

## OMCT E-bulletin - November 2013

### 51<sup>st</sup> session of the Committee against Torture

During its 51<sup>st</sup> session (28 October to 22 November 2013) the Committee against Torture examined the State reports from Andorra, Belgium, Burkina Faso, Kyrgyzstan, Latvia, Mozambique, Portugal, Poland and Uzbekistan.

The Committee also adopted List of Issues prior to reporting of [Belarus](#), [Germany](#) and [Ireland](#).

#### E-bulletin Contents

- Review of the States
- OMCT and Gmedia
- Next session

## Review of the States

### **Burkina Faso** – Need to define and criminalise torture in domestic legislation

Burkina Faso's initial report was presented twelve years late. The Committee recalled that the first step to give effect to the Convention was to define and criminalise torture. The experts were particularly concerned about the duration a person can be kept under police custody without access to a lawyer. It called on Burkina Faso to ensure that all persons deprived of liberty are afforded all fundamental legal safeguards from the outset of their deprivation of liberty. The Committee were also preoccupied with continuous allegations of torture and ill-treatment met with impunity. Its recommendations highlighted the need for the State to ensure prompt, effective and impartial investigations. Despite some efforts to reduce prison population, overcrowding and poor prison conditions remain a very serious issue.



Read more:

[Concluding Observations of the CAT](#)

[Webcast](#)

[Alternative report](#) from Mouvement Burkinabé des Droits de l'Homme et des Peuples, OMCT's member

### **Poland** – Too little progress in investigation regarding CIA secret prisons and extraordinary rendition

Several Committee members raised the issue of Poland's complicity in the CIA rendition, secret detention programme, as well as the use of confession made under torture. At the core of its concern were the lack of progress in investigating and prosecuting the cases of complicity into torture and in ensuring overall accountability for this policy. A further pressing issue includes the poor conditions of detention, despite some progress in tackling overcrowding. The length of pre-trial detention was also a matter of preoccupation and the experts have recommended that the State ensure pre-trial detention is used as an exception and applied for a limited period of time. Issues of abortion and human trafficking were also raised during the session.

Read more:

[Concluding Observations of the CAT](#)

[Webcast](#)

[Alternative report](#) from Helsinki Foundation for Human Rights, OMCT's member

## **Andorra – Call for reducing the number of persons held in pre-trial detention**

During the initial report of Andorra, the Committee was concerned that the crime of torture is subject to a statute of limitations, which may result in impunity for perpetrators of acts of torture. The CAT recommended that the State adopt measures to lower the number of pre-trial detainees. The experts were also concerned by the absence of an independent body to investigate allegations of ill-treatment by members of the police force and called for institutional reforms. Among others issues stressed by the Committee was the question of violence against women, including domestic and sexual violence.

Read more:

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

## **Belgium – Serious concern about State's reliance on diplomatic assurances**

Prison overcrowding and condition of detention were raised as prime concerns during the session. Another major focus of discussion was State's reliance on diplomatic assurances to justify the deportation of foreign nationals when there is a risk of torture or ill-treatment. In this respect, the Committee called on Belgium to refrain seeking or relying on diplomatic assurances to justify transfers when a risk of torture exists. Belgium should also take steps to ensure in practice that confessions extracted under torture cannot be invoked as evidence in any proceeding. The experts of the Committee encouraged the implementation of an independent and efficient complaint mechanism for detainees as an important reform against torture.

Read more:

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

## **Kyrgyzstan – Failure to redress widespread torture and culture of impunity**

The Committee was deeply concerned about the on-going and widespread practice of torture as well as the persistent pattern of failure to investigate these allegations. The State should immediately, thoroughly, and impartially investigate all allegations of torture and ill-treatment and prosecute those who are responsible. The experts urged Kyrgyzstan to prohibit de jure and de facto the use of evidence obtained through torture. Furthermore, serious concerns were raised during the State's review regarding violence against women (domestic violence, bride-kidnapping, trafficking); and the abuse of LGBT persons (police harassment, arbitrary arrest, sexual violence); as well as children (corporal punishment). Human rights defenders in Kyrgyzstan face intimidation, reprisals, as well as threats, especially if they address torture and impunity in the South and the Committee recalled that Kyrgyzstan must ensure that defenders are protected from intimidation or violence as a result of their activities.

Read more:

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

## **Latvia – Call to abolish statute of limitations for the crime of torture**

The Committee challenged the statute of limitations for the crime of torture in Latvia, which it considered incompatible with the absolute nature of the prohibition of torture and recommended to be lifted. Violence against women, including domestic violence and marital rape, was also part of salient issues stressed by the Committee. The experts also raised concern about situation of asylum seekers as well as human trafficking for purposes of sexual and labour exploitation.

Read more:

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

## **Mozambique – Serious concerns about the lack of implementation of the Convention**

The experts examined the implementation of the Convention in Mozambique for the first time. They urged the State to enact legislation defining and criminalising torture. The experts also expressed their deep concern about allegations of extrajudicial executions by members of police in full impunity. The administration of juvenile justice was also a central issue during the session and the Committee recommended that Mozambique steps up its effort to improve the system in accordance with the [Beijing Rules](#). The experts also raised preoccupation about violence against women and children, including sexual abuse against girls in schools. Among others issues discussed at length by the experts were legal safeguards, condition of detention, coerced confessions as well as reports of persisting impunity for torture of arrested and detained persons by police officers and prison officials.

Read more:

[Concluding Observations of the CAT Webcast](#)

## **Portugal – Length of pre-trial detention and use of solitary confinement to be addressed urgently**

The Committee took note with satisfaction the ratification of the Optional Protocol to the Convention against Torture (OPCAT). Alleged complicity into extraordinary renditions was discussed at length during the session, with a particular focus on the investigations undertaken into the alleged State's involvement in rendition flights. Despite some efforts to reduce prison population, overcrowding remains a prime concern. The experts also expressed serious misgivings about the regular use and length of pre-trial detention and in particular of Portugal's practice of solitary confinement, including for juveniles, which should be changed urgently. The experts were also concerned at reports of discrimination and abuses against Roma by the police.

Read more:

[Concluding Observations of the CAT Webcast](#)

## **Uzbekistan – Nothing changed: widespread torture, impunity and threats to defenders**

During the session, the Uzbek delegation in a rarely seen aggressiveness sought to dismiss allegations of torture and challenge CAT's ability to rely on independent sources of information. The Committee recalled its independence and Claudio Grossman, CAT chairperson, reminded the State delegation that it was fully within its mandate to identify the questions to be asked and the issues to be raised, that it would then evaluate on the basis of its information and the answers provided. The overriding issue remains widespread use of torture and ill-treatment by law enforcement and prison officials as well as full impunity. It recommended to the State to carry out prompt, effective and impartial investigations as well as prosecute and punish all those responsible for torture. The experts also expressed their preoccupation about the situation of human rights defenders in Uzbekistan who faced harassment, threats and persecutions, making an effective documentation of torture almost impossible. It pointed to numerous reports of arbitrary imprisonment of human rights defenders and journalists in retaliation for their work. The State has to take all necessary measures to ensure that all human rights defenders are able to conduct their work freely and effectively. Among other issues the Committee also highlighted practises of forced labour, including child labour, and forced sterilisation.

Read more:

[Concluding Observations of the CAT Webcast](#)

## OMCT and Gmedia

OMCT and GMEDIA have organized their third workshop for journalists on “Media Empowerment Against Torture” from 4 to 8 November 2013. The aim of this seminar is to invite journalists to attend and report on their country examination by the Committee against Torture. This time, a group of journalists from Burkina Faso participated in the workshop and attended Burkina Faso's review by the CAT. They met civil society and state actors involved in the fight against torture and participated in discussion on the absolute prohibition of torture.



*“Thanks to this workshop, we have gained essential skills to the promotion of human rights. We have been able to strengthen our knowledge on torture issues. We will be at the forefront to monitor the implementation of our State’s commitments”* (testimony of a journalist who attended the workshop)

[OMCT and Gmedia press release](#)

## Next session (5 – 23 May 2014)

### Consideration of State reports:

- [Cyprus](#)
- [Holy See](#)
- [Guinea](#) (non-reporting State)
- [Lithuania](#)
- [Montenegro](#)
- [Sierra Leone](#)
- [Thailand](#)
- [Uruguay](#)

The deadline for NGO submissions is **18 April 2014**.

### List of Issues (LOIs) to be adopted:

- [Burundi](#)
- [Venezuela](#)

The deadline for NGO submissions is **21 February 2014**.

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

- [Czech Republic](#)
- [Greece](#)
- [Mexico](#)
- [Norway](#)
- [Peru](#)
- [Russian Federation](#)

NGOs submissions must be sent no later than **2 months before the opening of the session**.

### 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:



OMCT E-bulletin is realised with the financial aid of the European Union and the Foundation Oak. The content of the document lies in the responsibility of the OMCT only and cannot be considered as reflecting the position of the European Union or the Foundation Oak.

