

## OMCT E-bulletin - May 2014

### 52<sup>nd</sup> session of the Committee against Torture

During its 52<sup>nd</sup> session (28 April to 23 May 2014) the Committee against Torture considered the State reports submitted by the **Holy See, Uruguay, Guinea, Cyprus, Lithuania, Montenegro, Sierra Leone** and **Thailand**. In accordance with article 19 of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the CAT Committee examined the progress made by the respective State parties in giving effect to the Convention and to identifying problem areas where compliance needs to be improved.

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### OMCT's new initiative: mobilising civil society around CAT Committee

The 52<sup>nd</sup> session of the CAT Committee is the first session in which OMCT carried out its role as facilitator between the members of civil society and the experts of the CAT Committee. The purpose of this convening function is to mobilise and coordinate activities of civil society organisations (CSOs) and minimise gaps in alternative reporting to the Committee against Torture. In carrying out this role, OMCT aims to optimise the dialogue between the CAT Committee members and CSOs. With this new initiative OMCT provides more visibility to the CAT Committee and advocates for the implementation of the Convention against Torture and the Concluding Observations of the CAT Committee.

For more information, read [OMCT's press release](#).

### Consideration of State Reports

#### **Holy See – Failure to prevent, stop, and punish child sexual abuse**

The CAT Committee's Concluding Observations on the initial report of the Holy See, nine years overdue when submitted, largely focus on sexual abuse of minors in the Catholic Church. The experts reject the Holy See's claim that it cannot be held responsible for violations of the Convention against Torture committed outside the Vatican City State and remind the Holy See that its obligations under the Convention concern all public officials of the State party, including officials abroad when they exercise effective control over persons and territory.

The Committee expresses deep concern over the Holy See's failure to prevent, stop, and sanction sexual abuse by Catholic clergy and calls on the Holy See to ensure that Holy See officials and other public officials of the Vatican State take effective measures to monitor the conduct of all individuals under their effective control and to stop and sanction such conduct when they become aware of credible allegations. The Committee further recommends preventative measures, such as: immediately suspending individuals suspected of abuse and preventing their transfer for the purpose of avoiding investigation and punishment; reporting allegations of abuse to civil authorities and cooperating with their investigation and prosecution; applying meaningful sanctions to those officials who fail to exercise due diligence; and reacting properly to such allegations.

Moreover, the CAT Committee further urges the Holy See to establish an independent complaints mechanism for victims. Seriously concerned by the extreme difficulties the victims face in obtaining redress, the Committee calls on the Holy See to ensure that victims receive redress, including a fair, adequate, and enforceable right to

compensation and as full rehabilitation as possible.

Read more:

- [Concluding Observations of the CAT](#)
- [Webcast](#)
- [Alternative report](#) from OMCT and CRIN on “Sexual Abuse of Children by Catholic Clerics as a Form of Torture or Cruel, Inhuman and Degrading Treatment and Punishment”
- Other useful documents: [Unofficial Minutes of the UN Committee Against Torture's review](#)

## **Uruguay – Serious concern about cases of ill-treatment of children deprived of liberty**

The CAT Committee is particularly alarmed by the situation of children in conflict with the law and deprived of liberty in Uruguay. It urges Uruguay to ensure that the juvenile justice system conforms to international standards. The CAT experts also express concern about the allegations of ill-treatment of children in detention centres run by the System of Criminal Liability for Adolescents (SIRPA) as well as about reprisals against the victims, their families and detention facilities officials who denounce such abuses. The CAT Committee urges Uruguay to establish an independent complaint mechanism to investigate allegations of torture and ill-treatment of minors deprived of liberty in the centres run by SIRPA. The CAT Committee is also concerned with the reported irregularities in permitting the use psychotropic substances on children for control purposes. Despite the categorical denial of these allegations by the Uruguay delegation, the Committee calls on Uruguay to investigate the alleged irregularities that may have resulted in the administration of medicine to minors deprived of liberty. Other concerns discussed during the review include: the conditions of detention and the problem of overcrowding, including in juvenile detention facilities; the excessive use of pre-trial detention; the lack of independence in the judiciary; and the prevalence of domestic violence and violence on the basis of sexual orientation and gender identity.

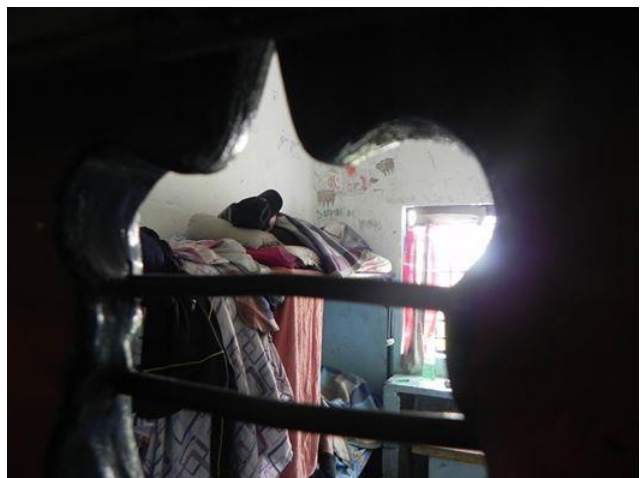


Photo Credit: Mauricio Vazquez Correa

Read more:

- [Concluding Observations of the CAT](#)
- [Webcast](#)
- [Alternative report](#) from OMCT and IELSUR (only available in Spanish)

## **Guinea – Review of a non-reporting State**

For the first time since its establishment, the CAT Committee has decided to review a non-reporting State. After an almost 25-year delay Guinea was scheduled for examination. The state party responded by sending a delegation presenting finally its initial report on the very day of the scheduled examination.

In its examination, the CAT Committee expresses regret at the absence of a specific provision in the law prohibiting torture and ill-treatment under any circumstances and urges Guinea to enact legislation to



establish an absolute prohibition of torture and inhuman and degrading treatment and to ensure that establish torture is not subject to any statute of limitation. The experts are also deeply concerned by the impunity for acts of torture and ill-treatment in the country. In this respect, the Committee strongly urges Guinean authorities to immediately, thoroughly, and impartially investigate all allegations of torture as well as prosecute and punish those who are responsible. The Committee is also concerned about the events that took place at the Conakry Stadium in

September 2009, which are qualified by the International Commission of Investigation of the United Nations as crimes against humanity. The Committee regrets the lack of progress in investigating and prosecuting cases of torture and sexual violence during the events. Other issues stressed by the experts are the excessive use of force by security forces to put down peaceful demonstrations, information on secret places of detention, prison overcrowding, violence against women, and female genital mutilation.

Read more:

- [Concluding Observations of the CAT](#)

### **Cyprus – Deep concerns about deportation of asylum seekers despite serious risks of torture**

The treatment of asylum seekers in Cyprus has been discussed at length during the country examination. The Committee is particularly alarmed by reports indicating that asylum seekers have been deported to their countries of origin despite serious risk of torture and by the fact that they do not have access to legal aid at the first instance of the asylum process. Another matter of concern is the widespread detention of asylum seekers and undocumented immigrants, notably of unaccompanied children and families. The CAT Committee recommends that Cyprus guarantee asylum seekers and undocumented immigrants access to independent, qualified legal aid free of charge and protection from unwarranted *refoulement* and illegal detention.

Regarding the problem of trafficking in persons, the Committee recommends that Cyprus, among others, carry out a prompt and effective investigation as well as prosecute and punish all those who are responsible, including officials involved, with appropriate penalties. The State should also provide an effective remedy to all the victims and ensure psychological support, medical care, access to welfare benefits, adequate shelter, and work permits. Other concerns raised during the review include the problems of domestic violence and missing persons.

Read more:

- [Concluding Observations of the CAT](#)

### **Lithuania – Too little progress in the investigation into alleged involvement in the CIA rendition and secret detention programmes**

The Committee addresses the issue of Lithuania's alleged complicity in the CIA rendition and secret detention programmes and urges the State to complete the investigation and to ensure that its investigation process is transparent. Deeply concerned by severe overuse of pre-trial and administrative detention, the CAT Committee recommends that the State reduce the use and duration of pre-trial detention and eliminate detention for administrative offences. In addition, it raises concern about the placement of minors in "socialization centres", which amount to administrative detention and the use of "relaxation rooms" to lock up children for violations of discipline, amounting to solitary confinement. The Committee also expresses concern regarding the recourse to detention of all asylum seekers throughout the asylum procedure and the lack of adequate reception conditions, including social, psychological and rehabilitation services. Issues of domestic violence, human trafficking and the conditions of detention have also been raised during the session.

Read more:

- [Concluding Observations of the CAT](#)

### **Montenegro – Call for intensifying efforts to fight impunity for war crimes**

The Committee is concerned that persons deprived of their liberty are not always afforded all fundamental legal safeguards, and calls on the State to ensure that all persons deprived of their liberty have the right to access an independent lawyer and an independent doctor, as well as to contact a relative from the outset of the deprivation of liberty. Another major focus of discussion is the climate of impunity surrounding war crimes. In this respect, the Committee urges Montenegro to complete its investigation into all allegations of war crimes, to prosecute and to punish the perpetrators, as well as to ensure access to justice and reparations for victims.

The Committee is alarmed by cases of intimidation or violence against journalists and particularly by the killings of journalists, in addition to the lack of investigation of such cases. The experts also express concern at continuing

reports of violence and discrimination against the lesbian, gay, bisexual and transgender (LGBT) community. Conditions of detention, the lack of independence of the judiciary, and trafficking in persons have also been stressed during the session.

Read more:

- [Concluding Observations of the CAT](#)
- [Webcast](#)

### **Sierra Leone – High prevalence of violence against women**

Sierra Leone submitted its initial report eleven years late to the Committee. The Committee is concerned that, thirteen years after the ratification of the Convention, Sierra Leone has still not incorporated the Convention into the national legal system and it urges the State to enact legislation to give effect to the Convention in the domestic legal system. In doing so, the experts call on the authorities to criminalise all acts of torture and to incorporate the definition of torture as contained in article 1 of the Convention in its legislation.

The Committee is raises the high prevalence of violence against women in the country, including domestic violence, sexual violence, female genital mutilation, child marriage, and lynching of elderly women accused of witchcraft and ritual murders. Sierra Leone should immediately criminalise female genital mutilation, conduct awareness raising campaigns of the harmful effect of the practice, establish the minimum marriageable age at 18 years, create the conditions for victims of harmful traditional practices to report without fear of reprisals, and provide reparations. In addition, the Committee is concerned that abortion is a crime in all circumstances, resulting in a large number of clandestine and unsafe abortions and which may account for over 10 percent of maternal deaths.

The Committee encourages Sierra Leone to abolish the death penalty, in line with the commitment made during the dialogue with the Committee. The Committee also raises concerns over detention conditions and the high number of detainees in pre-trial detention, leading to overcrowding in prisons.

Read more:

- [Concluding Observations of the CAT](#)
- [Webcast](#)

### **Thailand – Impunity for widespread acts of torture to be addressed as priority**

The experts, in their Concluding Observations on the initial report of Thailand express their deep concern regarding the declaration of martial law throughout Thailand since the oral dialogue with the State party and urge the State to adhere to the absolute prohibition of torture in all circumstances.

The Committee recommends that the State promptly consider withdrawing its declarations regarding articles 1, 4 and 5 of the Convention, made at the time of accession, to ensure it is in compliance with the provisions of the Convention. The Committee further urges the State to adopt a definition of torture in line with article 1 of the Convention and to include torture as a separate and specific crime in its legislation. The Committee is seriously concerned about the on-going and continued allegations of the widespread use of torture and ill-treatment by security and military officials, notably in the Southern Border Provinces, to obtain confessions. This situation is exacerbated by the application of three special laws, which provide broad emergency powers to security and military forces outside the judicial control and reinforce a climate of impunity.

Another matter of deep concern are the continuing and numerous allegations of serious acts of reprisals and threats against human rights defenders, including enforced disappearances and extrajudicial killings. The Committee calls on the State to immediately stop attacks against human rights defenders and investigate, prosecute, and punish those who are responsible. The Committee also expresses concern about the use of lengthy, and in some cases indefinite, detention for asylum seekers and migrants in immigration detention centres.

Read more:

- [Concluding Observations of the CAT](#)
- [Webcast](#)

Notice: The Committee requests all States parties examined to provide follow-up information by 23 May 2015.

## Adoption of List of Issues and LOIPR

The Committee has adopted **LOIPR** of Canada, the Czech Republic, Greece, Mexico, Norway, Peru and the Russian Federation.

Together with Greek Helsinki Monitor, the Coordinated Organizations and Communities for Roma Human Rights in Greece and the Minority Rights Group Greece, OMCT submitted a [report](#) for the development of the LOIPR in respect of Greece's periodic report.

The Committee has also adopted **Lists of Issues** of Burundi and Venezuela.

COFAVIC and OMCT submitted a joint [report](#) to contribute to the List of Issues of the Venezuela's periodic report.

## General Comment on Article 3 of the CAT Convention

The Committee Against Torture has held its annual meeting with NGOs that wish to bring concerns and issues to the attention of the Committee members. During this year's meeting, OMCT made available a [paper](#) inviting the Committee to draft a new General Comment on non-refoulement as enshrined in Article 3 of the Convention. This paper mainly sets out key areas of concern on which clarification and guidance by the Committee would be needed.

## Next session

### Consideration of State reports:

- [Australia](#)
- [Burundi](#)
- [Croatia](#)
- [Kazakhstan](#)
- [Serbia](#)
- [Sweden](#)
- [Ukraine](#)
- [USA](#)
- [Venezuela](#)

The deadline for NGO submissions is **17 October 2014**.

### List of Issues prior to reporting (LOIPR) to be adopted:

- [Armenia](#)
- [Gabon](#)
- [Qatar](#)
- [Senegal](#)
- [Togo](#)

The deadline for NGO submissions is **22 August 2014**.

### WEBCAST – Live Webcast of the CAT session

During the sessions, the live stream is available at [www.treatybodywebcast.org](http://www.treatybodywebcast.org)

Stay up-to-date on the OMCT activities concerning the CAT by following us on:



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