



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

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## Committee against Torture Sixty-fifth session

### Summary record of the first part (public)\* of the 1681st meeting

Held at the Palais Wilson, Geneva, on Monday, 12 November 2018, at 10 a.m.

*Chair:* Mr. Modvig

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\* The summary record of the second part (closed) of the meeting appears as document [CAT/C/SR.1681/Add.1](#).

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*The meeting was called to order at 10 a.m.*

### **Opening of the session**

1. **The Chair** declared open the sixty-fifth session of the Committee against Torture.
2. **Mr. Korkeakivi** (Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that Ms. Michelle Bachelet, the new High Commissioner, had reminded States gathered at the first ministerial meeting of the Alliance for Torture-Free Trade, on 24 September 2018, that not only did they have a legal obligation to prohibit and refrain from torture, but that they also must take effective steps to prevent it. In addition, she had stated that no State should permit the sale of equipment whose use would be illegal in its own territory or turn a blind eye to the final use of products made in its territory.
3. In her address to the Human Rights Council on 10 September 2018, the High Commissioner had drawn on her personal experience as a political detainee as well as a physician, including for children who had experienced torture and the enforced disappearance of their parents. With such personal and professional exposure to the effects of torture, the High Commissioner was well placed to appreciate the importance of the crucial work done by the United Nations anti-torture mechanisms, namely the Committee against Torture, the Subcommittee on Prevention of Torture, the Special Rapporteur on torture and the Voluntary Fund for Victims of Torture. She had welcomed the fact that the recommendations issued by the treaty bodies and the Council's special procedures and those stemming from the universal periodic review were increasingly integrated into coordinated tools for better implementation by States, United Nations country teams and other actors.
4. The crucial role played by human rights defenders was highlighted in the Secretary-General's recent report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights ([A/HRC/39/41](#)), which contained detailed information on the intimidation and reprisals faced by individuals who cooperated with the Organization. On 19 September 2018, the Assistant Secretary-General for Human Rights had held the first interactive dialogue on the report at the Human Rights Council. He had stressed that, while cases of reprisals against human rights defenders enumerated in the report were only the tip of the iceberg, the report demonstrated the magnitude and scope of reprisals. There were three particularly disturbing trends, namely the labelling of human rights defenders as "terrorists" in the context of counter-terrorism efforts, the disguise of reprisals as legal, political and administrative obstacles, and the use of accreditation and security procedures to prevent people from speaking out at the United Nations and elsewhere. The Assistant Secretary-General had expressed his intention to do more to engage with United Nations partners who witnessed reprisals and to explore how to address the issue of reprisals more effectively as a system. Given the Committee's leading role and in-depth experience in that regard, its contribution to those efforts would be essential and its participation in the upcoming workshop on reprisals co-organized by OHCHR and the International Service for Human Rights was highly appreciated.
5. The Secretary-General's report on the status of the human rights treaty body system, along with extensive statistical annexes ([A/73/309](#)), was now available on the OHCHR website. The report highlighted the fact that the increased amount of meeting time allocated to the treaty bodies had not been matched with sufficient staff. The gap between the growing workload and human resources was particularly wide in respect of individual communications. The report also stressed that some of the treaty bodies' other mandated activities were far more labour-intensive than originally anticipated. OHCHR looked forward to addressing those immediate challenges with the Committee and to exploring sustainable, longer-term options. In that connection, he welcomed the Committee's active engagement in the preparation of the 2020 review of the treaty body strengthening process.

6. The treaty body Chairs had agreed to explore further alignment of the simplified reporting procedure across all treaty bodies. In order to facilitate the process, OHCHR, together with the Geneva Academy of International Humanitarian Law and Human Rights, was organizing a workshop on 10 and 11 December 2018, in Geneva. The Committee's unique experience as a pioneer of the procedure would be of great value to the discussions. The Chairs had also endorsed elements for a common aligned procedure on follow-up to concluding observations, decisions and views; he looked forward to the Committee's contribution in that regard.

7. Lastly, organizational steps had recently been taken to better coordinate and focus anti-torture work within the Human Rights Treaties Branch of OHCHR. The secretariats of the Committee, the Subcommittee and the Voluntary Fund had been grouped together in a new "Anti-Torture, Coordination and Fund Section", which would also deal with treaty body strengthening and provide support for the meetings of the Chairs. He was confident that the clustering of anti-torture teams would help raise the profile of the work, facilitate the Committee's important ongoing cooperation with the other two entities and encourage further synergies between the respective secretariats.

8. **Mr. Hani** said that he would appreciate further details about the Alliance for Torture-Free Trade, specifically on how OHCHR saw the role of the Committee in the drafting of an international convention on the topic and in encouraging States to support the initiative and refrain from engaging in the trade of any instrument of torture.

9. **Ms. Gaer** asked whether the Secretary-General and the Assistant Secretary-General had plans to boost the efforts of the Chairs regarding the protection of victims of reprisals and whether the reorganization of the anti-torture secretariats would entail less support for the Committee.

10. **The Chair** said that the Convention and the Committee were certainly relevant to the issue of the trade in instruments of torture; however, what little information in that regard the Committee had received had come from alternative reports, never from States parties. He wished to know whether the issue of the death penalty was still included in the Alliance initiative.

11. **Mr. Korkeakivi** (Office of the United Nations High Commissioner for Human Rights) said the fact that the High Commissioner had made the opening statement at the Alliance's first ministerial meeting demonstrated the importance she attached to the Alliance. OHCHR did not have a firm position regarding the adoption of a normative instrument, though it was in favour of exploring various options and would engage further with States to encourage them to combat the trade in products used in the practice of torture. As for the role of the Committee, the High Commissioner had emphasized the relevance of the Convention against Torture and the Committee's concluding observations to the Alliance's cause, which did also include the death penalty.

12. Regarding reprisals, the idea was to look at the work of the focal points within the treaty bodies and how it linked up with the Assistant Secretary-General's efforts. It was widely acknowledged that the Committee did not currently receive sufficient support, and the hope was that the reorganization of the anti-torture section would optimize resources and strengthen the support provided by the secretariat.

#### **Adoption of the agenda (CAT/C/65/1)**

13. *The agenda was adopted.*

#### **Organizational and other matters**

14. **The Chair**, providing an overview of the Committee's activities for the session, said that, in addition to the State party reviews, the Committee would be considering 12 individual communications and 5 discontinuances. Reports on follow-up under articles 19 and 22 and on reprisals under articles 19, 20 and 22 would be presented by the respective rapporteurs. In addition, the Committee would continue its internal thematic discussions on fundamental legal safeguards and on how to structure its dialogues with States parties. The joint meeting with the Subcommittee, to which the Special Rapporteur on torture and the

Voluntary Fund had been invited, would concern the theme of non-coercive investigative interviewing. A full-day meeting with the three regional human rights courts, funded by the Fondation René Cassin, would take place on 30 November, and the World Organisation Against Torture (OMCT) would brief the Committee on the protection of women from violence on 4 December.

*The public part of the meeting rose at 10.30 a.m.*