



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

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Committee against Torture

Concluding observations on the initial report of Côte d'Ivoire*

1. The Committee considered the initial report of Côte d'Ivoire¹ at its 2121st and 2124th meetings,² held on 16 and 17 July 2024, and adopted the present concluding observations at its 2132nd meeting, held on 24 July 2024.

A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the simplified reporting procedure and submitting its initial report thereunder, as this improves the cooperation between the State party and the Committee and focuses the examination of the report and the dialogue with the delegation. The Committee regrets, however, that the report was submitted 27 years late.

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

B. Positive aspects

4. The Committee welcomes the State party's accession to the 10 core international human rights treaties. It also notes with satisfaction that, since its accession to the Convention, the State party has ratified or acceded to the following international instruments:

(a) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 3 May 2024;

(b) Protocol of 2014 to the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29), on 1 November 2019;

(c) Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, on 8 June 2017;

(d) African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, on 20 December 2013;

(e) Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, on 3 October 2013;

* Adopted by the Committee at its eightieth session (8–26 July 2024).

¹ CAT/C/CIV/1.

² See CAT/C/SR.2121 and CAT/C/SR.2124.



- (f) Rome Statute of the International Criminal Court, on 15 February 2013;
- (g) United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, on 25 October 2012;
- (h) United Nations Convention against Corruption, on 25 October 2012;
- (i) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 12 March 2012;
- (j) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 20 January 2012;
- (k) Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, on 5 October 2011;
- (l) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 19 September 2011;
- (m) ILO Minimum Age Convention, 1973 (No. 138), and Worst Forms of Child Labour Convention, 1999 (No. 182), on 7 February 2003;
- (n) International Convention for the Suppression of the Financing of Terrorism and the International Convention for the Suppression of Terrorist Bombings, on 13 March 2002;
- (o) African Charter on the Rights and Welfare of the Child, on 1 March 2002;
- (p) Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, on 26 February 1998;
- (q) Optional Protocol to the International Covenant on Civil and Political Rights, on 5 March 1997;
- (r) Convention on the Prevention and Punishment of the Crime of Genocide, on 18 December 1995;
- (s) Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, on 18 December 1995.

5. The Committee also welcomes the recent legislative measures taken by the State party in areas of relevance to the Convention, which include the adoption of the following laws:

- (a) Act No. 2024-349 of 6 June 2024 on extradition, which specifies that extraditions may not be carried out when "the person sought has been or would be subjected to torture or other cruel, inhuman or degrading treatment or punishment in the requesting State";
- (b) Act No. 2019-574 of 26 June 2019 on the Criminal Code, which criminalizes torture and ill-treatment as a separate offence;
- (c) Act No. 2018-862 of 19 November 2018 on civil status and Act No. 2018-863 of 19 November 2018, both of which aim to strengthen efforts to tackle statelessness;
- (d) Act No. 2018-570 of 13 June 2018 on the protection of witnesses, victims, whistle-blowers, experts and others concerned;
- (e) Act No. 2016-1111 of 8 December 2016 on combating trafficking in persons and Decree No. 2017-227 of 13 April 2017 establishing the powers, composition, organization and functioning of the National Committee to Combat Trafficking in Persons;
- (f) Circular No. 15-MJ/CAB of 13 July 2016 on combating rape;
- (g) Act No. 2015-134 of 9 March 2015 amending and supplementing Act No. 81-640 of 31 July 1981 establishing the Criminal Code, which defines torture as a crime against humanity and a war crime and abolishes the death penalty;

(h) Act No. 2014-388 of 20 June 2014 on the promotion and protection of human rights defenders and Decree No. 2021-617 of 20 October 2021 amending Decree No. 2017-121 of 22 February 2017 on the implementation of that Act;

(i) Act No. 2010-272 of 30 September 2010 prohibiting trafficking in children and the worst forms of child labour and Decree No. 2014-290 of 21 May 2014 on the implementation of that Act;

(j) Act No. 98-594 of 10 November 1998 on guidance for persons with disabilities.

6. The Committee welcomes the State party's recent initiatives to amend its policies and procedures in order to afford greater human rights protection and to apply the Convention, in particular:

(a) The adoption, in 2020, of the National Action Plan for the Eradication of Statelessness in Côte d'Ivoire;

(b) The adoption, in July 2017, of the action plan to address sexual violence perpetrated by the armed forces;

(c) The creation, in 2016, of the National Committee to Combat Conflict-related Sexual Violence;

(d) The adoption, in 2016, of the National Strategy to Combat Trafficking in Persons;

(e) The establishment, in 2015, of the mechanism for monitoring human rights violations committed by the Armed Forces of Côte d'Ivoire;

(f) The adoption, in 2014, of the National Strategy to Combat Gender-based Violence;

(g) The establishment, under Decree No. 2001-365 of 27 June 2001, as subsequently amended by Decree No. 2017-303 of 17 May 2017, of the Interministerial Committee to Monitor the Implementation of International Human Rights Instruments;

(h) The creation, in 2000, of the National Committee to Combat Violence against Women and Children.

C. Principal subjects of concern and recommendations

Definition of torture

7. The Committee welcomes the adoption of Act No. 2024-358 of 11 June 2024 amending Act No. 2019-574 of 26 June 2019 on the Criminal Code, which establishes that acts of torture committed by public officials or any other person acting at their instigation or with their consent are punishable by life imprisonment. The Committee is concerned, however, that the definition of torture set out in article 399 of the Criminal Code is too broad, since it establishes that acts of torture may be committed by "any person". Furthermore, the Committee notes with concern that the State party's laws do not include a clear provision guaranteeing the absolute and non-derogable nature of the prohibition of torture, that the crime of torture may be subject to a statute of limitations when it is not classified as a crime against humanity or a war crime and that the principle of command responsibility, or superior responsibility, for acts of torture that do not constitute a war crime has not been incorporated into national law (arts. 1, 2 and 4).

8. **The State party should amend the Criminal Code to:**

(a) **Ensure that the definition of torture is in full conformity with article 1 of the Convention;**

(b) **Explicitly establish the principle of the absolute prohibition of torture in its laws and ensure that it is upheld, in accordance with article 2 (2) of the Convention;**

(c) **Ensure that the offence of torture is not subject to a statute of limitations, even in cases where it is not classified as a crime against humanity or a war crime, in order to avoid any risk of impunity;**

(d) **Integrate the principle of command responsibility for the offence of torture and other ill-treatment, according to which hierarchical superiors are held criminally responsible for the conduct of their subordinates where they were aware or should have been aware that the subordinates have committed, or were likely to commit, such acts and failed to take reasonable and necessary preventive measures or to refer the case to the competent authorities for investigation and prosecution.**

Fundamental legal safeguards

9. While the Committee notes the safeguards to prevent torture and ill-treatment, which are enshrined in the Constitution, the Criminal Code and the Code of Criminal Procedure, it remains concerned at reports that, in practice, persons in detention do not systematically enjoy the benefits of all fundamental legal safeguards from the outset of their deprivation of liberty, putting them at greater risk of torture or ill-treatment. In this respect, the Committee has been informed that: (a) the rights of persons in police custody to be informed of the reasons for their arrest, the charges against them and their rights are not always respected; (b) access to the services of a lawyer is not guaranteed in practice, in particular during the investigation period; (c) timely access to a medical examination by an independent doctor aimed at uncovering signs of torture and ill-treatment is not standard practice; (d) the right to notify a relative or a person of one's choice is often delayed; and (e) persons who have been arrested are often brought before the investigating judge beyond the 48-hour period of police custody prescribed by Ivorian law, which is renewable once by reasoned decision of the public prosecutor (art. 2).³

10. **The Committee urges the State party to:**

(a) **Ensure that, in practice, all detained persons, from the outset of their deprivation of liberty and regardless of the reasons for their detention, benefit from fundamental legal safeguards for the prevention of torture, including the rights to:**

- (i) **Be informed, in a language they understand, of the reasons for their arrest, the charges against them and their rights;**
- (ii) **Be assisted by an independent lawyer of their choice at the various stages of the legal proceedings, including during the investigation phase, and have access, if necessary, to qualified, independent and free legal aid;**
- (iii) **Receive an examination, free of charge, by an independent doctor or a doctor of their choice, apart from any medical examination that may be carried out at the request of the authorities, that is conducted out of the hearing and sight of police officers and prison staff, unless the doctor concerned explicitly requests otherwise, in accordance with the principle of medical confidentiality;**
- (iv) **Inform a family member or any other person of their choice about their detention;**
- (v) **Be registered at the place of detention;**
- (vi) **Be brought before an independent judicial authority as soon as possible, in order to review the grounds for placement in custody and extension of custody;**
- (vii) **Challenge the lawfulness of their detention at any stage of the proceedings.**

(b) **Provide adequate and regular training to officials involved in the application of fundamental legal safeguards, monitor compliance with the provisions regulating such safeguards and penalize any breaches committed by officials.**

³ CCPR/C/CIV/CO/1, para. 18.

National Human Rights Council

11. The Committee notes the adoption of Act No. 2018-900 of 30 November 2018 on the establishment, powers, organization and functioning of the National Human Rights Council, and its implementing decree No. 2019-119 of 6 February 2019. It welcomes the fact that, in 2020, the Council was accredited with category A status by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions. Nonetheless, the Committee is concerned that the resources allocated to the Council remain insufficient to allow it to perform all its functions effectively, notably its role in conducting visits to places of detention and in receiving and investigating complaints about alleged human rights violations. It also remains concerned by reports regarding the Council's lack of financial autonomy and independence from the executive branch, in particular the allegations of interference in the selection and appointment of its members.⁴ Lastly, the Committee is concerned about the lack of information on the systematic measures taken by the State party to ensure the effective implementation of the Council's recommendations, including with regard to the follow-up of investigations and prosecutions and the outcome of cases involving allegations of torture referred by the Council to the public prosecutor's office (art. 2 (1)).

12. The Committee recommends that the State party should take the measures necessary to guarantee the functional independence of the National Human Rights Council, including by allocating it sufficient resources and capacity to effectively fulfil the mandate entrusted to it, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The State party should also take all measures necessary to guarantee that the Council is fully independent from the executive branch, in particular with regard to the selection and appointment of its members. Lastly, the State party should take all measures needed to ensure that the Council's recommendations, especially those made in relation to allegations of torture or ill-treatment, are followed up and effectively implemented.

Refugees and asylum-seekers

13. The Committee welcomes the State party's policy of hosting a large number of refugees and asylum-seekers, in particular from Burkina Faso, in the north of the country. It also notes the adoption of Act No. 2023-590 of 7 June 2023 on refugee status and Act No. 2024-349 of 6 June 2024 on extradition, which strengthen the right to asylum and protection from refoulement. The Committee is concerned, however, that the Act on refugee status does not contain any provisions that explicitly prohibit the expulsion, return or extradition of a person to another State where there are substantial grounds for believing that that person would be in danger of being subjected to torture, in accordance with article 3 of the Convention. While the Committee acknowledges the State party's national security concerns, it is concerned about recent measures that restrict access to the national territory and to a fair and effective asylum procedure. It is particularly concerned by the measures that require persons seeking or in need of international protection, especially those from Burkina Faso, to cross the border through official entry points, which could deprive them of the right to have their application for protection considered and lead to their return to their country of origin, in violation of the principle of non-refoulement. The Committee is also concerned that asylum-seekers who are victims of torture may not be effectively identified upon their arrival in the country and provided with adequate support services (arts. 2, 3 and 16).

14. The State party should:

(a) **Adopt adequate legal and procedural safeguards to ensure that all asylum-seekers and other persons in need of international protection arriving at the State party's borders, regardless of their legal status and mode of arrival, have access to fair and effective refugee status determination procedures and are not subject to refoulement;**

(b) **Consider amending Act No. 2023-590 of 7 June 2023 on refugee status in order to bring it fully into line with article 3 of the Convention, and guarantee respect**

⁴ CEDAW/C/CIV/CO/4, paras. 23 and 24; and CRC/C/CIV/CO/2, para. 12.

for the principle of non-refoulement by ensuring that, in practice, a person may not be expelled, returned or extradited to another State where there are substantial grounds for believing that that person would be in danger of being subjected to torture;

(c) Implement effective mechanisms and procedures to identify vulnerable persons, including victims of torture or ill-treatment, from among asylum-seekers and other persons in need of international protection and afford them priority access to the refugee status determination procedure and refer them to the appropriate services without delay.

Conditions of detention

15. The Committee takes note of the steps taken by the State party to improve conditions in places of detention, including the construction and renovation of several prisons in recent years and the adoption of Decree No. 2023-239 of 5 April 2023 on prison regulations and detention procedures and Order No. 01/MJDHLP/DAP of 9 July 2015 setting out the daily rations of food and hygiene and personal care products to be provided to civilian detainees. The Committee remains very concerned, however, by reports indicating a very high rate of prison overcrowding (almost three times total capacity), especially in the Abidjan Detention and Correctional Centre, and poor material conditions of detention in many places of deprivation of liberty, in particular insalubrity and inadequate hygiene, lack of ventilation, the poor quality and insufficient quantity of the food and water provided and limited recreational or educational activities to foster rehabilitation. Furthermore, the limited access to quality health care, including mental health care, and the lack of trained and qualified prison staff, including medical staff, remain serious problems in the prison system. The Committee is also concerned by reports regarding the prevalence of prison violence, which includes violent acts committed by prison staff against detainees and inter-prisoner violence, the failure to effectively separate adults from children and untried prisoners from convicted prisoners⁵ and the lack of measures taken to meet the specific needs of prisoners with disabilities. While the Committee notes that Decree No. 2023-239 provides for a maximum period of solitary confinement for disciplinary reasons of 15 consecutive days, it is concerned about the continued use of this practice, at times for extended periods (arts. 2, 11 and 16).⁶

16. The Committee urges the State party to intensify its efforts to bring prison conditions into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), including by allocating more resources for these efforts, drawing as much as possible on the support of the international community. In particular, the State party should:

(a) Reduce overcrowding in prisons by making more use of alternatives to detention and continue to develop the prison infrastructure and improve detention conditions;

(b) Ensure that the basic needs of persons deprived of their liberty, including those with disabilities, are met, in particular with regard to access to sufficient quantities of drinking water and food of adequate quality;

(c) Facilitate access to recreational and cultural activities in places of detention, as well as to vocational training and education, with a view to promoting the reintegration of prisoners into the community;

(d) Allocate the resources needed to ensure the proper medical and health care of prisoners, including mental health care, in accordance with rules 24 to 35 of the Nelson Mandela Rules;

(e) Increase the number of trained and qualified prison staff, including medical staff, and strengthen the monitoring and management of inter-prisoner violence;

⁵ CRC/C/CIV/CO/2, para. 53 (e).

⁶ CCPR/C/CIV/CO/1, para. 19.

(f) **Ensure that prompt, impartial and effective investigations are undertaken by an independent body into all allegations of torture and ill-treatment by prison personnel and that the alleged perpetrators are prosecuted and adequately punished;**

(g) **Ensure strict separation between remand prisoners and convicted prisoners and between children and adults in all places of deprivation of liberty;**

(h) **Ensure that children are deprived of their liberty only as a measure of last resort and for the shortest possible period of time, in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), and that, where detention is unavoidable, conditions of detention are consistent with international standards and take into account children's particular needs and vulnerability;**

(i) **Ensure that solitary confinement is used only in exceptional cases as a last resort, for as short a time as possible (and in no case for more than 15 consecutive days for adults), subject to independent review and only pursuant to authorization by a competent authority, in accordance with rule 45 (1) of the Nelson Mandela Rules.**

Corruption in prisons

17. The Committee is concerned about reports of corruption in prisons, in particular in the Abidjan Detention and Correctional Centre. More specifically, it is concerned by reports of the existence of a parallel prison administration run by the most influential prisoners, who are said to have established a system under which other prisoners pay a weekly tax (the "Baygon") and are subjected to extortion in order to gain access to basic services, including medical care. The Committee is also concerned by reports that the public prosecutor's office prevents certain prisoners from regaining their freedom unless they pay a ransom, despite decisions to release those prisoners having already been issued, and that prison authorities demand ransoms from visitors who wish to obtain permission to visit detained family members (arts. 2, 11 and 16).

18. **The State party should step up its efforts to combat corruption in prisons and, in particular, take the necessary steps to re-establish the authority of the formal prison administration in all the country's prisons, especially the Abidjan Detention and Correctional Centre, in order to put an end to extortion and the granting of privileges and ensure access to basic services for all prisoners. The State party should also take judicial or disciplinary measures, including dismissal, against prison officials and personnel who are responsible for acts of corruption in the penal system.**

Pretrial detention

19. While the Committee takes note of the safeguards introduced through the Code of Criminal Procedure, which limit pretrial detention to a maximum of 2 years for serious offences and 18 months for less serious offences, and the adoption of Circular No. 006/MJDH/CAB of 15 June 2017 on the monitoring of pretrial detention and Circular No. 005/MJ/CAB of 6 April 2017 on reducing the length of pretrial detention, it is concerned by reports that the length of pretrial detention frequently exceeds the legal limits, with more than 30 per cent of the prison population awaiting trial. It is particularly concerned by cases involving children. The Committee is also concerned that the excessive use of prolonged pretrial detention without regular review of its lawfulness contributes directly to chronic overcrowding in places of detention, is liable to violate the right to liberty and security of person and is fundamentally incompatible with the principle of presumption of innocence. Moreover, it is concerned that individuals arrested in the fight against terrorism are reportedly subjected to long periods of pretrial detention, far exceeding the maximum of two years established under the Code of Criminal Procedure, before they are brought before a judge (art. 2).⁷

⁷ CCPR/C/CIV/CO/1, paras. 18 and 19.

20. **The State party should take the necessary measures to:**

(a) **Ensure systematic monitoring of the lawfulness of pretrial detention by the public prosecutor's office and see to it that the regulations governing pretrial detention are respected and that it is resorted to only in exceptional circumstances, for limited periods and in accordance with the law, taking into account the principles of necessity and proportionality;**

(b) **Promote the use by prosecutors and judges of alternatives to pretrial detention, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules);**

(c) **Review the case files of all persons held in pretrial detention and immediately release all those who have already been in detention for periods exceeding the maximum sentences carried by the offences of which they are accused.**

National Surveillance Directorate and unofficial places of detention

21. The Committee is deeply concerned by reports, received from credible sources, of illegal and secret detention in unofficial places of detention, including on National Surveillance Directorate premises (arts. 2, 11 and 16).

22. **The Committee recommends the State party to ensure, as a matter of priority, that national laws are enforced effectively throughout the country and to close all unofficial places of detention immediately. The State party should order the immediate placement of persons who may be detained in such places under court supervision and ensure that they enjoy all fundamental legal safeguards to prevent and protect them from acts of torture or ill-treatment. The Committee recalls that the activities of all public institutions, including the National Surveillance Directorate, constitute actions of the State party that fully entail its international responsibilities under the Convention, regardless of the persons involved in such activities, the nature of the activities and the place where they are carried out.**

Deaths in custody

23. The Committee is concerned by reports of a large number of deaths in places of detention, by the lack of reliable information on the total number of such deaths and their causes and by the absence of thorough and impartial investigations into them (arts. 2, 11, 12, 13 and 16).

24. **The State party should take the necessary measures to:**

(a) **Immediately appoint an independent body to conduct an impartial investigation into all cases of death in custody, with due regard to the Minnesota Protocol on the Investigation of Potentially Unlawful Death, determine the causes of such deaths and whether State agents or their superiors are responsible and, if this is found to be the case, duly punish the guilty parties and provide the families of the victims with adequate redress;**

(b) **Evaluate the effectiveness of strategies aimed at preventing suicide, inter-prisoner violence and self-harm, in addition to that of programmes for the prevention, diagnosis and treatment of chronic, degenerative and infectious or contagious diseases in prisons;**

(c) **Compile detailed information on the cases of death in all places of detention and inform the public of the number of such deaths, their causes and the outcome of the relevant investigations.**

Monitoring of detention facilities and the national preventive mechanism

25. While the Committee notes that the State party has indicated that prisons and other places of deprivation of liberty are regularly inspected, including by the public prosecutor, investigating judges, enforcement judges, the Inspectorate of Judicial and Prison Services,

the National Human Rights Council and certain international organizations and non-governmental organizations working in the field of human rights, the Committee is concerned that the National Human Rights Council is not explicitly mandated by Act No. 2018-900 to carry out unannounced visits to all places of deprivation of liberty. In this connection, the Committee recalls the State party's commitment made under the Optional Protocol to the Convention, to which the State party acceded in 2023, to establish a national preventive mechanism by March 2024 at the latest. The Committee is also concerned about the lack of information on the specific measures taken to ensure the effective implementation of the recommendations made by the National Human Rights Council following its visits to places of deprivation of liberty (arts. 2, 11 and 16).

26. **The State party should take the necessary measures to:**

(a) **Adopt, as soon as possible, a bill establishing a national mechanism for the prevention of torture and provide it with the human and financial resources necessary for its effective and independent operation, in accordance with the guidelines on national preventive mechanisms,⁸ and consider seeking technical assistance from the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other competent organizations, with a view to establishing a national preventive mechanism that is fully compliant with the Optional Protocol to the Convention;**

(b) **Ensure that national and international human rights actors continue to visit places of deprivation of liberty;**

(c) **Strengthen cooperation with the National Human Rights Council so that it is able to continue carrying out regular, unannounced visits to all places of deprivation of liberty in the country, including those managed by the National Surveillance Directorate and the army, to speak confidentially to all detained persons and to ensure that they are protected against any form of reprisals.**

Allegations of torture and combating impunity

27. The Committee is deeply concerned at the lack of accountability for acts of torture and ill-treatment committed by State officials, including members of the police, defence and security forces, staff of the National Surveillance Directorate and the Armed Forces of Côte d'Ivoire, as demonstrated by the limited number of disciplinary measures and criminal prosecutions reported, which contributes to a climate of impunity. Moreover, it regrets that it has not received information or accurate statistics on the number of complaints of torture or ill-treatment that have resulted in criminal investigations and proceedings, the number of convictions and the penalties and disciplinary measures imposed during the period under review. It is further concerned that there is still no real effective, accessible, independent and confidential mechanism specifically tasked with receiving complaints of torture or ill-treatment in all places of deprivation of liberty and that existing investigation bodies lack the necessary independence, as they report to the same authorities as the alleged perpetrators (arts. 2, 4, 11, 12, 13 and 16).⁹

28. **The State party should take the necessary measures to:**

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

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

⁸ CAT/OP/12/5.

⁹ CCPR/C/CIV/CO/1, para. 16.

(c) **Ensure that, in cases of torture or ill-treatment, suspected officials are suspended from duty immediately for the duration of the investigation, particularly where there is a risk that they might otherwise be in a position to repeat the alleged act, commit reprisals against the alleged victim or obstruct the investigation, subject to the principle of the presumption of innocence;**

(d) **Take urgent steps to establish an effective and independent mechanism to oversee public bodies involved in the custody of individuals who have been subjected to any form of arrest, detention or imprisonment;**

(e) **Put in place an independent, effective, confidential and accessible complaints mechanism in all places of detention, including police custody facilities and prisons, and protect complainants, victims and members of their families from any risk of reprisals;**

(f) **Compile and disseminate disaggregated statistics on the complaints filed, investigations conducted, prosecutions launched and convictions handed down in cases involving torture or ill-treatment.**

Administration of justice

29. While noting the measures taken to strengthen the independence of the judiciary, the Committee expresses its concern at reports that the judiciary continues to lack independence owing to the executive branch's interference in its functioning, which could contribute to impunity, in particular in cases of torture. The Committee is also concerned by reports of other deficiencies and shortcomings in the State party's judicial system, in particular: the significant delays in the administration of justice; the inadequate financial resources and insufficient numbers of courts and justice professionals; the inaccessibility of the justice system despite the creation of new courts; the fact that users of the system lack awareness of their rights and the judicial remedies available to them; the difficulties in obtaining legal aid in practice, despite the adoption of Decree No. 2016-781 of 12 October 2016 on legal aid; corruption; and the biased and unfair handling of cases relating to the post-electoral crises of 2010–2011 and 2020 (arts. 2, 12, 13 and 16).¹⁰

30. **The State party should intensify its efforts to reform and strengthen the judicial system to ensure that victims of torture or ill-treatment have genuine and fair access to justice. In that connection, it should take all necessary measures to:**

(a) **Safeguard, in law and in practice, the full independence, impartiality and effectiveness of the judiciary, ensuring that it is free from any kind of pressure or undue interference from other bodies, in particular the executive branch;**

(b) **Ensure that members of the judicial or other authorities who are found guilty of corruption or abuse of power are adequately punished;**

(c) **Reduce the excessive delays in the processing of judicial cases and guarantee the impartiality of the judiciary when handling cases relating to the post-electoral crises of 2010–2011 and 2020;**

(d) **Increase the number of judges and lawyers and improve the training provided to judges, prosecutors and lawyers on the application of existing laws, in particular articles 399 to 402 of the Criminal Code on the criminalization of torture and ill-treatment, including by allocating more resources for these efforts, drawing as much as possible on the support of the international community;**

(e) **Strengthen the measures aimed at guaranteeing access to justice for victims of torture and ill-treatment, in particular by continuing to open new courts and ensuring that legal aid is available and affordable for all individuals;**

(f) **Implement legal literacy programmes to improve knowledge among users of the justice system of their rights and the ways of using the various legal remedies available.**

¹⁰ CCPR/C/CIV/CO/1, para. 20.

Transitional justice

31. The Committee is concerned by the slow progress made in bringing to justice the perpetrators of the serious human rights violations, including acts of torture and ill-treatment, that were committed during the period under review, in particular during the post-electoral crisis of 2010–2011. Moreover, it is concerned by the adoption of Presidential Order No. 2018-669 of 6 August 2018 on amnesty, by the reported failure to further investigate and prosecute senior officials for serious international crimes and by the significant statements made by senior leaders, which suggest that there is a lack of will to ensure that justice is served for the deaths of more than 3,000 people and the displacement of between 500,000 and 1,000,000 persons during this period. The Committee is also concerned about the lack of transparency in the implementation of Order No. 2018-669, in particular the absence of public information on the names of individuals who have been denied amnesty under article 2 of this Order (arts. 2, 12, 13, 14 and 16).¹¹

32. The State party should:

(a) **Ensure that all complaints of serious human rights violations, including acts of torture and ill-treatment, are promptly, thoroughly and impartially investigated, that all alleged perpetrators of these violations, including military and civilian superiors, are identified and prosecuted and, if found guilty, sentenced to penalties commensurate with the seriousness of their actions, and that victims and members of their families obtain adequate redress and are promptly and fairly compensated;**

(b) **Publish the complete list of all military personnel and members of armed groups who were excluded from the amnesty provided for in article 1 of Order No. 2018-669.**

Inadmissibility of confessions obtained through torture

33. While the Committee takes note of the explanations provided by the State party, it is concerned about the fact that article 438 of the Code of Criminal Procedure establishes that, “a confession, like any evidence, is left to the discretion of judges”, which could be interpreted as allowing judges some leeway to admit evidence obtained through torture or coercion. The Committee is particularly concerned at the lack of legal provisions explicitly prohibiting the use as evidence in judicial proceedings of confessions obtained through torture.¹² It also remains concerned about reports indicating that confessions obtained through torture or coercion are admitted as evidence in court and that such practices persist owing to the impunity of guilty parties and pressure on judges (art. 15).

34. The State party should:

(a) **Take the necessary legislative measures, including by revising the Code of Criminal Procedure, to ensure the prohibition of the use as evidence in judicial proceedings of confessions or other statements obtained through torture, except against a person accused of torture as evidence that such a statement was made;**

(b) **Adopt effective measures to ensure that, in practice, confessions, statements and other evidence obtained through torture or ill-treatment are not admitted as evidence, except against a person accused of torture as evidence that a statement was made under duress, that all allegations of torture and ill-treatment raised in judicial proceedings are promptly, effectively and independently investigated and that alleged perpetrators are prosecuted and, if found guilty, punished;**

(c) **Ensure that all police officers, national defence and security officers and military personnel, judges and public prosecutors receive mandatory training emphasizing the link between non-coercive interrogation techniques, the prohibition against torture and ill-treatment and the obligation on the judiciary to declare confessions made under torture inadmissible, taking note, in that regard, of the**

¹¹ CEDAW/C/CIV/CO/4, paras. 9 and 10; and CCPR/C/CIV/CO/1, para. 7.

¹² CCPR/C/CIV/CO/1, para. 16.

Principles on Effective Interviewing for Investigations and Information-Gathering (Méndez Principles).

Human rights defenders, members of civil society, journalists and political opponents

35. While the Committee welcomes the adoption of Act No. 2014-388 of 20 June 2014 on the promotion and protection of human rights defenders and the establishment, in 2022, of the Committee for the Protection of Human Rights Defenders, it is concerned about reports that human rights defenders, members of civil society, journalists and political opponents have been subjected to intimidation, threats, harassment, arbitrary arrests and detentions and prosecutions. In this regard, the Committee is concerned about reports that the authorities use provisions of criminal law to quash dissenting opinions. It is also concerned by reports that, in practice, the State party failed to provide these people with adequate protection, which would have involved the conduct of prompt, effective and impartial investigations and the punishment of the perpetrators with appropriate penalties. In addition, the Committee is concerned that the Committee for the Protection of Human Rights Defenders reports to the Ministry of Justice and Human Rights and does not count human rights defenders or representatives of civil society among its members (arts. 2, 12, 13 and 16).¹³

36. **The State party should take the necessary measures to:**

(a) **Ensure that human rights defenders, members of civil society, journalists and political opponents are adequately protected against all forms of intimidation, threats, harassment, arbitrary arrest and detention and prosecution to which they may be subjected as a result of their activities;**

(b) **Undertake prompt, effective and impartial investigations into the allegations of human rights violations, punish those responsible with appropriate penalties and ensure that these are duly enforced, and immediately release all persons being detained for exercising their right to freedom of expression, peaceful assembly and association;**

(c) **Ensure that criminal law provisions are not misused to quash dissenting opinions and criminalize the exercise of freedom of expression;**

(d) **Consider placing the Committee for the Protection of Human Rights Defenders under the authority of the National Human Rights Council and incorporating human rights defenders and representatives of civil society as members.**

Counter-terrorism

37. The Committee is concerned about reports that Act No. 2024-360 of 11 June 2024 amending Act No. 2015-493 of 7 July 2015 on the suppression of terrorism contains a definition of terrorism that is vague, overly broad and is said to have been used to crack down on those critical of the Government. The Committee is further concerned by the fact that the Act provides for a maximum period of eight days in police custody and by reports of excessive restrictions on the rights of persons suspected or accused of involvement in terrorist acts, including the right to due process and a fair trial and the right to liberty and security of person (arts. 2, 11, 12 and 16).

38. **The State party should review the definition of terrorism in Act No. 2024-360 of 11 June 2024 in order to bring it into line with international standards and ensure that the rights of persons suspected or accused of involvement in terrorist acts are duly protected. It should also reduce the maximum length of time that a person suspected of terrorism can be held in police custody, ensure that any extension is limited to exceptional circumstances that are duly justified and in line with the principles of necessity and proportionality and provide for the judicial review of the lawfulness of the detention.**

¹³ CEDAW/C/CIV/CO/4, paras. 35 and 36; CCPR/C/CIV/CO/1, para. 21; and CRC/C/CIV/CO/2, paras. 13 and 14.

Violence against women

39. While the Committee notes the adoption of Act No. 2021-893 of 21 December 2021 amending Act No. 2019-574 of 26 June 2019 on the Criminal Code, which criminalizes moral coercion or psychological abuse, of Act No. 2021-894 of 21 December 2021 on measures to protect victims of domestic violence, rape and non-domestic sexual violence, and of the National Strategy to Combat Violence against Women and Children, it is concerned about the high levels of violence against women, in particular domestic and sexual violence, including rape. It is particularly concerned by reports regarding the inadequacy of legislative and institutional measures, especially those for the enforcement of criminal provisions on protection against domestic violence, by the low reporting rate among victims, for reasons such as stigmatization by family and community members, fear of reprisals and impunity for perpetrators, and by the low rate of prosecutions and convictions for sexual and gender-based violence. Lastly, the Committee expresses concern at reports of inadequate protection and assistance for victims of gender-based violence, particularly as regards shelters and rehabilitation services (arts. 2 and 16).¹⁴

40. The State party should:

(a) **Ensure that all cases of gender-based violence, especially those involving actions or omissions by State authorities or other entities that entail the international responsibility of the State party under the Convention, are thoroughly investigated, that the alleged perpetrators are prosecuted and, if found guilty, punished appropriately and that the victims or their families obtain redress, including adequate compensation;**

(b) **Ensure the strict application of the relevant criminal provisions and, to this end, provide systematic training to judges, prosecutors, law enforcement officers and lawyers on all of these legal provisions;**

(c) **Conduct major information and awareness-raising campaigns to explain to the population and all parties concerned that spousal abuse and sexual violence are offences under criminal law, to eliminate the taboos on these crimes and the stigmatization and exclusion of victims, which discourages them from lodging complaints;**

(d) **Intensify its efforts to provide victims and their families with protection, assistance and means of redress, notably by increasing the number of shelters and developing programmes for medical treatment and psychosocial rehabilitation and reintegration, particularly in rural areas.**

Female genital mutilation

41. The Committee welcomes the development of the National Plan to Combat Female Genital Mutilation and the National Programme to Combat the Practice of Excision. It is concerned, however, about the persistence of this deeply rooted, harmful traditional practice. While the Committee welcomes the criminalization of female genital mutilation in articles 394 to 398 of the Criminal Code, it is concerned that this harmful practice remains common in most of the country's communities (with an estimated prevalence of 36.7 per cent among women aged 15 to 49). It is also concerned by the underreporting of cases, the limited number of investigations, prosecutions and convictions, the lenient sentences handed down and the continuing impunity of perpetrators. The Committee also regrets the lack of information on the impact of the awareness-raising campaigns conducted by the State party to eradicate female genital mutilation and on the protection and assistance programmes available to victims (arts. 2 and 16).¹⁵

42. The State party should step up its efforts to eliminate female genital mutilation, in particular by ensuring the effective implementation of the National Plan to Combat Female Genital Mutilation and the National Programme to Combat the Practice of Excision and by guaranteeing the strict enforcement of the provisions criminalizing this

¹⁴ CEDAW/C/CIV/CO/4, paras. 29 and 30; and CCPR/C/CIV/CO/1, para. 13.

¹⁵ CEDAW/C/CIV/CO/4, paras. 27 and 28; CCPR/C/CIV/CO/1, para. 12; and CRC/C/CIV/CO/2, paras. 33 and 34.

harmful practice so that persons who engage in it, including doctors, are prosecuted and duly punished. The State party should also take steps to strengthen cross-border cooperation and consider adopting legislative provisions that allow for the criminal prosecution of cross-border cases of female genital mutilation, including in cases where the practice is not prohibited in the neighbouring country in which it takes place. Moreover, the State party should step up the activities, organized in cooperation with civil society, aimed at raising awareness among the general public and religious and traditional leaders of the criminal nature of these acts, their adverse effects on the human rights and health of women and the need to eradicate them and their underlying cultural justifications. Lastly, it should ensure that victims of female genital mutilation have access to the medical treatment, psychosocial rehabilitation and legal services they need.

Violence based on sexual orientation or gender identity

43. While the Committee notes that homosexual relations between consenting adults are not criminalized in the State party, it is concerned at reports that lesbian, gay, bisexual and transgender persons face discrimination, harassment, intimidation, threats to their physical integrity, violence and hate crimes and that the perpetrators of such acts continue to enjoy impunity (arts. 2 and 16).

44. **The State party should take all necessary measures to ensure that lesbian, gay, bisexual and transgender persons are adequately protected against any discrimination, harassment, intimidation, threats to their physical integrity, violence and hate crimes to which they may be subjected because of their sexual orientation or gender identity. The State party should also ensure that all allegations of such abuse are promptly, effectively and impartially investigated, that the perpetrators are prosecuted and, if found guilty, punished with appropriate sanctions and that the victims are provided with adequate redress.**

Violence against persons with albinism

45. While the Committee notes the measures taken to combat violence against persons with albinism, including the adoption of a policy to protect their rights and the organization of awareness-raising campaigns, it is concerned by reports that such persons have been subjected to persecution, ritual killings and attacks on their physical integrity (arts. 2, 12, 13 and 16).¹⁶

46. **The State party should take all measures necessary to prevent ritual attacks and other harmful traditional practices and protect persons with albinism from them, ensuring that all acts of violence are investigated, that the perpetrators are brought to justice and that victims are granted redress and have access to rehabilitation services.**

Redress

47. The Committee regrets that the State party was not in a position to provide sufficient information on the redress and compensation measures ordered by the courts and other State bodies and actually granted to victims of torture or ill-treatment through the civil remedies available under existing laws or through any other effective remedy allowing those victims to claim pecuniary, as well as non-pecuniary, damages and acquire access to medical and psychosocial rehabilitation. The Committee also regrets the absence of information on the establishment of rehabilitation programmes for victims of torture that include all the forms of redress covered by article 14 of the Convention (art. 14).

48. **The State party should:**

(a) **Take the necessary legislative and administrative measures to ensure that civil proceedings for reparation can be brought by victims of torture or ill-treatment, their families or the person defending them, independently of any criminal proceedings**

¹⁶ CRC/C/CIV/CO/2, paras. 35 and 36; and CCPR/C/CIV/CO/1, para. 9.

that might have been initiated or completed, including in cases where the perpetrator of the acts in question has not been identified;

(b) **Ensure, in law and in practice, that all victims of torture or ill-treatment obtain redress, enjoy the right to fair and adequate compensation and receive the means for as full rehabilitation as possible, and guarantee that the public is adequately informed of these matters;**

(c) **Develop its capacity to compile and use up-to-date statistics on the number of victims of torture and ill-treatment who have obtained redress, including medical or psychosocial rehabilitation and compensation, and on the forms of such redress and the results achieved.**

Training

49. While noting the State party's efforts to provide general human rights training, in particular for police officers and judicial and prison staff, the Committee regrets the lack of specific training on the provisions of the Convention, as well as on the content of the revised Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol),¹⁷ for forensic doctors and medical personnel dealing with detainees, to enable them to detect and document the physical and psychological sequelae of torture. Furthermore, the Committee regrets that no mechanism for evaluating the effectiveness of training programmes has been put in place (art. 10).

50. **The State party should:**

(a) **Develop mandatory initial and in-service training programmes to ensure that all State agents, in particular law enforcement officers, staff of the National Surveillance Directorate, military personnel, judicial officials, prison staff, immigration personnel and others who may be involved in the custody, interrogation or treatment of persons subjected to any form of arrest, detention or imprisonment, are well acquainted with the provisions of the Convention, especially the absolute prohibition of torture, and that they are fully aware that violations will not be tolerated and will be investigated and that those responsible will be prosecuted and, on conviction, appropriately punished;**

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

(c) **Develop and apply methods for assessing the effectiveness of training programmes in reducing the number of cases of torture and ill-treatment and in ensuring the identification, documentation and investigation of such acts, and the prosecution of those responsible.**

Follow-up procedure

51. The Committee requests the State party to provide, by 26 July 2025, information on follow-up to the Committee's recommendations on conditions of detention, the National Surveillance Directorate and unofficial places of detention, monitoring of detention facilities and the national preventive mechanism and allegations of torture and combating impunity (see paras. 16 (a), 22, 26 (a) and 28 (a) above). The State party is also invited to inform the Committee of the measures it intends to take to implement the other recommendations contained in the present concluding observations by the time it submits its next report.

¹⁷ The Istanbul Protocol was updated in 2022 (available in English only at the time of issuance of these concluding observations); see Office of the United Nations High Commissioner for Human Rights, *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol)* (United Nations, 2022).

Other issues

52. The Committee encourages the State party to consider making the declarations under articles 21 and 22 of the Convention.

53. 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 its dissemination activities.

54. The Committee requests the State party to submit its next periodic report, which will be its second, by 26 July 2028. 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 second periodic report under article 19 of the Convention.
