

Committee against Torture

Concluding observations on the initial report of Maldives*

1. The Committee against Torture considered the initial report of Maldives (CAT/C/MDV/1) at its 1703rd and 1706th meetings, held on 27 and 28 November 2018 (CAT/C/SR.1703 and CAT/C/SR.1706), and adopted the following concluding observations at its 1717th and 1718th meetings (CAT/C/SR.1717 and CAT/C/SR.1718) held on 6 December 2018.

A. Introduction

2. The Committee notes that the delegation of the State party which appeared before it represented a Government that took office on 17 November 2018 only 10 days prior to the review. The Committee notes statements made by members of the delegation that the new Government is committed to undertaking wide-ranging, systemic reforms of the country's institutions and that responding to past and future acts of torture and cruel, inhuman and degrading treatment or punishment is one of its top priorities.

3. The Committee welcomes the dialogue with the State party's delegation and the oral and written statements and replies provided to the concerns raised by the Committee. In light of the statement made by the delegation that the new Government dissociates itself from the State party's initial report, which was submitted 12 years late, characterizing it as not accurate, truthful or complete, and as the new Government's views regarding the country's record in complying with the Convention diverge substantially from those of the prior Government, the Committee welcomes the new Government's pledge to submit another report to the Committee within six months.

B. Positive aspects

4. The Committee welcomes the State party's accession to and ratification of the following international instruments:

(a) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 29 December 2004;

(b) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 15 February 2006;

(c) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 13 March 2006;

(d) International Covenant on Economic, Social and Cultural Rights, on 19 September 2006;

* Adopted by the Committee at its sixty-fifth session (12 November-7 December 2018).

- (e) International Covenant on Civil and Political Rights, on 19 September 2006;
- (f) Optional Protocol to the International Covenant on Civil and Political Rights, 19 September 2006;
- (g) Convention on the Rights of Persons with Disabilities, on 5 April 2010;
- (h) Rome Statute of the International Criminal Court, on 21 September 2011;
- (i) International Labour Organization Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Minimum Age Convention, 1973 (No. 138); and Worst Forms of Child Labour Convention, 1999 (No. 182), in January 2013;
- (j) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000 (the Palermo Protocol), on 14 September 2016.

5. The Committee welcomes the State party's initiatives to revise its legislation in areas of relevance to the Convention, including the adoption of:

- (a) The Human Rights Commission Act, on 18 August 2005;
- (b) The Constitution of the Maldives, which contains a Bill of Rights, in 2008;
- (c) The Domestic Violence Prevention Act, in April 2012;
- (d) The Anti-Torture Act, recognizing torture as a distinct criminal offence and giving effect to the Convention, on 23 December 2013;
- (e) The Prevention of Human Trafficking Act, in 2013;
- (f) The National Integrity Commission Act and subsequent creation of the National Integrity Commission, in 2015;
- (g) Amendments to the Criminal Procedure Code, in 2016.

6. The Committee also welcomes the initiatives of the State party to amend its policies, programmes and administrative measures to give effect to the Convention, including the:

- (a) Designation by the President of the Human Rights Commission of the Maldives as the National Preventive Mechanism (NPM), on 10 December 2007;
- (b) Adoption of the Domestic Violence Prevention National Strategy (2014-2016);
- (c) Appointment of the National CAT and OPCAT Committee by the former President, on 7 February 2016; the formulation by the Human Rights Commission of the Maldives of operating guidelines for the National CAT & OPCAT Committee;
- (d) Establishment by the newly elected President, on 17 November 2018, only hours after taking the oath of office, of a Commission on Murders and Disappearances, charged with conducting a "free, independent, and trustworthy investigation" into cases between 1 January 2012 and 17 November 2018 that were "not properly investigated"; and the announcement by the head of the delegation to the Committee that a new Transitional Justice Committee/Working Group is deliberating on establishment of a separate commission to review past allegations of torture during this period;
- (e) Affirmation, during the review of the State party report, of initiatives by the new government to create a Commission on Releasing Political Detainees and a Presidential Commission on Corruption and Asset Recovery.
- (f) Commitment by the new Government to uphold the moratorium on the death penalty and to vote "yes" on the draft resolution before the UN General Assembly entitled "Moratorium on the Use of the Death Penalty", in 2018;

(g) Expressed willingness of the new Government to receive full country missions by the United Nations Special Rapporteur on Torture and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, and an open invitation for UN Special Procedure mandate holders and the High Commissioner for Human Rights to conduct missions to the Maldives and provide advice, as well as a pledge to make

a declaration accepting article 22 of the Convention and the individual complaint procedure provided therein;

(h) Commitment by the new government, in its Opening Statement to the Committee, to rebuild a judiciary “that is independent so that the rule of law will again prevail for all”, and the proposal, under the 100-day action plan of the newly elected President, to introduce a Juvenile Justice bill to the Parliament within the first 60 days of his Administration.

C. Principal subjects of concern and recommendations

Transitional justice and accountability for torture and ill-treatment

7. The Committee welcomes the prompt establishment by the new Government of several transitional justice commissions and structures, including a Commission on Murders and Disappearances charged with investigating cases between 1 January 2012 and 17 November 2018 that have not been properly investigated, as well as a Commission on Releasing Political Detainees and a Presidential Commission on Corruption and Asset Recovery. The Committee notes the information provided by the delegation that the mandate of the Commission on Murders and Disappearances does not include other acts of torture and ill-treatment but that the Government has established a Transitional Justice Committee/Working Group and the President has pledged to establish another body to investigate other human rights violations, including torture, committed during the period from 1 January 2012 to 17 November 2018. The Committee is concerned by information it has received regarding many reports of torture, including sexual violence, and excessive use of force by police and security forces, particularly following the February 2012 coup. However, the Committee also reiterates its concern about the limited temporal jurisdiction of the envisaged commissions, noting that it has also received information concerning many allegations of torture and ill-treatment dating prior to 2012 which have not been effectively investigated (arts. 2, 4, 12, 14, 15 and 16).

8. The Committee recommends that the State party:

(a) Promptly create an impartial and effective transitional justice mechanism mandated to investigate allegations of torture and cruel, inhuman and degrading treatment or punishment committed in the past, including prior to 2012. Provide information on this mechanism, including its mandate and details concerning its investigative capacity and how it will be expected to ensure prosecution of perpetrators of torture and ill-treatment, in the State party’s next report to the Committee;

(b) Ensure that the new Commission on Murders and Disappearances be provided with adequate personnel and technical support to effectively investigate cases reported to it and that information is regularly published on its progress. The Committee encourages the Commission to ensure accountability for perpetrators of cases including the disappearance in 2014 of journalist Ahmed Rilwan;

(c) Make public the reports of prior inquiries concerning acts amounting to violations of the Convention, including the full report of a commission established to investigate the mistreatment and killing of prisoners in Maafushi jail on 20 Sep 2003;

(d) Ensure that all victims of torture and ill-treatment perpetrated in the past, including family members of deceased victims, obtain adequate redress including compensation, and inform the Committee about the measures taken.

Impunity for Torture

9. The Committee appreciates the commitment expressed by the new Government to eliminate the gap between the State party’s legislation prohibiting torture and its application in practice. The Committee reiterates its concern that there has so far been only one proven case of torture or ill-treatment by an officer of the Maldives Police Service, which did not result in the perpetrator’s imprisonment, and that out of the 275 cases of alleged torture reported to the Human Rights Commission of the Maldives since the enactment of the Anti-

Torture Act, only 14 cases are presently under investigation. It is seriously concerned that the low number of complaints and cases investigated is due in part to the reluctance to cooperate of the authorities, in particular the police, with the Human Rights Commission of the Maldives and with the National Integrity Commission. (arts. 1, 2, 4 and 16).

10. The State party should promptly, impartially, and effectively investigate all complaints of torture and ill-treatment. To this end, it should:

(a) Ensure effective cooperation between police investigators and bodies charged with receiving complaints of torture, particularly the Human Rights Commission of the Maldives and the National Integrity Commission, for example by establishing an independent mechanism to assist in the investigation of allegations of torture and ill-treatment so that there is no hierarchical connection between the investigators and the alleged perpetrators;

(b) Ensure that all persons under investigation for having committed acts of torture or ill-treatment are immediately suspended from their duties and remain so throughout the investigation, while ensuring that the principle of presumption of innocence is observed;

(c) Ensure that the Human Rights Commission of the Maldives and the National Integrity Commission are able to benefit from independent forensic analysis and are not compelled to rely on the police to provide it, for example by establishing an independent forensic institution in the country;

(d) Take measures to strengthen the effectiveness of prosecutors and the Office of the Prosecutor General in ensuring accountability for torture and ill-treatment;

(e) Review the composition and mandate of the National Integrity Commission in order to ensure its independence;

(f) Provide information on the number of investigations of allegations of torture and ill-treatment undertaken by the authorities, and the outcome of all investigations, to the Committee in the State party's next report.

Reform of the judiciary

11. The Committee welcomes the statement by the delegation of the State party that rebuilding the judiciary "that is independent so that the rule of law will again prevail for all" is one of the Government's top priorities, noting serious concerns that have been raised about quality and independence of judges in the country, as well as the composition, functioning and reported politicization of the Judicial Service Commission (JSC) (arts. 1, 2 and 4).

12. The State party should take effective measures to reform the judiciary and guarantee its independence and impartiality, including reviewing the composition and functioning of the Judicial Service Commission and ensuring that all judges have the necessary legal qualifications. The State party should take measures aimed at eliminating corruption in the judiciary and provide all judges with training on the Convention and its requirements.

Legislation concerning minors in conflict with the law

13. The Committee is concerned at information concerning children in conflict with the law in the State party, such as penal legislation according to which criminal responsibility starts at 10 years of age; that concerning sharia law, children are considered responsible from the age of 7; that minors can be sentenced to flogging even in cases when they are the victims (such as rape) and for fornication. Furthermore, the Committee is concerned at reports that juveniles are detained in conditions that are in violation of the Convention (arts. 1, 2, 4 and 16).

14. The State party should align its penal legislation concerning minors in conflict with the law with the provisions and rules contained in international standards, and in particular with the Convention and should repeal all provisions that contravene the Convention.

Human Rights Commission of the Maldives

15. While recognizing the efforts undertaken to date by the Human Rights Commission of the Maldives (HRCM) to receive and investigate complaints of torture and ill-treatment, the Committee is concerned that the Human Rights Commission of the Maldives has submitted only four cases involving allegations of torture to prosecutors, three of which were returned on grounds of insufficient evidence. The Committee is also concerned that budget constraints have reportedly prevented the Human Rights Commission of the Maldives from hiring an in-house medical expert and at the fact that it has not obtained “A-status” accreditation from the Global Alliance of National Human Rights Institutions (GANHRI) on grounds including concern that the Human Rights Commission of the Maldives “may be interpreting its mandate in a manner inconsistent with international human rights law, particularly with regard to recognised protection against all forms of cruel, inhuman or degrading treatment or punishment.”; as well as with regard to the founding legislation that provides that all members of the HRCM must be Muslim (art. 2).

16. The State party should take measures to increase the resources and strengthen the capacity of the Human Rights Commission of the Maldives, in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles) and the Guidelines of the Global Alliance of National Human Rights Institutions.

Absolute nature of the prohibition of torture

17. The Committee is seriously concerned that many allegations of torture were reported in connection with actions taken by the Maldives Police Service and the Maldives National Defense Force during the State of Emergency introduced by the previous Government on 5 February 2018, despite the fact that article 255(b)(12) of the Constitution stipulates that measures adopted during a state of emergency cannot restrict article 54 of the Constitution, which prohibits torture and that Section 16 of the Anti-Torture Act stipulates that a state of war, political unrest, increased rate of crime, or state of emergency cannot excuse or justify acts of torture, cruel, inhuman or degrading treatment or punishment (arts. 1, 2, 4 and 10).

18. The Committee recommends that the State party disseminate to all authorities information on the absolute nature of the prohibition of torture and the commitment to uphold the prohibition of torture in practice, including during states of emergency.

Appropriate penalties for torture

19. The Committee welcomes the adoption of the Anti-Torture Act, which establishes torture as a separate criminal offence, includes accomplice liability and takes precedence over all other national laws in conflict with the Act, including the Penal Code. However, the Committee notes with concern that the Act appears to contemplate imprisonment for torture only in cases in which victims suffer injuries necessitating at least 90 days hospitalization (arts. 1, 2, 4 and 16).

20. The State party should revise the Anti-Torture Act to ensure that it provides for punishments commensurate with the gravity of the offense of torture and does not condition punishments on the duration of the victim’s hospitalization, noting that some forms of torture may not inflict physical suffering at all.

Statute of limitations and accountability for acts of torture

21. The Committee is concerned that the first amendment to the Penal Code has introduced provisions that may amount to the introduction of a statute of limitations for charges under the Anti-Torture Act. In this regard, the Committee draws the State party’s attention to paragraph 5 of its general comment No. 2 (2007) on the implementation of article 2 of the Convention by States parties, in which it states that amnesties 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. The Committee is also concerned that the Anti-Torture Act requires that the perpetrator of torture be convicted before civil liability can be awarded in favor of the victim, as confirmed by the delegation during the dialogue (arts. 1, 2, 4 and 14).

22. The State party should amend the Penal Code in order to ensure that there is no statute of limitations for the crime of torture. The State party should also ensure that pardon, amnesty and any other similar measures leading to impunity for acts of torture are prohibited both in law and in practice. Furthermore, the States party should amend the Anti-Torture Act to allow for civil liability of the perpetrator in favor of the victim, even if the perpetrator has not been prosecuted or convicted.

Deaths in custody

23. The Committee is concerned that the 23 deaths in custody investigated by the Human Rights Commission of the Maldives, all of which are alleged to have resulted from natural causes, do not reflect the total number of actual deaths in custody that have occurred during the relevant time period. Additionally, the Committee is seriously concerned that seven cases of unexplained deaths in custody were reported to the Human Rights Commission of the Maldives between August 2016 and October 2017 and at reports of deaths in custody due to lack of medical care and medicines (arts. 2, 11, 12, 13 and 16).

24. The State party should investigate promptly, thoroughly and impartially all deaths in custody and ensure that perpetrators are punished appropriately and that families of the deceased receive compensation. The State party should seek to ensure the possibility for independent forensic examinations to be undertaken into cases of death in custody, with a view to determining whether State officials are responsible, and ensure that courts in the State party accept the results of independent forensic examinations and autopsies as evidence in criminal and civil cases. The State party should ensure that all cases of death in custody are recorded and that all relevant data about the victim, circumstances of death, and resulting investigation is gathered and published and take necessary measures to prevent such deaths in police and prison establishments.

Fundamental legal safeguards

25. While welcoming the publication in 10 languages of booklets and posters on the rights of detained persons at the time of arrest published with the assistance of the OPCAT Special Fund, the Committee is concerned at reports that persons deprived of their liberty by the Police or National Defence Forces often do not enjoy fundamental legal safeguards from the outset of their deprivation of liberty, such as not being informed about the reasons for their arrest and detention at the time of arrest; absence of interpreters for persons who do not speak Dhivehi; lack of access to a lawyer for up to 48 hours; without access to a judge for 48 hours; and without being charged; not being informed of their right to undergo a medical examination or being refused this right by the police; and being allowed to make only one local telephone call following their arrest. The Committee is also concerned that legal aid may not be available for indigent persons (art. 2).

26. **The State party should:**

(a) Guarantee that all detained persons are afforded, in law and in practice, all fundamental legal safeguards from the very outset of their deprivation of liberty, including the right to be informed immediately of the charges against them; have prompt access to a lawyer or to free legal aid during all proceedings; are able to notify a relative or another person of their choice about their detention or arrest; the right to request and receive a medical examination from an independent doctor, including by a doctor of their choice upon request; and to have their deprivation of liberty recorded in registers at all stages;

(b) Establish a central register of detention regarding all persons at all stages of their deprivation of liberty, including transfers to different facilities, inform the Committee on the type of information recorded and on specific measures taken to ensure accurate record-keeping as an important safeguard against incommunicado and arbitrary detention and enforced disappearance;

(c) Monitor the compliance by all public officials with fundamental legal safeguards, including by endeavouring to undertake video monitoring of all places of deprivation of liberty and interrogation rooms;

(d) Ensure effective oversight of the provision of safeguards and take disciplinary measures against officials who fail to afford fundamental legal safeguards to persons deprived of their liberty in practice;

(e) Provide information on the number of complaints received regarding failure to respect fundamental legal safeguards and on the outcome of such complaints in the State party's next report to the Committee.

Pre-trial detention

27. While taking note that article 47(d) of the Constitution establishes the right of a detained person "to be brought within 24 hours before a Judge", the Committee is concerned at reports that pre-trial detention periods are often lengthy and that detained persons are held in custody for prolonged periods without judicial review, despite the fact that article 51 (b) of the Constitution stipulates that "Everyone charged with an offence has the right ... to be tried within a reasonable time". It is concerned that pre-trial detention, in particular of political opponents and activists, can be stalled deliberately without explanation, can last two or more years, even if the sentence for the alleged offence would be much shorter. Notwithstanding the information provided by the State party during the dialogue, the Committee is concerned at credible reports from the HRCM that found that juveniles are held with adults, both in the women's jail and the men's prisons (arts. 2, 11 and 16).

28. **The State party should:**

(a) Take all necessary measures to ensure that pre-trial detention is closely monitored so that it does not become a systematic and widespread practice, is not arbitrary prolonged and does not result in incommunicado detention;

(b) Ensure the possibility to appeal pre-trial detention decisions and for the legality of pre-trial detention to be reviewed by a court of law;

(c) Monitor the use of pre-trial detention; ensure that pre-trial detainees are held separately from convicted prisoners, that juveniles are not held with adults; and ensure that pre-trial detention is used as a measure of last resort;

(d) Promote alternatives to pre-trial detention, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules).

Violence against women

29. The Committee is concerned at the persistence of violence against women, in particular domestic violence, especially against women and girls and the low number of prosecutions of perpetrators of such acts. It is also concerned about the absence of due diligence, effective protection mechanisms and rehabilitation for victims of domestic violence. In addition, the Committee is concerned that while the Penal Code criminalizes marital rape, it also formally provides a rebuttable presumption of innocence in the case of allegations of sexual offences committed against married women and girls by their husbands and establishes a high burden of proof for the conviction of a man of rape in the absence of a confession (arts. 2 and 16).

30. **The State party should ensure the full implementation of the Domestic Violence Act, and exercise due diligence, in particular by encouraging victims to file complaints; establishing a protection mechanism for victims, including by establishing shelters; investigating, prosecuting and punishing perpetrators of domestic violence; providing redress to victims as well as psychological rehabilitation and counselling; and conducting awareness-raising campaigns about the negative effects of domestic violence. It should also amend its legislation in order to remove discriminatory provisions governing evidentiary burdens in cases in which men are accused of rape.**

"Judicial Flogging"

31. The Committee is seriously concerned about the practice of "judicial flogging" administered under a restrictive and/or hard line interpretation of sharia penalties, which is also allowed under the Penal Code, mostly as punishment for consensual extramarital sex. It

is gravely concerned that this corporal punishment is also used against survivors of sexual abuse and assault and that 85 per cent of persons punished in this way are women and girls (arts. 2 and 16).

32. The State party should immediately enact a moratorium on flogging and other corporal punishment and should consider reviewing its laws with a view to prohibiting the practice as a matter of priority.

Death penalty

33. The Committee welcomes the statement by the delegation of the State party that it intends to uphold the 65-year moratorium on the death penalty and vote in favour of the “Moratorium of the Use of the Death Penalty” resolution of the United Nations General Assembly. While welcoming the statement by the delegation that since the new President’s inauguration, the sentences of 15 of the 18 total persons who had been sentenced to death in the State party have been commuted to life imprisonment, the Committee expresses its continued concern that some of the individuals on death row had alleged that they were convicted on the basis of confessions that were coerced through torture, and that some were convicted for crimes allegedly committed when they were juveniles (arts. 2, 4, 11, 12, 13 and 16).

34. The State party should continue to uphold its moratorium on executions, consider commuting all remaining death sentences, and consider amending its laws in order to abolish the death penalty for all crimes.

Prison reform and conditions of detention

35. While welcoming the statement by the delegation of the State party that one of its top priorities will be prison reform, the Committee is concerned about the conditions of detention, including:

(a) Material conditions in penitentiary and other detention facilities that do not meet the minimum international standards, such as inadequate sanitary and hygiene facilities, insufficient lighting and ventilation, insufficient quality and quantity of food, little or no possibility of physical exercise outdoors, as well as overcrowding, which may in some cases amount to ill-treatment or even torture;

(b) Purposely denying prisoners prompt and adequate medical care and medicines, sometimes resulting in the death of prisoners;

(c) The frequent use of prolonged solitary confinement, in particular against political prisoners; as well as giving them rotten or expired food;

(d) Use of torture and ill-treatment of persons deprived of their liberty by penitentiary and other custodial staff (art. 2, 11 and 16)

36. The State party should:

(a) Urgently undertake the announced prison reform;

(b) Urgently take all necessary measures to improve material conditions in all places of deprivation of liberty, including reducing overcrowding, in keeping with the Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules); and consider using alternatives to imprisonment in conformity with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) in order to decrease the prison population;

(c) Ensure that prisoners receive adequate and timely medical care and medication; that they are provided with proper and sufficient food; and are not subjected to prolonged solitary confinement;

(d) Hire additional duly trained prison staff, including medical doctors, psychiatrists, psychologists and nurses; and ensure prompt referrals for specialist health care outside detention facilities; disclose documents regarding the medical well-being to persons deprived of their liberty and their families;

(e) Prevent prisoners from contracting infectious diseases during their imprisonment by introducing health screening of inmates upon admission to places of detention; separating healthy prisoners from those suffering from contagious diseases; and providing adequate treatment to infected persons and to persons with psychosocial disabilities, including an individual mental health regime.

Monitoring places of deprivation of liberty

37. While noting that members of Parliamentary committees and the Human Rights Commission of the Maldives acting as the National Preventive Mechanism have the right to visit places of detention, the Committee is concerned that the State party has not established a national system to independently monitor and inspect all places where persons are deprived of their liberty and are detained for interrogation, pre-trial detention, places of detention during the trial and places for the implementation of sentences, such as police stations and custodial facilities, remand detention centres, prisons, juvenile detention and psychiatric facilities, and receive complaints confidentially. Furthermore, the Committee is concerned at the absence of visits by national and international civil society organizations (arts. 2, 11, 12, 13 and 16).

38. **The State party should:**

(a) Provide additional financial resources to the National Human Rights Commission of the Maldives in order to enable it to carry out more visits and better fulfil its functions as National Preventive Mechanism, including the function of conducting unannounced visits to all places of deprivation of liberty and to meet in private with persons confined there; and make public the Commission's reports to the authorities;

(b) Ensure that all persons, including those in detention, have access to a complaints mechanism through which they can transmit confidential allegations of torture or ill-treatment that cannot be accessed by administrators of the place of deprivation of liberty in which they are held;

(c) Grant access to independent organizations, including national and international civil society organizations to all facilities where persons are deprived of their liberty in the country.

Inadmissibility of statements made as a result of torture

39. The Committee is concerned at reports of widespread practice of torture and ill-treatment of persons deprived of their liberty with a view to extracting confessions. The Committee is also concerned that confessions allegedly resulting from the torture of suspects have been accepted as evidence in judicial proceedings (arts. 2, 15 and 16).

40. **The State party should**

(a) Ensure, in law and practice, that any statement resulting from torture or cruel, inhuman or degrading treatment is not invoked as evidence in court, except against the persons who carried out those acts;

(b) Ensure that courts dismiss in practice all cases in which evidence was obtained as a result of coerced confessions; investigate and prosecute all such allegations of torture and ill-treatment; and provide redress to victims;

(c) Inform the Committee about all cases that were dismissed in court because evidence was obtained as a result of coerced confessions in its next report.

Corporal punishment of children

41. The Committee is concerned that corporal punishment of children is allowed in all settings, including the home, provided that the force "does not create a substantial risk of causing death, serious bodily injury, extreme or unnecessary pain or mental distress, or humiliation" and that the State party has reportedly not taken adequate measures to protect the children. It is also concerned that the Domestic Violence Act and the Family act do not prohibit corporal punishment (arts. 2 and 16).

42. **The State party should:**

(a) **Explicitly prohibit in law the corporal punishment of children in all settings, including in the home, alternative care settings, day care settings, school and penal institutions, through acts or omissions by State agents and others who engage the State's responsibility under the Convention, as a sentence for crime or for disciplinary purposes; and ensure that it is not applied under sharia law;**

(b) **Ensure the abolition of flogging of children;**

(c) **Conduct public awareness-raising campaigns about the harmful effects of corporal punishment;**

(d) **Promote positive non-violent forms of discipline as an alternative to corporal punishment.**

Non-refoulement

43. While noting that Section 42 of the Anti-Torture Act incorporates article 3 of the Convention into the domestic legislative framework, the Committee reiterates its concern at reports that the principle of non-refoulement is not honoured in practice (art. 3).

44. **The State party should:**

(a) **Comply with its obligation not to expel, return or extradite a person to another State where there is substantial evidence to believe the person would be in danger of being subjected to torture;**

(b) **Ensure that decisions concerning expulsion or deportation are subjected to judicial review and are reviewed on an individual basis;**

(c) **Provide for the right of persons concerned to effective judicial remedy, including the possibility to appeal the decision, and ensure that the appeal has suspensive effect;**

(d) **Detain persons who may be subject to expulsion only as a measure of last resort;**

(e) **In its next report, provide the Committee with information on the number of persons who have been expelled, extradited or deported, and to which countries; on the number of cases where decisions to expel a person have been overturned or quashed by judicial authorities applying the principle of non-refoulement; and on other measures taken to ensure the application of the non-refoulement principle in practice.**

Training

45. The Committee is concerned at reports that in the past, officials in the State party used a "Book on Punishment" (*Adhabu Foiy*), detailing specific methods of torture. While noting the delegation's statement that there is no record of any State-sanctioned book on punishment techniques at the current time, the Committee remains concerned that today, specific training and instruction on the provisions of the Convention, and in particular the absolute prohibition of torture, is not part of the training of public officials such as police and law-enforcement officers, investigators, judicial personnel, military officers and prison staff; and that there is no vetting system in relation to past abuses.

46. **The State party should:**

(a) **Ensure that police and law-enforcement officers, investigators, judicial personnel, military officers, prison staff and personnel of other institutions where persons may be deprived of their liberty receive training and instructions on the provisions of the Convention, and in particular on the absolute prohibition of torture;**

(b) **Provide specific training to investigators on the use non-coercive methods of investigation and interrogation that comply with international standards, so that they avoid committing acts that may amount to torture;**

(c) Communicate that breaches of the Convention will not be tolerated and that such breaches will be investigated and perpetrators prosecuted; and establish a system of vetting in relation to past abuses;

(d) Ensure that medical personnel, including psychiatrists, and other persons involved with the custody, interrogation or treatment of persons subjected to any form of arrest, detention or imprisonment and persons in psychiatric institutions receive mandatory training on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol);

(e) Develop and implement a methodology to assess the effectiveness and impact of any such training.

Follow-up procedure

47. The Committee requests the State party to provide, by 7 December 2019, information on follow-up to the Committee's recommendations on the establishment of an impartial and effective transitional justice mechanism; on dealing with impunity for acts of torture; on enacting a moratorium on flogging and other corporal punishment with a view to prohibiting them; and on urgently undertaking the announced prison reform and taking urgent measures to improve material conditions of detention (see paras. 8(a); 10 (a); 32; and 36 (a) and (b)). In the same 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

48. While noting the statement by the head of the new government's delegation that it will shortly make a declaration under article 22 of the Convention recognizing the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction, the Committee invites the State party to consider making the declarations envisaged under both articles 21 and 22 of the Convention.

49. While noting that the opening statement of the head of the new government's delegation pledged that the new government would submit the Convention against Enforced Disappearances for ratification, the Committee invites the State party to accede to the core United Nations human rights treaties to which it is not yet party.

50. The Committee recommends that the State publish the second report and recommendations of the Subcommittee on the Prevention of Torture on its follow-up visit to the country.

51. In response to the State party's request, the Committee invites the State party to consider availing itself of the technical support, capacity-building and training offered by OHCHR, and where relevant, by UNHCR.

52. 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 the activities it undertakes in this regard.

53. The Committee invites the State party to submit its next periodic report, which will be its second periodic report, by 7 December 2022. To that end, it invites the State party to agree, by 7 December 2019, 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.