



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

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COMMITTEE AGAINST TORTURE

Thirty-seventh session

SUMMARY RECORD OF THE 734th MEETING

Held at the Palais Wilson, Geneva  
on Monday 13 November 2006, at 10 a.m.

Chairperson: Mr. MAVROMMATIS

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 19 OF THE CONVENTION (*continued*)

Initial report of Guyana

ORGANIZATIONAL AND OTHER MATTERS

Report of the meeting of the working group on reservations

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*The meeting was called to order at 10.05 a.m.*

CONSIDERATION OF RAPPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (item 6 of the agenda) (*continued*)

Initial report of Guyana (CAT/C/GUY/1; HRI/CORE/1/Add.61)

1. *At the invitation of the Chairperson, Ms. Teixeira (Guyana) took a place at the Committee table.*

2. Ms. TEIXEIRA (Guyana) presented her apologies to the Committee for the long delay with which Guyana was presenting its initial report. She explained that the report had been drawn up, with the help of an expert, by an interministerial committee, in consultation with several non-governmental organizations and religious bodies representative of the various communities in the country. Since 1992, the year in which the first free elections since independence were held, rampant poverty, the violent militancy of the main opposition party and rising crime had severely destabilized the country. By 2006, however, the poverty rate had been brought down to 30 per cent, as against 85 per cent in 1991, and in that year national and regional elections had been held without the occurrence of violence. An active policy to promote education, health, housing and access to water was still being pursued, as was a programme to combat violence and crime. Within the process of constitutional reform, started in 1992, the rights and fundamental freedoms enshrined in the international human rights instruments had been raised to the rank of constitutional rights and freedoms. Furthermore, four human rights commissions, dealing respectively with women's rights, gender equality, indigenous peoples and the rights of the child, were due to be created, subject to the approval of their composition by a two-thirds majority in Parliament. The predominance of the executive branch had also been counterbalanced by an enlargement of the decision-making and supervisory powers of Parliament with regard to the Government's general and legislative policy. Nevertheless, Guyana remained an emerging democracy, in which further legislative, social and economic reforms still remained to be undertaken.

3. Despite the difficulties, none of the successive governments since 1992 had tolerated or encouraged torture or cruel, inhuman or degrading punishment or treatment, as was confirmed by reports on Guyana, notably those drawn up by the State Department of the United States of America and the Organization of American States. Since 2002, the Government, in collaboration with the United Kingdom's Department for International Development, the United Nations Development Programme, the Guyana Human Rights Association and other bodies, had been working to spread knowledge of the international rules concerning respect for human rights within the police and security forces. In 2004, a commission of inquiry had submitted a report to Parliament on ways to modernize the police, the army and the prison system and to relieve the overloaded courts system. Its recommendations were currently under study by a special committee. An investigation had also been undertaken into allegations of extrajudicial executions involving the former Minister for Home Affairs, Mr. Ronald Gajraj, who had been cleared by the outcome of the inquiry. In 2006, the Government had requested funds from the Inter-American Development Bank to finance two projects concerning, respectively, capacity-building in the legal system and enhancement of public security.

4. With regard to surveillance of the treatment of persons held in detention, Ms. Teixeira said that in addition to the visiting justices (para. 41 (iii) of the report), there were inspection committees, made up of members of civil society, that were authorized to go into the prisons to receive complaints from the detainees, examine the running and the state of the prisons and report to the Minister of Justice. In addition, since July 2006 all of the prisons of Guyana had had a council of detainees' representatives which met the prison governor once a month.

5. Complaints by the public against the police could be submitted not only to the Inspectorate-General of the Guyana Police Force but also to the Office of Professional Responsibility of the Guyana Police Force. Since its creation in 1999, with help from the International Criminal Investigative Training Program (ICITAP), the Office had heard 1,494 complaints, following which 55 members of the police force had been subjected to criminal proceedings, 306 had had disciplinary penalties imposed, and 402 had received a warning. In the course of the past two years, 80 police officers had been prosecuted.

6. Expulsion of foreigners was governed by the immigration laws and by the Expulsion of Undesirables Act. A foreigner could only be expelled if there was sufficient evidence to show that the expulsion was necessary for the protection of the public interest. In addition, when a foreigner suspected of having committed an offence in Guyana was detained at the frontier, the Police Service Commission informed the Ministry of Foreign Affairs, which would contact the relevant consulate in Guyana or, if necessary, in the nearest country.

7. In conformity with article 9 of the Convention, a law on mutual judicial assistance had been adopted by Parliament on 27 April 2006. Similarly, in conformity with article 13, on 2 May 2006 Parliament had adopted a draft law on the protection of witnesses, which had been submitted to the President for approval. With regard to article 16, flogging of prisoners guilty of infringement of the prison regulations, although authorized by the prison legislation as noted in paragraph 123 of the rapport, was in practice no longer carried out. In cases of serious infringements, the detainee in question could be placed in solitary confinement. In the event of abuse by a member of the prison staff, the prison governor could penalize the offender directly or alternatively refer the matter to the Director of Public Prosecutions so that proceedings could be initiated against the person concerned.

8. The CHAIRPERSON (Country Rapporteur), while expressing pleasure at the quality of the initial report, remarked that that some of the information contained in it would be more appropriately placed in the core document. Unfortunately, the Committee had not been able to meet any Guyanese non-governmental organizations just before the consideration of the initial report, but it had received several reports from them having to do with the Convention, which partially made up for their absence from Geneva. With regard to the report of the Presidential Commission of Inquiry into the involvement of the Minister for Home Affairs in extrajudicial executions, the Rapporteur wished to know what had become of the former minister, since, even if it had not been possible to prove his participation in such operations, the matter was still his responsibility. He also asked whether measures had been taken in order to control more strictly the issue of firearms licences so as to prevent any recurrence of such violations. Finally, he wished to know whether the recommendations in the report of the Disciplined Forces

Commission had been followed and, if so, whether encouraging results had been obtained.

9. According to a report published in 2005 by the Guyana Human Rights Association on the handling of cases of sexual violence in the Guyanese legal system for the period 2000-2004, the average rate of conviction for rape did not exceed 1.4 per cent. In that connection, the Rapporteur did not clearly understand the distinction drawn in domestic law between the terms “rape” and “statutory rape” (rape of a minor not having reached the age of consent). He also wondered why the conviction rate for rape was so low, whether that had to do with the way in which the investigations or the prosecutions were carried out and whether the adoption of the project to reform the legal system would make it possible to resolve the numerous problems that existed, in particular that of the slowness of the justice system.

10. Furthermore, given that judges in Guyana were employed part-time or on a temporary basis, the Rapporteur wondered how the principle of the independence of the judiciary could be guaranteed in the State party if judges were not appointed on a permanent basis. He sought further information on the rank within domestic law of international instruments in general and the Convention in particular. Finally, he wished to know why the post of Ombudsman had not yet been filled, the creation of that institution being stipulated in the Constitution.

11. With regard to articles 1 and 4 of the Convention, the Rapporteur underlined the need to incorporate into Guyanese law the complete definition of torture given in article 1, so that the penalties imposed for acts of torture should be proportionate to the gravity of the offence.

12. Turning to article 2, the Rapporteur wished to know whether police officers were informed as part of their training that they could not invoke the orders of a superior as a justification for acts of torture. In addition, he asked whether the act of forcing a person to inflict torture or inhuman or degrading treatment on a third party, whether by threats or by other means, was punished under the law of Guyana.

13. Turning to article 3 of the Convention, the Rapporteur inquired whether domestic law provided legal guarantees that would prevent the transfer of a person to a country where he or she was at risk of being tortured. He also wished to know whether an asylum-seeker whose petition was rejected could contest the decision before the domestic courts.

14. Referring to article 5, the Rapporteur asked whether Guyanese legislation included an implementing act establishing the universal jurisdiction of the domestic courts with regard to torture and, referring to article 8, whether the Convention could be invoked if Guyana were to receive an extradition request from a State with which it had concluded a bilateral extradition treaty which did not contain a clause prohibiting extradition in the event of a risk of torture.

15. Mr. MARIÑO MENÉNDEZ (Alternate Country Rapporteur) congratulated the representative of Guyana on her capacity to take on the dialogue with the Committee on her own.

16. Pointing to a contradiction between paragraph 38 of the report and the content of subparagraph (6) of article 154 (a) of the Constitution (quoted on page 15 of the

report), the Alternate Rapporteur asked whether the Convention took precedence over the Constitution and whether it could be applied directly by the courts.

17. With regard to article 10 of the Convention, Mr. Mariño Menéndez wished to know whether the training courses for prison staff mentioned in the report (paras. 93 to 95) were organized on an ad hoc or a regular basis and whether the medical staff of prison establishments received training enabling them to detect the sequelae of torture.

18. In connection with article 11 of the Convention, having learned that independent committees made visits to the prisons, he asked how they were made up, whether the prison administration took account of their recommendations and whether they had access to all places of detention, including pretrial detention facilities.

19. Mr. Mariño Menéndez noted that the complaints against members of the police force suspected of committing torture were usually considered by the Inspectorate General of the Guyana Police Force, which ran counter to the principle of the independence of investigations into cases of torture. Also observing that certain instruments creating exceptions to general law empowered the National Assembly or the President of the Republic to open investigations into cases of torture (paras. 103 and 104 of the report), he wished to know whether the Office of the Director of Public Prosecutions retained the responsibility for ordering an investigation. He also wondered whether, generally speaking, that Office was competent to decide on its own authority to investigate offences involving members of the police force or whether it was able to do that only through other bodies. It would also be useful to know whether a decision by the Office of the Director of Public Prosecutions not to prosecute a member of the police force suspected of having committed an offence was subject to any form of oversight. Mr. Mariño Menéndez also wished to know which court had jurisdiction over acts of torture inflicted on a private person by a member of the military forces. More generally, he wished to obtain information on the distribution of responsibilities between the civil and the military courts and asked the delegation to indicate whether as part of the current reform of the legal system it was planned to take measure to create a clearer demarcation between the respective jurisdictions of those two institutions.

20. Turning to article 13, Mr. Mariño Menéndez observed that, according to certain information received, there had been intimidation of persons who had testified before bodies whose task was to investigate or give a ruling on presumed cases of torture. He asked whether the perpetrators of such intimidation could be prosecuted. Also noting the absence of detailed statistical data in the report, he inquired whether the authorities intended to draw up a national register of complaints and convictions relating to torture. He said that he was surprised at the lack of data on the amounts of compensation awarded by the Supreme Court to victims of torture committed by government officials (para. 115 of the report) and asked the delegation to indicate whether it had, at the very least, some rudimentary information on the subject.

21. With regard to article 15, noting that evidence obtained as a result of the unlawful gathering of primary evidence was inadmissible before the courts (para. 118 of the report), Mr. Mariño Menéndez wished to know whether the law classified as unlawful any acts other than torture and cruel, inhuman or degrading treatment. Finally, with regard to article 16 of the Convention, he asked the

representative of the State party to state whether time spent in the sections of prisons reserved for those condemned to death could in some cases be considered cruel, inhuman or degrading treatment in Guyana. Noting also the high number of complaints relating to cases of police brutality and reports stating that some persons had been killed during police operations, he asked for information on the legislation governing the use of firearms by the police. Information would also be welcome on the measures taken by the State party to prevent acts of sexual violence in places of detention and to punish the perpetrators of them. In that regard, Mr. Mariño Menéndez wished to know whether the prison establishments had female staff to investigate such acts and whether female detainees who suffered sexual violence were entitled to be examined by a doctor, and whether they had any right of redress. He also asked the representative of the State party to indicate whether 1996 Domestic Violence Act had ever been applied by the courts. As it appeared that the perpetrators of domestic violence were not prosecuted on a systematic basis, Mr. Mariño Menéndez wished to know whether the State party intended to strengthen the relevant part of its legislation.

22. Mr. GALLEGOS CHIRIBOGA thanked Ms. Teixeira for her presentation and asked her to give some insight into the thoughts of the authorities as to the measures that should be adopted to ensure that the perpetrators of torture did not escape unpunished.

23. Ms. SVEAASS observed that in its 2004 concluding observations (CRC/C/15/Add.224) the Committee on the Rights of the Child had expressed concern at the conditions of detention of minors in Guyana. While taking cognizance of the efforts made by the State party to improve the conditions of detention in general, she wished to obtain more exact information on the measures taken in the sphere of administration of justice for minors. Ms. Sveaass asked, in particular, for information on the application of article 37 of the Prisons Act which allowed for flogging of prisoners or a reduction in their food ration in the event of an infringement of the prison regulations. She asked the delegation to indicate whether such practices were still in use.

24. Ms. BELMIR, observing that the rules relating to the protection of human rights in force in the State party were subject to numerous derogations, wished to make some remarks on the subject. Article 39 of the Constitution provided that, in the interpretation of the provisions relating to fundamental rights, the courts must take account of the international human rights instruments. However, paragraph 2 of article 150 of the Constitution stated that in emergency situations, exceptions to those fundamental rights could be made. She requested the delegation to indicate which rights were covered by that provision. She also observed that the right to life was severely compromised by numerous provisions permitting exceptions to be made. The fact that a person would not be regarded as having been deprived of his or her right to life if death had resulted from a “reasonably justified” recourse to force (para. 25 of the report) gave cause for concern in that regard. She asked the State party to indicate which authority had the task of verifying the legality of the application of that provision. Certain provisions of the Criminal Code appeared to be contrary to the principle of the presumption of innocence, in that they stipulated that the person being prosecuted had to produce the proof of his innocence, whereas the burden of proof was normally on the prosecution.

25. It would appear that persons could be detained for non-payment of a civil debt, which was contrary to the provisions of the International Covenant on Civil and Political Rights. What, precisely, was the situation? In its 2000 concluding observations on Guyana (CCPR/C/79/Add.121), the Human Rights Committee had noted that the State party proposed to recruit part-time and temporary judges to deal with the backlog of cases waiting to be tried, and urged the State party to ensure that those measures did not undermine the competence, independence and impartiality of the judiciary. Ms. Belmir asked to be informed of the action that had been taken pursuant to that recommendation. Numerous reports received stated that members of ethnic minorities suffered violence at the hands of the police. Did the State party intend to ensure that the composition of its police forces more accurately reflected the ethnic diversity of the country?

26. Mr. CAMARA observed that the concluding observations of the Human Rights Committee, already referred to by Ms. Belmir, said that pretrial detention could be extended for as long as four years. However, in paragraph 25 of its report, the State party indicated that it could not be extended beyond a period of three months. He would welcome some clarification about that issue. Recalling that discrimination could be a reason for torture (article 1 of the Convention), Mr. Camara stressed that having a multiethnic make-up for the police force was an essential element in preventing torture, and encouraged the State party to take measures to bring that about. Finally he asked for some additional information on the possibility open to the Guyanese courts to apply directly the definition of torture given in article 1 of the Convention.

27. Ms. GAER suggested that the State party should update the information in its core document (HRI/CORE/1/Add.61), which would facilitate the task of the various treaty bodies as they considered the situation in the country from their respective points of view. In paragraph 16 of its core document, the State party emphasized that article 153 of the Constitution gave a person the right to apply directly to the High Court for it to determine any application made alleging that the fundamental rights and freedoms of that person had been violated. Paragraph 18 of the same document indicated that the provisions of the International Covenant on Civil and Political Rights could not be invoked directly before the judicial or administrative authorities unless they were incorporated in the Constitution and the laws of the country. She would welcome clarification of that apparent contradiction.

28. The Rapporteur and the Alternate Rapporteur had already raised the important question of sexual violence; for her part, Ms. Gaer wished to know whether such occurrences were monitored and whether there were statistics concerning sexual violence against women and also against men, and whether training specific to the issue was provided to the various staffs. The report drawn up in that regard by the Guyana Human Rights Association recommended a three-pronged approach to combating rape in particular: demolition of the various myths about it, reform of the legislation and reform of the policies and practices currently in force, including in particular the question of compensation. It would be useful to know whether any progress had been made towards the implementation of those recommendations.

29. The representative of Guyana had indicated that the report had been prepared with the help of a consultant and several non-governmental organizations. It would be helpful to know whether the consultant had been Guyanese and whether the text

of the draft report to the Committee had been submitted to various government departments, and if so which ones, before being adopted.

30. The report of the State Department of the United States of America on human rights in Guyana did not record a single case of torture in the country, but cited numerous allegations of abuses committed by the police, referring in particular to 61 illegal arrests and three cases of abusive use of force; it would be important to learn what action had been taken pursuant to those allegations and in particular how many officers had been accused, how many subsequently acquitted. The same report referred to a disagreement between the chief of police and those police authorities that were concerned not to infringe people's human rights, on the one hand, and certain groups who considered that such an attitude impaired the ability of the police to combat crime, on the other: had measures been taken to support the chief of police against those who appeared to wish to abolish all the rules in a so-called concern for effectiveness?

31. Finally, Ms. Belmir had rightly raised the situation of children being detained together with adults; similarly, it appeared women were imprisoned in Georgetown in the same facility as men: it would be important to know whether they were held in separate quarters, guarded by women and protected from the possibility of violence against them.

32. Mr. GROSSMAN observed with satisfaction that according to reports from non-governmental organizations, political violence was extremely rare in Guyana. The fundamental problem facing the country appeared to be the search for a proper balance between the legitimate need for security for its citizens and the methods to adopt to preserve that security. According to the Guyana Human Rights Association, 12 extrajudicial executions were said to have taken place up to 30 September 2006; the Inspectorate General of the Guyana Police Force was said to have investigated 11 of them and recommended two committals to trial for murder. It had been recommended that eight other cases should be investigated, but by the end of January 2006, nothing had been done; had the situation changed since then? In that connection, it was permissible to wonder whether the Inspectorate General had the necessary financial resources in order to fulfil correctly the obligations that arose from the Convention. Combating Guyana's very widespread and extremely violent crime was a major and difficult task, but the fight could only be truly effective if there was strict observance of the rules universally recognized as being fundamental.

33. The CHAIRPERSON thanked the representative of Guyana and requested her to attend a later meeting in order to respond to the questions that had been put to her.

34. *Ms. Teixeira (Guyana) withdrew.*

*The meeting was suspended at 12.25 p.m. and resumed at 12.35 p.m.*

ORGANIZATIONAL AND OTHER MATTERS (item 4 of the agenda)

Report of the meeting of the working group on reservations  
(HRI/MC/2006/5 and Rev.1)

35. The CHAIRPERSON requested Mr. Camara, who had represented the Committee in the working group on reservations, to report on the meeting that the group had had in June 2006.



36. Mr. CAMARA (representative of the Committee in the working group on reservations), presenting report HRI/MC/2006/5 and Rev.1, recalled that the international human rights instruments were all subsequent to the 1969 Vienna Convention on the Law of Treaties, which defined reservations and ruled the way they were dealt with. That Convention dealt with ordinary treaties concluded between States that were concerned to defend their interests, whereas the human rights instruments sought to preserve universal human values, so that in their case one had to wonder on what basis States could enter reservations. Also, some of those instruments allowed the possibility of entering reservations while others did not; article 30 of the Convention against Torture did allow it, but the reservations would then be of a special character in that there were no reciprocal interests to preserve but rather a situation of a unilateral act. The working group had the task of seeking a way to reconcile the right that States acknowledged to one another to enter reservations in order to limit their treaty obligations, on the one hand, with respect for universal values on the other. Together with the International Law Commission, it had made a preliminary sketch to delimit the problem, which was presented in the document under consideration.

37. The problem which arose in the case of the Convention against Torture was that of knowing, when a State had entered a reservation, what power the Committee had to assess the lawfulness of that reservation and the consequences that arose from it, and above all, in what circumstances the Committee could issue a judgment in that regard: thus there was a situation of jurisprudential construction, to the extent that such issues were not explicitly clarified in the Convention. As stated in paragraph 15 of the report under consideration, there had been a divergence of views between a majority of the members of the working group and Mr. Camara himself on the question of whether or not the treaty bodies needed to take a decision on the validity of a reservation. Ultimately, the working group had adopted the position of Mr. Camara, namely that a body such as the Committee had the right to assess a reservation made by a State party not only when a communication was addressed to it but also when it was considering a periodic report. In any event, since the Committee reported every year to the General Assembly, it was a responsibility of the Member States to decide, in the light of the Committee's report, whether the State in question was still, or was not, a Party to the Convention. However, in the opinion of Mr. Camara, the Committee could most certainly say whether or not the reservation in question was lawful; it would then be up to the State concerned to see whether it would continue to be a Party to the instrument, or to the other States to say whether it was not respecting its treaty obligations.

38. Mr. MARIÑO MENÉNDEZ observed that the working group had set itself the task of drawing up guidelines to harmonize the practices of the different treaty bodies with regard to reservations. Evidently, differences of opinion could arise in that connection, as paragraph 15 of the report showed. A majority of members of the working group had taken the view that when considering periodic reports, "it was not necessary" for treaty bodies to take a decision on the validity of a reservation – that phrasing implying that they were not required to do so, although they might possibly do so; Mr. Camara, on the one hand, had been of the opinion that the treaty bodies were required to take that decision, something that was true at least in the case of the Convention against Torture, which was, indeed, a very specific type of instrument constituting a peremptory norm of international public law. The Committee could legitimately take the view that article 1 of the Convention against

Torture did not allow of any reservation, a point of view Sir Nigel Rodley had also defended on the basis of general comment No. 24 (1994) of the Human Rights Committee.

39. One point was still rather unclear, namely the distinction to be drawn between an interpretative statement and a reservation. It could indeed occur that a State party might state that it was not making a reservation, but clarifying the meaning of one provision or another of an instrument. One might sometimes wonder whether such an interpretation did not in fact constitute a reservation, since it limited, modified or even eliminated a provision. It would be interesting to hear Mr. Camara on that point. It would be recalled that when it had considered the report of the United States of America, the Committee had had the occasion to take a decision on an interpretation given by that State to article 1 of the Convention on the subject of mental torture: the Committee had let it be known, very diplomatically, that the State party's interpretation was not the most correct one. When the Committee was not considering a periodic report but individual complaints, for example, there was no doubt that the Committee must state clearly to the State party that it could not take account of such a reservation which was incompatible with the object and purpose of the Convention. That was probably the position of the International Law Commission on the issue, and it would be interesting to know whether the working group had discussed that.

40. Mr. GROSSMAN supported the point of view put forward by Mr. Camara that the prohibition against torture was a peremptory norm of international law and that no reservation to article 1 of the Convention was admissible. The same doubtless applied to other provisions of the Convention, notably article 3. The Committee would have to discuss those issues.

41. Ms. GAER said that what Mr. Camara had said indicated that the working group was of the opinion that the provisions of the Vienna Convention on the Law of Treaties were not applicable to the human rights instruments; however, the contrary view was expressed in paragraph 13 of the report, and she sought clarification on that point.

42. In the past, the Committee had indeed taken a decision on reservations entered by States parties. That had been the case in particular during the preceding session, when the report of Qatar had been considered; moreover, a number of other States parties had raised objections to the reservation entered by Qatar. Furthermore, certain new instruments, such as the Optional Protocol to the Convention against Torture and the one to the Convention on the Elimination of All Forms of Discrimination Against Women, expressly excluded any reservations whatsoever, whereas those conventions, themselves, did not prohibit them; that appeared to raise a problem with which the working group would doubtless have to concern itself. The Committee should discuss those issues, as Mr. Grossman had suggested.

43. Mr. WANG Xuexian also considered it desirable to have a discussion on all of those points. He wished to stress that entering reservations was expressly a prerogative of States parties and that acceptance or rejection of such reservations was within the remit of the General Assembly, not the treaty bodies. The Committee should therefore be cautious in the conclusions it reached. Ideally, there should never be any reservation to any instrument, above all where the instrument had to do with human rights, but it was necessary to be realistic, and while it was advisable to discuss and make recommendations, that had to be done with circumspection.

44. Mr. CAMARA (representative of the Committee in the working group on reservations) clarified that paragraphs 1 to 15 of the report were simply a record of the working group's discussions and that the recommendations that it finally reached were presented in paragraph 16. The initial divergence of views mentioned in paragraph 15 had been resolved, as could be seen in recommendation number 5. It should be stressed that the working group had opted for a diplomatic solution, not to say a political one, because the international community's objective was to obtain the widest possible ratification of the instruments in question: everything should be done to ensure that States did not exclude themselves, or were not excluded, owing to a reservation, hence the wording of recommendation number 7, which recommended a high degree of flexibility. In the case of interpretative statements, recommendation number 2 also leaned towards a great deal of flexibility, once again with the aim of seeking universal ratification of the instruments concerned; care must be exercised not to classify a statement immediately as a reservation, particularly when the State itself did not use that term.

45. Far from wishing to exclude the applicability of the Vienna Convention to instruments subsequent to it, the working group had made every effort to ensure that that Convention should serve to illuminate the work of the treaty bodies. Also, the Committee itself had invoked the Vienna Convention during its consideration of the report of the United Kingdom, in connection with the Pinochet affair, and had expressly referred to it in its final conclusions. As to the matter of reservations to the Optional Protocol, that would be a matter to be examined by the Committee that had yet to be set up. Finally, to alleviate the doubts of Mr. Wang Xuexian, Mr. Camara recalled that the working group had stressed very firmly that it was necessary to demonstrate flexibility with regard to the consequences to be drawn from the invalidity of a reservation. The Committee, reporting to the General Assembly, would inform it that such a reservation entered to one of the provisions of the Convention placed the State in the position of a Party that was not observing its treaty obligations. The consequences from that would have to be drawn by the other States, within the framework of the work of the General Assembly. In conclusion, it should be emphasized that the report under consideration was in preliminary form and that the discussion needed to be taken further; indeed, another meeting of the working group was planned for the near future.

46. The CHAIRPERSON said that the Committee would return to the question in order to try to reach a consensus position that Mr. Camara would then be able to communicate to the working group.

*The meeting rose at 1.05 p. m.*