

# OMCT E-Bulletin

*August 2015*

*55th session of the UN Committee against Torture*

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*Nothing can justify **torture** under any circumstances*

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In 2014, the OMCT launched an initiative to mobilize and coordinate activities of civil society organisations (CSOs) in relation to the Convention against Torture and its Committee. We facilitate civil society engagement, such as by building coalitions, sharing information, ensuring timely and effective report submissions, advising on advocacy opportunities, and supporting

direct access to the Committee against Torture (Committee). Find out more on our [website](#).

During its 55th session (July 27 – August 14 2015), the Committee against Torture considered the State reports submitted by **Iraq, Slovakia, and Switzerland**. In accordance with Article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Committee examined the progress made by the respective State parties in giving effect to the Convention and identified problematic areas where compliance must be improved.

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## **HIGHLIGHTS**

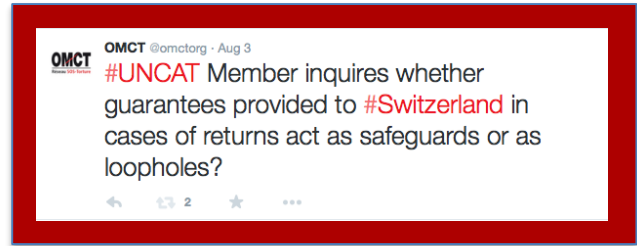
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### **Successful OMCT Briefing on Non-Refoulement**

During this session, the OMCT organised a briefing on “Non-refoulement: Addressing practical and legal challenges” for the Committee members. This event, which included participation from a variety of experts, served to discuss issues with the CAT’s General Comment No. 1 and to suggest ways forward for the development of a new General Comment. The OMCT called for the development of a clear, comprehensive and systematic set of guidelines on how to enforce the prohibition of refoulement and how to put in place effective remedies against it – including reparation.

Following this briefing on non-refoulement, the Committee against Torture has **unanimously agreed** to revise its General Comment No. 1 on Article 3 of the Convention.

For more information on the briefing, please see [here](#).



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## SUMMARY OF CAT CONSIDERATIONS OF STATE REPORTS

### Iraq

#### **Committee challenges State delegation's assertion that torture is not systematically practiced**

During the first periodic review of Iraq, the Committee expressed much concern about the widespread use of torture and ill treatment across the country, including by ISIS (and associated armed groups) in conflict zones and particularly by members of State security forces and State-affiliated militia groups, such as the 54<sup>th</sup> and 56<sup>th</sup> Brigades of the Army who control the secret detention centre in West Baghdad. Other grave violations committed by such groups include enforced disappearances and extrajudicial killings of both prisoners and civilians. Conflict-related sexual violence was a prevailing concern as well, another crime that is committed by above-mentioned groups and which is met with impunity. Generally impunity is a major problem in the Iraqi State, as allegations of torture and ill treatment are rarely subject to investigation or prosecution. The Committee has called upon the State to publically and unambiguously reaffirm the absolute prohibition of torture and to warn that all those complicit or acquiescent of such acts will be held responsible before the law. The Committee firmly reiterated that there are no exceptional circumstances, including a prevailing conflict, which may be invoked as a justification of torture.

Despite numerous reports from NGOs and the media, the Iraqi delegation continuously denied that torture is systematically practiced within the State. These reports also described the illegitimate practice of detaining and charging women for husband or other male family members' alleged crimes, where they are raped and sexually abused. This practice was severely condemned by the Committee against Torture, as well as was the prevalence of gender-based violence including marital rape and 'honour' crimes. Many other severe problems in Iraq were also addressed such as the use of secret detention facilities, conditions of detention, the overuse of the death penalty, and the use of coerced confessions. Over the course of Iraq's review, the Committee noted many times the disparity between what the law is in Iraq and the reality of the law at the grassroots level.

#### **Read more :**

- [Concluding Observations](#)
- [Webcast](#)

## **Slovakia**

### **Abuse of Roma and minors by law enforcement officials criticized by Committee**

The third periodic review of Slovakia left the Committee against Torture concerned with the excessive use of force by law enforcement officials, including against minors and Roma. This excess of force occurs mostly immediately after apprehension and there are few complaints, prosecutions and convictions for such acts. The Committee called for the State to thoroughly investigate all allegations of excessive force and to immediately suspend all officers under investigation. An effective and independent monitoring mechanism is required for the effectiveness of these investigations. A complaints mechanism was also suggested to aid the victims of domestic violence and the importance of investigating and prosecuting this type of case was emphasized. Furthermore, the Roma in Slovakia face important discrimination and the Committee expressed their desire for the State party to issue a public statement at the highest political level that there will be no tolerance for excessive use of force against members of ethnic minorities. The Committee also expressed concern over reports of sterilization of Roma women without free and informed consent and about the lack of redress for these victims.

The conditions of detention in Slovakia also caught the attention of the Committee members, who criticized the insufficient number of psychiatrists in the prison system. The length of pre-trial detention, which can last up to 5 years, was also of great concern to the Committee as this period does not conform to the Tokyo Rules. Another very preoccupying topic in Slovakia is the trafficking of human beings, as the State remains a country of origin, transit, and destination. Domestic legislation and the judicial system in Slovakia must be reinforced in order to deal with these cases, as well as with all other cases where there is a possibility of torture and ill treatment.

#### **Read more :**

- [Concluding Observations](#)
- [Webcast](#)

## **Switzerland**

### **Numerous concerns about the treatment of asylum-seekers and refugees expressed by the Committee**

During the review of Switzerland, the Committee expressed concern about a large variety of topics related to refugees and asylum-seekers. One concern relates to the principle of non-refoulement (Article 3), as the State party relies too heavily on diplomatic assurances as a guaranty that an individual will not be subject to torture or ill treatment upon their return. Migrants without papers are systematically placed in administrative detention, including minors between 15 and 18 years old who can be detained for up to 12 months. Non-accompanied minors have also disappeared – 44 asylum procedures were closed in 2014 due to the disappearance of the applicant – while hosted in State reception centers, which in some cases do not provide adequate living conditions. The Committee called upon the State party to fully investigate these disappearances, as these minors could be the victims of human trafficking. The conditions of detention in Switzerland have room for improvement, particularly the prison of Champ-Dollon in Geneva that suffers from preoccupying overpopulation that has led to ethnic tensions and violent altercations between inmates in February 2014. Female and male inmates, as well as minors and adults are also not strictly separated in certain prison facilities. Police violence in Switzerland is also problematic, as

allegations of such acts go un-investigated and medical reports are not sent to the proper authorities.

Another concern related to the provision of services for intersex people and the lack of full redress for those who have undergone medical treatment and surgical interventions without their informed consent, which was particularly emphasised by Rapporteur Pradhan-Malla. The Committee remained preoccupied by the position of the State who does not consider necessary the inclusion of the definition of torture as a specific crime, despite the recommendation in previous concluding observations to include a definition in conformity with Article 1 of the Convention. This lack of definition combined with the absence of criminalisation of torture as a specific infraction creates a judicial void that can lead to impunity in Switzerland.

**Read more:**

- [Alternative report](#) (in French; executive summary in English)
- [Concluding Observations](#)
- [Webcast](#)

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## NEXT SESSIONS

The **56<sup>th</sup> session** of the CAT will take place from **November 9 to December 9, 2015.**

**Consideration of State Reports:**

- [Austria](#)
- [Azerbaijan](#)
- [China](#)
- [China \(Hong Kong\)](#)
- [China \(Macau\)](#)
- [Denmark](#)
- [Jordan](#)
- [Liechtenstein](#)

The deadline for NGO submissions for the State report reviews is **October 26, 2015.**

**Lists of Issues to be adopted:**

- [France](#)
- [Mongolia](#)
- [Saudi Arabia](#)
- [Tunisia](#)

**Lists of Issues Prior to reporting to be adopted:**

- [Ghana](#)
- [Kenya](#)
- [Kyrgyzstan](#)
- [Latvia](#)
- [Netherlands](#)
- [Poland](#)
- [Portugal](#)

The **57<sup>th</sup> session** of the CAT will take place from **April 18 to May 13, 2016.**

**Consideration of State Reports:**

- [France](#)
- [Israel](#)
- [Philippines](#)
- [Saudi Arabia](#)
- [Tunisia](#)
- [Turkey](#)

## **WEBCAST – Live Webcast of the CAT sessions**

During the sessions, the live stream is available at [www.treatybodywebcast.org](http://www.treatybodywebcast.org). Sessions are also archived and can be viewed at a later date.

**STAY UP-TO-DATE ON THE OMCT ACTIVITIES CONCERNING THE CAT BY FOLLOWING US ON:**



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