

Thank you, Mr Chairperson,

I would like to thank the Committee for giving the opportunity to OMCT and our Network member, ICJ Kenya, to speak here today. I will provide you with a global view while my colleague Elsy Sainna will give you a perspective from the field.

And before turning to my intervention, I would like to congratulate the new and re-elected members of the Committee. We are looking forward to collaborate with you.

Over the past few months, we have all witnessed how the COVID 19 Pandemic is exacerbating violations of the absolute prohibition of torture and other ill-treatment. We have seen the spreading of abusive policing when enforcing curfews and distancing rules. And when faced with protests, the police resorts to excessive use of force.

Poor and underprivileged people are disproportionately affected. In the Philippines children were reportedly locked in a coffin and youths in a dog cage. In Argentina, a video has been authenticated in which a police officer hits a homeless person because he was on the streets during confinement.

The COVID 19 Pandemic has acted as a contrast fluid showing us the protection gaps and the vulnerabilities of marginalized groups. People deprived of liberty live in many countries around the world in overcrowded, unhygienic conditions. Personal distancing is hardly possible leading to high infection rates.

Migrants and refugees are stuck in overcrowded housing, camps, or detained in centers, without appropriate health care, others are left on the street exposed to the virus and targeted with inhuman and degrading treatment. Women face worldwide an alarming increase of domestic violence and face difficulties in accessing judicial, police and health services.

We are witnessing how governments have stepped up harassment and arrest of human rights defenders, opposition activists and independent journalists. In the name of protection against COVID-19, civil society space is further closing.

Concurrently, there is a collapse of the protection systems, with courts only partially operational, NPMs not fully operational, civil society obstructed in monitoring human rights violations, and the international anti-torture bodies challenged in their operation.

This is creating a frightening accountability vacuum that States are using. Thus, now more than ever we need the Committee against Torture's leadership, as the prime global independent anti-torture body. It is crucial that the Committee addresses the failures of the policing and detention systems, to protect the vulnerable and marginalized, to respond to the people who search your protection, to hold States accountable.

The pandemic has certainly drawn everyone's attention to strengthen capacities to engage and interact online, and also the treaty bodies have increased their remote work.

OMCT is a member of **TBNET**, an informal group of international NGOs and Networks who work closely with the UN Treaty Bodies. We have developed a paper to inform the discussions on the opportunities and challenges for treaty body online work in relation to COVID-19. This paper was presented at the informal Treaty Bodies' chairpersons meeting in June. We urged caution in embracing online activities where it comes at the expense of the quality of the meetings. Nevertheless, we recognize that the Committee against Torture cannot stop operating

as torture continues across the globe. Solutions need to be found urgently to start closing the international protection gap, and even if the conditions are not ideal, to enable the Treaty Bodies to continue their work in this time of crisis.

TB-Net suggested the following overall requirements for online meetings: a safe technology platform, equality in access for all Treaty Body members, provision of interpretation in the working languages of the Committees and the webcast of the online public meetings. Moreover, full, meaningful and safe civil society engagement must be guaranteed. In fact, with timely and transparent outreach and appropriate safeguards, online work could expand access and facilitate participation of civil society.

OMCT welcomes that the Committee continued its work relating to the **Lists of Issues** and the **Lists of Issues Prior to Reporting** during the suspended April/May session. We also welcome that you included specific questions relating to rights restrictive measures adopted in response to COVID19.

But also other mandates could continue remotely like the handling of individual communications including the **adoption of views** as victims are waiting, and delayed justice is justice denied. In times of crisis it is important that the dialogue between the Committee and States continues between the country reviews. The **follow-up procedure** is the eminent procedure to fulfil this role.

Now, regarding the **State reporting procedure**, nothing can replace the quality of a face to face meeting. However, if travel restrictions due to COVID-19 were to be prolonged, it does become inescapable to hold virtual States parties' dialogues. Such a solution should always be **temporary** until travel restrictions are lifted. Wherever possible the on-line meetings can take place in a "mixed mode", meaning with on-site participation of Committee members, State delegations and NGOs who are able to be present physically. We encourage the OHCHR to explore with the Committee all possibilities to ensure the execution of its mandated activities, while maintaining the quality of its work. The OMCT with TB-Net would support the assessment of the possibilities by collecting feedback from civil society who would experience these new working methods.

We understand that the OHCHR is facing a funding crisis due to delays in payments by Member States to the UN and that this liquidity crisis may be the other cause of further disruptions of Treaty Body in-person sessions until the end of 2020. This situation is not new. Also last year, the funding situation was so critical that the autumn sessions were threatened to be cancelled. Urgent intervention is needed to ensure that States are supporting and funding the human rights treaty body system. The inability to convene in-person sessions of its prime human rights bodies is shocking and cynical especially in the year that the General Assembly is reviewing resolution 68/268 on the human rights treaty body system.

Thank you Mr Chairperson

