



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

Distr.: General
11 December 2012

Original: English

Committee against Torture

Concluding observations on the fifth periodic report of the Russian Federation, adopted by the Committee at its forty- ninth session (29 October-23 November 2012)

1. The Committee against Torture considered the fifth periodic report of the Russian Federation (CAT/C/RUS/5) at its 1112th and 1115th meetings, held on 9 and 12 November 2012 (CAT/C/SR.1112 and CAT/C/SR.1115), and adopted the following concluding observations at its 1130th meeting, held on 22 November 2012 (CAT/C/SR.1130).

A. Introduction

2. The Committee welcomes the submission of the fifth periodic report of the Russian Federation, in response to the list of issues prior to reporting (CAT/C/RUS/Q/5). The Committee expresses its appreciation to the State party for accepting the optional reporting procedure and for submitting its periodic report under this, which improves the cooperation between the State party and the Committee and focuses the examination of the report as well as the dialogue with the delegation.

3. The Committee also appreciates the open dialogue it had with the State party's high-level delegation and the additional information supplied during the consideration of the report, but regrets that some of its questions remained unanswered.

B. Positive aspects

4. The Committee welcomes the fact that, since the consideration of the fourth periodic report, the State party has ratified or acceded to the following international and regional instruments:

(a) The Optional Protocol to the Convention on the Rights of the Child on children in armed conflict, in 2008;

(b) The Convention on the Rights of Persons with Disabilities, in 2012;

(c) Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), which resulted in the entry into force of the Protocol in 2010;

(d) The United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, in 2004.

5. The Committee welcomes the information provided concerning various legislative, administrative, institutional and practical measures taken to improve the promotion and protection of human rights in the State party since the examination of the fourth periodic report, notably:

(a) The establishment of the Investigative Committee in charge of investigations, separate from the Procuracy, thus giving effect to the Committee's previous recommendation;

(b) The establishment of the mechanism for monitoring places of detention through Public Oversight Committees (POCs) in the 2008 Federal Law on Public Oversight of Respect for Human Rights in Places of Detention and Assistance to Inmates of Places of Forced Detention;

(c) The adoption, on 30 April 2010, of Federal Act No. 68 FZ on Compensation for Infringement of the Rights to Access to Legal Proceedings or Enforcement of a Judicial Act within a Reasonable Period;

(d) The practical measures taken, including through legislative amendments, resulting in a decrease in the incarcerated population and the number of individuals in pretrial detention, by reducing the number of penalties under criminal law, excluding detention for a number of economic crimes and recourse to alternative punishments, which, as explained by the State party's representative, is part of the effort to move towards the humanization of criminal punishment.

C. Principal subjects of concern and recommendations

Torture and ill-treatment

6. The Committee is concerned over persistent reports of the widespread practice in the State party of torture and ill-treatment of detainees, including as a means to extract confessions. It notes the discrepancy between the large number of complaints of torture and ill-treatment and the relatively small number of criminal cases brought in response leading to prosecution. The Committee is also concerned about the State party's statement in its report that no cases of torture or cruel, inhuman or degrading treatment or punishment had been found in remand centres, whereas the Committee is aware of many recent reports documenting acts of torture in such centres, for example in the cases of Pavel Drozdov and Sergei Nazarov, both of whom died following torture in detention in 2012 (arts. 2, 4, 12 and 16).

As a matter of urgency, the State party should take immediate and effective measures to prevent all acts of torture and ill-treatment throughout the country and to eliminate impunity for those allegedly responsible. The State party should unequivocally reaffirm the absolute prohibition of torture and publicly make clear that perpetrators and those complicit or acquiescent in torture will be held responsible for their abuses and will be subject to criminal prosecution and appropriate sanctions.

Definition of torture and criminalization of torture

7. With reference to its previous concluding observations, the Committee remains concerned that the definition intended to cover the term "torture", as contained in the annotation to article 117 of the Criminal Code, does not fully reflect all elements of the definition in article 1 of the Convention, which includes the involvement of a public official or other person acting in an official capacity in inflicting, instigating, consenting to or acquiescing to torture. The definition does not address acts aimed at coercing a third party as torture. The Committee is also concerned that article 117 has rarely been used in practice, and that officials suspected of acts of torture are mostly prosecuted under article

286, abuse of power, and 302, extorting confessions. Moreover, the Committee is concerned that torture has not been criminalized as an independent crime in the Criminal Code (art. 1).

The Committee again recommends that the State party bring its definition of torture into full conformity with article 1 of the Convention and have torture criminalized as an independent crime, and ensure that the police, the army, and other public officials can be prosecuted directly for torture and that their sentences are commensurate with the gravity of the crimes committed.

Investigation and prosecution of acts of torture and ill-treatment

8. The Committee is deeply concerned at the failure of the authorities to carry out prompt, effective and independent investigations into allegations of torture and ill-treatment by public officials. While welcoming the State party's creation of an Investigative Committee separate from the Procuracy, as well as the creation of a subdivision within the Investigative Committee tasked solely with investigating crimes allegedly committed by law enforcement officials, the Committee is concerned at reports that this subdivision has an inadequate number of staff members to promptly and effectively investigate all complaints. The Committee is also concerned about the impartiality and effectiveness of the Investigative Committee following reports that its head, Aleksandr Bastrykin, arranged for the abduction of Sergei Sokolov, deputy editor of the *Novaya Gazeta* newspaper and threatened him with physical harm in June 2012, in retaliation for publication of a critical article, and that this incident was not made the subject of an investigation by the State party and did not lead to any disciplinary action (arts. 12 and 13).

The Committee urges the State party to carry out prompt, impartial, effective investigations into all allegations of torture and ill-treatment and, in particular, cases resulting in death in custody; prosecute those responsible, impose appropriate sentences on those convicted; and report publicly on the outcome of such prosecutions.

The Committee recommends that the subdivision of the Investigative Committee tasked with investigating crimes committed by law enforcement officials be provided with sufficient financial and human resources to enable it to conduct such investigations into all allegations received. The State party should provide the Committee with data on the number of complaints received alleging torture and ill-treatment by law enforcement and other public officials, the number of complaints investigated by the State party, and any prosecutions brought. The State party should also provide the Committee with data on the number of officials subjected to disciplinary measures for failure to adequately investigate complaints of torture or ill-treatment and for refusal to cooperate in investigating any such complaint.

Fundamental legal safeguards

9. While noting that the State party's legislation guarantees the right of persons deprived of their liberty to access a lawyer promptly upon detention, the Committee expresses its serious concern at the State party's failure to ensure that this right is respected in practice, noting numerous cases of persons deprived of their liberty who were denied access to lawyers on improper grounds; including at reports that ex-officio lawyers do not properly perform their duties and fail to provide basic legal defence for their clients, and that detainees are not always afforded their right to know the charges against them. The Committee is further concerned at reports of instances in which individuals were not assigned legal aid prior to their initial interrogations. The Committee is further concerned that the State party's legislation does not provide that all persons deprived of their liberty have the right to contact family members promptly upon deprivation of liberty, instead permitting officials of the State party to contact relatives on detainees' behalf, and failing to

ensure that in all cases relatives should be informed of detainees' whereabouts. The Committee is particularly concerned that the State party does not provide for the right of all persons deprived of their liberty to an independent medical examination promptly upon deprivation of liberty (arts. 2, 11, and 12)

The Committee recommends that the State party:

(a) **Ensure that all detainees are afforded, by law and in practice, the right to access a lawyer, contact family members, be informed of the charges against them and request and receive a medical examination by an independent physician promptly upon actual deprivation of liberty;**

(b) **Ensure that all detainees are provided with qualified lawyers who will conduct a proper defence, and independent legal aid;**

(c) **Maintain video recordings of all interrogations and install video surveillance in all areas of custody facilities where detainees may be present, except in cases where detainees' right to privacy or to confidential communication with their lawyer or a doctor may be violated. Such recordings should be kept in secure facilities and made available to investigators, detainees and their lawyers;**

(d) **Ensure that the State party monitors the provision of safeguards by all public officials to persons deprived of their liberty, including by documenting relevant information in detention registers, and ensuring regular monitoring of officials' compliance with these reporting requirements;**

(e) **Ensure that any public official who denies fundamental legal safeguards to persons deprived of their liberties is disciplined or prosecuted, and provide data to the Committee on the number of cases in which public officials have been disciplined for such conduct.**

Coerced confessions

10. The Committee is concerned about numerous allegations that persons deprived of their liberty were subjected to torture or ill-treatment for the purpose of compelling a forced confession, and that such confessions were subsequently admitted as evidence in court in the absence of a thorough investigation into the torture allegations. The Committee is further concerned at the lack of information received on cases in which courts ordered investigations into allegations made by a defendant that he or she confessed to a crime under duress, or postponed criminal proceedings pending such an investigation, and/or deemed such confessions or other evidence inadmissible (arts. 2, 11, 15 and 16).

The Committee urges the State party to combat the practice of torture to extract confessions, and ensure that, in practice, forced confessions are not used as evidence in any proceedings. The State party should ensure that judges ask all defendants in criminal cases whether or not they were tortured or ill-treated in custody and order independent medical examinations whenever necessary, particularly whenever there is a reason to believe that a criminal defendant has been subjected to torture and where the sole evidence of a defendant's guilt is a confession. All confessions found to have been obtained through torture should be excluded. The Committee urges the State party to provide information on cases in which confessions were deemed inadmissible on the grounds that they were obtained through torture, and indicate whether any officials have been prosecuted and punished for extracting such confessions.

Monitoring of places of detention

11. While welcoming the establishment of Public Oversight Committees (POCs), the Committee is concerned by (a) the requirement that POCs obtain advance authorization to

visit detention facilities, and their inability to carry out unannounced visits; (b) reports that POC members have been denied access to detention facilities even in some cases where their visits had been previously authorized; (c) reports of reprisals against POC members, such as the prosecution of Alexei Sokolov, a former Moscow POC Committee member; (d) reports that independence of membership of POCs is inadequately safeguarded; and (e) reports that some POCs do not have sufficient funding to enable them to perform their work adequately; and (f) that POC reports on visits to places of detention are not made public in all cases. The Committee is further concerned by reports of cases in which authorities failed to undertake adequate investigations into allegations of torture and ill-treatment in cases where this has been recommended by POCs. In this regard, although authorities revived a closed criminal investigation into the 2009 death in custody of Sergei Magnitsky following a report of the Moscow POC, only one relatively low-level prison official has been prosecuted in connection with his death to date, despite the fact that the POC report concluded that a number of investigators and penitentiary officials, including the lead investigator in the criminal case against Mr. Magnitsky, should have been investigated as well (arts. 2 and 11).

The Committee urges the State party to

(a) Ensure that Public Oversight Committees are able to conduct unannounced visits of all detention facilities, and that all cases in which officials are reported to have obstructed such visits are investigated and those responsible disciplined appropriately;

(b) Ensure that POCs members are effectively protected from reprisals;

(c) Ensure that POCs are adequately funded and independent of regional administrations and consider transferring responsibility for appointment of members of POCs to independent authorities;

(d) Ensure that the findings and recommendations of POCs are made public in a timely and transparent manner and that all allegations of denial of safeguards or instances of torture or ill-treatment are drawn to the attention of the competent authorities and are promptly, impartially and effectively investigated, as in the case of allegations made by Leonid Razzvozhayev that he was abducted and subjected to torture for the purpose of compelling a confession by officials of the State party prior to being turned over to the Investigative Committee, and thereafter was denied the right to access to counsel of his choice;

(e) In the case of the death in custody of Sergei Magnitsky, promptly, impartially, and effectively investigate the responsibility of officials, including the lead investigator in the criminal case against him, as recommended by the Moscow POC, and ensure that all those responsible for his torture and death are prosecuted and punished with sanctions appropriate to the gravity of the crime;

(f) Provide statistical data in its next periodic report on the number of investigations into torture, ill-treatment, and denial of safeguards opened as a result of POC visits, and information about the outcome of such investigations.

Intimidation, harassment and violent attacks on human rights defenders

12. The Committee is seriously concerned about the approach taken by the State party toward the work of individuals and organizations that monitor and report on human rights conditions in the State party. This includes a 2012 requirement that organizations receiving financial support from sources outside the State party register and identify themselves publicly as “foreign agents,” a term that seems negative and threatening to human rights defenders, including organizations that receive funding from the United Nations Voluntary Fund for Victims of Torture.

The Committee is further concerned by recent amendments to the Criminal Code which expanded the definition of the crime of State treason to include “providing financial, technical, advisory or other assistance to a foreign state or international organization [...] directed at harming Russia's security”. The Committee is concerned that such provision could affect persons providing information to the Committee against Torture, the Sub-Committee on Prevention of Torture or the United Nations Voluntary Fund for Victims of Torture, which the Committee is concerned could be interpreted as prohibiting the sharing of information on the human rights situation in the Russian Federation with the Committee or other United Nations human rights organs.

The Committee is deeply concerned by numerous and consistent reports of serious acts of intimidation, reprisals and threats against human rights defenders and journalists, including deaths, and the failure of the State party's authorities to effectively investigate such acts and hold accountable the perpetrators, including those responsible for ordering them. The Committee expresses its concern that, to date, no one has been convicted of ordering the killings of journalist Ms. Anna Politkovskaya, in 2006, and human rights advocate Ms. Natalia Estemirova, in 2009, and that no one has been held accountable for the alleged beating of Ms. Sapiyat Magomedova by police in Dagestan in 2009 (arts. 2, 11, 13 and 16).

The Committee recommends that the State party should:

(a) Recognize that human rights defenders are at risk and have been targeted due to the performance of their human rights activities, which play an important role in a democratic society; amend its legislation requiring human rights organizations that receive foreign funding to register as “foreign agents”; repeal the amended definition of the crime of treason in the Criminal Code; and review its practice and legislation. The State party should ensure that all human rights defenders are able to conduct their work and activities in line with the provisions of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (General Assembly resolution 53/144);

(b) Ensure that no individual or group will be subjected to prosecution for communicating with, or for providing information to, the Committee against Torture, the Sub-Committee on Prevention of Torture or the United Nations Voluntary Fund for Victims of Torture or to other United Nations human rights organs in performing their respective mandates;

(c) Investigate promptly, thoroughly and impartially all allegations of intimidation, threats, attacks and killings of human rights defenders and bring to justice those responsible for ordering the killings of Ms. Anna Politkovskaya and Ms. Natalia Estemirova and the beating of Ms. Sapiyat Magomedova;

Northern Caucasus

13. The Committee is concerned at numerous, ongoing and consistent reports of serious human rights abuses inflicted by or at the instigation or with the consent or acquiescence of public officials or other persons acting in official capacities in the northern Caucasus, including the Chechen Republic, including torture and ill-treatment, abductions, enforced disappearances and extrajudicial killings. It is further concerned at the State party's failure to investigate and punish the perpetrators of such abuses, despite the establishment of Agency No. 2 of the Chechen Republic investigation department for particularly important cases. It is particularly concerned by information provided by the State party that of 427 complaints of disappearances in the Chechen Republic received by the State party between 2007 and 2009, not a single case was brought to court. The Committee notes with alarm comments made by an official of the State party in March 2011 to the effect that neither the Prosecutor's Office nor the Investigative Committee are able to compel the Chechen authorities to meaningfully investigate allegations of disappearances and other abuses, with

the result that perpetrators are not held accountable. The Committee also regrets that persons convicted of offences amounting to violations of the Convention may have benefited from amnesty. The Committee is also concerned about persistent reports concerning acts of violence against women in the northern Caucasus, including killings and so-called “honour killings” and bride-kidnapping, which constitute violations of the Convention. With reference to its previous recommendations, the Committee remains concerned that no report following the visits to the State party, including the northern Caucasus, carried out by the European Committee for the Prevention of Torture (CPT) have been made public, and that no time frame has been set for the publication of these reports (arts. 2, 4, 11, 12 and 16).

The Committee urges the State party to ensure that any counter-terrorism measures taken in the north Caucasus region conform to the Convention’s prohibitions against torture and ill-treatment.

The Committee recommends that the State party should;

(a) **Ensure that all complaints of denial of safeguards, torture, ill-treatment, abduction, enforced disappearance and extrajudicial killings, including acts of violence against women in the northern Caucasus are promptly, impartially and effectively investigated, that all those responsible for such abuses are held accountable, prosecuted and sanctioned, and that victims of such abuses obtain redress;**

(b) **Ensure that no person found guilty of crimes constituting torture in violation of the Convention benefits from amnesty;**

(c) **Ensure that investigators are able to compel the cooperation of local officials with investigations and that any official who refuses to cooperate is subjected to penalties;**

(d) **Publicize information on the number of unresolved cases of enforced disappearance in the region, and keep family members of disappeared persons informed of the progress of investigations and exhumation and identification of remains.**

With reference to its previous recommendations and the State party representative’s assertion during the examination of the report that the authorities agree in principle to make public the reports on the CPT country visits to the State party, the Committee urges the State party to publish these reports, including those on visits to the northern Caucasus. The Committee further requests the State party to inform it of its timetable for their publication.

Violence against women

14. Despite consistent reports of numerous allegations of many forms of violence against women throughout the State party, the Committee is concerned that there are only a small number of complaints, investigations and prosecutions of acts of domestic violence and violence against women, including marital rape. It is also concerned about reports that law enforcement officers are unwilling to register claims of domestic violence, and that women who seek criminal investigations of allegations of domestic violence are compelled to participate in reconciliation processes. The Committee is also concerned about the absence in the State party’s law of a definition of domestic violence (arts. 1, 2, 11, 13 and 16).

The Committee urges the State party to define domestic violence in its legislation and to ensure that all cases of violence against women, including domestic violence, are registered by the police; that all allegations of violence against women are promptly, impartially and effectively investigated; and that perpetrators are prosecuted. The

State party should ensure that police officers refusing to register such complaints are appropriately disciplined.

Violent attacks because of race, ethnicity, or identity of the victims

15. The Committee is concerned at persistent reports of discrimination and abuses including violent attacks and abuses against Roma and other ethnic minorities, migrant workers, foreign nationals, and others targeted because of their identity or social marginalization, including the death in custody of a number of Roma in Kazan and Pskov in 2005-2011. The Committee is further concerned at reports that police have failed to promptly react to, or to carry out effective investigations and bring charges against all those responsible for violent attacks against lesbian, gay, bisexual and transgender (LGBT) persons, such as alleged regarding the recent attacks on the “7 Free Days Club” in Moscow and the “Parisian Life Club” in Tyumen (arts. 2, 12, 13 and 16).

The State party should:

(a) Take effective measures to ensure the protection of all persons at risk, including Roma, persons belonging to ethnic minorities, migrant workers, LGBT persons and foreign nationals, including through enhanced monitoring. All acts of violence and discrimination against members of such groups should be promptly, impartially and effectively investigated, the perpetrators brought to justice, and redress provided to the victims. The Committee recommends that statistics be compiled regarding all crimes against members of such groups made vulnerable, and on the outcomes of investigations, prosecutions and remedial measures taken in relation to such crimes;

(b) Publicly condemn attacks against Roma, ethnic and other minorities, migrant workers, and LGBT persons and other persons at risk, and organize awareness-raising campaigns, including among the police, promoting tolerance and respect for diversity.

Hazing (“Dedovschchina”) and ill-treatment within the armed forces

16. The Committee remains concerned about allegations of abuses and deaths occurring within the army as a result of reported hazing practices of conscripts by officers and fellow soldiers, conducted by or with the consent, acquiescence or approval of superiors or other personnel. While noting the information provided by the delegation to the effect that such practices have decreased in recent years, the Committee remains concerned at numerous reports received on hazing and on allegations that investigations carried out into several such incidents were inadequate or absent. The Committee is further concerned by reports that individuals responsible for such acts are inadequately sanctioned (arts. 2, 4, 12, 13 and 16).

The State party should reinforce measures to prohibit and eliminate hazing in the armed forces and ensure prompt and impartial investigation of all allegations of hazing and deaths in the military in order to achieve zero tolerance of ill-treatment and torture of military personnel, as previously recommended by the Committee. Where evidence of hazing is found, the State party should ensure prosecution of all incidents and appropriate punishment of the perpetrators, including exclusion from the armed forces; make the results of those investigations public; and provide redress for victims, including appropriate medical and psychological assistance.

Non-refoulement and diplomatic assurances

17. The Committee is concerned about reports of extraditions and expulsions of foreign nationals by the State party to members of the Commonwealth of Independent States in Central Asia, when those extraditions or expulsions expose the individuals concerned to a

substantial risk that they will be subjected to torture in their countries of origin. The Committee is also concerned by the reliance of the State party on diplomatic assurances in such cases (arts. 3, 6 and 7).

The Committee recommends that the State party discontinue the practice of relying upon diplomatic assurances concerning the extradition and expulsion of persons from its territory to States where they would face a risk of torture. It also requests the State party to provide the Committee with the number and type of diplomatic assurances received during the reporting period and the countries involved, as well as on the mechanisms in place for obtaining assurances, their content, the number and outcome of court appeals in such cases, and the existence of removal and post-removal monitoring mechanisms.

Conditions of detention

18. While welcoming measures by the State party to reduce the prison population through use of alternatives to detention and by excluding pretrial detention for a number of economic crimes, the Committee remains concerned about reports of (a) remaining overcrowding in detention facilities; (b) the high number of suicides in places of detention; (c) the lack of independent medical officials available to examine prisoners claiming to be victims of abuse; (d) long delays experienced by individuals claiming to be victims of torture seeking a medical forensic examination; (e) lack of adequate psychiatric services within the penitentiary system; and (f) lack of information about the existing system for protecting complainants from censorship of their complaints and reprisals (arts. 11 and 16).

The Committee recommends that the State party expand the use of alternative non-custodial measures (Tokyo Rules). The Committee also recommends that (a) all cases of suicide are effectively investigated, (b) a study be undertaken into the causes of suicides in detention, and that (c) the Federal Service on the Execution of Penalties enhance monitoring and detection of at-risk detainees and take preventive measures regarding the risk of suicide and inter-prisoner violence, including by installing video cameras, increasing prison staff, and ensuring that prisoners can access adequate and sufficient psychiatric services. It recommends that rules governing medical examination of prisoners be amended to ensure that examinations are carried out by fully independent medical personnel, that complainants are protected from reprisals, and that their complaints of abuse in detention are not censored by authorities.

Violence against women in detention

19. The Committee is concerned that, despite information received by the Committee on violence against women in detention, the State party has registered a very low number of complaints of such violence. It is also concerned at the absence of information from the State party on means available for persons deprived of their liberty to make confidential complaints to independent investigators, and also on the existence of effective safeguards for the protection of authors of such complaints from reprisals, including transfer to another facility pending the investigation of their complaints. The Committee is concerned that individuals convicted of abuse of women in detention are not subjected to appropriate sanctions (arts. 2, 11, 12, 13, 14 and 16).

The State party shall guarantee the possibility for confidential interviews with all complainants, taking effective measures to ensure the safety of interviewees, and ensure that the alleged perpetrators, any co-conspirators, and government actors found to have acquiesced to or facilitated those crimes, are identified and held accountable. The State party is also requested to provide information on the incidents reported, investigations including timely medical examination, charges brought, charges dropped and convictions obtained, including information on the number of individuals concerned, if any, who have continued to serve in the same or other penal

facilities. Please also include information on the measures taken to prevent ill-treatment in this detention facility and any rehabilitative measures provided for complainants whose allegations have been verified. The State party is invited to provide information on the results of the forthcoming investigation, as promised by the State party, concerning reports of violence against female detainees in penal colony IK-13 in Mordovia.

Redress

20. While welcoming the information provided by the State party concerning compensation paid to victims of torture or ill-treatment, as decided by the European Court of Human Rights, the Committee regrets the lack of data provided by the State party regarding the amount of compensation provided to victims, including individuals denied fundamental safeguards or subjected to torture or ill-treatment in detention. Recalling its previous recommendations, the Committee remains concerned at the fact that the law provides no means of reparation for torture victims other than financial compensation; the Committee regrets the lack of information on treatment and social rehabilitation services, including medical and psychosocial rehabilitation, provided to victims (arts. 14 and 16).

The State party should step up its efforts to provide redress to victims of torture and ill-treatment, including fair and adequate compensation, and as full rehabilitation as possible. The State party should amend its legislation to address the right of torture victims to redress, in accordance with article 14 of the Convention. It should provide the Committee with information about measures taken in this regard, including allocation of resources for the effective functioning of rehabilitation programmes.

The Committee draws the attention of the State party to the recently adopted general comment No. 3 (2012) on article 14 of the Convention, which explains the content and scope of the obligations of States parties to provide full redress to victims of torture.

Training

21. Noting its previous recommendations, the Committee remains concerned at the absence in the State party of a system of rehabilitation for victims of torture, and of adequate training for medical workers on physical and psychological injuries caused by torture (art. 10).

The Committee recommends that the State party establish a system to provide rehabilitation for victims of torture and conduct training for nursing, medical personnel, paramedical personnel and other professionals involved in the documentation and investigation of allegations of torture and ill-treatment in detecting signs and treating physical and psychological injuries resulting from torture and ill-treatment as outlined in the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

Psychiatric facilities

22. The Committee is concerned about reports of frequent placement of persons in psychiatric institutions on an involuntary basis, and the lack of information about the possibility of appeal. The Committee is also concerned about the absence of investigations into the reported ill-treatment, as well as deaths of persons held in such facilities (arts. 11 and 16).

The Committee recommends that the State party:

(a) Ensure effective supervision and monitoring by judicial organs of any placement in institutions of persons with mental disabilities;

(b) **Ensure effective safeguards for persons in such institutions, including the right of effective appeal, and through the independent monitoring of conditions, and establishment of a complaints mechanism and counsel. It should also provide training to medical and non-medical staff on how to administer non-violent and non-coercive care;**

(c) **Effectively investigate all complaints of violation of the Convention, including deaths, prosecute the perpetrators, and provide redress to victims.**

Data collection

23. While noting the statistical data supplied by the State party in its report, the Committee regrets the absence of comprehensive and disaggregated data as requested by the Committee (arts. 2, 3, 12, 13, 14 and 16).

The State party should compile and provide the Committee with information on complaints, investigations, prosecution and convictions in cases of torture and ill-treatment, expulsions, length of trials of alleged perpetrators of torture and ill-treatment, violence against women, and the outcomes of all such complaints and cases, including redress. To this end, statistical data should be disaggregated by gender, age, ethnicity, status, nationality, type and location of place of detention or loss of custody, relevant to the monitoring of the Convention.

24. The Committee recommends that the State party consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

25. The Committee invites the State party to ratify the core United Nations human rights treaties to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention for the Protection of all Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, signed in 2012. The State party is also invited to ratify the Rome Statute of the International Criminal Court.

26. While noting the *de facto* moratorium on the death penalty, the Committee invites the State party to abolish the death penalty *de jure* and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.

27. The State party is requested to disseminate widely the report submitted to the Committee and the Committee's concluding observations through official websites, the media and non-governmental organizations.

28. The Committee requests the State party to provide, by 23 November 2013, follow-up information in response to the Committee's recommendations relating to (a) monitoring of places of detention, (b) intimidation, harassment, and violent attacks on human rights defenders (c) hazing ("dedovschchina") and ill-treatment within the armed forces, as contained in paragraphs 11, 12 and 16 of the present document.

29. The State party is invited to submit its next report, which will be the sixth periodic report, by 23 November 2016. For that purpose, the Committee will, in due course, submit to the State party a list of issues prior to reporting, considering that the State party has agreed to report to the Committee under the optional reporting procedure.