



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

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Committee against Torture

Concluding observations on Cabo Verde in the absence of a report*

1. In the absence of the initial report of the State party, the Committee considered the status of implementation of the Convention in Cabo Verde at its 1486th meeting, held on 24 November 2016 (see CAT/C/SR.1486). In accordance with rule 67, paragraph 3, of the Committee's rules of procedure, the Committee notified the State party that it intended to examine the measures taken to protect or give effect to the rights recognized in the Convention in the absence of a report and to adopt concluding observations. On the basis of information obtained from national and international sources, including other United Nations mechanisms, the Committee adopted the present concluding observations at its 1501st meeting, held on 5 December 2016.

A. Introduction

2. Cabo Verde acceded to the Convention on 4 June 1992. The State party was under an obligation to submit its initial report under article 19, paragraph 1, of the Convention by 3 July 1993. Each year thereafter, Cabo Verde was included in the list of States parties with overdue reports in the annual report which the Committee submits to the States parties and the General Assembly. By a letter dated 4 September 2014, the Committee reminded the State party about the overdue initial report and about the possibility for the Committee to proceed with a review in the absence of such a report. On 9 April 2015, the Committee invited the State party to accept the simplified reporting procedure to assist it in preparing its overdue report and reiterated the Committee's view regarding the possibility of a review in the absence of a report as a result of the extended delay in its submission. On 10 December 2015, the Committee informed the State party of its decision to review the situation in Cabo Verde in the absence of a report, in accordance with rule 67, paragraph 3, of its rules of procedure, while maintaining the possibility for the State party to send its initial report or to accept the simplified reporting procedure. The State party never responded to these communications or to the reminders sent on 17 May 2016 and 15 August 2016. On 9 November 2016, during the Committee's current session, the State party informed the Committee that it would not send a delegation to the review of Cabo Verde in the absence of a report and that the new Government in place since April 2016 had only recently been informed of the overdue report. The State party also requested additional time

* Adopted by the Committee at its fifty-ninth session (7 November-7 December 2016).



to submit a report. By a letter dated 10 November 2016, the Committee informed the State party that, in view of the fact that it had sent several reminders, it would proceed with the review in the absence of a report, but it encouraged the participation of a delegation from the State party. The State party declined to send a delegation for the review. During a meeting with the Permanent Representative of Cabo Verde to the United Nations on 15 November 2016, the Chairperson of the Committee offered the possibility of a videoconference to enable the participation of a delegation from the capital. The Permanent Representative reiterated the position of his Government, as set out in the above-mentioned letter of 9 November 2016.

3. The Committee regrets that the State party has failed to meet its reporting obligations under article 19 of the Convention for 23 years, which precluded the Committee from assessing the implementation of the Convention by the State party. It also regrets that the State party did not send a delegation to the review, which prevented the Committee from engaging in a constructive dialogue.

4. Notwithstanding the voluntary commitments made by the State party during the universal periodic review of the Human Rights Council to present its overdue reports (see A/HRC/WG.6/16/CPV/1, paras. 10 and 11), the Committee regrets that the State party has not yet complied with its reporting obligations under the Convention.

B. Positive aspects

5. The Committee notes with satisfaction that, since its accession to the Convention, the State party has ratified or acceded to the following international instruments:

- (a) The Convention on the Rights of the Child, on 4 June 1992;
- (b) The International Covenant on Economic, Social and Cultural Rights and the Optional Protocol thereto, on 6 August 1993;
- (c) The International Covenant on Civil and Political Rights, on 6 August 1993;
- (d) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, on 16 September 1997;
- (e) The First and Second Optional Protocols to the International Covenant on Civil and Political Rights, on 19 May 2000;
- (f) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 10 May 2002;
- (g) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 10 May 2002;
- (h) The Convention on the Rights of Persons with Disabilities, on 10 October 2011;
- (i) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 10 October 2011;
- (j) The Rome Statute of the International Criminal Court, on 10 October 2011;
- (k) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, on 23 June 2014;
- (l) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 1 April 2016.

6. The Committee also welcomes with satisfaction the legislative measures taken by the State party to give effect to the Convention, in particular:

(a) The Constitution, revised in 2010, which prohibits torture and ill-treatment (art. 28 (2)), establishes the inadmissibility of evidence obtained through torture or coercion (art. 35 (8)), includes the principle of non-refoulement with regard to extradition (art. 38 (1) (c)) and provides that domestic violence should be punishable by law (art. 82 (9));

(b) The adoption, in 2011, of Act No. 84/VII/2011 on Gender-based Violence, and, in 2015, of Decree-Law No. 8/2015, which regulates the provisions of the Act;

(c) The adoption, in 1992, of Act No. 67/IV/92, establishing a support scheme for victims of torture and political repression, and, in 1993, of Decree No. 12/93 establishing a compensation scheme for victims of torture and political repression and their descendants.

7. The Committee notes the initiatives of the State party to amend its policies and procedures in order to afford greater protection of human rights and to apply the Convention, in particular:

(a) The adoption of two National Plans to Combat Gender-based Violence, one for the period 2007-2011, adopted in November 2006, and another for the period 2014-2018, adopted in July 2014;

(b) The establishment, in 2006, of the Cabo Verdean Institute for Children and Adolescents, which maintains a hotline for cases of child abuse and coordinates the intervention of various partners, including police, prosecutors, hospitals and health centres;

(c) The creation of an inter-institutional and stakeholder network for support and protection of victims of gender-based violence (Rede Sol);

(d) The establishment, in 2014, of support centres for victims of gender-based violence.

C. Principal subjects of concern and recommendations

Direct application of the Convention by domestic courts

8. While noting that article 12 of the Constitution establishes that international treaties ratified by the State party are an integral part of the national legal order and take precedence over domestic laws, the Committee regrets the lack of information, owing to the absence of a State party report, on the direct application of the Convention by the domestic courts (arts. 2 and 12).

9. **The State party should ensure the full applicability of the provisions of the Convention in the national legal order. It should also compile and provide information about specific cases in which the Convention has been applied directly by the courts or has been invoked before them. The State party should also ensure that State officials, judges, prosecutors and lawyers receive training that covers the provisions of the Convention and their direct applicability, so that they will be in a position to apply the Convention directly and to assert the rights established in those provisions before the courts.**

Definition of torture

10. While welcoming the inclusion of the crime of torture in article 162 of the Criminal Code, the Committee notes that the crime of torture is limited to acts committed by persons vested with the specific public functions listed in the article or by persons that usurp those

functions, which could prevent the prosecution of public officials working in areas not explicitly mentioned or other persons with delegated functions. The Committee also notes with concern that the purpose of discrimination is not included in the definition of torture. Furthermore, it is concerned that the Criminal Code fails to ensure appropriate penalties for acts of torture, since it sets the minimum penalty as low as two years imprisonment, which would qualify for a suspension and render an attempt to commit torture unpunishable. Notwithstanding the recent amendment to the Criminal Code in 2015 (Legislative Decree 4/2015), the Committee regrets that the crime of torture is still subject to a statute of limitations (arts. 1 and 4).

11. The Committee calls on the State party to amend article 162 of the Criminal Code in order to explicitly include discrimination among the purposes for inflicting torture and to ensure that the infliction of torture by or at the instigation of or with the consent or acquiescence of a public official or any other person acting in an official capacity is also included in the definition of torture, in strict conformity with article 1 of the Convention. The State party should also ensure that both the crime of torture and the attempt to commit such a crime are punishable by appropriate penalties which take into account their grave nature, as set out in article 4 (2) of the Convention. Furthermore, the State party should ensure that acts amounting to torture are not subject to a statute of limitations.

Amnesty and non-derogability of the prohibition of torture

12. While noting the absolute prohibition of torture in article 28 (2) of the Constitution, the Committee is concerned that article 104 of the Criminal Code provides for the possibility of extinction of criminal responsibility through amnesty or pardon, without excluding its application to the crime of torture (art. 2).

13. Recalling its general comments No. 2 (2008) on the implementation of article 2 by States parties and No. 3 (2012) on the implementation of article 14 by States parties, the Committee reiterates that amnesty provisions or other impediments which preclude or indicate unwillingness to provide prompt and fair prosecution and punishment of perpetrators of torture or ill-treatment violate the principle of non-derogability of the prohibition of torture and contribute to a climate of impunity. Accordingly, the Committee urges the State party to amend the Criminal Code to indicate that, where torture offences are concerned, granting of amnesty or pardon shall be inadmissible.

Superior orders and due obedience

14. While noting that article 39 of the Criminal Code establishes that due obedience to superior orders ceases when it leads to the commission of a crime, the Committee remains concerned at the lack of information, owing to the absence of the State party report, regarding the existence of mechanisms that offer protection against reprisal by superior officers for subordinates who refuse to obey such orders (art. 2).

15. In the light of the Committee's general comment No. 2, the State party should guarantee in practice the right of all law enforcement officials and military personnel to refuse to execute, as subordinates, an order from their superior officers that would result in contravention of the Convention. To that effect, the State party should provide information on mechanisms or procedures for protecting a subordinate from reprisal if he or she refuses to carry out such an order. It should also ensure in practice that, in full conformity with article 2 (3) of the Convention, the execution of such an order is not accepted as a justification of torture.

Fundamental legal safeguards

16. The Committee takes note of the procedural safeguards set out in the Constitution and the Criminal Code. It regrets, however, the lack of information, owing to the absence of a State party report, regarding the right of detained persons to have access to a medical examination by an independent doctor from the outset of deprivation of liberty, as well as on the consistent use of registers of persons deprived of their liberty at all stages of detention. Furthermore, the Committee is concerned about allegations of failure to bring detained persons before a judge within 48 hours of arrest, as well as failure to inform detainees of the reasons for their arrest and the charges brought against them (art. 2).

17. The State party should:

(a) **Provide information on the legislative and administrative measures taken to guarantee that detained persons are afforded, in law and in practice, all the fundamental legal safeguards from the very outset of deprivation of liberty, in particular, the right to access to a medical examination by an independent doctor;**

(b) **Monitor the compliance with the legal safeguards by all public officials and penalize any failure on the part of officials to comply;**

(c) **Provide the Committee with information on the number of complaints received regarding failure to respect such safeguards and on the outcome of those complaints;**

(d) **Provide information on the establishment of a central register of all persons deprived of their liberty, the type of information recorded and the measures taken to ensure accurate record-keeping.**

Administration of justice

18. The Committee is concerned about information that the justice system is overburdened and understaffed, which creates delays in the delivery of justice, resulting, among other things, in prolonged pretrial detention and a large backlog of cases pending trial. The Committee also notes with concern that judges are underpaid, according to the 2016 report of the Parliamentary Commission on Constitutional Affairs, making the judiciary vulnerable to bribery and corruption, as pointed out previously by the Human Rights Committee (see CCPR/C/CPV/CO/1, para. 15) (art. 2).

19. The State party should inform the Committee about the measures taken to:

(a) **Reduce the backlog of cases, including by increasing judicial capacity and providing the judiciary with the necessary technical and financial resources to guarantee their integrity;**

(b) **Reinforce the measures in place for countering judicial misconduct, particularly corruption in all its forms, which may hinder the progress of independent, impartial and appropriate legal proceedings against perpetrators of torture;**

(c) **Review the current criminal justice policy and enhance the efficiency of the judicial proceedings;**

(d) **Increase the use of alternative measures of detention, in accordance with the United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules).**

Alleged police brutality

20. The Committee is concerned about consistent reports of police brutality against detained persons and about allegations of racial profiling during security operations and

investigations. The Committee also recalls the concern of the Human Rights Committee about the clashes between Cabo Verdean law enforcement officials and West African immigrants between 2002 and 2005, as well as the allegations of police brutality against juveniles as a form of extrajudicial punishment (see CCPR/C/CPV/CO/1, paras. 11 and 18). The Committee notes with concern that the National Commission for Human Rights and Citizenship receives approximately 10 complaints per year of excessive use of force by the police and that, according to other sources, the National Police Council received 50 reports of police abuse in the first 10 months of 2015. Given this data, the Committee regrets the lack of information, owing to the absence of a State party report, about whether any criminal or disciplinary sanctions were imposed for those abuses. The Committee also notes with concern that the delays in criminal proceedings have reportedly contributed to the perception of impunity among the population, who often withdraw their complaints or decide not to bring their cases to justice (arts. 12 and 13).

21. The State party should:

(a) Take appropriate measures to further strengthen the supervision and monitoring mechanisms of the police force, particularly with regard to the treatment of persons under custody;

(b) Ensure that all complaints of police brutality or excessive use of force are promptly investigated in an impartial manner by an independent body, that there is no institutional or hierarchical relationship between that body's investigators and suspected perpetrators of such acts and that the suspected perpetrators are duly tried and, if found guilty, are punished in a manner that is commensurate with the gravity of their acts;

(c) Ensure that the authorities launch investigations on their own initiative whenever there are reasonable grounds to believe that an act of police brutality or excessive use of force has been committed;

(d) Inform the Committee about the number of complaints received related to police brutality and excessive use of force by the police, disaggregated by ethnic group, age and sex of the victim, and about the criminal and disciplinary investigations resulting from those complaints, including those initiated ex officio, as well as the prosecutions, convictions and criminal and disciplinary penalties imposed;

(e) Inform the Committee about the scope of the mandate of the National Police Council and the National Police Disciplinary Board, as well as how the independence of those bodies is guaranteed and how those bodies relate to the Public Prosecutor's Office when they are conducting criminal and disciplinary investigations;

(f) Ensure that alleged perpetrators of police brutality or excessive use of force are immediately suspended from duty for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, to commit reprisals against the alleged victim or to obstruct the investigation, while also ensuring that the principle of presumption of innocence is observed.

Accountability with regard to acts of torture

22. The Committee is concerned about the case of Carlos Graça, former director of São Martinho prison, who was charged with torture together with four prison guards as a result of the actions they took following the riot that took place in 2005 at the prison of which he was director, and who fled to the United States of America while he was on bail. Although Mr. Graça was extradited to Cabo Verde in 2010, the Committee regrets the lack of information, owing to the absence of a State party report, about whether this person and the

four prison guards were tried on charges of torture and, if they were convicted, on the penalties that were meted out (arts. 2 and 12).

23. The State party should inform the Committee about the outcome of the trial of Carlos Graça and the four prison guards charged with torture as a result of the actions they took following the riot that took place in 2005 at São Martinho prison, as well as the penalties imposed.

Conditions of detention

24. The Committee is concerned about the overcrowded prison facilities in the State party and regrets that the prison population rate has doubled since 1997. In view of this negative trend, the Committee regrets the lack of information, owing to the absence of a State party report, about the measures taken by the State party to promote the use of alternatives to imprisonment, including the review of the Act on the Enforcement of Custodial and Other Sentences (Decree-Law No. 25/88), as announced in the 2013 national report to the Working Group on the Universal Periodic Review (see A/HRC/WG.6/16/CPV/1, paras. 100-102). The Committee also notes with concern that prison congestion has contributed to the expansion of drug trafficking inside the prisons, particularly in São Martinho prison, and is concerned that this illicit practice is difficult to control because the number of correction officers and surveillance devices is insufficient. The Committee is also concerned about reports that health services for prisoners are insufficient, particularly for prisoners with psychosocial disabilities or substance addiction, and about the inadequate ventilation and sanitary facilities, especially for persons with physical disabilities. It is also concerned about allegations of ill-treatment of prisoners and cases of gender-based violence and regrets the lack of information, owing to the absence of a State party report, on the number of cases of prison violence registered and on the existing complaint mechanisms in places of detention. The Committee recalls the concern of the Human Rights Committee that juveniles were allegedly not held separately from adults and accused persons were reportedly not separated from convicted prisoners (see CCPR/C/CPV/CO/1, para. 14) and regrets the lack of information regarding measures to ensure this separation (art. 11).

25. The Committee calls on the State party to expedite the review of the Act on the Enforcement of Custodial and Other Sentences (Decree-Law No. 25/88) and bring the operational procedures in the national prison system in compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). The State party should also:

(a) Significantly reduce overcrowding in prisons by making more use of alternatives to incarceration, such as suspended sentences for first offenders or for certain minor offences;

(b) Continue its efforts to improve prison facilities and allocate the resources required for improving the conditions of detention and adapting detention facilities to prisoners with physical disabilities, in accordance with international standards;

(c) Address the root causes of increased juvenile delinquency, as recommended by the Human Rights Committee (see CCPR/C/CPV/CO/1, para. 11);

(d) Enhance detection and monitoring of detainees at risk of drug addiction and violence among prisoners, including by increasing prison staff and installing video cameras in all places where detainees might be present;

(e) Improve the provision of medical services to prisoners, particularly for prisoners with psychosocial disabilities and those who are addicted to drugs;

(f) **Ensure that prisoners have genuine access to a means of filing a complaint with an independent body regarding their conditions of detention and/or ill-treatment and that impartial, independent investigations into such complaints are promptly carried out. The State party should provide the Committee with the number of complaints it received of prison-related violence and the outcome of those complaints;**

(g) **Ensure at all times the separation in detention facilities of juveniles from adults and accused persons from convicts, as recommended by the Human Rights Committee.**

National Commission for Human Rights and Citizenship

26. While welcoming the establishment of the National Commission for Human Rights and Citizenship in 2004 and the plans to amend its statute with a view to increasing its autonomy and independence, the Committee is concerned that, at present, the Commission is not yet compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and does not have sufficient funds to fully discharge its mandate. The Committee regrets the lack of specific information, owing to the absence of a State party report, concerning the Commission's access to all places of detention and the implementation of the Commission's recommendations by the national authorities. While welcoming the recent ratification of the Optional Protocol to the Convention (see para. 5 (l) above) and the objective of including the establishment of a national preventive mechanism in the Commission's Second Action Plan for Human Rights and Citizenship, the Committee regrets the lack of information regarding the timeline for the creation of such a mechanism (art. 2).

27. **The Committee recommends that the State party accelerate the review process of the statute of the National Commission for Human Rights and Citizenship in order to reinforce its independence, resources and infrastructure and enable it to fully execute its mandate, in accordance with the Paris Principles. The State party should also speed up the creation of a national preventive mechanism and ensure that it has the necessary resources to fulfil its mandate independently and effectively throughout its territory, in accordance with the Optional Protocol to the Convention and the guidelines on national preventive mechanisms (see CAT/OP/12/5, paras. 7, 8 and 16). The State party should provide the Committee with information regarding the timeline for the adoption of the new statute of the National Commission for Human Rights and Citizenship and the creation of the national preventive mechanism and information on the implementation of the recommendations of the Commission and other monitoring organizations by the national authorities.**

Non-refoulement

28. While welcoming the recognition of the non-refoulement principle with regard to extraditions in article 38 of the Constitution and noting the judicial review of the extradition warrant before the Supreme Court, the Committee regrets the lack of information, owing to the absence of a State party report, with regard to the enforcement of this protection in practice. With regard to the right of asylum, the Committee notes with concern that neither the Constitution nor Law No. 99/V/99 on the legal regime of asylum and refugee status include the risk of being subjected to torture in the country of destination as a reason for granting protection. Furthermore, the Committee expresses concern at the absence of an institutional framework for an asylum determination procedure. The assessment of asylum applications is currently carried out by the Office of the United Nations High Commissioner for Refugees (UNHCR). Although the number of asylum applications registered so far is low, the Committee shares the concern of UNHCR that the actual

amount of asylum seekers is unknown, since there is no systematic registration and processing of asylum claims at the borders. While noting that asylum seekers would have a right to a judicial review in accordance with Legislative Decree No. 6/97, the Committee regrets that they would not be protected against refoulement during the judicial review process, since the review would not have a suspensive effect on an expulsion order. The Committee also notes with concern that all other undocumented migrants would be subject to an administrative procedure of expulsion, without access to a judicial review (art. 3).

29. **The State party should:**

(a) **Adopt the necessary legislative measures to explicitly incorporate into its legislation regulating asylum and expulsion of undocumented migrants the principle of non-refoulement set out in article 3 of the Convention;**

(b) **Promptly establish a national asylum determination procedure that carries out a thorough assessment of the merits of each individual case and a medical and psychological examination when indications of torture or traumatization have been detected among applicants;**

(c) **Set up an asylum registration and screening process at the borders to identify as early as possible victims of torture and trafficking and provide them with immediate rehabilitation and priority access to the asylum determination procedure;**

(d) **Provide for an effective judicial remedy with automatic suspensive effect on the deportation orders of asylum seekers and other undocumented immigrants;**

(e) **Provide information about the number of instances in which the State party has not expelled or extradited persons in danger of being tortured in the country of destination.**

Jurisdiction over acts of torture

30. The Committee is concerned at the lack of clarity regarding the legal provisions enabling the State party to establish universal jurisdiction over the crime of torture. The Committee also regrets the lack of information, owing to the absence of a State party report, on how the State party has exercised in practice its jurisdiction over cases of torture in compliance with article 5 of the Convention (art. 5).

31. **The Committee invites the State party to take all the measures necessary to ensure the exercise of universal jurisdiction over persons responsible for acts of torture. The State party should also provide information to the Committee on instances in which the Convention has been invoked in judicial decisions regarding extradition and universal jurisdiction, in accordance with article 5 of the Convention.**

Extradition and mutual assistance

32. The Committee regrets the lack of information, owing to the absence of a State party report, on whether the bilateral and multilateral treaties adhered to by the State party made torture an extraditable offence. The Committee also regrets the lack of information on whether the State party relied on diplomatic assurances when extraditing individuals to other States. The Committee further regrets the lack of information on legislation concerning mutual judicial assistance that could apply in the case of the crimes enumerated in article 4 of the Convention (arts. 8 and 9).

33. **The State party should provide information on:**

(a) **Whether torture is considered an extraditable offence in the bilateral and multilateral treaties regarding extradition adhered to by the State party;**

(b) **Whether the Convention can be invoked as a legal basis for extradition in respect of the crimes enumerated in article 4 when the State party receives a request for extradition from any other State party with which it has no extradition treaty;**

(c) **Measures taken to provide mutual judicial assistance to other States parties in all matters of criminal procedure regarding the crimes enumerated in article 4 of the Convention;**

(d) **Whether it has relied on diplomatic assurances when returning a person to another country where the person would face a risk of torture.**

Training

34. While welcoming the training of police and correctional staff and the awareness-raising activities on the provisions of the Convention carried out by the National Commission for Human Rights and Citizenship, the Committee notes with concern that these training programmes are of a generic or ad hoc nature and only target newly recruited staff. It also regrets the lack of information, owing to the absence of a State party report, on the training provided to other officials directly involved in the investigation and documentation of torture, as well as to medical and other personnel involved with detainees and asylum seekers, on the provisions of the Convention and on how to detect and document physical and psychological sequelae of torture (art. 10).

35. **The State party should:**

(a) **Revise and develop mandatory and continuous training programmes, with the support of the National Commission for Human Rights and Citizenship, to ensure that all public officials, in particular law enforcement and military personnel, prison staff and medical and other personnel involved with detainees and asylum seekers, are well acquainted with the provisions of the Convention and the Optional Protocol thereto;**

(b) **Ensure that all relevant staff, including medical personnel, are specifically trained to identify cases of torture and ill-treatment, in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol);**

(c) **Ensure that police officers receive training on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and on non-coercive methods of investigation, as recommended by the Special Rapporteur on torture (A/71/298);**

(d) **Develop and apply a methodology for assessing how effective training programmes are in reducing the number of cases of torture and ill-treatment and in ensuring the investigation and prosecution of these acts.**

Redress

36. While welcoming the administrative and judicial remedies available for seeking redress in cases of torture and ill-treatment (see para. 6 (c) above), including the possibility for victims to claim civil damages in criminal proceedings, the Committee regrets the lack of information, owing to the absence of a State party report, on reparations ordered by the courts or other State bodies and actually provided to victims of torture or their families (art. 14).

37. **The Committee draws the State party's attention to its general comment No. 3, in which it elaborates on the nature and scope of States parties' obligations under**

article 14 of the Convention to provide full redress to victims of torture. The State party should provide the Committee with information on redress, including compensation, ordered by courts and ongoing rehabilitation of victims, including resources allocated for that purpose.

Inadmissibility of statements made as a result of torture

38. While noting that articles 35 (8) of the Constitution and 178 (2) (a) of the Criminal Procedure Code provide for the inadmissibility of evidence obtained through torture or cruel, inhuman or degrading treatment, the Committee is concerned at the lack of information, owing to the absence of a State party report, on the instances in which these provisions have been applied in practice (art. 15).

39. The Committee calls on the State party to ensure in practice the inadmissibility of evidence obtained as a result of torture and to provide it with information on cases that have been dismissed because a statement was obtained as a result of torture and whether any officials were tried and punished as a result.

Violence against women and children, including domestic violence

40. While noting the efforts of the State party to combat gender-based violence and child abuse (see paras. 6 (a) and (b) and 7), the Committee is concerned at the prevalence of violence against women and children, particularly in the domestic sphere in urban areas and in the poorest neighbourhoods. It is also concerned at information indicating that many cases of violence against children remain unreported because the perpetrators are often relatives of the victim. The Committee regrets that official statistics that could be used to evaluate the situation with respect to sexual and domestic violence against women and children in the State party have not been provided, owing to the absence of a State party report (arts. 2, 12, 13 and 16).

41. The State party should continue its efforts to eradicate violence against women and children, including domestic violence, in particular by:

(a) **Strengthening the training initiatives on combating sexual and domestic violence for law enforcement officials and other persons in direct contact with the victims, as well as the awareness-raising campaigns for the public at large, with a view, in particular, to encouraging victims to come forward with complaints about these abuses;**

(b) **Ensuring the creation of adequate shelters, as well as the provision of full redress for victims;**

(c) **Ensuring that all cases of violence against women and children, including sexual and domestic violence, are expeditiously and thoroughly investigated, that the victims are protected and that the perpetrators are prosecuted and, if convicted, punished with appropriate sanctions. The State party should provide the Committee with information on the number of complaints of sexual and domestic violence against women and children, the number of those complaints that have been investigated, the number of protection orders that have been granted, the number of prosecutions and convictions and the reparations provided to the victims.**

Corporal punishment

42. Although corporal punishment of children is unlawful, the Committee is concerned at reports of frequent use of corporal punishment at home and in schools (art. 16).

43. **The State party should take practical steps to put an end to corporal punishment and promote non-violent forms of discipline through awareness-raising and public education measures.**

Child labour and trafficking

44. The Committee is concerned at the large number of children exploited in prostitution and engaged in begging, drug dealing or street vending, which make them vulnerable to human trafficking. The Committee is also concerned that the recently amended Criminal Code does not punish persons who promote the conditions for prostitution of children between ages 16 and 18. The Committee regrets the lack of official data on human trafficking, owing to the absence of a State party report, that could be used to evaluate the situation in this respect (arts. 2, 12 and 16).

45. **The State party should increase its efforts to prevent and combat trafficking in human beings, especially of children, and the worst forms of child labour, by:**

(a) **Amending the Criminal Code to prohibit the promotion of prostitution of children between 16 and 18 years of age;**

(b) **Conducting prompt, impartial and effective investigations into cases of trafficking, including child sex trafficking, ensuring that convicted individuals are given sentences commensurate with the serious nature of their crimes and guaranteeing that all victims of such acts obtain redress. The State party should provide the Committee with information on the number of complaints or reports of human trafficking and forced labour, the number of those complaints or reports that have been investigated, the number of prosecutions and convictions and the reparations provided to the victims;**

(c) **Providing protection for victims and ensuring adequate access to medical, social, housing and legal services;**

(d) **Providing specialized training to law enforcement and judicial officials on the investigation of trafficking and on victim identification procedures.**

Follow-up procedure

46. **The Committee requests the State party to provide, by 7 December 2017, information on follow-up to the Committee's recommendations on fundamental legal safeguards, police brutality and the independence of the National Commission for Human Rights and Citizenship (see paras. 17, 21 and 27 above). 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.**

Other issues

47. **The Committee encourages the State party to consider making the declaration under article 22 of the Convention recognizing the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction, as accepted by the State party in the context of the universal periodic review (see A/HRC/24/5, para. 115.12).**

48. **The Committee invites the State party to consider ratifying the core United Nations human rights instruments to which it is not yet party.**

49. The State party is requested to disseminate widely the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations.

50. The Committee calls upon the State party to comply with its reporting obligations under article 19 of the Convention and to submit its report, which will be considered its second, by 7 December 2020. To that end, the Committee invites the State party to accept, by 7 December 2017, to prepare its report under the simplified reporting procedure, whereby the Committee will transmit to the State party a list of issues prior to reporting. The State party's response to that list of issues will constitute its next periodic report under article 19 of the Convention.
