



## **OMCT E-Bulletin July – August 2019**

67<sup>th</sup> session of the Committee Against Torture

This E-Bulletin is part of the OMCT’s “Convention Against Torture” Programme. OMCT mobilizes and coordinates activities of civil society organizations during the sessions of the United Nations Committee Against Torture (CAT). It facilitates the engagement of civil society by building coalitions, sharing information, ensuring timely and effective report submissions, advising on advocacy opportunities and supporting effective access to the CAT. Find out more about our work on our [website](#).

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## Introduction

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During its 67th Session (22 July – 9 August 2019), the Committee Against Torture (CAT) considered the State parties' reports of Poland, Greece, Togo and Bangladesh. In accordance with Article 19 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, every four years States Parties submit a report to the CAT on new measures taken to implement the Convention. These reports are reviewed in public sessions, during which the respective State Party holds a constructive dialogue with the Committee Members. The day before the consideration of the report, NGOs who have submitted an alternative report can raise their concerns during a private briefing with the CAT. At the end of each session, the CAT publishes its "[Concluding Observations](#)", which are specific recommendations for each reviewed State and issues for them to follow up on within one year. During this session, the discussions covered a broad range of topics from excessive use of force against refugees and asylum seekers, prison overcrowding, and child exploitation to enforced disappearances and torture of human rights defenders.

## What's up

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### Voices from the frontlines: Panayote Dimitras



Panayote Dimitras, the spokesperson for the Greek Helsinki Monitor has offered to share his insights, live from the epicentre of human rights violations suffered by migrants. This short, informative video, providing a snapshot of the main human rights concerns for migrants as well as human rights defenders and humanitarian workers is available on OMCT's social channels [here](#).

## **Togolese Journalists training on UN mechanisms against torture and other ill-treatment**

From 23 to 30 July 2019, OMCT and its Togolese network member (CACIT) organised a training in Geneva for 10 journalists from Togo on the United Nations mechanisms against torture and other ill-treatment. The training took place in the framework of the review of Togo's periodic report by the CAT. The training was conducted with an immersion approach and provided the journalists with legal and institutional tools, including specific language, in order to enhance their knowledge of the CAT. The journalists met with expert members of the CAT and other experts with UN human rights mandates, such as the Special Rapporteur on the right to freedom of peaceful assembly. Thanks to the journalists, the CAT session was covered in national press. The aim of this training was that journalists continue to follow and cover the steps taken by the Togolese government in the implementation of the COBs and thus intensify the discussions at the national level on the absolute prohibition of torture.



The group of Togolese journalists who participated in the 67<sup>th</sup> session of the Committee Against Torture with the CACIT interns. © Hannah Snaith

## **OMCT Preparatory missions**

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### **Bangladesh**

On 9 April 2019, the OMCT organised, in Dhaka, a workshop on reporting to the CAT, in cooperation with the United Nations Bangladesh. The workshop was attended by members of non-governmental organizations, journalists, and academics. It addressed Bangladesh's obligations under the Convention, how and when CSOs can engage with the CAT, how to effectively draft an alternative report, and follow-up activities on the implementation of CAT recommendations after a

State review. The workshop further discussed the role of human rights defenders in upholding the obligations under the CAT and in providing support to victims.

## **Togo**

From 28<sup>th</sup> to 31<sup>st</sup> January 2019, the OMCT Africa regional coordinator organised a mission in Lomé, prior to Togo's 3<sup>rd</sup> periodic report review before the CAT. This mission intended, through a consultation process, to prepare the civil society's alternative report. Under the leadership of the Collectif des Associations Contre l'Impunité au Togo (CACIT), an OMCT network member, a three-day consultation workshop was organised with 64 members of civil society organizations coming from all regions of the country. The participating organisations were composed of OMCT network members like CACIT and ACAT Togo, but also of other major NGOs like FODDET, Visions Solidaires, GD2F, ATPDH and the Centre de Documentation et de Formation sur les Droits de l'Homme (CDFDH). The 3 day discussions raised the main topics to be included in the alternative report. It was decided to focus on the issue of conditions of detention, human rights defenders, impunity and child rights.

The preparatory mission also included meetings with the National human rights commission and the director of prison administration. CACIT and OMCT conducted visits in the overcrowded prison of Lomé and the newly built prison of Kpalimé. These visits have accounted for an important part of the shadow report submitted to the CAT recommending the closure of the main prison of Lomé, a recommendation that has been followed by the CAT in its concluding observations.

## **OMCT Submissions**

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### **Greece**

Ahead of the consideration of Greece's 7th periodic report by the CAT, OMCT submitted a [joint alternative report](#) in collaboration with the Greek Helsinki Monitor (GHM), Minority Rights Group-Greece (MRG-G), Refugee Rights Europe (RRE) and the Coordinated Organizations and Communities for Roma Human Rights in Greece (SOKADRE). It provides information about the legislative framework pertaining to torture and other forms of ill-treatment and its de facto implementation. The document pays special attention to groups vulnerable to torture, such as missing street children, Roma, refugees and asylum seekers including women, and highlights concerns pertaining to investigations into allegations of torture and other ill-treatment, prosecutions of perpetrators, and victims' access to reparation in a general context of excessive use of force against migrants.

[Addendum 1](#) to this report contains a submission by RRE, GHM and OMCT together with 10 NGOs working on issues related to asylum seekers and refugees. First-hand information is

provided on immigration detention, police violence towards refugees, violence against refugee women, unaccompanied children, racial discrimination and xenophobia faced by refugees, access to asylum procedures, push backs, the situation of LGBTIQ asylum seekers, the living conditions of asylum seekers and their access to health care.

### **Togo**

CACIT, ACAT-Togo, FODDET, FIACAT and the OMCT contributed to the review of Togo by submitting a [joint alternative report](#) (available in French) to the CAT on torture and other ill-treatment in the country and, in particular, during public demonstrations. The socio-political crisis that Togo has been experiencing since August 2017 has reinforced the authorities' sense of impunity, denial of justice and has stopped the investigation of allegations of torture or ill-treatment. The report considers different issues such as inhuman conditions of detention, reparation and rehabilitation of victims of torture, violence against women and child trafficking.

### **Bangladesh**

The OMCT, in collaboration with Odhikar, the Asian Legal Resource Centre, the Asian Federation Against Involuntary Disappearances, the Asian Forum for Human Rights and Development, FIDH, and the Robert F. Kennedy Human Rights Foundation contributed to the review of Bangladesh by submitting a [joint alternative report](#) expressing concerns about Bangladesh's failure to implement the Convention Against Torture. The report considers different issues including torture and abuse by the Rapid Action Battalion, arbitrary detention and harassment of human rights defenders, gender-based violence, and extrajudicial killings and enforced disappearances. The report also highlights Bangladesh's use of the Information and Communication Technology Act and the Digital Security Act to suppress and silence activists, journalists, and government critics.

## Summaries of the CAT State reviews

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### Poland

#### *Police brutality and gender-based violence*

During the consideration of the seventh periodic [report](#) of Poland, the CAT reiterated its concern that Poland had still not defined torture as a specific crime in its Criminal Code, despite the CAT's previous recommendation. The discrepancy between the definition contained in the Convention against Torture and that in domestic law may create potential loopholes for impunity.

The CAT was further alarmed by the numerous incidents of police brutality, including cases of excessive use of force with tasers, against apprehended persons who were handcuffed or otherwise immobilized. In most cases, officers charged were not sentenced. In May 2016, in a police station in Wrocław, four policemen used a stun gun against Igor Stachowiak while he was handcuffed, causing his death. Although charges were pressed against them, the four officers returned to service after a short suspension and were not suspended while their case was still pending. Recently, the four policemen have been convicted for abusing the detainee.

With regard to gender-based violence, only a relatively small number of cases of domestic violence in Poland result in the conviction of perpetrators. The CAT expressed concern at the absence of sufficient support for victims of domestic abuse, including the inadequate number of specialized support shelters. Regarding access to abortion, although there are three sets of circumstances in which abortions are legal in Poland within a 12-week period, there is no effective regulation of conscience-based refusals by doctors to perform abortions and no guidelines on how to access abortion services. The CAT requested Poland to de-criminalise abortion and to ensure the provision of post-abortion health care for women irrespective of whether they have undergone an illegal or legal abortion and that neither patients nor their doctors face criminal sanctions or other threats for seeking or providing such care.

Other concerns raised by the CAT included: limitless pre-trial detention, which can be extended without justification; detention of persons with intellectual and psychosocial disabilities up to 42 and 49 years, or for 12 years for small misdemeanours; forced sterilizations of women and girls with intellectual disabilities; and hate crimes against migrants and LGBTI persons.

#### **Issues for follow-up:**

- ❖ Independence of the Commissioner for Human Rights;
- ❖ Prevention and prosecution of police brutality;
- ❖ Independence of medical personnel and improvement of prisoners' medical care.

**Read more:** [Concluding Observations](#), [meeting summary](#) and [webcast](#).

## Greece

### *Migrants and asylum seekers victims of torture and ill-treatment in the “hotspots”*

During the consideration of the 7<sup>th</sup> periodic [report](#) of Greece, the CAT expressed concern about the fact that the definition of torture provided in article 137A of the new Penal Code is still not in compliance with the provisions of the UNCAT. Not only are main elements of the definition of article 1 missing, but also, the condition of a “planned” infliction of severe pain significantly narrows the definition according to the CAT, who recalled that these discrepancies could lead to impunity. The CAT further deplored the reduction of the maximum penalty from 20 to 10 years of imprisonment and the continuing existence of a status of limitation for the offence of torture.

The experts raised serious concerns about the consequences of the implementation of the EU-Turkey Statement (March 2016) on the substandard living conditions of migrants and asylum seekers held in Reception and Identification Centres (RICs), known as “hotspots”, located on the Greek islands. The Committee was especially concerned about the increasing number of cases of sexual and gender-based violence against refugee and asylum-seeking women in the RICs, partly attributed to the lack of safe accommodation. The Committee recommended the State party to ensure that police officers and prosecutors take adequate steps to protect the victims. This situation is particularly alarming since fundamental legal safeguards to prevent torture and ill-treatment appear not to be guaranteed in practice to detained migrants and asylum seekers, such as access to a lawyer and to an independent medical examination.

The Committee also deplored the numerous allegations of summary forced returns of migrants and asylum seekers, especially in the Evros region at the border with Turkey, and the reported use of violence by police officers during push-back operations. In this regard, the Committee called the State to “enhance efforts to ensure the criminal accountability for perpetrators of acts that put the lives and safety of migrants and asylum seekers at risk”. Furthermore, the Committee urged the State to put an end to acts of intimidation suffered by human rights defenders and humanitarian workers for helping and delivering emergency assistance to migrants and refugees.

Other issues raised by the Committee included the prolonged detention of unaccompanied migrant and asylum-seeking children, the increased number of hate crimes affecting migrants and Roma people and the lack of redress and compensation measures for victims of torture and ill-treatment.

#### **Issues for follow-up:**

- ❖ Non-refoulement;
- ❖ Detention of unaccompanied migrants and asylum-seeking children;
- ❖ Sexual and gender-based violence against refugees and asylum seekers;
- ❖ Human rights defenders and humanitarian workers and volunteers.

**Read more:** [Concluding Observations](#), [meeting summary](#) and [webcast](#).

## **Togo**

### *Overcrowding and impunity*

During the consideration of Togo's 3<sup>rd</sup> periodic [report](#), the CAT expressed concern about the failure of Togo to respect fundamental safeguards during arrest and detention, such as the maximum period of police custody or the right to be brought promptly before a tribunal. For this reason, the CAT requested Togo to urgently introduce these provisions and the new Code of Criminal Procedure.

With regard to conditions of detention, the CAT noted unsanitary conditions, lack of ventilation, bad quality of light and food, ineffective separation between categories of detainees and lack of qualified prison staff. These conditions of detention can easily be assimilated to ill-treatment. The Committee remains alarmed by the overcrowding rate that persists in all places of detention, with the current national occupancy rate being 182%. To remedy prison overcrowding, the CAT recommended that Togo favour alternatives to detention in the future, such as house arrest under supervision and judicial control. The CAT also recommended to close definitively and without delay the prison of Lomé and conceive a general plan on the situation of penal institutions in Togo.

During the 2005 post-election violence, of the 72 complaints filed by victims of torture, none has been investigated and no perpetrator has been punished. Similarly, from 2009 to 2012, period during which many acts of torture were allegedly committed, including by the National Intelligence Agency, no investigations were opened. In addition, the CAT has reported cases of intimidation, arbitrary arrests and torture of human rights defenders and political opponents and has expressed concern that law enforcement officers would use excessive and disproportionate force during public demonstrations, including the use of live ammunition to disperse protesters. Therefore, the CAT enjoined the State to end impunity by ensuring that all those who committed acts of torture should be systematically brought to justice and punished in accordance with the seriousness of their actions.

Last, the Committee has expressed concerns regarding persistent violence and ill-treatments against children including forced marriage, female genital mutilation and child trafficking. The CAT raised the issue of the exploitation of children, many of them working as domestic servants, carriers, sellers in the markets or as sex workers. The State party was recommended to apply the existing laws in order to end all forms of violence against children.

#### **Issues for follow-up:**

- ❖ Ensure fundamental legal safeguards for persons arrested or deprived of liberty;
- ❖ Review all the records of detainees in pre-trial detention;
- ❖ Give clear instructions to security officials on the absolute prohibition of torture;
- ❖ Close immediately Lomé prison.

**Read more:** [Concluding Observations](#), [meeting summary](#) and [webcast](#).

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



## **Bangladesh**

### *Widespread use of torture, enforced disappearances and extrajudicial killings*

The Committee regretted that the submission of Bangladesh's initial [report](#) was 20 years late and was received only one week prior to the date of its consideration. During its review, the CAT expressed its concern about the alleged widespread and routine commission of torture and ill-treatment in Bangladesh. While appreciating that the government has a “zero tolerance” policy with regard to criminal conduct by officials, the CAT is seriously concerned that authorities continue to consider it necessary and acceptable to engage in conduct amounting to torture and other ill-treatment to obtain confessions. The CAT was alarmed to learn about alleged cases of torture, arbitrary arrests, unacknowledged detention, disappearances and extrajudicial killings in custody committed notably by the Rapid Action Battalion (RAB). In addition, human rights defenders, journalists, lawyers as well as the supporters of the opposition party who criticize the conduct of the government are the primary target of the authorities.

At the same time, the mechanisms established by the State party to receive and investigate complaints of torture and other ill-treatment are not leading to accountability in practice. Officers refuse to register complaints and victims or family members are frequently subjected to harassment, threats and retaliation. Moreover, the CAT is concerned about the independence of the judiciary in Bangladesh. Daily pressure on the members of the judiciary reportedly results in judicial officials having to accept arrest without warrants in order to extend custody without oversight, which undermines the fundamental legal safeguards.

The CAT also noted the poor conditions of detention, with severe overcrowding amounting to over 200%. The CAT is furthermore concerned by the high number of deaths in custody resulting from injuries caused by torture, negligence of the prison authorities and lack of access to treatment.

Other concerns raised by the CAT included: trafficking of Rohingya women and children facilitated by Bangladeshi authorities; excessive use of force by officials including “kneecapping”; (sexual) violence against women, LGBT individuals, indigenous, ethnic, and religious minorities; and the pronouncement of numerous sentences prescribing the death penalty.

#### **Issues for follow-up:**

- ❖ Implementation by law enforcement and magistrates of the High Court directives;
- ❖ Monitoring of places of detention by an independent authority and NGO representatives;
- ❖ Creation of a complaints mechanism for persons detained arbitrarily;
- ❖ Protection from reprisals and harassment of CSOs who have cooperated with the CAT for this review.

**Read more:** [Concluding Observations](#), [meeting summary](#) and [webcast](#).

## Next sessions

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### **68th session of the CAT**

*11 November – 6 December 2019*

- ❖ Consideration of the State Party reports: Burkina Faso, Cyprus, Latvia, Niger, Portugal, Uzbekistan.
- ❖ List of Issues Prior to Reporting: Armenia, Ecuador, Finland, Monaco, Namibia.
- ❖ List of Issues: Cuba.
  - 14 October 2019: deadline for NGO submissions for the State report reviews.

### **69th session of the CAT**

*20 April – 15 May 2020*

- ❖ Consideration of the State Party reports: Cuba, Iceland, Kenya, Montenegro, United Arab Emirates, Uruguay.
- ❖ List of Issues Prior to Reporting: Afghanistan, Argentina, Bahrain, Ireland, Mali, Panama, Paraguay, Republic of Korea.
- ❖ List of Issues: Bolivia.
  - 27 January 2020: deadline for NGO submissions for the List of Issues and the List of Issues Prior to Reporting.
  - 23 March 2020: deadline for NGO submissions for the State report reviews.

### **70th session of the CAT**

*13 July – 24 July 2020*

- ❖ Consideration of the State Party reports: Belgium, Botswana, State of Palestine, Ukraine.
  - 22 June 2020: deadline for NGO submissions for the State report reviews.

## Stay up-to-date

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### OMCT Blog: Engaging with the UN Committee Against Torture

Our blog [Nothing can Justify Torture, engaging with the Committee Against Torture](#) aims to provide greater awareness of the work of the CAT and the Convention, to increase mobilisation of CSOs around the CAT, as well as to encourage CSOs, experts and other stakeholders to share their experience and learning in seeking an effective use of the CAT procedures to foster the implementation of the Convention.

OMCT invites and encourages persons working on the Convention Against Torture and with its monitoring Committee, including Committee members, representatives from CSOs, academics and journalists, to participate in this exchange of experience by submitting an article for the blog. Please contact [cbb@omct.org](mailto:cbb@omct.org) for more information.

### Live Webcast of the CAT sessions

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

### Follow us



## We thank

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