



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

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Committee against Torture

**Information received from Costa Rica on
follow-up to the concluding observations
on its third periodic report^{*}, ^{**}**

[Date received: 22 November 2024]

^{*} The present document is being issued without formal editing
^{**} The annexes to the present document may be accessed from the web page of the Committee.



I. Introduction

1. The Directorate General for Foreign Policy in the Ministry of Foreign Affairs presents its compliments to the Committee against Torture and submits information on its follow-up to the Committee's concluding observations ([CAT/C/CRI/CO/3](#)) dated 19 December 2023, in which the Committee requested the State Party to provide, by 24 November 2024, information on follow-up to the Committee's recommendations on pretrial detention, conditions of detention, the investigation of cases of torture and ill-treatment, and non-refoulement.
2. In this regard, the Government of Costa Rica is pleased to provide information on the follow-up it has given to the Committee's recommendations and on the relevant actions taken by the Ministry of Justice and Peace and the judiciary.
3. With regard to the follow-up given to the Committee's recommendations, paragraph 42 reads as follows: The Committee requests the State Party to provide, by 24 November 2024, information on follow-up to the Committee's recommendations on pretrial detention, conditions of detention, the investigation of cases of torture and ill-treatment, and non-refoulement (see paras. 13, 15 (a), 25 (a) and 31 (a) above). In that context, the State Party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.
4. The information provided in response to the request made in the concluding observations on the third periodic report of Costa Rica is set out below.

II. Information on follow-up to concluding observations ([CAT/C/CRI/CO/3](#))

A. Follow-up information concerning paragraph 13

5. Paragraph 13 of the concluding observations reads as follows: Bearing in mind its previous concluding observations, the Committee urges the State Party to ensure scrupulous respect for the rules governing pretrial detention and to ensure that it is used only in exceptional circumstances and for limited periods, in accordance with the law, taking into account the principles of necessity and proportionality and the presumption of innocence. The State Party should make greater use of alternatives to pretrial detention, as provided for in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).
6. The judiciary provides information on the action taken by the Public Prosecution Service.
7. The Juvenile Criminal Justice Act provides for alternatives to deprivation of liberty (detention in a specialized facility). It does not allow the imposition of custodial sentences for offences that, under criminal law applicable to adults, carry a sentence of less than 6 years' imprisonment. All these aspects are outlined in the special law.
8. Under criminal law applicable to juveniles, pretrial detention is a measure of last resort and its duration is decided through regular reviews to determine its necessity and consider the possibility of substituting it with an alternative or less burdensome measure.
9. The principle of expeditiousness is respected, ensuring that pretrial detention is applied for the minimum time necessary. Article 59 of the Juvenile Criminal Justice Act, which encourages the use of pretrial detention only as a last resort, states that pretrial detention must be used only in exceptional circumstances, particularly for juveniles aged between 12 and 15 years, and must be applied only when the use of another less burdensome measure is not possible.

B. Follow-up information concerning paragraph 15 (a)

10. Paragraph 15 (a) of the concluding observations reads as follows: The State Party should (a) continue its efforts to reduce overcrowding in prisons, mainly by making use of alternatives to deprivation of liberty, both before and after trial, in which regard the Committee draws the State Party's attention to the Tokyo Rules and the Bangkok Rules, and make the necessary improvements in detention facilities by taking urgent measures to rectify any shortcomings related to general living conditions and healthcare in prisons, including specialized medical care, in order to bring them into full compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

11. The Ministry of Justice and Peace ensures that arrangements for the placement of detainees are made in accordance with articles 168 to 171 of the National Prison Service Regulations.

12. The Regulations set out the following aspects that should be taken into consideration: (a) personality and capacity to live with others: type of ties and relations with the community and family, individual history, capacity to share space with other persons deprived of liberty; (b) the level of physical restraint required, on the basis of capacity for self-control, legal status and security needs; and (c) the specific form(s) of professional support a person requires to serve his or her sentence. When making arrangements for placement, sexual diversity, social and personal characteristics and any other relevant rights must be taken into account. Juveniles deprived of liberty must be separated from adult detainees, and persons in pretrial detention must be separated from detainees who have already been sentenced.

13. The majority of the criteria for classification and placement in the different categories of prisons or specific units are regulated by Circular No. 1-2023 of the National Institute of Criminology (see annex), which sets out, in broad terms, the following:

- Preliminary assessment (arts. 31, 33 and 37)
- Initial assessment and special assessment for reasons of overcrowding (arts. 41 and 42)
- Special assessment for reasons of disability or terminal or serious illness (art. 43)
- Standard assessment (art. 49)
- Placement of persons sentenced to house arrest with electronic monitoring (semi-open prisons) (arts. 50 and 51)
- Placement of persons deprived of liberty in community settings (arts. 53, 54 and 55)
- Placement of residents in comprehensive care settings (art. 57)
- Placement of persons deprived of liberty in prisons and women's facilities (arts. 60, 61, 62 and 64)
- Placement of persons deprived of liberty in the "commitment and opportunity" units of women's facilities (art. 73)
- Criteria for placing women deprived of liberty in local women's facilities (art. 81)
- Criteria for placement of older persons deprived of liberty (arts. 83 and 84)
- Criteria for placing persons deprived of liberty in the Terrazas Prison (art. 86 and 87)
- Criteria for placing persons deprived of liberty in the Luis Paulino Mora Prison (art. 90)

14. The coordination offices for the different types of prisons are responsible, together with the relevant departments of the Judicial Investigation Agency, for determining the appropriate placement for persons subject to a detention order issued by the judicial authorities, whether for pretrial detention or to serve their sentence.

15. The admission process for detainees is conducted in coordination with officials from the Prisons Unit of the Judicial Investigation Agency. Before determining the most appropriate placement for detainees, the following elements are taken into consideration: the

requirements established in the United Nations Standard Minimum Rules for the Treatment of Prisoners regarding the separation of categories of prisoners, in that untried prisoners should be kept separate from convicted prisoners; and length of sentence, health status, criminal profile, difficulties with interaction and living alongside others, availability of space in facilities and proximity to place of residence. These aspects are later evaluated by officials and police officers to determine the most suitable placement.

16. According to data from the Prisons Office, the number of prison admissions averages out at 689.22 per month, 155.08 per week and 22.64 per day. As of October of this year, there were a total of 6,203 new admissions (see annex 1).

17. In 2019, as part of the organization of the admission and placement of detainees from the different units of the judicial departments around the country, the then Minister of Justice, Marcía González Aguiluz, and the Director General of the Judicial Investigation Agency, Walter Espinoza, signed a document setting out guidelines for the management of the prison population, which are followed by the Directorate General for Social Rehabilitation, the Directorate of Prison Officers and the Judicial Investigation Agency.

18. These guidelines were drafted following several working sessions of a commission composed of representatives of the Directorate General for Social Rehabilitation, the Prisons Coordination Department, the Directorate of Prison Officers and the Judicial Investigation Agency. During the sessions, a series of guidelines were agreed upon, notably on the organization of transfers from custody facilities to prisons, transfers of persons deprived of liberty to judicial proceedings, release procedures and requests for admission to prisons.

19. With regard to the transfer of detainees to another facility due to difficulties getting along with others, moving closer to family or risks to personal or institutional safety, the Prisons Coordination Department created and implements a protocol, as contained in the Procedural Manual for Prison Transfers of Persons Deprived of Liberty. The protocol sets out institutional best practices and simplified procedures, with the aim of ensuring the appropriate and timely physical transfer of persons deprived of their liberty between the various prisons and facilities. It takes into account police, technical and legal criteria against the backdrop of the principles of legality, necessity, discretion, humanity and due process, with due consideration for the institutional risk assessment and respect for the human rights of the persons concerned.

20. The issue of prison overcrowding has become a complex phenomenon in Costa Rica which, for various reasons, has had an impact on the National Prison Service in recent years and will soon affect the prison population itself. Nevertheless, we have prioritized the provision of the basic conditions required to uphold the rights of the prison population.

21. Some of the measures that have been taken are set out below.

1. Conducting assessments for changes to type of custody, in accordance with institutional guidelines (standard or special, as applicable), to strengthen the process of “responsible deinstitutionalization” of persons deprived of liberty and provide better conditions for the serving of sentences

22. As part of the process of ensuring respect for the rights of the prison population and as a significant tool in the process of deinstitutionalization or transfer to open settings, efforts are made to strengthen and follow up on assessments. The outcomes of the assessments completed this year as of 31 September are set out in the table below.

<i>Assessments completed by prisons, 2024</i>		
<i>Prisons</i>	<i>Reports completed pursuant to, inter alia, articles 64 and 90</i>	<i>Total assessments completed (initial, standard or special)</i>
San José (San Sebastián)	4	379
Antonio Bastida de Paz (PZ)	169	593
Gerardo Rodríguez Ech.	11	712
Older Persons Unit	15	134

<i>Assessments completed by prisons, 2024</i>		
<i>Prisons</i>	<i>Reports completed pursuant to, inter alia, articles 64 and 90</i>	<i>Total assessments completed (initial, standard or special)</i>
TERRAZAS	80	411
Jorge A. Montero C. (Reforma)	262	560
National Special Detention Centre (Maximum Security)	12	122
Luis Paulino Mora	24	505
Nelson Mandela (Sn Carlos)	42	553
Jorge Debravo (Cartago)	126	303
Calle Real (Liberia)	114	549
26 de Julio (Puntarenas)	115	507
Limón	44	318
Carlos Luis Fallas (Pococi)	85	583
Total	1 103	6 229

23. The data from the Prisons Office show that in 2024 to date, 6,229 assessments have been completed for various purposes and 1,103 reports have been issued with regard to the granting of judicial benefits.

2. Promoting the use of comprehensive care settings to provide more equitable and dignified distribution, in line with the conditions and opportunities offered by these settings

24. The placement of persons deprived of liberty in facilities close to their families is promoted to strengthen prisoners' family ties and sociocultural roots, with the aim of making deprivation of liberty more tolerable, depending on each facility's capacity.

25. The delivery of professional support, on an individual basis or in group settings, is promoted through the implementation of the Operational Plan for Prisons. The work of prisons, as the entities responsible for the administration of custodial sentences, is focused on providing professional life-skills training to enhance the social integration of detainees. Such measures make an essential contribution to the release of persons deprived of liberty from closed prisons, ensuring that, by respecting their human rights and seeking to enhance their potential and provide them with life skills, they are equipped with some of the basic knowledge and skills necessary for participating in Costa Rican society.

26. These objectives are in line with the relevant sections of the National Development Plan, particularly the section on creating opportunities, which each prison or facility must include in its own operational plan.

27. The attached table presents a summary of the results achieved in the first half of 2024, based on indicators defined by the Internal Planning Office.

Streamlining activities at the Luis Paulino Mora Prison

28. Since the beginning of 2022, efforts have been made to streamline the activities of the Luis Paulino Mora Prison. A high-level decision was taken to create a commission led by the National Institute of Criminology and made up of the Directorate of Prison Officers, the Architecture Department, the Prisons Coordination Department and staff from the prison. Over the course of several meetings, the characteristics of the prison's infrastructure and inmates were determined and criteria were drawn up for the different categories of persons deprived of their liberty. Plans were made for possible strategies for the provision of professional support and the potential transfer of prisoners to open or semi-open settings. The National Institute of Criminology then issued Circular No. 1-2023, section VIII of which sets out the criteria for the placement of persons deprived of liberty in the Luis Paulino Mora

Prison. The Prisons Coordination Department has promoted and monitored the use of the criteria throughout the streamlining process. This measure has ensured the transfer of a significant number of persons deprived of liberty to open settings.

Applying the concept of community prisons

29. The action taken to comply with judicial rulings and constitutional mandates has required the coordination of efforts to apply the concept of community prisons by all bodies within the organizational structure of the Ministry of Justice and Peace and within the exercise of the powers conferred by the laws and regulations on the proper management of the prison system, with the clear objective of seeking joint and viable solutions to the most recent judicial and health-related provisions issued by the oversight bodies and to meet the needs and requirements of the prison system as a whole.

Equitable distribution of the prison population between prisons and facilities with a view to balancing the overcrowding rate

30. A firm commitment has been made to work jointly with the directors of the different types of prisons and facilities, in line with the relevant competencies, to ensure appropriate respect for prisoners' rights and full compliance with the relevant national and international standards, with a focus on applying institutional best practices to prevent and eradicate cruel or degrading treatment.

31. With regard to infrastructure, every year the Architecture Department conducts an evaluation of the state of prison infrastructure, including all existing buildings and structures at every facility. It is very important to identify and catalogue them as part of structural distribution planning for each prison facility and ensure that the needs of the prison population are met nationwide.

32. In order to improve the infrastructure of the National Prison Service, and despite budget limitations, a number of kitchens, workshops, classrooms and other spaces have been upgraded to help alleviate overcrowding and improve conditions for detainees.

33. The following projects have been completed in the past four years:

- Terrazas Prison: In 2019 and 2020, prison facilities and associated structures were built on land belonging to the Ministry of Justice and Peace in San Rafael de Alajuela with the aim of addressing overcrowding and improving educational facilities and hygiene conditions for prisoners.
- Construction of an emergency entrance: In 2020 and 2021, an emergency entrance was built at the West Prison Complex to allow emergency vehicles to pass through and avoid the visitors' entrance, improving safety for prisoners and their families.
- Remodelling of the kitchen at the 26 de Julio Prison, Puntarenas: In 2022, the kitchen was remodelled to expand and improve it, including by replacing the floor and roof and making general improvements to the areas used for the preparation of food for inmates, with a view to upholding their right to health.
- Local women's units: Completed in 2021 and 2022, this project at the Antonio Bastida de Paz Prison, the Carlos Luis Fallas Prison and the 26 de Julio Prison provided new accommodation for female detainees, allowing them to be closer to their families and making it easier for them to receive visits, thereby improving their quality of life and facilitating their access to support networks. The project included the construction of an accommodation block, a nursery, an area for conjugal visits, a multipurpose room for meals and family visits and an administrative building.
- Spaces for persons sentenced to alternatives to detention: In 2020 and 2021, at the 26 de Julio Prison and the Antonio Bastida de Paz Prison, a room and two offices were constructed for the provision of technical and health-related monitoring and support services for persons who have completed their sentences.
- Medium-security open accommodation blocks at the Luis Paulino Mora Prison: In 2020, four accommodation blocks were built for 52 prisoners, with the aim of reducing overcrowding and improving conditions at the prison.

- Reconstruction of Building D at the Zurquí Juvenile Training Centre: The building had been damaged in a fire caused by prisoners and was reconstructed in 2023 to provide new accommodation space for female juvenile detainees and improve capacity and living conditions.
 - Kitchen facilities at the Zurquí Juvenile Training Centre: The existing kitchen had been in poor condition, and renovations were carried out in 2023 to provide optimal conditions and improve inmates' quality of life.
 - Electrical systems at the San José Prison, the Calle Real Liberia Prison and the Finca la Paz Prison: In 2020, the electrical connections and outlets at the prisons were upgraded to improve safety for inmates, staff and visitors.
 - Fire-suppression system at the Luis Paulino Mora Prison and the Gerardo Rodríguez Prison: In 2021 and 2022, the system was replaced to improve safety for inmates, staff and visitors.
 - Vilma Curling Rivera Administrative Building: In 2021, the Administrative Building was upgraded and now houses additional spaces that Ministry staff can use to meet and interact with prisoners.
 - Construction of a kitchen and ancillary works at the Jorge Arturo Montero Castro (Reforma) Prison: The existing kitchen had been in poor condition and was ordered to close for hygiene reasons. Work to install a kitchen that meets the highest standards for the preparation of food for inmates began in 2023 and is ongoing.
 - Installation of wire mesh and razor wire in prisons: This was done in 2021 to improve security in prisons. Laying of gravel and asphalt as part of maintenance works for roads and paths at the Jorge Arturo Montero Castro Prison: This was done in 2022 to facilitate movement around the prison complex.
 - Remodelling and upgrading of the main mother-and-child unit and associated buildings at the Vilma Curling Rivera (Buen Pastor) Prison: This was done in 2020 to improve housing conditions for female detainees and their children and facilitate bonding between mother and child.
34. Between 2022 and 2024, funding has been sought for several project proposals in the prison system. The intention is to add more accommodation blocks to reduce overcrowding, improve conditions for detainees and provide them with recreation spaces, as follows:
- Accommodation blocks and associated works at Finca la Paz in San Ramón de Alajuela
 - Accommodation blocks and associated works at the Marcus Garvey Prison in Limón
 - Accommodation blocks and associated works at the Liberia Prison in Guanacaste
 - Replacement of electrical connections at the Marcus Garvey Prison in Limón, the Antonio Bastida de Paz Prison in Pérez Zeledón, the Zurquí Juvenile Training Centre in San Isidro de Heredia and the Jorge Arturo Montero Castro Prison in Alajuela
 - Wastewater treatment plants at the Jorge de Bravo Prison in Cartago, the Carlos Luis Fallas Prison in Pocococí, the Jorge Arturo Montero Castro Prison in Alajuela, the Marcus Garvey Prison in Limón and the Nelson Mandela Prison in San Carlos, Alajuela
35. Three contracts for the installation of perimeter enclosures are currently being executed at the Jorge Arturo Montero Castro Prison, the Limón Prison and the Carlos Luis Fallas Prison, and work is under way on the documentation for a public bidding process to extend and remodel the kitchen at the Liberia Prison and construct minimum-security accommodation blocks at four prisons, which will result in the creation of 824 new spaces.
36. In the area of rehabilitation and reinsertion programmes, the National Prison Service has prioritized the concept of social integration, taking the view that prisoners should be accorded the same facilities, opportunities and social responsibilities as everyone else, given that the lack of such access is often at the root of antisocial behaviour, although this must not be understood as justifying or explaining all criminal activity.

37. The professional support services provided in the different prison facilities vary depending on the programmes in place, for example drug addiction, sexual violence, domestic violence and development of communication skills and life skills. The existing programmes are currently being reviewed and new programmes are being introduced to address other areas including organized crime, crimes against property and white-collar crime.

38. The main objective is to address prisoners' vulnerabilities and, in group settings, help them to reflect on their unlawful behaviour and make a comprehensive critical analysis of the personal, family and social factors that led to their involvement in criminal activity, feel a greater sense of responsibility for the harm caused to the victims and their families (indirect victims) and acquire personal tools that give them the confidence to make decisions in stressful situations unrelated to criminal acts.

39. Domestic violence is approached from the perspective of the dynamic between the victim and the offender, insofar as one does not exist without the other. It is important to delve into different topics with people who have committed violent acts against their partners or family members. Interventions are undertaken using an approach based on human rights, ecology, gender, socialization, concepts of masculinity, breaking the cycle of violence, the Duluth Model (power and control), equality and equity, alternative conflict resolution methods and violence prevention.

40. Act No. 4762, which establishes the Directorate General for Social Rehabilitation, provides for the creation of the Department for Industry and Farming. As the technical and administrative body of the Directorate General, the Department is responsible for planning and implementing in prisons productive activities involving agriculture, livestock, industry and handicrafts.

41. These training activities are designed to foster and strengthen work habits and enable prisoners to learn a trade and obtain a qualification, providing them with tools to improve their employability and social integration into the labour market once they leave prison. Because of these aims, work in prisons has connotations that differ from those of standard employment.

42. In this regard, the following productive activities have been developed:

- Production of furniture for use in prisons: Enables participants to acquire knowledge of welding, carpentry and maintenance of industrial equipment; through learning by doing, wooden, metal and mixed-material furniture is produced to meet institutional needs for the normal operation of the National Prison Service. It is therefore important to have industrial production workshops in prisons. Such activities produce goods worth more than 150 million colones (C) annually, according to the budget allocated to it, but the production capacity is much greater than this, so there is considerable growth potential.
- Bread-making: This activity is available to female detainees who qualify for placement in a semi-open prison but are without an offer of employment. There are currently 33 inmates at the Vilma Curling Prison attending this programme, who produce approximately 1 million 55-gram bread products per month, supplying all prisons nationwide except those in the Guanacaste region. The projected production market value for 2023 is C1,920 million, at an estimated cost of C500 million. The difference between these figures demonstrates the level of savings achieved by the Prison Service by producing bread products rather than purchasing them. Participants receive training in food-handling and other aspects of bread-making. It would be helpful to open another bread-making workshop in another prison, in addition to the existing one, to increase the amount of production time available, meet future growth in demand and expand training in this area to other prison populations.
- Garment production: The programme was launched during the coronavirus disease (COVID-19) pandemic to produce hospital garments. It currently produces items for use in prisons, including tabards, hairnets, aprons, tea towels, cleaning cloths, coffee filters and other kitchen items. The programme has great potential for growth and diversification, notably in the provision of items such as sheets, pillowcases, tea towels and blankets for prisons and the police. There are currently only two

workshops, one at Vilma Curling Prison and the other at Jorge A. Montero Castro Prison, employing only 25 inmates. The number of participants and the available equipment need to be increased to accommodate new production lines.

- **Farming:** This programme is part of a scheme to promote healthy and environmentally friendly production. Nine farms have received the Ecological Blue Flag award, and the programme promotes accreditation under the Agricultural Best Practices scheme of the Phytosanitary Department. In addition to promoting the continuous improvement of the programme, these initiatives facilitate the provision of instruction in modern and environmentally sustainable cultivation techniques, with reduced use of agrochemicals. All the farms use composted organic waste from the kitchens and farms to produce a soil-improving substrate, thereby reducing the amount of waste in landfills and expenditure on agrochemicals. The estimated market value produced by the farming programme is ₡251 million, against an estimated expenditure of ₡140 million.
- Potential improvements in the farming programme include the introduction of some industrial processes, including a vegetable processing plant to supply chopped and packaged vegetables, thereby increasing productive capacity (since there would be less waste), improving the quality and presentation of food and reducing preparation times and risks within the kitchens.
- In these programmes, the instructor or person in charge imparts knowledge and agronomy techniques to prisoners through practical activities, developing their interaction with living things (plants grow, reproduce and die) that are susceptible to a wide range of uncontrolled conditions. Participants take part in activities in open fields, engage in moderate physical activity and learn about the use of agrochemicals to combat weeds and pests, as well as how to manage different crops, harvests and storage facilities.
- **Poultry:** This programme is focused on producing eggs to provide prisons with a source of widely consumed low-cost animal protein. There is room for the programme to grow, since demand for the product considerably exceeds supply. Production for 2024 is estimated at 100,000 kilos of eggs, with a market value of ₡290 million and an estimated production cost of ₡150 million per year. Participants learn about the hygiene rules for handling birds, administering medicines, setting up and maintaining laying boxes and food and water dispensers and storing and handling fresh eggs.
- **Cattle-rearing:** This programme is aimed at the production of meat products for consumption in the prison system. It maintains a herd of approximately 300 cattle, of which 35 are slaughtered each year, at a cost of ₡14 million, to produce meat with a market value of more than ₡55 million. The programme enables prisoners to learn how to look after and care for the health of livestock, administer medicines and deworming treatments, perform rectal palpations, deliver and care for calves, control inbreeding, monitor weight and yield and maintain fences and paddocks.

43. The handicrafts programme is aimed at prisoners with specific knowledge or skills and is run using a self-management model whereby the administration provides the necessary facilities, tools and materials. It is coordinated by the Guidance Service, with the Agroindustry Service providing technical support for practical aspects of the workshop.

44. The programmes run by the Department for Industry and Farming are aimed at providing participants with training and employment, providing at low cost goods that are widely consumed in prisons but that have considerable market value, allowing the Prison Service to achieve significant savings. The programmes create approximately 330 permanent jobs, which is considered a very low number when compared to the total size of the prison population. It is therefore vital to increase the number of workshops and farms and to diversify and optimize production.

45. With regard to educational activities, the table in annex 2 summarizes the information gathered in January 2024.

46. With regard to actions taken by the Public Prosecution Service to ensure respect for the rights of juvenile detainees, representatives of the Office of the Prosecutor responsible

for enforcing sentences for minors conducts regular visits to juvenile training centres to check on infrastructure and monitor the situation of minors detained there. If any anomalies are identified concerning their conditions, including in respect of infrastructure, food or accommodation, they are immediately reported to the director of the facility for urgent follow-up. If no response is received or the problem cannot be resolved quickly by staff or by the director, a complaint is swiftly filed with the sentence enforcement court for minors.

C. Follow-up information concerning paragraph 25

47. Paragraph 25 of the concluding observations reads as follows: The State Party should (a) ensure that all complaints of torture or ill-treatment are investigated promptly and impartially and that the alleged perpetrators are duly prosecuted and, if found guilty, given a sentence commensurate with the gravity of their acts, guaranteeing appropriate redress for the victims or their families.

48. When allegations of mistreatment, aggression or any act affecting the physical integrity of a person deprived of liberty comes to light, whether in reports from the police, the Constitutional Chamber, sentence enforcement judges, the Ombudsman's Office or other oversight bodies, or through complaints made by prisoners or their families, the first step is to ask the police and the prison management to provide a more detailed report on the situation and ensure the safety of the detainee, assess his or her state of health and verify his or her whereabouts in the prison.

49. In cases where, following the preliminary investigation, it is determined that the complaint is not vexatious or that reasonable doubt exists, a report is drafted and submitted to the Staff Council of the Directorate of Prison Officers or of the relevant prison so that an assessment may be made as to whether disciplinary proceedings should be initiated. If necessary, provisional measures are taken to put an end to the conduct described in the report or complaint.

50. In cases where it is deemed necessary, the detainee is taken to an internal or external health facility to receive medical attention. If the detainee wishes to file a complaint against a prison officer, he or she is taken to the relevant court.

51. Disciplinary procedures that are launched by the Legal Department in response to complaints are based on a presumption of abuse of authority, which may involve physical or verbal ill-treatment, aggression or other acts.

52. In 2020, there were three cases of administrative disciplinary proceedings; in two of them, the accused persons were exonerated, and in the other, a disciplinary sanction of seven days without pay was imposed.

53. In 2021, there were eight cases of administrative disciplinary proceedings; in four of them, the accused parties were exonerated, while one was closed following the death of the accused, one was discontinued because the statute of limitations had expired, and in one case, the perpetrator was suspended for 15 days without pay.

54. In 2022, there were six cases of administrative disciplinary proceedings, four of which were closed. In one case, the perpetrator was suspended for 20 days without pay, and in the other, the perpetrators were dismissed.

55. In 2023, there were 10 cases of administrative disciplinary proceedings; four remain under investigation and one was closed, while in three cases the accused parties were exonerated and in two others, the perpetrators were suspended for 20 and 30 days without pay, respectively.

56. The Prison Service is aware that torture and ill-treatment violate internationally recognized basic human rights. The National Prison Service Regulations therefore stipulate the following:

Article 16. Prohibition of torture or cruel, inhuman or degrading treatment or punishment.

Any action, omission or measure constituting torture or other cruel, inhuman or degrading treatment or punishment of a person deprived of liberty is prohibited.

Under the present article, the following are prohibited: the automatic application of disciplinary sanctions; corporal punishment; confinement in dark cells or without access to basic services; use of isolation as a punishment; collective punishment; banning contact with family; deprivation of sexual relations; reduction of diet; blocking of access to professional support; and any other procedure that is detrimental to fundamental rights.

Instruments of restraint shall never be used on women during pregnancy, labour or natural or caesarean delivery or immediately after birth.

57. Consequently, and in order to uphold the Government's commitment to protect persons deprived of liberty, on 15 November 2022, Agreement No. 14-2022 was signed. Pursuant to the Agreement, which covers inter-institutional support and cooperation for the development and implementation of the Inter-agency Forum for Dialogue and Action as part of the system for registering, communicating with and providing comprehensive care to victims of institutional violence in prisons, a number of institutions have joined forces to ensure that violence against the prison population does not go unpunished. As well as taking legal measures against the perpetrators, the institutions also work on prevention, delivering workshops to officials to raise awareness of the repercussions of such behaviour to encourage them to avoid engaging in it and to teach them about impulse management and control and applicable human rights legislation. In addition, the State organizes meetings for persons deprived of their liberty to provide them with general advice on human rights and their right to report any abuse to which they may be subjected.

58. In addition, the Ministry of Justice and Peace has followed up on the complaints filed, arranging for the accused persons to be transferred and referring the cases to the headquarters to ensure that the officials involved do not have contact with the victim.

59. Circular No. DVJ-01-2023, issued on 30 October 2023, sets out the activities to be undertaken by the Inter-agency Forum for Dialogue and Action. A directive was subsequently issued with a reminder that complaints must be filed either directly by prison managers or through the Office of the Prosecutor for Probity, with a copy to the Forum for follow-up.

60. As part of this initiative, the Ministry of Justice not only files complaints or coordinates the filing thereof, but also follows up on them. The Forum keeps a record of the victims, the alleged perpetrators and the status of the criminal proceedings.

61. As part of the processes set out for the submission of complaints of acts of torture and ill-treatment, prison directors and police chiefs must take any measures necessary to ensure that in the event that a person deprived of liberty is assaulted, whether by a public or other official, the incident is recorded and the victim is provided with support in filing a complaint.

62. Once the victim has reported the incident or an official has become aware of it, the prison management, at the request of one of the parties or ex officio, files a direct complaint or requests the Office of the Prosecutor for Probity to assist the victim. If necessary, he or she is taken to the relevant premises of the Office of the Prosecutor to make a statement about the offence committed. If necessary, the Office can forgo the transfer of the accused, as undertaken by the Prison Service, the Judicial Investigation Agency or any other body to which he or she is attached, and take measures to protect the complainant.

63. Complaints can even be filed directly by the prison administration, especially when, upon admission of a person whose deprivation of liberty has been ordered by the Judicial Investigation Agency, the officer overseeing the admission observes that the person has physical injuries. The officer asks the detainee about the injuries and requests the Health Unit to conduct an immediate assessment, including the photographing of the injuries. Subsequently, if it is determined that a complaint should be filed, the case will be referred to the prison management, which files the complaint and requests that the prisoner be assessed by forensic doctors.

64. For example, the National Prison Service Regulations establish that upon admission of persons deprived of liberty to any type of prison in the national system, certain checks must be performed, including verifying that the person has not suffered any form of torture or mistreatment. The Regulations also set out the procedure that must be followed if prison staff become aware of any assault or similar incident.

65. Pursuant to article 224 of the Regulations, the following basic tasks are performed as part of the admission procedure.

66. If it becomes known during the prison admission procedure, either through a complaint or a medical assessment, that a newly arrived detainee has been subjected to mistreatment, assault, torture or sexual abuse, photographs must be taken and immediate medical attention provided as required, and the situation must be brought to the attention of the competent jurisdictional authority and the National Mechanism for the Prevention of Torture.

67. However, in all cases in which an official is involved in acts of aggression or torture, administrative proceedings and a criminal case are opened and the official is transferred to another sector so that there is no contact between victim and aggressor.

68. In the case of minors, the Public Prosecution Service requires proper follow-up in each case by means of visits to and inspections of training centres, conducted separately by representatives of the Juvenile Public Defence Service, the Office of the Prosecutor responsible for enforcing sentences for minors or the sentence enforcement court for minors.

69. In the visits mentioned in the previous paragraph, any instances of violence against or mistreatment of minors deprived of their liberty are investigated immediately. To date, no such complaints have been received.

70. According to article 2 of the Organic Act on the Public Prosecution Service, the Service is responsible for the criminal prosecution of any act that might constitute a criminal offence. If it becomes known that an offence might have been committed, an investigation is initiated ex officio and the National Child Welfare Agency, as the institution responsible for ensuring the physical, psychological, emotional and sexual integrity of minors, is informed.

71. The Office of the Prosecutor responsible for enforcing sentences for minors, alongside the Office of the Deputy Prosecutor for Cases of Violence against Children, leads a working group on the development of a guide for the prevention of torture in prisons. The working group is composed of the directors of juvenile detention centres and representatives of the Juvenile Public Defence Service, the sentence enforcement court for minors and the unit of the Ministry of Justice and Peace responsible for the alternative sanctions programme for minors. The guide, which is currently at the review and comment stage, sets out the procedure for the filing of complaints in such cases. If it is determined that an independent body should be established to investigate such cases, the Legislative Assembly would be competent to adopt the relevant legislation.

72. With regard to the prevention, investigation and non-repetition of torture and other cruel or degrading treatment, the Public Defence Service recognizes the importance of ensuring awareness of its system for registering, communicating with and providing comprehensive care to victims of institutional violence in prisons.

73. Cases have been processed through the system, with monitoring and follow-up, since November 2022. As of 30 October 2024, 69 cases of possible institutional violence that might constitute torture or other cruel or degrading treatment had been registered in the system. Of those, only 17 resulted in criminal proceedings or an administrative measure and were referred to the Inter-agency Forum.

74. The Directorate General for Foreign Policy in the Ministry of Foreign Affairs avails itself of this opportunity to renew to the Committee against Torture the assurances of its highest consideration.