



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

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COMMITTEE AGAINST TORTURE

Thirty-seventh session

SUMMARY RECORD (PARTIAL)* OF THE 724th MEETING

Held at the Palais Wilson, Geneva
on Monday 6 November 2006, at 10.30 a.m.

Chairperson: Mr. MAVROMMATIS

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.45 a.m.

OPENING OF THE SESSION BY THE REPRESENTATIVE OF THE SECRETARY GENERAL (item 1 of the provisional agenda) (CAT/C/37/1)

1. Mr. N'DIAYE (Director, Human Rights Procedures Division) declared open the thirty-seventh session of the Committee. He welcomed all the participants, and in particular the new member of the Committee, Mr. Gallegos Chiriboga, who was replacing the late Mr. Prado Vallejo, to whose memory he paid tribute.

2. Of the new developments that had occurred since the thirty-sixth session of the Committee, the entry into force of the Optional Protocol to the Convention against Torture, on 22 June 2006, was a historic one. Elections would be held on 18 December 2006 to elect the members of the subcommittee to be established under the Optional Protocol. The secretariat had received 14 candidacies for the 10 positions to be filled. In the time since the previous session, Benin, Senegal and Ukraine had ratified the Optional Protocol; Armenia and Peru had acceded to it and Germany and South Africa had signed it, bringing the total number of States parties to the Protocol to 28 and the number of signatories to 54. Furthermore, Andorra had ratified the Convention, becoming thereby the 142nd Party.

3. On 25 August 2006, the Ad Hoc Committee set up to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities had adopted the draft of the International Convention on the Rights of Persons with Disabilities and its Optional Protocol. Article 15 of that convention, which was due to be adopted by the General Assembly at its sixty-first session, enshrined the right of persons with disabilities not to be subjected to torture or to cruel, inhuman or degrading punishment or treatment.

4. The Human Rights Council had held its first session between 19 and 30 June 2006. On that occasion it had adopted the draft of the International Convention for the Protection of All Persons from Enforced Disappearance and also the draft Declaration on the Rights of Indigenous Peoples, which were to be submitted to the General Assembly for adoption. Turning to the universal periodic review mechanism to be established by the Council, he said that there was a need to emphasize, as the General Assembly had done, that the mechanism should be a complement to the work of the treaty bodies, rather than duplicating their efforts.

5. At its first extraordinary session, held on 5 and 6 July 2006, the Council had considered the situation of human rights in the Palestinian territories and the other occupied Arab territories and had adopted a resolution calling for an urgent fact-finding mission headed by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Mr. John Dugard. The President of the Council had conveyed that request to the Israeli authorities, who to date had not replied to it. At its second extraordinary session, held on 11 August 2006, the Council had considered the situation in Lebanon and adopted a resolution condemning the grave violations of human rights and infringements of international humanitarian law committed by Israel in Lebanon. It had also decided to set up and dispatch immediately a fact-finding mission to Lebanon. That mission was currently under way.

6. Pursuant to the recommendations of the fifth inter-committee meeting and the eighteenth meeting of chairpersons of human rights treaty bodies, a working group

on the proposals for reform comprising one member of each treaty body was to meet on 27 and 28 November 2006. The Committee against Torture would be represented in the working group by Ms. Gaer. In addition, the working group on reservations would meet once again on 14 and 15 December 2006 in order to finalize its report, which was to be submitted to the sixth inter-committee meeting. The Committee against Torture would be represented at that meeting by Mr. Camara.

7. A two-day meeting was planned for February 2007 to allow the representatives of the States parties to have discussions with the Chairpersons of the treaty bodies. The meeting had been requested by the States parties at the meeting of the chairpersons of human rights treaty bodies on 22 June 2006, with the aim of strengthening dialogue. A further consultative meeting of the chairpersons of the human rights treaty bodies and the States parties was to be organized in 2007, on a date still to be decided.

8. The Meeting of the Chairpersons of Human Rights Treaty Bodies had approved the revised draft of harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/MC/2006/3). The States parties were not required to comply with those guidelines, but they should be encouraged to do so and to that end they could receive assistance from the Division for the Advancement of Women and from the Office of the High Commissioner for Human Rights. In that context, the latter was organizing discussion sessions with the States that were interested. The meeting of chairpersons had recommended that the committees should begin to apply the guidelines immediately and flexibly, at the same time as re-examining their current guidelines on the drafting of initial and periodic reports and reviewing any difficulties encountered in applying them.

9. An informal brainstorming meeting on the reform of the treaty bodies, organized jointly by the Office of the High Commissioner and the Government of Liechtenstein, had been held in Liechtenstein from 14 to 16 July 2006, the Committee against Torture being represented at it by Ms. Gaer and Mr. Grossman.

10. Once again, the programme of work of the Committee against Torture was a full one. In the course of the present session, the Committee had to consider seven periodic reports (Burundi, Guyana, Hungary, Mexico, Russian Federation, South Africa and Tajikistan) and a large number of communications. For the first time, all the countries that had received a list of issues had submitted written responses to it. It was to be hoped that that new procedure would make for a more active dialogue between the Committee and the States parties. The Office of the High Commissioner would follow with interest the work of the Committee, to which it wished every success.

SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBERS OF THE COMMITTEE (item 2 of the provisional agenda)

11. The CHAIRPERSON invited the newly elected member of the Committee to make the solemn declaration provided for in rule 14 of the rules of procedure.

12. Mr. GALLEGOS CHIRIBOGA solemnly declared that he would perform his duties and exercise his powers as a member of the Committee against Torture honourably, faithfully, impartially and conscientiously.

TRIBUTE TO THE MEMORY OF MR. JULIO PRADO VALLEJO

13. The CHAIRPERSON, paying tribute to a recently deceased member of the Committee, said that Mr. Julio Prado Vallejo had dedicated his life to the defence of human rights, not only within the treaty bodies, but also as a teacher, at the University in Ecuador. Even when he knew that he was ill, he had continued his work within the Committee against Torture, with the professionalism and the high level of competence that his colleagues had always observed in him. He would remain in people's memory as a man who had spared no effort to advance the cause of human rights.

14. Mr. GALLEGOS CHIRIBOGA thanked the Chairperson for his words of praise of a distinguished Ecuadorian who had devoted his life to the defence of human rights, not only on the international stage but also in his own country. He assured the Committee that he would do his best to live up to the standard set by his predecessor.

15. Mr. GROSSMAN said that Mr. Julio Prado Vallejo, with whom he had had the privilege of working at the Inter-American Commission on Human Rights and as a member of missions to monitor human rights in several countries including Haiti, Paraguay and Brazil, was leaving behind the example of an unshakeable commitment to the cause of human rights.

16. Mr. MARIÑO MENÉNDEZ voiced his deep sadness at the loss of someone who was not only an ardent defender of human rights, but also a man of a great nobleness of spirit and a friend.

17. Ms. MORALES (Secretary of the Committee) read out the draft of a letter which it was intended to send to the family of Mr. Julio Prado Vallejo on behalf of the Committee.

18. *At the suggestion of the Chairperson, the meeting observed a minute's silence in memory of Mr. Julio Prado Vallejo.*

ADOPTION OF THE AGENDA (item 3 of the provisional agenda)

19. *The provisional agenda was adopted.*

ORGANIZATIONAL AND OTHER MATTERS (item 4 of the agenda)

20. *The programme of work was adopted, subject to the possibility of making subsequent adjustments.*

21. Mr. WANG Xuexian asked what was the situation with the draft general comment on article 2, the drafting of which had been entrusted to Ms. Gaer and Mr. Mariño Menéndez at the previous session and which the Committee was supposed to examine during the current one.

22. Ms. MORALES (Secretary of the Committee) said that the draft, written in English, was included in the file given to each of the members. The translations into the Committee's other working languages were expected to reach the secretariat in the next few days.

23. The members of the Committee would also find in their file the list of the countries whose reports needed to be considered. The five countries that had submitted their reports since the preceding session of the Committee, as listed by

Mr. N'Diaye, had been joined by Israel, whose report had arrived on 3 November 2006, thus bringing the number of reports to be considered to 27.

24. The members' files also contained the general comment adopted by the Committee on the Rights of the Child on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/C/GC/8) and the draft of the Convention on the Rights of Persons with Disabilities.

25. The three countries to which the Committee had sent a list of issues to be discussed when their periodic reports were considered had provided written responses. Since they had reached the Secretariat only a short time before the beginning of the session, it had not been possible to translate them. With regard to the arrangements for the session, it had also not been possible to take up the suggestion from Mr. Camara that the discussions with NGOs should be scheduled in the mornings.

26. The CHAIRPERSON said that the fact that the written responses were available only in the languages in which they had initially been submitted was a recurrent problem for the Committee, as was the issue of the status of those responses. Those questions should perhaps be raised during the inter-committee meeting and the meeting of chairpersons of human rights treaty bodies.

27. Ms. GAER, recalling that she had been appointed Rapporteur for the Russian Federation, pointed out that she had received the State party's written responses only in the original Russian. In addition, observing that other treaty bodies published the written responses they received as official documents, she suggested that the Committee secretariat should put State parties' written responses up on the website of the Office of the High Commissioner.

28. Ms. CONNORS (Committee secretariat) said that the secretariat ensured that all documents relating to the consideration of reports were made available through the Committee's Web page. In addition, it requested the translation services to give priority to the documents written in languages not familiar to many members of the Committee, and had done so in the case of the written responses of the Russian Federation. However, as the document was 70 pages long and had been received only three weeks before the session, it had not been possible to translate it in time. As a result, it would probably be necessary for the Russian delegation to read out extracts from it during the meeting, so that all the members of the Committee could learn of its content through the interpretation and some of its content would be captured in the record of the meeting. This practice, of which several committees made use when they had to deal with the late submission of such documents, had the drawback that it made the sessions much less animated. It would therefore be a good idea for the Committee to set a firm date for submission of written responses, based on the 10-week rule, as the Committee on the Rights of the Child had done, with their meetings having become significantly more interactive since the adoption of that method.

29. Mr. MARIÑO MENÉNDEZ said that the Committee needed to decide whether it wished to make it obligatory for the States parties to respond in writing to the list of issues. If it did, it would have to set a deadline for the dispatch of such responses, after consulting the secretariat on the amount of time needed for translating the language in question. As for the status of such documents, Mr. Mariño Menéndez

could not see any obstacle to the Committee's considering them as official documents, because it was not up to the States parties to decide whether or not they could be assigned that status.

30. Mr. GROSSMAN said that, in the interests of transparency, the Committee should operate on the assumption that the States parties that sent it written responses accepted that the information in them would be published, subject to the possibility of later amendment. In addition, a note stating that the document in question was currently being translated could be added, as needed.

31. The CHAIRPERSON emphasized that the problem was not so much the publication of the written responses as the translation of them. While being in favour of the idea of setting deadlines, he seriously doubted that the States parties would be able to meet them.

32. Ms. GAER recalled that quite a large number of States parties considered writing the periodic report to be a very onerous task, one that some of them found very difficult to complete. If the Committee made it obligatory for them to submit written responses to the list of issues, it would be asking the States parties to submit an additional report, which might delay the consideration of reports even further. Ms. Gaer therefore suggested that the Committee should follow the example of the Human Rights Committee, that drew up its lists of issues just after the consideration of a State party's initial or periodic report, so that the country could include its written responses in its next periodic report and thus only have to supply a single document. In any event, the presentation of written responses was not a guarantee for the quality of the dialogue: it had sometimes been the case that a State party had given complete satisfaction to the Committee by its oral responses alone.

33. Ms. MORALES (Secretary of the Committee) clarified that, although some States parties sometimes refused to allow publication of their written responses before the presentation of the report, to date none had ever objected to publication after the oral consideration. Also, if submission of written responses was not obligatory, Ms. Morales was not sure how the Committee would be able to require States parties to meet any deadlines. The Committee could follow the practice adopted by other bodies of publishing the written responses, as received, during the time that they were passing through editing and translation, as was done for the periodic reports. She also clarified that the method in the Human Rights Committee referred to by Ms. Gaer was at a trial stage and not yet used systematically.

34. The CHAIRPERSON said that the discussion had shown that the Committee considered itself at liberty to publish the written responses and that there was no advantage in making it obligatory for States parties to respond in writing to the list of issues. As for the translation problems, the Chairperson recalled that the country rapporteurs were generally selected at least in part on the basis of their knowledge of the language concerned. As it was primarily their responsibility to study the report, the Committee could for the moment take the view that it would make do with the original version of the written responses, unless the rapporteurs requested a translation, and that meanwhile the issue would be discussed in greater detail at the sixth inter-committee meeting.

The meeting rose at 11.50 a.m.