



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

Distr.: General
22 August 2024

Original: English

Committee against Torture Seventy-ninth session

Summary record of the 2108th meeting

Held at the Palais Wilson, Geneva, on Friday, 10 May 2024, at 10 a.m.

Chair: Mr. Heller

Contents

Adoption of the annual report of the Committee on its activities

Organizational and other matters (*continued*)

Closure of the session

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The meeting was called to order at 10 a.m.

Adoption of the annual report of the Committee on its activities (CAT/C/79/R.1)

1. **Mr. Vedel Kessing** (Rapporteur), introducing the draft report on the Committee's seventy-seventh, seventy-eighth and seventy-ninth sessions (CAT/C/79/R.1), said that, since the adoption of the Committee's previous annual report, there had been changes in the membership of the Committee and one State – Tuvalu – had acceded to the Convention. During the period covered by the annual report, the Committee had considered, and adopted concluding observations on, the reports of 16 States parties.

2. The draft report gave an account of the Committee's activities in connection with the Optional Protocol to the Convention. Those activities included the adoption of decisions on the merits in respect of 19 individual communications, decisions of inadmissibility with regard to 8 communications and decisions to discontinue in 37 cases. In addition, the Committee had adopted a joint statement with the Special Rapporteur on torture, the Subcommittee on Prevention of Torture and the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture to mark the United Nations International Day in Support of Victims of Torture, calling on States to uphold the absolute prohibition of torture in armed conflict as well as victims' right to redress and reminding all parties to conflict that international law did not cease to apply in situations of conflict.

3. In the draft report, the Committee expressed its gratitude for the contributions of non-governmental organizations (NGOs) to its work and to the World Organisation against Torture (OMCT) for its role in coordinating those contributions. It also expressed appreciation for the work of national human rights institutions and the national preventive mechanisms established by States parties to the Optional Protocol.

4. As part of its continuing engagement with the treaty body strengthening process, the Committee had welcomed the comprehensive working paper prepared by the Office of the United Nations High Commissioner for Human Rights, which contained options for the development of an implementation plan for the conclusions reached by the Chairs of the human rights treaty bodies at their thirty-fourth annual meeting and was intended to guide the creation of an efficient, fit-for-purpose, cost-effective, coherent and sustainable treaty body system. The Committee appealed to all States to support the inclusion of the budget necessary for the proposed strengthening measures in the relevant General Assembly resolution expected to be adopted in December 2024.

5. Following the submission in September 2020 by two NGOs of a highly detailed document entitled "Statement on the investigation of the systematic use of torture in the territory of the Republic of Belarus", a series of meetings and exchanges with the Permanent Representative of Belarus to the United Nations had ensued between June 2021 and September 2022 as part of the confidential inquiry procedure under article 20 of the Convention. The State party had denied all the allegations, had questioned the credibility of the sources and had claimed that it could not verify the information. It had also specified that no domestic criminal proceedings had been initiated into any of the thousands of complaints of unlawful conduct allegedly committed by State officials in the context of the 2020 presidential election.

6. In assessing the information submitted to it, the Committee had consulted numerous reports, resolutions and other public statements issued by the United Nations bodies and mechanisms, regional organizations and national and international civil society organizations, all of which pointed to a pattern of serious human rights violations, including torture and sexual violence. It had found that torture had been routinely carried out as a deliberate practice to intimidate detainees, extract incriminating statements and punish political dissenters and peaceful protesters. Detainees had often been held in inhuman conditions, characterized by severe overcrowding and a lack of access to medical care, legal assistance and family visits. It had also found that law enforcement officials and prosecutors had facilitated torture and had contributed to the climate of endemic impunity by failing to conduct effective, prompt and impartial investigations into the numerous allegations of torture and ill-treatment and to prosecute perpetrators. The complaint mechanisms were ineffective, there was no independent mechanism for monitoring places of deprivation of

liberty and victims and their lawyers were threatened with reprisals, pointing to a complete denial of the right to an effective remedy.

7. Consequently, the Committee had come to the conclusion that torture was a systematic practice in Belarus. It had urged the State party to implement, as a matter of urgency, a number of recommendations, including to criminalize torture, investigate and prosecute all allegations of torture and ensure that victims received redress. In July 2023, the Government of Belarus had expressed its strong disagreement with the Committee's conclusions, considering that the inquiry report had not been prepared in collaboration with the authorities, and, in February 2024, had refused to consent to its publication.

8. **Mr. Tuzmukhamedov** said that he wished to register his strong disagreement with several parts of section V of the annual report concerning the inquiry on Belarus, in particular paragraphs 50 to 53, which breached the confidentiality rule enshrined in article 20 (5) of the Convention.

9. *The draft annual report of the Committee was adopted.*

Organizational and other matters (*continued*)

10. **The Chair** said that the Committee had held its seventy-ninth session from 15 April to 10 May 2024. It had adopted concluding observations on the periodic reports of Austria, Azerbaijan, Finland, Honduras, Liechtenstein and North Macedonia.

11. With regard to Austria, the Committee had expressed concern about the absence of a formal national mechanism to identify vulnerable asylum-seekers upon arrival at reception centres and provide them with support services. It had therefore recommended that the State party should establish a formal national mechanism to identify all victims of torture, trafficking and gender-based violence among asylum-seekers and other persons in need of international protection and provide them with priority access to the refugee determination procedure and access to treatment for urgent health conditions. It had also expressed concern about reports of poor material conditions of detention and the lack of access to adequate health services due to chronic understaffing in some pre-deportation detention facilities.

12. The Committee had further expressed concern about the prolonged use of solitary confinement, physical and chemical restraints and other restrictive practices on persons with disabilities, particularly those with intellectual or psychosocial disabilities, including children, in forensic psychiatric facilities. It had recommended that the State party should prohibit the use of solitary confinement for persons with psychosocial or intellectual disabilities when such measures would exacerbate their condition and should ensure that restraints and force were applied in accordance with the law, under appropriate supervision, for the shortest time possible and only when strictly necessary and proportionate.

13. In relation to Azerbaijan, the Committee had expressed its deep concern at allegations of extrajudicial killing, torture, and ill-treatment of persons of Armenian ethnic or national origin in the context of armed conflict and anti-terror operations, underscoring the need for independent, impartial, transparent and effective investigations into all such allegations and the prosecution of those responsible. It had been further concerned at allegations that human rights defenders and journalists continued to be subjected to physical and judicial harassment and, in some cases, to torture and ill-treatment. More generally, concerned over the shrinking civic space in Azerbaijan, it had recalled that a free and vibrant civil society was a key element in the prevention of torture and ill-treatment.

14. In respect of Finland, the Committee had expressed concern that the complete closure of the State party's eastern land border since November 2023 in response to the alleged instrumentalization by a third country of the movement of asylum-seekers and migrants might lead to breaches of the principle of non-refoulement and of the prohibition of collective expulsion. It had recommended that the State party should introduce legal and procedural safeguards to ensure that all asylum-seekers and other persons in need of international protection arriving at the eastern land border had access to fair and efficient refugee status determination procedures.

15. The Committee had also expressed concern about reports that undocumented foreign nationals who entered the territory of Finland continued to be detained and that

unaccompanied asylum-seeking children aged between 15 and 17 years could still be detained when a negative decision on their claim had become enforceable. It had recommended that the State party should ensure that immigration detention was applied only as a last resort, for as short a period as possible and where strictly necessary and proportionate and should expand the use of non-custodial measures.

16. The Committee had further expressed concern about the prolonged use of solitary confinement, seclusion, physical and chemical restraints and other restrictive practices on persons with psychosocial or intellectual disabilities in psychiatric institutions, without sufficient procedural safeguards to guarantee their rights and interests, and about the failure to repeal provisions permitting the sterilization of certain women with mental disabilities. The Committee had recommended that the State party should consider ending the use of solitary confinement for persons with psychosocial or intellectual disabilities, including children, should ensure that restraints and force were used in accordance with the law, under appropriate supervision, for the shortest time possible and only where strictly necessary and proportionate and should take immediate steps to repeal section 2 of the Sterilization Act and provide effective remedies for women victims of forced sterilization.

17. Regarding Honduras, the Committee had expressed its concern at the protracted use of the state of emergency since December 2022 and at the extensive involvement of the military police in ensuring public security. It had requested the State party to avoid the recurrent use of exceptional measures, to adopt a comprehensive public security policy with a human rights and gender perspective that addressed the structural causes of violence and insecurity and to ensure that public order was maintained by civilian police forces.

18. The Committee had voiced concern about the frequent military interventions in prisons between 2019 and 2021 and about the fact that the control and administration of prisons had been handed over to the military police in June 2023 for a period of one year. It had requested Honduras to advance the transfer of the penitentiary administration to an independent civilian entity and to develop and implement a prison policy that addressed the structural deficiencies in the penitentiary system.

19. The Committee had expressed serious concern at the numerous cases of murder, attack, forced disappearance, threats, searches and other acts of intimidation committed against human rights defenders, Indigenous leaders and journalists and at the criminalization of their work. It had urged the State party to take the measures necessary, including the allocation of sufficient resources, to strengthen and effectively implement protection mechanisms, to progress towards the effective investigation of such violations and to prevent the misuse of criminal law against human rights defenders.

20. In relation to Liechtenstein, the Committee had noted with concern the practice of sending convicted prisoners to Austria and Switzerland due to the lack of oversight by the State party of the conditions of detention in those countries and the implications of the practice for detainees' access to lawyers, visitation rights and ability to maintain social connections in Liechtenstein. It had requested the State party to review its treaty with Austria to ensure that the fundamental legal safeguards against torture and ill-treatment were guaranteed for detainees held abroad, including by arranging for its authorities and the national preventive mechanism to visit the detainees. The Committee had recommended that Liechtenstein should take steps to clarify any uncertainties regarding its responsibility under the Convention to receive complaints of torture, investigate such allegations, ensure redress and respond to individual communications.

21. The Committee had voiced concern over reports that prisoners had limited opportunities for employment integration, that women held at Vaduz National Prison faced conditions akin to solitary confinement and that detainees were not examined by an independent doctor within 24 hours of arrival. The Committee recommended that the State party should increase access to vocational training and education, as well as recreational and cultural activities, in places of detention, particularly for women and should ensure that prisoners underwent a medical examination upon admission and as needed thereafter.

22. With regard to North Macedonia, the Committee expressed concern about the overall lack of funding and understaffing in the prison system, notably at Idrizovo Prison, where a crisis situation had been declared. It had recommended that the State party should continue

efforts to recruit sufficient prison personnel to ensure an adequate prisoner-to-staff ratio, improve security, reduce violence and ensure proper treatment of inmates and should intensify efforts to address the crisis situation at Idrizovo Prison.

23. The Committee had voiced serious concern at reports indicating that child offenders placed in correctional institutions had a high rate of mental health issues and were overmedicated. It had requested the State party to ensure that the needs of children in conflict with the law who had mental health conditions were properly assessed, that appropriate individual treatment programmes were developed and explained to the children and that the automatic adoption of medicalized approaches and coercive practices was ceased immediately.

24. At its eightieth session, to be held from 8 to 26 July 2024, the Committee would consider the reports of Côte d'Ivoire, Ecuador, the Republic of Korea and Türkiye. In that context, however, the Committee regretted that the sudden cessation of hybrid meetings would continue to adversely affect its work and that of civil society organizations, national human rights institutions, national preventive mechanisms and other stakeholders. At its eighty-first session, to be held from 28 October to 22 November 2024, the Committee would adopt lists of issues prior to reporting for Kyrgyzstan, Lithuania, San Marino, Serbia and Sweden.

25. At its current session, the Committee had examined 27 individual complaints and had adopted seven decisions on the merits, finding that violations had been committed in one of those cases, and had adopted two decisions on admissibility. The consideration of 18 complaints had been discontinued in accordance with the Committee's rules of procedure.

26. The Committee's work under article 20 of the Convention had continued during the session, and a summary account of the proceedings in relation to the inquiry on Belarus was included in its annual report. The Committee had also undertaken activities on follow-up under articles 19 and 22 of the Convention and in relation to reprisals. The Rapporteur for follow-up to concluding observations had informed the Committee that follow-up replies had been received from El Salvador and the State of Palestine and were under consideration and that follow-up communications had been sent to Australia, Chad, Malawi, Nicaragua, Somalia, Uganda and the United Arab Emirates. Since the previous session, the Committee had received alternative follow-up reports from NGOs and other stakeholders in relation to the follow-up replies submitted by El Salvador, Nicaragua and Uruguay.

27. The Rapporteur for follow-up to decisions on complaints submitted under article 22 had reported that no new information had been received since the seventy-seventh session.

28. The Rapporteur on reprisals had reported that, since the previous session, no allegations of reprisals had been recorded or any requests for protection sent by the Committee. However, at the current session, the Committee had, as usual, taken the requisite precautionary measures to ensure that all those cooperating with it in the context of State party reviews under article 19 of the Convention were protected from reprisals and any other acts of intimidation. The Committee carefully examined all allegations of intimidation and reprisals that it received in the context of its procedures under articles 19, 20 and 22 of the Convention, in accordance with its guidelines on the receipt and handling of allegations of reprisals (CAT/C/55/2). The response of the Committee and the Rapporteur on reprisals to any such allegations was the result of a diligent assessment and deliberation of the specific circumstances in each individual case.

29. The Committee had held several useful meetings with United Nations and other entities. On 22 April, the Committee had held its annual meeting with the human rights NGOs that regularly contributed to its work. Issues discussed had included the Committee's methods of work, treaty body strengthening and the events planned for the fortieth anniversary of the Convention. On 26 April, the Committee had met with the treaty body capacity-building programme and, on 9 May, with representatives of the Global Alliance of National Human Rights Institutions to discuss areas of mutual interest and possible future collaboration.

30. Lastly, he wished to underscore that the liquidity crisis at the United Nations was having a severe impact on the human rights mechanisms, including the treaty bodies. For

example, in addition to preventing the Committee from having important exchanges with various stakeholders, the loss of hybrid meetings had also prevented the Chair of the Subcommittee on Prevention of Torture, who had not been authorized to travel to Geneva, from presenting the Subcommittee's annual report. Nevertheless, the Committee had been able to fully meet the goals set out in its agenda for the session.

Closure of the session

31. After the customary exchange of courtesies, **the Chair** declared the Committee's seventy-ninth session closed.

The meeting rose at 11.05 a.m.