



United Nations

Report of the Committee against Torture

**Seventy-fourth session
(12–29 July 2022)**

**Seventy-fifth session
(31 October–25 November 2022)**

**Seventy-sixth session
(17 April–12 May 2023)**

**General Assembly
Official Records
Seventy-eighth Session
Supplement No. 44**

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Note

Symbols of United Nations documents are composed of letters combined with figures.
Mention of such a symbol indicates a reference to a United Nations document.

Summary

The present annual report covers the period from 14 May 2022 to 12 May 2023, during which the Committee held its seventy-fourth, seventy-fifth and seventy-sixth sessions.

As at 12 May 2023, there were 173 States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

During the period under review, the Committee considered, and adopted concluding observations on, 16 reports submitted under article 19 of the Convention (see chap. III). At its seventy-fourth session, it considered the reports of Botswana, Nicaragua, the State of Palestine and the United Arab Emirates. At its seventy-fifth session, it considered the reports of Australia, Chad, El Salvador, Malawi, Somalia and Uganda. At its seventy-sixth session, it considered the reports of Brazil, Colombia, Ethiopia, Kazakhstan, Luxembourg and Slovakia.

The Committee deeply regrets the fact that some States parties do not comply with their reporting obligations under article 19 of the Convention. At the time of reporting, there were 30 States parties with overdue initial reports and 52 States parties with overdue periodic reports (see chap. II). The Committee's backlog in the consideration of States parties' initial and periodic reports has been further exacerbated by the COVID-19 pandemic and its consequences on the work of the Committee.

The Committee's procedure for following up on concluding observations continued to develop during the reporting period (see chap. IV). The Committee expresses its appreciation for those States parties that have provided timely and thorough information to the Rapporteur for follow-up to concluding observations.

The Committee's procedure under article 20 continued during the reporting period (see chap. V).

Under article 22 of the Convention, the Committee adopted 31 decisions on the merits, declared 10 communications inadmissible and discontinued the consideration of 13 communications (see chap. VI). A total of 1,177 complaints concerning 43 States parties have been registered since the entry into force of the Convention, including 51 since the writing of the previous report.

The Committee's workload under article 22 remains significant and has continued to increase further owing to the COVID-19 pandemic and its consequences on the work of the Committee. As at 12 May 2023, 209 complaints were pending consideration (see chap. VI).

The Committee again notes that some States parties have failed to implement the decisions adopted on complaints. The Committee has continued to seek to ensure implementation of its decisions through its Rapporteur for follow-up on decisions adopted under article 22 (see chap. VI).

The Committee continued to pay particular attention to reprisals (see chap. I).

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I. Organizational and other matters

A. States parties to the Convention

1. As at 12 May 2023, the closing date of the seventy-sixth session of the Committee against Torture, there were 173 States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
2. Since the adoption of the Committee's previous annual report (A/77/44), there have been no new ratifications or accessions to the Convention. The Committee calls upon all States that have not ratified the Convention to do so, and calls upon those that are already a party to accept all the procedures of the Convention, in order to enable the Committee to fulfil all aspects of its mandate.
3. All information on the status of the treaty, including declarations under articles 20, 21 and 22 and reservations and objections made by States parties with respect to the Convention, can be found at <http://treaties.un.org>.

B. Sessions and agendas of the Committee

4. The Committee has held three sessions since the adoption of its previous annual report. The seventy-fourth session (1912th to 1936th meetings) was held from 12 to 29 July 2022, the seventy-fifth session (1937th to 1975th meetings) was held from 31 October to 25 November 2022 and the seventy-sixth session (1976th to 2010th meetings) was held from 17 April to 12 May 2023. Sessions were held at the United Nations Office at Geneva.
5. At its 1912th meeting, held on 12 July 2022, the Committee adopted the items listed in the provisional agenda submitted by the Secretary-General (CAT/C/74/1) as the agenda of its seventy-fourth session.
6. At its 1937th meeting, held on 31 October 2022, the Committee adopted the items listed in the provisional agenda submitted by the Secretary-General (CAT/C/75/1 and CAT/C/75/1/Corr.1) as the agenda for its seventy-fifth session.
7. At its 1976th meeting, held on 17 April 2023, the Committee adopted the items listed in the provisional agenda submitted by the Secretary-General (CAT/C/76/1) as the agenda of its seventy-sixth session.
8. An account of the deliberations and decisions of the Committee at those three sessions is contained in the relevant summary records (CAT/C/SR.1912–CAT/C/SR.2010).

C. Membership, officers and mandates

9. The list of members, officers and mandates for the period under review is contained in the annex to the present report.

D. Oral report of the Chair to the General Assembly

10. In accordance with General Assembly resolution 74/143, on 14 October 2022 the Chair of the Committee presented the Committee's report (A/77/44) to the Assembly at its seventy-seventh session, and engaged in an interactive dialogue with the Assembly.¹

¹ See UN Web TV, "Third Committee, 19th meeting – General Assembly, 77th session", available at <https://media.un.org/en/asset/k15/k15mf165xr>.

E. Activities of the Committee in connection with the Optional Protocol to the Convention

11. As at 12 May 2023, there were 92 States parties to the Optional Protocol to the Convention (see <http://treaties.un.org>). As required by the Optional Protocol, on 10 November 2022, a joint meeting was held between the members of the Committee and the members of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. During the joint meeting, the Subcommittee requested, under article 16 (4) of the Optional Protocol, the Committee to make a public statement on the refusal by the Government of Nicaragua to cooperate with the Subcommittee in accordance with articles 12 and 14 of the Optional Protocol, and publish the report of the Subcommittee on its 2014 visit to Nicaragua. In the absence of any explanation from the State party in that respect and after giving due consideration to the request of the Subcommittee, the Committee decided on 23 November 2022 to make a public statement on the matter and to publish the report of the Subcommittee on its visit to Nicaragua.²

12. An additional meeting was held on 1 May 2023, between the Committee and the Chair of the Subcommittee, at which the latter presented to the Committee the sixteenth public annual report of the Subcommittee (CAT/C/76/2).

F. Joint statement on the occasion of the United Nations International Day in Support of Victims of Torture and cooperation with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture

13. The Committee adopted a joint statement with the Subcommittee and the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture related to the United Nations International Day in Support of Victims of Torture, which is commemorated on 26 June, on the vital functions of health professionals in preventing and punishing acts of torture and supporting victims.³ In the joint statement, the human rights experts from the three United Nations anti-torture mechanisms urged Member States to provide the material and legal conditions necessary to enable health personnel to assess, report and document torture and cruel or inhuman treatment.

G. Participation of non-governmental organizations

14. The Committee has long recognized the work of non-governmental organizations (NGOs) and has an established practice consisting in meeting with them in private on the day immediately before the consideration of each State party report submitted under article 19 of the Convention. The Committee expresses its appreciation to those organizations for their participation in the meetings and is particularly appreciative of the attendance of national NGOs, which provide immediate and direct information both orally and in writing. The Committee conveys special thanks to the World Organisation against Torture for its outstanding role in coordinating, since the Committee's fifty-second session, the input submitted by NGOs relating to the work of the Committee. During the period under review, the Committee benefited from thematic briefings arranged by organizations and institutions, such as a briefing on the impact of COVID-19 restrictions on persons deprived of liberty, delivered by the World Organisation against Torture on 18 July 2022; a briefing on the 2022 edition of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), including recommendations by civil society organizations for its implementation, held by the International Rehabilitation Council for Torture Victims, on 7 November 2022; a briefing on drug policy and human rights, held by the Office of the United Nations High Commissioner

² CAT/C/75/2. See also Office of the United Nations High Commissioner for Human Rights, "Nicaragua: Two UN rights committees deplore refusal to cooperate and lack of information", 29 November 2022. The report was published as document CAT/OP/NIC/ROSP/1.

³ Available at <https://www.ohchr.org/en/statements/2022/06/un-experts-healthcare-professionals-are-essential-torture-prevention>.

for Human Rights (OHCHR) Rule of Law and Democracy Section, on 21 November 2022; and a briefing on alternatives to the use of solitary confinement, held by Physicians for Human Rights Israel and Associazione Antigone, on 8 May 2023.

H. Participation of national human rights institutions and national preventive mechanisms

15. Similarly, the Committee appreciates the work of national human rights institutions and national preventive mechanisms established by States parties as provided for under the Optional Protocol. Since the fifty-fifth session, those institutions and mechanisms have had the possibility of meeting in private plenary with the Committee. The Committee expresses its appreciation for the oral and written information that it receives from those bodies, and looks forward to continuing to benefit from that information, which has enhanced its understanding of the issues before it. Specifically, at the seventy-fourth session, the Committee met with the institutions of the State of Palestine and the United Arab Emirates; at the seventy-fifth session, it met with the institutions and mechanisms of Australia, Chad, Malawi and El Salvador; and at its seventy-sixth session, it met with the institutions and mechanisms of Brazil, Colombia, Ethiopia, Luxembourg, Kazakhstan and Slovakia.

I. Rapporteur on reprisals

16. At its forty-ninth session, the Committee decided to adopt a mechanism to prevent, monitor and follow up on cases of reprisal against civil society organizations, human rights defenders, victims and witnesses after their engagement with the treaty body system. It subsequently appointed a rapporteur on reprisals under article 19 and a rapporteur on reprisals under articles 20 and 22. At its fifty-fifth session, the Committee adopted guidelines on the receipt and handling of allegations of reprisals against individuals and organizations cooperating with the Committee under articles 13, 19, 20 and 22 of the Convention (CAT/C/55/2). In its guidelines, the Committee specifically refers to the Guidelines against Intimidation or Reprisals (San José Guidelines), which it follows when handling allegations of reprisals.

17. At its sixty-third session, the Committee designated Ana Racu as the rapporteur on reprisals under articles 19, 20 and 22. Information on action taken by the rapporteur during the reporting period is available from a dedicated web page.⁴

J. Treaty body strengthening process

18. During the period under review, the Committee continued to engage in the treaty body strengthening process and made contributions to the proposal endorsed by the Chairs of human rights treaty bodies at their thirty-fourth meeting, held from 30 May to 3 June 2022, in New York.⁵ The Committee welcomes the unanimous agreement reached by the Chairs to establish a predictable schedule of country reviews, with an eight-year cycle for full reviews and follow-up reviews in between. The agreement incorporates and expands certain initiatives that were originally launched by the Committee, including the simplified reporting procedure. It offers, among other things, the possibility of entering a new stage of strengthening the treaty body system and addressing challenges of chronic underreporting by States parties and long delays in the submission of initial and periodic reports. The Committee notes that its execution would require ensuring that treaty bodies harmonize working methods, effectively coordinate and reduce the overlap of recommendations and that Member States provide adequate operational and human resources for the implementation of the agreement. The Committee expresses the hope that this process will yield positive results for the treaty bodies, so that they will have adequate support to carry out their respective

⁴ See <https://www.ohchr.org/EN/HRBodies/CAT/Pages/ReprisalLetters.aspx>.

⁵ A/77/279, paras. 62–70.

mandates, including to consider individual communications and to ensure that victims of torture and ill-treatment have access to justice and to full reparation.

19. The Committee remained actively engaged in meetings of the Chairs of the human rights treaty bodies and the meetings of informal working groups. On behalf of the Committee, Erdogan Iscan attended the meeting of treaty body focal points on working methods, held in Geneva on 29 November 2022.

20. The Committee also continued to implement the measures adopted at its sixty-eighth session to ensure that dialogues with and recommendations for States parties were more focused and coordinated with other treaty bodies (see [A/75/44](#), annex III). Those measures include, inter alia, the coordination of lists of issues prior to reporting and concluding observations.

K. Participation of Committee members in other meetings

21. During the period under consideration, Committee members participated in several events, as follows:

(a) Bakhtiyar Tuzmukhamedov, as a member of the Group of Governmental Experts on torture-free trade, a body established pursuant to General Assembly resolution 73/304, helped to draft proposals for possible common international standards in this area; the Group submitted its report ([A/76/850](#)) to the General Assembly in June 2022;

(b) Abderrazak Rouwane participated in a one-day conference that preceded the launch of a training programme for Moroccan police officers on the Convention, the Optional Protocol and the role of the national preventive mechanisms, held on 20 September 2022;

(c) Mr. Rouwane continued to run a capacity-building programme on human rights for judges in Morocco, which included training on State party obligations under the Convention;

(d) Mr. Iscan participated in an online training on treaty body reporting, in particular in relation to the Committee against Torture and with a focus on violence against women, organized by the World Organisation against Torture for NGO representatives from the Philippines, held on 26 January 2023;

(e) Sébastien Touzé participated in a workshop on reporting to the Committee against Torture concerning the initial report of Côte d'Ivoire, organized by the OHCHR West Africa Regional Office and the Ministry of Justice and Human Rights, held from 6 to 8 December 2022 in Abidjan;

(f) Maeda Naoko participated in a workshop on reporting to the Committee against Torture for government officials of the Lao People's Democratic Republic, organized by the OHCHR South-East Asia Regional Office, held on 7 and 8 February 2023;

(g) Mr. Iscan attended two meetings on treaty body individual complaints procedures, organized by the Geneva Human Rights Platform of the Geneva Academy and the Paris Human Rights Center, in coordination with OHCHR, held on 14 May 2022 and 18 March 2023;

(h) Ms. Racu participated in a working group organized by the World Organisation against Torture on the global torture index, an initiative due to be launched later in the year, which will initially cover approximately 30 countries in different regions and which is intended as a tool to help to identify trends and to shape advocacy strategies;

(i) Ms. Racu also participated remotely in an annual workshop on disability, torture and recovery, organized by the United Nations Voluntary Fund for Victims of Torture;

(j) Mr. Tuzmukhamedov participated in the Global Forum on Human Rights Education held in Samarkand, Uzbekistan, in December 2022, where he spoke on the subject of training for law enforcement officials in the light of article 10 of the Convention;

(k) Ilvija Pūce, with the assistance of the secretariat, was involved in the preparation of a guidebook on State obligations for conflict-related gender-based violence,

developed by the Dr. Denis Mukwege Foundation, reviewing certain chapters that were relevant to the work of the Committee;

(l) Mr. Heller participated, with other treaty body Chairs and rapporteurs, in an online meeting on reprisals organized by OHCHR, held on 26 January 2023;

(m) Mr. Heller participated remotely in an event to mark the twentieth anniversary of the adoption of the Optional Protocol to the Convention and the fifteenth anniversary of the establishment of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, held on 9 February 2023;

(n) Ms. Maeda participated remotely in a workshop with government officials of the Lao People's Democratic Republic, which was focused on reporting to the Committee; the meeting, organized by the OHCHR Regional Office for South-East Asia, was held in Bangkok, on 8 February 2023. The initial report of the Lao People's Democratic Republic has been overdue since October 2013;

(o) Mr. Heller participated in a virtual meeting with the Chairs of the treaty bodies and representatives of the Inter-American Court of Human Rights, held on 24 February 2023;

(p) Mr. Heller participated remotely, along with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Chair of the Subcommittee on Prevention of Torture and the Chair of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, in an annual meeting of the United Nations anti-torture mechanisms, held on 24 March 2023.

II. Submission of reports by States parties under article 19 of the Convention

22. Between 14 May 2022 and 12 May 2023, 13 reports from States parties under article 19 of the Convention were submitted to the Secretary-General. Second periodic reports were submitted by Andorra and Pakistan. Fourth periodic reports were submitted by the Philippines, Qatar and Tajikistan. A fifth periodic report was submitted by Senegal. Sixth periodic reports were submitted by Belarus and Estonia. Seventh periodic reports were submitted by Bosnia and Herzegovina, Chile and the Russian Federation. Eighth periodic reports were submitted by Guatemala and the Kingdom of the Netherlands.

23. As at 12 May 2023, the Committee had received a total of 511 reports and had issued 465 concluding observations; there were 30 States parties with overdue initial reports and 52 States parties with overdue periodic reports.

24. At its seventy-fifth session, the Committee adopted lists of issues in relation to the second periodic report of Ethiopia ([CAT/C/ETH/Q/2](#)) and the fourth periodic report of Kazakhstan ([CAT/C/KAZ/Q/4](#)). At its seventy-sixth session, it adopted lists of issues in relation to the third periodic report of Burundi ([CAT/C/BDI/Q/3](#)) and the fifth periodic report of Egypt ([CAT/C/EGY/Q/5/Add.1](#)).

A. Simplified reporting procedure

25. The Committee welcomes the fact that a high number of States parties have accepted the simplified reporting procedure, which consists of the preparation and adoption of a list of issues to be transmitted to States parties prior to the submission of a State party's periodic report (known as the list of issues prior to reporting). The procedure is aimed at assisting States parties to fulfil their reporting obligations, as it strengthens the cooperation between the Committee and States parties ([A/66/44](#), paras. 28–35). While the Committee understands that, since 2007, the adoption of lists of issues prior to reporting has facilitated the States parties' reporting obligations, it nonetheless wishes to emphasize that the procedure of drafting lists of issues prior to reporting has increased its workload substantially, as their preparation requires more work than the lists of issues following the submission of a State party's report. That is particularly significant in a Committee with such a small membership.

26. At its seventy-fifth session, the Committee adopted lists of issues prior to reporting with regard to States parties that had accepted the invitation to submit their next report, due in 2023, under the procedure: Cyprus (CAT/C/CYP/QPR/6); Latvia (CAT/C/LVA/QPR/7) and the Niger (CAT/C/NER/QPR/2). It also adopted lists of issues prior to reporting for Maldives (CAT/C/MDV/QPR/2) and Tunisia (CAT/C/TUN/QPR/4), in the light of the States parties' acceptance of the simplified reporting procedure in December 2019 and June 2021, respectively. At its seventy-sixth session, the Committee adopted a list of issues prior to reporting for the eighth periodic report of Portugal (CAT/C/PRT/QPR/8). All of the adopted lists of issues prior to reporting were transmitted to the respective States parties.

27. In the Committee's view, the fact that only 5 of the 173 States parties that are at the periodic reporting stage have expressly declined to report under the simplified reporting procedure indicates the success of the procedure. Of the other 168 States parties, 108 have expressly accepted to report under it and the remaining 60 have not yet answered or have not yet been invited to report under it. In addition, the fact that other treaty bodies have also adopted that procedure indicates its clear added value for the reporting system. Since 2016, a number of States with long-overdue initial reports have been offered the simplified reporting procedure.

28. Updated information relating to the procedure is available from a dedicated web page.⁶

B. Reminders for overdue initial and periodic reports

29. At its fifty-third session, the Committee decided to send reminders to all States parties whose initial reports were overdue and to all States parties whose periodic reports were four or more years overdue. The Committee drew the attention of those States parties to the fact that delays in reporting seriously hampered the implementation of the Convention in the States parties and the ability of the Committee to carry out its function of monitoring that implementation. The Committee requested information on the progress made by those States parties in fulfilling their reporting obligations and on any obstacles that they might be facing in that respect. It also informed them that, in accordance with rule 67 of its rules of procedure, the Committee might proceed with a review of the implementation of the Convention in the State party in the absence of a report, and that the review would be carried out on the basis of information that was available to the Committee, including sources from outside the United Nations. In its annual reports, the Committee also reminds States parties of their reporting obligations under the Convention.

30. In this regard, the Committee reiterates its support for the Convention against Torture Initiative, which is actively engaged in the universal ratification of the Convention and its full implementation, including the compliance of States parties with their reporting obligations. During its seventy-fifth session, the Committee met with representatives of the Convention against Torture Initiative, including the Permanent Representatives of Ghana and Morocco to the United Nations Office at Geneva and other international organizations in Switzerland. During the meeting, the status of the Initiative's activities and potential cooperation were discussed.

C. Examination of measures taken by a State party in the absence of a report

31. The Committee continued to take action with regard to States parties whose initial reports were long overdue, in accordance with the decision taken at its fifty-second session to do so (A/69/44, para. 46). The Committee followed its well-established practice of sending specific reminders to States parties to remind them to submit their long-overdue initial reports and to offer them the simplified reporting procedure. If they did not accept the simplified reporting procedure or if initial reports were not received pursuant to article 67 of its rules of procedure, the Committee arranged to conduct, at a future session, an examination in the absence of a report. As at 12 May 2023, 13 States with long-overdue initial reports (Antigua

⁶ See <https://www.ohchr.org/en/treaty-bodies/cat/reporting-guidelines>.

and Barbuda, Bangladesh, Botswana, Cabo Verde, Côte d'Ivoire, the Dominican Republic, Lesotho, Malawi, Mali, the Niger, Nigeria, Seychelles and Somalia) had been offered the simplified reporting procedure,⁷ and the Committee had examined the situation of three of those States (Antigua and Barbuda, Cabo Verde⁸ and Nigeria⁹) in the absence of a report. Bangladesh, Botswana, Malawi, the Niger, Seychelles and Somalia submitted their initial reports.

III. Consideration of reports submitted by States parties under article 19 of the Convention

32. At its seventy-fourth, seventy-fifth and seventy-sixth sessions, the Committee considered reports submitted by 16 States parties under article 19 (1) of the Convention.

33. The reports considered by the Committee at its seventy-fourth session and the concluding observations thereon are available from the Official Document System of the United Nations (<http://documents.un.org>) under the symbols indicated below:

<i>Party</i>	<i>Country rapporteurs</i>	<i>Report</i>	<i>Concluding observations</i>
Botswana	Ilvija Pūce Todd Buchwald	Initial report (CAT/C/BWA/1)	CAT/C/BWA/CO/1
Nicaragua	Claude Heller Erdogan Iscan	Second periodic report (CAT/C/NIC/2)	CAT/C/NIC/PCO/2 (provisional) CAT/C/NIC/CO/2 ^a (final)
State of Palestine	Sébastien Touzé Maeda Naoko	Initial report (CAT/C/PSE/1)	CAT/C/PSE/CO/1
United Arab Emirates	Bakhtiyar Tuzmukhamedov Abderrazak Rouwane	Initial report (CAT/C/ARE/1)	CAT/C/ARE/CO/1

^a Adopted at the seventy-fifth session of the Committee.

34. The reports considered by the Committee at its seventy-fifth session and the concluding observations thereon are available from the Official Document System of the United Nations (<http://documents.un.org>) under the symbols indicated below:

<i>Party</i>	<i>Country rapporteurs</i>	<i>Report</i>	<i>Concluding observations</i>
Australia	Ilvija Pūce Erdogan Iscan	Sixth periodic report (CAT/C/AUS/6)	CAT/C/AUS/CO/6
Chad	Sébastien Touzé Todd Buchwald	Second periodic report (CAT/C/TCD/2)	CAT/C/TCD/CO/2
El Salvador	Claude Heller Ana Racu	Third periodic report (CAT/C/SLV/3 and CAT/C/SLV/3/Corr.1)	CAT/C/SLV/CO/3
Malawi	Ana Racu Liu Huawen	Initial report (CAT/C/MWI/1)	CAT/C/MWI/CO/1

⁷ A/69/44, para. 46; A/70/44, para. 40; A/71/44, para. 35; A/72/44, para. 34; A/73/44, para. 34; A/74/44, para. 33; and A/75/44, paras. 32–35.

⁸ A/74/44, para. 33.

⁹ A/77/44, para. 34.

<i>Party</i>	<i>Country rapporteurs</i>	<i>Report</i>	<i>Concluding observations</i>
Somalia	Liu Huawen Maeda Naoko	Initial report (CAT/C/SOM/1)	CAT/C/SOM/CO/1
Uganda	Bakhtiyar Tuzmukhamedov Abderrazak Rouwane	Second periodic report (CAT/C/UGA/2)	CAT/C/UGA/CO/2

35. The reports considered by the Committee at its seventy-sixth session and the concluding observations thereon are available from the Official Document System of the United Nations (<http://documents.un.org>) under the symbols indicated below:

<i>Party</i>	<i>Country rapporteurs</i>	<i>Report</i>	<i>Concluding observations</i>
Brazil	Maeda Naoko Liu Huawen	Second periodic report (CAT/C/BRA/2)	CAT/C/BRA/CO/2
Colombia	Claude Heller Erdogan Iscan	Sixth periodic report (CAT/C/COL/6)	CAT/C/COL/CO/6
Ethiopia	Todd Buchwald Sébastien Touzé	Second periodic report (CAT/C/ETH/2)	CAT/C/ETH/CO/2
Kazakhstan	Ana Racu Ilvija Pūce	Fourth periodic report (CAT/C/KAZ/4 and CAT/C/KAZ/4/Corr.1)	CAT/C/KAZ/CO/4
Luxembourg	Sébastien Touzé Maeda Naoko	Eighth periodic report (CAT/C/LUX/8)	CAT/C/LUX/CO/8
Slovakia	Bakhtiyar Tuzmukhamedov Abderrazak Rouwane	Fourth periodic report (CAT/C/SVK/4)	CAT/C/SVK/CO/4

IV. Follow-up to concluding observations on States parties' reports

36. At its thirtieth session, in May 2003, the Committee developed a procedure to provide for follow-up subsequent to the adoption of the concluding observations on reports of States parties under article 19 of the Convention (A/58/44, para. 12). The Committee has presented information in each of its annual reports thereafter, outlining its experience in receiving information on follow-up measures taken by States parties, including substantive trends and further modifications that it has made in the procedure. A more detailed description of the procedure can be found in the guidelines for follow-up to concluding observations, adopted by the Committee at its fifty-fifth session (CAT/C/55/3).

37. In accordance with its rules of procedure, the Committee established the post of Rapporteur for follow-up to concluding observations. During the period covered by the present report, Mr. Tuzmukhamedov continued to serve as the Rapporteur for follow-up to concluding observations.

38. From May 2003 to the end of the period under review, the Committee reviewed 312 reports from States parties for which it had identified follow-up recommendations. As at 12 May 2023, 209 follow-up reports had been received by the Committee, for an overall response rate of 67 per cent. The status of the follow-up is compiled in a chart maintained on the web page of the Committee.¹⁰ Additional information, including submissions by States

¹⁰ In 2010, the Committee established a separate web page for follow-up: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/FollowUp.aspx?Treaty=CAT&Lang=en. An overview of the follow-up procedure since 2003 can be found at the same web page.

parties, communications sent by the Rapporteur for follow-up, State party responses, and reports from national human rights institutions, NGOs and other civil society actors, are posted on that web page.

39. As at 12 May 2023, the following States had not yet supplied follow-up information that had fallen due:¹¹ Antigua and Barbuda (sixty-first), Bangladesh (sixty-seventh), Benin (sixty-sixth), Cabo Verde (fifty-ninth), Cambodia (forty-fifth), Congo (fifty-fourth), Djibouti (forty-seventh), Gabon (forty-ninth), Ghana (forty-sixth), Guinea (fifty-second), Holy See (fifty-second), Indonesia (fortieth), Madagascar (forty-seventh), Mozambique (fifty-first), Rwanda (sixty-second), Seychelles (sixty-fourth), Sierra Leone (fifty-second), Sri Lanka (fifty-ninth), Syrian Arab Republic (forty-eighth), Togo (sixty-seventh), Yemen (forty-fourth) and Zambia (fortieth).

40. Under the procedure, the Rapporteur sends reminders, requesting the outstanding information, to each State party for which follow-up information was due but had not yet been submitted.¹² During the period under review, no reminders were sent.

41. Between 14 May 2022 and 12 May 2023, follow-up reports were received from the following States parties, in the order of receipt: Tajikistan (CAT/C/TJK/FCO/3/Add.1, 25 July 2022); Belgium (CAT/C/BEL/FCO/4, 29 July 2022); Lithuania (CAT/C/LTU/FCO/4, 14 November 2022); Nigeria (CAT/C/NGA/FCOAR/1, 1 December 2022); Sweden (CAT/C/SWE/FCO/8, 2 December 2022); Plurinational State of Bolivia (CAT/C/BOL/FCO/3, 2 December 2022); Serbia (CAT/C/SRB/FCO/3, 14 February 2023); Kyrgyzstan (CAT/C/KGZ/FCO/3, 17 March 2023); Iraq (CAT/C/IRQ/FCO/2, 11 May 2023); Cuba (11 May 2023);¹³ and Montenegro (CAT/C/MNE/FCO/3, 12 May 2023).

42. The Rapporteur expressed appreciation for the information provided by those States parties regarding measures taken to implement their obligations under the Convention. He assessed the responses received as to whether all the issues identified by the Committee for follow-up had been addressed by the State party and whether the information provided responded to the Committee's concerns and recommendations. The Rapporteur communicated with States parties under the follow-up procedure once their report was received and assessed. Such communications reflected the analysis carried out by the Rapporteur and specified the pending issues. During the period under review, such communications were sent in letters to Belgium (15 November 22), the Plurinational State of Bolivia (4 April 2023), Sweden (26 April 2023) and Nigeria (27 April 2023).¹⁴

43. The Rapporteur also expressed appreciation for the information submitted by national human rights institutions, human rights NGOs and civil society groups under the follow-up procedure. As at 12 May 2023, the Committee had received follow-up reports from such sources in relation to the reports on the following, in the order of receipt: Kyrgyzstan (2), Serbia, Nigeria, the Plurinational State of Bolivia and Lithuania.¹⁵

V. Activities of the Committee under article 20 of the Convention

44. The Committee's work under article 20 of the Convention continued during the period under review.

¹¹ States parties that did not supply follow-up information prior to the submission of their next periodic report are not included in the list.

¹² Communications sent by the Rapporteur for follow-up to concluding observations are available from the web page for follow-up.

¹³ Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=1&CountryID=44&DocTypeID=46.

¹⁴ Communications sent by the Rapporteur for follow-up to concluding observations are available from the web page for follow-up.

¹⁵ Those submissions are also available from the web page for follow-up.

VI. Consideration of complaints under article 22 of the Convention

A. Introduction

45. Under article 22 of the Convention, individuals who claim to be victims of a violation by a State party of the provisions of the Convention may submit a complaint to the Committee for consideration, subject to the conditions laid down in that article. 69 States parties to the Convention have declared that they recognize the competence of the Committee to receive and consider complaints under article 22 of the Convention. No complaint may be considered by the Committee if it concerns a State party to the Convention that has not recognized the Committee's competence under article 22.

46. The post of Rapporteur on new complaints and interim measures, established in accordance with rule 104 (1) of the Committee's rules of procedure, is currently held by Mr. Iscan.

B. Interim measures of protection

47. Complainants frequently request preventive protection. Pursuant to rule 114 (1) of its rules of procedure, at any time after the receipt of a complaint the Committee, acting through its Rapporteur on new complaints and interim measures, may transmit to the State party concerned a request to take such interim measures as the Committee considers necessary to avoid irreparable damage to an individual or individuals. The State party is to be informed that such a request does not imply a determination of the admissibility or the merits of the complaint. During the reporting period, requests for interim measures of protection were received in 51 complaints that were registered, of which 36 were granted by the Rapporteur on new complaints and interim measures, who regularly monitors the compliance by States parties with such requests.

C. Progress of work

48. As at 12 May 2023, the Committee had registered, since 1989, 1,177 complaints concerning 43 States parties. Of those, 369 complaints had been discontinued and 137 had been declared inadmissible. The Committee had adopted final decisions on the merits in 476 complaints and found violations of the Convention in 198 of them. Some 196 complaints were pending consideration. All of the Committee's decisions on the merits, those declaring a complaint inadmissible and discontinuance decisions can be found in the newly updated treaty body case law database,¹⁶ on the OHCHR website¹⁷ and in the Official Document System of the United Nations.¹⁸

49. At its seventy-fourth session, the Committee adopted decisions on the merits in respect of 10 communications. In *N.N. v. Burundi* (CAT/C/74/D/795/2017), concerning torture in detention, conditions of detention and failure to conduct an effective investigation, the Committee found violations of articles 2 (1), 11, 12, 13 and 14 of the Convention, read in conjunction with article 1, as well as of articles 16 and 22. In *Laaroussi v. Morocco* (CAT/C/74/D/891/2018), also concerning torture in detention, conditions of detention and failure to conduct an effective investigation, as well as the right to redress, the Committee found violations of article 2 (1) 11, 12, 13, 14 and 15 of the Convention, read in conjunction with article 1. In *A.Y. v. Switzerland* (CAT/C/74/D/887/2018), concerning risk of torture in case of deportation to Eritrea, the Committee concluded that the deportation would constitute a violation of article 3 of the Convention. In *Hajib v. Morocco*, (CAT/C/74/D/928/2019), concerning complaints of, among others, torture in detention and failure to conduct an effective investigation, the Committee found violations of articles 2 (1), 11, 12 and 14, read

¹⁶ See <http://juris.ohchr.org/>.

¹⁷ See www.ohchr.org/.

¹⁸ See <http://documents.un.org/prod/ods.nsf/home.xsp>.

in conjunction with article 1 of the Convention, in relation to the complainant, and of article 16 in relation to his family. In *A and B v. Azerbaijan* (CAT/C/74/D/905/2018), concerning deportation to Türkiye, the Committee found violations of articles 3 and 22 of the Convention. In *Lizarazo et al. v. Switzerland*, (CAT/C/74/D/909/2019), the Committee concluded that deporting the complainant to Colombia would constitute a violation of article 3 of the Convention.

50. The Committee found that the forcible returns of the complainants would not constitute a violation of article 3 of the Convention by the States parties in its decisions in *S.R. v. Canada* (CAT/C/74/D/973/2019), *F.K.M. v. Netherlands* (CAT/C/74/D/954/2019), *D.M. v. Switzerland* (CAT/C/74/D/880/2018) and *A.S. v. Sweden* (CAT/C/74/D/949/2019).

51. The Committee found three communications – *R. v. Sweden* (CAT/C/74/D/868/2018), *S.S. v. Australia* (CAT/C/74/D/935/2019) and *E.M.M.A. v. Sweden*, (CAT/C/74/D/960/2019) – inadmissible. It discontinued four communications: *E.T. and R.S. v. Switzerland*, (CAT/C/74/D/901/2018), *R.K. v. Australia* (CAT/C/74/D/927/2019), *M.I. et al. v. Finland*, (CAT/C/74/D/948/2019) and *H.R. v. Sweden* (CAT/C/74/D/955/2019).

52. At its seventy-fifth session, the Committee adopted decisions on the merits in respect of 11 communications. In *Hoyos Henao et al. v. Mexico* (CAT/C/75/D/893/2018), concerning torture and ill-treatment of the complainant, followed by a lack of prompt and impartial investigation, the Committee found violations of articles 2 (1), 12, 13 and 14, read in conjunction with article 1 of the Convention, in relation to Nino Colman Hoyos Henao, and of article 14 of the Convention, in relation to the other complainants. In a complaint concerning several children and their mothers, *L.V. et al. v. France* (CAT/C/75/D/922/2019), the Committee decided that, in the particular circumstances of the case, not taking further measures reasonably in its powers to repatriate the complainants' relatives would constitute a violation by the State party of article 2 (1), read in conjunction with article 16, of the Convention. In *T.C. v. Peru* (CAT/C/75/D/930/2019), the Committee concluded that the facts before it disclosed violations of articles 2 (1), 12, 13 and 14 of the Convention, read in conjunction with article 1. In *S.L. v. Australia* (CAT/C/75/D/964/2019), the failure by the State party to assess key evidence, which was unavailable at the merits review stage but central to the complainant's protection claim, as it undermined the negative credibility finding, led the Committee to conclude that the State party had not discharged its obligations to undertake a comprehensive, individualized assessment of the risk of a foreseeable, present, personal and real risk that the complainant would be subjected to torture if deported to Sri Lanka. The Committee therefore concluded that the deportation of the complainant to Sri Lanka would constitute a breach of article 3 of the Convention. In *B.T.M. v. Switzerland* (CAT/C/75/D/972/2019), concerning a human rights defender, the Committee considered that the deportation of the complainant to Zimbabwe would amount to a violation of article 3 of the Convention. In *Guseinov v. Russian Federation* (CAT/C/75/D/975/2020), the Committee decided that the State party, by subjecting the complainant to torture and using evidence obtained as a result of torture, had violated the complainant's rights under articles 2, 12, 13, 14 and 15 of the Convention. In *Bani v. Morocco* (CAT/C/75/D/999/2020), the Committee concluded that the facts before it disclosed a violation of articles 2 (1), 11, 12, 13, 14 and 15 of the Convention, read in conjunction with article 1. In *X and Y v. Switzerland* (CAT/C/75/D/1081/2021), the Committee decided that the removal of the complainants by the State party to Kosovo,¹⁹ where they would face a real risk of being forcibly transferred to and subjected to torture in Türkiye, would constitute a violation of article 3 of the Convention.

53. Committee found that the forcible returns of the complainants would not constitute a violation of article 3 of the Convention by the States parties in three decisions: *J.X.F.P. v. Australia* (CAT/C/75/D/770/2016), *R.K. v. Switzerland* (CAT/C/75/D/951/2019) and *R.K. v. Switzerland* (CAT/C/75/D/962/2019).

54. The Committee also found four communications – *E.M. and A.C. v. Switzerland* (CAT/C/75/D/947/2019), *S.B. v. Cameroon* (CAT/C/75/D/1034/2020), *A.D. v. Cyprus*

¹⁹ All references to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

(CAT/C/75/D/1065/2021) and *B.S. v. Austria* (CAT/C/75/D/1118/2022) – inadmissible. It discontinued the consideration of four communications: *Y.N.B. v. Canada*, (CAT/C/75/D/823/2017), *N.A.H. v. Switzerland* (CAT/C/75/D/892/2018), *F.M.J. v. Canada* (CAT/C/75/D/926/2019) and *M.H. v. Sweden* (CAT/C/75/D/965/2019).

55. At its seventy-sixth session, the Committee adopted decisions on the merits in respect of 10 communications. In *Berhane v. Switzerland* (CAT/C/76/D/983/2020), the Committee concluded that the return of the complainant by the State party to Eritrea would constitute a violation of article 3 of the Convention. It considered that having reached that conclusion, it was not necessary to examine the complainant's claim under article 16 of the Convention. The Committee was of the view that the State party had an obligation to refrain from forcibly returning the complainant to Eritrea. In *Nijimbere v. Sweden* (CAT/C/76/D/984/2020), concerning a national of Burundi of Hutu ethnicity, the Committee decided that the State party was required by article 3 of the Convention to reconsider the complainant's asylum application in the light of its obligations under the Convention and the findings in the decision. The Committee also requested to refrain from expelling the complainant while his asylum application was being reconsidered. In *K.R. v. Switzerland* (CAT/C/76/D/1018/2020), concerning a national of Sri Lanka, the Committee concluded that the deportation of the complainant to Sri Lanka before completion of his rehabilitation treatment would constitute a violation of article 3 of the Convention. The Committee was of the view that, in accordance with articles 3, 14 and 16 of the Convention, the State party had an obligation to refrain from forcibly removing the complainant to Sri Lanka and to continue complying with its obligation to provide the complainant, in full consultation with him, with rehabilitation through medical and psychological treatment. In *N.U. v. Finland* (CAT/C/76/D/1044/2020) concerning a national of the Russian Federation, the Committee concluded that the return of the complainant to the Russian Federation would constitute a violation by the State party of article 3 of the Convention. The Committee was of the view that the State party was required to reconsider the complainant's asylum application in the light of its obligations under the Convention and the Committee's decision. Furthermore, the State party was requested to refrain from expelling the complainant while his asylum application was being reconsidered. In *C and D v. Switzerland* (CAT/C/76/D/1077/2021), concerning nationals of Colombia, the Committee concluded that the removal of the complainants to Colombia would constitute a violation of article 3 of the Convention by the State party. It considered that having reached that conclusion, it was not necessary to examine the complainants' remaining claims under article 16 of the Convention. The Committee was of the view that the State party had an obligation to refrain from forcibly returning the complainants to Colombia.

56. The Committee found that the forcible returns of the complainants would not constitute a violation of article 3 of the Convention by the States parties in five decisions: *Emsak v. Morocco* (CAT/C/76/D/988/2020), *Tirunavukarasu v. Kingdom of the Netherlands* (CAT/C/76/D/991/2020), *Surafiel Abraham v. Switzerland* (CAT/C/76/DR/1017/2020), *R.R. v. Switzerland* (CAT/C/76/D/1040/2020) and *Atilaw Melie v. Switzerland* (CAT/C/76/D/1049/2021).

57. The Committee also found three communications inadmissible: *Y.H. v. Sweden* (CAT/C/76/D/979/2020); *S.M. v. Australia* (CAT/C/76/D/981/2020) and *B.M. et al. v. France* (CAT/C/76/D/1004/2020). It discontinued the consideration of five communications: *S.R. v. Australia* (CAT/C/76/D/794/2017); *I.D. et al. v. Finland* (CAT/C/76/D/907/2019), *M.M. v. Switzerland* (CAT/C/76/D/910/2019), *G.I. v. Sweden* (CAT/C/76/D/931/2019) and *D.S. v. Switzerland* (CAT/C/76/D/953/2019).

D. Follow-up activities

58. At its twenty-eighth session, in May 2002, the Committee established the function of Rapporteur for follow-up on decisions adopted under article 22, which is currently held by Mr. Liu. At its 527th meeting, on 16 May 2002, the Committee decided that the Rapporteur should engage, inter alia, in the following activities: monitoring compliance with the Committee's decisions by sending notes verbales to States parties enquiring about measures adopted pursuant to the Committee's decisions; recommending to the Committee appropriate

action upon the receipt of responses from States parties, in situations of non-response, and upon the receipt henceforth of all letters from complainants concerning non-implementation of the Committee's decisions; meeting with representatives of the permanent missions of States parties to encourage compliance and to determine whether advisory services or technical assistance by OHCHR would be appropriate or desirable; conducting with the approval of the Committee follow-up visits to States parties; and preparing periodic reports for the Committee on his or her activities.

59. During its seventy-fourth session, the Committee reviewed submissions related to four cases that were being monitored through the Committee's follow-up procedure. The Committee decided to keep the follow-up dialogue ongoing with regard to all four cases.²⁰ During its seventy-fifth session, the Committee reviewed submissions related to eight cases that were being monitored through the Committee's follow-up procedure. The Committee decided to close the follow-up dialogue, with a note of satisfactory resolution, in regard to five decisions: *A, B and C v. Switzerland* (CAT/C/71/D/812/2017), *Bakay v. Morocco* (CAT/C/68/D/826/2017), *Erdoğan v. Morocco* (CAT/C/66/D/827/2017), *Onder v. Morocco* (CAT/C/66/D/845/2017) and *Ayden v. Morocco* (CAT/C/66/D/846/2017). The Committee reviewed the information received with regard to the other decisions and decided to keep the follow-up dialogue ongoing.²¹ During its seventy-sixth session, the Committee reviewed submissions related to 10 communications that were being monitored through the Committee's follow-up procedure. In *D.C. and D.E. v. Georgia* (CAT/C/60/D/573/2013), the Committee decided to keep the procedure open. In *Wooden v. Mexico* (CAT/C/71/D/759/2016), it decided to keep the dialogue open. In *A v. Bosnia and Herzegovina* (CAT/C/67/D/854/2017), since there had not been significant progress, the Committee decided to maintain the dialogue open. In *Abbahah v. Morocco* (CAT/C/72/D/871/2018), there was conflict between the information received from the State party and the information received from the complainant, and therefore the Committee decided to keep the follow-up dialogue open. In *Richards v. New Zealand* (CAT/C/73/D/934/2019), the Committee's recommendations had been partially implemented; the Committee decided to keep the dialogue open. In five cases concerning Switzerland – *Berhane v. Switzerland* (CAT/C/73/D/872/2018), *A.Y. v. Switzerland* (CAT/C/74/D/887/2018), *Lizarazo et al. v. Switzerland* (CAT/C/74/D/909/2019), *B.T.M. v. Switzerland* (CAT/C/75/D/972/2019) and *X and Y v. Switzerland* (CAT/C/75/D/1081/2021) – there had been full implementation, so the Committee had decided to close the dialogue.²² The Committee commends the Government of Switzerland on its efforts.

60. At all three sessions during the reporting period, Ms. Racu, the Committee's rapporteur on reprisals, presented to the Committee an oral report on reprisals. The Committee received updates regarding reprisals in the context of pending complaints and follow-up to decisions.

61. As at 12 May 2023, the Committee had closed the follow-up dialogue with a note of satisfactory or partially satisfactory resolution with regard to 83 communications, out of a total of 198 communications where it had found violations of different provisions of the Convention. Additional information may be found in documents CAT/C/74/3, CAT/C/75/3 and CAT/C/76/3.

VII. Meetings of the Committee in 2023

62. Pursuant to General Assembly resolution 68/268, the Committee is to hold two further regular sessions in 2023: the seventy-seventh (10–28 July 2023) and the seventy-eighth (30 October–24 November 2023).

²⁰ See CAT/C/74/3.

²¹ See CAT/C/75/3.

²² See CAT/C/76/3.

VIII. Adoption of the annual report of the Committee on its activities

63. In accordance with article 24 of the Convention, the Committee is required to submit an annual report on its activities to the States parties and to the General Assembly. Since the Committee holds its third regular session of each calendar year in November, which coincides with the regular sessions of the General Assembly, it adopts its annual report at the end of its spring session, for transmission to the General Assembly during the same calendar year. Accordingly, the Committee considered and adopted the report on the activities it carried out during the period under review.

Annex

Membership, officers and mandates

<i>Name of member</i>	<i>Country of nationality</i>	<i>Term expires on 31 December</i>
Todd Buchwald	United States of America	2025
Claude Heller (Chair)	Mexico	2023
Erdogan Iscan (Rapporteur) (Rapporteur on new complaints and interim measures)	Türkiye	2023
Liu Huawen (Rapporteur for follow-up on decisions adopted under article 22)	China	2025
Maeda Naoko	Japan	2025
Ilvija Pūce	Latvia	2023
Ana Racu (Vice-Chair) (Focal point for cooperation with the treaty body capacity-building programme of the Office of the United Nations High Commissioner for Human Rights)	Republic of Moldova	2023
Abderrazak Rouwane	Morocco	2025
Sébastien Touzé (Vice-Chair) (Focal point for cooperation with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment)	France	2023
Bakhtiyar Tuzmukhamedov (Vice-Chair) (Rapporteur for follow-up to concluding observations)	Russian Federation	2025