



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

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## Committee against Torture

### List of issues prior to submission of the seventh periodic report of Argentina\*

#### Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee’s previous recommendations

##### Issues identified for follow-up in the previous concluding observations

1. In its previous concluding observations (CAT/C/ARG/CO/5-6, para. 43),<sup>1</sup> the Committee requested the State party to provide information on follow-up to the recommendations that claims of murder, torture, arbitrary detention and abuse by the security forces should be investigated and perpetrators duly punished (para. 14 (a)); that the State party should proceed with setting up the National Committee for the Prevention of Torture and local mechanisms (para. 26); and that a national register containing information from the country’s courts on cases of torture and ill-treatment should be established (para. 32). Noting that a response to this request for information was received on 11 May 2018 (CAT/C/ARG/CO/5-6/Add.1) and with reference to the letter dated 23 October 2018 from the Rapporteur for follow-up to concluding observations, the Committee considers that the recommendations contained in paragraphs 14 (a), 26 and 32 of the previous concluding observations have been partially implemented (see paras. 4, 22 and 27 below).

##### Articles 1 and 4

2. With reference to the Committee’s previous concluding observations (paras. 9–10), please provide information on any legislative measures taken or planned to bring the content of article 144 *ter* of the Criminal Code into line with article 1 of the Convention by specifying the purpose of the conduct in question and including among the perpetrators of the offence other persons acting in an official capacity or at the instigation or with the consent or acquiescence of a public official.<sup>2</sup>

\* Adopted by the Committee between sessions (7 May 2020).

<sup>1</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to the previous concluding observations adopted by the Committee.

<sup>2</sup> A/HRC/40/59/Add.2, para. 9.



**Article 2<sup>3</sup>**

3. With reference to the previous concluding observations (paras. 13–14), please report on measures taken to prevent discriminatory and abusive practices in the context of police arrest and detention,<sup>4</sup> for example, restricting the use of arrest without a warrant to situations of flagrante delicto.<sup>5</sup> Please also specify the measures taken to ensure that persons deprived of their liberty enjoy, in practice and from the outset of their detention, all fundamental legal safeguards, including in cases of flagrante delicto, especially the right to be informed of their rights and the reasons for their arrest, the right to receive legal assistance and the right to be brought immediately before a judge.<sup>6</sup> Please also report on measures taken to check that police records indicate the time of arrest and transfer and the precise duration of police custody.<sup>7</sup> Please specify the number of sanctions imposed, by jurisdiction, on officials who have failed to record data or to observe fundamental safeguards.

4. In accordance with the previous concluding observations (paras. 25–28) and the letter from the Rapporteur for follow-up to concluding observations,<sup>8</sup> please provide information on measures taken or planned to ensure that the persons appointed to the National Committee for the Prevention of Torture do not occupy positions that might give rise to conflicts of interest, and to ensure that the national preventive mechanism enjoys full institutional, political and financial independence, in line with the Optional Protocol to the Convention and the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>9</sup> Please provide up-to-date information on the number of provinces that lack local mechanisms, as well as on the measures that will be taken in order to overcome the obstacles to establishing such mechanisms and in order to provide the necessary resources for them to function.<sup>10</sup> Please clarify whether all detention monitoring bodies, including the Office of the Ombudsman for the Prison System and the Chief Public Defender's Office, have free and unhindered access to all places of deprivation of liberty, including police stations.<sup>11</sup>

5. With reference to the previous concluding observations (paras. 39–40), please provide information on the measures taken since 2017 to prevent, combat and punish femicide, trafficking and other forms of violence against women, girls and adolescents,<sup>12</sup> particularly with regard to cases involving acts or omissions on the part of State authorities or other entities that engage the State party's responsibility under the Convention.<sup>13</sup> Please include statistical data, disaggregated by year and by the age group of the victim (minor/adult), the ethnic origin or nationality of the victim and the relationship between the victim and the perpetrator, on the number of complaints, investigations, prosecutions, convictions and judgments in cases of gender-based violence or trafficking since 2017. Please indicate whether hospital protocols for access to legal abortion have been adopted in all provinces in order to combat the ill-treatment of women seeking reproductive health services.<sup>14</sup> Please clarify whether there are plans to amend the Criminal Code in order to guarantee legal, safe and effective access to voluntary termination of pregnancy when

<sup>3</sup> The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2 by States parties, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent such ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also chapter V of the same general comment.

<sup>4</sup> A/HRC/39/45/Add.1, paras. 26–28 and 71.

<sup>5</sup> A/HRC/40/59/Add.2, para. 84 (r).

<sup>6</sup> *Ibid.*, paras. 28, 39 and 84 (d), A/HRC/39/45/Add.1, paras. 39 and 54, and A/HRC/37/5, para. 107.44.

<sup>7</sup> A/HRC/40/59/Add.2, para. 84 (c).

<sup>8</sup> Letter of 23 October 2018.

<sup>9</sup> A/HRC/40/59/Add.2, paras. 10 and 84 (j), and A/HRC/37/5, paras. 107.64–107.66.

<sup>10</sup> A/HRC/40/59/Add.2, paras. 10 and 84 (j), and A/HRC/37/5, paras. 107.49 and 107.62–107.63.

<sup>11</sup> A/HRC/40/59/Add.2, para. 84 (k) and (m), and A/HRC/39/45/Add.1, para. 80 (b).

<sup>12</sup> E/C.12/ARG/CO/4, paras. 39–40, and CRC/C/ARG/CO/5-6, paras. 24 and 25 (d) and (e).

<sup>13</sup> CMW/C/ARG/CO/2, paras. 50–51.

<sup>14</sup> E/C.12/ARG/CO/4, paras. 55–56.

carrying the pregnancy to term could cause the pregnant woman or girl substantial harm or suffering, especially in cases where the pregnancy is not viable.<sup>15</sup>

### Article 3

6. In view of the previous concluding observations (paras. 33–34), please describe the legislative and other measures taken with a view to repealing the Decree of Necessity and Emergency No. 70/2017<sup>16</sup> and in order to ensure that persons subject to expulsion are granted enough time to challenge the expulsion decision at the administrative and judicial levels and have immediate access to legal assistance in proceedings before any court during the expulsion process.<sup>17</sup> Please clarify whether protocols for action at the State party's borders have been adopted in order to ensure that potential asylum seekers who enter the country illegally are identified and referred to the national asylum system<sup>18</sup> and that potential asylum seekers in situations of vulnerability, including victims of torture, human trafficking or gender-based violence, are identified so that no person is returned to a country where he or she would be in danger of torture.

7. Please provide statistical information for the period since 2017, disaggregated by year and by the sex, country of origin or nationality, and age group (minor/adult) of the victim, regarding: (a) the number of asylum applications registered; (b) the number of applications for asylum or other forms of humanitarian protection approved and the number of asylum seekers whose applications were granted because they had been tortured or ran the risk of being tortured if returned; (c) the number of persons who were returned, extradited or expelled, indicating the grounds on which they were returned and providing a list of the countries of destination; and (d) the number of appeals filed against expulsion decisions on the basis that the applicants could be in danger of being subjected to torture or ill-treatment in their countries of origin, and the results of those appeals. Please indicate whether the State party has put in place mechanisms to monitor the situation of vulnerable individuals and groups in receiving countries after their return.

8. Please indicate the number of persons returned, extradited or expelled by the State party since 2017 on the basis of diplomatic assurances or the equivalent thereof, as well as the number of cases in which the State party has provided diplomatic assurances or guarantees. Please describe the minimum required content of these assurances or guarantees, whether given or received, and the arrangements made for subsequent monitoring in these cases.

### Articles 5–9

9. Please indicate whether torture and the related offences mentioned in article 4 of the Convention are extraditable offences and whether they are covered in extradition treaties concluded with other States parties. Please provide information on cases in which the State party agreed to extradite a person for torture or related offences and on cases in which the State party rejected, for any reason, another State's request for the extradition of a person suspected of having committed acts of torture, indicating whether the State party subsequently prosecuted the person concerned.

10. Please clarify what mutual judicial assistance treaties or agreements the State party has entered into with other entities, such as countries, international tribunals or international institutions, and whether these treaties or agreements have led in practice to the transfer of any evidence in connection with trials concerning acts of torture or ill-treatment.

### Article 10

11. Taking into account the previous concluding observations (paras. 29–30), please provide information on training programmes conducted by the State party since 2017 with a view to ensuring that all public officials, including, in particular, members of the armed forces, law enforcement officials, prison officers and immigration and border control

<sup>15</sup> A/HRC/35/30/Add.3, para. 85 (b) and (d), and A/HRC/37/5, paras. 107.102–107.112.

<sup>16</sup> CRC/C/ARG/CO/5-6, para. 39, CMW/C/ARG/CO/2, paras. 11, 30 and 31 (a), and A/HRC/39/45/Add.1, para. 66.

<sup>17</sup> CMW/C/ARG/CO/2, para. 11.

<sup>18</sup> Ibid.

officers: (a) have a full understanding of the provisions of the Convention and are aware that violations will not be tolerated and will be investigated, and that those responsible will be prosecuted; (b) treat members of vulnerable groups appropriately;<sup>19</sup> (c) have an understanding of the principle of non-refoulement and the rules relating to the identification of applicants who may be victims of torture, gender-based violence or human trafficking;<sup>20</sup> and (d) have an understanding of the principles of precaution, proportionality and necessity that govern the use of force, and non-coercive techniques of investigation<sup>21</sup> and prisoner management. Please indicate whether this training is mandatory or optional, how often such training is provided, how many officials have received such training as a proportion of the total number of officials, and what plans there are to train the remainder. Please also clarify whether the State party has developed a methodology to assess the effectiveness and impact of its training programmes in reducing the incidence of torture and ill-treatment and, if so, please provide information on that methodology.

12. Taking into account the previous concluding observations (paras. 29–30), please provide information for the period since 2017 on training programmes for judges, prosecutors, forensic doctors and medical personnel who deal with persons deprived of their liberty, to enable them to detect and document the physical and psychological sequelae of torture, to improve the quality of investigations, to properly classify such acts<sup>22</sup> and to avoid revictimization during investigations. Please indicate whether these programmes include specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).<sup>23</sup>

#### Article 11

13. With reference to the previous concluding observations (paras. 15–18), please describe the legislative and other measures taken to limit the use and the duration of pretrial detention, in law and in practice,<sup>24</sup> especially in cases involving children and adolescents in conflict with the law.<sup>25</sup> Please also provide information on initiatives designed to reduce the national incarceration rate and prison overcrowding,<sup>26</sup> specifying the results achieved in each jurisdiction and the measures aimed at promoting the use of non-custodial alternatives both before and after trial, especially for pregnant women and women with children<sup>27</sup> and in the case of non-violent crimes.<sup>28</sup> In the light of decisions No. 420/2018 and No. 184/2019, which, among other things, allow for dual occupancy of single cells, please explain what criteria have been developed for determining the maximum capacity of each prison<sup>29</sup> and explain to what extent these criteria are in line with international standards on habitability. Please clarify whether the use of police premises for long-term detention has ceased.<sup>30</sup> Please state whether a single national register of persons deprived of their liberty, covering both federal and provincial jurisdictions,<sup>31</sup> with data disaggregated by jurisdiction and by the procedural status, sex, age group (minor/adult) and nationality of the detainee, has been established. In this regard, please provide annual statistical data for the period since 2017, including the information mentioned above, on prison capacity, the number of persons tried and convicted, and the occupancy rate of each detention centre. Please provide information on measures taken to ensure the separation of pretrial detainees from convicted prisoners

<sup>19</sup> A/HRC/40/59/Add.2, para. 85 (i).

<sup>20</sup> *Ibid.* and CRC/C/ARG/CO/5-6, para. 42 (b).

<sup>21</sup> A/HRC/40/59/Add.2, paras. 21 and 84 (f).

<sup>22</sup> *Ibid.*, para. 25.

<sup>23</sup> *Ibid.*, paras. 84 (i) and 86 (d).

<sup>24</sup> *Ibid.*, para. 84 (n), (o) and (p), A/HRC/39/45/Add.1, paras. 30–32, and A/HRC/37/5, paras. 107.45 and 107.50.

<sup>25</sup> A/HRC/40/59/Add.2, paras. 69 and 87 (a), CRC/C/ARG/CO/5-6, paras. 43–44, and A/HRC/39/45/Add.1, paras. 48–49.

<sup>26</sup> A/HRC/37/5, paras. 107.49 and 107.52–107.58.

<sup>27</sup> A/HRC/40/59/Add.2, paras. 78 and 89 (a), A/HRC/39/45/Add.1, para. 38, A/HRC/35/30/Add.3, para. 87, and A/HRC/37/5, para. 107.60.

<sup>28</sup> A/HRC/39/45/Add.1, para. 83 (a).

<sup>29</sup> A/HRC/40/59/Add.2, paras. 35 and 85 (c).

<sup>30</sup> *Ibid.*, paras. 19 and 84 (q), A/HRC/39/45/Add.1, paras. 39 and 74, and A/HRC/37/5, paras. 107.42–107.43.

<sup>31</sup> CAT/C/ARG/CO/5-6/Add.1, paras. 43–46.

and specify in which places of deprivation of liberty detainees are not yet separated in this way.<sup>32</sup>

14. With reference to the previous concluding observations (paras. 15–16, 21–22 and 35–36), please provide information on the policies and measures adopted with a view to improving the conditions of detention in police stations and prisons.<sup>33</sup> Please also provide information on measures taken to improve forensic medical capacities and programmes for detainees suffering from chronic or infectious diseases or mental illnesses in places of detention<sup>34</sup> and to ensure that detainees are transferred to outside hospitals where necessary.<sup>35</sup> Please also describe the measures taken to improve programmes designed to ensure access to health care for pregnant women and/or women with children.<sup>36</sup> Please clarify whether prison medical services have been placed under the authority of the Ministry of Health and Social Development or the relevant provincial ministry of health.<sup>37</sup>

15. With reference to the previous concluding observations (paras. 23–24), please provide information on measures taken to ensure that medical examinations of detainees, including prison intake examinations, are invariably conducted and recorded with due respect for confidentiality by an independent doctor, who may be chosen by the detainee and who has received training on the Istanbul Protocol.<sup>38</sup> Please clarify whether the medical registration forms that are used meet the recommendations contained in the Istanbul Protocol and whether photographic documentation of trauma injuries is routine practice, as recommended by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment after his visit to Argentina.<sup>39</sup>

16. Taking into account the previous concluding observations (paras. 11–12 and 19–20), please provide information on measures taken to ensure that solitary confinement is applied on the basis of a procedure that guarantees due process<sup>40</sup> and meets international standards,<sup>41</sup> and that the use of sedatives to control detainees is prohibited in all cases.<sup>42</sup> Please also provide information on measures taken to exercise strict supervision of body search procedures and procedures carried out upon entry to detention centres, in order to ensure that they are not degrading for detainees or visitors, especially those in situations of particular vulnerability,<sup>43</sup> and measures taken to ensure that intrusive searches are conducted only in exceptional cases and by staff of the same sex/gender as the person being searched.<sup>44</sup> Please also provide information on measures taken to ensure that, to the extent possible, prisoners are held in establishments close to their homes and that the need for transfers is monitored by the competent authority.<sup>45</sup>

17. With reference to the previous concluding observations (paras. 11–12 and 27–28), please provide information on steps taken to assess the practice of torture and ill-treatment in federal and provincial police stations and detention facilities,<sup>46</sup> as well as the issue of inter-prisoner violence,<sup>47</sup> with a view to developing prevention policies and control mechanisms.<sup>48</sup> Please also provide information on measures taken to prevent and eliminate the use of physical and psychological punishment, isolation and excessive disciplinary measures against children and adolescents in educational facilities,<sup>49</sup> such as the Esperanza

<sup>32</sup> A/HRC/40/59/Add.2, para. 33, A/HRC/39/45/Add.1, para. 33, and A/HRC/37/5, para. 107.59.

<sup>33</sup> A/HRC/40/59/Add.1, paras. 43–44, CRC/C/ARG/CO/5-6, paras. 43–44, and A/HRC/37/5, paras. 107.51–107.53 and 107.56–107.58.

<sup>34</sup> A/HRC/40/59/Add.2, paras. 48 and 85 (d).

<sup>35</sup> *Ibid.*, paras. 48 and 85 (f).

<sup>36</sup> *Ibid.*, paras. 79–80 and 89 (b), and A/HRC/37/5, para. 107.61.

<sup>37</sup> *Ibid.*, paras. 51 and 85 (d).

<sup>38</sup> *Ibid.*, para. 50.

<sup>39</sup> *Ibid.*, paras. 84 (h) and 85 (e).

<sup>40</sup> *Ibid.*, paras. 50 and 85 (j), and A/HRC/39/45/Add.1, paras. 43–45.

<sup>41</sup> A/HRC/40/59/Add.2, para. 50.

<sup>42</sup> A/HRC/39/45/Add.1, paras. 44 and 84 (c).

<sup>43</sup> A/HRC/40/59/Add.2, para. 60.

<sup>44</sup> *Ibid.*, para. 38.

<sup>45</sup> *Ibid.*, paras. 62 and 85 (l).

<sup>46</sup> *Ibid.*, para. 19, and A/HRC/37/5, para. 107.41.

<sup>47</sup> A/HRC/40/59/Add.2, para. 66.

<sup>48</sup> CAT/C/ARG/CO/5-6/Add.1, para. 4.

<sup>49</sup> *Ibid.*

complex,<sup>50</sup> and violent methods of physical restraint, particularly in Córdoba Province.<sup>51</sup> Please clarify whether measures have been taken to enhance the professionalism of prison staff and the transparency of prison operations, including by establishing a clear distinction between security functions and the treatment of prisoners, and to combat corruption.<sup>52</sup> Please also provide information on the number of cases recorded per year since 2017 of inter-prisoner violence in prisons and juvenile detention centres, including cases of possible negligence by officials, and the results of any investigations into those cases.

18. In follow-up to the previous concluding observations (paras. 21–22) and communication No. 778/2016,<sup>53</sup> please clarify whether impartial and independent forensic medical examinations are carried out in cases where a person is alleged to have suffered torture or ill-treatment resulting in death.<sup>54</sup> Please provide statistical information on the number of deaths in custody since 2017, in both federal and provincial detention facilities, including mental health institutions and police detention centres, disaggregated by year, place of detention, sex, age group (minor/adult) and ethnic origin or nationality of the deceased and cause of death, specifying the number of deaths attributed to assaults committed by or with the consent of public officials. Please specify in which cases administrative inquiries and/or judicial investigations were opened in order to determine whether public officials were responsible and describe the outcomes of those investigations and the measures taken to prevent similar cases from occurring in the future. Please indicate whether relatives of the deceased received compensation in any of the cases. Please provide information, in particular, on the progress made in the investigations into the deaths of: (a) Roberto Agustín Yrusta on 7 February 2013;<sup>55</sup> (b) Daniel Ricardo Oblita Flores in block No. 12 of unit No. 6 of the Rawson federal prison on 23 January 2018; (c) 10 people in a fire that broke out at police station No. 3 in Esteban Echeverría, Buenos Aires Province, on 15 November 2018; (d) Patricia Solorza Córdoba in prison unit No. 47 in San Martín on 5 August 2019; and (e) Matías Iberra in police station No. 2 in Merlo, Buenos Aires Province, on 1 July 2019. Please also provide information on the implementation of the programme for suicide prevention, fire prevention and control and the prevention of violent deaths and specify the detention centres in which it is not being implemented.<sup>56</sup>

19. Please explain the procedural and substantive guarantees that apply to persons with psychosocial disabilities who are placed in institutions on a voluntary or involuntary basis.<sup>57</sup> Please describe any community-based arrangements that offer an alternative to the institutionalization of these persons, such as community-based rehabilitation services and other outpatient treatment programmes.<sup>58</sup> Please also provide information on measures taken to systematically monitor the living conditions and treatment of children and adolescents in residential care<sup>59</sup> and persons with psychosocial disabilities in psychiatric institutions<sup>60</sup> and, specifically, to ensure that the persons residing in Alejandro Korn neuropsychiatric hospital in La Plata<sup>61</sup> and Carolina Tobar García hospital in Buenos Aires enjoy adequate conditions and treatment. Please provide information on the outcome of the investigations into the cases of physical, sexual, psychological and verbal abuse at Carolina Tobar García hospital that came to light in 2015, and clarify whether the staff members responsible have been dismissed.<sup>62</sup> Please also provide information on measures taken to prevent the use of physical and chemical means of restraint and other non-consensual coercive medical measures.<sup>63</sup>

<sup>50</sup> A/HRC/40/59/Add.2, para. 73.

<sup>51</sup> Ibid., para. 22.

<sup>52</sup> CAT/C/ARG/CO/5-6/Add.1, para. 4, and A/HRC/40/59/Add.2, paras. 46 and 63.

<sup>53</sup> *Yrusta and Del Valle Yrusta v. Argentina* (CAT/C/65/D/778/2016).

<sup>54</sup> Ibid., para. 9 (d).

<sup>55</sup> Ibid., para. 9 (a), (b) and (c).

<sup>56</sup> A/HRC/40/59/Add.2, para. 55.

<sup>57</sup> E/C.12/ARG/CO/4, paras. 53–54.

<sup>58</sup> A/HRC/40/59/Add.2, para. 77.

<sup>59</sup> Ibid.

<sup>60</sup> CRC/C/ARG/CO/5-6, paras. 21 (a) and 22 (a).

<sup>61</sup> A/HRC/40/59/Add.2, para. 75.

<sup>62</sup> CRC/C/ARG/CO/5-6, paras. 21 (a) and 22 (a).

<sup>63</sup> A/HRC/40/59/Add.2, para. 76.

20. With reference to the previous concluding observations (paras. 33–34), please describe the legislative and other measures taken to ensure that migrants are placed in administrative detention only as a measure of last resort, after less invasive alternative measures have been considered and exhausted, and where such detention has been deemed necessary and proportionate. Please clarify whether decisions to impose administrative detention are periodically reviewed and whether it is possible to challenge the lawfulness and proportionality of such decisions and the duration of the detention they impose. Please provide annual statistical data for the period since 2017, disaggregated by the sex, age group (minor/adult) and nationality of the detainee, on the number of persons detained for migration-related reasons, the maximum and average length of detention each year and the proportion of cases per year in which alternatives to detention were used.

### Articles 12–13

21. With reference to the previous concluding observations (paras. 29–30), please provide information on measures to increase the effectiveness and independence of mechanisms for the investigation of torture and to ensure that there is no hierarchical or institutional connection between alleged perpetrators and investigators,<sup>64</sup> including by ensuring that initial examinations in such cases are carried out by officials from outside the security and prison services. In this regard, please clarify whether the State party has considered establishing an independent judicial police force under the authority of the Attorney General's Office, as recommended by the Committee in its previous concluding observations. Please also describe the measures taken to ensure that the authorities fulfil their duty to investigate and prosecute cases of torture *ex officio*<sup>65</sup> and clarify whether alleged perpetrators of torture and ill-treatment are automatically suspended from their functions while the investigation is being conducted and/or prohibited from further contact with the alleged victim.

22. Please clarify whether the Act on Safeguarding the Rights of Crime Victims (Act No. 27372) applies to victims of torture, and describe the mechanisms in place to protect complainants and their families, witnesses and investigators from any form of intimidation or reprisals arising as a consequence of complaints submitted, and the impact of these mechanisms.<sup>66</sup> Please clarify whether the State party has amended its criminal procedure legislation to allow persons with victim status to participate in criminal investigative proceedings concerning allegations of torture or ill-treatment, whether as complainants or in any other special capacity.<sup>67</sup>

23. Taking into account the previous concluding observations (paras. 11–12 and 31–32) and the letter from the Rapporteur for follow-up to concluding observations,<sup>68</sup> please clarify whether the State party has established a system for the national-level collection of statistical data that includes information from national courts on cases of torture and the measures of redress provided.<sup>69</sup> Please provide annual statistical data for the period since 2017, disaggregated by the sex, age group (minor/adult) and ethnic origin or nationality of the victim and the service to which the accused person belongs, on complaints of actual or attempted acts of torture and ill-treatment and complicity, participation or acquiescence in such acts during the period under review. Please include information on investigations carried out *ex officio* or at the request of a party, disciplinary and criminal proceedings, decisions to stay proceedings or to set aside a case, convictions and the criminal or disciplinary sanctions applied.

24. With reference to the previous concluding observations (paras. 37–38), please provide up-to-date information on the measures taken and the resources provided in order to expedite the processing and adjudication of the remaining cases of crimes against humanity committed during the last civilian-military dictatorship.<sup>70</sup> Please describe the

<sup>64</sup> *Ibid.*, para. 86 (b), and A/HRC/37/5, paras. 107.46 and 107.63.

<sup>65</sup> A/HRC/40/59/Add.2, para. 26.

<sup>66</sup> *Ibid.*

<sup>67</sup> *Yrusta and Del Valle Yrusta v. Argentina*, para. 9 (d).

<sup>68</sup> Letter of 23 October 2018.

<sup>69</sup> A/HRC/40/59/Add.2, paras. 25 and 85 (a), and A/HRC/39/45/Add.1, para. 47.

<sup>70</sup> A/HRC/40/59/Add.2, paras. 12–13 and 86 (e), and A/HRC/37/5, paras. 107.70–107.72 and 109 (b).

progress made since 2017 in the processing of such cases, and indicate what kind of sentence enforcement measures have been taken in cases of this kind.<sup>71</sup>

#### Article 14

25. In view of the previous concluding observations (paras. 41–42), please provide information on the measures of redress and compensation, including means of rehabilitation, ordered by the courts and actually provided to victims of torture or their families since 2017. This information should include the number of requests for compensation that have been made, the number of requests granted and the amounts awarded and actually disbursed in each case. Please describe the progress made during the period under review in the area of redress and compensation for victims of human rights violations committed during the last civilian-military dictatorship.<sup>72</sup>

26. Please also provide information on measures taken to expand existing rehabilitation programmes for victims of torture and ill-treatment, including those providing for the treatment of trauma and for other forms of redress, and on the resources allocated to these programmes to ensure their effective functioning.

#### Article 15

27. Please provide information on measures taken to ensure that confessions, testimonies and other information obtained through ill-treatment cannot be used as evidence in any judicial, administrative or other proceedings.<sup>73</sup> Please provide examples of cases that were dismissed by the courts during the period under review owing to the introduction of evidence or testimony obtained by means of torture or ill-treatment.

#### Article 16

28. Taking into account the previous concluding observations (paras. 13–14 and 35–36) and the letter from the Rapporteur for follow-up to concluding observations,<sup>74</sup> please describe the measures taken to counter police brutality and profiling and the excessive use of force and firearms by law enforcement officers,<sup>75</sup> including extrajudicial killings and enforced disappearances. In this regard, please provide annual data, disaggregated by the type of offence and the sex, age group and ethnic origin or nationality of the victim, on the number of cases recorded since 2017 of excessive use of force, extrajudicial killings, enforced disappearances or any other offence motivated by hatred or intolerance towards certain groups committed by public officials, and the number of related prosecutions, convictions and penalties. Please describe, in particular, the outcome of the investigations and the redress provided in connection with: (a) the attempted murder of Lucas Cabello; (b) the attacks by the police and the Gendarmería Nacional on members of the Vuelta del Río – Pu Lof Mapuche community in the Cushamen Department in January 2017, the alleged enforced disappearance of Santiago Maldonado from the same community on 1 August 2017 and the death of Rafael Nahuel during an operation led by the Argentine Naval Prefecture in Villa Mascardi, Río Negro Province, on 25 November 2017; and (c) the alleged excessive use of force during demonstrations in Buenos Aires such as the women's march on 8 March 2018, the teachers' demonstrations in April 2017, the demonstrations against the pension reform on 14 and 18 December 2017 and the protests on 5 March 2018 regarding the extradition to Chile of the Mapuche leader Facundo Jones Huala.<sup>76</sup>

29. Please provide information on any measures taken to provide effective assistance and protection to civil society representatives who are at risk, to investigate offences committed against them and to punish the perpetrators of acts of intimidation and violence directed at them.<sup>77</sup> Please indicate how many complaints of acts of violence and

<sup>71</sup> A/HRC/40/59/Add.2, para. 12.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid., para. 84 (e).

<sup>74</sup> Letter of 23 October 2018.

<sup>75</sup> A/HRC/40/59/Add.2, para. 17, CRC/C/ARG/CO/5-6, paras. 21 (c) and 22 (c), A/HRC/39/45/Add.1, para. 50, and A/HRC/37/5, paras. 107.38 and 107.47–107.48.

<sup>76</sup> A/HRC/40/59/Add.2, para. 16.

<sup>77</sup> E/C.12/ARG/CO/4, paras. 16–17.

intimidation committed against members of these groups have been registered each year since 2017, specifying the cases in which the alleged perpetrators are public officials.

**Other issues**

30. Considering that the prohibition of torture is absolute and non-derogable, including in the context of measures related to states of emergency and other exceptional circumstances, please provide information on the measures taken by the State party during the coronavirus disease (COVID-19) pandemic to ensure that its policies and actions respect its obligations under the Convention. Please also specify what steps have been taken with regard to persons deprived of their liberty and in places of confinement such as nursing homes, hospitals and institutions for persons with intellectual and psychosocial disabilities.

**General information on other measures and developments relating to the implementation of the Convention in the State party**

31. Please provide information on any other legislative, administrative, judicial or other measures taken since the consideration of the previous periodic report to give effect to the provisions of the Convention or the Committee's recommendations. This may include information on institutional developments, plans or programmes and, in particular, information on resource allocations and statistical or any other data that the State party considers relevant.

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