



OMCT E-Bulletin July 2021

71th session of the Committee Against Torture

This E-Bulletin is part of the OMCT's Anti-Torture Programme. OMCT mobilises 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](#).

Table of contents

Introduction	2
What's up.....	2
OMCT virtual missions	3
OMCT submissions	4
Summaries of the CAT State reviews.....	5
Next sessions.....	7
Stay up-to-date	8
We thank.....	8

Introduction

In accordance with Article 19 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, States Parties should submit every four years 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. 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.

What’s up

The CAT has resumed its country reviews after an interruption of 18 months due to the Covid-19 pandemic. The 71st session of the Committee, including the review of Belgium and the NGO briefing, was conducted fully online. The considerations of the other reports initially scheduled for the 71st session have been postponed to 2022.

The duration of the online constructive dialogue between the Committee and Belgium was only four hours instead of the usual six. Therefore, the Committee decided, as a pilot, to concentrate on the following five thematic areas: police violence; detention conditions, counter-terrorism; non-refoulement; and repatriation of nationals and extradition.

CAT THEMATIC BRIEFING ON EXTRA-CUSTODIAL USE OF FORCE

On 28 January 2021, the OMCT organised a two-hour virtual thematic briefing with the CAT on extra-custodial use of force through the lens of the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment. The briefing, conducted in a panel-dialogue style under the Chatham House Rule, provided a space for discussion among Committee members, representatives of international human rights bodies and courts, lawyers, academics and civil society representatives.

The briefing was organised against the backdrop of the Covid-19 pandemic. We have all witnessed how the pandemic has exacerbated arbitrary and heavy-handed policing practices, particularly when enforcing curfews, lockdowns and other public health-related measures, affecting in particular poor and underprivileged people, as well as persons belonging to specific racial and ethnic groups that are historically discriminated against. The OMCT published the [briefing report “Extra-custodial use of force amounting to torture and other ill-treatment”](#). The report highlights the need to apply the

international legal anti-torture framework to counter this alarming trend, which is not limited to authoritarian countries.



Listen also to the [OMCT podcast](#) on police violence with the UN Special Rapporteur on torture, Nils Melzer

© KEYSTONE / Martial Trezzini

OMCT Virtual Missions

Belarus

From 14 to 16 January 2021, the OMCT conducted an online mission to Belarus in preparation of the contribution for the List of Issues Prior to Reporting for Belarus to be adopted by the CAT during its 70th session and of an alternative follow-up report assessing the implementation of the Concluding Observations adopted by the CAT in 2018, after the Belarus State review. The delegation spoke with the main civil society actors in the country and with journalists who monitored the August 2020 protests and the following human rights violations.

Mexico

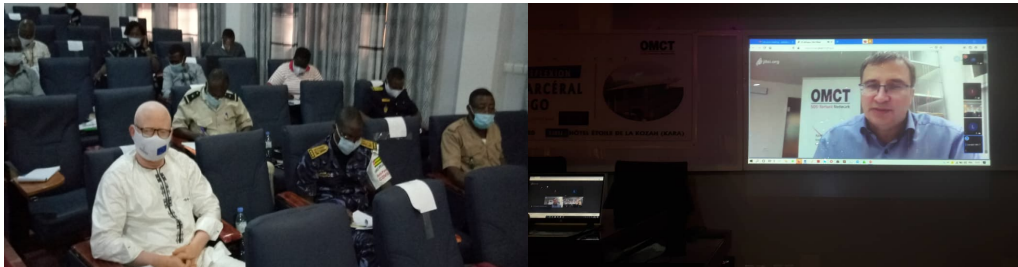
The OMCT and the National Network of Civil Human Rights Organisations "All Rights for All" (Red TDT), with the support of multiple organisations engaged in the [2019 review](#) of the seventh periodic report of Mexico by the Committee against Torture (CAT), conducted a [Virtual Follow up Mission](#) – virtual because of Covid-19 related restrictions - , between 4 and 11 February 2021. The international delegation held meetings with State officials, Civil Society Organisations (CSOs) and victims of torture. During the mission, a roundtable entitled “Torture and the Health Crisis: Urgent actions to comply with international commitments and guarantee the personal integrity in times of Covid-19”, with interventions by CSOs working on torture, migrants and women’s rights, forced displacement, conditions of detention and prison reform, was [livestreamed](#) on Facebook.



Togo

On 28, 29 and 30 October 2020, then 5 and 6 November, CACIT and the OMCT organised a virtual follow-up mission in Togo, to comply with Covid-19 related traveling restrictions. During the mission, we organised two workshops in the cities of Kara and Lomé. OMCT Secretary General Gerald Staberock participated online from Geneva, as did Dr Diakhate Hamet Saloum, an expert member of the United Nations Subcommittee for the Prevention of Torture (SPT). The workshop aimed to contribute to the implementation of the recommendations adopted by the CAT in 2019 related to the improvement of detention conditions in Togo (recommendation 25.a) and the problem of police violence in the context of maintaining order, the excessive use of force and abuse in detention (recommendations 22 and 34). We discussed with judicial police officers, public and general prosecutors, prison supervisors and directors, the National Commission of Human Rights and representatives of the Ministry of Human Rights, the minister of security, the minister of justice, and civil society actors.

Finally, the discussions revolved around strategies to support the government in the implementation of the CAT recommendation to close the civil prison in Lomé, the improvement of the overall prison system in the country and to end police brutality during public demonstrations by prosecuting torture perpetrators.



OMCT Submissions

Belarus

There has been an unprecedented crackdown against peaceful protesters in Belarus, following the contested re-election of Aleksander Lukashenka to the presidency, on 9 August 2020. Very large numbers of people have been arrested, with brutal practices by law enforcement agents amounting to torture and other ill-treatment. The excessive use of force continues to this day, while law enforcement agents enjoy absolute impunity.

The CAT adopted a list of issues for Belarus at its 70th session, in April-May 2021, which will form the basis of the State report of Belarus. Ahead of the adoption of this list, the OMCT submitted, together with its Network member Committee against Torture – Russia a [joint report](#) to the List of Issues Prior to reporting

on Belarus based on a monitoring mission under the auspices of the OMCT and on recent interviews with civil society representatives, journalists and other respondents who have been directly involved in the events.

Moreover, the OMCT together with its Network member Committee against Torture – Russia submitted a [follow-up report](#) in March 2021 to the UNCAT, in the framework of CAT's follow-up procedure, detailing Belarus failure to implement the recommendations adopted by the CAT in 2018.

Mexico

The OMCT and the National Network of Civil Human Rights Organisations "All Rights for All" (Red TDT), in partnership with a group of organisations engaged in the [2019 review](#) of Mexico by the CAT, published a [report](#), in July 2021, with the main findings of the Virtual Follow-up Mission conducted in February 2021. The report concludes that victims of torture are on the rise in Mexico, in a context aggravated by the Covid-19 pandemic. It reveals an increase in prison overcrowding, police and army violence, as well as serious neglect of migrants' rights and the rights of forcibly displaced communities. Among the key recommendations, the report calls for a public policy and the publication and implementation of the National Programme to Prevent and Sanction Torture to address the situation of thousands of people at high risk of torture and other ill-treatment.



Summary of the CAT State review

Belgium

Police brutality and Detention Conditions

During the online consideration of the [fourth periodic report](#) of Belgium, the CAT mainly focused on the following five areas: police violence; detention conditions, counter-terrorism; non-refoulement; and repatriation of nationals and extradition.

Nothing can justify **torture** under any circumstances

Like in 2013, the Committee expressed its concern about the prevalence of ill-treatment and the excessive use of force by the police, including when detaining persons, which has in some cases led to the deaths of those arrested. It took further note of the reports of disproportionate police interventions in the context of demonstrations, for example, during gatherings banned due to the Covid-19 pandemic on 1 April and 1 May 2021, and it expressed concern at the excessive use of equipment aimed at dispersing demonstrations, such as sprinklers, tear gas, and batons, as well as the use of high calibre weaponry. The Committee was also concerned about the figures in [Annex 1 of the State Party report](#), which show that between 2012 and 2016 only 20% of cases were prosecuted and 59% of the cases were closed without follow-up.

The Committee recommended the following measures: a) the establishment of an independent mechanism to facilitate the filing of a complaint by victims of torture, ill-treatment and unlawful violence and to ensure their involvement in the investigation while protecting them against any risk of reprisals; b) the opening of prompt and pro-active independent, thorough, diligent and impartial investigations in all allegations of illegitimate violence committed by police officers, thereby ensuring that no connection exists between the investigators and the alleged perpetrators; c) ensuring in the event of a presumption of torture or ill-treatment that the suspects are immediately suspended from their duties for the duration of the investigation; d) the swift overhaul of the disciplinary law and the establishment of a database of disciplinary decisions; e) ensuring that observations of injuries consistent with allegations of ill-treatment are brought immediately and systematically to the attention of the competent prosecutor; f) the improvement of the data collection and registration system of complaints about police violence.

The Committee also expressed concern about the continuing overcrowding in detention, despite the increase in prison capacity and a drop in the rate of overcrowding to 10.66% in 2020 following measures taken in the context of Covid-19. The continuing overcrowding is the result of, among others, the increase in the number of people in preventive detention, representing today approximately 37% of the prison population and the use of electronic surveillance only as an alternative to conditional release and not as an alternative to preventive detention.

Other issues addressed by the CAT included: concern about ethnic profiling; the need to improve the training of law enforcement officials, including by integrating in their curriculum the Convention against Torture, the Mendez Principles, and the Istanbul Protocol; the need of strict regulation of equipment and weapons by the police in full compliance with the Convention and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; access to health care for people deprived of liberty; concerns in relation to non-refoulement and diplomatic assurances; and the need to facilitate repatriation of all children with their mothers in conflict zones and their access to rehabilitation structures.

Issues for follow-up:

- ❖ Ratification of the Optional Protocol to the UN Convention against Torture;
- ❖ Non-refoulement;
- ❖ Repatriation of all children with their mothers in conflict zones

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

Upcoming CAT State reviews

72th session of the CAT

08 November – 03 December 2021

- ❖ Consideration of the State Party reports: Bolivia, Kyrgyzstan, Lithuania, Nigeria (in the absence of a State report) Serbia, and Sweden

The **deadline** for NGO submissions for the State report reviews at the 72nd session 11 October 2021

- ❖ List of Issues Prior to Reporting (LOIPR): Canada, Guatemala, Netherlands, Peru, Saudi Arabia

The **deadline** for NGO submissions for the adoption of the LOIPR at the 72nd session was 21 June 2021

73th session of the CAT

25 April – 20 May 2022

- ❖ Consideration of the State Party reports: Cuba, Iceland, Kenya, Montenegro, United Arab Emirates, Uruguay.

74th session of the CAT

11 July – 29 July 2022

- ❖ Consideration of the State Party reports: Iraq, Nicaragua, State of Palestine, Ukraine

Stay up to date

OMCT Blog

Our [blog](#) aims to provide greater awareness of the anti-torture work of the OMCT and its partners around the world, the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and its monitoring Committee, the CAT, in order to build a larger anti-torture movement, increase CAT's visibility, and to intensify CSO mobilisation around the CAT.

The OMCT invites and encourages CSOs, experts, academics, journalists and other stakeholders to share their experiences in fostering the implementation of the UN Convention against Torture, their experiences with the CAT and other anti-torture initiatives anywhere in the world by submitting an article for the blog. Please contact cbb@omct.org for more information.

Live Webcast of the CAT sessions

During the sessions, the live stream is available at webtv.un.org. Sessions are also archived and can be viewed at a later date.

Follow us



We thank

This E-Bulletin has been produced with the financial assistance of the European Union, the Ministry of Foreign Affairs of the Netherlands, the Swiss Federal Department of Foreign Affairs, and Irish Aid. The contents of this document are the sole responsibility of the OMCT and can under no circumstance be regarded as reflecting the positions of the European Union, the Ministry of Foreign Affairs of the Netherlands, the Swiss Federal Department of Foreign Affairs, or Irish Aid.



Ministry of Foreign Affairs of the
Netherlands



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra



Irish Aid
Rialtas na hÉireann
Government of Ireland