



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

Distr.: General
16 December 2024

Original: English

Committee against Torture Eighty-first session

Summary record (partial)* of the 2171st meeting**, ***

Held at the Palais Wilson, Geneva, on Friday, 22 November 2024, at 10 a.m.

Chair: Mr. Heller

Contents

Organizational and other matters (*continued*)

Tribute to the memory of Felice D. Gaer, former member of the Committee

Closure of the session

* No summary record was prepared for the rest of the meeting.

** Reissued for technical reasons on 27 March 2025; previously issued under the symbol CAT/C/SR.2172.

*** No summary records were issued for the 2163rd–2170th meetings.

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



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 eighty-first session from 28 October to 22 November 2024. The Committee had adopted concluding observations on the periodic reports of Cameroon, Jordan, Kuwait, Mongolia, Namibia and Thailand that were the result of constructive dialogues with the delegations of those States parties.
2. With respect to Cameroon, the Committee had expressed deep concern about numerous allegations of serious human rights violations, including acts of torture and ill-treatment, summary executions, murders, enforced disappearances, forced displacements, arbitrary detention, prolonged detention without charges or judicial process and incommunicado detention in unofficial places of deprivation of liberty, as well as acts of sexual and gender-based violence committed against civilians by members of the defence and security forces, the police and gendarmerie and groups allied with them, during counter-insurgency operations, and by non-State armed groups in the Far North, North-West and South-West Regions. The Committee had recommended that the State party should guarantee the conduct of impartial and effective investigations into such allegations, by an independent body, with a view to bringing those responsible to justice and ensuring that victims had access to effective remedies and could obtain full reparation.
3. The Committee had also expressed concern about reports, inter alia, of cases of intimidation, threats and harassment against and arbitrary arrest and detention, torture and ill-treatment, enforced disappearances and extrajudicial executions of human rights defenders, members of civil society, journalists, political opponents and peaceful demonstrators. It had recommended that the State party should take the necessary measures to ensure that such persons were adequately protected against human rights violations to which they might be exposed as a result of their activities, that the perpetrators of all such violations were held to account and that victims or their families obtained compensation.
4. Regarding Jordan, while the Committee had acknowledged that certain fundamental safeguards against torture and ill-treatment were provided for in law, it had observed with concern that significant gaps remained in ensuring the full and effective exercise of detainees' rights. In particular, it had noted with regret the absence of an explicit provision under which access to legal counsel was guaranteed during first instance proceedings. The Committee had expressed concern about reports of increased interference in and control of the work of defence lawyers and about concurrent reports of detainees being held incommunicado, often in the custody of the General Intelligence Directorate, for prolonged periods before being brought before judicial authorities. It had urged the State party to ensure that all persons deprived of their liberty were afforded all fundamental legal safeguards from the very outset of their detention, both in law and in practice.
5. The Committee had also expressed concern regarding the potential adverse effects of the new Cybercrime Act, the vague and broad provisions of which could be misused to criminalize legitimate online activities and lead to the arbitrary detention of journalists and others engaged in lawful online discourse. The Committee had recommended that the State party should take measures to protect civic space and amend the Cybercrime Act to provide clear and specific definitions of offences and ensure that its provisions were in line with the standards of international human rights law, with a view to preventing cases of arbitrary deprivation of liberty.
6. With respect to Kuwait, the Committee had expressed concern about consistent reports that persons in custody were subjected to torture or ill-treatment by law enforcement officers and members of the security forces, especially during the arrest, interrogation and investigation phases, and that a lack of accountability contributed to a climate of impunity. The Committee had recommended that the State party should ensure that all complaints of torture and ill-treatment were investigated promptly and effectively by an independent body and that perpetrators and the superior officers responsible for ordering or tolerating such acts were held to account in a manner that was commensurate with the gravity of those acts.
7. The Committee had expressed grave concern about reports of widespread abuse, exploitation and ill-treatment of migrant workers, including cases involving the murder of

migrant domestic workers, physical and sexual abuse, and conditions of employment that might amount to forced labour and resembled slavery. It had also expressed concern that such practices were enabled by the *kafalah* sponsorship system, which placed migrant workers in a highly dependent relationship with their employers and at risk of deportation. It had recommended that the State party should abolish the sponsorship system and replace it with a system of residence permits for migrant workers to prevent exploitation, abuse and ill-treatment and enable such workers to change employers without the risk of being subjected to penalties.

8. Regarding Mongolia, the Committee had expressed concern about delays in the establishment of an independent body to investigate complaints of torture and ill-treatment submitted by persons who had been deprived of their liberty. It had expressed its continuing concern about the potential for conflicts of interest in and ineffectiveness of investigations into allegations of torture and ill-treatment carried out by the investigation divisions of the Anti-Corruption Agency and the General Police Department, and about the numerous allegations of torture or ill-treatment committed by law enforcement officials, the high rate of dismissal of torture cases as time-barred and the low rate of prosecutions. The Committee had recommended that the State party should finalize the bill on the establishment of an independent mechanism to investigate acts of torture and ill-treatment committed by public officials, in particular law enforcement officials, and ensure that there was no institutional or hierarchical relationship between that mechanism's investigators and the alleged perpetrators of such acts. It had also recommended that Mongolia should ensure that investigations were prompt, impartial and effective.

9. While the Committee had noted the efforts of Mongolia to strengthen procedural legal safeguards, it had expressed its continuing concern about reports that a high number of arrests were still being carried out without a court order, especially by the General Intelligence Agency and the Anti-Corruption Agency. It had urged the State party to take all necessary measures to require law enforcement officials to obtain an arrest warrant issued by a judicial authority in order to carry out an arrest, except in cases of *flagrante delicto*.

10. With respect to Namibia, the Committee had expressed concern about the lack of progress made by the State party in codifying torture as a specific criminal offence in accordance with article 1 of the Convention. Recalling the commitment made by the State party at its most recent universal periodic review, the Committee had urged it to adopt the revised Prevention and Combating of Torture Bill as soon as possible and to ensure that the definition of torture contained therein incorporated all the elements set out in article 1 of the Convention.

11. The Committee had expressed concern that pretrial detention was reportedly often prolonged and routinely exceeded legal time limits and that the majority of pretrial detainees were held in police detention facilities, in dilapidated and severely overcrowded holding cells with inadequate amenities and services. The Committee had requested the State party to ensure that the provisions governing pretrial detention, including the statutory limits on its duration, were respected and that pretrial detention was resorted to only in exceptional circumstances where it was strictly necessary and no other measures could be applied, for limited periods and in accordance with the law. It had also requested Namibia to ensure that pretrial detainees were held in appropriate facilities.

12. Regarding Thailand, while the Committee had commended the State party on its adoption of the Prevention and Suppression of Torture and Enforced Disappearance Act in 2022, it had expressed concern that the definition of torture contained in the Act failed to fully reflect the definition of torture under the Convention. It had also expressed concern that the Act did not prohibit amnesties for torture and ill-treatment and did not provide for adequate punishment for superiors who ought to have known that torture or ill-treatment was occurring or was likely to occur but failed to take reasonable and necessary measures to prevent it. The Committee had recommended that the State party should review the new Act to ensure that it conformed fully with the Convention.

13. The Committee had expressed concern about the occurrence of cases of enforced disappearance in Thailand and the manner in which such cases were investigated and prosecuted. Citing allegations raised by special procedure mandate holders, the Committee

had expressed particular concern about the disappearance of Thai political activists abroad and of foreign political activists in Thailand. Regarding enforced disappearance, the Committee had expressed concern that relatives of victims needed to present a death certificate and autopsy report to receive compensation, which left many family members of disappeared persons unable to make successful claims. While welcoming the process under way to develop and approve regulations on assistance to, remedies for and rehabilitation of victims, the Committee had urged the State party to promptly investigate allegations of enforced disappearance, prosecute and punish perpetrators and keep families of disappeared persons abreast of efforts and developments in such cases.

14. During the session, the Committee had held confidential meetings with the National Human Rights Commission of Thailand, the National Centre for Human Rights of Jordan, the National Human Rights Commission of Mongolia and the Cameroon Human Rights Commission. It was grateful to the World Organisation against Torture for its coordinating role in respect of representatives of non-governmental organizations (NGOs) and civil society, who had made a significant contribution to the Committee's work at the session.

15. In addition, the Committee had adopted lists of issues prior to reporting for Kyrgyzstan, Lithuania, San Marino, Serbia and Sweden. At its eighty-second session, tentatively scheduled for 7 April to 2 May 2025, the Committee would consider the reports of Armenia, France, Mauritius, Monaco, Turkmenistan and Ukraine. Country reviews would be preceded, when relevant, by confidential briefings from representatives of United Nations bodies; national human rights institutions and national preventive mechanisms, when such entities existed; and NGOs. Regrettably, the sudden cessation of hybrid meetings would continue to negatively impact the Committee's work. At its eighty-third session, to be held in July 2025, the Committee would consider the reports of Albania, Argentina, Bahrain and Israel. Lists of issues prior to reporting for Antigua and Barbuda, Botswana, Iceland, Iraq, Kenya, Montenegro, the State of Palestine and Uruguay, and lists of issues for Pakistan and Tajikistan, would be adopted at the Committee's eighty-second session.

16. At the current session, the Committee had examined 21 individual complaints and postponed the consideration of 1 further communication. Of the cases examined, three had been deemed inadmissible. Six cases had been decided on the merits: in five cases, the Committee had found no violations and, in one case, the Committee had determined that there had been a violation by the State party. Furthermore, the Committee had adopted 12 decisions to discontinue the consideration of cases.

17. The Committee had 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 informed the Committee that, since the last progress report to the Committee during the eightieth session, follow-up replies had been received – in order of submission – from Switzerland, Brazil, Luxembourg, Egypt and Somalia, while Türkiye had submitted comments on the concluding observations on its periodic report on 26 July 2024. The Committee had received alternative follow-up reports from NGOs and other stakeholders in relation to the follow-up replies submitted by Australia, Colombia and Kazakhstan. The rapporteur had also communicated with concerned States parties regarding pending issues once their replies had been received and assessed. Since May 2024, such communications had been sent to the State of Palestine and to Kazakhstan. The follow-up replies submitted by Australia, Colombia, New Zealand, Slovakia and Switzerland were currently under consideration.

18. The rapporteur for follow-up to decisions on complaints, Mr. Liu, had informed the Committee that, since the previous session, decisions on cases concerning Australia, Azerbaijan, France, Morocco, Slovakia, Sweden and Switzerland had been adopted. Cases relating to Australia, France, Sweden and Switzerland had been closed with a note of satisfactory resolution.

19. The rapporteur on reprisals, Ms. Racu, had informed the Committee that no new allegations of reprisals had been received from individuals or organizations by the Committee since the previous session.

20. On 1 November 2024, under its policy of cooperation with other human rights treaty bodies, the Committee had met in private with the Human Rights Committee to discuss ideas

on collaboration and areas of mutual interest. On 11 November 2024, the Committee had held its annual joint meeting with the Subcommittee on Prevention of Torture, on matters related to coordination and cooperation. On the same date, as part of an interactive dialogue, representatives of the United Against Torture Consortium of NGOs had briefed the Committee on current initiatives relating to training and participation by survivors in the global fight against torture; it had been agreed that discussion of such matters would continue. Ms. Racu had participated in the Convention against Torture Initiative Forum 2024, which had commemorated both the tenth anniversary of that State-led initiative and the fortieth anniversary of the adoption of the Convention.

21. On 14 November, the Committee and the other United Nations anti-torture mechanisms had held a high-level event to commemorate the fortieth anniversary of the Convention. The event had included the launch of a training guide, issued by Office of the United Nations High Commissioner for Human Rights, on reporting under the Convention. It had also included a live podcast on good practices in prosecution to ensure accountability, including through the application of universal jurisdiction. The high-level event had been attended by stakeholders from various human rights bodies. Information related to the anniversary of the Convention and activities associated with it could be found on a dedicated web page.

Tribute to the memory of Felice D. Gaer, former member of the Committee

22. **The Chair** paid tribute to the memory of Felice D. Gaer, whose expertise and dedication had made a lasting impact on the Committee's work to promote dignity and combat impunity for torture.

Closure of the session

23. After the customary exchange of courtesies, **the Chair** declared the Committee's eighty-first session closed.

The discussion covered in the summary record ended at 10.40 a.m.