



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

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Committee against Torture Eightieth session

Summary record of the 2113th meeting*

Held at the Palais Wilson, Geneva, on Wednesday, 10 July 2024, at 10 a.m.

Chair: Mr. Heller

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* No summary record was issued for the 2112th meeting.

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

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Sixth periodic report of the Republic of Korea ([CAT/C/KOR/6](#); [CAT/C/KOR/QPR/6](#))

1. *At the invitation of the Chair, the delegation of the Republic of Korea joined the meeting.*
2. **A representative of the Republic of Korea** said that, since the consideration of the country's combined third to fifth periodic reports, in 2017, his Government had made a concerted effort to implement the recommendations made by the Committee on that occasion. Legislative, executive, judicial and other policies on the prevention of torture had been introduced, with close attention paid to the criticism and advice of the National Human Rights Commission of Korea. To enhance transparency and access to justice, criminal judicial procedures were being digitalized, allowing relevant information to be shared with stakeholders, including suspects and legal counsel, at each stage of the criminal justice process. To address overcrowding, existing correctional facilities were being renovated and new facilities constructed. In addition, in a bid to avoid recourse to pretrial detention, the use of electronic monitoring devices for bail had been introduced. The provisional protection period for North Korean defectors had been reduced from 180 to 90 days following their entry into the country. "Substitute cells" in police stations had been abolished in 2020.
3. Other achievements included the introduction of legal amendments clarifying that the corporal punishment of children was a crime and abolishing the "guardhouse detention" system, which allowed soldiers to be detained for up to 15 days without a warrant by way of a disciplinary measure. To provide greater protection for migrant workers, including from unfair treatment by employers, the list of permissible reasons for which they could change their workplace had been expanded, and the Government now conducted regular and ad hoc workplace inspections and provided them with counselling, interpretation and education services. The Mental Health Act had been revised; under the provisions, involuntary hospitalization was reviewed monthly by a special committee and an appeals process had been introduced for hospitalized persons who disagreed with the committee's decision in their case.
4. Suspects were entitled to support from legal counsel during all investigative procedures. To prevent arbitrary restrictions on visits by and communication with legal counsel, the conditions under which such restrictions could be imposed were set out in special guidelines and in rules concerning prosecutor's offices and police investigations. The Human Rights Violation Hotline Centre of the Ministry of Justice could receive complaints from custodial and correctional facilities administered by the Ministry and investigate possible human rights violations. Since 2021, it had been able to conduct in-depth investigations of the human rights situation at institutions. The remedies available for human rights violations included investigation, disciplinary action, correction orders, guidance on State compensation and legal aid, and recommendations for improvements. Human rights centres had been established in each prosecutor's office to facilitate the reporting of human rights violations, and detainees in military correctional facilities could file complaints with the Minister of National Defence. The National Human Rights Commission also received complaints from detainees, conducted on-site inspections of detention facilities and could recommend policy improvements; between 2019 and 2023, it had issued 48 recommendations regarding complaints of torture, 44 of which had been accepted by the government agencies concerned.
5. The Fourth National Action Plan for the Promotion and Protection of Human Rights, announced in March 2024, focused on the themes of respect for life and the protection and promotion of fundamental freedoms. Issues addressed in the National Action Plan included the abuse of police investigative authority and overcrowding in correctional and custodial facilities. In July 2024, the National Centre for Trauma Healing from State Violence had come into operation to provide psychological support and aid the recovery of victims of State violence and their families. The Guidelines on the Receipt and Processing of Refugee Application Appeals had been published in 2023 to enhance transparency and fairness in the

refugee application screening process, and the number of officers working on screening had been increased to tackle prolonged waiting periods.

6. Human rights education was provided on a continuous basis to public officials with related duties, including in prosecutor's offices and the military; it had been made compulsory for all police officers in 2022. Officials of the Ministry of Justice received training from the Institute of Justice; the Ministry itself provided regular human rights training to prevent torture and one-to-one customized training to public prosecutors and investigators on interrogation and interview techniques. Prosecutor's offices conducted mandatory human rights training twice a year. The Ministry of National Defence provided tailored human rights training to military personnel, including commanders and investigators.

7. The law on correctional facilities had been amended in 2024 to ensure that consecutive forfeitures of detainee rights did not exceed 45 days in total. To ensure the provision of medical services, detainees could access remote medical consultations and the number of transfers of detainees to external medical facilities was increasing.

8. Developments in tackling gender-based violence included the enactment in 2021 of the Stalking Punishment Act, which classified stalking as a separate punishable offence, and in 2023 of the Stalking Prevention Act, which provided for a reporting system, situation surveys and preventive education. Harsher penalties had been introduced for digital sex crimes, along with new punishments for new types of digital sex crime. The Advocacy Centre for Online Sexual Abuse Victims, established in 2018, supported the victims of those crimes, including by removing illegally filmed content.

9. To ensure the humane treatment of foreigners, the Immigration Act had been amended in 2022 to make the State responsible for departure waiting rooms that accommodated foreign detainees at ports of entry. The Rules on the Detention of Foreigners had been revised in December 2022 to establish the role of human rights protection officer; the officers were responsible for receiving and investigating reports of human rights violations within immigration detention facilities. A special safeguarding procedure had been introduced to isolate and protect foreigners who undermined safety or order at an immigration detention facility. Two immigration detention centres had been converted to open regimes in 2022 and 2023 and detainees enjoyed freedom of movement within the centres, the right to communicate with the outside world and access to information. The Act on the Prevention of Human Trafficking and Protection of Victims had been in force since January 2023, and a comprehensive action plan to combat trafficking in persons and identify victims of that crime had been introduced.

10. Child sexual abuse was tackled through the regular dissemination to relevant officials of specialized knowledge and investigative methods. In addition, in 2021 a system for case management conferences had been introduced, allowing public prosecutors to discuss victim protection and support with local child welfare experts when dealing with cases of child abuse. Violence and sexual violence in the military were addressed through the fostering of a healthy military culture and the establishment of human rights protection systems. In 2022, the Government had set up dedicated organizations for preventing and responding to sexual violence within each branch of the military and increased the number of specialist counsellors. A post of military human rights protection officer and a military human rights protection committee had also been established in 2022, under the authority of the National Human Rights Commission. His Government had made every effort to respect the spirit of the Convention and reaffirmed its zero-tolerance stance on torture and abuse.

11. **Ms. Racu** (Country Rapporteur) said that the State party's report (CAT/C/KOR/6) covered a period during which a number of significant legislative, judicial and institutional changes had taken place. Nonetheless, the definition of torture in national legislation remained inconsistent with article 1 of the Convention, and the State party continued to claim that a range of criminal law provisions, including articles 124 and 125 of the Criminal Act, were sufficient to criminalize and punish all aspects of torture. That position was contrary to the recommendations of the Committee and the provisions of the Convention. She would appreciate information on plans to legislate or amend criminal law to appropriately criminalize and punish any act of torture, in accordance with article 4 of the Convention. An update on the status of the bill on the non-applicability of the statute of limitations to certain

crimes would also be welcome, as would clarification as to whether acts of torture were among those crimes.

12. While the information provided on improvements to fundamental legal safeguards was welcome, she would like to know what concrete steps the State party intended to take to amend existing legal provisions that could hinder detainees' access to legal aid; to eliminate practices that led to violations of the right of access to a lawyer; and to ensure that the right to counsel during interrogation was not restricted under any circumstances. She also wondered what legal provisions and practices governed the granting of free legal aid, which social categories were eligible for such aid and to what extent.

13. She wished to gain a clearer understanding of access by persons in police custody to a doctor. The delegation might wish to provide more precise information on the procedure whereby detainees underwent a medical examination upon admission to police detention units and the number of detainees undergoing such an examination who showed signs of injury or torture. Details of any measures taken to improve the way in which medical personnel carried out the medical examination of detainees would also be welcome. She would like to learn more about the medical screening of new arrivals, in particular for infectious and transmissible diseases. She wondered how detainees' injuries and health conditions were documented; what legal provisions were in place regarding the reporting of cases of possible torture and ill-treatment; and whether there were any specific registers for recording trauma and injuries sustained in police detention facilities. It would be interesting to know how many cases of injuries, abuse, ill-treatment and torture of detainees had been reported during the previous four years and whether criminal cases had been initiated as a result. If they had, she would like to know which legislation had been used to prosecute those cases and how many of them had resulted in disciplinary and criminal sanctions for State agents or police officers. She would be grateful if the delegation could submit details relating to the previous five years about access to psychiatric services for persons in police custody and rates of suicide, morbidity and mortality in police detention.

14. The Committee would also like to receive comprehensive information about the use of audio and video recording in interrogations, including the applicable legal provisions and practices. She wondered whether the hearing rooms used for juvenile cases were fully functional and equipped with the necessary audio and video equipment.

15. She would appreciate an update on the number of people arrested for praising or inciting the activities of an anti-government organization, which was punishable under article 7 of the National Security Act; the number of criminal cases initiated as a result; the number of individuals currently detained under the Act and, specifically, article 7; and the number of facilities that held persons arrested under the Act. The Committee would also welcome information about concrete measures taken by the Government to prevent abuses from being committed under the Act. Were there any plans to abrogate article 7?

16. It would be helpful to learn why officials of the National Human Rights Commission did not enjoy unfettered access to all places of detention, including those holding persons detained under the National Security Act and those where persons who had escaped from the Democratic People's Republic of Korea were held. She wished to know how the recommendations made by the Commission were being implemented and what was done to ensure its functional and budgetary independence. She would also appreciate an explanation of the Government's official position on the signing and ratification of the Optional Protocol to the Convention and its strategy with respect to the transparency of places of detention, including its views on the question of granting human rights non-governmental organizations (NGOs) access to all places of detention, including psychiatric institutions and other closed or residential facilities.

17. She would welcome information on measures put in place to establish an efficient complaints mechanism in places of detention, including for juveniles, foreign nationals and persons with mental or physical disabilities. She wondered how persons deprived of their liberty were informed about their options for lodging complaints in a manner that instilled trust and whether legal actors, wardens and other staff faced penalties if they were found to have persecuted inmates or patients for filing complaints about their treatment.

18. Given concerns that the low number of cases processed by the human rights violation reporting centres of prosecutor's offices nationwide indicated a drop in their efficiency, she would welcome more information about their activities. Similarly, given the low percentage of complaints submitted to the Human Rights Violation Hotline Centre of the Ministry of Justice that were actually accepted and acted upon, she wished to know what measures were being implemented to enable that Centre, and those operating under prosecutor's offices and the National Human Rights Commission, to play a substantial and effective role in preventing and redressing human rights violations. She would like the delegation to provide an update on the number of complaints received by those entities over the previous four years, the number of those complaints that related to acts of ill-treatment and torture committed by law enforcement officials and the number of investigations initiated on the basis of those complaints. She also wished to know what the outcomes of those investigations had been and which closed institutions were the subject of the most complaints.

19. She would welcome an explanation as to why the asylum process took so long and resulted in such a low proportion of successful applications. She would appreciate information on any progress made in amending the Immigration Act to mitigate the risk of indefinite detention of asylum-seekers, in line with the recent Constitutional Court decision. It would also be useful to receive an update on any steps taken to improve access to basic services for refugees, asylum-seekers and migrants in the centres that accommodated them. The opening of a waiting zone providing improved reception conditions for asylum-seekers at Incheon International Airport was to be commended, and the Committee would welcome further information on the measures put in place at the waiting zone and on efforts to improve conditions in all immigration detention centres, including those accommodating persons who had escaped from the Democratic People's Republic of Korea.

20. She would be grateful if the delegation could clarify the pathway to naturalization for refugees accepted from countries other than the Democratic People's Republic of Korea, who reportedly faced major barriers to gaining citizenship in the form of asset and income requirements. It would be helpful to receive an update on the number of persons granted temporary protection by the State party, disaggregated by country of origin, ethnicity and gender, as well as more details on their status and rights, given that they did not enjoy the same access to basic services as refugees and often faced difficulty in securing jobs.

21. The Committee would like to know whether the State party intended to improve the appeals process of the refugee status determination procedure by establishing an independent appeals body for refugees that would help ensure the integrity of asylum procedures and reduce the risk of forcible return of individuals to countries where they might face torture or cruel, inhuman and degrading treatment. She would be interested to hear more about the process whereby decisions to deport or expel foreign nationals or decisions of non-recognition of refugee status could be appealed. It was unclear whether or not such appeals had a suspensive effect. It would be helpful to receive statistical data, disaggregated by country of origin, about the number of appeals processed and the proportion of positive decisions taken over the previous four years.

22. She wished to know how many protection centres or detention units there were for persons who had escaped from the Democratic People's Republic of Korea. She would also welcome statistical data on detentions and deportations of individuals from that country, including the number of persons detained, the duration of their detention, the number of persons deported and the reasons for their deportation. She wondered how the Government was ensuring the right to legal counsel for persons who had escaped from the Democratic People's Republic of Korea.

23. It would be useful to know whether, since the consideration of the State party's previous report, the Government had received any extradition requests for individuals suspected of committing an offence of torture and whether it had, for any reason, rejected any such requests and started prosecution proceedings as a result. If so, she was curious to learn the status and outcome of such proceedings and any other relevant details. She also wished to hear about any measures in place to ensure that a State making an extradition request would not subject the extradited individual to torture or ill-treatment upon arrival. Any relevant information and statistical data that might help illustrate the progress made by

the State party and the obstacles it faced in terms of extraditions or transfers for the enforcement of criminal sentences in other countries would also be welcome.

24. **Mr. Kessing** (Country Rapporteur) said that he wished to know whether the Convention was included in the training provided to public officials in the Republic of Korea and whether the training of medical experts covered the 2022 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 delegation might like to explain how the State party investigated and documented cases of torture and other cruel, inhuman or degrading treatment committed by public officials and how it assessed the effectiveness of the training provided to public officials and medical doctors in reducing the number of such cases.

25. He wished to know whether the State party had succeeded in reducing prison overcrowding and what the prison occupancy rates for 2022 and 2023 had been. Information on initiatives that had been taken, or would be taken, to address the persistent of pattern overcrowding would be appreciated. He wondered whether it was normal for two or more detainees to share a single cell in prisons in the State party and what the Ministry of Justice had done to monitor and reduce the use of multi-occupancy accommodation. He would also like to know whether it was true that inmates had the right to less than 2.58 m² of personal space in prison cells, under the Ministry's guidelines in that regard, and often had less than that amount of space in practice. He was anxious to learn whether the State party was indeed considering lowering the age of criminal responsibility from 14 to 13 years and, if so, what initiatives were being envisaged to counter further overcrowding, given that implementing that measure would likely increase the number of inmates. He would welcome statistical information on the number of people released from prison on parole in 2022 and 2023. Had the State party considered increasing the use of parole to reduce overcrowding?

26. He would like to receive statistics on the number of detainees placed in solitary confinement as a disciplinary measure in 2022 and 2023, including the periods for which they had been held in solitary confinement. He would appreciate clarification as to whether the exceptions regarding the use of solitary confinement set out in article 14 of the Act on Execution of Sentences had been applied in practice and, if so, how often. He commended the State party on its intention to reduce the use of solitary confinement as a disciplinary measure, establish a maximum period of 15 days for the application of that measure and exempt detainees with mental illness from being subjected to solitary confinement. However, more specific information would be appreciated on the State party's efforts to follow up on that intention, including timelines for the introduction of the 15-day maximum period.

27. He welcomed recent initiatives taken by the State party to improve medical treatment in prisons. He wondered whether it was planning any further initiatives to ensure that inmates received adequate medical treatment. He would be grateful to receive statistics on the number of critically ill inmates who had died shortly after their sentences had been suspended or they had been released from prison. It would be useful to know whether independent forensic examinations were carried out in relation to all deaths in custody and whether the family of the deceased received autopsy reports and was able to request the commissioning of an independent autopsy.

28. The Committee would welcome information on the number of complaints received in 2022 and 2023 by the hotline established by the Ministry of Justice to investigate allegations of torture and ill-treatment. Information on the outcomes of those complaints, including whether any disciplinary or criminal penalties had been handed down to prison officers, would also be appreciated. He wished to know whether all signs of violence and excessive use of force in prisons were reported to medical doctors and whether signs of torture and ill-treatment were reported to, and effectively investigated by, an independent institution outside the prison system.

29. It was remarkable that the State party continued to retain the death penalty while voting in favour of its abolition on more than one occasion at the United Nations General Assembly. The delegation might wish to explain that apparent inconsistency. He noted that, in its periodic report, the State party had mentioned its plans to comprehensively review the abolition of the death penalty; an update in that regard would be appreciated. He wished to

know whether it was the State party's position that individuals could be deported or extradited to another State if there was a real risk that they would be sentenced to death and executed there.

30. It had been reported that the National Human Rights Commission seldom undertook preventive visits to psychiatric institutions. He would like to know if that was indeed the case and, if so, why. He also wished to know whether the State party planned to take further measures to reduce the number of involuntary hospitalizations and strengthen and improve patients' rights to an effective review of decisions on such hospitalizations. In addition, he was keen to learn whether the State party still intended to merge the two existing external review committees into a single independent review agency mandated to carry out face-to-face assessments. It would be interesting to hear about any steps that the State party had taken, or planned to take, to ensure that persons placed in residential institutions, including those with mental illness, were treated with respect and dignity and were not exposed to inhuman or degrading treatment, and how the situation was monitored. The delegation might wish to clarify whether it was correct that the Commission was not permitted to undertake unannounced inspections of residential institutions and, if so, explain why such inspections were prohibited.

31. Lastly, he would like to know how many victims of torture or other forms of ill-treatment had received redress in 2022 and 2023 and what steps the State party would take to ensure that survivors of past State violence and institutionalization would receive the redress and rehabilitation they needed.

32. **Mr. Buchwald** said that the Committee had received reports that individuals arriving in the State party from the Democratic People's Republic of Korea had been immediately detained and subsequently returned on the grounds that they were criminals fleeing that country rather than genuine defectors. If that was indeed the case, he would like to know why criminal activity constituted the determining factor in the decisions to return those individuals, given that they would likely face a high risk of torture on their return. He would appreciate clarification of the legal rules and processes for the evaluation of such cases and wondered whether individuals arriving from the Democratic People's Republic of Korea and citizens of other countries were subject to the same rules.

33. **Mr. Tuzmukhamedov** said that he would like to hear more about the training provided to military personnel, in particular with regard to human rights, international humanitarian law and the application of international instruments concerning the prohibition on torture in the context of armed conflict. In addition, he was keen to hear whether the State party had considered accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

34. **Mr. Liu** said that he wished to know what measures had been taken by the State party to increase the number of doctors, including psychologists, assigned to prisons and what progress had been made in that regard. He was given to understand that the Criminal Act was not sufficiently aligned with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, as the Act contained no provision establishing that acts of trafficking in persons would be recognized as such regardless of whether the victim had consented to them. Given that the State party had ratified that Protocol, he would appreciate the delegation's views on the definition of trafficking in persons in the Criminal Act. In addition, article 289 of the Act appeared to offer excessive room for discretion in the sentencing of offences related to trafficking in persons. He would therefore appreciate statistical data on convictions and sentences handed down for such offences and clarification as to whether offenders were held accountable in accordance with the severity of their crimes.

The meeting was suspended at noon and resumed at 12.20 p.m.

35. **A representative of the Republic of Korea** said that, after consulting several ministries on the ratification of the Optional Protocol to the Convention and undertaking a comparative study of the national legal system, the Government had found that the prerogatives granted to the Subcommittee on Prevention of Torture under the Optional Protocol might conflict with national legislation. Rather than ratifying the Option Protocol, therefore, it had decided to continue to rely on existing torture prevention tools, such as visits

to detention facilities by the Ministry of Justice and the National Human Rights Commission, and legislation on criminal procedure, habeas corpus and detainees' right to lodge complaints.

36. **A representative of the Republic of Korea** said that the commission of a crime specified in article 125 of the Criminal Act, which covered torture and acts of cruelty, was punishable by at least 1 year's imprisonment with labour if it resulted in injury and by indefinite imprisonment with labour – lasting at least 3 years – if it resulted in death. Draft legislation that would have increased such sentences had been debated in the National Assembly but had not been adopted before the end of the Assembly's term. Physical restraint could be punishable under article 125, which also deemed the infliction of unbearable mental suffering to constitute torture or other cruel, inhuman or degrading treatment and took into account the status of the perpetrator and victim, the circumstances of the act and its consequences. There was no statute of limitations for crimes that came under the jurisdiction of the International Criminal Court, including crimes against humanity and genocide, or other serious crimes, such as violence by public officials and murder.

37. **A representative of the Republic of Korea** said that all suspects enjoyed the right to counsel at all stages of an investigation. However, the participation of a defence counsel might be restricted where there were grounds for so doing, for example if he or she broke the law or significantly impeded an investigation. Suspects and their counsel could appeal such decisions, and suspects could be permitted to engage alternative representation.

38. **A representative of the Republic of Korea** said that North Korean defectors were afforded protection and support. The investigations conducted into them were administrative, rather than criminal, in nature. Nevertheless, the granting to them of the right to legal counsel was worthy of consideration given their unique status, the psychological strain they experienced and the possibility that their families could face political persecution, although the National Assembly had rejected such a step in 2022.

39. **A representative of the Republic of Korea** said that socially and economically vulnerable suspects and defendants, such as persons with incomes of less than 125 per cent of the median, had access to legal support through the Korea Legal Aid Corporation. Lawyers at police stations provided free legal assistance in civil cases.

40. **A representative of the Republic of Korea** said that further information concerning access to medical treatment in police detention centres was provided in paragraph 17 of the periodic report ([CAT/C/KOR/6](#)). Every effort was made to grant requests for medical treatment of detainees, whether made by detainees themselves or their family members.

41. **A representative of the Republic of Korea** said that inmates at correctional facilities underwent medical assessments upon arrival and at least once a year thereafter. Prisoners could request to see a doctor at the facility's medical unit who would assess their medical needs and refer them to external health-care facilities if necessary. There had been no cases of prisoners being denied external medical care against the judgment of a health-care professional. Prisoners had access to external health care via transfers to external facilities, the number of which was increasing steadily, or consultations with external health-care professionals who visited prisons, or by means of a dedicated telemedicine system. The budget for external medical care for prisoners was increased each year, with the Government covering 88.5 per cent of the costs and the remainder paid by the prisoner. Inmates' medical records could be shared with prosecutors only with a warrant or the inmate's consent. Prison health-care professionals were public officials and, as such, were required to report offences to a public prosecutor or judicial police officer.

42. **A representative of the Republic of Korea** said that the Constitutional Court and the Supreme Court had ruled that article 7 of the National Security Act was clear. Its amendment or abrogation was therefore unnecessary. The article was applied only to protect freedom of expression; it could not be used to suppress democratic freedoms or criticism of the Government.

43. **A representative of the Republic of Korea** said that persons deprived of their liberty and third parties could lodge complaints of torture and ill-treatment with the National Human Rights Commission, which could also undertake ex-officio investigations. In the course of its investigations, the Commission could interview persons deprived of their liberty in the

absence of witnesses and request cooperation from the relevant agencies, which cooperated actively unless there were compelling reasons not to do so. The Commission referred cases in which criminal acts were suspected to the Prosecutor General and made recommendations on policy improvements and corrective actions to government agencies in the case of human rights violations. In 2014, the Commission had conducted an investigation into the North Korean Refugee Protection Centre and, between 2016 and 2019, it had interviewed more than 50 persons housed there.

44. **A representative of the Republic of Korea** said that the granting of access to mental health institutions to all NGOs would jeopardize users' privacy. Moreover, it would be difficult to make the necessary legal amendments, since those institutions differed greatly in type and purpose. By law, a group of NGOs was responsible for undertaking an annual fact-finding survey on human rights in residential facilities for persons with disabilities, while the National Human Rights Commission had the power to visit and investigate institutions for children, persons with disabilities, persons with mental health problems, homeless persons and older persons, with the participation of external experts.

45. The committee established to monitor involuntary hospitalizations also reviewed measures of coercion or restraint imposed on patients with mental health problems; its investigators visited the institutions involved to conduct interviews with patients and, if human rights violations were suspected, informed the local authorities so that the necessary protective measures could be put in place. Another committee considered requests for discharge and improvements to treatment, as well as complaints of abuse, lodged by patients admitted involuntarily to mental health hospitals. That committee also monitored the use of physical restraint and isolation. Mental health facilities were required to make documents such as complaints forms available to patients, who also received information about their rights in an easy-to-read format.

46. Patients in mental health facilities could be placed in isolation or physically restrained, under the supervision of a specialist, when there was a high likelihood of self-harm or harm to others and when other means of mitigating that risk were impracticable. In those cases, written records must be made and preserved; the failure to do so was punishable by imprisonment with labour or a fine. Under specific guidelines on isolation and physical restraint, the reason for such a measure must be explained to the patient or his or her guardian before and after its application. Isolation or physical restraint that exceeded the maximum permitted duration must be reviewed by a multidisciplinary team, whose discussions were documented, and patients whose rights were violated during hospitalization could lodge complaints with the National Human Rights Commission.

The meeting rose at 1 p.m.