



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Organizational and other matters

Eighteenth annual report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*

Summary

The present report follows the structure adopted by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at its fifty-fourth session^a and contains a description of the work that the Subcommittee undertook in 2024.

Following a brief introduction, the Subcommittee provides an update on matters relating to the system of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including the number of States Parties, the Subcommittee's sessions and membership and the operation of the Special Fund established by the Optional Protocol (sect. II).

The Subcommittee also provides substantive information concerning its visits, visit reports and follow-up dialogues (sect. III), national preventive mechanisms (sect. IV) and engagement with other bodies in the field of torture prevention (sect. VI). The Subcommittee dedicates a specific section of the report to the adoption of its first general comment (sect. V).

The Subcommittee concludes by describing its plan of work for 2025 (sect. VII) and sharing reflections and future challenges (sect. VIII).

The annexes contain the Subcommittee's submission to the Committee on the Rights of the Child on its general comment No. 27 on children's rights to access to justice and effective remedies and its submission to the Special Rapporteur on freedom of religion or belief following the call for input for a report on religion or belief and torture and other cruel, inhuman or degrading treatment or punishment.

^a CAT/OP/54/R.2, annex II.

* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.

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I. Introduction

1. Pursuant to article 16 (3) of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and rule 33 of its rules of procedure, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment prepares an annual report on its activities as a public document. The present report covers the Subcommittee's activities from 1 January to 31 December 2024 and was adopted by the Subcommittee during its fifty-fifth session, which was held in Geneva from 27 January to 7 February 2025. It follows the new structure for the Subcommittee's annual reports adopted by the Subcommittee during its fifty-fourth session, held in Geneva from 11 to 15 November 2024.¹

II. Organizational and other matters

A. States' participation in the Optional Protocol system

2. As at 31 December 2024, 94 States were parties and 11 States were signatories to the Optional Protocol.² The Congo ratified it on 26 April 2024.

3. The pattern of regional participation was as follows:

African States	25
Asia-Pacific States	13
Eastern European States	21
Latin American and Caribbean States	15
Western European and other States	20

4. The regional breakdown of the 11 signatories was as follows:

African States	7
Asia-Pacific States	1
Eastern European States	0
Latin American and Caribbean States	1
Western European and other States	2

B. Sessions

5. During the reporting period, the Subcommittee held two one-week sessions and one two-week session, all in person, in Geneva: the fifty-second session (29 January–9 February 2024); the fifty-third session (3–7 June 2024); and the fifty-fourth session (11–15 November 2024).

6. The regional teams met at all three sessions without interpretation, reporting to the Subcommittee in plenary session, and made recommendations as appropriate. The working group on jurisprudence and the working group on the health aspects of torture prevention met during the plenary at all three sessions. The working group on the Special Fund established by the Optional Protocol met during the fifty-third and fifty-fourth sessions.

7. At the fifty-second session, the regional teams for the Americas and for Asia and the Pacific conducted their annual regional meetings with national preventive mechanisms. The

¹ CAT/OP/54/R.2, annex II.

² As at 31 December 2024, the 11 signatory States were Angola, Belgium, Cameroon, Chad, Guinea, Guinea-Bissau, Ireland, Sierra Leone, Timor-Leste, Venezuela (Bolivarian Republic of) and Zambia. See https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9-b&chapter=4&clang=_en.

Subcommittee held an informal public meeting with 43 States Parties and signatories,³ explaining its work and activities, including progress on the draft general comment, and its role in the treaty body strengthening process, as well as challenges, including resource shortages. The Subcommittee also met for the first time with the current United Nations High Commissioner for Human Rights. In addition, meetings were held with representatives of the Assistant Secretary-General for Human Rights, the International Organization for Migration, the Finance and Budget Section of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and various other stakeholders, including the Association for the Prevention of Torture and the United Against Torture Consortium.⁴

8. At its fifty-third session, the Subcommittee adopted its general comment No. 1 (2024) on the definition and scope of places of deprivation of liberty. It met with representatives of the Finance and Budget Section of OHCHR, the Association for the Prevention of Torture and other stakeholders, including the Bureau of the Global Alliance of National Human Rights Institutions.

9. The regional team for Africa held its annual regional meeting with national preventive mechanisms between the fifty-third and fifty-fourth sessions of the Subcommittee.

10. Pursuant to article 10 of the Optional Protocol, during its fifty-fourth session, the Subcommittee met with the Committee against Torture. During the same session, the regional team for Europe held its annual regional meeting with national preventive mechanisms. The Subcommittee also engaged with stakeholders, including the Association for the Prevention of Torture and the focal points on drug policy from the World Health Organization and OHCHR. In line with the Subcommittee's practice, the six members whose term ended on 31 December 2024 (Abdallah Ounnir, Satyabhooshun Gupt Domah, Daniel Fink, Hamida Dridi, María Andrea Casamento and Zdenka Perović) shared their reflections on serving the mandate. The Subcommittee wholeheartedly thanks the departing members for their contribution to advancing torture prevention worldwide. Their expertise, dedication and collaborative efforts have played a crucial role in advancing the Subcommittee's mandate.

C. Membership, officers and mandates

11. The Subcommittee's membership remained unchanged during the reporting period.⁵

12. The Bureau also remained unchanged: Suzanne Jabbour (Chair); Carmen Comas-Mata Mira (Vice-Chair for visits); Mr. Fink (Vice-Chair for external relations); Aisha Shujune Muhammad (Vice-Chair for national preventive mechanisms); and María Luisa Romero (Vice-Chair and Rapporteur). Jakub Julian Czepek remained the Subcommittee's rapporteur for reprisals.

13. During the year, the leadership of the regional team for Asia and the Pacific changed. Nika Kvaratskhelia was its head until the fifty-third session and Victor Zaharia replaced him thereafter. The composition of the regional teams is detailed on the Subcommittee's website.⁶

14. As at 31 December 2024, the heads of the working group on jurisprudence, the working group on the health aspects of torture prevention and the working group on the Special Fund established by the Optional Protocol were Ms. Romero, Marie Brasholt and Ms. Jabbour, respectively.

³ See <https://webtv.un.org/en/asset/k18/k18ulkqk60>.

⁴ The United Against Torture Consortium unites the global members of the World Organisation against Torture, the International Rehabilitation Council for Torture Victims and the International Federation of Action by Christians for the Abolition of Torture with the Association for the Prevention of Torture, the Omega Research Foundation and REDRESS.

⁵ See <https://www.ohchr.org/en/treaty-bodies/spt/membership>.

⁶ See <https://www.ohchr.org/en/treaty-bodies/spt/regional-teams>.

D. Special Fund established by the Optional Protocol

15. The Special Fund established under article 26 (1) of the Optional Protocol supports projects to establish or strengthen national preventive mechanisms, aiding the implementation of the Subcommittee's recommendations following its country visits. National preventive mechanisms can also submit proposals for projects to fund their educational programmes, independently of a Subcommittee visit. In 2024, grants amounting to \$316,545 were awarded to support 11 torture prevention projects in 10 States for implementation in 2025. The Subcommittee assisted in assessing proposals and recommending the awarding of grants.

16. For the first time, capacity-building projects were approved for Liberia, Mongolia, and Rwanda. Projects in Gabon and Liberia will support the overdue establishment of national preventive mechanisms. In Argentina, Bolivia (Plurinational State of), Burkina Faso, the Niger, Senegal and Togo, projects are aimed at strengthening the capacity of members of national preventive mechanisms, judicial officials, magistrates, law enforcement officials, prison administration staff, trainee police officers and other stakeholders in torture prevention; increasing the mechanisms' visibility; translating key torture prevention documents into local languages; and advocating for legislative reforms concerning the treatment of persons in detention.

17. The Subcommittee greatly appreciates the contributions to the Special Fund from Czechia (\$17,421), Germany (\$218,807) and Denmark (approximately \$200,000 pledged).

III. Visits

A. Visits conducted during the reporting period

18. Pursuant to its mandate under articles 11 and 13 of the Optional Protocol, the Subcommittee conducted eight visits in 2024: Gabon (10–16 March), Albania (14–20 April), Honduras (14–20 April), Mongolia (5–16 May), Nigeria (8–19 September), Greece (6–17 October), the Democratic Republic of the Congo (1–7 December) and the Plurinational State of Bolivia (1–12 December).⁷

19. During those visits, the Subcommittee conducted over 1,400 individual and collective interviews with more than 3,800 persons, mostly persons deprived of their liberty, but also officials, law enforcement personnel and medical staff. It visited more than 170 places of deprivation of liberty: 58 prisons, 9 detention facilities for women, 69 police stations, 8 detention centres for children, 15 psychiatric and healthcare institutions, 8 closed centres for undocumented migrants, 5 drug rehabilitation centres, 1 military facility, 1 court holding cell and 5 social care facilities.

20. Following each visit, the Subcommittee issues press releases. After visiting Gabon, the Subcommittee expressed concern about the little progress made in addressing overcrowding, the deplorable conditions of detention and impunity for perpetrators of torture and recommended the establishment of a national preventive mechanism.⁸ Following the visit to Albania, the Subcommittee expressed concern about the high number of pretrial detainees and insufficient access to healthcare.⁹ In Honduras, the militarization of prisons and detention conditions raised concerns and the need to strengthen the national preventive mechanism, both institutionally and financially, was highlighted.¹⁰ After visiting Mongolia, the Subcommittee emphasized the need for a paradigm shift towards a rehabilitative approach,

⁷ See <https://www.ohchr.org/en/treaty-bodies/spt/visits>.

⁸ See <https://www.ohchr.org/en/press-releases/2024/03/gabon-little-progress-addressing-overcrowding-and-deplorable-detention>.

⁹ See <https://www.ohchr.org/en/press-releases/2024/04/albania-high-number-pre-trial-detainees-access-healthcare-matters-concern-un>.

¹⁰ See <https://www.ohchr.org/en/press-releases/2024/04/honduras-militarisation-prisons-and-detention-conditions-raise-concerns-un>.

for effective torture prevention.¹¹ In Nigeria, the Subcommittee regretted the lack of cooperation and called for urgent measures to end torture, improve conditions of detention and finalize the establishment of an independent functional national preventive mechanism.¹² After the visit to Greece, the need to adopt effective torture prevention measures and ensure the effective role of the national preventive mechanism was highlighted.¹³ With regard to the Democratic Republic of the Congo, the urgent action needed to establish the national preventive mechanism to address the deplorable detention conditions was emphasized.¹⁴ Following the visit to the Plurinational State of Bolivia, concern about the country's high numbers of pretrial detention resulting in prison overcrowding was noted and the work of the national preventive mechanism was highlighted as positive.¹⁵

B. Visit reports¹⁶

21. Pursuant to article 16 of the Optional Protocol, the substantive aspects arising from the Subcommittee's visits are confidential. Reports are made public only at the request of the State Party visited. By 31 December 2024, 89 visit reports had been transmitted to States Parties by the Subcommittee, including 7 during the reporting period, to Croatia, Georgia, Guatemala, Honduras, Kazakhstan, the Philippines and the State of Palestine.

22. Of the 89 visit reports to States Parties, 55 had been made public by 31 December 2024, at the request of States Parties, including 3 during the reporting period, on the visits to Bosnia and Herzegovina, Georgia and Guatemala.¹⁷ While fully respecting the principle of and right to confidentiality provided for in the Optional Protocol, the Subcommittee welcomes and encourages the publication of its visit reports, as it reflects the spirit of transparency that underpins preventive visiting, facilitates better implementation of the respective recommendations and allows other States Parties and national preventive mechanisms to learn from each other's practices, challenges and progress in torture prevention. The Subcommittee urges the States Parties that have received visit reports since its first visit, in 2007, and had not requested their publication by the end of 2024 to do so in the spirit of transparency. The Subcommittee recalls that States that have requested publication of their visit reports gain access to the Special Fund established by the Optional Protocol, an important resource that supports the Optional Protocol through the financing of projects for the implementation of the Subcommittee's recommendations.

C. States' responses to visit reports and follow-up dialogues

23. According to article 12 of the Optional Protocol, recipients of reports are requested to submit a written reply within six months of the transmission thereof, detailing actions taken and planned to implement the Subcommittee's recommendations. A timely and comprehensive State Party response is an essential basis for constructive dialogue with the Subcommittee on the implementation of its recommendations, as foreseen by article 12 (d) of the Optional Protocol. In the reporting period, the Subcommittee received four replies, from Ecuador, Kazakhstan, Mozambique and Türkiye, none of which were requested to be made public. The Subcommittee encourages States Parties to request publication of their responses as a preventive tool in itself and in the spirit of transparency.

¹¹ See <https://www.ohchr.org/en/press-releases/2024/05/mongolia-paradigm-shift-towards-rehabilitative-approach-needed-effective>.

¹² See <https://www.ohchr.org/en/press-releases/2024/09/nigeria-urgent-measures-needed-end-torture-and-ill-treatment-say-experts>.

¹³ See <https://www.ohchr.org/en/press-releases/2024/10/greece-needs-strengthen-effective-torture-prevention-measures-un-torture>.

¹⁴ See <https://www.ohchr.org/en/press-releases/2024/12/drc-torture-prevention-mechanism-urgently-needed-amid-inhuman-prison>.

¹⁵ See <https://www.ohchr.org/en/press-releases/2024/12/bolivia-despite-progress-tackling-overcrowding-prisons-remains-pressing>.

¹⁶ Data concerning visit reports, including those that have been made public, are available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/CountryVisits.aspx.

¹⁷ CAT/OP/BIH/ROSP/1, CAT/OP/GEO/ROSP/1 and CAT/OP/GTM/ROSP/1.

24. In line with the Subcommittee's practice and the spirit of constructive dialogue with States Parties, which is central to the Optional Protocol system, the Subcommittee continues discussions with States Parties on implementing recommendations following receipt of their replies, pursuant to article 12 (d) of the Optional Protocol. In 2024, follow-up dialogues were held with Australia, Argentina, Bulgaria and Ecuador.

25. In accordance with its established practice, the Subcommittee does not request publication of reports to national preventive mechanisms, thus reinforcing its privileged communication with them. However, as with States Parties, the Subcommittee requires all national preventive mechanisms to reply, facilitating ongoing dialogue.

IV. National preventive mechanisms

A. Obligations of States regarding national preventive mechanisms

26. The Subcommittee maintains a dialogue with States Parties and signatories concerning the designation and/or functioning of national preventive mechanisms and related issues. In 2024, the Subcommittee accepted with appreciation the notification from Bosnia and Herzegovina regarding the establishment of its national preventive mechanism.

27. At its twenty-seventh session, the Subcommittee decided to create a list of States Parties whose establishment of a national preventive mechanism was substantially overdue. To clarify the criteria for determining whether a national preventive mechanism has been maintained, designated or established, as appropriate, under article 17 of the Optional Protocol, and for removing a State Party from the above-mentioned list, the Subcommittee has set out on its website the elements to be included in the State Party's note verbale.¹⁸ The Subcommittee underlines the importance of receiving all relevant information on the establishment of national preventive mechanisms.

28. As at 31 December 2024, the following 15 States Parties were listed as not in compliance with article 17: Afghanistan, Belize, Benin, Burundi, Central African Republic, Democratic Republic of the Congo, Gabon, Ghana, Liberia, Madagascar, Nauru, Nigeria, Philippines, South Sudan and State of Palestine. It remains a matter of the utmost concern to the Subcommittee that some of the States Parties on the list still appear to be making little or no progress towards fulfilling their long-overdue obligations. Some of those States Parties have been on the list for over a decade.

29. The Subcommittee emphasizes that establishing the national preventive mechanism and affording it the requisite mandate is a core obligation of each State Party. It is also a crucial step to further States Parties' obligations, under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to prevent acts of torture and other ill-treatment.

B. Meetings

1. Annual meetings with national preventive mechanisms

30. In accordance with its mandate under article 11 (b) (i) and (ii) of the Optional Protocol, the Subcommittee established and maintained direct contact with national preventive mechanisms during and between sessions. The regional groups held annual online meetings with national preventive mechanisms from their regions.

Regional team for Africa

31. The regional team for Africa met to discuss the annual reports of national preventive mechanisms. The regional team emphasized the value of publishing, on an annual basis, a report containing a snapshot of activities, as well as observations and recommendations. The regional team also underscored States' obligations to publish and disseminate annual reports

¹⁸ See <https://www.ohchr.org/en/treaty-bodies/spt/non-compliance-article-17>.

and encouraged national preventive mechanisms to share their reports with the Subcommittee as a means of increasing the visibility of the institution, its important mandate and its yearly activities.

Regional team for the Americas

32. The regional team for the Americas met with national preventive mechanisms of the region to discuss the independence of mechanisms. Before the webinar, the national preventive mechanisms were invited to share input on challenges to independence and on resources and support received in implementing their mandate. During the webinar, Subcommittee members gave a brief presentation regarding article 18 of the Optional Protocol. Representatives of national preventive mechanisms shared their experiences on topics including legal guarantees of independence, challenges due to a lack of resources, and how greater autonomy had led to a more effective implementation of their mandate.

Regional team for Asia and the Pacific

33. The regional team for Asia and the Pacific met with national preventive mechanisms of the region to address common concerns and tackle major risk factors for torture and ill-treatment, including measures to identify psychological torture and its root causes; systemic issues such as a lack or limited accountability of law enforcement officials and increasing impunity; overcrowding and poor material conditions; limited healthcare, especially mental healthcare; staff shortages and implications for management of the institutions for and treatment of persons deprived of liberty; corruption; criminal subculture and informal prisoner hierarchy; inter-inmate violence; the overall punitive approach of criminal justice systems, with scarce efforts for rehabilitation and reintegration; and vulnerabilities and discrimination. The Subcommittee advised on strategies for tackling the above-mentioned problems, underlining the importance of a preventive approach.

Regional team for Europe

34. The regional team for Europe held a meeting with national preventive mechanisms of the region that was focused on the independence of mechanisms. Under the Optional Protocol, States Parties have obligations to establish independent national preventive mechanisms and guarantee their functional independence, the independence of their personnel and the financial resources necessary for their functioning. The participants discussed regulatory and practical challenges to guaranteeing independence, including “grey areas” limiting it, to help national preventive mechanisms to fulfil their mandate to prevent torture and ill-treatment.

2. Involvement in meetings related to national preventive mechanisms

35. The Subcommittee continued to receive invitations to numerous national, regional and international meetings concerning the designation, establishment and development of national preventive mechanisms and on the effective discharge of their mandates, and thanks the relevant organizers for those invitations.

36. The Subcommittee welcomed invitations from government representatives in Colombia and Thailand, two countries that have commenced the process of ratification of the Optional Protocol, to participate in dialogues with relevant stakeholders and explain States Parties’ obligations, including the establishment of national preventive mechanisms.

37. In Africa, the Subcommittee supported capacity-building and advocacy activities organized by the OHCHR treaty body capacity-building programme on ratifying the Optional Protocol and establishing national preventive mechanisms. In April, a workshop in the Central African Republic facilitated reflection and experience-sharing, including with members of the national preventive mechanisms of Senegal and Tunisia. Meetings with authorities highlighted the urgent need to finalize the draft law to establish a mechanism. In May, an advocacy mission to Benin enabled meetings with parliamentary representatives to support adopting the law establishing a national preventive mechanism and conducting a capacity-building workshop for civil society and other torture-prevention actors. In October, a capacity-building mission to the Congo addressed the implications of ratification and support for the establishment of a national preventive mechanism.

38. The Subcommittee was represented in a two-day conference to constitute the Network of African National Preventive Mechanisms that was held in Cape Town, South Africa, on 26 and 27 June 2024, hosted by the South African Human Rights Commission and the National Council for Human Rights of Morocco. At the conference, the statutes of the Network were adopted and the Steering Committee was elected. The permanent secretariat of the Network is to be located in Morocco.

39. The Subcommittee was also represented at a conference for Latin American national preventive mechanisms, hosted and organized by the Association for the Prevention of Torture, that was held in Costa Rica from 7 to 10 May 2024. The participants reflected on the common challenges of the national preventive mechanisms, with particular emphasis given to the issue of independence. It was also an opportunity to better explain the Subcommittee's work in relation to each mechanism and the obligations of its country rapporteurs to strengthen channels of communication.

C. Advice to national preventive mechanisms: impact of drug policies on the effective prevention of torture and ill-treatment

40. Mindful of the numerous reports emanating from the United Nations human rights system on the negative impact of drug policies on the full implementation of human rights,¹⁹ the Subcommittee deems it appropriate to reflect on its own experience regarding the impact of drug policies on effective strategies to prevent torture and other ill-treatment. Throughout the two decades of its mandate, the Subcommittee has considered the impact of drug policies on strategies to prevent torture and ill-treatment and the effective implementation of the obligations undertaken by States Parties to the Optional Protocol as well as on the full realization of the mandates of national preventive mechanisms worldwide.

41. The variety of approaches to combat drugs adopted by different States has a significant impact on the rights of persons deprived of liberty, including the freedom from torture and other ill-treatment, in a wide variety of settings of deprivation of liberty. In the criminal justice context, such approaches include “zero-tolerance” and “war on drugs” policies, implemented through widespread arrests, mandatory pretrial detention and sentencing, which all contribute significantly to overcrowding in detention. However, prisons, as well as police and other criminal justice detention facilities, are usually ill-equipped to offer the specific healthcare services required by detainees who use drugs, including medical assistance for acute and extremely painful withdrawal symptoms.²⁰ The Subcommittee has documented the absence of effective detoxification and treatment programmes within detention facilities,²¹ the lack of independent²² and specifically trained medical personnel responding to the needs of detainees who use drugs,²³ especially for withdrawal symptoms,²⁴ and even deaths in custody as a result of methadone overdose.²⁵

42. Consequently, while urging States to address the negative impact of drugs in detention facilities, including inter-prisoner violence and corruption,²⁶ the Subcommittee has also made recommendations on providing effective treatment to detainees who use drugs. These recommendations include the provision of specialist treatment programmes, equivalent to those available outside prisons, respecting the principle of equivalence of care,²⁷ appropriate

¹⁹ See, for example, [A/HRC/39/39](#), [A/HRC/47/40](#), [A/HRC/54/53](#) and [A/HRC/56/52](#).

²⁰ [CAT/OP/MDV/1](#), para. 181; [CAT/OP/ROU/1](#), para. 67; [CAT/OP/MDV/ROSP/2](#), para. 63; and [CAT/OP/UKR/1](#), para. 84.

²¹ [CAT/OP/GAB/1](#), para. 90; [CAT/OP/PRY/1](#), para. 167; [CAT/OP/PRY/2](#), para. 67; and [CAT/OP/UKR/1](#), para. 85.

²² [CAT/OP/MNG/1](#), para. 90.

²³ [CAT/OP/MKD/1](#), para. 28.

²⁴ [CAT/OP/MDV/1](#), para. 181; [CAT/OP/ROU/1](#), para. 67; [CAT/OP/MDV/ROSP/2](#), para. 63; and [CAT/OP/UKR/1](#), para. 84.

²⁵ [CAT/OP/MKD/1](#), para. 28.

²⁶ [CAT/OP/BEN/1](#), para. 286; [CAT/OP/MEX/1](#), para. 178; [CAT/OP/PRY/2](#), paras. 65 and 66; and [CAT/OP/ARG/1](#), para. 74.

²⁷ [CAT/OP/KAZ/1](#), para. 114. See also United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), rule 24.

testing, to be carried out by medical personnel only,²⁸ detoxification programmes,²⁹ medication and immediate medical assistance for withdrawal symptoms,³⁰ effective reintegration programmes following release to guard against relapses³¹ and assistance with social reintegration.³² The Subcommittee has emphasized the need for detainees with substance use disorders to be moved to specialist healthcare facilities where appropriate treatment can be provided.³³

43. Moreover, the Subcommittee has been mindful of institutionalization approaches to the drug problem worldwide and has made it clear that effective drug strategies must include prevention, including harm reduction, and the provision of effective outpatient treatment, with appropriate follow-up to treatment and the provision of care and treatment in communities³⁴ to minimize reliance on the deprivation of liberty as part of the response to drug use.

44. Recalling article 4 of the Optional Protocol, the Subcommittee has emphasized that deprivation of liberty may take place in a wide variety of contexts, including healthcare and treatment for drug use.³⁵ In this regard, recognizing that drug treatment centres, including compulsory drug treatment centres and private facilities, as well as any other settings, including unofficial ones and/or those operating under different national social, cultural and/or religious traditions, fall under the mandate of both the Subcommittee and national preventive mechanisms is paramount. Equally, the Subcommittee has underscored the importance of any treatment in such facilities being evidence-based, holistic and carried out solely by specifically trained interdisciplinary medical personnel, with emphasis on the therapeutic and voluntary nature of the treatment,³⁶ ensuring that patients in such drug treatment centres are not subjected to coercive techniques, corporal punishment or punitive regimes. Lastly, the reintegration into society of persons treated for drug use should be prioritized, including through the effective provision of education and vocational training.³⁷

45. As the Subcommittee continues to implement its mandate as required by article 11 of the Optional Protocol, it will retain and reinforce its focus on the negative impacts of drug policies on effective strategies to prevent torture and ill-treatment. It urges all national preventive mechanisms to ensure that they include national drug policies in their mandates to prevent torture and ill-treatment at the national levels and monitor in particular the effects of the practical implementation of any such drug policies on the rights of all persons deprived of their liberty, be it in criminal justice, administrative, healthcare or other contexts.

V. General comment No. 1 (2024)

46. During its fifty-third session, the Subcommittee adopted its general comment No. 1 (2024), in which it clarified the term “places of deprivation of liberty”. In that legal guidance, the Subcommittee urged States Parties to uphold the comprehensive definition of such places contained in the Optional Protocol to guarantee that the Subcommittee and national preventive mechanisms could fully implement their respective mandates under the Optional Protocol. Unrestricted access by the Subcommittee and national preventive mechanisms to all places of deprivation of liberty is essential for monitoring detention conditions and preventing torture and ill-treatment worldwide.

47. Work on the general comment began in 2020 and included extensive consultations with States Parties, national preventive mechanisms, national human rights institutions,

²⁸ CAT/OP/MNG/1, para. 105.

²⁹ CAT/OP/PRY/1, para. 167; and CAT/OP/PRY/2, para. 67.

³⁰ CAT/OP/UKR/1, para. 85.

³¹ CAT/OP/URY/1, para. 100.

³² CAT/OP/MDV/ROSP/2, para. 84.

³³ CAT/OP/BRA/1, para. 154.

³⁴ CAT/OP/URY/1, para. 101; CAT/OP/MNG/1, para. 108 (a); CAT/OP/BRA/1, para. 152; and CAT/OP/AUS/ROSP/1, para. 67.

³⁵ General comment No. 1 (2024), paras. 53 and 56.

³⁶ CAT/OP/BRA/1, para. 154.

³⁷ Ibid., paras. 151, 152 and 154; and CAT/OP/MDV/ROSP/2, para. 84.

United Nations and regional human rights bodies, civil society, academia and survivors of torture. The Subcommittee acknowledges the valuable contributions of these stakeholders in refining the general comment.

48. In drafting the general comment, the Subcommittee drew heavily on its experience from its regular visits, the interdisciplinary expertise of its members and its role in advising national preventive mechanisms worldwide. The Subcommittee recognizes that national preventive mechanisms offer unparalleled insights into domestic realities in their respective jurisdictions. The general comment is thus grounded in actual knowledge and practical experience and, in it, the Subcommittee reiterated that the concept of “places of deprivation of liberty” must be interpreted as broadly as possible to fully realize the preventive potential of the Optional Protocol system.

49. Divided into four sections, the general comment starts with an examination of the importance of comprehensively defining places of deprivation of liberty, drawing on the object and purpose of the Optional Protocol and aligning with approaches of other international mechanisms, including United Nations treaty bodies and special procedures, as well as regional human rights bodies.

50. Following the wording of article 4 of the Optional Protocol, the general comment contains an examination of its constitutive elements, including jurisdiction or control, private or public settings and acquiescence of public authorities. In the general comment, the Subcommittee addresses practical challenges in implementing article 4 through its practice and that of national preventive mechanisms, offering guidance consistent with the Optional Protocol.

51. Lastly, the Subcommittee underscores, in the general comment, States Parties’ obligations under article 4, affirming that the term “places of deprivation of liberty” must be understood as a comprehensive concept that encompasses all situations and that only with such an approach may the core objective of the Optional Protocol, of preventing torture and other cruel, inhuman or degrading treatment or punishment through visits by the Subcommittee and national preventive mechanisms to all places of deprivation of liberty, be achieved.³⁸

VI. Engagement with other bodies in the field of torture prevention

A. Subcommittee as part of the United Nations human rights system

52. On 23 July 2024, the Chair of the Subcommittee presented the seventeenth annual report of the Subcommittee³⁹ to, and discussed it with, the Committee against Torture in plenary session at the Committee’s eightieth session. The Chair also presented (online) the annual report to the General Assembly at its seventy-ninth session.

53. The Chair of the Subcommittee represented the Subcommittee and chaired the thirty-sixth meeting of the Chairs of the human rights treaty bodies, held in New York from 24 to 28 June 2024, and participated in several informal meetings throughout the year to discuss the treaty body strengthening process and the implementation of that meeting’s conclusions. The Chairs further progressed towards the implementation of the eight-year predictable schedule of reviews by proposing aligning working methods. The Chair of the Subcommittee presented information on behalf of the Chairs at the informal meeting on the treaty bodies harmonization mechanism and discussion with the Coordinating Committee of Special Procedures held in Geneva on 9 and 10 December 2024, hosted by the Geneva Academy.

54. To commemorate United Nations International Day in Support of Victims of Torture, on 26 June, the Subcommittee, the Committee against Torture, the Special Fund established

³⁸ General comment No. 1 (2024), para. 59.

³⁹ [CAT/C/79/2](#).

by the Optional Protocol, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture issued a joint statement urging States to prioritize accountability and justice for persons who were victims of torture.⁴⁰ The absolute prohibition of torture as a *jus cogens* norm of international law was emphasized but the many regulatory and practical obstacles hampering effective investigations were also noted. The Chair of the Subcommittee called for comprehensive preventive measures to complement investigations, prosecutions and convictions of perpetrators of torture, underscoring the importance of ensuring access to and monitoring of places of deprivation of liberty by international, regional and national monitoring bodies.

55. During the joint meeting between the Subcommittee and the Committee against Torture on 11 November 2024, the Subcommittee presented its general comment No. 1 (2024) and welcomed the positive reactions and assurances to promote the general comment received from the Committee. The Subcommittee and the Committee also discussed the practicalities of cooperation and the limits posed by confidentiality, in particular of the Subcommittee's findings during visits. The Subcommittee reiterated its commitment to continue sharing with the Committee, in line with its usual practice, publicly available information, such as on the establishment of national preventive mechanisms in States Parties to the Optional Protocol, outstanding responses to visit reports and information regarding the publication of visit reports. At the same time, the Subcommittee would continue to remind authorities in its dialogue with States of their reporting obligations to the Committee and to amplify any concerns raised by the Committee regarding the definition of torture in national legislation.

56. The celebrations to mark the fortieth anniversary of the Convention against Torture, held in Geneva on 14 November 2024, underscored the close links between the Optional Protocol and the Convention against Torture and the two respective treaty bodies. In her remarks, the Chair of the Subcommittee highlighted that the Optional Protocol had not been introduced to alter the international framework of the Convention, but to reinforce it and to see that its standards were implemented in practice. The adoption of the Optional Protocol, establishing the Subcommittee and, subsequently, national preventive mechanisms, had extended the Committee's impact, forming a complementarity that strengthened the ability of both bodies to confront torture wherever it persisted.

57. The Subcommittee continued its cooperation with the regional offices of OHCHR, United Nations country teams and the treaty body capacity-building programme, in particular in support of the work of national preventive mechanisms.

58. The Subcommittee also continued its cooperation with other United Nations human rights mechanisms, including by contributing written submissions in response to two calls for inputs, by the Committee on the Rights of the Child⁴¹ and by the Special Rapporteur on freedom of religion or belief.⁴² As the Subcommittee considers the content of those submissions to be of general interest, it includes both submissions in the annexes to the present report.

59. In its submission to the Committee on the Rights of the Child as input to its general comment No. 27 on children's rights to access to justice and effective remedies, the Subcommittee recalled that it had recommended that States Parties align their legislation on the child justice system with international standards, ensuring that children between the ages of 14 and 18 were not tried in the adult justice system, and enact tailored legislation for children in contact with the criminal justice system. The Subcommittee also made reference to its general comment No. 1 (2024), in which it had underscored that any place where children, even those not in conflict with the law, might be held and not allowed to leave constituted a place of deprivation of liberty. Lastly, it highlighted specific issues from its

⁴⁰ See <https://www.ohchr.org/en/statements-and-speeches/2024/06/accountability-and-justice-torture-victims-central-commemorations>.

⁴¹ See <https://www.ohchr.org/en/calls-for-input/2024/call-submissions-draft-general-comment-no-27-childrens-rights-access-justice>.

⁴² See <https://www.ohchr.org/en/calls-for-input/2024/call-input-report-religion-or-belief-and-torture-and-other-cruel-inhuman-or>.

reports to States (fundamental legal safeguards, alternative dispute resolution and community justice schemes, judicial oversight, access to complaints mechanisms, and disciplinary sanctions).

60. In its submission to the Special Rapporteur on freedom of religion or belief, the Subcommittee highlighted the risks of torture and ill-treatment linked to the exercise or denial of religious or other beliefs, in particular in contexts where such beliefs were marginalized or repressed. Denying detainees the opportunity to practise their religion or belief could constitute, at a minimum, cruel, inhuman or degrading treatment or punishment and violate their fundamental right to freedom of religion or belief. The Subcommittee stressed that definitions of torture in national legislation must encompass all forms of discrimination, including religious discrimination, as outlined in article 1 of the Convention against Torture. It recalled that, in its general comment No. 1 (2024), it had underscored that deprivation of liberty could occur in various settings, including religious institutions and schools. Lastly, the Subcommittee provided specific observations from its reports regarding torture and ill-treatment in religious institutions, freedom of religion or belief in detention, and traditional justice systems. Subsequent to its contribution, the Subcommittee was also represented in a meeting organized by the Special Rapporteur in December 2024 to discuss her forthcoming report to the Human Rights Council.

B. Regional cooperation

61. The Subcommittee continued its cooperation with regional organizations, including the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, building on the reciprocal exchange of letters to give effect to article 31 of the Optional Protocol to strengthen complementarity and subsidiarity. The Bureaux of both bodies held a meeting during the Subcommittee's fifty-third session during which they discussed different avenues for continued collaboration, including the designation of focal points within the secretariats of both bodies.

C. Cooperation with civil society and other stakeholders

62. The Subcommittee continued to benefit significantly from the support of civil society, including the Association for the Prevention of Torture and the United Against Torture Consortium. The Subcommittee received valuable information from its contact with both national and international civil society organizations before and during visits, and it thanks those organizations for promoting and supporting the Optional Protocol.

VII. Plan of work for the year ahead

A. Sessions

63. In 2025, the Subcommittee will hold three sessions in Geneva: from 27 January to 7 February, from 16 to 20 June and from 10 to 14 November.

B. Visits

64. The Subcommittee established its 2025 visit programme in alignment with the requirements of the Optional Protocol and reflecting the rigorousness of the Subcommittee's work and the needs of States Parties and national preventive mechanisms. In 2025, the Subcommittee plans to visit Afghanistan, Burundi, France, Mexico, Mozambique, New Zealand, Peru and Serbia.

C. Other activities

65. The members of the Subcommittee will continue their participation in events related to the mandate of the Subcommittee under the Optional Protocol, including training for monitoring bodies, conferences and Optional Protocol ratification events, all directed towards strengthening the prevention of torture and ill-treatment around the world. Invitations to official events should be sent through the Subcommittee secretariat.

VIII. Looking forward

66. In 2024, the Subcommittee welcomed the ratification of the Optional Protocol by the Congo and the establishment of a national preventive mechanism in Bosnia and Herzegovina. It is optimistic that other States will ratify the Optional Protocol and new national preventive mechanisms will be established. The Subcommittee reminds new States Parties in particular of their obligation under article 17 of the Optional Protocol to maintain, designate or establish, at the latest one year after the ratification of the Optional Protocol, one or several independent national preventive mechanisms for the prevention of torture. It stands ready to advise and assist all States Parties, including new States Parties and those on the list of States Parties not in compliance with article 17, as they strive to meet those obligations.

67. The Subcommittee considers the adoption of its first general comment a historic and pivotal milestone, for both the Optional Protocol system and the global torture prevention movement. The general comment has been translated into all six official languages of the United Nations and the Subcommittee calls upon States Parties, national preventive mechanisms and all other stakeholders to fully implement it and to help disseminate it widely, to maximize its impact.

68. Going forward, the Subcommittee will continue collaborating with States Parties and national preventive mechanisms to ensure effective implementation of the Optional Protocol, also supported by general comment No. 1, which now forms a key element in the Subcommittee's ongoing dialogue with national preventive mechanisms and States Parties. In particular, in 2025, the general comment will be discussed at annual regional meetings with national preventive mechanisms and with States Parties.

69. The Subcommittee will continue to actively participate in the current phase of the treaty body strengthening process, which was requested by the General Assembly in its resolution 68/268. In this context, the Subcommittee welcomes the adoption of the Pact for the Future by Heads of State and Government at the Summit of the Future, held in New York on 22 and 23 September 2024. It is particularly important for the treaty bodies that the Pact for the Future contains references to the efficient and effective mandate delivery of the human rights mechanisms and to their adequate, predictable, increased and sustainable financing, to enable them to respond to human rights challenges with impartiality and objectivity. The Subcommittee had hoped that the General Assembly, in its resolution 79/165, on the treaty body system, would commit additional funding to the treaty bodies; it regrets that this did not transpire.

70. The Subcommittee continues to face significant operational challenges, primarily due to resource constraints that limit its ability to conduct the number of visits deemed necessary. The ongoing liquidity crisis at the United Nations has further affected its capacity. In 2024, for the first time in the more than six decades of their existence, the treaty bodies, including the Subcommittee, were threatened with the cancellation of sessions and country visits for financial reasons.

71. Visits to places of deprivation of liberty constitute the foundation of the Optional Protocol. The Subcommittee is indebted to national preventive mechanisms for the discharge of their preventive mandate, as the resources put at the disposal of the Subcommittee are inadequate to enable it to undertake the number of visits it considers necessary for the effective discharge of its mandate as envisaged in the Optional Protocol. The Subcommittee

reiterates its position that its inability to undertake a minimum of 12 visits per year⁴³ hinders the full and effective implementation of the preventive mandate as set out in the Optional Protocol and undermines the proactive nature of the system of prevention that it establishes. It is imperative that the Subcommittee receive adequate resources to enable it to have a secretariat of adequate size and to resume its full visiting programme, ensuring that sessions and planned visits are not cancelled.

72. The Subcommittee reiterates its encouragement to States Parties to provide support through donations to the Special Fund established by the Optional Protocol, as further contributions are urgently needed for the 2025 grant cycle and beyond. The Fund is an essential tool for supporting and complementing the implementation of the Subcommittee's recommendations and for strengthening national preventive mechanisms.

73. The terms of 12 Subcommittee members expired on 31 December 2024. During the annual meeting with States Parties held on 24 October 2024, six members were re-elected for a second term, and six new members were elected. The Subcommittee looks forward to welcoming the new members and to working together with both new and returning colleagues in the years ahead.

⁴³ [CAT/C/73/2](#), annex, para. 15.

Annex I

Submission to the Committee on the Rights of the Child on its general comment No. 27 on children’s rights to access to justice and effective remedies

1. The Subcommittee welcomes the initiative of the Committee on the Rights of the Child to develop a general comment on children’s rights to access justice and effective remedies. The Subcommittee is pleased to have the opportunity to contribute its comments to this important consultation process. The present contribution draws upon the decades of work by the Subcommittee on torture and other ill-treatment prevention worldwide.

A. Background

2. The Subcommittee was established under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment with a mandate to prevent torture and ill-treatment through an innovative, sustained and proactive approach. Central to the Subcommittee’s mandate is its role in visiting places of deprivation of liberty in States Parties to the Optional Protocol and its advisory role for national preventive mechanisms. The Subcommittee has conducted visits to places of deprivation of liberty, including places where children are or may be deprived of liberty, since 2007. During the visits, the Subcommittee delegation conducts private interviews with detained individuals, out of the sight and hearing of prison staff and government officials, and engages with government representatives, custodial staff, lawyers, doctors and other relevant stakeholders. The Subcommittee operates under strict confidentiality; its visit reports to States Parties remain confidential until the State Party requests their publication. The Subcommittee strongly encourages States Parties to publish the reports as it is of the opinion that this contributes to strengthening the prevention of torture and ill-treatment.

3. At the national level, the Optional Protocol entrusts national bodies, the national preventive mechanisms, with a visiting mandate similar to that of the Subcommittee, with the Subcommittee holding an important advisory role in relation to how the role of the mechanisms is discharged. The mechanisms’ mandate includes regular visits to places where children are or may be deprived of liberty. While the present submission is focused on the Subcommittee’s observations and recommendations following its own visits to States Parties and their places of deprivation of liberty, the Subcommittee would like to emphasize that, as national preventive mechanisms undertake more frequent and extensive visits to all types of establishments in a given country, such mechanisms possess valuable insights in relation to children’s rights to access justice and effective remedies around the world.¹ To this end, it must be highlighted that the Subcommittee considers its own mandate, as well as the mandates of the mechanisms, to visit all places where children are or may be deprived of liberty a vital safeguard in all systems of child justice. Consequently, the Subcommittee would like to submit that the ratification of the Optional Protocol and the establishment of an independent, properly functioning, well-resourced and professional mechanism is an important step for States to ensure a well-functioning child justice system.

4. In its general comment No. 1 (2024), the Subcommittee clarified questions that had arisen from States, national preventive mechanisms and other stakeholders about the definition of “places of deprivation of liberty”. It recommended, consistent with its practice, as extensive an interpretation as possible of the term, to maximize the preventive impact of its work and that of the mechanisms. This approach is aligned with the broad understanding of the term “deprivation of liberty” used by other United Nations and regional human rights bodies. In the general comment, the Subcommittee referred to places where children, even

¹ For a compilation of available annual reports received from national preventive mechanisms, see <https://www.ohchr.org/en/treaty-bodies/spt/annual-reports-received-subcommittee-national-preventive-mechanisms>.

those not in conflict with the law, may be held and from which they are not permitted, de jure or de facto, to leave. The Subcommittee emphasized that all such places constitute places of deprivation of liberty. Thus, preventive measures against torture and ill-treatment must also be applied to protect the children therein.

B. Contribution

5. From the outset, it must be recalled that children in conflict with the law are entitled to the same fundamental safeguards as adults, most notably the right to immediate contact with a lawyer of their own choosing from the moment of apprehension, the right to notify a third party of their detention, the right to an independent medical examination and, in the case of foreigners, the right to contact their diplomatic or consular representation and to appropriate translation services. These are fundamental not only to guard against arbitrary deprivation of liberty but also to prevent torture and other ill-treatment. In addition and specifically in relation to children, the Subcommittee has recommended that States Parties align their legislation on the child justice system with international standards by drawing on the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the general comments of the Committee on the Rights of the Child.² It is the Subcommittee's position that children, including those aged between 14 and 18 years, should not be tried in the adult justice system, regardless of the nature of the offence committed.³ To uphold these standards, it is crucial for States Parties to the Optional Protocol to enact specific national legislation for children in contact with the child justice system.⁴

6. The Subcommittee has also been clear that detention of children should be a measure of last resort limited to exceptional cases and has urged States Parties to promote alternatives to child detention and divert children from formal criminal justice process.⁵ Where detention is used, the Subcommittee has recommended that States Parties ensure that all detained children are separated from adults, benefit from a regime adapted to their needs in line with the best interests of the child, including with specially trained staff, and have access to educational and recreational opportunities equal to those available to children in the community, with a view to encouraging their social reintegration.⁶ The Subcommittee has also recommended that States Parties change their approach towards children in conflict with the law from punitive to preventive in order to avoid further stigmatization and criminalization.⁷

7. Furthermore, the Subcommittee has highlighted the following issues in its recommendations to States Parties regarding children deprived of liberty and their access to justice and effective remedies:

(a) *Fundamental legal safeguards.* These must be guaranteed from the moment of detention, including, but not limited to, the right to be informed of their rights and the reasons for their detention, the right to counsel, the right to a medical examination, the right to inform a relative or third person of their choice of their detention, and the right to be heard by a judge with a lawyer or a trusted adult present.⁸ Children should be informed of all these rights in a manner adapted to their level of understanding, and institutions and procedures should be formed in such a way as to allow children to avail themselves of these rights. In accordance

² CAT/OP/PAN/1, para. 108; and CAT/OP/ESP/1, para. 101.

³ CAT/OP/CYP/1, para. 37.

⁴ The Beijing Rules, rule 2.3; and Committee on the Rights of the Child, general comment No. 24 (2019), para. 41.

⁵ CAT/OP/BEN/3, para. 81; and CAT/OP/PRT/1, para. 40.

⁶ CAT/OP/MKD/1, para. 53; CAT/OP/LBR/ROSP/1, para. 77; and CAT/OP/MEX/2, para. 76.

⁷ CAT/OP/BRA/1, para. 132 (b); and CAT/OP/NIC/ROSP/1, para. 91 (2) (a).

⁸ CAT/OP/BEN/3, para. 81; CAT/OP/LBR/ROSP/1, para. 58; and CAT/OP/NIC/ROSP/1, para. 89.

with international standards, States must also ensure that parents are informed of the arrest, transfer, release, illness, accident or death of a child in detention;⁹

(b) *Alternative dispute resolution and community justice schemes.* These should be conducted only by properly trained mediators, in line with the best interests of the child, and with due oversight so that children are protected from any form of torture or ill-treatment;¹⁰

(c) *Judicial oversight.* Judges and prosecutors should conduct regular inspections of places of deprivation of liberty;¹¹

(d) *Access to complaints mechanisms.* Children deprived of liberty should have access to an independent and effective complaints mechanism in the event of torture or ill-treatment and protection against reprisals should be guaranteed.¹² States must ensure that the complaint procedures are adapted to children's needs and are child-friendly, accessible and reliable;¹³

(e) *Disciplinary sanctions.* Children subject to disciplinary sanctions should be informed of the alleged infraction in a manner appropriate to their full understanding, given a proper opportunity to present their defence, including the right of appeal to a competent impartial authority, and should be made aware of the type and duration of the sanction applied.¹⁴ With reference to rule 45 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and rule 67 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Subcommittee recommends that persons under the age of 18 years are never subject to solitary confinement, as this constitutes a form of ill-treatment and in some cases may amount to torture.¹⁵

⁹ CAT/OP/MEX/1, paras. 245 and 254. See also Convention on the Rights of the Child, arts. 37 (c) and 40 (2) (b); the Beijing Rules, rules 10.1 and 26.5; and United Nations Rules for the Protection of Juveniles Deprived of their Liberty, paras. 56 and 57.

¹⁰ CAT/OP/LBR/ROSP/1, para. 41.

¹¹ CAT/OP/NIC/ROSP/1, para. 89.

¹² Ibid.; and CAT/OP/BRA/1, para. 142.

¹³ CAT/OP/ROU/1, para. 54 (d).

¹⁴ CAT/OP/AUS/ROSP/1, para. 101.

¹⁵ Ibid., para. 74; CAT/OP/PRY/1, para. 185; and CAT/OP/POL/ROSP/1, para. 126.

Annex II

Submission to the Special Rapporteur on freedom of religion or belief following the call for input for a report on religion or belief and torture and other cruel, inhuman or degrading treatment or punishment

1. The Subcommittee welcomes the initiative of the Special Rapporteur on freedom of religion or belief to prepare a report on religion or belief and torture and other cruel, inhuman or degrading treatment or punishment. The Subcommittee is pleased to have the opportunity to respond to the Special Rapporteur's call for inputs on this pressing issue. The present contribution draws upon the two decades of the Subcommittee's work on torture and other ill-treatment prevention worldwide.

A. Background

2. The Subcommittee is a treaty body established under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment with a mandate to prevent torture and ill-treatment through an innovative, sustained and proactive approach. Central to the Subcommittee's mandate is its role in visiting places of deprivation of liberty in States Parties to the Optional Protocol and its advisory role for national preventive mechanisms. The Subcommittee has conducted visits to places of deprivation of liberty since 2007. During the visits, the Subcommittee delegation conducts private interviews with detained individuals, out of the sight and hearing of prison staff and government officials, and engages with government representatives, custodial staff, lawyers, doctors and other relevant stakeholders. The Subcommittee operates under strict confidentiality; its visit reports to States Parties remain confidential until the State Party requests their publication. The Subcommittee strongly encourages States Parties to publish the reports as it considers that this contributes to strengthening the prevention of torture and ill-treatment.

3. At the national level, the Optional Protocol entrusts national bodies, the national preventive mechanisms, with a visiting mandate similar to that of the Subcommittee, with the Subcommittee holding an important advisory role in relation to how the role of the mechanisms is discharged. The mechanisms' mandate includes regular visits to places where persons are deprived of liberty. While the present submission is focused on the Subcommittee's observations and recommendations following its own visits to States Parties and their places of deprivation of liberty, the Subcommittee would like to emphasize that, as national preventive mechanisms undertake more frequent and extensive visits to all types of establishments in a given country, such mechanisms possess valuable insights in relation to freedom of religion or belief and torture and other cruel, inhuman or degrading treatment or punishment around the world.¹ The Subcommittee is delighted to see that, in the call for inputs, the Special Rapporteur recognizes the importance of national preventive mechanisms in that regard. However, this is so only in respect to States with such mechanisms: the Subcommittee would like to submit that the ratification of the Optional Protocol and the establishment of an independent, properly functioning, well-resourced and professional national preventive mechanism is an important step for States to prevent torture and ill-treatment related to the freedom of religion or belief.

¹ For a compilation of available annual reports received from national preventive mechanisms, see <https://www.ohchr.org/en/treaty-bodies/spt/annual-reports-received-subcommittee-national-preventive-mechanisms>.

B. Contribution

4. The Subcommittee recognizes that the exercise of religious or other beliefs may expose individuals to risks of torture and ill-treatment, in particular in contexts where certain religions or beliefs are marginalized or repressed. Furthermore, the denial of the opportunity to practise religion or beliefs in detention could constitute, at a minimum, cruel, inhuman or degrading treatment or punishment, in particular for those whose faith is central to their identity, thus violating the fundamental human right to freedom of religion or belief that all individuals possess.

1. National legislation

5. Regarding national legislation, the Subcommittee has called attention to the fact that States' legal definition of torture must include all forms of discrimination, as set out in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; this includes discrimination on the ground of religion or belief. The Subcommittee considers that legislation that refers only to racial discrimination in its definition of torture is incomplete and non-compliant because it does not allow for the protection of people subjected to violence because of their presumed religious beliefs and practices, whether inside or outside places of deprivation of liberty. In this regard, the Subcommittee is mindful that the infliction of torture and other ill-treatment may arise, *inter alia*, through denial of possibilities to practise religion and denial of or acts against religious artifacts and other symbols central to a person's faith and other religious rituals, including prayer times and special dietary requirements.

2. Places of deprivation of liberty under article 4 of the Optional Protocol

6. In its general comment No. 1 (2024), the Subcommittee clarified questions that had arisen from States, national preventive mechanisms and other stakeholders about the definition of "places of deprivation of liberty". It recommended, consistent with its practice, as extensive an interpretation as possible of the term, to maximize the preventive impact of its work and that of the mechanisms. This approach is aligned with the broad understanding of the term "deprivation of liberty" used by other United Nations and regional human rights bodies.

7. In its general comment No. 1 (2024), the Subcommittee emphasized that deprivation of liberty could occur in a wide variety of contexts, including criminal justice, administrative, healthcare, social care and education, be they public or private settings, including religious settings. The Subcommittee also addressed disability-specific deprivation of liberty, which refers to situations where there may be no legal or administrative order confining persons with disabilities to a certain facility but the lack of support compels them to remain in living situations that deprive them of their liberty and may subject them to harmful practices. This form of disability-specific deprivation of liberty can occur in family homes and in institutional arrangements, including religious communities and prayer camps.²

8. Also in its general comment No. 1 (2024), the Subcommittee referred to special boarding or religious schools that could constitute places of deprivation of liberty.³ For example, the Subcommittee has visited *daaras* (traditional Qur'anic schools) because it considers that they are places where persons (in particular young children) are or could be deprived of their liberty, with the tacit consent of the State Party.

3. Observations regarding torture and ill-treatment in religious institutions

9. In its report to the national preventive mechanism of Senegal after its visit in 2019, the Subcommittee observed that it had learned that some *daaras* reportedly mistreated children and forced them to beg, with reports available in the public domain highlighting cases of ill-treatment in some *daaras* and cases of torture, rape and even violent death in

² General comment No. 1 (2024), para. 57.

³ *Ibid.*, para. 51. See also [CAT/OP/KGZ/2](#), para. 40.

others, which had been recorded by the authorities.⁴ The Subcommittee found that, at closed *daaras*, children were housed under the care of a religious teacher so that they could receive a free education, with the obligation to beg in order to bring in money or food to meet the needs of the school. The Subcommittee delegation was informed by the national preventive mechanisms that they did not visit *daaras* because they did not consider them to be within the scope of their mandate. The Subcommittee expressed its deep concern about the delegation's observations and clarified to the mechanisms that *daaras* came under their jurisdiction and mandate. This has been since made clear by the Subcommittee in its general comment No. 1 (2024). The Subcommittee recommended that the mechanisms visit those institutions, in exercise of its preventive mandate and with a view to assisting the State Party through targeted substantive recommendations aimed at preventing all ill-treatment, including forced begging.⁵ In this context, the Subcommittee also recalls the recommendations made by the Committee against Torture to Senegal in 2019 to enhance the application of national laws and conduct impartial and thorough investigations into acts of trafficking, ill-treatment and sexual abuse of children in *daaras* and other schools, and ensure that those responsible, including State agents who do not investigate such allegations, are prosecuted and, if convicted, punished with appropriate sanctions.⁶

10. Following other visits, the Subcommittee has also expressed serious concern at practices that amount to torture and other cruel, inhuman or degrading treatment and punishment at institutions or entities with religious affiliations that allegedly provide shelter for or "treat" people with psychosocial disabilities, homeless persons, people who use drugs, LGBTIQ+ persons or others, including those abandoned by their families. The Subcommittee has observed conditions in some institutions where individuals may have been deprived of water and food, beaten, tied up or placed in solitary confinement in the dark, in addition to a total absence of appropriate psychiatric care for persons with psychosocial disabilities. The Subcommittee has emphasized the importance of States legislating on the operation of any institution that deprives persons of their liberty, monitoring them regularly, introducing safeguards against arbitrary detention and putting an end to, as well as working to prevent, the ill-treatment to which individuals may be subjected therein.

4. Freedom of religion or belief in places of deprivation of liberty

11. The Subcommittee has emphasized in its visits that freedom of religion and belief should be respected in all places of deprivation of liberty⁷ and has made various recommendations to States Parties in this regard, including in the context of detainees' daily regimes and rehabilitation. For example, in Belize, it recommended that rehabilitation programmes and prison broadcasting systems respect the cultural and religious diversity of the prison population.⁸ In Kazakhstan, the Subcommittee recommended that prisoners be granted access to religious services, to books of religious observance and to instruction in prison in accordance with international norms, in particular rule 66 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).⁹ The Subcommittee has also taken into consideration whether States pay attention to religious considerations in providing meals.¹⁰

12. The principle of non-discrimination in the exercise of freedom of religion and belief has also been highlighted during the Subcommittee's visits. In Chile, the Subcommittee

⁴ See, inter alia, BFM TV, "Sénégal : le sort d'un élève battu à mort dans une école coranique scandalise le pays", 31 January 2020; Lucie Sarr, "Sénégal : un maître d'école coranique condamné pour avoir enchaîné ses élèves", La Croix, 5 December 2019; Human Rights Watch, "Off the backs of children: forced begging and other ill-treatment against talibés in Senegal", 15 April 2010; The Economist, "Thousands of children are abused in Senegal's religious schools", 13 June 2019; and Understanding Children's Work, *Enfants mendiants dans la région de Dakar*, Project Working Paper Series (2007).

⁵ CAT/OP/SEN/RONPM/1, paras. 30 and 31.

⁶ CAT/C/SEN/CO/4, para. 32 (b).

⁷ CAT/OP/KAZ/1, paras. 76 and 99; and CAT/OP/ARG/1, para. 40.

⁸ CAT/OP/BLZ/ROSP/1, para. 93.

⁹ CAT/OP/KAZ/1, para. 99. See also CAT/OP/MDV/ROSP/2, para. 61.

¹⁰ CAT/OP/MKD/1, para. 46; and CAT/OP/NZL/1, para. 76.

recommended taking the measures necessary to ensure that Mapuche people could observe their cultural traditions and customs in accordance with international standards in that area,¹¹ in the same manner as other specific groups of detainees who were allowed to practise their religions freely. The Subcommittee also recommended that healthcare protocols and facilities be adapted to ensure that Mapuche detainees who wished to use ancestral knowledge and medicine as an alternative or in addition to regular treatment could do so.¹² In Cyprus, the Subcommittee recommended that the practice of both men and women being able to visit detainees in a woman's detention facility during Christian festivals be extended to the festivals of other religions, when appropriate.¹³

5. Traditional justice systems

13. During its visit to Liberia in 2010, the Subcommittee observed that when "criminal" traditional justice was applied, it could lead to illegal or arbitrary detention, as well as torture or ill-treatment, such as flogging, burning and poisoning (which, in certain cases, had led to death). The Subcommittee emphasized that States Parties had a duty to promote and protect all human rights and fundamental freedoms, particularly those outlined in their international obligations, regardless of their social and cultural systems. While the Subcommittee acknowledged that social, cultural, and religious traditions might inform the development of national justice mechanisms, those traditions must not undermine or jeopardize the implementation of international human rights law. The Subcommittee recommended that States Parties align their specific traditions with their international obligations and ensure that any traditional justice systems be subject to review and oversight by official judicial authorities to prevent illegal detention and torture or ill-treatment.¹⁴

¹¹ International Covenant on Civil and Political Rights, art. 27; International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), art. 5; and United Nations Declaration on the Rights of Indigenous Peoples, arts. 11, 12, 31 and 34.

¹² CAT/OP/CHL/1, paras. 121 and 122.

¹³ CAT/OP/CYP/1, paras. 44 and 45.

¹⁴ CAT/OP/LBR/1, paras. 95–97.