



**IDA's Compilation of Disability
Related Extracts of Concluding
Observations of the Committee
Against Torture**

**CAT Committee 80th session
(08 Jul 2024 - 26 Jul 2024)**

Committee Against Torture - 80th session - 2024	
Total number of Concluding Observations	4
Number of countries receiving recommendations on persons with disabilities	4
Percentage of countries receiving recommendations on persons with disabilities	100%
Number of recommendations including explicit references to disability	11

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Official versions of Concluding Observation are available on the website devoted to the session [here](#).

CÔTE D'IVOIRE - CAT/C/CIV/CO/1

Conditions de détention

16. Tout en notant les mesures prises par l'État partie pour améliorer les conditions dans les lieux de détention, notamment l'adoption du décret n° 2023-239 du 5 avril 2023 portant réglementation des établissements pénitentiaires et fixant les modalités d'exécution de la détention des personnes, et de l'arrêté n° 01/MJDHLP/DAP du 9 juillet 2015 fixant la ration alimentaire et la dotation en produits d'hygiène et d'entretien journaliers des détenus civils, ainsi que la construction et la réhabilitation de plusieurs prisons au cours des dernières années, le Comité demeure très préoccupé par les informations concernant le taux très élevé de la surpopulation carcérale (près de 3 fois la capacité totale), notamment à la Maison d'arrêt et de correction d'Abidjan, et les mauvaises conditions matérielles de détention dans de nombreux lieux de privation de liberté, en particulier l'insalubrité et le manque d'hygiène, l'absence de ventilation, la qualité inadéquate de la nourriture et de l'eau, fournies en quantités insuffisantes, ainsi que le manque d'activités récréatives ou éducatives favorisant la réinsertion. En outre, l'accès limité à des soins de santé de qualité, y compris en matière de santé mentale, et le manque de personnel pénitentiaire formé et qualifié, y compris de personnel médical, continuent de poser de graves problèmes dans le système pénitentiaire. Le Comité est également préoccupé par les informations concernant l'ampleur de la violence carcérale, notamment la violence commise par les membres du personnel pénitentiaire sur les détenus et la violence commise entre détenus, par l'absence de séparation effective entre adultes et mineurs et entre prévenus et condamnés, et par le manque de mesures prises pour répondre aux besoins particuliers des détenus vivant avec un handicap. Tout en notant que le décret n° 2023-239 prévoit une période maximale de placement en isolement pour raisons disciplinaires de 15 jours consécutifs, le Comité s'inquiète de la persistance du recours à cette pratique, parfois pour des périodes prolongées (art. 2, 11 et 16).

17. Le Comité exhorte l'État partie à intensifier ses efforts pour rendre les conditions de détention conformes à l'Ensemble de règles minima des Nations Unies pour le traitement des détenus (Règles Nelson Mandela), y compris en allouant davantage de ressources à ces efforts, en s'appuyant autant que possible sur le soutien de la communauté internationale. L'État partie devrait notamment : ...

b) Garantir que les besoins fondamentaux des personnes privées de liberté sont satisfaits, y compris ceux des personnes vivant avec un handicap, notamment en ce qui concerne l'accès en quantités suffisantes à l'eau potable et à une alimentation de qualité adéquate ;

...

d) Allouer les ressources nécessaires à une bonne prise en charge médicale et sanitaire des détenus, y compris en matière de santé mentale, conformément aux règles 24 à 35 des Règles Nelson Mandela ; ...

ECUADOR - CAT/C/ECU/CO/8

Condiciones de reclusión

19. El Comité toma nota de la información proporcionada por el Estado parte sobre las medidas dirigidas a la reducción del hacinamiento en los centros penitenciarios, entre las que destacan, la concesión de indultos presidenciales, la revisión de expedientes a

fin de otorgar beneficios penitenciarios, y la próxima construcción de dos nuevos centros penitenciarios. Sin embargo, mantiene su preocupación ante la sobreocupación de casi la mitad de las cárceles del país, derivada de la política penal de carácter punitivo que ha introducido nuevas figuras penales y endurecido penas, del uso excesivo de la detención preventiva (más del 40% de la población reclusa), y de la falta de juzgados de garantías penitenciarias, conforme a lo contemplado en la normativa ecuatoriana. Asimismo, si bien toma nota de los planes de mejora y mantenimiento de infraestructuras en diez centros penitenciarios anunciados por la delegación, el Comité mantiene su preocupación por los informes recibidos en los que se documentan:

...

d) La ausencia de atención adecuada a las necesidades específicas de las personas con discapacidad física y psicosocial que se encuentran privadas de libertad. Se reconocen, no obstante, las medidas dirigidas a mejorar las condiciones de reclusión de las personas mayores y mujeres reclusas con menores en el medio penitenciario;

...

20.El Estado parte debe:

e) Adoptar medidas específicas para proporcionar a las personas con discapacidad ajustes razonables individualizados e instalaciones accesibles en las prisiones;

g) Restablecer mecanismos de comunicación seguros y accesibles que garanticen el contacto periódico entre las personas privadas de libertad y sus familiares y garantizar el régimen de visitas a personas privadas de libertad;

Asilo y no devolución

33.El Comité reconoce el desafío migratorio que enfrenta el Estado parte, que acoge la mayor población reconocida de refugiados de la región y que ha experimentado un aumento significativo de solicitudes de protección internacional desde 2019. No obstante, preocupan las informaciones según las cuales persisten los obstáculos en el acceso al asilo en la práctica para personas con necesidades de protección internacional provenientes de ciertos países o de ciertas nacionalidades. También siguen preocupando al Comité las excepciones al principio de no devolución, incluidas las causales de inadmisión en las fronteras, contempladas en los artículos 106 y 137 de la Ley Orgánica de Movilidad Humana de 2017, que establecen que las personas extranjeras que hayan cometido un delito grave en otro país o que amenacen o pongan en peligro la seguridad pública del Estado parte quedan excluidas del acceso al sistema de protección internacional sin que se les permita una evaluación individualizada con respecto al peligro que corren de ser torturadas en el país de devolución o expulsión. En este sentido, el Comité toma nota de las explicaciones dadas por la delegación del Estado parte sobre la posibilidad de solicitar protección internacional en estos casos. Por último, preocupan también al Comité los informes recibidos en los que se señalan deficiencias en la identificación de personas con necesidades específicas entre solicitantes de asilo y refugiados, incluidas las personas con discapacidad y aquellas que han sufrido tortura, incluida violencia sexual, y víctimas de trata, lo que dificulta su correcta derivación a los servicios especializados (art. 3).

34.El Estado parte debe velar por que ninguna persona pueda ser expulsada, devuelta o extraditada a otro Estado cuando existan motivos fundados para creer que hay posibilidades de que pueda ser sometida a tortura. El Comité invita al Estado parte a

que considere la posibilidad de modificar los artículos 106 y 137 de la Ley Orgánica de Movilidad Humana a fin de observar plenamente el principio de no devolución. Asimismo, el Estado parte debe garantizar que los solicitantes de asilo y otras personas necesitadas de protección internacional, independientemente de su nacionalidad, tengan acceso a procedimientos justos y eficaces de determinación de la condición de refugiados. También debe continuar los esfuerzos para velar por que se identifique de forma rápida y apropiada a las personas con necesidades específicas y proporcionarles acceso a servicios especializados, incluidos los servicios médicos asistenciales.

REPUBLIC OF KOREA - CAT/C/KOR/CO/6

Conditions of detention

16. The Committee acknowledges the steps taken to improve the material conditions in detention centres and reduce the occupancy rate of correctional facilities, including ongoing construction and renovation projects, the establishment of an electronic monitoring system seeking to facilitate release on bail, the measures taken to improve wages and working conditions for medical doctors working in prisons and the increased use of remote video consultations and external medical assistance. The Committee is nevertheless concerned about the following:

- (a) The persistent overcrowding in prisons, with a national occupancy rate of 113 per cent in 2023, according to the information provided by the delegation;
- (b) The minimum accommodation area per inmate in multi-occupancy cells (2.58 m² per inmate) falls short of international standards;
- (c) The excessive recourse to solitary confinement as a disciplinary action, and its prolonged duration that can last up to 45 days, despite recent steps taken, and the lack of daily monitoring of persons under this detention regime by qualified medical personnel;
- (d) The lack of access to adequate and timely medical care, including mental health care, that has reportedly been the cause of a number of deaths in custody;
- (e) The fact that in cases of deaths in custody, the practice of informing bereaved relatives of autopsy outcomes without providing them with a copy of the autopsy report;
- (f) The lack of an independent mechanism that can effectively investigate death in custody and allegations of torture and ill-treatment (arts. 2, 11 and 16).

17. The State party should intensify its efforts to bring conditions of detention in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). It should, in particular:

- (a) Take further measures to reduce overcrowding in prisons and other detention centres, including by making more use of alternatives to detention and continuing to implement plans to develop and renovate infrastructure of prisons and other detention facilities. In this connection, the Committee draws the State party's attention to the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);**
- (b) Amend relevant guidelines and legislation to ensure the minimum living space per inmate is in line with international standards, including in multi-occupancy cells;**

(c) Bring its legislation and practice on solitary confinement in line with international standards, in particular rules 43-46 of the Nelson Mandela Rules. It should ensure that solitary confinement is used only in exceptional cases as a last resort, for as short a time as possible, in no case for more than 15 consecutive days for adults, subject to independent review, and only pursuant to the authorization by a competent authority, in accordance with rule 45 (1) of the Nelson Mandela Rules. The imposition of solitary confinement should be prohibited for prisoners with mental or physical disabilities when their conditions would be exacerbated by such measures, in accordance with rule 45 (2) of the Nelson Mandela Rules;

(d) Intensify its efforts to ensure that sufficient resources, including sufficient suitable medical personnel, are allocated to provide prisoners with adequate healthcare, including mental healthcare; ...

Involuntary hospitalization in psychiatric institutions

28. While taking note of measures taken during the reporting period to, inter alia, improve procedures for involuntary hospitalization, the Committee remains concerned about:

(a) The large number of persons with mental and psychosocial disabilities who do not present a threat to themselves or others who are placed involuntarily in psychiatric institutions. The Committee is concerned at reports of such persons being denied discharge after being admitted under the “consensual hospitalization” system and whose status has been changed to “hospitalization by legal guardians” because they applied for discharge without the consent of their legal guardians;

(b) The insufficient and inadequate procedural safeguards relating to involuntary placement in psychiatric institutions;

(c) The lack of required independence, impartiality and resources of entities reviewing admission, and their practice of deciding on most cases without interviewing patients face-to face;

(d) The lack of independent monitoring of psychiatric institutions, despite the high number of complaints about abuses in psychiatric hospitals received by the National Human Rights Institution.

29. **The State party should:**

(a) Continue its ongoing efforts, and consider revising legislation regulating involuntary hospitalization, to ensure respect for legal safeguards to prevent torture and ill-treatment, including judicial review;

(b) Revise the “consensual examination” system to require face-to-face assessments for admission review;

(c) Establish an effective, independent, confidential and accessible complaint mechanism for persons with disabilities in the psychiatric institutions and conduct prompt, impartial thorough investigations into all allegations of ill-treatment in health-care institutions, both public and private, prosecute persons suspected of ill-treatment and, if found guilty, ensure that they are punished according to the gravity of their acts and provide effective remedies and redress to the victims;

(d) Increase its efforts in providing sufficient resources to facilities providing rehabilitation care and mental health services in the community.

Redress

38. The Committee expresses its concern that only very few victims of past State violence and institutionalization have enjoyed the right to redress, including compensation and rehabilitation. The Committee recalls the concerns of the Committee Elimination of All Forms of Discrimination Against Women, that many former “comfort women” have not obtained full reparation and still face health challenges resulting from the long-term effects of their trauma, their age and vulnerability. The Committee draws the attention of the State party to general comment No. 3 (2012) on the article 14 of the Convention, in which the Committee explained the content and scope of the obligations of States parties to provide full redress to victims of torture (art. 2, 12-14 and 16).

39. The State party should:

(a) Ensure, including by revising domestic legislation, that all victims of past State violence and institutionalization, including those from social care institutions, orphanages and other closed-type institutions, are provided effective redress and reparation, including compensation, satisfaction, and rehabilitative services, without being required to file formal complaints;

(b) Ensure that all former “comfort women” are provided effective redress and reparation, including compensation, satisfaction, and rehabilitative services;

(c) Ensure that, in law and in practice, all victims of torture and ill-treatment obtain redress, including by ensuring an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible, in line with article 14 of the Convention. The State party should compile and provide to the Committee information on redress, including means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or ill-treatment.

TÜRKIYE - CAT/C/TUR/CO/5

Gender-based and domestic violence

32. While acknowledging the steps that the State party has made during the reporting period to train law enforcement officers and reinforce its domestic legislation to respond to acts of gender-based and domestic violence, the Committee regrets the State party’s decision to withdraw from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as “the Istanbul Convention”. The Committee is also concerned over allegations that preventive and protective cautionary orders are not granted for sufficient durations, that complaints of gender-based and domestic violence are frequently dismissed, especially in rural areas and when involving lesbian, gay, bisexual and transgender individuals, and that the provision of shelter accommodation is discriminatory to older women and women with teenage sons and disabled children (arts. 2, 12-13 and 16).

33. The State party should consider reversing its decision to withdraw from the Istanbul Convention and ensure that all acts of gender-based and domestic violence, including those involving actions and omissions by State authorities or other entities that engage the international responsibility of the State party under the Convention, are thoroughly investigated, including through the initiation of ex officio investigations, that the alleged perpetrators are prosecuted and, if convicted, punished appropriately, and that the victims or their families receive redress, including fair and adequate compensation and rehabilitation. The State party should also redouble its efforts to

provide mandatory training on dealing with acts of sexual and gender-based violence for law enforcement officials, social workers, medical personnel, lawyers, prosecutors, and judges, including training which takes into account the specific risks and challenges faced by lesbian, gay, bisexual and transgender individuals.