detainees and remand prisoners who are often deprived of their liberty 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. In addition, it should:

(a) **Continue its efforts to reduce overcrowding in detention facilities, including through 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 and is imposed only when necessary and for as short a time 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 the requirement for 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, in particular 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 sanctions for perpetrators. Furthermore, the Committee is concerned about reports that officials, including law enforcement officers, are complicit in trafficking in persons 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 the identification of victims, providing for the effective prosecution and sanctioning of perpetrators of trafficking in persons, with particular attention paid to public officials, and ensuring that victims receive reparations. The State party should continue and strengthen prevention and awareness-raising campaigns and training aimed at public officials and other persons responsible for investigating and prosecuting those 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 those challenges, the Committee is concerned about the absence of a comprehensive legislative and institutional framework for the protection of refugees and asylum-seekers entering the country. It regrets that the Convention relating to the Status of Refugees, the Protocol thereto and the Convention relating to the Status of Stateless Persons, to which the State is a party, have not yet been incorporated into domestic law. Furthermore, the Committee is concerned about reports that individuals seeking international protection, in particular persons arriving from the Bolivarian Republic of Venezuela, are increasingly being issued with deportation orders. In this respect, the Committee is particularly concerned that, according to the information provided by the delegation, migrants arriving from the Bolivarian Republic of Venezuela are classified as economic migrants and, therefore, can be deported under the provisions of the Immigration Act. The Committee is deeply concerned

about reports of the ongoing practice of arresting and detaining asylum-seekers and refugees for irregular entry into the State party and that individuals, including children, are held in immigration detention for extended periods, sometimes in prisons alongside convicted persons. Furthermore, the Committee is particularly concerned about the conditions at the heliport immigration facility in Chaguaramas, where women and children are reportedly 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 measures necessary to enhance the 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 measures necessary to ensure the application of the Convention relating to the Status of Refugees, the Protocol thereto and the Convention relating to the Status of Stateless Persons in 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 its obligations under the Covenant, the Convention relating to the Status of Refugees and the Protocol thereto;**

(c) **Strictly adhere to the principle of non-refoulement with respect to all asylum-seekers and refugees, refrain from criminalizing 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;**

(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, in particular for children, ensuring they are not deprived of their 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 State party's efforts to improve the justice system, the Committee is concerned about excessive trial delays and the ensuing backlog of cases, resulting in lengthy periods of pretrial detention for many individuals and prison overcrowding. The Committee is also concerned about the limited resources and capacity of the Public Defenders' Department of the Legal Aid and Advisory Authority and the fact that due process guarantees, in particular the right to be tried without undue delay, are not all protected. While welcoming the adoption of the Statements of Principle and Guidelines for Judicial Conduct, the Committee is concerned about challenges to ensuring the independence of the judiciary, in particular as 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 that allegations of judicial misconduct have been made 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 the light of the Committee's general comment No. 32 (2007) on the

right to equality before courts and tribunals and to a fair trial. It should also continue its efforts to ensure the full independence and impartiality of the judiciary and guarantee that judges are free to operate without undue pressure or interference of any kind from the executive and legislative branches. In so doing, it should:

(a) Take specific steps to address the court backlog, including by strengthening the 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 in which 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 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 made to strengthen the juvenile justice system, including the establishment of the Children Court in February 2018, the Committee is deeply concerned about the very low age of criminal responsibility (7 years). The Committee is concerned that, despite the adoption of alternatives to deprivation of liberty for children, those who are in conflict with the law may, according to the information provided by the State party, be detained in facilities alongside adult prisoners and, in exceptional cases, may 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 increase the age of criminal responsibility;

(b) Ensure that adequate alternatives to detention are made available and applied in practice and that the 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 provided on the Libel and Defamation Act and the fact that no one has been charged under the Act, the Committee is concerned about the criminalization of defamatory libel, which may hamper the activities of journalists and human rights defenders and restrict their freedom of expression. It is also concerned about reports that the freedom of civil society and the media to express opinions against the Government without fear of retaliation is perceived to have declined. The Committee is further 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 from the delegation on the criteria for admitting journalists to press conferences (art. 19).

42. **The State party should take the measures necessary to ensure that, in law and in practice, everyone can 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, in particular as applied to journalists and media professionals, comply with the strict requirements of article 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 Libel and Defamation Act is not improperly used to curb freedom of expression.**

Right of peaceful assembly

43. While noting that, according to the information provided by the State party, there are no restrictions on freedom of assembly, the Committee is concerned that the legal requirement to provide notification of peaceful assemblies might amount to de facto prior authorization, which is incompatible with article 21 of the Covenant. It is also concerned about section 111 (1) of the Summary Offences Act, which allows the police to disperse public meetings. It is further concerned that the broad grounds for arrest without a warrant, as set out in 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 guarantee that any restrictions of that right comply with the strict requirements of article 21 of the Covenant, in particular the requirement that any obligation to provide notification not be 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 the increase in the minimum age for marriage to 18 through the Miscellaneous Provisions (Marriage) Act, 2016. While noting the prohibition of the corporal punishment of children in schools under the Children Act, 2012, the Committee is concerned that, in accordance with the Act, the common-law defence of reasonable chastisement remains available to parents in respect of the corporal punishment of their children. Furthermore, the Committee is concerned about 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 measures necessary: (a) to protect minors against all forms of abuse and enact legislation that explicitly and clearly prohibits the corporal punishment of children in all settings and by all persons, including parents; (b) to encourage non-violent forms of discipline as alternatives to corporal punishment; and (c) to 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, the two Optional Protocols thereto, 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 (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 Geneva in 2031.
