



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Concluding observations on the initial report of the Niger*

1. The Committee against Torture considered the initial report of the Niger (CAT/C/NER/1) at its 1806th and 1809th meetings (see CAT/C/SR.1806 and 1809), held on 26 and 27 November 2019, and adopted the present concluding observations at its 1821st meeting, held on 5 December 2019.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report but regrets that it was submitted 19 years late.¹ It appreciates the opportunity to engage in a constructive dialogue with the State party on the measures taken to implement the provisions of the Convention.

3. The Committee is also grateful to the State party for the additional information provided.

B. Positive aspects

4. The Committee welcomes the ratification by the State party of nearly all the international human rights instruments.

5. The Committee also welcomes the following legislative and institutional measures taken by the State party:

(a) Act No. 2018-36 of 24 May 2018 establishing the regulations governing the judiciary;

(b) Act No. 2018-37 of 1 June 2018 establishing the organization and jurisdiction of the courts in the Niger;

(c) Act No. 2017-08 of 31 March 2017 on the basic principles of the prison system in the Niger;

(d) Act No. 2003-025 of 13 June 2003, amending Act No. 61-27 of 15 July 1961 establishing the Criminal Code, which criminalizes all forms of female genital mutilation and establishes the corresponding penalties;

(e) Ordinance No. 2010-86 of 16 December 2010 on combating trafficking in persons, which criminalizes trafficking for sexual and labour purposes, including slavery and slavery-like practices, and for the purpose of exploitation;

* Adopted by the Committee at its sixty-eighth session (11 November–6 December 2019).

¹ Report due in 1999, received on 7 June 2018.



(f) Act No. 2011-42 of 14 December 2011, which sets out the rules on legal and judicial assistance and establishes a public administrative body known as the National Agency for Legal and Judicial Assistance;

(g) Act No. 2018-74 of 10 December 2018 on protection and assistance for internally displaced persons;

(h) The establishment of an interministerial committee responsible for drafting periodic reports for submission to treaty bodies.

6. The Committee also welcomes the establishment by the State party of the National Human Rights Commission pursuant to Act No. 2012-44 of 24 August 2012.

C. Principal subjects of concern and recommendations

Definition of torture

7. While noting the constitutional provisions prohibiting torture, as well as legal provisions criminalizing, under other offences, certain acts constituting or amounting to torture or ill-treatment, the Committee is concerned about the absence of a definition of torture and by the fact that the offence of torture is not specifically criminalized, with the result that article 1 of the Convention has not been implemented and cannot be invoked before national courts. While taking due note of the State party's assurance that the parliament has made good progress towards adopting the 2014 bill on the criminalization of torture, the Committee is concerned that only acts of torture classified as a "serious offence", involving the death of the victim, would be punishable by imprisonment of 10 to 20 years, while the penalties provided for the "offence" of torture would range from only 1 to 5 years' imprisonment, which is contrary to article 4 of the Convention (arts. 1, 2 and 4).

8. The State party should expedite the adoption of the law criminalizing torture, ensuring that it complies with the Convention and that it defines and criminalizes torture in accordance with articles 1, 2 and 4 of the Convention. The State party should also ensure that offences of torture cannot be time barred, are excluded from amnesties and are punishable by appropriate penalties that take into account their grave nature, in accordance with article 4 of the Convention.

Fundamental safeguards

9. The Committee is concerned that the provision of fundamental safeguards is subject to numerous shortcomings, including: (a) the absence of a legal provision establishing the right of all persons deprived of their liberty to be informed of their rights, the reasons for their arrest and any charges brought against them; (b) the fact that defendants who speak other languages, or are illiterate, allegedly sign statements that concern them without understanding their content; and (c) the fact that persons may be held in police custody for up to 30 days in cases of terrorism. The Committee is concerned about the procedure whereby doctors appointed by the police certify that persons deprived of their liberty have not been subjected to torture (art. 71 (5) of the Code of Criminal Procedure). The Committee points out that, according to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), the absence of a medical report cannot be interpreted as proof that a person has not been subjected to torture. The Committee is therefore concerned that the procedure in place might fail to identify some cases of torture. Furthermore, the Committee is concerned that the State party has not provided information on investigations carried out in cases where doctors are unable to conclude that no torture has occurred. The Committee is also concerned about the persistence of the practice known as *mise à disposition*, whereby suspects are brought before the judicial authorities without a warrant, which constitutes arbitrary detention. The Committee is concerned about the many instances in which persons are held in police custody beyond the legal time limit of 48 hours (art. 71 of the Code of Criminal Procedure), the incomplete nature of prison records, reports that access to justice is hindered by the lack of judges and lawyers in the country and the fact that legal aid is difficult to obtain in practice, despite the establishment of the

National Agency for Legal and Judicial Assistance (whose funding has been cut) under Act No. 2011-42. Lastly, the Committee is concerned that persons have difficulty obtaining access to doctors and lawyers from the time of their arrest, notwithstanding the applicable community regulations of the West African Economic and Monetary Union (art. 2).²

10. **The State party should:**

(a) **Take the necessary measures, including legislative measures, to ensure that, irrespective of the charges, the maximum duration of police custody does not exceed 48 hours, with the possibility of one extension in duly justified exceptional circumstances, in the light of the principles of necessity and proportionality;**

(b) **Ensure that all convicted and remand prisoners are afforded, in law and in practice, all fundamental legal safeguards from the outset of their deprivation of liberty, including by ensuring that they are informed immediately of the accusations and charges against them and that they are able to have prompt access to a lawyer or to free legal aid throughout the proceedings, to inform a relative or another person of their choice of their detention or arrest, to request and receive a medical examination from an independent doctor and to have their deprivation of liberty recorded in registers at all stages of the proceedings;**

(c) **Provide all places of deprivation of liberty with standardized registers and ensure that they are properly maintained;**

(d) **Ensure the right of detainees to be brought before a judge after 48 hours of police custody, at the very latest, or to be freed, and to challenge the legality of their detention at any stage of the proceedings;**

(e) **To continue efforts to put a definitive end, in all jurisdictions, to the practice of *mise à disposition*, by which persons deprived of liberty are brought before a judicial authority without a warrant;**

(f) **Ensure that detainees have the right to request and obtain a medical examination by a doctor of their choice and that medical reports are never used as evidence that a person has not been subjected to torture. In addition, the State party should provide the Committee with information on the number of cases in which a medical report has not been issued and on the investigations carried out in these circumstances;**

(g) **Ensure that all public officials and all staff whose work relates to the deprivation of liberty respect fundamental legal safeguards and ensure that the State party's next periodic report to the Committee contains information on the number of complaints received regarding the failure to respect such safeguards and the outcome of those complaints;**

(h) **Ensure that persons facing trial have effective access to independent justice, a defence and, where appropriate, legal aid;**

(i) **Ensure that the bar examination is held on a regular basis, in order to increase the number of lawyers available, encourage lawyers to settle in the regions and allocate the resources needed to facilitate access to legal aid for all persons of limited means;**

(j) **Provide the human and financial resources needed to ensure the proper functioning of the National Agency for Legal and Judicial Assistance and to facilitate the establishment of local branches.**

² Regulation No. 05/CM/UEMOA of 25 September 2014 on the harmonization of the rules governing the legal profession in the West African Economic and Monetary Union, art. 5 (1) ("Lawyers assist their clients from the time they are first questioned, during the preliminary investigation, at police stations or gendarmeries, and before prosecutors").

Incommunicado detention

11. The Committee is deeply concerned about allegations, not contradicted by the State party, that some individuals are held in police custody or pretrial detention in undisclosed locations not provided for by law, such as the General Directorate for Documentation and External Security, the National Police Academy and some military camps.

12. **The State party should:**

- (a) **Provide the Committee, when it submits its next periodic report, with a comprehensive list of all places of detention;**
- (b) **Close all unofficial places of detention;**
- (c) **Ensure that all arrests and detentions, including those involving persons suspected of terrorist acts, are subject to oversight by the judicial authorities.**

Inadmissibility of confessions obtained under torture

13. The Committee is particularly concerned about article 415 of the Code of Criminal Procedure, which provides that confessions, like all other forms of evidence, are assessed at the discretion of judges, who therefore have full discretion to accept any evidence. A fortiori, the Committee regrets the absence of a legislative provision expressly prohibiting the use of torture or ill-treatment to obtain confessions (art. 15).

14. **The State party should take the necessary measures, including legislative measures, to ensure that confessions obtained through torture or ill-treatment are systematically declared null and void, and to ensure that this obligation is met in practice.**

Pretrial detention

15. The Committee is concerned at allegations that, despite the provisions contained in articles 132 to 134 of the Code of Criminal Procedure, the legal time limits for pretrial detention are routinely exceeded, to the extent that 60 per cent of the prison population are awaiting trial. The Committee is further concerned that Act No. 2016-21 of 16 June 2016, amending and supplementing Act No. 61-33 of 14 August 1961 establishing the Code of Criminal Procedure, authorizes pretrial detention for up to four years in cases of terrorism. Lastly, the Committee is concerned that the routine use of pretrial detention directly contributes to prison overcrowding (art. 2).

16. **The Committee recommends that the State party:**

- (a) **Ensure that pretrial detention is subject to effective oversight, that its duration does not exceed the legally established maximum and is as short as possible, and that its use is exceptional, necessary and proportionate;**
- (b) **Actively promote, within the prosecution service and among judges, the use of alternatives to pretrial detention, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules);**
- (c) **Immediately release all persons who have been detained awaiting trial for a period exceeding the maximum sentence imposable for the offence of which they stand accused.**

Principle of non-refoulement

17. The Committee is concerned about some of the provisions of Act No. 2015-36 of 26 May 2015 on migrant smuggling, article 30 of which authorizes the detention of trafficked migrants on unspecified grounds. It welcomes article 38 of that Act, which provides that the return of victims of torture and ill-treatment must comply with the principle of non-refoulement, but is concerned at allegations that individuals have been removed from the Niger, in accordance with administrative or extradition procedures, despite the proven risk that they could be subjected to torture or ill-treatment in the country of return. The Committee refers in particular to the cases of the 145 Sudanese nationals who, in May 2018, were returned to Libya, the country from which they had fled after suffering mistreatment

there, and to the case of Saadi Qadhafi, who, despite having been granted asylum by the Government of the Niger, and despite claims that he would face a serious risk of torture or ill-treatment if returned to Libya, was handed over to the Libyan authorities in 2014 on the basis of a mutual legal assistance agreement with the Libyan State.

18. The State party should ensure full respect for the principle of non-refoulement enshrined in its legislation and in article 3 of the Convention, and therefore refrain from expelling, returning or extraditing a person to another State where there are substantial grounds to believe that he or she would be in danger of being subjected to torture or ill-treatment. The State party's legislation on asylum and expulsion and all mutual legal assistance agreements to which it is a party should explicitly recognize the principle of non-refoulement. Decisions to expel individuals should be subject to judicial review on a case-by-case basis and should carry a right of appeal that has suspensive effect. The State party should also include in its next periodic report information on the number of persons expelled or extradited, specifying the countries concerned, the number of judicial decisions overruling or cancelling expulsion orders on the basis of the principle of non-refoulement, and any other relevant measures taken.

Investigations and prosecutions

19. While noting articles 222 et seq. of the Criminal Code, which establish punishments for violations of physical and mental integrity, and Act No. 2017-08, which prohibits ill-treatment of persons deprived of their liberty, the Committee is concerned that there has been no judicial action taken in response to the numerous allegations of torture and ill-treatment perpetrated in places of deprivation of liberty, including police and gendarmerie stations and short-stay prisons. It also notes the oral explanations provided by the State party regarding the death in detention of Souleymane Labo at the Maradi police station in 2014. However, the Committee is deeply concerned about allegations of torture and ill-treatment committed against persons held in police custody, in particular the deaths in custody of Harouna Hinsu and Moussa Douka, and by the excessively lenient sentences handed down to perpetrators of acts of torture. The Committee is further concerned that the relevant provisions of the Criminal Code are subject to statutes of limitations, including in the unresolved Bouloungoure mass grave case of 1999, which is now time barred. Lastly, the Committee is concerned that amnesties have reportedly been granted to perpetrators of abuse, torture and ill-treatment, including members of the armed forces who escaped prosecution despite having committed brutal acts of repression during the Tuareg rebellion of the early 1990s, which violates article 4 of the Convention and creates a general climate of impunity (arts. 2, 4, 12 and 13).

20. The State party should:

(a) **Ensure that the competent authorities routinely launch an investigation whenever there are reasonable grounds for believing that an act of torture or ill-treatment has been committed and see to it that suspects are duly brought to justice and, if found guilty, given sentences commensurate with the seriousness of their acts;**

(b) **Ensure that torture is excluded from the scope of amnesty laws and ensure full respect for the absolute and non-derogable principle of the prohibition of torture and ill-treatment, in line with the Committee's general comment No. 2 (2007) on the implementation of article 2;**

(c) **Put in place an independent, effective and confidential complaints mechanism that is accessible to victims in all police custody facilities, prisons and places of deprivation of liberty;**

(d) **Ensure that alleged perpetrators of torture or ill-treatment are automatically suspended from duty or reassigned during investigations and ensure that victims, their families and others acting on their behalf are not subjected to reprisals for exercising their legitimate right to redress;**

(e) **Compile and disseminate updated statistics on the reports filed, investigations conducted, prosecutions launched and convictions handed down in cases involving torture or ill-treatment;**

(f) **Systematically order impartial investigations into all suspicious deaths in police custody or detention, including forensic examinations by doctors duly trained in the Istanbul Protocol.**

Conditions of detention

21. Despite the legislative and institutional steps taken by the State party and the refurbishment of several prisons in recent years, the Committee is deeply concerned about the fact that the conditions of detention in many of the country's prisons and police stations amount to ill-treatment. The Committee is concerned at the unsanitary conditions, lack of ventilation, poor lighting, insufficient food and water and alarming overcrowding (up to 300 per cent) in some prisons. With regard to remand prisoners, whose conditions of detention are a matter of particular concern, the Committee notes that their cells are cramped, poorly lit and poorly ventilated and that no food is provided, which means that prisoners are entirely dependent on their family members, if they have any, for food and water. The Committee also regrets the lack of effective separation between different categories of inmates, the lack of adequately trained and qualified prison staff, the lack of medical examinations on admission and the alarming rates of morbidity and mortality in places of detention. In Niamey remand prison, for instance, recent reports indicate that the death rate due to malaria and other diseases is around 1 per cent. This situation is exacerbated by the lack of adequate medical care and treatment as prisons are equipped only with infirmaries (arts. 2, 11 and 16).

22. **The Committee calls on the State party promptly to take all necessary measures to bring conditions of detention in prisons and police custody facilities into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), and in particular to:**

(a) **Improve the material conditions in all places of deprivation of liberty by ensuring that prisoners have access to water and sufficient quantities of adequate food and that they enjoy decent sanitary conditions and adequate ventilation in cells in keeping with the climatic conditions;**

(b) **Reduce overcrowding in all prisons by making greater use of alternatives to detention;**

(c) **Provide prisons and other places of detention with a sufficient number of qualified, trained staff, including professional guards and medical personnel, with a doctor in each facility, to ensure the provision of appropriate care;**

(d) **Carry out a routine medical examination at the start of detention and compile an individual, comprehensive and confidential medical file for each detainee;**

(e) **Take every necessary measure to combat infectious diseases in prisons and ensure that all deaths in custody are promptly, thoroughly and impartially investigated, including by means of independent forensic examinations.**

National Human Rights Commission and national mechanism for the prevention of torture

23. The Committee welcomes the establishment of the National Human Rights Commission and is pleased to note that: (a) it has been granted category A status as it is fully in line with the Paris Principles; (b) it is tasked with receiving complaints, conducting investigations and carrying out regular scheduled or unannounced visits to places of detention in accordance with article 19 of Act No. 2012-44; and (c) the delegation of the Niger has stated that it accepts the recommendations made by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment following the Subcommittee's visit in 2017. However, the Committee is concerned at the inadequacy of the resources allocated to the Commission, whose overall annual budget, which was 300 million CFA francs in 2019, has prevented it from opening five out of eight planned regional branches. This lack of resources is of particular concern to the Committee as plans are in place to expand the Commission's mandate to allow it to undertake the mandate of the national preventive mechanism, which should have been established in 2015.

24. **The State party should:**

(a) **Provide the National Human Rights Commission with sufficient resources so that it may discharge its mandate in full, in accordance with the Paris Principles, and complete its decentralization;**

(b) **Speed up the establishment of the national preventive mechanism and ensure that it has a preventive mandate that is in line with the Optional Protocol to the Convention and the independence, staff, resources and budget necessary for it to fulfil its mandate effectively;**

(c) **Consider authorizing the publication by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the 2017 visit report and seek the support of the Special Fund established pursuant to the Optional Protocol for the implementation of the Subcommittee's recommendations.**

Treatment of refugees and migrants

25. The Committee is concerned about certain provisions of Act No. 2015-36, which provides for a repressive approach to migration that has reportedly driven many migrants underground, exposing them to numerous forms of abuse. The Committee is concerned at the lack of information on procedures and responsibilities related to the identification of vulnerable persons, including victims of torture or ill-treatment, who are in need of international protection (arts. 11 and 16).

26. **The State party should:**

(a) **Ensure that all allegations of acts of violence or excessive use of force against migrants and asylum seekers are investigated promptly, thoroughly and impartially and that perpetrators are prosecuted and punished;**

(b) **Take the necessary measures to ensure safe and decent reception conditions for asylum seekers and migrants in an irregular situation;**

(c) **Formulate clear guidelines and related training programmes on the identification of asylum seekers and migrants who are in need of international protection, including victims of torture, ill-treatment and trafficking;**

(d) **Place migrants in detention only as a measure of last resort, in accordance with the revised deliberation No. 5 of the Working Group on Arbitrary Detention, on deprivation of liberty of migrants (2018).**

Violence against women, harmful traditional practices, trafficking in persons and slavery

27. While noting the legislative and institutional efforts undertaken by the State party to combat trafficking in persons and slavery, including the criminalization of these practices under articles 270.1 to 270.5 of the Criminal Code, the Committee regrets the persistence of the practice of slavery and, in this regard, the low prosecution rates, the lenient penalties handed down, the limited resources allocated to eradicating these practices and rehabilitating victims. While welcoming the measures adopted by the State party to combat violence against women, including the National Strategy to Prevent and Address Gender-based Violence in the Niger and its related action plan for 2017, the Committee is concerned that customary laws continue to coexist with national laws, resulting in practices that violate the rights and freedoms provided for in the Convention. In this regard, the Committee is concerned that *wahaya* continues to be practised despite the fact that it is criminalized under article 270.2 of the Criminal Code and Ordinance No. 2010-86. It is also concerned that female genital mutilation continues to be practised in some regions and by some ethnic groups, despite being criminalized under article 232.2 of the Criminal Code. Lastly, the Committee wishes to express its deep concern at article 295 of the Criminal Code, which criminalizes abortion, including in cases of rape or incest. The Committee is concerned that these restrictions push women into undergoing illegal abortions that not only endanger their lives and health but also expose them to criminal penalties (arts. 2 and 16).

28. **The State party should, as a matter of urgency:**

(a) **Strengthen its institutional mechanisms for combating slavery and trafficking, in particular the National Agency for Combating Trafficking in Persons, including by increasing their financial and human resources;**

(b) **Expedite the process of establishing a compensation fund for victims of trafficking in persons, slavery and torture;**

(c) **Conduct systematic investigations into all cases of slavery and trafficking in persons and prosecute the perpetrators under the relevant criminal laws, sentencing them in accordance with the seriousness of the offence;**

(d) **Systematically implement the provisions of the Criminal Code sanctioning gender-based violence and female genital mutilation and thoroughly investigate all cases of such violence and mutilation to ensure that the perpetrators are prosecuted and duly punished and that victims obtain redress;**

(e) **Continue its efforts to train those who work in the criminal justice system on the effective implementation of the law against female genital mutilation and pursue existing awareness-raising campaigns;**

(f) **Amend its legislation so as to decriminalize the voluntary termination of pregnancy in cases where carrying a pregnancy to term would cause the woman considerable suffering, where the pregnancy is the result of rape or incest, and where the pregnancy is not viable, and ensure that women and girls who undergo abortions, and the doctors who assist them, are not liable to criminal sanctions;**

(g) **Ensure that all victims of violence have access to shelters and that they receive the necessary medical care, psychological support and legal assistance.**

Violence against children

29. While welcoming the signing of a memorandum of understanding between the Government of the Niger and the United Nations system in 2017, which has led to the release of a significant number of minors prosecuted for association with armed groups, the Committee remains concerned at the ongoing detention of minors who face charges of terrorism and whose legal status or age cannot be determined. More generally, the Committee is concerned that, despite the efforts undertaken by the State party, practices that harm children, such as early marriage and descent-based child slavery, continue to be carried out (arts. 2, 11, 12, 13 and 16).

30. **The Committee urges the State party to:**

(a) **Launch systematic investigations and proceedings in response to suspected cases of early marriage, and other forms of child abuse, so as to ensure that the perpetrators are punished and the victims receive reparation, including rehabilitation measures and health care that includes psychological support;**

(b) **Enforce the criminalization of slavery by systematically prosecuting all perpetrators of the offence of descent-based child slavery;**

(c) **Give children the benefit of the doubt with regard to their age, unconditionally release children suspected of association with armed groups and refer them to institutions that can provide them with the support and rehabilitation that they require.**

Counter-terrorism measures and state of emergency

31. While acknowledging the cross-border difficulties faced by the State party in its struggle against non-State armed groups that carry out attacks on its territory, the Committee is concerned at the disproportionate impact of the state of emergency that is currently in force, and regularly extended, in the regions of Diffa, Tillabéri and Tahoua. The Committee is further concerned that the vague and ambiguous nature of the definition of terrorism established by Ordinance No. 2011-12 of 27 January 2011, amending and supplementing Act No. 61-27 of 15 July 1961 establishing the Criminal Code, reportedly

leads to arbitrary arrests and convictions. The Committee is also concerned at allegations that journalists, human rights defenders and members of the opposition have been subjected to excessive use of force, arbitrary arrest and detention under counter-terrorism legislation. Lastly, the Committee is concerned about the State party's capacity to ensure compliance with the Convention by the foreign armed troops operating on its territory with its consent (arts. 2, 11, 12 and 16).

32. The State party should:

(a) **Ensure that the measures taken to combat terrorism are in conformity with the Convention and strictly necessary in the light of the situation and the requirements of the principle of proportionality;**

(b) **Carry out impartial and thorough investigations into all allegations of excessive use of force, develop clear guidelines on the use of force and weapons, incorporating the principles of lawfulness, necessity, proportionality and the precautionary principle and bring laws and regulations governing the use of force into line with international standards, in particular the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;**

(c) **Investigate and prosecute all cases of arbitrary arrest and, where appropriate, provide the victims with compensation;**

(d) **Strengthen efforts to publish information related to the state of emergency and disseminate it to the public;**

(e) **Strengthen the protection of persons internally displaced by the state of emergency and prevent them from being mistreated;**

(f) **Ensure that all allegations of torture and ill-treatment of persons accused of involvement in terrorist acts are promptly, impartially and effectively investigated and that perpetrators are prosecuted and appropriately punished;**

(g) **Ensure that all armed forces operating on its territory with its consent respect instruments on human rights and international humanitarian law.**

Death penalty

33. While welcoming the absence of executions since 1976, which makes the Niger a de facto abolitionist State, the commencement of a process that is to lead to the abolition in law of the death penalty and the beginning of the process of accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Committee regrets that the death penalty is still provided for in law and that death sentences continue to be handed down (art. 16).

34. The Committee urges the State party to:

(a) **Commute all death sentences already handed down to prison sentences and continue the process of formally abolishing the death penalty in law;**

(b) **Ensure that the current conditions of detention for condemned prisoners do not constitute cruel, inhuman or degrading punishment or treatment by taking immediate steps to strengthen legal safeguards, including by guaranteeing such persons and their defence counsel full access to all evidence in their case files and providing condemned prisoners with all available information on their situation and rights.**

Training on the provisions of the Convention

35. While acknowledging the efforts undertaken by the State party to provide general human rights training, including for members of the police, the defence and security forces, and the judiciary, the Committee regrets that no specific training is provided on the Convention or the Istanbul Protocol. The Committee also regrets that no mechanism for evaluating the effectiveness of training programmes has been established (art. 10).

36. **The State party should:**

(a) **Conduct routine, regular training sessions on the absolute prohibition of torture for all officials likely to be involved in monitoring, questioning or handling persons deprived of their liberty, ensuring that such sessions include ongoing training on the Convention, non-coercive investigation techniques and the Istanbul Protocol;**

(b) **Ensure that the absolute prohibition of torture and ill-treatment is incorporated in the rules and instructions established for staff whose work is concerned with the deprivation of liberty;**

(c) **Develop and apply a method for evaluating the effectiveness of educational and training programmes related to the Convention and the Istanbul Protocol;**

(d) **Systematically provide training to all law enforcement and defence officials on the use of force, taking due account of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.**

Redress

37. The Committee regrets that no specific rehabilitation programmes have been established for victims of torture as a means of implementing article 14 of the Convention. The Committee is also concerned at the State party's delay in establishing a compensation fund for victims of trafficking, slavery and torture. The Committee further regrets that no compensation has been granted to victims in the wake of the violent demonstrations of 16 and 17 January 2015, which resulted in the loss of human life and extensive material damage, including to places of worship. Lastly, the Committee is concerned at the State party's assertion that civil law actions for damages have no possibility of succeeding in cases where the suspect has been found not guilty in criminal proceedings (art. 14).

38. **The State party should:**

(a) **In line with the Committee's general comment No. 3 (2012) on the implementation of article 14 by States parties,³ take the necessary legislative measures to ensure that civil proceedings for compensation can be initiated by victims of torture or ill-treatment, their families or their defence counsel, independently of any criminal proceedings that might have been initiated or completed;**

(b) **Immediately establish a compensation fund for victims of trafficking in persons, slavery and torture, ensuring that it has the human and material resources necessary for its proper functioning;**

(c) **Conduct a comprehensive assessment of victims' needs and ensure that specialized rehabilitation services are promptly made available.**

Follow-up procedure

39. **The Committee requests the State party to provide, by 6 December 2020, information on follow-up to the Committee's recommendations on safeguards related to the issuance of medical certificates, as provided for under article 71 (5) of the Code of Criminal Procedure, the release of persons who have been remanded in custody, the prevention of deaths in detention, and the establishment of a national preventive mechanism (see paras. 10 (f), 16 (c), 22 (e) and 24 (b)). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.**

³ In which the Committee has established that the institution of civil proceedings as a means of claiming compensation for victims should not be made subject to criminal proceedings since criminal liability is independent of a victim's right to compensation (para. 26).

Other issues

40. The Committee invites the State party to consider making the declarations under article 22 of the Convention recognizing the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction.

41. The Committee invites the State party to ratify the core United Nations human rights treaties to which it is not yet party.

42. The State party is requested to disseminate widely the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations, and to inform the Committee about its dissemination efforts.

43. The Committee invites the State party to submit its next periodic report, which will be its second periodic report, by 6 December 2023. To that end, it invites the State party to agree, by 6 December 2020, to avail itself of the simplified reporting procedure in preparing that report. Under that procedure, the Committee will transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its second periodic report under article 19 of the Convention.
