



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

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COMMITTEE AGAINST TORTURE

Thirty-first session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 574th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 10 November 2003, at 10 a.m.

Chairman: Mr. BURNS

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.574/Add.1.

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The meeting was called to order at 10.10 a.m.

OPENING OF THE SESSION

1. The CHAIRMAN declared the thirty-first session of the Committee against Torture open.

STATEMENT BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

2. Ms. CONNORS (Treaty Team Leader, Office of the United Nations High Commissioner for Human Rights) said that events since the closure of the last session had been dominated by the tragic bombing of the United Nations headquarters in Baghdad and the murder of 22 colleagues, including the High Commissioner for Human Rights, Mr. Vieira de Mello. As the Secretary-General had underlined, and as the staff of the Office of the United Nations High Commissioner for Human Rights had made clear in their expressions of sorrow, the United Nations remained firmly committed to the late High Commissioner's human rights agenda and would continue to pursue his goal of bringing human rights within the reach of all.
3. Although it would take some time for the Office to recover fully from the events of August 2003, it was pressing ahead with its activities, especially in the context of the treaty body system, which was a pillar of the United Nations human rights edifice. She drew attention in that connection to the Secretary-General's report entitled "Strengthening the United Nations: an agenda for further change" (A/57/357 and Corr.1), which contained 36 action points for organizational reform. Of those, actions 2 and 3 were of special relevance to the Committee against Torture.
4. Under action 2, which aimed at strengthening human rights-related action at the country level, the High Commissioner's Office had developed a plan of action in cooperation with the United Nations Development Group and the Executive Committee on Humanitarian Affairs to improve the integration of human rights into the activities of United Nations agencies at the country level. The plan, which had been submitted to the Secretary-General in September 2003, focused on ways of enhancing cooperation between United Nations agencies and the human rights treaty bodies and special mechanisms with a view to providing an integrated response to requests from Member States for assistance in strengthening their national human rights protection systems. States would be encouraged to ratify human rights treaties and assisted in integrating human rights in national development plans, reforming national legislation and institutions, and promoting awareness of human rights. Emphasis would be placed on implementation of treaty body recommendations. To that end a country status note reflecting, inter alia, States' reporting performance and activities vis-à-vis the special procedures of the Commission on Human Rights was being finalized.
5. Action 3 of the Secretary-General's report constituted a response to the challenges presented by delayed reporting or non-reporting by States parties to the treaty bodies and the burden imposed on those States by their reporting obligations. It recommended that the treaty bodies should adopt a more coordinated approach, standardize their reporting requirements and allow States to produce a single report summarizing their compliance with all human rights

treaties to which they were a party. Those recommendations had been endorsed by the General Assembly in its resolution 57/300 and by the management review of the High Commissioner's Office undertaken by the Office of Internal Oversight Services in 2002.

6. In response, the High Commissioner's Office had engaged in broad and inclusive consultations with treaty bodies, States parties, United Nations bodies, non-governmental organizations (NGOs) and other parts of civil society. Earlier in 2003, a background note on the Secretary-General's proposals summarizing the reactions of treaty bodies, existing practices and proposals to address non-reporting and the reporting burden, as well as options for reform had been submitted to treaty body members, circulated to Member States and posted on the Office's web site. It had been discussed at the informal brainstorming meeting held in Liechtenstein in May 2003, which had been attended by representatives of the treaty bodies, Member States, the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the Inter-Parliamentary Union (IPU) and NGOs and by one representative of a national human rights institution. The meeting report and the Secretary-General's ideas had been considered in June 2003 by the second inter-committee meeting and the fifteenth meeting of chairpersons of human rights treaty bodies. The reports of those two meetings and the Liechtenstein meeting report were currently before the General Assembly.

7. While the reporting system was viewed as generally successful by most participants in the consultation process, the Secretary-General's concerns and objectives were widely shared. There was also broad agreement that there were certain inherent difficulties in producing a single report for all treaty bodies. It was thought preferable to expand the core document to include congruent substantive issues and to update it regularly for all treaty bodies. It would be accompanied by periodic treaty-specific reports targeting issues identified in a State party's dialogue with the treaty body concerned and in concluding observations or comments.

8. The Office was currently preparing proposals relating to the form and content of an expanded core document and harmonized guidelines on reporting to the treaty bodies. Those proposals would be refined in the light of practical problems encountered by States parties currently preparing reports. They would be submitted to the individual treaty bodies and to the third inter-committee meeting in June 2003. The Office was also exploring the possibility of making greater use of information technology in the reporting process and offering States parties electronic assistance in information-gathering.

9. To enhance the efficiency and effectiveness of the treaty bodies, the Office was providing strong support for the adoption of common working methods based on best practice, the cross-referencing of concluding observations or comments, the adoption of parallel general comments or recommendations and the adoption of follow-up procedures with regard to reporting. Harmonized strategies to encourage the submission of overdue reports, including capacity-building and scheduling consideration of the human rights situation in a State party before a report was submitted were also being considered.

10. The Office's Support Services Branch had been restructured and would shortly be renamed the Treaties and Commission Branch. A Treaty Bodies and Follow-up Unit had been established to promote cooperation among treaty bodies.

11. A training workshop organized by the Office the previous week on the topic “Strengthening the implementation of human rights treaty recommendations through the enhancement of national protection measures” had been attended by representatives of national NGOs, national human rights institutions and the media from Colombia, Guatemala, Latvia, the Russian Federation and Sri Lanka. The immediate objectives were to increase the involvement of those groups in the treaty reporting and implementation process and in the follow-up to treaty body recommendations. Two similar meetings would take place in 2004 and would be followed up by country-level activities in 2005.

12. Since the thirtieth session, one State, the Congo, had ratified the Convention, bringing the total number of States parties to 134. Two States parties, Bosnia and Herzegovina and Ukraine, had made the declaration under articles 21 and 22, and two, Burundi and Guatemala, had made the declaration under article 22. In addition, Ukraine had withdrawn its reservation to article 20, so that seven States parties currently had reservations to that article. To date, 21 States had signed the Optional Protocol to the Convention but only 2, Albania and Malta, had completed the ratification process.

13. The Special Rapporteur of the Commission on Human Rights on the question of torture had visited Spain on a fact-finding mission in October at the Government’s invitation. He would submit his report at the next session of the Commission.

14. The Secretary-General’s report on the United Nations Voluntary Fund for Victims of Torture (A/58/306) was currently before the General Assembly. It contained recommendations by the Fund’s Board of Trustees and information on recent trends, including with regard to assistance provided to victims of torture and their relatives and its impact on beneficiaries. During the current cycle US\$ 7.2 million had been allocated to support 186 projects on behalf of victims in 68 countries. Requests for assistance amounting to US\$ 13 million had been received. Pursuant to Commission on Human Rights resolution 2003/32, the Office had initiated an independent evaluation of the functioning of the Fund with a view to enhancing its effectiveness. To mark the Fund’s forthcoming twenty-fifth anniversary, the Board of Trustees had recommended the publication of a book reviewing its impact.

15. The current session would be particularly busy, since the Committee would review the situation in six States parties and for the first time adopt lists of issues for the States parties whose reports would be considered at the next session. She welcomed that step as a contribution to the harmonization of working methods among treaty bodies.

SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBER OF THE COMMITTEE

16. The CHAIRMAN welcomed Mr. Grossman, who had been designated to replace the late Mr. González-Poblete, and invited him to make the solemn declaration under rule 14 of the Committee’s rules of procedure required of members appointed under rule 13 to fill a casual vacancy.

17. Mr. Grossman made the declaration contained in rule 14 of the Committee’s rules of procedure.

ELECTION OF A VICE-CHAIRPERSON OF THE COMMITTEE

18. Ms. GAER nominated Mr. Grossman for the office of Vice-Chairperson.
19. Mr. EL MASRY seconded the nomination.
20. Mr. Grossman was elected Vice-Chairperson by acclamation.

ADOPTION OF THE AGENDA (CAT/C/76)

21. The agenda was adopted.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION

22. Ms. RUEDA CASTAÑÓN (Secretary of the Committee) said that since the thirtieth session of the Committee the secretariat had received 16 reports, some of which had been scheduled for consideration at the thirty-second session: an initial report from Albania; a second report from Monaco; eight third reports, from Austria, Bulgaria, Chile, Croatia, the Czech Republic, Ecuador, Germany and New Zealand; and six fourth reports, from Argentina, Canada, Finland, Greece, Switzerland and the United Kingdom. A total of 162 reports were overdue.
23. The CHAIRMAN invited Mr. Rasmussen and Mr. Mariño Menéndez, as members of the Working Group on overdue reports set up at the previous session, to comment on their plans for the current session. The Working Group had invited representatives of the Permanent Missions to the United Nations of States parties whose reports had been overdue the longest to discuss the possibility of assistance in preparing their reports and to inform them that further action would be taken in the event of unreasonable failure to accommodate the Committee's request. The initiative had proved quite successful.
24. Mr. RASMUSSEN said that he was in favour of issuing invitations to an additional group of States parties. Uganda was keen to submit a report as soon as possible, but the Working Group had urged it to defer submission until January 2004 to leave more time for preparatory work.
25. Mr. MARIÑO MENÉNDEZ said that Bosnia and Herzegovina was also willing to submit a report. In addition, the Working Group had contacted the Permanent Missions of Cape Verde, the Democratic Republic of the Congo and Togo, although the latter had not even replied to the invitation. He was in favour of increasing pressure on States parties that failed to respond positively.
26. Mr. MAVROMMATIS said he thought that follow-up in such cases should be automatic.
27. The CHAIRMAN agreed that States parties in that category should be warned that the Committee would, if necessary, consider their compliance with the Convention without a report.

ORGANIZATIONAL AND OTHER MATTERS

28. The CHAIRMAN invited Mr. Yakovlev to report on the proceedings of the pre-session Working Group on communications and lists of issues.
29. Mr. YAKOVLEV said that the Working Group had prepared drafts relating to individual communications for submission to the Committee. It had also discussed the lists of issues to be transmitted to the States parties that would be reporting to the Committee at the thirty-second session. The questions focused on the situation in the country concerned and would be submitted to the Committee for approval.
30. Mr. EL MASRY noted that the Working Group had not taken a final decision on whether the responses should be presented orally or in writing. Written replies could be accepted in the original language without any need for translation, since the country rapporteur would presumably understand that language and have ample time to comment. Translation would place an unacceptable burden on the secretariat. In his view, oral replies were the least desirable option.
31. A representative of the Office of the United Nations High Commissioner for Refugees had offered to brief the members of the Committee on the situation in individual States parties.
32. Ms. GAER said that she had always supported the use of lists of issues, since adoption of that procedure would bring the Committee's practice into line with that of the other treaty-monitoring bodies. However, in view of the workload at the present session, the formulation of such lists would impose a particularly onerous burden. She had in fact experienced some difficulty in accessing the materials she needed to tackle the task properly, for example country profiles, summary records, reports from NGOs and information from other United Nations agencies.
33. The timing of the preparation of lists of issues should also be examined. For example, some human rights treaty bodies slotted the work into a series of post-session meetings. Other problems must also be considered: how far in advance should the lists be prepared, and when precisely should other bodies or actors be requested to make relevant submissions? Some committees asked States parties to submit written replies, while others did not. In any event, the Committee should consider prioritizing its questions. Three priority areas that had occurred to her were legal structures, safeguards and the actual implementation of the Convention, bolstered by specific examples.
34. The CHAIRMAN said that the Committee should consider all the points raised and be prepared to issue guidance. In the event, resource constraints would probably preclude the Working Group's being given extra time after the Committee's sessions to draw up lists of questions.
35. Mr. MARIÑO MENÉNDEZ said that the country rapporteur or alternate country rapporteur had a crucial role to play in preparing lists of issues and should always be present during the discussions. As the Committee's practice developed, he expected that lists of issues

would be essentially uniform, with details tailored to the specific circumstances of each State party. Clarification was needed, however, as to whether States parties could be placed under an obligation to submit written replies.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 19 OF THE CONVENTION

36. Ms. RUEDA CASTAÑÓN (Secretary of the Committee) said that, at its thirtieth session, the Committee had considered the initial report of Cambodia in the absence of a Cambodian delegation. It had been agreed that the Committee's conclusions and recommendations would be provisional pending the receipt of written responses from the Cambodian Government. As no such replies had been received, the Committee must now decide whether its conclusions and recommendations should be regarded as final.

37. Mr. MAVROMMATIS said that it might be prudent to attempt to make further contact with the Government before proceeding.

38. The CHAIRMAN said he would take it that the Committee wished him to send a letter outlining its position to the Cambodian authorities.

39. It was so decided.

The public part of the meeting rose at 11.05 a.m.