

Issue Analysis

- Torture - Sessions 1-8

Introduction

- Torture is an issue that is raised often within the context of the Universal Periodic Review.
- A total of 23 States posed advance questions on the issue while 84 States made recommendations.
- Out of 3533 advance questions in sessions 1 to 8, 451 questions concerned torture.
- Out of 12385 recommendations in total, 979 focused on torture
- In order to facilitate further analysis of this issue, a division has been made between questions and recommendations that address these (non-mutually exclusive¹) categories:
 - Situation of torture in general;
 - Ratification on the Convention against Torture or its Optional Protocol;
 - Treaty Bodies²;
 - Special Procedures;
 - National preventive mechanisms according to OP-CAT;
 - Complaint mechanisms for victims of torture.

Analysis

General situation of torture

- This category contains all questions and recommendations that relate to the situation of torture, and any general remarks regarding the issue. A wide variety of issues is covered in both questions and recommendations. Some relate to legal matters, such as the implementation of CAT or the amendment of national laws. Others focus on the enforcement, focussing on effective criminal procedures and impartial investigations. Prevention is also mentioned in several recommendations. Finally, recommendations also address specific issues. In particular, many recommendations focused on the issue of female genital mutilation.
- Out of 451 questions posed on torture, 177 of these focused on the situation of torture.
- Out of 979 recommendations on torture, 462 recommendations focused on the situation of torture.
- Questions and recommendations include, for example “How is ensured implementation of art 1 of the CAT – use of the comprehensive definition of torture and punishability of all acts of torture as a crime in national criminal law?” and “Take

¹ Some advance questions and recommendations were placed in more than one category as they contained different subjects.

² Incidentally, regional treaty bodies may also be included in this category.

practical and legislative measures to ensure impartial and effective investigations in the field of combating and preventing torture”.

Top 5 States posing advance written questions on this issue

1. United Kingdom (33 questions)
2. Netherlands (30 questions)
3. Denmark (26 questions)
4. Sweden (19 questions)
5. Czech Republic (17 questions)

Top 6 States making recommendations on this issue

1. Germany (30 recommendations)
2. Czech Republic (26 recommendations)
3. Slovenia (25 recommendations)
4. Canada (23 recommendations)
5. Denmark (22 recommendations)
6. France (21 recommendations)

Ratification on the Convention against Torture or its Optional Protocol

- This category contains all questions and recommendations that relate to ratification of the CAT and OP-CAT.
- Out of 451 advance written questions, 169 focused on to ratification of the CAT and OP-CAT.
- Out of 979 recommendations on torture, 369 recommendations focused on the ratification of the CAT and OP-CAT.
- Questions and recommendations include, for example, “Does the Government intend to sign and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment?” or “Sign the CAT and its Optional Protocol OP-CAT, in order to provide a further disincentive against torture by the security forces and police”.

Top 5 States posing advance written questions on this issue

1. Czech Republic (58 questions)
2. Denmark (52 questions)
3. United Kingdom (26 questions)
4. Netherlands (11 questions)
5. Sweden (9 questions)

Top 5 States making recommendations on this issue

1. Czech Republic (42 recommendations)
2. Brazil (32 recommendations)
3. United Kingdom and Chile (31 recommendations each)
4. Mexico (26 recommendations)
5. Spain, France and Argentina (19 recommendations each)

Treaty bodies

- This category contains all questions and recommendations related to treaty bodies. The CAT was by far the most frequently mentioned treaty body, but others were also included when related to torture such as CEDAW, Human Rights Committee and CRC.
- Out of 451 advance written questions, 61 questions concerned treaty bodies.
- Out of 979 recommendations on torture, 60 recommendations focus on treaty bodies.

- Questions and recommendations more frequently raised, urge states to act on the recommendations made by the treaty bodies and also to submit the pending reports, for example, “When will the government submit the outstanding reports to the different human rights treaty bodies, for instance on torture?” or “Take urgent steps toward the full and prompt implementation of the recommendations of the Committee against Torture.”

Top 5 States posing advance written questions on this issue

1. Switzerland (16 questions)
2. Germany (12 questions)
3. Denmark and Netherlands (10 questions each)
4. United Kingdom (5 questions)
5. Ireland (3 questions)

Top 3 States making recommendations on this issue

1. Mexico (9 recommendations)
2. Canada, Denmark, Germany, Netherlands (4 recommendations each)
3. Portugal, Ireland, Czech Republic (3 recommendations each)

Special Procedures

- This category contains all questions and recommendations related to special procedures. Questions and recommendations more frequently raised, urge states to respond to the request of the special Rapporteur to visit the country as well as to act on the implementation of recommendations.
- Out of 451 advance written questions, 33 questions concerned special procedures.
- Out of 979 recommendations on torture, 55 recommendations focus on special procedures.
- Questions and recommendations include, for example “Which follow up has been given to the recommendations of the UN Special Rapporteur on Torture and what further actions has the government planned to prevent impunity of torture and ill-treatment?” and “Extend invitations in particular to the Special Rapporteur on the question of torture”.

Top 3 States posing advance written questions on this issue

1. Denmark (9 questions)
2. Germany (4 questions)
3. Czech Republic, Ireland, Netherlands, Sweden, United Kingdom (3 questions each)

Top 3 States making recommendations on this issue

1. Canada, Netherlands, Spain (5 recommendations each)
2. Switzerland, Mexico, Denmark (4 recommendations each)
3. France, Ireland, Uruguay (3 recommendations each)

National preventive mechanism according to OP-CAT

- This category contains all questions and recommendations related to the establishment of a national preventive mechanism (NPM) in accordance to OP-CAT. Questions and recommendations more frequently raised, urge states to fulfil their commitment under OP-CAT to establish a NPM as well as to share best practices in the process of creating a NPM.
- Out of 451 advance written questions, 30 questions concerned NPM.
- Out of 979 recommendations on torture, 32 recommendations focus on NPM.

- Questions and recommendations include, for example “What are the recent developments in the establishment of a national preventive mechanism according to the OP CAT?” and “Expedite the establishment of its National Preventive Mechanism, in keeping with its obligations under the Optional Protocol to the United Nations Convention against Torture”.

Top 4 States posing advance written questions on this issue

1. Denmark (11 questions)
2. Czech Republic (6 questions)
3. United Kingdom (7 questions)
4. Switzerland (3 questions)

Top 4 States making recommendations on this issue

1. Czech Republic (26 recommendations)
2. Denmark (7 recommendations)
3. United Kingdom (6 recommendations)
4. France (4 recommendations)

Complaint mechanism for victims of torture

- This category contains all questions and recommendations related to the creation of a complaint mechanism for victims of torture. Questions and recommendations were frequently related to protection of persons in detention.
- Out of 451 advance written questions, 18 questions concerned the complaint mechanism for victims of torture.
- Out of 979 recommendations on torture, 14 recommendations focus on complaint mechanism for victims of torture.
- Questions and recommendations include, for example “What measures are in place to protect persons in detention against torture? Is there any complaint procedure available to victims of torture?” and “Strengthen its safeguards against torture, including through the improvement of conditions in prisons and detention facilities and the establishment of a complaint mechanism for victims of torture”.

States posing advance written questions on this issue

1. Czech Republic (8 questions)
2. Chile, Cuba, Denmark, Italy, Mexico and Peru (1 question each)

Top 2 States making recommendations on this issue

1. Czech Republic (12 recommendations)
2. Denmark and Sweden (2 recommendations each)