



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Committee against Torture**  
**Seventy-fifth session**

**Summary record of the 1975th meeting**

Held at the Palais Wilson, Geneva, on Friday, 25 November 2022, at 10 a.m.

*Chair:* Mr. Heller

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*The meeting was called to order at 10 a.m.*

**Organizational and other matters** (*continued*)

1. **The Chair** said that the Committee against Torture had held its seventy-fifth session from 31 October to 25 November 2022. The Committee had adopted concluding observations on the periodic reports of Australia, El Salvador, Chad, Malawi, Somalia and Uganda. In the context of its reviews of those States parties' reports, it had held private meetings with the Australian Human Rights Commission, the Australian Commonwealth Ombudsman, the Chadian National Human Rights Commission, the Malawian Human Rights Commission and the Salvadoran Office of the Human Rights Advocate.

2. In its concluding observations on the report of Australia, the Committee had expressed its deep concern that detention continued to be mandatory for all unauthorized arrivals to Australia, including children. It had urged the Australian Government to repeal the provisions establishing the mandatory and indefinite detention of persons entering its territory irregularly, to guarantee that detention was applied only as a last resort and for as short a period as possible, and to ensure that children and families with children were not detained solely because of their immigration status. The Committee had also called on the State party to improve the conditions of detention in immigration facilities, including by guaranteeing access to adequate social, educational, and mental and physical health services. It had called on the State party to identify and address the root causes of the overrepresentation of Indigenous persons in prisons, including by revising its mandatory sentencing laws and the legal provisions applying to imprisonment for petty crimes. It had also recommended that Australia should bring the minimum age of criminal responsibility into line with international standards, prohibit the use of physical restraints as a disciplinary measure for children under supervision and immediately put an end to the practice of placing children in solitary confinement.

3. The Committee had urged El Salvador to enact comprehensive transitional justice legislation in line with international human rights standards and to ensure that the legislation did not allow for amnesties or immunity for alleged perpetrators of serious human rights violations and that it excluded statutes of limitation for such violations. In view of the serious consequences with regard to the enjoyment of human rights associated with measures taken by the authorities under the prevailing state of emergency, the Committee had requested that the State party should ensure that its emergency legislation was in compliance with international human rights law. It had also asked the Government to adopt effective measures to prevent arbitrary arrests without a warrant and to ensure that detained persons were afforded, in practice, all fundamental safeguards from the outset of their deprivation of liberty. In order to improve detention conditions and ensure that regular and unannounced visits were carried out to monitor places of deprivation of liberty, the Committee had encouraged the State party to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to establish a national preventive mechanism.

4. With respect to Chad, the Committee had been troubled by allegations of the use of lethal weapons by security forces, arbitrary arrests, incommunicado detention and acts of torture and ill-treatment in the context of presidential elections and the establishment of the Transitional Military Council in April 2021. It had requested that the State party should undertake prompt and effective investigations into all allegations relating to acts of torture and ill-treatment by prison personnel and all deaths in custody, including the deaths of 44 alleged members of Boko Haram whose bodies had been found in a cell of a gendarmerie post in N'Djamena. The Committee had also expressed its concern at the climate of impunity that existed in Chad and had recommended that the State party should ensure that all allegations of torture and ill-treatment were investigated by an independent body, that there were no institutional or hierarchical links between the investigators and the alleged perpetrators, and that suspects were duly brought to justice and, if found guilty, sentenced to penalties commensurate with the gravity of their acts.

5. Concerned about poor conditions of detention in Malawi, the Committee had called upon the Government to ensure that conditions of detention fully met United Nations standards and to take all necessary legislative and other measures to reduce overcrowding in

prisons. It had also requested that national authorities should comply with the regulations governing pretrial detention, resorting to that measure only in exceptional circumstances and for limited periods of time, and that Malawi should set up a formal procedure to track the detention of all persons deprived of their liberty. The Committee had expressed its serious concern at the State party's failure to prohibit the admissibility of confessions obtained under torture or ill-treatment in its Criminal Procedure and Evidence Code. The Committee had, furthermore, urged the Government to ensure that such confessions were systematically declared null and void. Referring to reports indicating that torture or ill-treatment were commonly used to elicit confessions, it had also encouraged the State party to develop training modules for law enforcement officers on non-coercive interviewing and investigation techniques.

6. With regard to its review of the periodic report submitted by Somalia, the Committee had expressed its concerns about allegations of torture and other ill-treatment committed by the National Intelligence and Security Agency, the army and other State and non-State actors, the practice of carrying out public executions, prison overcrowding and poor detention conditions. Under its follow-up procedure, the Committee had asked the State party to incorporate a definition of torture into its laws that conformed fully to article 1 of the Convention, to establish a national human rights institution and to ensure that all alleged acts of torture and ill-treatment were promptly investigated in an impartial manner.

7. The Committee had been deeply disturbed by reports indicating that torture and ill-treatment were widespread and frequently practised in Uganda. In its concluding observations, it had expressed concern regarding allegations of the excessive use of force and other acts of violence in the context of coronavirus disease (COVID-19) emergency measures, the reported failure to implement the country's Prevention and Prohibition of Torture Regulations and the difficulties faced by victims in accessing justice. It had urged the State party to ensure that all complaints of torture and ill-treatment were promptly investigated in an impartial manner by an independent body. The Committee had also reiterated a recommendation contained in its previous concluding observations to the effect that the State party should put an end to the use of unauthorized places of detention. It had further recommended that the State party should conduct investigations and ensure the prosecution of officials involved in arbitrary detention and ensure that victims had access to adequate remedies.

8. During the current session, the Committee had also drawn up its concluding observations on the second periodic report of Nicaragua. A provisional version of that document had been submitted to the State party for comment. Having received no reply, the Committee had proceeded to adopt the provisional document, unamended, as its final concluding observations.

9. At its seventy-sixth session, to be held from 17 April to 12 May 2023, the Committee would consider the reports of Brazil, Colombia, Ethiopia, Kazakhstan, Luxembourg and Slovakia. The assignments of country rapporteurships would be as followed: Ms. Maeda and Mr. Liu for the review of the report of Brazil; Mr. Heller and Mr. Iscan for the review of the report of Colombia; Mr. Buchwald and Mr. Touzé for Ethiopia; Ms. Racu and Ms. Pūce for Kazakhstan; Mr. Touzé and Ms. Maeda for Luxembourg; and Mr. Tuzmukhamedov and Mr. Rouwane for Slovakia. The Committee would also adopt a list of issues prior to reporting for Portugal and lists of issues in respect of the reviews of the reports of Burundi and Egypt. At the seventy-seventh session, to be held from 10 to 28 July 2023, it would consider the reports of Spain, Switzerland, Romania and New Zealand.

10. Over the course of the current session, the Committee had considered 15 individual communications under article 22 of the Convention. It had adopted 11 decisions on the merits and 4 decisions on admissibility, while 5 communications had been discontinued in accordance with the Committee's rules of procedure. The Committee had also continued to discuss third-party interventions in the context of the individual communications procedure and had adopted new guidelines to be added to its rules of procedure.

11. The Committee's work under article 20 of the Convention had continued during the session. The Committee had also undertaken activities on follow-up under articles 19 and 22 of the Convention and in relation to reprisals. The Rapporteur for follow-up to concluding

observations, Mr. Tuzmukhamedov, had indicated that, since the seventy-fourth session, follow-up reports had been received from Belgium, Lithuania and Tajikistan, and a follow-up letter had been sent to Belgium. No alternative follow-up reports had been received from non-governmental organizations.

12. The Committee had considered a number of communications and had submitted follow-up observations for each one. In some of the cases, the follow-up actions and observations had been deemed satisfactory and the Committee had decided to conclude the follow-up dialogues concerning those communications. In other cases, the follow-up comments and observations had demonstrated a lack of implementation, and the Committee had decided to continue the follow-up dialogue and to consider further steps in the light of the submissions received.

13. The Rapporteur on reprisals, Ms. Racu, had indicated that no new allegations of reprisals had been received since the seventy-fourth session. She had referred to a number of cases before the Committee. In three cases brought against Morocco, the alleged violations had ceased after the complainants had been released from detention following a request to that effect from the Committee. In a case referring to allegations of reprisals in Cyprus, the complainant had been released from detention and the case was being examined by the State party.

14. During the current session, the Committee had held its annual joint meeting with the Subcommittee on Prevention of Torture. At that meeting, the Committee had been formally asked to take action pursuant to article 16 (4) of the Optional Protocol in relation to the refusal of Nicaragua to cooperate with the Subcommittee. The Committee had accepted the request and had agreed to issue a joint statement on the matter with the Subcommittee.

15. The Committee had also been briefed by the International Rehabilitation Council for Torture Victims on the second edition of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). The Council had been one of the main stakeholders in the work done to update the Protocol. Launched on 29 June 2022, the new edition included important changes to torture investigation standards that were of considerable relevance to the Committee's work. At the briefing, the Council had presented an analysis of the recommendations on investigations issued by the Committee over the previous 10 years in order to demonstrate how the Committee could best use the Istanbul Protocol when conducting its reviews of States parties' periodic reports.

16. The Committee had met with representatives of the Convention against Torture Initiative, a very important partner of the Committee that promoted the universal ratification of the Convention. It had also been briefed by the members of the Rule of Law and Democracy Section of the Office of the United Nations High Commissioner for Human Rights on drug policy and human rights. The briefing had provided an overview of approaches for ensuring that human rights – and particularly those related to the prohibition of torture and ill-treatment – were protected in the course of the development and implementation of drug policies. The Committee had also held a meeting with the newly appointed Special Rapporteur on torture, Ms. Alice Jill Edwards, where it had had an open and frank discussion on potential areas of collaboration and mutual interest. The session had marked the conclusion of the latest cycle of cooperation among the four anti-torture mechanisms of the United Nations: the Committee, the Subcommittee, the Special Rapporteur on torture and the United Nations Voluntary Fund for Victims of Torture.

#### **Closure of the session**

17. **The Chair**, after expressing his appreciation to participants for their contributions, declared the Committee's seventy-fifth session closed.

*The meeting rose at 10.45 a.m.*