



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

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## Committee against Torture

### Concluding observations on the sixth periodic report of Germany\*

1. The Committee against Torture considered the sixth periodic report of Germany (CAT/C/DEU/6) at its 1728th and 1731st meetings (see CAT/C/SR.1728 and 1731), held on 29 and 30 April 2019, and adopted the present concluding observations at its 1750th meeting, held on 14 May 2019.

#### A. Introduction

2. The Committee welcomes the submission of the sixth periodic report by the State party but regrets that it was submitted after a delay of two years.

3. The Committee commends the State party for its comprehensive interministerial delegation, which included federal and Länder representatives, and appreciates the detailed, precise and substantive answers provided by the State party during the dialogue in relation to the concerns raised by the Committee.

#### B. Positive aspects

4. The Committee welcomes the ratification of or accession to the following international instruments by the State party since the consideration of the previous report:

(a) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2013;

(b) The United Nations Convention against Corruption, in 2014;

(c) The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), in 2015;

(d) The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), in 2017.

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

(a) The Implementation Act under the Federal Law of the Distance Requirement in the Law Governing Preventive Detention, in 2012;

(b) Section 226a of the Criminal Code, on female genital mutilation, which expressly subjects the mutilation of the external genitalia of a female person to punishment under criminal law, in 2013;

\* Adopted by the Committee at its sixty-sixth session (23 April–17 May 2019).



(c) The Act on the Legal Status and Mandate of the German Institute for Human Rights, in 2015;

(d) The Act on the Redefinition of the Right to Stay and the Termination of Residence, the revised Asylum Seekers' Benefits Act and the revised Social Courts Act, in 2015;

(e) The Act on the Improvement of the Measures taken to Combat Human Trafficking, on the Amendment of the Federal Central Criminal Register Act and on the Amendment of Book VIII of the German Social Welfare Act to effectively implement Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, in 2016;

(f) The Act on Improving the Protection against Stalking, in 2017.

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

(a) The publication by the Federal Government of a report on the situation of women's shelters, specialist support services and other support schemes available to women affected by violence, as well as their children, in 2012;

(b) The establishment by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth of a nationwide distress helpline for women who have suffered violence, in 2013;

(c) The increase in resources for the National Agency for the Prevention of Torture, in 2014;

(d) The translation into German of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), while subsequently notifying the Ministries of Justice and the Interior of the Länder of its availability online, in 2015;

(e) The adoption of the federal programme Live Democracy! Active against Right-wing Extremism, Violence and Hate, in 2015;

(f) The launch of federal model project Consult and Strengthen 2015–2018, serving to protect girls and boys with disabilities against sexualized violence in institutions;

(g) The establishment of the Subgroup on trafficking in children/tourism and international cooperation, under the federal-Länder working group on protecting children and young people from sexual violence and exploitation, in 2016;

(h) The updating of federal police career training to improve access to pertinent materials, instructions and regulations on the issues of discrimination, racism and racial profiling, since 2016;

(i) The adoption of the National Action Plan against Racism – Positions and Measures to Deal with Ideologies of Inequality and Related Discrimination, in 2017;

(j) The implementation by the Federal Office for Migration and Refugees of a pilot project to provide consultancy, free of charge, in asylum proceedings, in 2017;

(k) The extension of the mandate of the Independent Commission for Child Sexual Abuse Issues until the end of December 2023.

## **C. Principal subjects of concern and recommendations**

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

7. In its previous concluding observations (CAT/C/DEU/CO/5, para. 39), the Committee requested the State party to provide further information regarding areas of particular concern, related to regulating and restricting the use of physical restraints in all establishments (ibid., para. 16), limiting the number of detained asylum seekers, including

the “Dublin cases”, and ensuring mandatory medical checks of detained asylum seekers (ibid., para. 24), exercising jurisdiction in accordance with article 5 of the Convention and providing information about the remedies, including the compensation, provided to Khaled El-Masri (ibid., para. 28), and ensuring that members of the police in all the Länder can be effectively identified and held accountable when implicated in ill-treatment (ibid., para. 30).

8. The Committee appreciates the State party’s replies in this regard under the follow-up procedure, received on 26 November 2012 (see CAT/C/DEU/CO/5/Add.2) and on 28 February 2014. However, in the light of the information provided, the Committee finds that the recommendations in paragraphs 24 (see paragraph 25 of the present concluding observations) and 28 have not been implemented and that the recommendations contained in paragraphs 16 and 30 have been partially implemented (ibid., paras. 34 and 38).

#### **Definition and criminalization of torture**

9. The Committee remains concerned that the State party does not consider it necessary to define torture as a specific crime under its general criminal law (the Criminal Code and the Military Penal Code), despite the Committee’s recommendation in its previous concluding observations (CAT/C/DEU/CO/5, para. 9). The Committee recalls its general comment No. 2 (2008) on the implementation of article 2, in which it states that serious discrepancies between the Convention’s definition and that incorporated into domestic law create actual or potential loopholes for impunity (para. 9). Furthermore, there are no provisions establishing that the crime of torture is not subject to a statute of limitations, which has led to impunity for torture in specific cases (arts. 1 and 4).

**10. The State party should consider all necessary measures to include torture as a specific offence in its general criminal law in accordance with articles 1 and 2 of the Convention. It should also ensure that the crime of torture is not subject to any statute of limitation.**

#### **Fundamental legal safeguards**

11. Taking into account the procedural guarantees established in domestic legislation, the Committee is concerned at reports that, in practice, detained persons do not always enjoy all the fundamental legal safeguards from the outset of their detention, including the receipt of information on their rights in writing, in a language that they understand (arts. 2 and 11).

**12. The State party should take effective measures to ensure that detainees enjoy the benefits of all fundamental safeguards in practice from the outset of their deprivation of liberty, in accordance with international standards, including, in particular: the right to receive legal assistance at any time and without delay; and the right to be informed of the reasons for their detention and the nature of the charges against them in a language that they understand. The State party should regularly monitor the compliance with the legal safeguards by all public officials and ensure that those who do not respect the safeguards are duly disciplined, and inform the Committee of the results of such monitoring, including disciplinary action if applicable.**

#### **National Agency for the Prevention of Torture**

13. While welcoming the decision of the Ministers of Justice of the Länder to increase the funds for the National Agency for the Prevention of Torture and to involve civil society organizations in the appointment of the members of the Joint Commission of the Länder, the Committee remains concerned by reports that the Joint Commission will not have sufficient resources to accomplish its mandate and visit the total number of institutions with a sufficient frequency to ensure effective monitoring.

**14. The Committee reiterates its recommendation in its previous concluding observations (CAT/C/DEU/CO/5, para. 13) that the State party provide the National Agency for the Prevention of Torture with sufficient human, financial, technical and logistical resources to enable it to carry out its functions effectively and independently, in accordance with article 18 (3) of the Optional Protocol and guidelines Nos. 11 and**

**12 of the guidelines on national preventive mechanisms issued by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

15. The Committee is also concerned that the National Agency is only given authority to publish the names of the State-funded institutions that are visited, which impairs its work and reduces its effectiveness, as many institutions, such as homes for older persons and psychiatric hospitals, are privately run (arts. 2 and 11).

**16. The Committee also recommends that the National Agency be given authority to publish the names of the privately run institutions that are visited, as well as the visit reports and respective statements made by the competent ministries.**

**German Institute for Human Rights**

17. While welcoming the establishment of the German Institute for Human Rights as the State party's national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), the Committee regrets that the Institute is not designated to monitor compliance with the Convention by the State party (art. 2).

**18. The State party should invite the German Institute for Human Rights to ensure that compliance with the Convention is monitored and evaluated, including by following up on the concluding observations of the Committee.**

**International judicial cooperation**

19. The Committee is seriously concerned that with regard to persons suspected of crimes of torture in the Colonia Dignidad case in Chile, the State party refuses to extradite them, but is also reluctant to investigate these allegations and prosecute those responsible, on the grounds that the crimes committed in the Colonia Dignidad are barred by the statute of limitations provided for in the criminal law. The Committee is concerned that this situation will give rise to impunity (arts. 5 and 7).

**20. The State party should either extradite alleged perpetrators of torture and ill-treatment to a State with jurisdiction over the offence or to an international criminal tribunal, according to its international obligations, or prosecute them, in compliance with the provisions of the Convention.**

21. The Committee welcomes the increasingly important role played by the war crimes unit of the Federal Criminal Police Office, and its expansion in 2018. The Committee takes positive note that the unit is currently conducting criminal investigations in 80 cases and has issued 15 arrest warrants, and that 4 of its investigations have led to the conviction of perpetrators by courts, including of two Rwandan citizens for war crimes and crimes against humanity. The Committee regrets the lack of information provided by the State party on the proceedings against alleged perpetrators of war crimes and crimes against humanity in the context of the armed conflicts in Iraq and the Syrian Arab Republic.

**22. The State party should ensure the exercise of universal jurisdiction over persons responsible for acts of torture, including by seeking extradition. It should also provide information to the Committee on instances in which the Convention has been invoked in judicial decisions regarding extradition and universal jurisdiction, in accordance with article 5 of the Convention.**

**Non-refoulement**

23. The Committee reiterates its concern, as expressed in its previous concluding observations (CAT/C/DEU/CO/5, para. 25), that the State party continues to carry out extradition and deportation on the basis of diplomatic assurances provided by the country of origin, as those assurances may not guarantee that the individual would not be subjected to torture and ill-treatment if returned (art. 3).

**24. The State party should refrain from seeking and accepting diplomatic assurances, both in the context of extradition and deportation, from States where**

**there are any grounds for believing that a person would be at risk of torture or ill-treatment upon return.**

25. While noting with satisfaction the efforts made by the State party to respond to the large influx of asylum seekers and undocumented migrants arriving in its territory, the Committee is concerned at reports alleging that the State party has acted in breach of the principle of non-refoulement in a few cases during the period under review. In particular, the Committee is concerned that:

(a) The accelerated asylum procedures, applied to asylum seekers from countries of origin that are designated as “safe”, as well as “Dublin cases”, may not allow a thorough assessment of whether asylum seekers and refugees are victims of torture or ill-treatment, or are at risk of torture or ill-treatment upon deportation or transfer, including for vulnerable persons such as pregnant women and families with children under the age of 3;

(b) Asylum seekers and refugees under the accelerated asylum procedures are allowed only one week to file an appeal if their application for asylum is rejected, and this appeal does not have an automatic suspensive effect;

(c) The State party deported an asylum seeker, Sami Aidoudi, to his country of origin before a court order staying the deportation was issued. The Committee is seriously concerned that, despite a subsequent legal order calling for his return based on the deportation being unlawful, the State party has not taken measures to retrieve him;

(d) Medical examinations are still not conducted systematically and on a mandatory basis by qualified and independent staff upon arrival in detention centres and other facilities in which asylum seekers and undocumented migrants are held, to identify vulnerable persons, such as victims of torture, record any indications as to their claims and provide them with support services;

(e) The Orderly Returns Act, adopted by Parliament on 7 June 2019, could further diminish existing safeguards against the risk of refoulement through its accelerated deportation procedures (art. 3).

**26. The State party should adopt all the necessary legislative, administrative and other measures to ensure compliance with the principle of non-refoulement set out in article 3 of the Convention. In particular, the State party should:**

(a) **Allow sufficient time for asylum seekers to indicate fully the reasons for their applications, obtain and present crucial evidence in order to guarantee fair and efficient asylum procedures and ensure sufficient time to appeal, with suspensive effect, thus ensuring the legitimacy of applications for protection by refugees and other persons in need of international protection is duly recognized and refoulement is prevented;**

(b) **Ensure that all asylum seekers, including those from “safe countries of origin” and “Dublin cases”, have access to fair asylum procedures, including an interview to evaluate their risk of being subjected to torture and ill-treatment in their countries of origin;**

(c) **Refrain from transferring individuals, in particular vulnerable persons, including pregnant women, families with children under the age of 3 and those with severe mental health conditions, to third countries in which the lack of adequate accommodation, medical services, social services, nutrition, sanitation and protection from criminal activity, exploitation and abuse strongly indicates that these individuals would be subject to torture or ill-treatment upon their return;**

(d) **Refrain from deporting asylum seekers to countries of origin in which the presence of armed conflict with widespread civilian casualties and the absence of the rule of law, in practice, strongly indicates that they would be subject to torture or ill-treatment upon their return;**

(e) **Respect legal orders concerning deportations and uphold safeguards designated to prevent refoulement, including by ensuring that all asylum seekers and**

**undocumented migrants are informed of their rights and have access to legal services and representation;**

(f) **Take measures to identify asylum seekers with specific needs, especially victims of torture and ill-treatment, as early as possible, and ensure mandatory medical checks and systematic examination of all asylum seekers, including those making applications under accelerated procedures, for signs of mental illness or trauma by independent and qualified health professionals upon arrival at facilities, with the support, if necessary, of confidential, qualified interpretation.**

#### **Detention and treatment of asylum seekers and migrants, and acts of racism**

27. The Committee is concerned at the State party's continued practice of detaining asylum seekers and undocumented migrants in closed facilities for prolonged periods of time. In addition, it is seriously concerned that the Orderly Returns Act will lower the threshold for detention, including by authorizing preliminary detention for asylum seekers under the Dublin III Regulation and detention for investigative purposes.

28. The Committee is seriously concerned that asylum seekers are obliged to stay in Anker centres (*Zentren für Ankunft, Entscheidung, Rückführung*) for up to 18 months. It takes note that asylum seekers are allowed to enter and exit these centres, but remains concerned that, due to the isolated location of many of them and the difficulty in accessing vital medical and social services elsewhere, they are still institutions in which liberty is restricted. The Committee regrets the lack of information on how these centres are inspected and monitored to prevent torture and ill-treatment.

29. The Committee expresses its concern at reports that the conditions for asylum seekers and undocumented migrants in detention and Anker centres fail to meet international standards, including reports of coercive use of force to carry out deportations. It is further concerned that deportations can be carried out without notice, leaving no opportunity for the individuals concerned to pack their belongings.

30. The Committee is gravely concerned by reports of violence against asylum seekers and refugees, as well as their residences. Though the Committee commends the efforts made by the State party in adopting the National Action Plan against Racism – Positions and Measures to Deal with Ideologies of Inequality and Related Discrimination, and takes note of the fact that such attacks have been declining, it remains gravely concerned that violence based on xenophobia, racism, anti-Semitism and islamophobia continues and that specific attacks are being recorded. The Committee regrets the lack of information provided by the State party on the measures taken to protect individuals from violence based on xenophobia, racism, anti-Semitism and islamophobia (arts. 11 and 16).

#### **31. The State party should ensure that:**

(a) **Asylum seekers are only detained as an exceptional measure of last resort for as short a period as possible and in facilities that are appropriate for their status and such detention is carried out in accordance with international human rights standards, including revised deliberation No. 5 of the Working Group on Arbitrary Detention on deprivation of liberty of migrants (see A/HRC/39/45, annex);**

(b) **The legal regime of alien detention is suitable for its purpose and is strictly differentiated from the regime of penal detention. In particular, solitary confinement should not be used as a disciplinary measure against detained asylum seekers and undocumented migrants;**

(c) **Asylum seekers and undocumented migrants who are deprived of their liberty have adequate access to an independent and effective mechanism for addressing complaints of torture and ill-treatment;**

(d) **Independent national and international monitoring bodies and non-governmental organizations regularly monitor all places in which asylum seekers and migrants are deprived of their liberty or their liberty is restricted, including in the Anker centres, and all incidents and allegations of torture and ill-treatment of asylum**

seekers and migrants are promptly, effectively and impartially investigated, and those responsible are prosecuted and appropriately punished;

(e) **Individuals subject to deportation are treated with dignity and respect, and are given an opportunity to pack their essential belongings, especially when vulnerable individuals and minors are involved;**

(f) **Measures are taken to prevent acts of violence and intimidation based on xenophobia, racism, anti-Semitism and islamophobia and to protect citizens from the harm resulting from such acts.**

### **Solitary confinement**

32. The Committee is seriously concerned that, in many Länder, solitary confinement may be imposed as a disciplinary measure for up to four weeks for adult prisoners, and two weeks for juveniles and young adults. It is also concerned that there are significant differences among the institutions regarding the frequency and duration of solitary confinement as a disciplinary measure, and specific cases in which solitary confinement exceeds the time frame permitted by law (arts. 2, 11, 12, 13 and 16).

33. **The State party should ensure that solitary confinement remains a measure of last resort, imposed for as short a time as possible and under strict supervision and judicial review with clear and specific criteria for its use, and that prolonged and consecutive disciplinary sanctions of solitary confinement are strictly prohibited. Furthermore, the State party should abolish solitary confinement of juveniles and young adults as a disciplinary measure. The State party should bring its legislation and practice on solitary confinement into line with international standards, particularly rules 43 to 46 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).**

### **Physical restraints**

34. The Committee is concerned by the continued use of physical restraints in institutions in which individuals are held in custody, although it welcomes the judgment of the Federal Constitutional Court of 24 July 2018 on the use of physical restraints in psychiatric facilities, noting assurances that this ruling will apply to all Länder and extend to all institutions in which individuals are held in custody. The Committee remains concerned by the lack of information on the use and regulation of other forms of physical restraints, including shackling in the form of metal or disposable handcuffs (arts. 2, 11 and 16).

35. **The State party should strictly regulate the use of physical restraints in prisons, psychiatric hospitals, juvenile prisons and detention centres with a view to further minimizing their use in all establishments. The State party should ensure the implementation and enforcement of the judgment of the Federal Constitutional Court in all Länder and all circumstances.**

36. **The State party should further ensure adequate training for all personnel on the use of physical restraints and harmonization of the permissible means of physical restraints in all Länder, in accordance with the Nelson Mandela Rules.**

### **Investigation of allegations of criminal conduct by police officers**

37. While welcoming the establishment of ombudspersons in several Länder to facilitate the independent and impartial investigation of allegations of criminal conduct by police officers, the Committee remains concerned that in other Länder and at the federal level, no such mechanism exists. The Committee is concerned that the State party does not consider it necessary to establish such a mechanism at the federal level, despite the recent judgment by the European Court of Human Rights in *Hentschel and Stark v. Germany*,<sup>1</sup> and other reports by civil society that investigations of police misconduct have been inadequate.

<sup>1</sup> Application No. 47474/15, judgment of 9 November 2017.

38. While taking note of the increase in the number of Länder that have obliged police officers to wear identification badges showing either their number or their name while on duty, the Committee reiterates its concern, as expressed in its previous concluding observations (CAT/C/DEU/CO/5, para. 30), that the Federal Government has not introduced an individual identification requirement for all police officers, given that the lack of identification can hinder the investigation and holding to account of the police officers allegedly implicated in ill-treatment (arts. 12, 13 and 14).

**39. The State party is encouraged to establish, at the federal and Länder levels, independent bodies to investigate all complaints of police misconduct, and ensure that such complaints are promptly and thoroughly investigated.**

**40. The State party should ensure that members of the police force in all Länder can be effectively identified at all times when carrying out their law enforcement duties and held accountable when implicated in ill-treatment.**

#### **Counter-terrorism and national security**

41. The Committee is seriously concerned by the State party's increasing reliance on "pre-emptive justice", which circumvents regular criminal judicial procedures to grant wide-reaching powers to the police, including as regards "potential attackers", who are defined as persons who could take part in crimes of terrorism in the future. In this regard, the Committee is concerned by the following developments:

(a) The amended Federal Criminal Police Office Act, which was passed by the Federal Parliament in April 2017, which authorizes the Federal Criminal Police Office to include electronic tagging and surveillance of "potential attackers";

(b) The adoption of an increased time frame for administrative detention of potential attackers from 14 days to 3 months in the Land of Bavaria;

(c) The process of simplified detention pending deportation for persons "representing a significant security threat", which is contained in a law on improved enforcement of expulsion orders, passed by the Federal Parliament in May 2017.

42. The Committee recalls its concern in its previous concluding observations (CAT/C/DEU/CO/5, para. 26) on the parliamentary inquiry into alleged involvement of the State party in extraordinary renditions and secret detention of terrorist suspects and the June 2009 ruling by the Federal Constitutional Court that the Government's failure to fully cooperate with the inquiry was a violation of the Constitution, and regrets the lack of clarity on whether the State party has taken any steps to follow up on this matter.

43. The Committee regrets the lack of information provided on the Act for Foreign-Foreign Signals Intelligence Gathering of the Federal Intelligence Service, adopted by the Parliament on 21 October 2016, which expands the powers of the Federal Intelligence Service by authorizing the monitoring of communications of foreign nationals abroad for the purpose of obtaining information of significance for the State party's foreign policy and security.

44. The Committee is gravely concerned that the State party enables counter-terrorism measures that violate human rights to be committed from its territory, in particular the transmittal of electronic signals through facilities at Ramstein airbase, which allow unmanned aerial vehicles of a foreign power to conduct operations in third countries, including targeted killings outside of the context of armed conflict (arts. 11 and 16).

**45. The State party should ensure that:**

(a) **Monitoring and detention of individuals suspected of terrorism is based only a prior, individualized risk assessment that is subject to regular review;**

(b) **Individual assessments are based on specific and objective criteria, including a person's actual behaviour, and supported by credible, concrete, complete and up-to-date information. In addition, it should determine whether placement in detention is necessary and proportionate, as required by its obligations under international law and standards;**



(c) **The conditions of detention of individuals suspected of terrorism are in accordance with the requirements set out in article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms and the Nelson Mandela Rules;**

(d) **Individuals suspected of terrorism who are in detention, including in the context of deportations, have adequate access to legal representation and effective complaint mechanisms. The State party should also collect and publish statistical data on the number, nature and outcome of the complaints filed by those detainees;**

(e) **Surveillance activities are carried out in accordance with its obligations under the Convention, and that any interference with human rights are in line with the principles of legality, necessity and proportionality.**

46. **The State party should provide information on the concrete steps taken to investigate the alleged involvement of its law enforcement officers in rendition and secret detention programmes.**

47. **The State party should refrain from facilitating operations from or through its territory that constitute a gross violation of the absolute prohibition against torture under the Convention.**

#### **Trafficking in human beings**

48. The Committee welcomes the important steps taken by the State party to develop the legal and institutional framework for combating trafficking in human beings, noting the importance of this matter and the continued evaluation of the State party by the Group of Experts on Action against Trafficking in Human Beings (arts. 2, 12 and 16).

49. **The State party should take all measures to prevent and combat trafficking in human beings, especially children, including by implementing the recommendations contained in the reports by the Group of Experts on Action against Trafficking in Human Beings. The State party should ensure that violations are investigated, and perpetrators are prosecuted and, if convicted, punished with appropriate sanctions.**

#### **Reparations and redress**

50. The Committee is concerned that victims of torture, in particular asylum seekers and undocumented migrants, lack sufficient resources to access comprehensive services for rehabilitation, and that the overwhelming majority of psychosocial and therapeutic services are provided by civil society instead of social assistance or health-care providers (art. 14). In this regard, the Committee draws the State party's attention to its general comment No. 3 (2012) on the implementation of article 14.

51. **The State party should ensure in law that victims of torture or ill-treatment, whether committed within the State party or abroad, obtain full and effective redress and reparation, including compensation and the means for as full a rehabilitation as possible. The State party should also provide the Committee with information on legislative measures to ensure funding is available in all Länder for rehabilitative services, including specialized treatment, for victims of torture and ill-treatment.**

#### **Training and education**

52. The Committee is concerned at the insufficient attention to the Convention in the training of military personnel, as well as the apparent absence of an introduction to international humanitarian law and international human rights law, including the Convention, in the curricula of the German Armed Forces United Nations Training Centre.

53. While taking positive note that the Istanbul Protocol is widely disseminated and part of the training provided to employees of the Federal Office for Migration and Refugees, the Committee regrets the lack of information on training at the level of the Länder, in particular training for medical professionals working with asylum seekers and undocumented migrants.

54. The Committee further regrets the lack of clarity on whether personnel, including interpreters, in contact with asylum seekers and undocumented migrants complete mandatory training on identifying the signs of trauma, including mental disorders (art. 10).

55. **The State party should:**

(a) **Guarantee the ongoing training of all personnel, including by ensuring that education, information and instructions regarding the provisions of the Convention are fully included in the training of military personnel and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;**

(b) **Ensure that both the Convention and other related international instruments, such as the Nelson Mandela Rules and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), are included in training;**

(c) **Ensure that training on the identification of signs of physical and mental torture, in particular on the Istanbul Protocol, is specifically provided to personnel dealing with asylum seekers and refugees;**

(d) **Develop and implement specific methodologies to assess the effectiveness and impact of training and educational programmes provided to relevant public officials on the provisions of the Convention in terms of reducing the number of cases of torture and ill-treatment.**

56. **The State party should provide the Committee with specific data on the use of the Istanbul Protocol and any decisions that concluded that asylum seekers were victims of torture or ill-treatment.**

#### **Convention as source of law in national courts**

57. The Committee notes with concern the lack of detail provided by the State party on cases in which the Convention has been invoked and directly applied before the domestic courts (arts. 2 and 10).

58. **The State party should disseminate the Convention to all public authorities, including the judiciary, thus facilitating invocation and direct application of the Convention before domestic courts, both at the federal and Länder levels. The State party should also provide information to the Committee on the number of domestic cases in which the Convention has been invoked or directly applied.**

#### **Follow-up procedure**

59. **The Committee requests the State party to provide, by 17 May 2020, information on follow-up to the Committee's recommendations on the National Agency for the Prevention of Torture, violence against asylum seekers and migrants, and training on the Istanbul Protocol (see paras. 14, 31 (d) and 55 (c) above, respectively). 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**

60. **The State party should take appropriate measures to notify the Secretary-General through the Treaty Section of the Office of Legal Affairs of the revocation of its declaration made under the Optional Protocol to the Convention, concerning the postponement of the implementation of its obligations under Part IV of the Optional Protocol.**

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

62. **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 those activities.

63. The Committee requests the State party to submit its next periodic report, which will be its seventh, by 17 May 2023. 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 seventh periodic report under article 19 of the Convention.

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