



IDA's Compilation of CRPD Committee's Concluding Observations

*Article 15 CRPD
(Freedom of torture or cruel,
inhuman or degrading treatment or
punishment)*

October 2022

Article 15 - Freedom of torture or cruel, inhuman or degrading treatment or punishment

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.

2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

**Bangladesh
China
Lao People's Democratic Republic
New Zealand
Republic of Korea
Singapore
Hungary
Jamaica
Mexico
Switzerland
Venezuela
Djibouti
France
Estonia
Albania
Australia
El Salvador
Greece
India
Iraq
Kuwait
Niger
Norway
Saudi Arabia
Senegal
Spain
Turkey
Bulgaria
Malta
Poland
South Africa
Haiti
Russian Federation
Seychelles
Slovenia
Sudan
Latvia
Luxembourg
Montenegro
Morocco
Panama
United Kingdom of Great Britain and Northern Ireland
Armenia
Bosnia and Herzegovina
Honduras
Iran (Islamic Republic of)
Jordan
Republic of Moldova
Bolivia
Colombia
Ethiopia
Guatemala
Italy
United Arab Emirates**

**Uruguay
Chile
Serbia
Slovakia
Thailand
Uganda
Brazil
European Union
Gabon
Kenya
Qatar
Ukraine
Croatia
Czech Republic
Dominican Republic
Germany
Turkmenistan
Denmark
Republic of Korea
Mexico
Sweden
Azerbaijan
Costa Rica
Australia
Austria
El Salvador
Paraguay
Argentina
China
Hungary
Peru**

Please note there are no recommendations in the Concluding observations on art. 15 on Cuba, Rwanda, Vanuatu, Algeria, Philippines, The Former Yugoslav Republic of Macedonia, Nepal, Oman, Canada, Cyprus, Lithuania, Portugal, Mauritius, Cook Islands, Mongolia, Belgium, Ecuador, New Zealand, Spain and Tunisia.

Bangladesh

31. The Committee observes with concern:

(a) Reported cases of torture and custodial deaths of persons with disabilities in institutions and the absence of information and disaggregated data, by age and sex, on the issue and on the provision of protection measures, enforceable remedies, accessible services, including shelters, and information in accessible formats for persons with disabilities and their families who have been victims of such torture, including persons with disabilities belonging to minorities, migrant workers and refugees with disabilities;

(b) The lack of measures adopted to sanction perpetrators of torture or cruel, inhuman or degrading treatment or punishment, including corporal punishment against children with disabilities, and the lack of mechanisms to monitor implementation of sanctions.

32. The Committee recommends that the State party:

(a) Take concrete measures to prevent cases of torture and custodial deaths of persons with disabilities in institutions, collect disaggregated data by age and sex on the issue and establish accessible complaint mechanisms, enforceable remedies, accessible services, and shelters. Additionally, provide information in accessible formats for persons with disabilities and their families who have been victims of such torture, including persons with disabilities belonging to minorities, migrant workers and refugees with disabilities;

(b) Establish mechanisms to sanction perpetrators of torture or cruel, inhuman or degrading treatment or punishment, including corporal punishment against children with disabilities, and ensure monitoring mechanisms for implementation of sanctions.

China

34. The Committee notes with concern the use of forced medical procedures and treatment, chemical, physical and mechanical restraints, isolation and seclusion in prisons, residential care facilities and psychiatric institutions. It is further concerned about various reports alleging the use of coercive measures on persons with disabilities in institutions, in particular shackling of persons with intellectual and/or psychosocial disabilities.

35. The Committee recommends that the State party:

(a) Implement the provisions of the Mental Health Law (2012) prohibiting medical experiments from being conducted without the informed consent of persons with disabilities and further prevent any form of torture or cruel, inhuman or degrading treatment or punishment of persons with disabilities in residential and psychiatric institutions and ensure access to justice and reparations for victims, including through the establishment of an accessible complaints procedure;

(b) Explicitly prohibit in law and in practice the use of corporal punishment in all circumstances.

Hong Kong

69. The Committee is concerned about the reports of persons with disabilities being subjected to police brutality during public demonstrations, arbitrary arrest and detention following public demonstrations, and ill-treatment in detention, including denial of urgent medical treatment. The Committee is concerned about the lack of information on procedures in place for conducting independent investigations of violations of the rights of persons with disabilities in relation to their participation in public demonstrations, and about insufficient effective safeguards and sanctions.

70. The Committee recommends that Hong Kong SAR, China establish an independent commission of inquiry to investigate allegations of police brutality against persons with disabilities who participated in public demonstrations; and ensures that persons with disabilities whose rights were violated following their participation in public demonstrations receive adequate support and compensation, including rehabilitation.

Indonesia

36. The Committee is gravely concerned about:

- (a) The prolonged use of harmful and forced practices against persons with psychosocial disabilities such as shackling, seclusion and restraints, and their continued widespread use in families, the community and in government and privately run social care institutions;
- (b) The prevalence of systemic violence, including sexual violence, neglect, cruel and degrading treatment in social care institutions and faith-healing centres, including the removal of children from mothers with psychosocial disabilities and the lack of complaints and redress mechanisms.

37. The Committee recommends that the State party:

- (a) Prohibit the use of shackling, seclusion and all forms of restraints in all settings, including within families and in social care institutions, and develop and promote non-coercive, community-based mental health supports and services;**
- (b) Establish an independent monitoring, safeguards and complaints mechanism that is accessible to all persons with disabilities in all settings, to receive complaints, investigate and sanction institutions, centres and perpetrators of harmful and forced practices, violence, neglect, cruel and degrading treatment.**

Japan

33. The Committee observes with concern the:

- (a) Forced treatment, including seclusion, physical and chemical restraints, forced medication, forced cognitive and electroconvulsive therapies, of persons with disabilities in psychiatric hospitals, and legislation legitimating such practices, including the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity;
- (b) Lack of scope and independency of the psychiatric review boards for ensuring the prevention of and the reporting on forced and ill-treatment in psychiatric hospitals;
- (c) Lack of independent monitoring systems to investigate violations of the rights of persons with disabilities who receive forced treatment or are long-term hospitalized, and lack of complaint and appeal mechanisms in psychiatric hospitals.

34. The Committee recommends that the State party:

- (a) Abolish all legal provisions, legitimating forced treatment of persons with psychosocial disabilities and leading to their ill-treatment, and ensure, that any intervention, as regards persons with psychosocial disabilities, is based on human rights and obligations under the Convention;**
- (b) Establish, in cooperation with representative organizations of persons with disabilities, an effective independent monitoring mechanism for the prevention of and reporting on any forms of forced and ill-treatment of persons with disabilities in psychiatric settings;**
- (c) Set up accessible mechanisms to report cruel, inhuman or degrading treatment in psychiatric hospitals, establish effective remedies for victims, and ensure the prosecution and punishment of perpetrators.**

Lao People's Democratic Republic

26. The Committee is concerned that legislation, including the Law No.57 on Persons with Disabilities, lacks special provisions and measures to guarantee persons with disabilities the freedom from torture and inhuman treatment, as well as to combat harmful practices against them.

27. The Committee recommends that the State party:

- (a) Adopt legal provisions and concrete administrative measures to protect persons with disabilities from torture and other cruel, inhuman or degrading treatment or punishment, including protocols to ensure free consent concerning medical treatment;**
- (b) Ensure that the complaint procedure is accessible to all persons with disabilities, investigate and sanction perpetrators of practices that may amount to torture or cruel,**

inhuman or degrading treatment or punishment against persons with disabilities, such as restraints, isolation, forced medication and sterilization, and electroconvulsive therapy.

New Zealand

29. The Committee is seriously concerned about the continued, and in some cases prolonged, use of solitary confinement, seclusion, physical and chemical restraints and other restrictive practices on persons with disabilities, in particular persons with psychosocial and/or intellectual disabilities, in places of detention.

30. The Committee recommends that the State party take immediate action to eliminate the use of solitary confinement, seclusion, physical and chemical restraints and other restrictive practices in places of detention.

Republic of Korea

33. The Committee remains concerned about the continuous occurrence of seclusion, psychical, chemical and mechanical restraints and other forms of ill-treatment in family settings, psychiatric institutions, hospitals, prisons and educational services, particularly for persons with intellectual disabilities and persons with psychosocial disabilities.

34. The Committee urges the State party to immediately put an end to the use of psychotropic medications, physical restraints and:

(a) Adopt the necessary measures for the protection of all persons with disabilities from torture and cruel, inhuman or degrading treatment or punishment in all settings, including in justice, education, health, psychosocial and aged care facilities. It further recommends that organizations of persons with disabilities are effectively consulted and involved in this process;

(b) Ensure that the complaint procedure is accessible to all persons with disabilities still in institutions, and investigate and sanction perpetrators of practices that may amount to torture or cruel, inhuman or degrading treatment or punishment against persons with disabilities, imposing sanctions proportional to the conduct.

Singapore

31. The Committee is concerned about reports of inhuman or degrading treatment of persons with disabilities, including the use of electroshock therapy, restraints, isolation, seclusion, humiliation, forced medication in psychiatric facilities, on the basis of the perceived dangerousness to themselves or to others. It is also concerned at the imposition of corporal punishment against persons with disabilities by the State party.

32. The Committee recommends that the State party:

(a) Abolish all legislation, policies and practices that allow torture, cruel, inhuman or degrading treatment of persons with intellectual disabilities and persons with psychosocial disabilities, such as the use of electroshock therapy, restraints or isolation, or that allow medication without their free, informed and personal consent, on the basis of their impairment;

(b) Abolish corporal punishment against persons with disabilities, without exceptions;

(c) Ensure effective, accessible remedies to all persons with disabilities, including to persons with disabilities in institutions, whose rights against torture or cruel, inhuman or degrading treatment or punishment are violated, ensure expeditious and independent investigations of such violations, provide redress and sanction the perpetrators.

Hungary

31. The Committee is concerned about:

(a) Reports of solitary confinement, mechanical and chemical restraints, forced medication and other forms of ill-treatment of persons with disabilities in residential and psychiatric institutions;

(b) The practice of placing children with psychosocial disabilities in isolation as a form of punishment.

32. The Committee recommends that the State Party:

(a) Prevent any form of torture or cruel, inhuman or degrading treatment or punishment of persons with disabilities in residential and psychiatric institutions and ensure access to justice and reparations for victims, including through the establishment of an accessible complaints procedure;

(b) End the placement of children with psychosocial disabilities in isolation and other types of punishment.

Jamaica

30. The Committee observes with concern:

(a) That involuntary or forced admission is still allowed, and therefore persons with disabilities, and in particular persons with psychosocial disabilities, are still subjected to forced confinement and treatment;

(b) That despite the establishment by the Ministry of Health and Wellness of a Client Complaint Mechanism with a capacity to investigate, address and resolve grievances at the local and national level, this body has not considered that forced treatment of any type amounts to torture.

31. The Committee recommends that the State party:

(a) Review its legislation, policies and practices that allow all forms of involuntary confinement and forced treatment;

(b) Review the regulations of the Client Complaint Mechanism to ensure that the complaint procedure is accessible to all persons with disabilities still in institutions, and investigate and sanction perpetrators of practices that may amount to torture or cruel, inhuman or degrading treatment or punishment against persons with disabilities, imposing sanctions proportional to the conduct.

Mexico

43. The Committee is concerned about:

(a) A lack of measures to identify and prevent all forms of violence against children and adults with disabilities, including gender-based violence, in particular obstetric violence, when accessing sexual and reproductive health services;

(b) The omission of a specific reference to women with disabilities in the General Act to Ensure Women a Life Free of Violence, to measures ensuring accessibility and to procedural accommodations women with disabilities may require to access justice and protective measures on an equal basis with others;

(c) The limited availability of accessible shelters for women with disabilities who are victims of violence, and the lack of effective remedies for persons with disabilities facing violence, including gender-based violence.

44. The Committee recommends that the State party:

(a) Reinforce the implementation of existing legislative and policy measures to prevent all forms of violence against persons with disabilities, including gender-based violence, and to provide effective remedies and redress to victims, both inside and outside of institutions; and amend the General Act to Ensure Women a Life Free of Violence to establish specific standards to support women with disabilities, including support systems that include personal assistance;

(b) Periodically compile disaggregated data on the situation of women and children with disabilities in respect of violence, exploitation and abuse, both inside and outside of public and private institutions;

(c) Ensure that shelters for victims of violence are established and that the facilities and services provided therein are accessible to persons with disabilities, particularly women with disabilities;

(d) Create an independent monitor and oversight mechanism, adhering to article 16 (3) of the Convention, with the involvement and full participation of persons with disabilities and their representative organizations, to effectively monitor and supervise public and private institutions, and publish its findings.

Switzerland

31. The Committee notes with concern the use of forced medical procedures and treatment, chemical, physical and mechanical restraints, isolation and seclusion in prisons, residential care facilities and psychiatric institutions.

32. The Committee recommends that the State party:

(a) Eliminate in law, policy and practice all forms of forced medical procedures and treatment, and the use of chemical, physical and mechanical restraints, isolation and seclusion;

(b) Ensure that the National Commission for the Prevention of Torture has sufficient human, technical and financial resources and monitoring mechanisms based on Convention standards and principles, and that it actively involves persons with disabilities, including children with disabilities, through their representative organizations.

Venezuela

30. The Committee is concerned about:

(a) The lack of specific provisions in the State party's legislation to prevent, investigate and punish violence, neglect and abuse in respect of persons with disabilities in institutions, in the home or in public spaces, and the lack of monitoring, redress and disaggregated data, particularly in respect of women and girls with intellectual or psychosocial disabilities, who are often exposed to harassment, abuse and acts of sexual and other types of violence;

(b) Reports of violence against children with disabilities and the fact that corporal punishment against such children is tolerated.

31. The Committee recommends that the State party:

(a) Take all measures necessary to ensure that gender and disability are mainstreamed in legislation on the prevention of violence; the reform of mental health legislation is essential in this connection;

(b) Strengthen existing mechanisms and protocols by incorporating specific measures to prevent, eliminate, monitor, penalize and provide redress for all forms of violence, exploitation or abuse against persons with disabilities, including those who remain in or have left institutions, in the home or in public spaces;

(c) Establish a system for collecting data, disaggregated by sex, age and disability, on complaints of violence and abuse committed against persons with disabilities and gather information on related preventive, protective, monitoring and reparative measures;

(d) Intensify its efforts to prevent and eliminate violence and corporal punishment against children in general and against children with disabilities in particular.

Djibouti

25. The Committee observes with concern the continued practice of female genital mutilation against girls and women with disabilities, despite the legal prohibition under the Criminal Code. The Committee is also concerned about the lack of information on the measures taken to eliminate seclusion, physical, chemical and mechanical restraints and other forms of ill treatment in all settings, such as family settings, psychiatric institutions, hospitals, prisons and educational services, particularly for persons with intellectual or psychosocial disabilities.

26. The Committee recommends that the State party:

(a) Adopt measures to protect persons with disabilities, particularly women and girls with disabilities, including in rural areas, from torture and cruel and inhuman and degrading treatment or punishment, particularly female genital mutilation, and provide adequate and free or affordable quality legal advice, quality counselling and compensation to victims;

(b) Strengthen the role and mandate of the National Human Rights Commission in the prevention of torture and cruel, inhuman or degrading treatment or punishment and establish a complaint procedure accessible to all persons with disabilities and investigate and sanction perpetrators of practices that may amount to torture or cruel, inhuman or degrading treatment or punishment against persons with disabilities, imposing sanctions proportional to the conduct.

France

32. The Committee observes with concern:

- (a) The lack of mechanisms to ensure free and informed consent of persons with psychosocial disabilities, especially those under guardianship;
- (b) The inhuman and degrading conditions of custodial measures, and at residential and mental health facilities, practices of solitary confinement, seclusion, chemical and mechanical restraints in residential and mental health facilities, including on children and autistic persons;
- (c) Information about forced medications and the so-called "intensive treatment" within units the Units for Difficult Ill-Persons, and practices, including overmedication, and electroconvulsive therapy;
- (d) That children with psychosocial disabilities and autistic children are particularly affected by medical-based therapies and overmedication;
- (e) The lack of access to the records on practices of physical restraints and solitary confinement.

33. The Committee recommends that the State party:

- (a) Enforce mechanisms to prevent all forms of ill-treatment, including independent monitoring and judicial review, as well as introducing the human right-based standards in mental health legislation;**
- (b) Establish mechanisms for reporting cruel, inhuman or degrading treatment, and redress and remedy measures for victims, and the prosecution and punishment of perpetrators;**
- (c) Eliminate the practice of intensive treatment of persons with psychosocial disabilities and the "Units for Difficult Ill-Persons";**
- (d) Take measures to protect children with disabilities who are still in institutions from overmedication and ill-treatment and reinforce independent monitoring of institutions;**
- (e) Establish mandatory recording and oversight of records of medical practices in mental health settings and other medico-social and care settings.**

Estonia

30. The Committee observes with concern:

- (a) Practices of involuntary internment and treatment of persons with disabilities, in mental health settings;
- (b) Information indicating that persons with disabilities, particularly, persons with intellectual disabilities, and persons with psychosocial disabilities are exposed to seclusion, solitary confinement, mechanical, physical and chemical restraints, forced medication and other forms of ill treatment in psychiatric settings, residential care and penitentiary facilities.

31. The Committee recommends that the State party:

- (a) Ensure the right of persons with disabilities to make autonomous decisions based on free and informed consent, including through supported decision-making mechanisms concerning any type of medical treatment, and legally recognize involuntary treatment on the basis of disability as a violation of the right of persons with disabilities to be free from cruel, inhuman or degrading treatment;**
- (b) Strengthen the role of the National Preventative Mechanism for the prevention of torture and inhuman or degrading treatment to include measures to prevent and eliminate solitary confinement and the use of pharmacological therapeutic treatment, any means of restraint on the basis of disability in all settings, including in psychiatric, residential care and penitentiary facilities;**

(c) Set up a complaint procedure accessible for all persons with disabilities still in institutions, and investigate and sanction perpetrators of practices that may amount to torture or cruel, inhuman or degrading treatment against persons with disabilities, imposing sanctions proportional to the conduct.

Albania

29. The Committee is concerned that persons with disabilities are subjected to involuntary commitment and treatment procedures. The Committee is concerned about the lack of information on undertaken visits and procedures in place for conducting independent investigations of violations of the rights of persons with disabilities in institutions (see CRPD/C/ALB/1, para. 101) and about the lack of effective safeguards and sanctions. The Committee is also concerned about the absence of a mechanism mandated to monitor psychiatric institutions or other residential facilities where persons with disabilities are deprived of their liberty.

30. The Committee recommends that the State party take effective legal and administrative measures to prohibit and prevent the practices of involuntary commitment or hospitalization, forced medical treatment and, in particular, forced psychiatric treatment on the basis of impairment. It also recommends that the State party establish an independent mechanism to monitor residential centres for persons with disabilities, including centres where children with disabilities may still reside, in order to prevent, and offer protection from acts that may constitute torture or other cruel, inhuman or degrading treatment or punishment.

Australia

29. The Committee is seriously concerned about:

(a) Legislation, policies and practices that permit the use of psychotropic medications, physical restraints and seclusion under the guise of “behaviour modification” and restrictive practices against persons with disabilities, including children, in any setting, including in justice, education, health, psychosocial and aged care facilities;

(b) The reported abuse of young Aboriginal and Torres Strait Islander persons with disabilities by fellow prisoners and prison staff, the use of prolonged solitary confinement, particularly of persons with intellectual or psychosocial disabilities, and the lack of safe and accessible channels for making complaints;

(c) The lack of engagement with persons with disabilities, through their representative organizations, regarding the designation and establishment of a disability-inclusive national preventive mechanism.

30. The Committee urges the State party to:

(a) Establish a nationally consistent legislative and administrative framework for the protection of all persons with disabilities, including children, from the use of psychotropic medications, physical restraints and seclusion under the guise of “behaviour modification” and the elimination of restrictive practices, including corporal punishment, in all settings, including the home;

(b) Introduce policies and measures to protect persons with disabilities, including young Aboriginal and Torres Strait Islander persons with disabilities and persons with intellectual or psychosocial disabilities, from abuse by fellow prisoners and prison staff and ensure that persons with disabilities cannot be held in solitary confinement;

(c) Ensure that organizations of persons with disabilities can effectively engage in the establishment and work of the national preventive mechanism.

El Salvador

30. The Committee is deeply concerned that legislation in the State party continues to allow ill-treatment and the use of physical restraints, electric shocks and drug sedation on persons with disabilities without their free and informed consent in psychiatric and other institutions.

31. Recalling its general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention and taking into account target 16.1 of the Sustainable Development Goals, the Committee recommends that the State party, in consultation with organizations of persons with disabilities:

(a) Amend the Mental Health Law and mental health policies to prohibit corporal punishment, isolation, restraint measures and anti-seizure therapies and eliminate any cruel, inhuman or degrading treatment of persons with disabilities;

(b) Establish an independent monitoring mechanism, in consultation with organizations of persons with disabilities, to investigate, monitor and receive complaints of ill-treatment, and apply sanctions for the conducting of any practice without the free and informed consent of persons with disabilities.

Greece

24. The Committee is concerned about:

(a) Overcrowding and instances of unrecorded injuries of persons with disabilities in psychiatric facilities, and the lack of information on legal safeguards and monitoring mechanisms in relation to care and treatment for persons with disabilities in facilities of any kind;

(b) The absence of a framework to provide the necessary specific measures and individualized support to prisoners and detainees with disabilities to satisfy their daily requirements in conditions ensuring respect for their dignity;

(c) Reception and detention conditions for persons with disabilities who are refugees, asylum seekers or persons in refugee-like situations (see also CAT/C/GRC/CO/7, paras. 20–21), including detention conditions pending removal to the country of origin under Law No. 3907/2011.

25. The Committee recommends that the State party take effective measures to ensure that the living conditions of persons with disabilities in institutions and facilities of any kind, including reception and detention centres for refugees, asylum seekers and persons in refugee-like situations, respect the dignity of persons with disabilities and comply with the provisions of article 15 of the Convention. It also recommends that the State party provide specific measures and individualized support to prisoners and detainees with disabilities to meet their daily requirements. It further recommends that the State party reinforce and implement safeguards against and mechanisms for monitoring ill-treatment in institutions and facilities where persons with disabilities are held, ensuring, inter alia, that injuries sustained by persons with disabilities in such institutions and facilities are systemically recorded and brought to the attention of the competent monitoring authorities.

India

32. The Committee is concerned about:

(a) The practice of the “two-finger test” in the prosecution of cases of sexual violence, including rape;

(b) The fact that sanctions against ill-treatment in the Rights of Persons with Disabilities Act cover only certain forms of ill-treatment and require the intention to humiliate (sect. 92 (a));

(c) The prevalence of inherent forms of violence and ill-treatment in institutions, particularly affecting children with disabilities, persons with intellectual or psychosocial disabilities and women with disabilities, including physical and chemical restraints, forced medication, coercion, physical abuse, humiliation, electroconvulsive therapy, shackling, forced labour and corporal punishment, including in childcare facilities;

(d) The absence of measures to prevent and ensure the freedom of persons with disabilities from torture and cruel, inhuman or degrading treatment or punishment.

33. The Committee recommends that the State party adopt measures to prevent and stop all forms of ill-treatment against persons with disabilities, including by:

- (a) Ensuring that the prohibition of the “two-finger test” is enforced and that sanctions are applied when it is performed, and that accountability mechanisms are implemented in the justice system. The State party should ensure implementation of the recommendations issued by the Committee on the Elimination of Discrimination against Women (CEDAW/C/IND/CO/4-5, para. 11 (e)) about standard procedures for the police on gender-sensitive investigations and treatment of victims and of witnesses;
- (b) Promptly ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto;
- (c) Establishing accessible complaint mechanisms for persons with disabilities in institutions, ensuring oversight by, inter alia, the National Human Rights Commission and state commissions of all places where persons with disabilities are institutionalized, and setting up a task force to collect data about cases of torture and ill-treatment, with the effective involvement of organizations of persons with disabilities;
- (d) Ensuring that all forms of ill-treatment of persons with disabilities constitute criminal offences in line with the definition of torture in international law, that cases of torture and ill-treatment are investigated, prosecuted and the perpetrators sanctioned, and that redress is provided for persons with disabilities who are subjected to ill-treatment.

Iraq

29. The Committee is concerned about:

- (a) The lack of steps taken by the State party to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (b) The absence of information on preventive measures taken, on complaints mechanisms accessible to persons with disabilities and measures taken to support persons with disabilities who have become exposed to torture or ill-treatment;
- (c) Corporal punishment being regarded as legal under article 41 (1) of the Criminal Code when it involves the corporal punishment of women by their husbands or of children by their parents or teachers, albeit “within certain limits prescribed by law or by custom”;
- (d) The physicians’ code of conduct (1985) providing an exception to the prohibition of medical experimentation for the purpose of scientific research.

30. The Committee recommends that the State party:

- (a) Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establish a national preventive mechanism with a mandate to monitor institutions and other places of detention;
- (b) Establish monitoring mechanisms to prevent torture and cruel, inhuman or degrading treatment in all settings where persons with disabilities are deprived of their liberty, including psychiatric hospitals, prisons, hospices, rehabilitation centres and care homes and also establish a complaints mechanism accessible to persons with disabilities; that it investigate any such cases; that it prosecute and sanction perpetrators of torture or ill-treatment; and that it support victims by providing legal advice, information in accessible formats, counselling and redress, including compensation and rehabilitation;
- (c) Amend or repeal article 41 (1) of the Criminal Code, enact legislation to prohibit all forms of corporal punishment in all settings and enforce the prohibition of violence and torture enshrined in articles 29 (4) and 37 (1) (c) of the Constitution and articles 333 and 421 of the Criminal Code;
- (d) Amend the physicians’ code of conduct (1985) and ensure that persons with disabilities give their free and informed consent prior to being involved in any medical or scientific research.

Kuwait

30. The Committee is concerned about:

- (a) The lack of measures to prevent the torture and cruel, inhuman or degrading treatment or punishment of persons with disabilities, including non-consensual medical treatment in detention and corporal punishment in all settings;
- (b) Conditions of detention of persons with disabilities, in particular persons with disabilities awaiting execution, that amount to cruel, inhuman or degrading treatment or punishment;
- (c) Living conditions in residential and mental health facilities resulting from the lack of accessibility and individualized accommodations;
- (d) The absence of data on any complaints of the torture and cruel, inhuman or degrading treatment or punishment of persons with disabilities.

31. The Committee recommends that the State party:

- (a) Prohibit all forms of corporal punishment in all settings, ensure that persons with disabilities receive medical treatment on the basis of their free and informed consent and train mental health professionals, law enforcement and prison officials on respecting the rights of persons with disabilities in mental health facilities, prisons and detention centres;**
- (b) Guarantee that the conditions of detention of persons with disabilities, in particular persons with disabilities awaiting execution, respect the inherent dignity of those detained;**
- (c) Establish an independent mechanism, involving persons with disabilities through their representative organizations, to monitor all places where persons with disabilities may be deprived of their liberty;**
- (d) Ensure that persons with disabilities have access to independent, accessible and available complaints mechanisms, effectively investigate cases of torture and cruel, inhuman or degrading treatment or punishment of persons with disabilities, prosecute and punish those responsible and systematically collect data on such cases.**

Niger

25. The Committee is concerned about the continued practice of female genital mutilation among girls and women with disabilities and the lack of measures to prevent cruel, inhuman or degrading treatment or punishment of persons with disabilities, including medical experimentation without the person's free and informed consent.

26. The Committee recommends that the State party:

- (a) Adopt measures to protect persons with disabilities, particularly women with psychosocial or intellectual disabilities from torture and other cruel and inhuman and degrading treatment or punishment, including female genital mutilation; and provide legal advice, counselling and compensation to victims;**
- (b) Protect persons with disabilities from medical experimentation and ensure that the conduct of such experimentation is conditional on their free and informed consent;**
- (c) Ensure that persons with disabilities through their representative organisations are consulted in the development of a strategy for the implementation of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (2006).**

Norway

25. The Committee notes that the State party is assessing the use of electroconvulsive treatment. It is concerned that:

- (a) Involuntary administration of electroconvulsive treatment is permitted;
- (b) Persons with disabilities do not receive sufficient and accessible information to inform their decisions and about the possibilities to lodge complaints in cases of forced treatment and the fear of retribution if they do so.

26. The Committee recommends that the State party:

- (a) Prohibit the forced administration of intrusive and irreversible treatments, such as electroconvulsive therapy;**
- (b) Establish clear and effective procedural guarantees for persons with disabilities, including provisions in law for supported decision-making and effective complaint**

mechanisms, and ensure persons with disabilities' effective access to legal advice, including free legal aid, as well as obligatory and accessible information about their rights.

Saudi Arabia

27. The Committee is concerned at:

- (a) Abuse, violence and cruel, inhuman or degrading treatment or punishment of persons and children with disabilities, including through corporal punishment in homes, schools, day-care centres and alternative care settings;
- (b) The Basic Law of Governance preventing the monitoring of the rights of children with disabilities in private homes;
- (c) Legal provisions allowing for the research on a person without his or her prior free and informed consent, especially of persons with psychosocial or intellectual disabilities.

28. The Committee recommends that the State party:

- (a) Adopt legislation that prohibits all forms of violence and corporal punishment in all settings, including in homes, schools, day-care centres and alternative care settings, train medical and research personnel on the human rights-based approach to disability and investigate, prosecute and punish perpetrators of such acts;**
- (b) Amend the Basic Law of Governance to allow for the monitoring of the rights of children with disabilities in private homes;**
- (c) Repeal all legal provisions, including in the Ethics of Scientific Research on Living Creatures Act, allowing for the research, medical and / or scientific experimentation on a person with disabilities without his or her prior, free and informed consent.**

Senegal

27. The Committee is concerned about:

- (a) Reported instances of torture, inhuman and degrading treatment against persons with disabilities, particularly against persons with albinism and autistic persons;
- (b) The lack of accessible community-based services for persons with disabilities, especially women and girls with disabilities exposed to torture, inhuman or degrading treatment and the lack of sanctions against perpetrators.

28. The Committee recommends that the State party:

- (a) Adopt legal provisions and concrete administrative measures to protect persons with disabilities, particularly children and women with disabilities, persons with albinism and persons with psychosocial or intellectual disabilities, from torture and other cruel, inhuman or degrading treatment or punishment;**
- (b) Adopt measures aimed at supporting victims, through providing legal advice, information in accessible formats, counselling, and redress, including compensation and rehabilitation.**

Spain

29. The Committee is concerned that the Patient Autonomy Law article 9 and article 763 Law1/2000 of Civil Procedure allow the use of measures of physical, mechanical and chemical restraint against persons with psychosocial disabilities, which include, among others, forced medication, overmedication, electroconvulsive therapy or other treatment and commitment without free and informed consent. The Committee is further concerned about reports of the intentional misuse of forced consent as informed consent, in practice, in the State Party. The Committee is also concerned that people with disabilities in institutions, in particular persons with intellectual disabilities, are at risk of subject to humiliating or ill treatment. Finally, the Committee is concerned by the absence of an independent human rights-based mechanism for monitoring mental health facilities in the State party.

30. The Committee recommends that the State party:

- (a) Eliminate the use of forms of restraint for reasons related to disability in all settings;**
- (b) Ensure free and informed consent in all procedures and stages of the mental health system;**

- (c) **Take immediate actions to eliminate any cruel, inhuman or degrading treatment against persons with disabilities;**
- (d) **With the equal and active participation of representative organisations of persons with psychosocial disabilities, establish an independent human rights-based mechanism for monitoring mental health facilities and services in all Autonomous Communities.**

Turkey

32. The Committee is concerned about:

- (a) The absence of information about measures to protect the rights of persons with disabilities and prevent abuse and involuntary admission into psychiatric hospitals, residential facilities, or other institutions;
- (b) Insufficient accommodations available for persons with disabilities in prisons and reports of ill treatment against persons with disabilities therein, and the limited access to remedies in case of ill treatment and risks of reprisals;
- (c) The lack of information about monitoring of residential facilities to prevent ill treatment and the restrictions to the monitoring by civil society organizations of persons with disabilities deprived of liberty;

33. The Committee recommends that the State party:

- (a) **Adopt measures to prevent cases of solitary confinement, seclusion, physical, chemical or mechanical restraints, electro-convulsive therapy, and any other involuntary treatment of persons with disabilities in institutions, and investigate and impose criminal and administrative sanctions to perpetrators;**
- (b) **Take measures to provide persons with disabilities with individualized accommodations and accessibility in prisons, ensuring awareness raising and training of personnel working in mental health facilities and prisons about the rights of persons with disabilities and ensure access for persons with disabilities to legal aid and an attorney during custodial interrogation, adopt a protocol and establish a mechanism to prevent and address reprisals against persons with disabilities in cases of ill treatment, and systematically collect information about measures taken for protecting victims;**
- (c) **Ensure transparency and effectiveness of the existing monitoring mechanisms of detention and residential facilities, the publication of their findings, and collect information about measures taken to address cases of ill treatment and establish and disseminate information in accessible formats, about complaint mechanisms and remedies available, and ensure access of independent monitoring by civil society organizations, including organizations of persons with disabilities.**

Bulgaria

35. The Committee is concerned about the reported ill treatment of persons with disabilities in institutions, including isolation, which may amount to torture, and cruel and degrading treatment.

36. The Committee recommends that the State party prevent further ill treatment of persons with disabilities, in particular children with disabilities in institutions, and ensure that persons exposed to ill-treatment have access to complaint, and that persons exposed to torture and ill-treatment are entitled to and provided with redress and adequate compensation, including rehabilitation.

Malta

25. The Committee notes with concern the legal provisions in the Mental Health Act (Cap. 525) that allow for the use of restraints and seclusion against persons with psychosocial and intellectual disabilities, which may amount to torture, cruel, inhuman or degrading treatment or punishment. It is also concerned that organizations of persons with disabilities are not systematically involved in the two National Preventive Mechanisms designed by the State

party to implement the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

26. The Committee recommends that the State party take immediate steps to review and repeal existing legislation, specifically the provisions of the Mental Health Act (Cap. 525) that allow for the use of restraint and seclusion in case of 'mental disorder'. It also calls on the State party to ensure the involvement of organizations of persons with disabilities in the implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Poland

26. The Committee is concerned about the lack of:

(a) Data on persons with disabilities in detention places and on their needs related to their disabilities;

(b) Legal obligations for reasonable accommodation, as well as therapeutic and rehabilitation support, necessary medical treatment and lack of capacity of personnel in places of detention, leading to the degrading treatment of persons with disabilities, including overcrowded wards, coercion and overmedication.

27. The Committee recommends that the State party:

(a) **Collect data on persons with disabilities in detention and perform research on their situation and needs;**

(b) **Enact legal obligations and allocate relevant funding for reasonable accommodation, as well as therapeutic and rehabilitation support, necessary medical treatment and mandatory capacity-building training of personnel in places of detention, explicitly defining and prohibiting the degrading treatment of persons with disabilities.**

South Africa

28. The Committee notes with concern:

(a) The high number of unregulated and unsupervised institutions housing persons with disabilities leading to disasters such as the Esidimeni tragedy that resulted in the death of more than 140 persons with psychosocial disabilities;

(b) The lack of concrete measures, including complaint mechanisms, to prevent abuse and cruel, inhuman or degrading treatment or punishment of persons with disabilities, including persons with psychosocial and/or intellectual disabilities and children with disabilities in the home, school and community settings; the lack of accessible community-based services for persons with disabilities, especially women and girls with disabilities who have experienced gender-based violence.

(c) The increasing incidence of corporal punishment of children with disabilities in the State party with insufficient awareness about complaint mechanisms and support services for children with disabilities exposed to these crimes, and lack of disaggregated data on investigation, prosecutions and disciplinary sanctions against perpetrators of torture and ill-treatment.

29. The Committee recommends that the State Party:

(a) **Adopt legal provisions and concrete administrative measures to protect persons with disabilities, in particular women and girls with disabilities, persons with psychosocial and/or intellectual disabilities, from torture and other cruel, inhuman or degrading treatment or punishment, and adopt measures aimed at supporting victims, through providing legal advice, information in accessible formats, counselling, and redress, including compensation and rehabilitation;**

(b) **Ensure that perpetrators of these crimes are brought to justice and punished with sanctions commensurate with the gravity of these crimes and collect data on investigation, prosecutions and disciplinary sanctions against perpetrators of abuse and cruel, inhuman or degrading treatment or punishment, of persons with disabilities, including children in home, education and community settings;**

(c) Empower the National Human Rights Commission as the national independent monitoring mechanism to monitor all institutions and settings in which persons with disabilities are deprived of their liberty, in line with the Optional Protocol to the Convention against Torture;

(d) Ratify the Optional Protocol to the Convention against Torture and establish a national preventive mechanism with the mandate to monitor institutions and other places of detention.

Haiti

28. The Committee is concerned about the situation of persons with disabilities, particularly women and children, who are abandoned and placed in long-stay residential centres or private care homes on the grounds of their disability, without the free and informed consent of the person concerned, where they are subject to torture or cruel, inhuman or degrading treatment or punishment, such as being chained.

29. The Committee recommends that the State party prohibit all forms of coercive practices against adults and children with disabilities, including physical restraints and isolation, particularly against persons living in long-stay residential centres or private care homes or are otherwise deprived of their liberty. It also recommends the establishment of an independent mechanism to monitor residential centres for persons with disabilities, including centres for children with disabilities and private homes, in order to prevent, and offer protection from, acts that may constitute torture or other cruel, inhuman or degrading treatment or punishment.

Russian Federation

34. The Committee notes with concern the reported ill treatment of persons with disabilities in institutions which may amount to torture, and cruel and degrading treatment. The Committee is furthermore concerned about the reported use of drugs to “control sexual behaviour” of persons with disabilities, especially those with intellectual and/or psycho-social disabilities.

35. The Committee recommends that the State party ensure that persons exposed to ill-treatment have access to complaint mechanisms and that victims of torture and ill-treatment are entitled to and provided with redress and adequate compensation, including rehabilitation. The Committee further recommends that the State party review its legislation in relation to forcible administration of drugs in institutions.

Seychelles

25. The Committee is concerned at the reported cases of excessive use of force against persons in psychiatric institutions by judicial police officers and medical staff. It is also concerned about the use of electro-convulsive therapy on persons with disabilities. It is further concerned about the limited capacity of the national preventive mechanism, exercised by the Human Rights Ombudsman, to effectively address allegations of torture and ill treatment against persons with disabilities in institutions.

26. The Committee recommends that the State party eliminate the use of seclusions or physical, chemical or mechanical restraints and any other non-consensual medical treatments in all medical facilities, in particular psychiatric hospitals that may amount to torture, cruel, inhuman or degrading treatment or punishment. It also recommends that the State party ensure that independent authorities and organisations of persons with disabilities have access to monitor all facilities, including the Forensic Psychiatric Unit, and develop criteria for gender-sensitive and age-appropriate monitoring activities. It further recommends that the State party investigate all allegations of torture and ill treatment in psychiatric institutions and prosecute perpetrators. The State party should provide fair and adequate compensation, reparation and rehabilitation measures for persons with disabilities who have been subjected to acts of torture and ill treatment. The Committee further

recommends that the State party strengthen the capacity and provides adequate human, technical and financial resources to the national preventive mechanism by the Human Rights Ombudsman to effectively address allegations of torture and ill treatment against persons with disabilities in institutions.

Slovenia

25. The Committee is concerned at the reported cases of excessive use of force against persons in psychiatric institutions by judicial police officers and medical staff. It is also concerned about the use of electro-convulsive therapy on persons with disabilities. It is further concerned about the limited capacity of the national preventive mechanism, exercised by the Human Rights Ombudsman, to effectively address allegations of torture and ill treatment against persons with disabilities in institutions.

26. The Committee recommends that the State party eliminate the use of seclusions or physical, chemical or mechanical restraints and any other non-consensual medical treatments in all medical facilities, in particular psychiatric hospitals that may amount to torture, cruel, inhuman or degrading treatment or punishment. It also recommends that the State party ensure that independent authorities and organisations of persons with disabilities have access to monitor all facilities, including the Forensic Psychiatric Unit, and develop criteria for gender-sensitive and age-appropriate monitoring activities. It further recommends that the State party investigate all allegations of torture and ill treatment in psychiatric institutions and prosecute perpetrators. The State party should provide fair and adequate compensation, reparation and rehabilitation measures for persons with disabilities who have been subjected to acts of torture and ill treatment. The Committee further recommends that the State party strengthen the capacity and provides adequate human, technical and financial resources to the national preventive mechanism by the Human Rights Ombudsman to effectively address allegations of torture and ill treatment against persons with disabilities in institutions.

Sudan

29. The Committee is concerned about persons with disabilities being subjected to involuntary medical treatment, including by non-certified traditional healers, and continuing to be physically restrained, in particular persons with intellectual and/or psychosocial disabilities.

30. The Committee recommends that the State party take measures to:

- (a) Ensure that medical treatment is carried out with the free, prior and informed consent of persons with disabilities;**
- (b) Train medical personnel on the human rights-based approach to disability;**
- (c) Prohibit treatment by non-certified traditional healers;**
- (d) Stop persons with intellectual and/or psychosocial disabilities from being physically restrained.**

31. The Committee is concerned that female genital mutilation is still not criminalized in the State party and the lack of information regarding women and girls with disabilities in the national strategy 2008-2018 to prevent female genital mutilation and other awareness-raising initiatives.

32. The Committee recommends that the State party strengthen its efforts to criminalize female genital mutilation and, to include women and girls with disabilities in all measures to fight and prevent the practice.

Latvia

26. The Committee is concerned that involuntary treatment is legally permitted by the Medical Treatment Law and Regulation No. 453 of the Cabinet of Ministers.

27. The Committee recommends that the State party repeal legislative provisions that allow forced treatment and ensure that decisions relating to a person's physical or mental integrity can only be taken with the prior, free and informed consent of the person concerned.

Luxembourg

30. The Committee is concerned about legal provisions that allow for the use of restraints against persons with disabilities in psychiatric institutions, which may amount to torture, cruel, inhuman or degrading treatment or punishment. It is also concerned that the competence of the mediator, as the mechanism of protection for the rights of persons with disabilities, does not extend to private institutions.

31. The Committee recommends that the State party take immediate steps to eliminate the use of restraints in medical facilities that may amount to torture, cruel, inhuman or degrading treatment or punishment and to ensure that independent authorities have the competence to monitor all facilities and programmes serving persons with disabilities, including private hospitals and mental health facilities, and communal homes.

Montenegro

30. The Committee notes with concern that article 43 of the Protection and Exercise of the Rights of the Mentally Ill Act allows for force, restraining and isolation of persons with an intellectual and/or psychosocial disability. It is concerned about reports according to which force has been used against persons with disabilities who refuse to take medication in psychiatric hospitals.

31. The Committee recommends that the State party make the necessary legislative amendments and take effective measures to prohibit the practice of involuntary commitment or hospitalization, forced medical and/or forced psychiatric treatment, chemical or physical restraining, coercive measures and isolation, which amount to torture or cruel, inhuman or degrading treatment or punishment, and ensure that any use of these practices, treatments and methods by staff is adequately prosecuted and sanctioned. In this regard, the Committee also recommends that the State party carry out independent, regular and unannounced checks on institutions.

Morocco

32. The Committee is concerned about the absence of measures to prevent, in practice, abuse of, violence against and cruel, inhuman or degrading treatment or punishment of persons with disabilities, including the conduct of medical procedures and experimentation on a person without his or her free and informed consent, and corporal punishment in the home and in alternative care and day-care settings.

33. The Committee recommends that the State party:

(a) Adopt legal provisions and concrete administrative measures to protect persons with disabilities, in particular women with intellectual and/or psychosocial disabilities, from torture and other cruel, inhuman or degrading treatment or punishment, and adopt measures aimed at supporting such victims through the provision of legal advice, counselling, compensation and redress;

(b) Adopt concrete measures to ensure in practice that persons with disabilities are not subjected to medical procedures and experimentation without their free and informed consent;

(c) Empower the National Human Rights Council, as the national preventive mechanism, to monitor all settings in which persons with disabilities may be deprived of their liberty, in line with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Panama

36. The Committee is concerned that, although the State party has various legal instruments that deal with the prevention of torture, none of them specifically covers the situation of persons with disabilities. The Committee is further concerned that persons with disabilities are administered treatment without their free and informed consent.

37. The Committee recommends that the State party expressly prohibit practices deemed to be disciplinary or corrective against persons with psychosocial disabilities who are living in public or private psychiatric centres or are otherwise deprived of their liberty. It also recommends that the State party adopt protocols to guarantee that persons with disabilities may exercise their right to free and informed consent in connection with any type of treatment.

United Kingdom of Great Britain and Northern Ireland

36. The Committee is concerned about the continued use of physical, mechanical and chemical restraint, including the use of Taser guns and similar weapons, on persons with disabilities, which affects persons with psychosocial disabilities in prisons, the youth justice system, health-care and education settings, as well as practices of segregation and seclusion. The Committee is deeply concerned that these measures disproportionately affect black and other persons with disabilities belonging to ethnic minorities. It is also concerned about the absence of a unified strategy in the State party to review these practices. The Committee is further concerned at the occurrence of non-consensual electroconvulsive therapy across the devolved governments and particularly in Northern Ireland, and about excessive antipsychotic medication in England and Wales.

37. The Committee recommends that the State party:

(a) Adopt appropriate measures to eradicate the use of restraint for reasons related to disability within all settings and prevent the use of Taser guns against persons with disabilities, as well as practices of segregation and isolation that may amount to torture or inhuman or degrading treatment;

(b) Set up strategies, in collaboration with monitoring authorities and national human rights institutions, in order to identify and prevent the use of restraint for children and young persons with disabilities;

(c) Implement the outstanding recommendations contained in the February 2015 report of the inquiry by the Equality and Human Rights Commission entitled "Preventing Deaths in Detention of Adults with Mental Health Conditions";

(d) Prohibit any use of non-consensual electroconvulsive therapy on the basis of any form of impairment, in all regions, ensure that safeguards are based on the human rights model and are not limited to medical criteria, and work through appropriate authorities to ensure monitoring of this development, particularly in Northern Ireland.

Armenia

25. The Committee is concerned about the inhuman and degrading treatment of persons with disabilities in institutions, including children with intellectual and/or psychosocial disabilities in specialized institutions, perpetrated by staff members, caregivers and other residents, as well as about neglect and the use of physical restraints as means of treatment and punishment. It is also concerned about the inefficiency and inadequacy of complaints systems and the lack of monitoring of institutions.

26. The Committee recommends that the State party take measures to protect persons with disabilities who remain institutionalized, in particular children with intellectual and/or psychosocial disabilities, from coercive, inhuman or degrading treatment or punishment and prohibit all forms of such treatment. It also recommends that the State party develop an effective investigation and monitoring system to prevent all forms of inhuman or degrading treatment or punishment of persons with disabilities in institutions, and to ensure the prompt investigation of such cases.

Bosnia and Herzegovina

28. The Committee is concerned that despite the Ombudsman's recommendations and the establishment of the National Mechanism for Prevention of Torture and other Inhumane or Humiliating Treatment or Punishment of Bosnia and Herzegovina, there is a lack of information about the protocols prohibiting the use of coercive measures, including physical, mechanical and chemical restraints, excessive antipsychotic therapy and the prolonged isolation of adults and children with psychosocial and/or intellectual disabilities. According to the Committee against Torture (see CAT/C/BIH/CO/2-5, para. 8), the State party has not provided a comprehensive, systematic and harmonized approach to handling cases involving victims of torture and civilian war victims.

29. The Committee recommends that the State party take effective legal and administrative measures to prohibit the practices of involuntary commitment or hospitalization, and forced medical treatment and, in particular, forced psychiatric treatment on the basis of impairment, and that it provide sufficient community-based alternatives. It also recommends that the State party revise the current legislation in relation to survivors of torture and sexual violence, with special attention to providing appropriate compensation and access to effective remedies, and that it consider revising the way in which burden of proof is currently applied.

Honduras

37. Al Comité le preocupa la situación de las personas con discapacidad institucionalizadas en hospitales psiquiátricos u otro tipo de centros residenciales de larga estadía por motivo de su discapacidad sin el consentimiento libre e informado, como reportado en los hospitales Santa Rosita y Mario Mendoza, y particularmente de niñas y niños con discapacidad en situación de abandono, y que sea esta la razón de su institucionalización.

38. El Comité urge al Estado parte a que prohíba la institucionalización forzada por motivo de discapacidad y adopte medidas para abolir la práctica de internamiento u hospitalización no consentida. Además, le recomienda el establecimiento de un mecanismo independiente que supervise los centros de internamiento de personas con discapacidad, incluidos los centros donde se encuentran niños y niñas con discapacidad, a fin de ofrecer prevención y protección contra actos que puedan considerarse como tortura y otros tratos y penas crueles, inhumanos o degradantes.

39. Al Comité le preocupa que no se destinen suficientes recursos para la prevención y el monitoreo de casos de tortura u otros tratamientos considerados crueles, inhumanos o degradantes dentro de los centros donde se encuentran personas con discapacidad privadas de la libertad.

40. El Comité recomienda al Estado parte que garantice suficientes recursos humanos y económicos para las funciones de prevención y protección contra la tortura. También recomienda que el Estado parte adopte medidas para capacitar y formar a todo el personal que trabaja dentro de estos centros de privación de libertad con el fin de garantizar el respeto de los derechos humanos de las personas con discapacidad.

Iran (Islamic Republic of)

32. The Committee is concerned about:

- (a) The absence of complaint mechanisms for persons with disabilities in cases of torture, cruel, inhuman or degrading treatment particularly in residential institutions or psychiatric hospitals;
- (b) The enforcement of mutilation as a form of criminal sentence, and the stigmatization against persons who have impairment as a consequence of such punishment; and,
- (c) The absence of measures to protect persons with disabilities against obligatory medical or scientific research/experimentation.

33. The Committee recommends that the State party:

- (a) Establish a mechanism to file complaints against all forms of torture, cruel, inhuman or degrading punishment and a monitoring mechanism to prevent torture in all settings where persons with disabilities are deprived of their liberty;**
- (b) Enact legislation to prohibit all corporal punishment of children with disabilities and to protect them from such practice;**
- (c) Provide explicit guidelines for judges in order to replace the punishment of mutilation for other type of penalties, and combat stigma against persons with physical impairments due to mutilation; and**
- (d) Introduce the requirement of and protocols to ensure free and informed consent of persons with disabilities concerning scientific research.**

Jordan

31. The Committee notes with concern the reported ill-treatment of persons with disabilities in “shelters”, including cases of physical and psychological abuse, which amounts to torture and cruel and degrading treatment. The Committee is concerned about the reported practice of “protective custody” as a measure to protect women with disabilities from violence by restricting their liberty of movement.

32. The Committee recommends that the State party ensure that:

- (a) Investigations are launched into reported cases of cruel and degrading treatment of persons with disabilities in “shelters”, with a view to establishing administrative and criminal responsibility;**
- (b) Persons exposed to torture and ill-treatment have access to independent complaint mechanisms and that victims are legally entitled to and provided with redress and adequate compensation and rehabilitation;**
- (c) Replace “protective custody” with effective measures for protecting women with disabilities from violence while respecting their liberty of movement.**

Republic of Moldova

30. The Committee is concerned about the inhuman and degrading treatment of persons with disabilities in institutions perpetrated by staff members, caregivers or other residents, including acts of neglect and the use of chemical and physical restraints, solitary confinement and forced medication as punishment. It is also concerned about the inefficiency and inadequacy of complaints systems, delays in investigations and lack of monitoring of institutions.

31. The Committee urges the State party to take measures to protect persons with disabilities who remain institutionalized from forced, inhuman or degrading treatment or punishment and to prohibit all such acts. It recommends that the State party develop an effective investigation and monitoring system to prevent all forms of inhuman or degrading treatment or punishment against persons with disabilities in institutions, and to ensure the prompt investigation of such cases.

Bolivia

39. The Committee is concerned that the Torture Prevention Service does not have a mandate to monitor the situation of persons with disabilities who are institutionalized against their will or, in particular, information on acts that could be deemed torture or cruel, inhuman or degrading treatment committed against persons with disabilities.

40. The Committee urges the State party to broaden the powers of the Torture Prevention Service to include the monitoring of facilities where persons with disabilities are held and to put in place an effective mechanism for preventive action and protection and defence of the rights of persons with disabilities who are institutionalized.

Colombia

42. The Committee notes with concern that the State party has not ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and that there are no national mechanisms to prevent or protect against torture, or legislation establishing as separate offences specific forms of torture committed against persons with disabilities.

43. The Committee urges the State party to ratify the Optional Protocol to the Convention and to establish a national mechanism for the prevention of torture, whose mandate should include monitoring of institutions for the seclusion or internment of persons with disabilities, including psychiatric hospitals and long-term residential centres, within its mandate.

Ethiopia

33. The Committee is deeply concerned by reports of the use of coercive measures, including physical restraint and seclusion, of adults and children with psychosocial and/or intellectual disabilities, and that corporal punishment is lawful at home.

34. The Committee urges the State party to prohibit all forms of coercive treatments against adults and children with disabilities, including physical restraint and isolation, which are considered to be cruel, inhuman or degrading treatment, and the use of corporal punishment.

Guatemala

43. The Committee is concerned that the steps being taken by the State party, in response to the concluding observations of the Committee against Torture (CAT/C/GTM/CO/5-6), to separate convicted prisoners and persons with disabilities in mental health hospitals, closed institutions and prisons, and the implementation of the precautionary measures requested by the Inter-American Commission on Human Rights for persons with disabilities at the Federico Mora National Mental Health Hospital, do not adequately protect persons with disabilities and are not in line with the Convention.

44. The Committee recommends that the State party duly implement the concluding observations of the Committee against Torture (CAT/C/GTM/CO/5-6) and the precautionary measures requested by the Inter-American Commission on Human Rights with regard to the Federico Mora National Mental Health Hospital, in accordance with the principles and obligations set out in the Convention and these concluding observations. It also recommends establishing an independent mechanism for the monitoring of closed institutions for persons with disabilities, including those for children with disabilities, in order to prevent and protect against acts that could be considered torture or cruel, inhuman or degrading treatment or punishment.

Italy

39. The Committee is concerned about medical experimentation on persons with disabilities without their free and informed consent.

40. The Committee recommends that the State party repeal as a matter of urgency all laws that allow legal guardians to consent to medical experimentation on behalf of persons with disabilities.

41. The Committee is concerned that the remit of the mandate of the national preventive mechanism does not extend to psychiatric institutions or other residential facilities for persons with disabilities where they are deprived of their liberty.

42. The Committee recommends that the national preventive mechanism immediately visit and report on the situation in psychiatric institutions or other residential facilities for persons with disabilities, especially those with intellectual and/or psychosocial disabilities.

United Arab Emirates

29. The Committee is concerned that:

- (a) Federal Act No. 10 of 2008 on medical liability and other laws allow guardians or legal representatives to consent to medical research or experiments on behalf of persons with disabilities;
- (b) Corporal punishment remains lawful in alternative care settings, at home, in day care establishments and as a sentence for committing a crime and that it is not explicitly prohibited in private schools;
- (c) Parents have the right to “chastise” their children, including children with disabilities;
- (d) There is a lack of information on how corporal punishment affects persons with disabilities in all settings, including migrant workers, especially domestic migrant workers.

30. The Committee recommends that the State party:

- (a) Repeal all laws, including Federal Act No. 10 of 2008, allowing guardians or legal representatives to consent to medical research or experiments on behalf of persons with disabilities;**
- (b) Prohibit all forms of corporal punishment in all settings;**
- (c) Provide information in its next periodic report on measures taken to protect persons with disabilities, including migrant workers with disabilities, from corporal punishment.**

Uruguay

37. Al Comité le preocupa que no se destinen suficientes recursos para la prevención y el monitoreo de casos de tortura u otros tratamientos considerados crueles, inhumanos o degradantes dentro de los centros donde se encuentran personas con discapacidad privadas de la libertad.

38. El Comité recomienda al Estado parte que garantice suficientes recursos humanos y económicos para fortalecer las funciones del mecanismo de prevención y protección contra la tortura. También recomienda que el Estado parte adopte medidas para capacitar y formar a todo el personal que trabaja dentro de estos centros de privación de libertad con el fin de garantizar el respeto de los derechos humanos de las personas con discapacidad.

Chile

33. El Comité se encuentra profundamente preocupado por las evidencias de que en el Estado parte se lleven a cabo prácticas tales como: psicocirugías, tratamientos electroconvulsivos, aislamientos prolongados en celdas sin calefacción ni servicios básicos, contenciones físicas y otros tratamientos considerados crueles, inhumanos o degradantes, con el único propósito de “disciplinar” o “corregir conductas desviadas”, a personas con discapacidad psicosocial.

34. El Comité recomienda al Estado parte la prohibición explícita de prácticas consideradas “disciplinarias” o “correctivas” contra las personas con discapacidad psicosocial internadas en centros psiquiátricos públicos y privados u otros de privación de libertad. Asimismo, solicita que se inicien procesos de investigación sobre los hechos denunciados, con el fin de establecer las responsabilidades administrativas y penales correspondientes. Igualmente solicita que se anule la Regulación Exenta 656 del Ministerio de Salud (2002), se revise el mandato de la Comisión Nacional de Protección de los Derechos de las Personas con Enfermedades Mentales y se asegure que la Comisión ejerza funciones de prevención y protección de tales derechos, en línea con la Convención.

35. El Comité observa la ausencia de protocolos policiales y de las fuerzas de seguridad sobre el trato de las personas con discapacidad, lo cual ha resultado en violaciones a sus derechos e incluso fallecimientos como consecuencia del abuso o la negligencia.

36. El Comité recomienda al Estado parte que investigue los casos denunciados de maltrato físico, que constituyen tratos crueles, inhumanos y degradantes y violaciones de los derechos de las personas con discapacidad por parte de carabineros y otras fuerzas de seguridad, establezca las responsabilidades administrativas y penales, y adoptar protocolos de atención que garanticen el pleno respeto de los derechos humanos de las personas con discapacidad considerando su diversidad.

37. Al Comité le preocupa la ausencia de un mecanismo nacional para la prevención de la tortura y de otros mecanismos de supervisión de centros de privación de libertad que monitoreen la situación de los derechos humanos de las personas internas.

38. El Comité solicita al Estado parte la creación del mecanismo nacional para la prevención de la tortura en cumplimiento de la ratificación del Protocolo Facultativo de la Convención contra la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes, y que dentro de su mandato se contemple la supervisión por visitas a los centros psiquiátricos y albergues de larga estadía de personas con discapacidad. Mientras se crea tal mecanismo, el Comité urge al Estado parte a realizar visitas de supervisión a dichos centros de privación de libertad por parte de autoridades independientes, tales como jueces o el Instituto Nacional de Derechos Humanos.

Serbia

27. The Committee is concerned about reports of the use of coercive measures including physical and chemical restraints as well as excessive antipsychotic therapy, and prolonged isolation of adults and children with psychosocial and with intellectual disabilities, considered as cruel, inhuman or degrading treatment, despite reports and recommendations by the national prevention mechanism for the prevention of torture.

28. The Committee urges the State Party to prohibit all forms of coercive treatments against adults and children with disabilities, including physical and chemical restraints as well as excessive antipsychotic therapy and isolation considered to be cruel, inhuman or degrading treatments, as recommended by the national preventive mechanism against torture, and it calls upon the State Party to initiate administrative and criminal investigations on the reported cases in order to establish the respective responsibilities.

Slovakia

45. The Committee is deeply concerned about inhuman or degrading treatment through the use of physical, mechanical and chemical restraints, and the use of isolation and seclusion for persons with psychosocial disabilities.

46. The Committee recommends that the State party immediately discontinue these practices and reform laws and policies which allow for such practices to take place.

Thailand

31. The Committee is concerned about reports of inhuman or degrading involuntary treatment of persons with disabilities, including the use of electroshock therapy, restraints, isolation and seclusion, on the basis of the perceived dangerousness to themselves or others on impairment.

32. The Committee recommends that the State party take effective and appropriate measures, including those of a legislative nature, to prevent inhuman or degrading medical treatment on the basis of actual or perceived impairment.

Uganda

28. The Committee is concerned about the information on inhumane and cruel forced medical treatments, physical and chemical restraints, as well as isolation faced by persons with disabilities, particularly persons with psychosocial and intellectual disabilities, in psychiatric hospitals. It is also concerned about the absence of measures to ensure that persons with disabilities are enabled to provide their free consent to medical or scientific experimentation. It is further concerned about the absence of monitoring by the Uganda Human Rights Commission of centres where persons with disabilities have been deprived of their liberty.

29. The Committee urges the State party to:

(a) Investigate cases of physical ill-treatment, torture, inhuman and degrading treatment and adopt protocols that guarantee full respect of the human rights of persons with disabilities;

- (b) Review and revise the Mental Health Act to ensure compliance with the Convention and ensure that the current Mental Health Bill, 2014, is in compliance with the Convention;**
- (c) Ban forced hospitalization and forced treatment and other non- consensual practices;**
- (d) Strengthen the legal mandate and the funding of the Uganda Human Rights Commission to enable it to discharge its mandate of monitoring the centres where persons with disabilities remain deprived of their liberty.**

Brazil

28. The Committee is concerned at reports of the arbitrary deprivation of liberty and involuntary treatment of persons with disabilities on the basis of impairment, including situations where it is assumed that persons with disabilities are dangerous to themselves or others on the basis of a diagnosis of impairment.

29. The Committee recommends the State party to take measures, including the repeal of relevant legal provisions, to abolish the practice of involuntary commitment or hospitalization prohibit forced medical treatment, in particular, psychiatric treatments, on the basis of impairment and provide sufficient community-based alternatives.

30. The Committee is concerned that persons with disabilities who are deemed not liable for the commission of a crime on the basis of impairment may be subject to security measures, including indefinite detention. The Committee is also concerned about arbitrary detentions that may amount to inhuman and degrading treatment or torture. It is further concerned about the situation of persons with disabilities deprived of their liberty in prisons and other places of detention, which are severely overcrowded and where psychical and psychological ill-treatment of inmates becomes a norm, as stated by the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment at the end of his official visit to Brazil in August 2015.

31. The Committee recommends the State party to:

- (a) Abolish security measures that involve the arbitrary detention of persons with disabilities on the basis of impairment and implement alternative measures that are consistent with articles 14 and 19 of the Convention; and**
- (b) Ensure that penitentiary facilities are accessible and provide reasonable accommodation for persons with disabilities.**

European Union

42. The Committee is concerned that research funded by the European Union is not accompanied by ethics guidelines which ensure that all persons with disabilities involved in such research are enabled to give informed consent.

43. The Committee recommends that the European Union review its ethics guidelines on research in this regard and especially set good practice examples by developing consent forms in accessible and easy-to-read formats, and prevent substituted decision-making in this area.

Gabon

36. The Committee is concerned that the State party has not adopted a definition of torture, including mental torture, or explicitly criminalised torture, in the Criminal Code.

37. The Committee recommends that the State party adopt a definition of torture, including mental torture, and that it ensure that all relevant mechanisms and programs incorporate the absolute prevention of cruel, inhuman or degrading treatment against persons with disabilities.

Kenya

29. The Committee is concerned about the information on forced medical treatments, physical and chemical restraints, as well as isolation faced by persons with disabilities in psychiatric hospitals. It is also concerned about the absence of measures to ensure that

persons with disabilities are enabled to provide their free consent to medical or scientific experimentation.

30. The Committee recommends that the State party:

- (a) Establish a mechanism on the prevention of torture, considering in particular the protection of persons with disabilities;**
- (b) Provide support to persons with disabilities including providing information in accessible formats in order to be able to give free and informed consent in relation to medical treatment and scientific experimentation; and**
- (c) Train health professionals on rights of persons with disabilities specifically on the right to free and informed consent.**

Qatar

29. The Committee is concerned that corporal punishment remains lawful and by the lack of information on how this affects persons with disabilities in all settings, including in alternative care settings, at home, at schools and as a sentence for crime.

30. The Committee recommends that the State party enact a prohibition of all corporal punishment and that it implement the recommendations of the Committee against Torture (CAT/C/QAT/CO/2 para. 12 and 19) insofar as they relate to persons with disabilities. It also requests that the State party provide information in this regard in its next periodic report.

Ukraine

32. The Committee is concerned about the various forms of abuse, including those that can amount to cruel, inhuman or degrading treatment against persons with disabilities, particularly boys and girls in condition of institutionalization.

33. The Committee recommends that the State Party evaluate the impact and effectiveness of its training programs for the prevention and absolute prohibition of torture and ill-treatment according to the concluding observations of the Committee against Torture (CAT/C/UKR/CO/6-PARA 18 (e)). These training programs should incorporate, explicitly, the prevention of cruel, inhuman or degrading treatment against persons with disabilities.

Croatia

23. The Committee is concerned about the hard situation in a significant number of social care institutions and psychiatric facilities where persons with disabilities, mostly women, have to live under degrading and overcrowded conditions for the rest of their lives. It is concerned about the frequent use of involuntary treatment and restraint measures as well as other forms of degrading treatment. The Committee is concerned that these laws do not sufficiently protect persons with disabilities against violence in institutions and involuntary and degrading treatment.

24. The Committee urgently recommends that immediate steps are taken to address the hard situations in institutions, to end involuntary treatment and stop the use of restraint measures. It is further suggested that the respective legislation is brought into alignment with the Convention. The Committee further recommends the investigation and prosecution of all human rights violations.

Czech Republic

29. The Committee notes with concern the practice of surgical castration of persons with disabilities deprived of liberty as a form of punishment.

30. The Committee urges the State party to cease with the practice of surgical castration and any kind of forced treatment of persons with disabilities deprived of liberty as a form of punishment.

31. The Committee is deeply concerned that, mechanical and chemical restraints, which may amount to torture, and cruel, inhuman and degrading treatment, are a common practice in psychiatric institutions.

32. The Committee urges State Party to immediately ban and prohibit the practice of the use of mechanical and chemical restraints of persons with psychosocial disabilities in psychiatric hospitals, and to strengthen monitoring and inspection of those facilities to prevent such practices.

33. The Committee recommends that the State party ensure that persons deprived of liberty have access to independent monitoring and complaint mechanisms and that victims of torture and ill-treatment are entitled to and provided with redress and adequate compensation, including rehabilitation.

Dominican Republic

30. The Committee is concerned at the existence of forced medical treatment, and particularly of forced psychiatric treatment that may constitute torture or cruel, inhuman or degrading treatment or punishment.

31. The Committee recommends that the State explicitly prohibit medical treatment, particularly psychiatric treatment, administered without the free and informed consent of the person with disabilities concerned; it also recommends the establishment of an independent mechanism to monitor internment centres for persons with disabilities in order to prevent and offer protection from acts that may constitute torture or other cruel, inhuman or degrading treatment or punishment.

Germany

33. The Committee is deeply concerned that the State party does not recognize the use of physical and chemical restraints, solitary confinement and other harmful practices, as acts of torture. It is further concerned by the use of physical and chemical restraints, in particular for persons with psychosocial disabilities in institutions and older persons in residential care.

34. The Committee recommends that the State party:

(a) carry out a review with a view to formally abolishing all the practices regarded as acts of torture;

(b) Prohibit the use of physical and chemical restraints in older persons' care settings and institutions for persons with disabilities;

(c) Consider compensation for the victims of such practices.

Turkmenistan

31. The Committee is concerned about the lack of data on persons with disabilities who are subjected to compulsory medical treatment by court orders. It is also concerned that persons under guardianship may be subjected to medical experimentation without their individual free and informed consent.

32. The Committee encourages the State party to repeal all legislation that authorizes compulsory medical treatment, medical experimentation included, without the free and informed consent of the person.

Denmark

38. The Committee is deeply concerned at the number of cases of coercive treatment of persons admitted to psychiatric institutions, and at the methods used in the coercive and involuntary treatment of persons with disabilities in psychiatric institutions, in particular the use of straps or belts for more than 48 hours, the use of chemical restraints, or the reportedly frequent application of involuntary electroconvulsive therapy.

39. The Committee recommends that the State party amend its laws and regulations in order to abolish the use of physical, chemical, and other medical non-consensual measures, with regard to persons with psychosocial disabilities in institutions. It particularly recommends that the State party provide training on treatment in accordance with the Convention to medical professionals and personnel in care institutions and other similar institutions on preventing torture and cruel, inhuman or degrading treatment or punishment.

Republic of Korea

29. The Committee is concerned that, in psychiatric hospitals, persons with psychosocial disabilities are subjected to acts considered cruel, inhuman or degrading treatment, including solitary confinement, constant beating, restraint and excessive drug treatment.

30. The Committee urges the State party to abolish forced treatment that subjects persons with disabilities to cruel, inhuman and degrading treatment and punishment. As long as institutionalization continues, the Committee urges the State party to protect persons with disabilities in psychiatric hospitals from violence, abuse and ill-treatment of any kind through the establishment of effective external independent monitoring mechanisms that ensure the representation of organizations of persons with disabilities.

Mexico

31. The Committee finds alarming the fact that human rights violations, such as physical restraint and placement in isolation, are committed against persons with disabilities interned in psychiatric hospitals and may even amount to acts of torture or cruel, inhuman or degrading treatment. It is also concerned that the mechanisms designated for the prevention of such situations do not offer effective remedies.

32. The Committee urges the State party to initiate administrative and criminal investigation processes, with a view to punishing the perpetrators of practices that violate the rights of persons with disabilities living in institutions. The Committee recommends that the State party abolish the use of physical restraint and isolation in institutions for persons with disabilities. It also requests the Government to strengthen the national torture prevention mechanism by providing it with sufficient funds, trained staff and guaranteed independence in the exercise of its functions.

Sweden

37. The Committee is deeply concerned at the reported number of cases relating to the use of electroconvulsive therapy and at its possible use as a compulsory treatment. The Committee is also concerned at reports that such treatment is performed more often on women.

38. The Committee recommends that the State party abolish the use of non-consensual practices with regard to persons with psychosocial disabilities in medical institutions. It further recommends that the State party provide training to medical professionals and personnel in care and other similar institutions on the prevention of torture, cruel, inhuman or degrading treatment or punishment, as provided for under the Convention.

39. The Committee is concerned about the methods used in coercive and involuntary treatment of boys and girls with disabilities in mental health care settings, in particular the use of straps or belts and the use of seclusion, as reported by the Ombudsman for Children in Sweden.

40. The Committee urges the State party to implement the recommendations of the Ombudsmen for Children in relation to boys and girls with disabilities in mental health care settings.

Azerbaijan

28. The Committee is concerned that the law permits the deprivation of liberty based on disability and provides for involuntary hospitalisation and forced institutionalisation of children and adults with intellectual and/or psychosocial disabilities. The Committee is particularly concerned at reports of poor health care in such places.

29. The Committee urges the State party to repeal laws and prohibit disability based detention of children and adults with disabilities including involuntary hospitalisation and forced institutionalisation and ensure that all relevant legislation and policies in this area are in line with the Convention. It should also develop support services in the community and

accelerate deinstitutionalisation strategies based on the human rights model of disability in consultation with DPOs.

30. The Committee is concerned at reports of poor living conditions of persons with disabilities in certain places of deprivation of liberty.

31. The Committee calls upon the State party to ensure that all places of deprivation of liberty, particularly prisons, maintain accessible and humane living conditions in line with the Convention. In this regard, the State party should ensure that monitoring bodies such as the Office of the Ombudsman and the National Preventive Mechanism have sufficient resources and unimpeded access to all places of deprivation of liberty in the State party.

Costa Rica

31. The Committee deeply regrets the progress made in the adoption of Bill No. 17777 on Biomedical Research, which was passed by the Legislative Assembly on second reading in April 2014 and authorizes the guardians of persons declared legally incapable to make decisions concerning their participation in scientific experimentation and research without their free and informed consent.

32. The Committee calls on the State party to withdraw Bill No. 17777 on Biomedical Research from the legislative agenda as a matter of urgency.

33. The Committee is concerned that persons with disabilities are forcibly interned in psychiatric institutions and are subjected to acts considered cruel, inhuman or degrading treatment.

34. The Committee urges the State party to ensure that the national mechanism for the prevention of torture monitors psychiatric institutions on an ongoing basis and that the competent authorities eliminate practices involving forced internment on grounds of disability. In addition, as long as institutionalization continues, the State party should ensure that the clinical treatments administered to interned persons fully respect their dignity and human rights.

Australia

35. The Committee is concerned that persons with disabilities, particularly those with intellectual impairment or psychosocial disability, are subjected to unregulated behaviour modification or restrictive practices such as chemical, mechanical and physical restraint and seclusion, in environments including schools, mental health facilities and hospitals.

36. The Committee recommends the State party to take immediate steps to end such practices including by establishing an independent national preventative mechanism to monitor places of detention including mental health facilities, special schools, hospitals, disability justice centres and prisons, to ensure that persons with disabilities including those with psychosocial disabilities are not subjected to intrusive medical interventions.

Austria

32. The Committee notes with concern the continued use of net beds and other forms of non-consensual practices in the State party's psychiatric hospitals and institutions where people with intellectual, mental and psychosocial disabilities are confined.

33. The State party should abolish the use of net beds, restraints and other non-consensual practices used against persons with intellectual, mental and psychosocial disabilities in psychiatric hospitals and institutions. It is further recommended that the State party should continue to provide training to medical professionals and personnel in the care and other similar institutions on the prevention of torture, cruel, inhuman or degrading treatment or punishment as provided by the Convention.

El Salvador

33. The Committee notes with concern that there is no legal requirement to obtain the prior, free and informed consent of persons with disabilities regarding psychiatric procedures. It is

also concerned at the lack of a mechanism overseeing the conditions of persons with disabilities being treated in psychiatric institutions, including children, and the lack of measures to prevent torture and other cruel, inhuman or degrading treatment or punishment in such institutions and to punish perpetrators.

34. The Committee urges the adoption of legislation and other effective measures for the prevention of torture and other cruel, inhuman or degrading treatment or punishment against persons with disabilities in psychiatric or other institutions. Specifically, the Committee recommends that the State party prohibit and prevent the practice of conducting medical or scientific experiments on persons with disabilities without their free and informed consent, and that it establish a mechanism to oversee psychiatric and other institutions.

Paraguay

37. The Committee takes note with satisfaction of the creation of the national mechanism for prevention of torture and other cruel, inhuman or degrading treatment or punishment in the State party. It is nevertheless concerned at the scant progress made in implementing the recommendations of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in particular with regard to persons with psychosocial disabilities interned in Tacumbú prison.

38. The Committee recommends that the mandate of the State party's national prevention mechanism include oversight of psychiatric hospitals and homes and the detention conditions of persons with psychosocial disabilities in such establishments, paying particular attention to Tacumbú prison. It also asks the State party to encourage the transfer of persons with psychosocial disabilities to social rehabilitation centres and their inclusion in the life of the community.

Argentina

27. The Committee notes with concern that Senate approval of the bill that would create a national mechanism for the prevention of torture has been delayed.

28. The Committee urges the State party to immediately approve the bill on the creation of a national mechanism for the prevention of torture so that institutionalized persons with disabilities can be monitored and protected from actions that may constitute acts of torture or other forms of cruel, inhuman or degrading treatment or punishment.

China

27. For those involuntarily committed persons with actual or perceived intellectual and psychosocial impairments, the Committee is concerned that the "correctional therapy" offered at psychiatric institutions represents an inhuman and degrading treatment. Further, the Committee is concerned that not all medical experimentation without free and informed consent is prohibited by Chinese law.

28. The Committee urges that the state party cease its policy of subjecting persons with actual or perceived impairments to such therapies and abstains from involuntarily committing them to institutions. Further it urges the state party to abolish laws which allow for medical experimentation on persons with disabilities without their free and informed consent.

Hungary

29. The Committee is concerned that Act CLIV of 1997 on Healthcare provides for a legal framework for subjecting persons with disabilities whose legal capacity is restricted to medical experimentation without their free and informed consent, as consent may be given by their legal guardians. The Committee also notes with concern that there is no independent medical examination body mandated to examine alleged victims of torture and guarantee respect for human dignity during the conduct of medical examinations, as stated by the Human Rights Committee (CCPR/C/HUN/CO/5).

30. The Committee urges the State party to amend Act CLIV on Healthcare and abolish its provisions that provide a legal framework for subjecting persons with disabilities with restricted legal capacity to medical experimentation without their free and informed consent. The Committee recommends the State party to implement the recommendation made by the Human Rights Committee in 2010 (CCPR/C/HUN/CO/5) to “establish an independent medical examination body mandated to examine alleged victims of torture and guarantee respect for human dignity during the conduct of medical examinations.”

Peru

30. The Committee is concerned at consistent reports of the use of continuous forcible medication, including neuroleptics, and poor material conditions in psychiatric institutions, such as the hospital Larco Herrera, where some persons have been institutionalized for more than ten years without appropriate rehabilitation services.

31. The Committee urges the State party to promptly investigate the allegations of cruel, inhuman or degrading treatment, or punishment in psychiatric institutions, to thoroughly review the legality of the placement of patients in these institutions, as well as to establish voluntary mental health treatment services, in order to allow the persons with disabilities to be included in the community and release them from the institutions.