



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

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Committee against Torture Sixtieth session

Summary record of the first part (public)* of the 1505th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 18 April 2017, 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.1505/Add.1.

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

Opening of the session

1. **The Chair** declared open the sixtieth session of the Committee against Torture.
2. **Mr. Salama** (Chief, Human Rights Treaties Branch, Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that the Committee's session was being held at a time of significant global turmoil. Protection of the rights of migrants and refugees was one of the challenges that should be prioritized, and the Committee had an important role to play in that regard.
3. For the first time since the Second World War, hundreds of millions of women, men and children had been leaving their countries as a result of war or dire economic circumstances. A significant number of refugees, asylum seekers, stateless persons and international migrants had suffered torture and ill-treatment in their country of origin or along migratory routes, and could also be vulnerable to torture or harm in the destination country. Instead of providing them with protection, many countries had resorted to repressive policies, sealing borders, harshly enforcing decisions to deny them entry or even treating them as criminals.
4. The Committee had rightly denounced the detention of migrants for reasons related solely to their immigrant status. It had stressed the vulnerability of children who were deprived of their liberty on account of their parents' migration status. Such action clearly violated the best interests of the child and his or her fundamental rights. The Committee had also expressed serious concern about the appalling detention conditions of migrants, including sexual abuse and ill-treatment, in many parts of the world.
5. The Committee had consistently reaffirmed under its complaint procedure that no one could be expelled, returned or extradited where there were substantial grounds for believing that he or she would run a personal and foreseeable risk of being subjected to torture. Yet every day migrants were expelled, returned or deported in violation of the non-refoulement principle enshrined in article 3 of the Convention.
6. NGOs specializing in rehabilitation had commended the Committee's general comment No. 3 on redress and rehabilitation, which provided crucial guidance to States, human rights defenders and other parties, including in the context of migration.
7. The Committee reminded the international community through its concluding observations, decisions on individual complaints and legal interpretations that the only effective approach to migrants must be grounded in respect for their fundamental human rights. Its influence was particularly relevant at a time when powerful voices promoted messages that were contrary to a rights-based approach. The revision of general comment No. 1 on the implementation of article 3 of the Convention and the Committee's scheduled public discussion during the session with States, specialized agencies, other international bodies, civil society organizations and many other bodies were raising high expectations for the most vulnerable migrants whose rights were under attack.
8. OHCHR was looking forward to the outcome of the Committee's participation in the Expert Workshop on torture victims in the context of migration, organized by the United Nations Voluntary Fund for Victims of Torture.
9. On 19 September 2016 the General Assembly had adopted resolution 71/1 containing the New York Declaration for Refugees and Migrants, which expressed the political will of world leaders to protect the rights of refugees and migrants, to save lives and to share responsibility for large-scale worldwide movements. Member States had undertaken: to start negotiations leading to an international conference and the adoption in 2018 of a global compact for safe, orderly and regular migration; to develop guidelines on the treatment of migrants in vulnerable situations; and to achieve a more equitable sharing of the burden and responsibility for hosting and supporting the world's refugees by adopting a global compact on refugees in 2018. In March 2017, the United Nations Secretary-General had appointed Louise Arbour, the former High Commissioner for Human Rights, as his Special Representative for International Migration. He hoped that the Committee would also contribute to the global compact.

10. **Mr. Heller Rouassant** said that effective action to tackle the massive global migrant and refugee crisis required enormous human and financial resources. He therefore enquired about the financial situation faced by the global human rights system. Many officials in powerful positions had called for a cut in contributions to the United Nations. He asked whether such cuts might affect the Committee's ability to fulfil its mandate.

11. **Mr. Salama** (Chief, Human Rights Treaties Branch, OHCHR) said that a change was expected in the general financial situation of the United Nations, but no final decisions had been taken regarding its scope and impact. Internal action was being taken to address such an eventuality. The situation of the treaty bodies would depend on action taken by the Fifth Committee in response to General Assembly resolution 68/268. OHCHR had submitted the budgetary implications of the resolution based on a formula that linked the number of treaty body reviews of State party reports and complaints to financial and human resources. It would become clear in the autumn of 2017 whether the treaty bodies were facing explicit risks. However, it would be politically difficult, in his view, for States to refrain from fulfilling their commitments. A lasting reform of the treaty body system was foreseen following the scheduled 2020 review by the General Assembly.

12. The High Commissioner had ended a recent speech on "The Impossible Diplomacy of Human Rights" on a positive note, stating that the current challenging times highlighted the need for international human rights law and monitoring bodies.

Adoption of the agenda (CAT/C/60/1)

13. *The agenda was adopted.*

The public part of the meeting rose at 10.20 a.m.