



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

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## Committee against Torture

### Concluding observations on the second periodic report of Saudi Arabia\*

1. The Committee against Torture considered the second periodic report of Saudi Arabia (CAT/C/SAU/2) at its 1402nd and 1405th meetings (see CAT/C/SR.1402 and 1405), held on 22 and 25 April 2016, and adopted the present concluding observations at its 1423rd meeting, held on 10 May 2016.

#### A. Introduction

2. The Committee welcomes the dialogue held with the delegation of the State party during the examination of the second periodic report, although it regrets that the report was submitted with a delay of over 10 years.

#### B. Positive aspects

3. The Committee welcomes the State party's accession to the following international instruments:

(a) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, in 2008;

(b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

(c) The Optional Protocol to the Convention on the Rights of Child on the involvement of children in armed conflict.

4. The Committee also welcomes the following measures taken by the State party, since the examination of the previous report;

(a) The invitation to the Special Rapporteur on violence against women, its causes and consequences, which resulted in her visit in 2008;

(b) The adoption of the Anti-Trafficking in Persons Act and the establishment of the Committee on Trafficking in Persons;

\* Adopted by the Committee at its fifty-seventh session (18 April-13 May 2016).



- (c) The establishment of the Human Rights Commission and the National Society for Human Rights, whose activities include monitoring conditions in places of detention;
- (d) The establishment of the National Family Safety Programme;
- (e) The establishment of the Nafethah website ([www.nafethah.gov.sa](http://www.nafethah.gov.sa)), which contains information on detained persons;
- (f) The creation, in 2016, of a hotline for victims of domestic violence, accessible 24 hours a day to receive complaints and make referrals to the social protection units, and the establishment of shelters across the country.

## C. Principal subjects of concern and recommendations

### Definition and criminalization of torture

5. The Committee welcomes: (a) the ongoing reform of the penal laws (see CAT/C/SAU/Q/2/Add.2, para. 3); (b) the delegation's explanation that the provisions of the Convention may be invoked before any domestic court; and (c) the State party's willingness to seek legal assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR). While noting with interest that the 2013 Code of Criminal Procedure prohibits subjecting a person under arrest to torture and degrading treatment (ibid, para. 2), the Committee is concerned that current legal provisions do not define the crime of torture as required by the Convention. The Committee also regrets the absence of clear legal provisions in the State party's Basic Law to ensure the absolute and non-derogable prohibition of torture and ill-treatment (arts. 1, 2 and 4).

6. **The State party should revise its national legislation to ensure that the crime of torture, as defined in article 1 of the Convention, is incorporated and made non-derogable in its penal law.**

### Prosecution of perpetrators of torture

7. The Committee is deeply concerned at the numerous reports brought to its attention that torture and other ill-treatment are commonly practised in prisons and detention centres in the State party, in particular in branches of the Criminal Investigation Department of the Ministry of the Interior and in Al-Mabahith detention centres. The Committee welcomes the State party's effort to install closed-circuit television cameras in all places of detention, but regrets that the State party did not provide the Committee with the information requested as to whether it ensures that all allegations of torture are promptly, impartially and effectively investigated and that perpetrators are punished. Although the State party provided data indicating that 1,533 public officials were sentenced for abuse of authority and related offences in the period 2002-2011, it did not provide the specific data requested on cases in which officials were sanctioned for engaging in conduct that is prohibited by the Convention. The State party also did not indicate whether any officials have been prosecuted for the reported torture and ill-treatment in detention of human rights lawyer Waleed Abu al-Khair, in 2014. The Committee also regrets that the State party did not provide the information requested about measures taken to ensure that nationals accused of committing violations of the Convention outside the territory of the State party are held accountable, including the diplomat who was based in India and alleged to have committed violations of the Convention against Nepalese nationals in 2015.

8. **The State party should ensure that all instances and allegations of torture and ill-treatment, including those raised in the case of Waleed Abu al-Khair, are promptly, effectively and impartially investigated and that perpetrators are**

prosecuted and sentenced in accordance with the gravity of their acts, as required by article 4 of the Convention. The State party should continue its efforts to obtain video recordings of all interrogations and should make these recordings available to investigators, detainees and their lawyers on request.

9. The State party should ensure that a prompt, impartial and effective investigation is undertaken into allegations that a member of its diplomatic corps committed violations of the Convention while posted in India in 2015 and prosecute or extradite any other nationals accused of committing violations of the Convention outside the territory of the State party.

#### **Corporal punishment**

10. The Committee is deeply concerned that the State party continues to sentence individuals to and to impose corporal punishment, including flogging/lashing and amputation of limbs — practices that are in breach of the Convention. The Committee is concerned that the penalties provided by law in the State party include these and other forms of corporal punishment, which amount to torture and cruel, inhuman or degrading treatment or punishment under the Convention.

11. **The State party should immediately put an end to the practices of flogging/lashing, amputation of limbs and any other form of corporal punishment. In addition, the State party should amend its legislation in order to abolish all such forms of corporal punishment as they amount to torture and cruel, inhuman or degrading treatment or punishment, in violation of the Convention.**

#### **Lashing of Ra'if Badawi**

12. The Committee is concerned that, despite its written and oral requests, the State party did not provide information about the case of blogger Ra'if Badawi, who was sentenced and subjected to lashing, which constitutes torture under the Convention.

13. **The State party should review the case of Ra'if Badawi as well as the cases of all individuals currently sentenced to lashing and any other form of corporal punishment with a view to, at a minimum, invalidating any aspect of their sentences involving corporal punishment. In addition, the State party should ensure that Mr. Badawi receives prompt medical care and redress, including rehabilitation, as required by article 14 of the Convention. It should also provide updated information on his status to the Committee.**

#### **Fundamental legal safeguards**

14. The Committee notes with appreciation that legal safeguards against torture such as the right to legal counsel and to contact a person of their choice are afforded to all detainees under the 2013 Code of Criminal Procedure (see CAT/C/SAU/Q/2/Add.2, para. 10). Nonetheless, the Committee is concerned that the State party's laws do not specify a time frame within which officials must honour the right of persons deprived of their liberty to have access to a lawyer and that lawyers must obtain the permission of investigators in order to access their clients. The Committee regrets that the State party's laws do not guarantee the right to confidential communication between lawyers and their clients, nor do they provide a time frame within which officials must honour the right of detained persons to contact a person of their choice to inform him or her of their arrest, but they provide that investigators have the discretion to bar accused persons from engaging in such communications for up to 60 days. The Committee is also concerned that the State party's laws allow detained persons to be held without charge for up to six months and they do not require the authorities to promptly present persons deprived of their liberty to a judge who

has the power to order their release nor do they guarantee the right of persons deprived of their liberty to have prompt access to independent medical assistance. The Committee is further concerned at reports that officials do not respect the legal requirements for persons deprived of their liberty to be promptly notified of the reasons for their detention and to receive language assistance such as translation and interpretation. The Committee regrets that the State party has not provided information on investigations into allegations that persons deprived of their liberty were denied the right to access legal counsel, such as in the case of Mohammad Salih al-Bajadi, a human rights defender and co-founder of the Saudi Civil and Political Rights Association (art. 2).

**15. The State party should ensure both in law and in practice that all persons deprived of their liberty are able to have prompt access to a lawyer of their choice, to confer with their lawyer in confidence and to contact a family member or other person of their choice to inform him or her of their detention and whereabouts from the moment of deprivation of liberty. The State party should repeal provisions of the Code of Criminal Procedure that allow investigators to restrict such communication by persons deprived of their liberty, monitor the provision of legal safeguards against torture to persons deprived of their liberty and discipline or prosecute officials who fail to provide these safeguards to detainees in practice. The State party should also ensure that detainees are informed of their rights and that they can exercise their rights to request and receive a medical examination by an independent doctor, preferably of their choice, to receive language assistance such as translation and interpretation and to be presented promptly before a judicial authority who has the power to order release from detention, if necessary.**

#### **Counter-terrorism law and the Specialized Criminal Court**

16. While recognizing the State party's concern about protecting its population from terrorist attacks, the Committee is concerned that the Penal Law for Crimes of Terrorism and its Financing adopted in 2014 contains an extremely broad definition of terrorism that would enable the criminalization of acts of peaceful expression considered as endangering "national unity" or undermining "the reputation or position of the State". The Committee is particularly concerned about the decisions of the Specialized Criminal Court that sentenced Alaa Brinji, a journalist, and Abdulkareem al-Khoder, co-founder of the Saudi Civil and Political Rights Association, to imprisonment pursuant to this law. The Committee is further concerned that the law allows the authorities to detain individuals for up to 90 days without access to family members or legal counsel, which effectively deprives them of crucial legal safeguards against torture.

17. In addition, the Committee is concerned that the Specialized Criminal Court, which was established in 2008 to try cases of terrorism, is insufficiently independent of the Ministry of the Interior. The Committee notes the reports received that judges of the Court have repeatedly refused to act on claims made by defendants facing terrorism charges that they were subjected to torture or ill-treatment during interrogations for the purpose of compelling a confession, including in the cases of Fadel al-Manasef, Ali al-Nimr, Dawoud al-Marhoun and Abdullah al-Zaher (arts. 2 and 15).

**18. The State party should:**

**(a) Consider revising the definition of terrorism in the Penal Law for Crimes of Terrorism and its Financing so that its criminalization provisions are as narrow as possible and cannot serve as a basis for prosecuting individuals engaged in non-violent expression and advocacy, especially in defence of human rights;**

**(b) Revise the law so that it does not facilitate the practice of incommunicado detention and it ensures that all individuals deprived of their liberty**

have the right to prompt access to a lawyer of their choice and to contact a family member to inform them about their arrest and whereabouts;

(c) **Strengthen the independence of the Specialized Criminal Court from the Ministry of the Interior and ensure that judges are made aware of their obligation to consider defendants' allegations that they were subjected to torture or ill treatment by investigators for the purpose of obtaining confessions and to consider confessions found to have been obtained through torture or ill-treatment to be inadmissible as evidence, except when such confessions are evidence in a case against the alleged perpetrator of the torture or ill-treatment;**

(d) **Review the convictions of Alaa Brinji and Abdulkareem al-Khoder to establish whether they should be released from detention.**

#### **Reprisals against and harassment, intimidation and arrest of human rights defenders and journalists**

19. The Committee is extremely concerned that the State party has refused to grant operating licences to human rights organizations, which has resulted in the disbanding or suspension of activities of groups, including the Saudi Arabian Civil and Political Rights Association, the Adala Center for Human Rights, the Union for Human Rights and the Monitor for Human Rights in Saudi Arabia. The Committee is also extremely concerned about reports received that the State party has sought to punish individuals who have reported on alleged human rights violations perpetrated by the State party's officials or who have objected to State policies on the grounds that they are inconsistent with human rights principles, including Abdulkareem al-Khodr, Waleed Abu al-Khair, Omar al-Sa'id, Abdulaziz al-Shobaily, Mohammed Saleh al-Bajady and Ra'if Badawi (art. 2).

20. **The State party should acknowledge the legitimacy of peaceful criticism and advocacy related to violations of the Convention and consider reviewing the cases of the above-mentioned individuals and releasing any individual detained solely for peaceful criticism or human rights advocacy.**

#### **Independence of the judiciary**

21. The Committee is concerned about the reported lack of independence and impartiality of the judiciary, which may hinder the full enjoyment of the rights enshrined in the Convention. In particular, it is concerned about article 52 of the Basic Law, which stipulates that judges shall be appointed and discharged by the King. While noting the recent provisions to allow women to enter law school and to represent other women in certain cases, the Committee regrets the absence of women in the judiciary (arts. 2, 12-13 and 16).

22. **The State party should ensure a fully independent and impartial judiciary in conformity with international standards. In particular, the State party should reform the judiciary to enable it to act effectively to address issues of impunity, victim redress and due process in line with the Convention. The Committee calls on the State party to make the judiciary more gender sensitive, including by ensuring the appointment of women judges.**

#### **Coerced confessions**

23. The Committee is concerned that coerced confessions are admissible evidence in the courts. The Committee remains concerned about the absence of specific provisions to invalidate confessions obtained in violation of the Convention, including the reported failure to investigate allegations of coerced confessions (art. 15).

24. **The State party should adopt effective measures to ensure that coerced confessions are inadmissible in law and in practice, except when invoked as evidence against a person accused of torture.**

**Ministry of the Interior General Investigation Directorate (Al-Mabahith)**

25. The Committee remains concerned at the absence of information on the authority in charge of monitoring Al-Mabahith detention facilities and the time elapsed between the deprivation of liberty of a detainee and his presentation before a judge. It regrets the absence of data on the number of Al-Mabahith officers who have been disciplined or prosecuted for torture or ill-treatment or for failing to guarantee legal safeguards against torture.

26. The Committee is concerned at reports that the majority of persons deprived of their liberty by Al-Mabahith are held in pretrial detention for prolonged periods of time and that their fundamental legal safeguards, including access to legal counsel of their choice and to habeas corpus, are frequently violated. In this regard, the Committee regrets that the State party did not reply to its question about Saud Mukhtar al-Hashimi, a medical doctor, and Sulaiman al-Rashoudi, a former judge, who were found by the Working Group on Arbitrary Detention to have been arbitrarily detained from the outset of their arrest in February 2007 (arts. 2, 12-13 and 16).

27. **The State party should take the following measures:**

(a) **Provide detailed data on the number of persons detained by Al-Mabahith officers, their whereabouts and the amount of time elapsed before their presentation before a court;**

(b) **Ensure that an independent entity is authorized to undertake monitoring visits to all Al-Mabahith detention facilities;**

(c) **Immediately put an end to the arbitrary detention of Saud Mukhtar al-Hashimi and Sulaiman al-Rashoudi and provide updated information on investigations into the allegations that they are being denied access to legal counsel and family visits.**

**Commission for the Promotion of Virtue and the Prevention of Vice**

28. While noting that the members of the Commission for the Promotion of Virtue and the Prevention of Vice are subjected to judicial review and to the supervision by the Bureau of Investigation and Public Prosecution (see CAT/C/SAU/2, paras. 173-174) and welcoming the oral announcement by the delegation that a new statute on the organization of the Commission has been adopted with a view to further narrowing its jurisdiction, the Committee remains concerned about:

(a) The fact that the text of the new statute on the Commission has not been made available to the Committee, which curtails its ability to ascertain whether the Commission has a clear and precise jurisdiction and is subject to an ordinary judicial authority;

(b) The absence of specific data on the number of arrests, complaints of torture or ill-treatment or on any investigations, prosecutions, sentences and sanctions imposed on members of the Commission who engaged in conduct in violation of the Convention;

(c) Reports indicating that complaints of torture and ill-treatment by members of the Commission are rarely investigated, which allegedly create a climate of impunity;

(d) The absence of information about any investigations into allegations that officers of the Commission deliberately caused fatal vehicle accidents in Riyadh in

September 2013 and that they physically assaulted a foreign national and his wife, a Saudi Arabian citizen, in 2014 (arts. 2, 12-13 and 16).

29. **In the light of the reform of the Commission, the State party should:**

(a) **Provide the Committee with the text of the new statute governing the Commission for the Promotion of Virtue and the Prevention of Vice and effectively ensure that the Commission is subject to an ordinary judicial authority;**

(b) **Ensure the timely implementation of the new statute governing the Commission in accordance with the Convention;**

(c) **Ensure that legal provisions restricting the power of the Commission to stop and detain members of the public are strictly enforced and that officers who overstep their authority are held to account, particularly in cases where they are alleged to have engaged in conduct amounting to torture or ill-treatment;**

(d) **Provide detailed information on the number of Commission members who have been disciplined or prosecuted for violations of the Convention and the outcome of such measures.**

#### **Conditions of detention**

30. While appreciating the description by the State party's delegation of detention conditions and the separation of convicted and other categories of prisoners and welcoming the draft law aimed at addressing overcrowding through the use of alternatives to imprisonment, the Committee is concerned that overcrowding and poor conditions of detention persist in some places of detention. While appreciating the assurances of the head of the delegation that all prisoners can worship according to their religious beliefs, the Committee is also concerned at reports that only certain prisoners, primarily Sunni Muslims, are able to do so, in practice, and that, in law, this right is accorded solely to Muslim detainees. The Committee is further concerned at reports that the majority of the persons deprived of their liberty are being held in pretrial detention (arts. 11 and 16).

31. **The State party should:**

(a) **Continue its efforts to alleviate overcrowding in detention facilities, including through the application of alternative measures to imprisonment and the increase in budgetary allocations to develop and renovate the infrastructure of prisons and other detention facilities;**

(b) **Take effective measures to improve sanitation, quality of food and the health services and facilities available to all detainees;**

(c) **Ensure the application of fair and humane conditions of detention in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and guarantee the principle of non-discrimination in according all required rights, including the practice of one's religion, to all persons in detention.**

#### **Visits to places of detention**

32. While taking note of the visits reportedly carried out by the Bureau of Investigation and Public Prosecution, the National Society for Human Rights, the Human Rights Commission (see CAT/C/SAU/2, annexes 1, 4 and 6) and various diplomatic delegations to places of detention, the Committee is concerned about:

(a) The absence of an independent institution to undertake regular and unannounced visits to all places of detention;

(b) The fact that, reportedly, no complaints were lodged by detainees, including migrants workers, despite reports indicating allegations of torture and ill-treatment against them;

(c) The reported existence of secret places of detention (arts. 2, 11-13 and 16).

**33. The State party should:**

(a) **Take measures to strengthen the independence of the Bureau of Investigation and Public Prosecution from the Ministry of the Interior, and in particular ensure that the Ministry of the Interior does not have the capacity to appoint, dismiss or discipline officials of the Bureau;**

(b) **Ensure that all places of detention are subject to regular monitoring by an independent institution;**

(c) **Ensure that no one is held in a secret detention facility under the de facto control of the State party.**

**Human Rights Commission**

34. While taking note of measures aimed at reinforcing the independence of the Human Rights Commission, the Committee remains concerned about the following:

(a) The Human Rights Commission is subject to the authority of officials of the executive branch and does not have independent funding;

(b) The reported lack of unhindered access to all places of detention;

(c) The Commission's finding that only one complaint was considered serious, despite frequent reports of misconduct on the part of Al-Mabahith officers;

(d) The absence of a confidential complaint mechanism for detainees to lodge complaints, owing to the involvement of prison wardens and directors in the complaints process (arts. 2 and 12-13).

**35. The State party should take the following measures:**

(a) **Ensure that the Human Rights Commission is in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) by guaranteeing its independence, that it has full access to all places of detention and that it is able to impartially and effectively handle cases of torture and ill-treatment;**

(b) **Establish a complaints mechanism that guarantees confidentiality and the absence of reprisals against detainees, ensure that it is made accessible and widely publicized in all detention facilities and that complaints are received and reviewed directly by an independent human rights commission, in conformity with international standards;**

(c) **Encourage the Human Rights Commission to consider seeking accreditation by the Global Alliance of National Human Rights Institutions (formerly the International Coordinating Committee of National Human Rights Institutions).**

**Violence against women and girls**

36. The Committee notes the State party's assurance that "domestic violence, including sexual violence, is a crime punishable under the Protection from Abuse Act" and that the Child Protection Act "covers all forms of the abuse or exploitation of children ..., including physical, psychological and sexual abuse" (see CAT/C/SAU/Q/2/Add.2, paras. 30-31). Nonetheless, the Committee is concerned about the absence of information on specific



provisions governing prosecution and punishment of perpetrators of such violence, particularly in the light of the large number of reported incidents of abuse since the establishment of the hotline for domestic violence, as cited during the dialogue. The Committee is also concerned about allegations that the system of male guardianship (*mehrem*) deters and often prevents victims from reporting cases of violence (art. 2).

37. **The State party should take the following measures:**

(a) **Ensure that legal provisions in national legislation address and criminalize all forms of violence against women, including rape, marital rape and forced marriage;**

(b) **Guarantee in practice that women who are victims of violence have immediate access to legal remedies;**

(c) **Ensure that all cases of violence against women are thoroughly investigated, that perpetrators are prosecuted and held to account and that victims obtain redress, including adequate compensation;**

(d) **Conduct awareness-raising campaigns and training for public officials and the general public to increase the understanding that violence against women constitutes a grave violation of the Convention and domestic law.**

#### **Migrant workers and human trafficking**

38. While appreciating the State party's accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the adoption of the Anti-Trafficking in Persons Act (2012) and Suppression of Trafficking in Persons Act (2009), the Committee is deeply concerned at reports of widespread torture or ill-treatment and trafficking in migrant workers, particularly female domestic workers, under the sponsorship (*kafala*) system, which is enhanced by legal provisions that: (a) require domestic workers to obtain their sponsor's consent to change employers or to leave the country; and (b) entrench barriers to lodging complaints against employers owing to isolation inside private residences and confiscation of their identity documents.

39. The Committee is concerned that the *kafala* system increases the risks of trafficking, rape and other forms of torture and ill treatment, owing to the extraordinary power that the employer exerts and the reported impact on female workers.

40. The Committee regrets the lack of information on the number of complaints of torture and ill-treatment of migrant workers, in particular female domestic workers, the number of cases in which sponsors were punished for torture or ill-treatment of migrant workers and the number of victims who received redress and who have been returned to their country of origin, particularly in the light of information before the Committee that reflects numerous allegations by migrant workers of physical abuse, sexual violence, rape and attempted rape (arts. 2, 4, 12, 14 and 16).

41. **The State party should strengthen its efforts to provide legal protection to migrant workers, in particular female domestic workers, in its territory against torture, ill-treatment and abuse, and guarantee access to justice. In that regard, the State party should:**

(a) **Urgently reform the *kafala* system to ensure that female migrant workers are not subjected to the risk of abuse in violation of the Convention, as reported to the Committee;**

(b) **Adopt or amend labour legislation that governs domestic work and provides legal protection to migrant domestic workers against exploitation, torture, ill-treatment and trafficking;**

(c) **Provide data on complaints of torture and ill-treatment of migrant workers and victims of trafficking filed with the authorities, investigations into such allegations, remedies to victims and the punishment imposed on those responsible, where applicable;**

(d) **Provide shelters, psychosocial support, legal aid and other reparative measures to migrant workers who are victims of torture and ill-treatment, including trafficking.**

#### **Death penalty**

42. The Committee is deeply concerned about the continued existence of the death penalty, the growing number of executions carried out in the State party and the failure of the State party to provide data requested by the Committee on the number of persons executed or on death row as well as, inter alia, the gender, age, nationality and other relevant demographics of the persons affected, and for what specific offences (art. 16).

43. **The Committee encourages the State party to establish a moratorium on executions, to commute all existing death sentences, to become a party to the International Covenant on Civil and Political Rights and, in particular, its Second Optional Protocol aimed at the abolition of the death penalty. The Committee calls upon the State party to provide disaggregated data on the number of individuals currently on death row, the number executed, detailing the offences and whether any minors or mentally disabled have been sentenced to death and/or executed, and the other data requested.**

#### **Registers**

44. While noting the information provided by the State party that all prisons and detention centres maintain registers (see CAT/C/SAU/Q/2/Add.2, paras. 12-13), the Committee is concerned about the reported absence of information on interrogations (dates and interrogating authority) in such registers and the absence of medical records. It is further concerned at reports that lawyers of detained persons do not have access to the registers at all times (art. 11).

45. **The State party should ensure the maintenance of registers containing full and detailed information, including on interrogations and incidents in detention, and medical records for each detainee. The State party should also ensure protection of the personal data of persons deprived of their liberty and respect for medical confidentiality. The State party should further ensure that registers are accessible to the lawyers of detained persons at any time, with their consent.**

#### **Refugees and non-refoulement**

46. The Committee appreciates the measures taken by the State party to provide assistance to refugees from neighbouring States, but remains concerned about the absence of national legislation and procedures explicitly regulating expulsion, refoulement and extradition that are consistent with the requirements of article 3 of the Convention. The Committee is also concerned about the absence of specific mechanisms for screening and affording protection to minors at risk of being trafficked. The Committee also regrets the lack of information on the number of cases in which deportation, extradition and expulsion were carried out during the reporting period and the number of instances in which it did not expel persons at risk of being tortured in the country of return. The Committee further notes

that, despite the humanitarian efforts of the authorities, including the acceptance of a number of refugees, the State party has not yet ratified the international instruments relating to the protection of refugees and asylum seekers (art. 3).

47. **The State party should take the following measures:**

(a) **Adopt a comprehensive law on asylum that is consistent with international human rights standards and norms and in accordance with article 3 of the Convention;**

(b) **Ensure the adoption of domestic legislation against refoulement and effective remedies in removal proceedings, including review by an independent judicial body;**

(c) **Establish mechanisms to identify and afford protection to minors at risk of being trafficked, as well as to persons who may have been victims of torture;**

(d) **Consider ratifying the 1951 Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

#### **Training**

48. While noting that the Ministry of Health provides training for health personnel on how to identify the physical signs of torture and other forms of violence as well as other training for public officials, the Committee regrets that no specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) is compulsory for public officials, including medical personnel. The Committee also regrets the lack of reference in the State party's report to any guidelines for investigating allegations of sexual violence (art. 10).

49. **The State party should:**

(a) **Ensure that all relevant officials, including medical personnel, are specifically trained to identify and document cases of torture and ill-treatment, in accordance with the Istanbul Protocol;**

(b) **Provide training and adopt guidelines for the judiciary and other persons involved in law enforcement on how to investigate and decide cases of rape and sexual violence and prosecute perpetrators.**

#### **Redress and rehabilitation**

50. While noting that the Board of Grievances was established to ensure that individuals or organizations petitioning directly for damages or action on the part of the Government to end human rights violations receive monetary compensation, the Committee is concerned at the lack of explicit provisions in domestic legislation that provide for the right of victims of torture and ill-treatment to fair and adequate compensation as required by article 14 of the Convention. The Committee regrets that the State party did not provide comprehensive information on redress and compensation measures ordered by the courts or other State bodies since the entry into force of the Convention for the State party, as well as on any redress to victims of torture regardless of whether the perpetrator has been found guilty in a criminal proceeding (art. 14).

51. The State party should take the following measures:

(a) Review its legislation to include explicit provisions on the right of all victims of torture and ill-treatment to redress, including fair and adequate compensation and rehabilitation, and to ensure that victims may, inter alia, seek and obtain prompt, fair and adequate compensation, including in cases where the civil liability of the State party is involved;

(b) Provide, in practice, all victims of torture or ill-treatment, including those who suffer from lifelong disabilities as a result of torture, with redress, including fair and adequate compensation, and as full rehabilitation as possible;

(c) Compile statistical data on cases in which it has provided redress to victims of torture or ill-treatment, as well as the amount of the compensation, disaggregated by nationality and gender.

#### Follow-up procedure

52. The Committee requests the State party to provide, by 13 May 2017, information on follow-up to the Committee's recommendations on corporal punishment, including in the case of Ra'if Badawi, reprisals against human rights defenders and journalists and the death penalty (see paras. 10, 12, 19 and 42 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

53. The Committee notes with appreciation the announcement made by the delegation during the dialogue that the State party was considering ratifying the Optional Protocol to the Convention against Torture and lifting its reservation under article 20.

54. 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.

55. The Committee invites the State party to ratify the core United Nations human rights treaties to which it is not yet a party and encourages it to extend an invitation to visit the country to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

56. The State party is requested to make publicly available and disseminate widely the report submitted to the Committee, its replies to the list of issues prepared by the Committee, the summary records of the dialogue and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations.

57. The State party is invited to submit its third periodic report by 13 May 2020. To that end, the Committee invites the State party to accept by 13 May 2017 the simplified reporting procedure, whereby the Committee transmits to the State party a list of issues prior to the submission of its periodic report. The State party's replies to that list of issues will constitute its periodic report under article 19 of the Convention. The State party is also invited to submit its common core document in accordance with the requirements contained in the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN.2/Rev.6).