



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

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## Committee against Torture

### Concluding observations on the fourth periodic report of Senegal\*

1. The Committee against Torture considered the fourth periodic report of Senegal (CAT/C/SEN/4) at its 1619th and 1622nd meetings (see CAT/C/SR.1619 and CAT/C/SR.1622), held on 25 and 26 April 2018, and adopted the present concluding observations at its 1647th meeting, held on 15 May 2018.

#### A. Introduction

2. The Committee takes note of the fourth periodic report of Senegal prepared under the optional reporting procedure, which allows for a more focused dialogue between the State party and the Committee.

3. The Committee appreciates having had the opportunity to engage in a constructive dialogue with the State party's delegation and welcomes the responses provided to the questions and concerns raised during the consideration of the report.

#### B. Positive aspects

4. The Committee welcomes the legislative measures taken by the State party to give effect to the Convention, including:

(a) Act No. 2016-30 of 2016 amending Act No. 65-61 of 21 July 1965 establishing the Code of Criminal Procedure, which strengthens, inter alia, fundamental legal safeguards and introduces the practice of holding hearings in criminal chambers on a permanent basis;

(b) Organic Act No. 2017-10 of 17 January 2017 on the status of judges, the purpose of which is to strengthen the independence of judges, among others;

(c) Organic Act No. 2017-11 of 17 January 2017 on the structure and functioning of the High Council of the Judiciary, which introduces, inter alia, the right of appeal in disciplinary matters and requires a majority vote of its members in decisions concerning dismissal or retirement;

(d) Organic Act No. 2017-09 of 17 January 2017 repealing and replacing Organic Act No. 2008-35 of 8 August 2008 on the Supreme Court, which establishes a procedure for the compensation of victims of long-term detention.

5. The Committee also welcomes the other steps taken by the State party to give effect to the Convention, including:

\* Adopted by the Committee at its sixty-third session (23 April–18 May 2018).



(a) Circular No. 179/MJ/DACG/MN of 2018, which sets out the modalities for exercising the right to counsel;

(b) The establishment of the Extraordinary African Chambers within the Senegalese courts as part of the follow-up to the decision handed down in the case of *Guengueng et al. v. Senegal* (CAT/C/36/D/181/2001) to try Hissène Habré, who, in 2016, was convicted of crimes against humanity, war crimes and torture committed in Chad between 1982 and 1990;

(c) The 2016 order for the emergency removal of street children, which increases penalties for those who exploit them;

(d) The introduction of a computerized register in prisons;

(e) The 2013 National Child Protection Strategy.

## C. Principal subjects of concern and recommendations

### Pending follow-up issues from the previous reporting cycle

6. While the Committee welcomes the information provided by the State party under the follow-up procedure in response to its previous concluding observations (CAT/C/SEN/CO/3) and in response to the letter dated 25 November 2013 from the Committee's Rapporteur for follow-up to concluding observations, it regrets that the recommendations selected for follow-up in the previous concluding observations in paragraphs 10 (a) (fundamental legal safeguards) and 11 (a) (investigations and impunity) have not yet been implemented (see paras. 10 (a), (b) and (c), and 20 (a) below).

### Definition of torture and appropriate penalties

7. Recalling its previous recommendation (see CAT/C/SEN/CO/3, para. 8), the Committee remains concerned that neither article 295-1 of the Criminal Code, which defines the crime of torture, nor the proposed amendments to the draft Criminal Code as yet mention the possibility of torture being inflicted on a third person. The Committee is also concerned that article 295-1 provides for a minimum penalty for acts of torture of up to 5 years' imprisonment, which allows the judge to reduce the sentence to 2 years and combine it with a suspended sentence. The Committee is particularly concerned that several sentences passed for acts of torture have been extremely light. It notes, however, that the State party has undertaken to remedy the shortcomings identified in the definition of torture (arts. 1 and 4).

**8. The Committee reiterates its previous recommendation (CAT/C/SEN/CO/3, para. 8) and urges the State party to amend article 295-1 of the Criminal Code to include the definition of acts of torture aimed at obtaining information from, punishing, intimidating or coercing a third person. The crime of torture should also be punishable by appropriate penalties that take into account its grave nature, in accordance with article 4 (2) of the Convention.**

### Fundamental legal safeguards

9. While noting the amendments introduced by Act No. 2016-30 and Circular No. 179/MJ/DACG/MN on fundamental safeguards, the Committee remains concerned by the fact that: (i) the 48-hour limit on police custody, renewable once with authorization, can be extended for up to 8 days for offences against State security; (ii) in terrorism cases, it may be extended for up to 12 days with authorization; (iii) children in conflict with the law are subject to the same time limits for police custody; (iv) the right of detainees to inform their relatives is not recognized in the law; and (v) the duration of the meeting between the detainee and the lawyer is limited to 30 minutes. The Committee notes with concern that the very limited number of registered lawyers and their concentration in the capital city in practice impede the right to legal assistance from the time of arrest, although it notes the measures envisaged by the State party to establish the bar in the regions and to hold the entry examination on an annual basis. With regard to access for detainees to a medical

screening, the Committee regrets that there is no system requiring an examination both during police custody and on admission to a detention centre, with a view to identifying, inter alia, signs of torture or ill-treatment. The Committee also regrets the State party's intention to legalize the practice known as *retour de parquet*, or holding order, which makes it possible to keep a person in detention beyond the legal time limits (art. 2).

**10. The State party should take the necessary measures, including through legislation, to:**

(a) **Ensure that the time a person is held in police custody, regardless of the reason, does not exceed a maximum of 48 hours, or 24 hours for children, which may be extended once if there are exceptional circumstances duly justified by tangible evidence, and that once that period has elapsed, the person is brought to appear physically before a judge who is independent and impartial;**

(b) **Ensure that all detainees are afforded fundamental legal safeguards from the very outset of their deprivation of liberty, including the rights (i) to be informed in a language they understand of the reasons for their arrest, (ii) to inform their relatives of their detention, (iii) to receive prompt and confidential access to an independent lawyer or legal aid for as long as is necessary to mount an effective defence, and (iv) to request and receive a medical examination without conditions, carried out by qualified medical personnel immediately upon their arrival at a detention facility, and access to an independent doctor upon request;**

(c) **Ensure that medical personnel inform an independent investigation body of any evidence of torture or ill-treatment confidentially and without risk of reprisals; the State party should compile statistical data on the number of cases identified through this mechanism, as well as detailed information on the outcome of investigations concerning these cases;**

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

(e) **Put an end to the practice known as *retour de parquet*, or holding order, and provide the judiciary with additional resources in order to reduce delays in bringing detainees before the courts;**

(f) **Systematically verify that State officials respect, in practice, all legal guarantees and the strict keeping of registers, and punish any violations.**

#### **Offences committed in the context of the conflict in Casamance**

11. The Committee regrets that the State party continues to justify the amnesty laws in relation to all offences committed in the context of the non-international armed conflict in Casamance by the need to restore peace. It also notes with concern the State party's position that there are no cases of forced disappearance in Casamance, despite complaints from the families of detainees. The Committee is concerned by reports indicating that 15 persons were killed in Bofa Bayotte forest in January 2018 and that the Senegalese army detained 24 persons. In respect of those reports, the Committee regrets that the State party has not responded to its requests for information on the legal situation of detainees or as to whether investigations are being conducted (arts. 2, 12, 14 and 16).

**12. The State party should:**

(a) **Repeal any amnesty in respect of acts of torture or ill-treatment committed by the parties to the conflict, as well as of other crimes committed in the Casamance region in the context of the non-international armed conflict, in order to allow investigations to take place and those responsible to be punished;**

(b) **Take steps to strengthen measures to ensure the protection of civilians in Casamance in line with its international obligations and to exercise strict control over the security forces;**

(c) **Take all appropriate measures to establish the whereabouts of the persons reported as missing, in particular those who went missing after being arrested by the security forces, and ensure that all persons who have suffered any harm resulting directly from the enforced disappearance or detention of a family member are afforded access to all available information that could be helpful in determining the whereabouts of the missing or disappeared person;**

(d) **Ensure that all recent allegations of murder in Casamance are impartially investigated, including, if appropriate, by means of independent forensic investigations and autopsies, so that those responsible may be punished;**

(e) **Provide reparation to all victims and their beneficiaries, and the fullest possible rehabilitation.**

#### **Conditions of detention**

13. While noting the increase in capacity and in the number of projects for the building and renovation of prisons, the Committee remains concerned by the constant rise in the prison population, which is leading to chronic overcrowding. The Committee also notes with concern that the bodies responsible for implementing sentence adjustment measures are not operational and that the rate of implementation of these measures is very low, compounding the problem of overcrowding in prisons. It is also concerned that the bill on juvenile justice, which provides for alternatives to sentencing and non-custodial measures, has not yet been adopted. The Committee is concerned at reports of appalling living and hygiene conditions in detention facilities, insufficient staff numbers and inadequate diets, as well as the fact that minors are not effectively separated from adults, particularly in women's prisons and police stations. It also notes that the prison health service falls under the authority of the Ministry of Justice and is concerned about reports of a shortage of medical staff and limited medical care, particularly for prisoners with mental disorders. With regard to persons accused of terrorism, the Committee is concerned about reports that they are subjected to particularly harsh conditions of detention, including solitary confinement, and are even denied access to care. Lastly, the Committee notes that women prisoners face obstacles in accessing training and other activities (arts. 2, 11 and 16).

14. **The Committee calls on the State party to intensify its efforts to bring conditions of detention into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), and in particular to:**

(a) **Reduce overcrowding in prisons by making more use of sentencing measures provided for in its criminal legislation, particularly in the case of children in conflict with the law, and by accelerating the procedure for the appointment of members of the bodies responsible for their implementation;**

(b) **Expedite the adoption of the Juvenile Justice Act and ensure that children are not detained with adults in prisons and police stations and that the conditions in which they are held are compatible with their status as minors;**

(c) **Continue to implement plans to develop the prison infrastructure and improve detention conditions, ensuring that detainees have a reasonable amount of space in cells and have access to beds, mattresses and bedding, increasing the number of prison staff and ensuring that hygiene and health conditions and the food provided are adequate;**

(d) **Organize the health-care service in close liaison with the general public health administration, on the basis of the principle of access for all detainees to health care of the same quality as that available to the Senegalese public, increasing the number of medical personnel and ensuring the provision of adequate mental health care;**

(e) **Ensure that the conditions in which persons accused of terrorism are held do not constitute cruel, inhuman or degrading treatment and guarantee access to health care in all cases;**

(f) **Ensure that solitary confinement is used only as a last resort for as brief a period as possible and is subject to strict judicial oversight and control;**

(g) **Facilitate access for prisoners, especially women, to recreational and cultural activities, as well as vocational training and education, with a view to supporting their rehabilitation in the community;**

(h) **Ensure, until there are a sufficient number of doctors in prison health services, that nurses conduct preliminary medical examinations of detainees on arrival and that they are trained to identify, document and report any signs of torture or ill-treatment without delay;**

(i) **Ensure that civil society organizations are allowed to carry out regular and unannounced visits to all places of deprivation of liberty.**

#### **Excessive use of pretrial detention**

15. The Committee is concerned by the number of persons being held in pretrial detention, given that they reportedly account for 45 per cent of the prison population and 72 per cent of female detainees. The Committee notes with concern that there are no specific regulations on the exceptional circumstances that justify pretrial detention and that the Code of Criminal Procedure imposes mandatory detention warrants for certain offences, leading to the abusive use of this measure. While appreciating the measures taken to combat long detentions (see para. 4 (a) above), the Committee remains concerned by reports that, in many criminal cases, the duration of pretrial detention exceeds the possible sentence, although it takes note of the measures envisaged to set a maximum period for pretrial detention in criminal cases (arts. 11 and 16).

#### **16. The State party should:**

(a) **Revise the regulations on pretrial detention in order to clarify the circumstances that may justify it and to ensure that it is imposed only in exceptional circumstances and for limited periods, on the basis of a determined need and in light of the individual circumstances;**

(b) **Adopt the necessary measures, including in terms of training for judges, to promote the use of alternatives to pretrial detention, in accordance with international standards.**

#### **Deaths and allegations of ill-treatment in custody**

17. Although the number of deaths in custody decreased during the reporting period, the Committee remains concerned about reports of deaths in suspicious circumstances which have still not been elucidated, such as the case of Ibrahim Mbow, who died in 2016 during a riot at Rebeuss prison, or death as a result of alleged torture, such as the cases of Amadou Ka and Elimane Touré. The Committee is also concerned about allegations of ill-treatment in prison in various forms, ranging from forced cold showers to beatings with truncheons on the knees or shins. The Committee also expresses its concern about the full body searches of prisoners in groups on arrival in prison, while noting the measures envisaged by the State party to eliminate this practice (arts. 2, 11, 12, 13 and 16).

#### **18. The State party should take the necessary steps to:**

(a) **Ensure that all alleged acts of violence, death and ill-treatment are promptly made the subject of a thorough and impartial investigation, including, in the event of death, an independent forensic examination conducted in accordance with the Model Protocol for a Legal Investigation of Extra-legal, Arbitrary and Summary Executions (Minnesota Protocol), that those responsible are brought to justice and, if found guilty, that they are duly punished and that the victims or their dependants obtain adequate redress;**

(b) **Prioritize the installation of detection devices to replace personal searches, which should be undertaken only if absolutely necessary and, in that case, in private and by a trained staff member of the same sex as the prisoner.**

**Impunity for acts of torture and ill-treatment**

19. The Committee notes with concern reports indicating that complaints of torture are rarely investigated and, in cases where they concern law enforcement officers, the investigations do not lead to prosecution of the alleged perpetrators or their sentencing to punishment commensurate with the gravity of their acts. In view of these allegations, the Committee is troubled that the State party did not provide statistical data on the number of complaints of torture, the investigations and prosecutions to which they had given rise or on the convictions and criminal or disciplinary penalties imposed. Reviewing the information provided by the State party by way of illustration, the Committee notes with concern that a number of sentences handed down to State agents were not commensurate with the gravity of the crime, as in cases Nos. 224/12 and 322/13, and that a large proportion of the inquiries were still under way (arts. 2, 12, 13 and 16).

**20. The State party should:**

(a) **Ensure that all reported acts of torture or ill-treatment are investigated promptly and impartially by an independent body; that there is no institutional or hierarchical relationship between the investigators and the suspected perpetrators; and that suspected perpetrators are duly brought before a court and, if found guilty, sentenced to punishment commensurate with the gravity of their acts;**

(b) **Ensure that the authorities launch investigations whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed;**

(c) **Ensure that persons suspected of torture or ill-treatment 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 take reprisals against the presumed victim or to obstruct the investigation;**

(d) **Compile data on the reports filed, investigations conducted, prosecutions launched and convictions handed down in cases involving torture or ill-treatment.**

**Independence of the judiciary**

21. While noting the adoption of laws on the status of judges and the High Council of the Judiciary (see para. 4 (b) and (c) above), the Committee remains concerned by the fact that the President of the Republic continues to preside over the High Council of the Judiciary and that the Minister of Justice is its Vice-President, which undermines the independence of the judiciary. The Committee also notes with concern that judges are likely to be transferred, either on a temporary basis or on the grounds of the needs of the service, for having ruled in a particular way. In this regard, the Committee has received allegations of a lack of independence in trials with a strong political resonance in the current context. The Committee is also concerned by the attacks on the discretionary power of prosecutors, who fall under the authority of the Minister of Justice, which might affect their impartiality when conducting investigations in cases concerning violations of the Convention by State agents. The Committee is concerned that political interference may undermine the safeguards of the rule of law that are necessary for effective protection against torture (arts. 2 and 13).

**22. The State party should reform the laws on the High Council of the Judiciary and on the status of judges so as to ensure that the President of the Republic and the Minister of Justice are no longer members of the Council and that all other necessary measures are taken to guarantee the independence of the judiciary, including the appointment of judges on the basis of objective and transparent criteria, with guarantees of their security of office. It should also remove the possibility for the Minister of Justice to issue instructions in individual cases.**

**Inadmissibility of confessions obtained through torture**

23. The Committee is concerned that the criminal legislation still does not contain an explicit provision on the inadmissibility of evidence obtained as a result of torture. The Committee is particularly concerned about the broad discretion left to the judge as to the

value of confessions obtained under torture and notes with concern that there have been no cases in which the courts have declared evidence obtained under torture to be null and void (art. 15).

**24. The State party should take the necessary measures, including through legislation, to ensure that confessions or statements extracted under torture or ill-treatment are inadmissible. The Committee therefore calls on the State party to ensure that:**

(a) **When it is alleged that a confession was extracted by means of torture or ill-treatment, a thorough investigation is promptly launched into the allegations and the presumed victim undergoes a forensic medical examination;**

(b) **State officials who extract confessions in this way are brought to justice;**

(c) **Judges receive training in how to verify the admissibility of a confession, and that those who do not take the appropriate measures during judicial proceedings are punished.**

#### **National human rights institution**

25. The Committee notes with concern that the Senegalese Human Rights Committee lost its A status under the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) in 2012, as a result of, inter alia, the lack of a transparent and pluralistic process for the nomination of its members and a lack of independence, which allegedly affects its functioning and resources. The Committee takes note, however, of the undertaking given by the State party regarding the adoption of a new law that would establish a national human rights commission in the country in order to comply with the Paris Principles (art. 2).

**26. The State party should take the necessary measures, including through legislation, to:**

(a) **Establish a clear, transparent and participatory process for the selection of members of the national human rights institution to full-time posts;**

(b) **Ensure the financial and functional independence of the national human rights institution by providing it with the necessary resources to enable it to fulfil its mandate effectively and allowing it to appoint its own staff, in accordance with the Paris Principles.**

#### **National preventive mechanism**

27. The Committee reiterates its previous recommendation (see CAT/C/SEN/CO/3, para. 23 (a)) and remains concerned about reports that the budget allocated to the National Observatory of Places of Deprivation of Liberty is inadequate. It also shares the concern of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment referred to in that body's report on its visit to Senegal (CAT/OP/SEN/2, para. 15) concerning the restrictive interpretation of the powers of the Observatory as excluding military detention facilities. The Committee is also concerned that (i) the Director of the Observatory is appointed after being nominated by the Ministry of Justice, (ii) the Observatory falls within the authority of the Ministry of Justice and (iii) the Observatory is not able to select, recruit or remunerate its own staff, as pointed out by the Subcommittee (arts. 2 and 11).

**28. The State party should take the necessary measures, including through legislation, to guarantee that:**

(a) **The procedure for appointing the Director is transparent, inclusive and participatory and that persons who hold positions that could raise questions of conflict of interest are not appointed (CAT/OP/SEN/2, para. 17);**

(b) **The Observatory is independent of the Executive, and that it is able to select, recruit and remunerate its own staff;**

(c) **The Observatory is provided with the necessary resources to fully implement its mandate;**

(d) **The Observatory, with the support of medical and psychiatric experts, is able to conduct regular and unannounced visits to all places of detention, civilian and military alike, including unofficial ones.**

#### **Excessive use of force by law enforcement officials**

29. The Committee notes with concern consistent reports of the use of excessive and disproportionate force by the security forces, including the use of live ammunition and tear gas, to repress political rallies and demonstrations. The Committee also notes with concern that a number of people have died as a result of the disproportionate use of force by agents of the State, as in the cases of Yamadou Sagna, Abdoulaye Baldé and Mbaye Mboup. It regrets that the State party did not respond to the requests for information as to whether investigations had been or would be conducted into these events (arts. 2, 12, 13 and 16).

#### **30. The State party should:**

(a) **Ensure that all allegations of excessive use of force and extrajudicial killings by State agents are investigated promptly, thoroughly and impartially, including by means of independent forensic examinations in line with the Minnesota Protocol in cases of death, that those responsible are prosecuted and, if found guilty, that they are punished and that the victims obtain redress;**

(b) **Ensure that law enforcement agents use non-violent measures before using force when conducting protest control operations;**

(c) **Increase its efforts to systematically provide training to all law enforcement officials on the use of force, especially in the context of controlling demonstrations, taking due account of the Basic Principles on the Use of Firearms by Law Enforcement Officials.**

#### **Trafficking and abuse of children**

31. In spite of the efforts announced by the State party to remove from the streets talibé children who attend Koranic schools, the Committee remains concerned by reports that the exploitation of children by Koranic teachers for forced begging is a phenomenon that, far from declining, actually increased over the reporting period and that these children continue to be subjected to trafficking, forced begging and extreme forms of abuse and neglect by the persons responsible for their care (marabouts). The Committee is also concerned at reports of the connivance of the authorities in relation to this phenomenon and their failure to prosecute abusive marabouts, except in cases of deaths or extreme abuse of children. The Committee also notes with concern that Koranic schools are not subject to any official control and that the bill on their status is still under consideration. The Committee is also concerned at reports that girls in schools are often vulnerable to sexual abuse by their teachers, who act with total impunity (arts. 11 and 16).

#### **32. The Committee reiterates its previous recommendation (CAT/C/SEN/CO/3, para. 15) and recommends that the State party should:**

(a) **Operate a coordinated system of care for talibé children, in order to protect them from exploitation and abuse, and establish a monitoring and follow-up mechanism to prevent repeat offences;**

(b) **Enhance the application of national laws and conduct impartial and thorough investigations into acts of trafficking, ill-treatment and sexual abuse of children in Koranic schools and other schools, and ensure that those responsible, including State agents who do not investigate such allegations, are prosecuted and, if convicted, punished with appropriate sanctions;**

(c) **Expedite the adoption of a bill to regulate teaching in Koranic schools and allocate the necessary resources for the effective functioning of the inspection service;**



(d) **Ensure that all schools have confidential and independent complaints mechanisms;**

(e) **Conduct awareness-raising campaigns on children's rights, trafficking, forced begging and sexual abuse of children in schools.**

#### **Non-refoulement and detention for migration-related reasons**

33. The Committee notes with concern that the law governing asylum (Act No. 68-27) does not recognize the principle of non-refoulement on the basis of the risk of being subjected to torture. It regrets that it has not received additional information on recognition of that principle in the draft amendment to the Act or in the legislation governing the expulsion of undocumented migrants. The Committee is also concerned that asylum applications are decided by the same body at first instance and on appeal, and is disturbed by reports that the decision-making procedure is very slow. The Committee is concerned that undocumented immigrants, including unaccompanied children, can be detained without judicial supervision in prisons and police stations before being deported. It is also concerned at reports of arbitrary arrests of migrants, as a result of the collaboration between the Senegalese law enforcement forces and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) (arts. 3 and 11).

34. **The State party should:**

(a) **Ensure that the legislation governing asylum, extradition and expulsion of undocumented migrants explicitly recognizes the principle of non-refoulement;**

(b) **Expedite the procedure for determining refugee status and introduce a judicial remedy with an automatic suspensive effect that may be used to appeal expulsion decisions before a court competent to consider the appeal's merits;**

(c) **Ensure that migration legislation and regulations allow for detention for migration-related reasons only as a measure of last resort, after all other alternatives have been duly considered and exhausted, in keeping with the principles of necessity and proportionality, and for as short a period as possible. Unaccompanied minors should not be detained.**

(d) **Ensure that effective judicial control is exercised over detention for immigration-related reasons and, when detention is considered necessary, ensure that immigrants in an irregular situation are transferred to a detention centre appropriate to their status.**

#### **Ill-treatment motivated by discrimination**

35. While taking note of the delegation's assertion that homosexuality is not explicitly prosecuted in Senegal, the Committee is concerned by consistent reports of several violent arrests motivated by the person's perceived sexual orientation, followed by prosecution for "unnatural" acts. The Committee is also concerned by reports that the State party has not taken sufficient steps towards adopting measures to protect persons with albinism (arts. 2, 12, 13 and 16).

36. **The State party should:**

(a) **Repeal article 319 (3) of the Criminal Code, which is used to prosecute homosexual conduct between consenting persons;**

(b) **Take effective measures to prevent arrests and police violence motivated by the victim's actual or perceived sexual orientation and to protect persons with albinism from ritual attacks and other harmful traditional practices;**

(c) **Ensure that all acts of violence are investigated, that perpetrators are brought to justice and that victims receive reparation.**

### **Training**

37. While acknowledging the State party's efforts to introduce training programmes on human rights and the provisions of the Convention, the Committee regrets the lack of information on the impact of such training on the prevention of torture and the lack of clarification about whether it includes specific training on the use of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) (art. 10).

38. **The State party should:**

(a) **Provide regular and systematic training on the absolute prohibition of torture and on the provisions of the Convention, and non-coercive interrogation methods, to all persons involved in the detention, interrogation or treatment of persons deprived of their liberty;**

(b) **Ensure that all relevant staff, including medical personnel, receive specific training on how to identify and document cases of torture and ill-treatment, in accordance with the Istanbul Protocol;**

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

### **Reparation**

39. While welcoming the introduction of a procedure for providing compensation to victims of excessively lengthy detention (see paragraph 4 (d) above), the Committee is concerned by reports that the compensation in question has still not been disbursed and that there are no rehabilitation programmes for victims of torture. In the light of this information, the Committee regrets the lack of information on reparation measures ordered in favour of victims of torture or excessively lengthy detention during the period under consideration and on existing rehabilitation programmes. The Committee also takes note of the life sentence handed down to Hissène Habré but regrets that, to date, the victims of his crimes have not received reparation (art. 14).

40. **The Committee draws the State party's attention to general comment No. 3 (2012) on the implementation of article 14 by States parties and calls on the State party to:**

(a) **Ensure that all victims of torture and ill-treatment and of excessively lengthy detention have access to effective remedies and are able to obtain reparation, including in cases where the perpetrator of the acts of torture has not been identified;**

(b) **Fully assess the needs of victims of acts of torture and ensure that specialized rehabilitation services are readily available, either by providing such services directly or by funding services provided by external partners, including those provided by non-governmental organizations (NGOs);**

(c) **Ensure that the victims of Hissène Habré's crimes receive reparation in accordance with the provisions of the Convention.**

### **Follow-up procedure**

41. **The Committee requests the State party to provide, by 18 May 2019, information on follow-up to the Committee's recommendations contained in paragraphs 10 (d), 28 and 32 above. In that context, the State party is invited to inform the Committee about its plans to address, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.**

### **Other issues**

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

43. The State party is invited to disseminate widely the report submitted to the Committee, its annex, and the present concluding observations, in appropriate languages, through official websites, the media and NGOs.

44. The State party is invited to update its common core document (HRI/CORE/SEN/2015) in accordance with the requirements contained in the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN.2/Rev.6).

45. The Committee requests the State party to submit its next periodic report, which will be its fifth, by 18 May 2022. For that purpose, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, 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 fifth periodic report under article 19 of the Convention.

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