



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

Distr.: General  
12 December 2024

Original: English  
English, French and Spanish only

## Committee against Torture

### List of issues prior to submission of the initial report of San Marino\*

#### Specific information on the implementation of articles 1–16 of the Convention

##### Articles 1 and 4

1. Please provide information as to whether torture exists as a distinct criminal offence in the State party's domestic legislation, along with information indicating the extent to which the prohibition of torture in domestic legislation fully encompasses the definition of torture contained in article 1 of the Convention. Please include information on measures taken to explicitly criminalize attempts to commit torture and acts constituting complicity or participation in torture and to define them as acts of torture. If torture does not exist as a distinct criminal offence in the State party's domestic legislation, please inform the Committee about the existence of criminal or legislative provisions that cover all cases of torture and the associated penalties. Has the State party taken steps to ensure that acts amounting to torture are not subject to any statute of limitations? Please provide specific examples of and statistical data on cases, if any, in which the provisions of the Convention have been invoked before the courts.

##### Article 2<sup>1</sup>

2. Please provide information on measures taken by the State party and on the procedures in place to ensure that all detained persons are afforded, in law and in practice, all fundamental legal safeguards against torture and ill-treatment from the outset of their deprivation of liberty, in particular the right to have access to a lawyer or, if necessary, to free legal aid; the right to request and receive an examination by an independent medical doctor, free of charge, or by a medical doctor of their choice; the right to be informed of their rights and the charges against them; the right to have their detention recorded in a registry; the right to notify a relative or any other person of their choice of their arrest; and the right to be brought promptly before a judge, regardless of the reasons for their arrest.

3. Please provide information on any steps taken by the State party to establish an independent national institution for the promotion and protection of human rights, with an appropriate mandate and adequate financial and staffing resources, that is fully compliant

\* Adopted by the Committee at its eighty-first session (28 October–22 November 2024).

<sup>1</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, 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 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 section V of the same general comment.



with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please also indicate whether the State party intends to ratify the Optional Protocol to the Convention and establish a national preventive mechanism against torture.

4. Please provide information on the legislative, administrative and other measures taken to eliminate all forms of violence against women, including domestic and sexual violence. Please also provide information on the protection and support services available to victims of gender-based violence in the State party. Please include statistical data on the number of complaints of gender-based violence and on the investigations, prosecutions, convictions and sanctions resulting from those complaints since the entry into force of the Convention for the State party. Please inform the Committee about the measures taken to amend national legislation in order to specifically decriminalize abortion under certain circumstances, such as pregnancies that are the result of rape.<sup>2</sup>

5. Please provide information on the laws and procedures in place to prevent trafficking, including for the purposes of forced labour and prostitution, particularly with regard to women and children. Please describe, where applicable, the support and rehabilitation measures for victims and the measures taken or planned to raise awareness of this problem among law enforcement officials. Please also provide information on any judicial decisions pertaining to cases of trafficking or related offences.

### **Article 3**

6. Please describe the measures taken during the period under review to ensure that no person is returned to a country where he or she would be in danger of torture. Please indicate the procedure followed when a person invokes that right and whether individuals facing expulsion, return or extradition are informed that they have the right to seek asylum and to appeal a deportation decision. If so, please indicate whether such an appeal has suspensive effect. Please provide information, disaggregated by gender, age and country of origin, on the number of persons who have been returned, extradited or expelled during the period under review. Please provide details of the grounds on which they were sent back and the list of countries to which they were returned. Please provide information on the types of appeal mechanisms that may exist, on any appeals that have been made and on the outcome of those appeals. Please provide information on steps taken by the State party to ensure the application of an approach during the refugee status determination procedure that allows for the identification of victims of torture among asylum-seekers. Please provide statistical data, disaggregated by the gender, country of origin and age group of persons seeking asylum, on: (a) the number of asylum applications registered; and (b) the number of successful applications for asylum or other forms of humanitarian protection, specifying, where appropriate, the number of persons whose applications were accepted because they had been tortured or might be tortured if returned to their country of origin.

7. Please indicate the number of refoulements, extraditions and expulsions carried out by the State party during the reporting period on the basis of the acceptance of diplomatic assurances or the equivalent thereof, as well as any instances in which the State party has offered such diplomatic assurances or guarantees. What are the minimum contents of any such assurances or guarantees, whether given or received, and what measures have been taken in such cases with regard to subsequent monitoring?

8. Please provide information regarding any discussions in the State party relating to the ratification of the Convention relating to the Status of Refugees and the Protocol thereto. Please provide information on measures taken by the State party to combat statelessness, including any steps taken towards the ratification of the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, as accepted by the State party in the context of the universal periodic review.<sup>3</sup>

---

<sup>2</sup> [CCPR/C/SMR/CO/3](#), paras. 14 and 15.

<sup>3</sup> [A/HRC/43/9](#), para. 119.16; and [A/HRC/43/9/Add.1](#), para. 4.

## Articles 5–9

9. Please provide information on any legislation or measures that have been adopted to implement article 5 of the Convention. Please inform the Committee of any extradition treaties concluded with other States parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such treaties. Please describe the measures taken by the State party to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*) and any cases where this principle has been applied. Please clarify what treaties or agreements on mutual legal and judicial assistance the State party has entered into with other entities, such as States, international tribunals or international institutions, and whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment. Please provide examples.

## Article 10

10. Please provide up-to-date information on the training and educational programmes developed by the State party to ensure that all public officials involved in the custody, interrogation or treatment of persons deprived of their liberty, including law enforcement officials, prison staff, border guards and members of the military, are fully aware of the provisions of the Convention and know that breaches will not be tolerated and will be investigated, and that any offenders will be prosecuted. Please indicate whether the State party has developed a methodology to assess the effectiveness and impact of training and educational programmes in reducing the number of cases of torture, ill-treatment and excessive use of force and, if so, please provide information on the methodology.

11. Please provide detailed information on training programmes for judges, prosecutors, forensic doctors and medical personnel dealing with detained persons on detecting and documenting the physical and psychological sequelae of torture. Do 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), as revised?

12. Please indicate the measures taken to give effect to the provisions of article 10 (2) of the Convention. Please explain whether clear instructions concerning the prohibition of torture and ill-treatment are included in the relevant regulations, in particular those intended for officials in contact with persons deprived of their liberty. Please also indicate whether specific information on non-coercive investigation techniques is included in the training of public officials involved in the custody, interrogation or treatment of persons deprived of their liberty, and whether the State party has considered incorporating the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles) into such training.

## Article 11

13. Please describe the procedures in place for ensuring compliance with article 11 of the Convention. Please provide information on any interrogation rules, instructions, methods and practices and arrangements for custody, and indicate the frequency with which they are reviewed.

14. Regarding conditions of detention, please provide statistical data, disaggregated by the place of detention, gender, age group (minor/adult) and ethnicity or nationality of detainees, on the capacity and occupancy rate of all places of detention, the number of pretrial detainees and the number of convicted prisoners. In this regard, please provide data on the number of individuals in pretrial detention, along with information on the average length of pretrial detention and the existence of alternative, non-custodial measures in the State party.

15. Please inform the Committee of steps taken to ensure that places of deprivation of liberty and applicable detention regimes are adapted to respond to the specific needs of such groups as women and children in conflict with the law, including as relates to the separation of cohorts, the best interests of the child and the right to access appropriate healthcare. Please indicate the measures taken to ensure that men are separated from women, pretrial detainees from convicted prisoners and adults from minors in all places of detention.

16. Please provide information regarding access to healthcare in detention, including the number of medical staff and their training. Please also provide information regarding deaths in custody, including data disaggregated by age, gender and cause of death. Please provide information on the manner in which those deaths were investigated, the results of the 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. If no deaths in custody have occurred during the reporting period, please describe the procedures in place should such deaths occur.

17. Please provide information on the disciplinary system in places of detention and indicate whether there is a procedure that guarantees due process and an independent body that reviews the disciplinary measures taken. Please clarify the current policy regarding the use of solitary confinement and the application of means of restraint to prisoners. In particular, please provide information on: (a) the maximum duration, in law and in practice, of solitary confinement; (b) the measures in place to ensure that solitary confinement is not imposed on children in conflict with the law or on persons with intellectual or psychosocial disabilities; and (c) whether a register of disciplinary penalties is kept in all places of detention and whether the proportionality of penalties is monitored.

18. Please provide relevant information on treatment in psychiatric settings in the State party. In particular, please provide information regarding any procedures that exist that may result in an individual's involuntary hospitalization, along with procedures for the review and appeal of decisions in this regard. Please also inform the Committee of any legislation relating to the use of physical and chemical restraints in psychiatric settings.

19. Please indicate the measures taken by the State party during the reporting period to ensure that the detention of asylum-seekers and undocumented migrants is used only as a last resort, where necessary and for as short a period as possible, and to further implement alternatives to detention in practice. Please provide up-to-date information on the number of asylum-seekers and undocumented migrants apprehended and detained during the reporting period, along with information on the average period of detention, the reasons for their apprehension and the outcomes of their cases. Please provide information on steps taken to ensure that asylum-seekers and undocumented migrants detained because of their immigration status have access to an independent and effective mechanism for addressing complaints.

20. Please provide information regarding the existence of detention monitoring mechanisms in the State party, along with specific information regarding their independence, the frequency and methodology of their visits, and their mandate, including with regard to their powers to make recommendations, public reporting, and access to places of deprivation of liberty.

### **Articles 12 and 13**

21. Please provide disaggregated information on the number of complaints, investigations, prosecutions and convictions relating to acts of torture or ill-treatment in the period under review, along with information on the sentences handed down in cases where alleged perpetrators were found guilty.

22. Please provide information regarding the measures taken to ensure that any individuals who allege that they have been subjected to torture or cruel, inhuman or degrading treatment or punishment have the right to complain and to have their case promptly and impartially investigated. In this regard, please inform the Committee about specific complaint mechanisms available to individuals alleging torture and ill-treatment in the State party, about the body or bodies responsible for the investigation and prosecution of such allegations, and about the measures taken to ensure their independence.

### **Article 14**

23. Please provide information on redress and compensation measures, including means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or their families since the entry into force of the Convention for the State party. Please include the number of requests for compensation that have been made, the number

granted and the amounts ordered and actually provided in each case. Please also provide information on any ongoing reparation programmes, including the treatment of trauma and other forms of rehabilitation, provided to victims of torture and ill-treatment, and on the material, human and budgetary resources allocated for their effective functioning.

### **Article 15**

24. Please provide information on the specific measures that have been adopted to ensure that the principle of the inadmissibility of evidence obtained through torture or ill-treatment is observed in law and in practice. Please provide examples of any cases that have been dismissed by the courts owing to the introduction of evidence or testimony obtained through torture or ill-treatment.

### **Article 16**

25. Please provide information on any measures taken to ensure that all hate crimes are properly and promptly investigated and prosecuted.<sup>4</sup>

### **Other issues**

26. Please provide information on the measures taken by the State party to respond to the threat of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State party has ensured that counter-terrorism measures are compatible with all its obligations under international law, especially the Convention. Furthermore, please indicate what training is given to law enforcement officers in this area; the number of persons who have been convicted under legislation adopted to combat terrorism; the legal remedies and safeguards available in law and in practice to persons subjected to counter-terrorism measures; and whether there have been complaints of the non-observance of international standards in applying measures to combat terrorism and, if so, what the outcome was.

27. Given that the prohibition of torture is absolute and cannot be derogated from, including within the framework of measures related to states of emergency and other exceptional circumstances, please provide information on any steps taken by the State party during the coronavirus disease (COVID-19) pandemic to ensure that its policies and actions complied with its obligations under the Convention. In addition, please specify the measures taken in relation to persons deprived of their liberty and in other situations of confinement, such as in homes for older persons, hospitals or institutions for persons with intellectual or psychosocial disabilities.

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

28. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken to implement the provisions of the Convention. Such measures may include institutional developments, plans or programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State party considers relevant.

---

<sup>4</sup> [A/HRC/43/9](#), para. 119.50; and [A/HRC/43/9/Add.1](#), para. 4.