

United Nations

Report of the Committee against Torture

Seventy-first session (12–30 July 2021) Seventy-second session (8 November–3 December 2021) Seventy-third session (19 April–13 May 2022)

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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 29 April 2021 to 13 May 2022, during which the Committee held its seventy-first, seventy-second and seventy-third sessions. The Committee held its seventy-first session remotely from 12 to 30 July 2021, using online meeting platforms owing to the coronavirus disease (COVID-19) pandemic. Its seventy-second and seventy third sessions were held in person, in Geneva

As at 13 May 2022, 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, 12 reports submitted under article 19 of the Convention and one country situation in the absence of a report (see chap. III). At its seventy-first session, it considered the report of Belgium. At its seventy-second session, it considered the reports of Bolivia (Plurinational State of), Kyrgyzstan, Lithuania, Serbia and Sweden, and the country situation of Nigeria. At its seventy-third session, it considered the reports of Cuba, Iceland, Iraq, Kenya, Montenegro and Uruguay.

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 28 States parties with overdue initial reports and 44 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 47 decisions on the merits, declared 10 communications inadmissible and 1 communication admissible and discontinued the consideration of 22 communications (see chap. VI). A total of 1,126 complaints concerning 43 States parties have been registered since the entry into force of the Convention, including 58 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 13 May 2022, 198 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 13 May 2022, the closing date of the seventy-third 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/76/44), the Sudan ratified the Convention, on 10 August 2021, and Suriname acceded to the Convention, on 16 November 2021. 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-first session (1827th to 1839th meetings) was held online, from 12 to 30 July 2021, the seventy-second session (1840th to 1876th meetings) was held in person, from 8 November to 3 December 2021, and the seventy-third session (1877th to 1911th meetings) was also held in person, from 19 April to 13 May 2022. In-person sessions were held at the United Nations Office at Geneva.
- 5. At its 1827th meeting, held on 12 July 2021, the Committee adopted the items listed in the provisional agenda submitted by the Secretary-General (CAT/C/71/1) as the agenda of its seventy-first session.
- 6. At its 1840th meeting, held on 8 November 2021, the Committee adopted the items listed in the provisional agenda submitted by the Secretary-General (CAT/C/72/1 and CAT/C/72/1/Corr.1) as the agenda for its seventy-second session.
- 7. At its 1877th meeting, held on 19 April 2022, the Committee adopted the items listed in the provisional agenda submitted by the Secretary-General (CAT/C/73/1 and CAT/C/73/1/Corr.1) as the agenda of its seventy-third 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.1827–CAT/C/SR.1911).

C. Membership, officers and mandates

9. Following the eighteenth meeting of States parties to the Convention, held on 11 October 2021, the membership of the Committee changed, as of 1 January 2022. In the light of the decision taken by the Committee in July 2020 on the basis of exceptional circumstances¹ and rules 12 and 17 of the Committee's rules of procedure, at the beginning of its seventy-second session the Committee elected a Chair and new officers to serve until one day before the first meeting of the Committee at which the Committee included the new members elected at the eighteenth meeting of States parties. Those officers therefore served until the day before the first meeting of the seventy-third session. Thus, on 8 November 2021, the Committee elected Claude Heller to serve as Chair of the Committee until one day before the seventy-third session. Ana Racu, Sébastien Touzé and Bakhtiyar Tuzmukhamedov were elected as Vice-Chairs and Erdogan Iscan was elected as Rapporteur, also until the next Committee session. At the seventy-third session, the Committee elected officers for a term

¹ See A/76/44, paras. 7–8.

of two years. On 19 April 2022, the Committee re-elected Mr. Heller as Chair of the Committee for the next two years. Ms. Racu, Mr. Touzé and Mr. Tuzmukhamedov were re-elected as Vice-Chairs and Mr. Iscan was re-elected as Rapporteur, all for a period of two years.

- 10. On 29 November 2021, Mr. Iscan was appointed Rapporteur on new complaints and interim measures under article 22 of the Convention, replacing Diego Rodríguez-Pinzón, who finished his mandate on 31 December 2021. Liu Huawen was appointed Rapporteur on follow-up on decisions adopted under article 22, replacing Mr. Heller, effective 1 January 2022. Also on 29 November 2021, Mr. Touzé was designated as the Committee's focal point for cooperation with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. On 11 May 2022, Ms. Racu was designated as the Committee's focal point for cooperation with the treaty body capacity-building programme of the Office of the United Nations High Commissioner for Human Rights (OHCHR).
- 11. The list of members, officers and mandates from 29 April 2021 to 31 December 2021 is contained in annex I; the list of members (from 1 January 2022) and the list of officers and mandates (from 1 January 2022 to 13 May 2022) is contained in annex II.

D. Oral report of the Chair to the General Assembly

12. In accordance with General Assembly resolution 74/143, on 12 October 2021 Mr. Heller, at that time the acting Chair of the Committee, presented the Committee's report (A/76/44) to the Assembly at its seventy-sixth session, and engaged in an interactive dialogue with the Assembly. Owing to the COVID-19 situation, the presentation of the report and the interactive dialogue took place virtually.²

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

- 13. As at 13 May 2022, there were 91 States parties to the Optional Protocol to the Convention (see http://treaties.un.org). As required by the Optional Protocol, on 11 November 2021, 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, following which both bodies decided to reinforce their cooperation, including joint action on relevant issues. As a result, the Committee and the Subcommittee appointed focal points with a view to further enhancing their cooperation. Moreover, on 2 December 2021, the Committee and the Subcommittee issued their first joint press release, on the ongoing violence in the prison system in Ecuador. During the joint meeting, the Association for the Prevention of Torture delivered a briefing on the Principles on Effective Interviewing for Investigations and Information Gathering.
- 14. An additional meeting was held on 25 April 2022, between the Committee and the Chair of the Subcommittee, at which the latter presented the Committee the fifteenth public annual report of the Subcommittee (CAT/C/73/2).

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

15. The Committee adopted a joint statement with the Subcommittee, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture for

² See UN Web TV, "Third Committee, 13th meeting – General Assembly, 76th session", available at https://media.un.org/en/asset/k1y/k1y7c368bk.

³ See OHCHR, "Ecuador has obligation to ensure security inside prisons, UN experts", 2 December 2021

issuance on 26 June 2021, the United Nations International Day in Support of Victims of Torture. ⁴ In addition, on 25 June 2021, the United Nations anti-torture mechanisms participated in a webinar in commemoration of the United Nations International Day in Support of Victims of Torture and the fortieth anniversary of the establishment of the United Nations Voluntary Fund for Victims of Torture, entitled "Fostering civil space to obtain redress and accountability for victims of torture", jointly organized by OHCHR and the Center for Human Rights and Humanitarian Law established by the American University Washington College of Law.

G. Participation of non-governmental organizations

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 migration and torture, delivered by the World Organisation against Torture on 16 November 2021; a briefing on the Geneva Human Rights Platform, delivered by the Geneva Academy of International Humanitarian Law and Human Rights on 25 November 2021; a briefing on the findings contained in a recent report on acts of violence that amount to torture and ill-treatment of indigenous peoples in Latin America, delivered by the World Organisation against Torture on 22 April 2022; and a briefing on key performance indicators on torture victims' right to rehabilitation, delivered by the International Rehabilitation Council for Torture Victims and the International Center for Health and Human Rights on 3 May 2022.

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

17. 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-first session, the Committee met with the institutions of Belgium; at the seventy-second session, it met with the institutions and mechanisms of Kenya, Kyrgyzstan, Lithuania and Sweden; and at its seventy-third session, it met with the institutions and mechanisms of Iceland, Iraq, Kenya and Uruguay.

I. Rapporteur on reprisals

18. 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

⁴ Available at https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=27199&LangID=E.

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.

19. At its sixty-third session, the Committee designated Ms. 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.⁵

J. Treaty body strengthening process

- 20. At its seventy-second session, the Committee held thorough discussions on the treaty body strengthening process and considered a proposal, dated 3 August 2021, from the Committee on the Rights of Persons with Disabilities as to how the process should be taken forward. Following deliberations, the Committee decided to set out its views on the main considerations involved and adopted a common position regarding the treaty body strengthening process, which reflects the Committee's willingness to build consensus and to explore new ways to improve the efficiency of the system. The Committee considers that it is time to move towards a common approach for strengthening and enhancing the effective functioning of the United Nations human rights treaty body system, bearing in mind the particularities of each treaty body and the expectations of stakeholders. In this regard, the Committee concurs with the notion put forward by other treaty bodies that a consistent and coherent treaty body system requires harmonized working methods, advanced integrated digital tools and adequate resources and support.
- 21. During the reporting period, the Committee continued to be actively engaged in meetings of the Chairs of the human rights treaty bodies and the informal working group on COVID-19. On behalf of the Committee, Mr. Iscan attended all the meetings of the informal working group on COVID-19.
- 22. 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

- 23. During the period under consideration, Committee members participated in several events, as follows:
- (a) Mr. Iscan participated in a peer-to-peer webinar with experts of the human rights treaty bodies on the impact of COVID-19 on the right to mental health, jointly facilitated by the OHCHR Human Rights Treaties Branch and the OHCHR Regional Office for Europe, held on 18 May 2021;
- (b) Ilvija Pūce participated in a webinar on United Nations human rights processes and mechanisms, organized by the women's major group, held on 20 May 2021;
- (c) Ms. Pūce also participated in a round-table discussion on best practices to protect children deprived of liberty from torture, organized by the World Organisation against Torture, held on 25 May 2021;
- (d) Mr. Heller, as part of the Committee's cooperation with other United Nations anti-torture mechanisms, participated in a webinar in commemoration of the United Nations International Day in Support of Victims of Torture and the fortieth anniversary of the establishment of the United Nations Voluntary Fund for Victims of Torture (see para. 15 above), held on 25 June 2021;

⁵ See https://www.ohchr.org/EN/HRBodies/CAT/Pages/ReprisalLetters.aspx.

- (e) Essadia Belmir, alongside other treaty body experts, delivered a human rights training session for judicial officers in September 2021;
- (f) Ms. Racu participated in the launch of the Pan-European Mental Health Coalition by the Regional Office for Europe of the World Health Organization, on 30 September 2021;
- (g) Mr. Heller participated in an event organized by the National Human Rights Commission of Mexico on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) for doctors and lawyers, held on 8 September 2021;
- (h) Mr. Heller also took part in an exchange with civil society actors and other stakeholders on the United Nations High Commissioner for Human Rights' agenda towards transformative change for racial justice and equality, held on 26 October 2021;
- (i) Ms. Racu attended several meetings of the World Organisation against Torture's working group on COVID-19, which had discussed problems arising in places of detention as a result of restrictions introduced in order to control the pandemic;
- (j) Mr. Tuzmukhamedov participated, as a Group member, in the meetings of the Group of Governmental Experts on torture-free trade, a body established pursuant to General Assembly resolution 73/304.

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

- 24. Between 29 April 2021 and 13 May 2022, 15 reports from States parties under article 19 of the Convention were submitted to the Secretary-General. An initial report was submitted by Botswana. Third periodic reports were submitted by Albania, Mongolia and Namibia. Fourth periodic reports were submitted by Bahrain and the Republic of Moldova. Fifth periodic reports were submitted by Egypt and Mauritius. Sixth periodic reports were submitted by Cameroon, the Republic of Korea and the United States of America. Seventh periodic reports were submitted by Argentina, Bulgaria and Italy. A ninth periodic report was submitted by Norway.
- 25. As at 13 May 2022, the Committee had received a total of 498 reports and had issued 449 concluding observations; there were 28 States parties with overdue initial reports and 44 States parties with overdue periodic reports.

A. Simplified reporting procedure

- 26. 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.
- 27. At its seventy-second session, the Committee adopted lists of issues prior to reporting with regard to the States parties that had accepted the invitation to submit their next report, due in 2022, under that procedure: Canada (CAT/C/CAN/QPR/8), Guatemala (CAT/C/GTM/QPR/8), the Netherlands (CAT/C/NLD/QPR/8) and Peru (CAT/C/PER/QPR/8). It also adopted a list of issues prior to the submission of the third periodic report of Saudi Arabia (CAT/C/SAU/QPR/3), in the light of the State party's acceptance of the simplified reporting procedure in August 2020. At its seventy-third 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 that procedure: Benin (CAT/C/BEN/QPR/4), the Democratic Republic of the Congo (CAT/C/COD/QPR/3), Germany (CAT/C/DEU/QPR/7), Greece (CAT/C/GRC/QPR/8), Mexico (CAT/C/MEX/QPR/8), Poland (CAT/C/POL/QPR/8), South Africa (CAT/C/ZAF/QPR/3), Togo (CAT/C/TGO/QPR/4) and the United Kingdom of Great Britain and Northern Ireland (CAT/C/GBR/QPR/7). Those lists of issues prior to reporting were transmitted to the respective States parties.

- 28. 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, 107 have expressly accepted to report under it and the remaining 61 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.
- 29. Updated information relating to the procedure is available from a dedicated web page.⁶

B. Reminders for overdue initial and periodic reports

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. 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 with their reporting obligations.

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 13 May 2022, 13 States with long-overdue initial reports (Antigua 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, and the Committee had examined the situation of three of

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

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.

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-first, seventy-second and seventy-third sessions, the Committee considered reports submitted by 12 States parties under article 19 (1) of the Convention and one country situation in the absence of a report.
- 33. The reports considered by the Committee at its seventy-first 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:

Party	Country rapporteurs	Report	Concluding observations
Belgium	Sébastien Touzé Essadia Belmir	Fourth periodic report (CAT/C/BEL/4)	CAT/C/BEL/CO/4

34. The reports considered by the Committee at its seventy-second 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:

Party	Country rapporteurs	Report	Concluding observations
Bolivia (Plurinational State of)	Claude Heller Diego Rodríguez- Pinzón	Third periodic report (CAT/C/BOL/3)	CAT/C/BOL/CO/3
Kyrgyzstan	Ana Racu Ilvija Pūce	Third periodic report (CAT/C/KGZ/3)	CAT/C/KGZ/CO/3
Lithuania	Liu Huawen Erdogan Iscan	Fourth periodic report (CAT/C/LTU/4)	CAT/C/LTU/CO/4
Nigeria	Sébastien Touzé Essadia Belmir	Review in the absence of an initial report	CAT/C/NGA/COAR/1
Serbia	Bakhtiyar Tuzmukhamedov Ana Racu	Third periodic report (CAT/C/SRB/3)	CAT/C/SRB/CO/3
Sweden	Erdogan Iscan Peter Vedel Kessing	Eighth periodic report (CAT/C/SWE/8)	CAT/C/SWE/CO/8

35. The reports considered by the Committee at its seventy-third 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:

Party	Country rapporteurs	Report	Concluding observations
Cuba	Sébastien Touzé Claude Heller	Third periodic report (CAT/C/CUB/3)	CAT/C/CUB/CO/3

⁸ A/74/44, para. 33.

⁹ See paragraph 34 of the present report.

Party	Country rapporteurs	Report	Concluding observations
Iceland	Liu Huawen Bakhtiyar Tuzmukhamedov	Fourth periodic report (CAT/C/ISL/4)	CAT/C/ISL/CO/4
Iraq	Bakhtiyar Tuzmukhamedov Liu Huawen	Second periodic report (CAT/C/IRQ/2)	CAT/C/IRQ/CO/2
Kenya	Sébastien Touzé Erdogan Iscan	Third periodic report (CAT/C/KEN/3)	CAT/C/KEN/CO/3
Montenegro	Ana Racu Ilvija Pūce	Third periodic report (CAT/C/MNE/3)	CAT/C/MNE/CO/3
Uruguay	Claude Heller Ana Racu	Fourth periodic report (CAT/C/URY/4)	CAT/C/URY/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 acting Rapporteur for follow-up to concluding observations until the seventy-second session, when he was confirmed as Rapporteur.
- 38. From May 2003 to the end of the period under review, the Committee had reviewed 296 reports from States parties for which it had identified follow-up recommendations. As at 13 May 2022, 198 follow-up reports had been received by the Committee, for an overall response rate of 66.9 per cent. The status of the follow-up is compiled in a chart maintained on the web page of the Committee. Additional information, including submissions by States 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 13 May 2022, 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), Philippines (fifty-seventh), 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).

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.

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

- 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. During the period under review, a second reminder was sent, in a letter dated 3 March 2022, to Bangladesh.¹²
- 41. Between 29 April 2021 and 13 May 2022, follow-up reports were received from the following States parties, in the order of receipt: the Niger (CAT/C/NER/FCO/1, 19 July 2021); Burkina Faso (CAT/C/BFA/FCO/2, 4 August 2021); Tajikistan (CAT/C/TJK/FCO/3, 12 August 2021); Peru (CAT/C/PER/FCO/7, 30 September 2021); and the Niger (CAT/C/NER/FCO/1/Add.1, 18 November 2021).
- 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 South Africa (28 July 2021), the Niger (29 September 2021), Burkina Faso (4 November 2021) and Tajikistan (4 May 2022).¹³
- 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 13 May 2022, the Committee had received follow-up reports from such sources in relation to the reports on the following, in the order of receipt: Uzbekistan, Togo and the Niger.¹⁴

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.

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. Sixty-nine 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.

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

¹³ Communications sent by the Rapporteur for follow-up to concluding observations are available from the web page for follow-up.

¹⁴ Those submissions are also available from the web page for follow-up.

- 47. Complaints under article 22 of the Convention are considered in closed meetings. All documents relating to the work of the Committee under article 22, that is, submissions from the parties and other working documents of the Committee, are confidential.
- 48. The Committee decides on a complaint in the light of all the information made available to it by the parties. The findings of the Committee are communicated to the parties and are made available to the public. The text of the Committee's decisions declaring complaints inadmissible or discontinuing the examination of a case are also made public, without disclosing the identity of the complainant, but identifying the State party concerned.

B. Interim measures of protection

49. 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, 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 48 complaints that were registered, of which 42 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

- 50. As at 13 May 2022, the Committee had registered, since 1989, 1,126 complaints concerning 43 States parties, including 58 since the writing of the previous report. Of those, 356 complaints had been discontinued and 127 had been declared inadmissible. The Committee had adopted final decisions on the merits in 445 complaints and found violations of the Convention in 179 of them. Some 198 complaints were pending consideration. All the Committee's decisions on the merits, those declaring a complaint inadmissible and discontinuance decisions can be found in the treaty body case law database, ¹⁵ on the OHCHR website ¹⁶ and in the Official Document System of the United Nations. ¹⁷
- At its seventy-first session, the Committee adopted decisions on the merits in respect of 22 communications. In B.N. and S.R. v. Burundi (CAT/C/71/D/858/2018), concerning the enforced disappearance of an opposition political party member and threats and intimidation against his father, and a subsequent lack of prompt and impartial investigation, the Committee found violations of article 2 (1), read in conjunction with article 1, and articles 11, 12, 13 and 14 of the Convention, in respect of A.H., and of articles 12, 13 and 14, read in conjunction with article 16 of the Convention, in respect of B.N. The Committee also concluded that the lack of cooperation from the State party in examining the complaint constituted a violation of article 22 of the Convention. Similarly, in O.N. v. Burundi (CAT/C/71/D/843/2017), the Committee found violations of articles 2 (1), 11, 12, 13 and 14, read in conjunction with article 1; of article 16; and of article 22 of the Convention. In X v. Switzerland (CAT/C/71/D/900/2018), the Committee considered that the deportation of the complainant to Eritrea would amount to a violation of article 3 of the Convention. In Wooden v. Mexico (CAT/C/71/D/759/2016), the Committee concluded that the treatment that the complainant was subjected to during and after his arrest qualified as torture, and that the torture was not subsequently investigated or remedied by the State party, in violation of articles 1, 2 (1), 11, 12, 13 and 14 of the Convention. In D.Z. v. Switzerland (CAT/C/71/D/790/2016), the Committee considered that the deportation of the complainant to China, without affording her exhaustive access to the State party's remedies, would amount to a violation of article 3 of the Convention. In Hosseiny et al. v. Switzerland (CAT/C/71/D/812/2017), the Committee decided that the deportation of the complainant to

¹⁵ See http://juris.ohchr.org/.

¹⁶ See http://www.ohchr.org/.

¹⁷ See http://documents.un.org/prod/ods.nsf/home.xsp.

- the Islamic Republic of Iran would amount to a violation of article 3 of the Convention. 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 *T.K.T. v. Switzerland* (CAT/C/71/D/866/2018), *N.A.O. v. Sweden* (CAT/C/71/D/904/2018), *T.S. v. Netherlands* (CAT/C/71/D/896/2018), *H.S. v. Denmark* (CAT/C/71/D/792/2016), *V.M. et al. v. Sweden* (CAT/C/71/D/883/2018), *X and Y v. Switzerland* (CAT/C/71/D/807/2017), *X v. Australia* (CAT/C/71/D/89/2016), *Y.F. v. Switzerland* (CAT/C/71/D/885/2018), *Z v. Australia* (CAT/C/71/D/802/2017), *N.S. v. Australia* (CAT/C/71/D/884/2018), *A.B. v. Sweden* (CAT/C/71/D/908/2019), *A.J.E. v. Sweden* (CAT/C/71/D/874/2018), *L.H. and M.H. v. Sweden* (CAT/C/71/D/913/2019), *S.R. v. Netherlands* (CAT/C/71/D/834/2017), *H.L. v. Australia* (CAT/C/71/D/754/2016) and *K.M. v. Switzerland* (CAT/C/71/D/865/2018).
- 52. The Committee also found two communications, *B.S. and N.K. v. Canada* (CAT/C/71/D/798/2017) and *G.J. v. Spain* (CAT/C/71/D/839/2017), inadmissible, and discontinued the consideration of *A.V.B. v. Kazakhstan* (CAT/C/71/D/524/2012), *A.K. v. Ukraine* (CAT/C/71/D/674/2015), *A.T. et al. v. Switzerland* (CAT/C/71/D/774/2016), *K.L.P. and N.L.P. v. Australia* (CAT/C/71/D/779/2016), *B.W. v. Switzerland* (CAT/C/71/D/835/2017), *I.M. et al. v. Sweden* (CAT/C/71/D/842/2017), *T.S. v. Australia* (CAT/C/71/D/853/2017), *A.F.M.I. v. Sweden* (CAT/C/71/D/878/2018), *N.M. et al. v. Sweden* (CAT/C/71/D/929/2019), *M.K. v. Australia* (CAT/C/71/D/942/2019), *A.K. v. Sweden* (CAT/C/71/D/956/2019) and *P.T. v. Australia* (CAT/C/71/D/974/2019). The Committee also decided to postpone the examination of *K.S. v. Switzerland* (No. 832/2017) to the subsequent session.
- At its seventy-second session, the Committee adopted decisions on the merits in respect of 15 communications. In Cubrilov Jovic et al. v. Serbia (CAT/C/72/D/939/2019), the Committee considered that the State party's failure to fulfil its obligations to prevent acts of torture, to conduct an effective investigation into the circumstances surrounding the acts of torture, and to provide redress violated the complainant's rights under articles 2, 12 and 13 of the Convention. In R.M. v. Burundi (CAT/C/72/D/793/2017), concerning torture in detention and a subsequent lack of prompt and impartial investigation, the Committee found violations of the complainant's rights under articles 2 (1), 11, 12, 13 and 14, read in conjunction with article 1, and article 16 of the Convention. The Committee also concluded that the lack of cooperation from the State party in the examination of the complaint constituted a violation of article 22 of the Convention. In Gallardo Martínez et al. v. Mexico (CAT/C/72/D/992/2020), the Committee held that the arbitrary detention and torture of an indigenous human rights activist and the subsequent failure to conduct an effective investigation violated the rights of the complainant under article 2, read alone and in conjunction with articles 1, 11, 12, 13, 14 and 15 of the Convention. In N'Dour v. Morocco (CAT/C/72/D/650/2015), the Committee found that the complainant's treatment and conditions of his detention, and the subsequent lack of prompt and impartial investigation, constituted violations of article 2 (1), read in conjunction with article 1, and articles 11, 12, 13, 14, 15 and 16 of the Convention. Similarly, in M.B. v. Morocco (CAT/C/72/D/923/2019) and Abbahah v. Morocco (CAT/C/72/D/871/2018), the Committee found violations of the complainants' rights under article 2 (1), read in conjunction with article 1, and articles 11, 12, 13, 14 and 15 of the Convention. In Černáková v. Slovakia (CAT/C/72/D/890/2018), the Committee considered that the complainant's restraint in a cage bed in a State institution, and the subsequent lack of investigation and reparation, constituted violations of article 2 (1), read in conjunction with article 16 (1), and articles 4 (1), 11, 12, 14 (1) and 16 (1) of the Convention. In Guellil v. Algeria (CAT/C/72/D/736/2016), the Committee held that torture in detention, and the subsequent lack of prompt and impartial investigation, violated the complainant's rights under article 2 (1), read in conjunction with article 1, and articles 11, 12, 13 and 14 of the Convention. In Y v. Switzerland (CAT/C/72/D/916/2019), the Committee considered that the deportation of the complainant to Eritrea would amount to a violation of article 3 of the Convention. In A.A. v. Sweden (CAT/C/72/D/918/2019), the Committee considered that the deportation of the complainant to Afghanistan would amount to a violation of article 3 of the Convention.
- 54. The Committee found that the forcible return of the complainants would not constitute a violation of article 3 of the Convention by the States parties in its decisions in *P.S. v. Sweden* (CAT/C/72/D/1000/2020), *N.T. v. Australia* (CAT/C/72/D/944/2019), *G.W.J. v. Australia*

- (CAT/C/72/D/856/2017), K.S. v. Switzerland (CAT/C/72/D/832/2017), and D.B. v. Netherlands (CAT/C/72/D/824/2017).
- 55. The Committee also found three communications *A.L. v. Morocco* (CAT/C/72/D/805/2017), *Y.R. v. Russian Federation* (CAT/C/72/D/869/2018) and *A.R. and A.A. v. Canada* (CAT/C/72/D/898/2018) inadmissible, and one communication, *V.K. and U.K. v. Sweden* (No. 1027/2020), admissible, and discontinued the consideration of *M.K. v. Switzerland* (CAT/C/72/D/706/2015), *K.S. v. Australia* (CAT/C/72/D/751/2016), *N.R. v. Switzerland* (CAT/C/72/D/851/2017) and *N.N. v. Algeria* (CAT/C/72/D/1038/2020).
- 56. At its seventy-third session, the Committee adopted decisions on the merits in respect of 10 communications. In *T.A. v. Switzerland* (CAT/C/73/D/914/2019) and *Berhane v. Switzerland* (CAT/C/73/D/872/2018), the Committee held that the deportation of the complainants to Eritrea would amount to a violation of article 3 of the Convention. In *M.D. v. Burundi* (CAT/C/73/D/921/2019) and *Ndayirukiye v. Burundi* (CAT/C/73/D/952/2019), concerning torture in detention and a subsequent lack of prompt and impartial investigation, the Committee found violations of the complainants' rights under articles 2 (1), 11, 12, 13 and 14, read in conjunction with article 1 of the Convention. The Committee also concluded that the lack of cooperation from the State party in the examination of both complaints constituted a violation of article 22 of the Convention. In *Richards v. New Zealand* (CAT/C/73/D/934/2019), the Committee considered that the domestic authorities' failure to conduct an effective investigation into allegations of ill-treatment of children in a State institution constituted violations of articles 12, 13 and 14 of the Convention.
- 57. The Committee found that the forcible return of the complainants would not constitute a violation of article 3 of the Convention by the States parties in its decisions in *T.B. v. Switzerland* (CAT/C/73/D/862/2018), *N.S. v. Australia* (CAT/C/73/D/971/2019), *D.S. v. Australia* (CAT/C/73/D/941/2019) and *K.M. v. Switzerland* (CAT/C/73/D/881/2018). The Committee also held that in *E.C. v. Ireland* (CAT/C/73/D/879/2018), the State party did not violate the complainant's rights with regard to her claims of lack of prompt and impartial investigation into ill-treatment and access to appropriate redress.
- 58. The Committee also found five communications D.C. v. Switzerland (CAT/C/73/D/889/2018), S.B. v. Canada (CAT/C/73/D/912/2019), A.H. and S.H. v. France (CAT/C/73/D/933/2019), S.K. v. Australia (CAT/C/73/D/968/2019) and A.S. v. Finland (CAT/C/73/D/1037/2020) inadmissible and discontinued the consideration of A.A. v. Sweden (CAT/C/73/D/546/2013), S.T. v. Australia (CAT/C/73/D/734/2016), T.S. v. Canada (CAT/C/73/D/769/2016), S.M. v. Canada (CAT/C/73/D/899/2018) and R.M. v. Russian Federation (CAT/C/73/D/902/2018).

D. Follow-up activities

- 59. 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 Huawen 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.
- 60. During its seventy-first 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 two decisions: *I.A. et al. v. Sweden* (CAT/C/66/D/729/2016) and *Calfunao Paillalef*

- v. Switzerland (CAT/C/68/D/882/2018). The Committee reviewed the information received with regard to six other decisions and decided to keep the follow-up dialogue ongoing.
- 61. During its seventy-second session, the Committee reviewed submissions related to two cases that are 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 one decision: *J.K. v. Canada* (CAT/C/56/D/562/2013). The Committee reviewed the information received with regard to the other decision and decided to keep the follow-up dialogue ongoing.
- 62. During its seventy-third session, the Committee reviewed submissions related to five cases that are being monitored through the Committee's follow-up procedure. The Committee reviewed the information received and decided to keep the follow-up dialogue ongoing with regard to all five decisions.
- 63. At the seventy-first, seventy-second and seventy-third sessions, Ms. Racu presented to the Committee oral reports on reprisals. The Committee received updates regarding reprisals in the context of pending complaints and follow-up to decisions.
- 64. As at 13 May 2022, the Committee had closed the follow-up dialogue with a note of satisfactory or partially satisfactory resolution with regard to 73 communications, out of a total of 179 communications where it had found violations of different provisions of the Convention. Additional information may be found in documents CAT/C/71/2, CAT/C/72/2 and CAT/C/73/4.

VII. Meetings of the Committee in 2022

65. Pursuant to General Assembly resolution 68/268, the Committee is to hold two further regular sessions in 2022: the seventy-fourth (12–29 July 2022) and the seventy-fifth (31 October–25 November 2022).

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

66. 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 I

Membership, officers and mandates from 29 April 2021 to 31 December 2021

Name of member	Country of nationality	Term expires on 31 December
Essadia Belmir (Vice-Chair)	Morocco	2021
Claude Heller (Acting Chair, to 7 November 2021) (Chair, as from 8 November 2021) (Rapporteur for follow-up on decisions adopted under article 22)	Mexico	2023
Erdogan Iscan (Rapporteur, as from 8 November 2021) (Rapporteur on new complaints and interim measures, as from 29 November 2021)	Turkey	2023
Liu Huawen	China	2025
Ilvija Pūce	Latvia	2023
Ana Racu (Vice-Chair, as from 8 November 2021)	Republic of Moldova	2023
Diego Rodríguez-Pinzón (Acting Rapporteur, to 7 November 2021) (Acting Rapporteur on new complaints and interim measures, to 29 November 2021)	Colombia	2021
Sébastien Touzé (Acting Vice-Chair, to 7 November 2021) (Vice-Chair, as from 8 November 2021) (Focal point for cooperation with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as from 29 November 2021)	France	2023
Bakhtiyar Tuzmukhamedov (Vice-Chair, as from 8 November 2021) (Acting Rapporteur for follow-up to concludir observations, to 8 November 2021) (Rapporteur for follow-up to concluding observations, as from 8 November 2021)	Russian Federation	2025
Peter Vedel Kessing	Denmark	2021

Annex II

Membership (from 1 January 2022), and officers and mandates (from 1 January to 13 May 2022)

Name of member	Country of nationality	Term expires on 31 December
Todd Buchwald	United States of America	2025
Claude Heller (Chair)	Mexico	2023
Erdogan Iscan (Rapporteur) (Rapporteur on new complaints and interim measures)	Turkey	2023
Liu Huawen (Rapporteur for follow-up on decisions adopted under article 22)	China	2025
Naoko Maeda	Japan	2025
Ilvija Pūce	Latvia	2023
Ana Racu (Vice-Chair)	Republic of Moldova	2023
(Focal point for cooperation with the treaty body capacity-building programme of the Office of the United Nations High Commissioner for Human Rights, as from 11 May 2022)		
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, as from 29 November 2021)	France	2023
Bakhtiyar Tuzmukhamedov (Vice-Chair) (Rapporteur for follow-up to concluding observations)	Russian Federation	2025