



**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 725th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 6 November 2006, at 3 p.m.

Chairperson: Mr. MAVROMMATIS

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

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The discussion covered in the summary record began at 4.05 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 4)

1. The CHAIRPERSON drew attention to a letter he had received from the Chairperson of the Eighteenth Meeting of Chairpersons of Human Rights Treaty Bodies. It contained the recommendations of the Fifth Inter-Committee Meeting that had been adopted by the Meeting of Chairpersons, as well as a number of its own recommendations. Some of those recommendations required specific action by the Committee.

2. Ms. SVEAASS said that the Fifth Inter-Committee Meeting had been convened primarily to consider the concept paper on the High Commissioner's proposal for a unified standing treaty body (HRI/MC/2006/2). A strong consensus had emerged on the need for treaty bodies to collaborate more and overlap less, but it was felt that merging the various treaty bodies into a single body was not practical. Participants generally agreed that priority should be given to the harmonization of periodic and core reports. The representatives of the various United Nations bodies that had participated were generally in favour of maintaining the current treaty-specific structure. The representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) had pointed out that one of the advantages of the current system was that it permitted contact between States parties and the countries of origin of the various treaty body experts. The representatives of United Nations bodies and those of non-governmental organizations (NGOs) expressed concern that vulnerable groups, in particular women and children, could become even more vulnerable under a unified treaty body system. The United Nations bodies emphasized the need to strengthen their cooperation with the various treaty bodies, while the NGO representatives were fearful that the adoption of a unified treaty body would diminish the specific focus of the individual treaties and undermine the valuable contacts that had been established between the treaty bodies and civil society. Participants were unanimous, however, in supporting the establishment of a unified complaint mechanism, which would offer a better solution than the existing system for dealing with individual communications and would serve to consolidate the specialized knowledge of the experts concerned.

3. Among other issues considered by the Fifth Inter-Committee Meeting was the role of national human rights institutions during the consideration of the periodic reports of States parties. There was general agreement that the information presented by such institutions should be kept separate from that presented by States parties. The Meeting also considered the practical and legal obstacles encountered by treaty bodies in carrying out follow-up procedures, one of which was a heavy backlog of periodic reports for consideration.

4. The CHAIRPERSON said that, at the next annual Meeting of Chairpersons of Human Rights Treaty Bodies and Inter-Committee Meeting, the Committee might wish to give its views on the issue of a unified complaints mechanism. In the meantime, some useful insights might be gained by jointly considering communications submitted to the Committee with experts from one or two other committees. That would enable the Committee to compare its approach to communications with that of other treaty bodies as a test of whether it would be desirable to

establish a joint permanent mechanism. Such a mechanism would help to reduce the Committee's workload, which was becoming increasingly difficult for only 10 members to handle.

5. Ms. CONNORS (Senior Human Rights Officer) said that recommendation V of the Fifth Inter-Committee Meeting had proposed the establishment of a working group to discuss ideas relating to the harmonization of the working methods of the treaty bodies. Those ideas had included alternative proposals submitted by the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child, and the Committee on the Elimination of Discrimination against Women. It might be interesting for the Committee against Torture to consider those proposals and to submit its views to the working group.

6. The CHAIRPERSON said that Ms. Gaer had volunteered to represent the Committee at the meeting of the working group. He took it that members wished to endorse her appointment.

7. It was so decided.

8. The CHAIRPERSON invited the Committee to consider recommendation XI and the possibility of appointing rapporteurs or focal points to enhance cooperation with United Nations specialized agencies.

9. Ms. GAER questioned the need to appoint Committee members for such tasks, suggesting that they might be entrusted to the secretariat, which was already in contact with the specialized agencies. She would welcome more information on the views expressed on the matter during the Inter-Committee Meeting.

10. The CHAIRPERSON suggested that a Committee member should be appointed to liaise with UNHCR, whose input was found useful by the Committee. He also suggested that the secretariat might be requested to investigate the need for cooperation with the other specialized agencies.

11. Mr. CAMARA agreed on the need for closer cooperation with UNHCR, and suggested that the secretariat should draft a document on whether similar cooperation with the other specialized agencies would be useful and necessary.

12. The CHAIRPERSON said that during the Inter-Committee Meeting participants had stressed the need for closer cooperation between the treaty bodies and specialized agencies. Thus far the Committee had established such cooperation with UNHCR only. However, in order to comply with the recommendation, it must at least consider the question whether such cooperation with other specialized agencies was necessary.

13. Mr. MARIÑO MENÉNDEZ said that he would be willing to act as the focal point for cooperation with UNHCR. The Committee might also wish to consider the possibility of closer cooperation with the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organization (WHO), whose activities were relevant to its mandate.

14. Mr. WANG Xuexian suggested that one Committee member should stand ready to liaise with any of the specialized agencies as and when appropriate. He did not consider it necessary for the secretariat to draft a document on the usefulness of cooperation with the various specialized agencies, not least because it would entail too much work.

15. Ms. SVEAASS said that she would be willing to be the focal point for liaison with WHO, should the Committee consider it necessary.

16. Ms. MORALES (Secretary of the Committee) said that one reason for seeking to establish closer cooperation with the specialized agencies was to ensure the broader and more effective implementation of treaty body recommendations. At present the treaty bodies and OHCHR were not sufficiently well represented worldwide, whereas the specialized agencies were in a better position to ensure implementation.

17. In that connection a meeting of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the field of Human Rights would be held later that week and representatives of the treaty bodies were invited to participate. The intention was to discuss possible cooperation between the treaty bodies and the Fund with a view to facilitating the implementation of treaty body recommendations and technical cooperation programmes at the national level. She wished to know whether any member would be willing to represent the Committee at the meeting; the task could perhaps be shared by several members.

18. Ms. GAER said she welcomed the meeting of the Board of Trustees, although it would be difficult for Committee members to attend. Irrespective of whether the Committee was represented, a letter should be sent to the Board requesting it to take account of the Committee's concluding observations and recommendations in its work.

19. Ms. CONNORS (Senior Human Rights Officer) said it was regrettable that the Board of Trustees meeting coincided with the Committee's current session. The idea for such a meeting had come from a former member of the Committee on the Rights of the Child, now a senior official in UNICEF, who had highlighted the difficulty specialized agencies, funds and programmes had in implementing treaty body recommendations at the national level. The meeting had aroused considerable interest, particularly among the specialized agencies; representatives of the World Bank, UNHCR, WHO and United Nations country teams were expected to participate. It would be the first step in a process of broad consultations on cooperation between the specialized agencies and treaty bodies. She endorsed the Secretary's comments regarding the need for treaty bodies to be better represented at the national level and the suggestion to establish cooperation with WHO.

20. The CHAIRPERSON said there seemed to be agreement on the need to establish closer cooperation with UNHCR and that Mr. Mariño Menéndez should be designated as the focal point for that purpose. There had also been support for the idea of Ms. Sveaass exploring the possibility of cooperation with WHO. The question remained as to who would represent the Committee at the forthcoming Board of Trustees meeting.

21. Mr. WANG Xuexian sought clarification as to whether one Committee member would be appointed forthwith as the focal point for cooperation with all specialized agencies, where such cooperation was deemed necessary, or whether different members should be appointed as and when necessary.
22. The CHAIRPERSON said that since Ms. Sveaass had particular expertise in the medical field, it would seem appropriate for her to investigate the need for cooperation with WHO.
23. Mr. MARIÑO MENÉNDEZ said that owing to his commitments as country rapporteur for two States parties, he would be unable to attend the meeting of the Board of Trustees. He stood ready to be the main focal point for cooperation with UNHCR and for cooperation with other specialized agencies, such as FAO, in future. He agreed that Ms. Sveaass should look into the possibility of cooperating with WHO.
24. Mr. CAMARA said that he endorsed the idea of Mr. Mariño Menéndez being responsible for cooperation with UNHCR, but not all specialized agencies. That was a matter that required further reflection by the Committee.
25. Ms. GAER said that while at the outset she had been somewhat sceptical, she was now convinced of the usefulness of cooperation with other specialized agencies but, like Mr. Camara, felt that the matter required further consideration. She was also convinced that the Committee had a special relationship with UNHCR that needed to be further developed. It would not suffice for UNHCR to submit documentation to the Committee; it should brief it on a regular basis. She endorsed the idea of Ms. Sveaass looking into cooperation with WHO.
26. Mr. GROSSMAN observed that recommendation XI referred to “focal points” and “rapporteurs”; it did not therefore exclude the possibility of more than one Committee member being responsible for liaison activities. He did not consider it feasible for a single member to be the focal point for cooperation with all specialized agencies. He agreed that Mr. Mariño Menéndez should be responsible for cooperation with UNHCR and, given her expertise, Ms. Sveaass should look into cooperation with WHO. It would be interesting to know more about the experience of the Committee on Economic, Social and Cultural Rights with regard to cooperation with the specialized agencies.
27. Ms. MORALES (Secretary of the Committee) referred Mr. Grossman to the note by the Secretary-General on effective implementation of international human rights instruments (A/61/385) in that connection.
28. Ms. SVEAASS said she would be willing to represent the Committee at the meeting of the Board of Trustees.
29. The CHAIRPERSON said he took it that the Committee wished to appoint Mr. Mariño Menéndez as the focal point for cooperation with UNHCR. Ms. Sveaass should look into the need for cooperation with WHO and report to the Committee on the subject at a subsequent meeting. She would also represent the Committee at the forthcoming meeting of the Board of Trustees.

30. Mr. WANG Xuexian sought clarification regarding the last sentence of recommendation VIII to the effect that follow-up should be conducted in open meetings and follow-up seminars and that each committee should explore other follow-up measures.

31. The CHAIRPERSON said that each treaty body had its own approach to follow-up. In the case of the Committee that entailed direct contact with the States parties following consideration of their reports and reports on their work delivered by follow-up rapporteurs during public meetings.

32. Ms. GAER said that following the Committee's consideration of the third periodic report of Germany, the German Government had held a follow-up seminar on the Committee's concluding observations and recommendations. Apparently there had been broad participation in the seminar, including by NGOs, and the exercise had been found very useful.

33. Follow-up seminars were also organized at the national level by the Association for the Prevention of Torture (an NGO) following consideration of State party reports by the Committee.

The meeting rose at 5.25 p.m.