



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

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Forty-seventh session

Summary record of the first part (public)* of the 1020th meeting

Held at the Palais Wilson, Geneva, on Monday, 31 October 2011, at 10 a.m.

Chairperson: Mr. Grossman

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.1020/Add.1.

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The meeting was called to order at 10.15 a.m.

Opening of the session by the United Nations High Commissioner for Human Rights

1. **Ms. Pillay** (United Nations High Commissioner for Human Rights) declared open the forty-seventh session of the Committee against Torture.
2. She said that consultations on the strengthening of the treaty body system had begun in Dublin, Ireland, in November 2009 and had continued in Marrakech, Morocco, in June 2010, in Poznan, Poland, in September 2010, in Seoul, Republic of Korea, in April 2011, in Sion, Switzerland, in May 2011 and in Pretoria, South Africa, in June 2011. Consultations focusing on individual communication procedures had taken place in Geneva on 29 October 2011 and had been attended by the Committee's Chairperson, Mr. Grossman, and by Ms. Gaer. A wrap-up meeting on the entire process would be held in Dublin in November 2011 and she would present her report on proposals made during the process in early 2012.
3. The Committee would have an opportunity at its current session to discuss any further contributions it might wish to make to the treaty body strengthening process. It had been playing a crucial role to date and she was pleased to note that it planned to hold further discussions on the new optional reporting procedure, which had now also been adopted by the Human Rights Committee and the Committee on Migrant Workers.
4. Budget restrictions continued to have a negative impact on the organization of treaty body sessions. The full resource requirements of treaty bodies, including in respect of documentation, had been disclosed for the first time during the consultations with States parties in Sion in May 2011. The report of the Secretary-General to the General Assembly on measures taken to implement resolution 9/8 and obstacles to its implementation, including recommendations for further improving the effectiveness of, harmonizing and reforming the treaty body system (A/HRC/16/32), presented a possible way forward. It proposed a periodic review of treaty body resource requirements as an alternative to the current system involving ad hoc requests for additional meeting time. The Secretary-General's report had been prepared in response to repeated requests from States parties, who were continuously confronted with such ad hoc requests. She was pleased to report her conclusion from a number of in-depth and frank discussions with Member States at United Nations Headquarters the previous week that many States were now aware of the need to address the issue of resources in a comprehensive manner.
5. The 12th Inter-Committee Meeting held from 27 to 29 June 2011 had focused on enhancing the effectiveness of the treaty bodies and on harmonizing working methods. It had been followed on 30 June and 1 July by the 23rd Meeting of Chairpersons, which had also discussed the harmonization of working methods, as well as the eligibility and independence of members, and enhancement of the Meeting of Chairpersons. Mr. Grossman and Mr. Bruni had attended the meetings.
6. She had stressed in her opening address to the Inter-Committee Meeting that treaty body experts were the driving force in efforts to strengthen the treaty body system and that they would succeed, especially in the area of harmonization, if they were determined and united around the shared vision that was progressively emerging. The goal of harmonized working methods included improved management of meeting time. The other key challenge, resources, was clearly the responsibility of States, a responsibility that could not be avoided despite the current financial and economic crisis. It was unacceptable in her view that the treaty body system functioned with a 30 per cent reporting compliance rate, that treaty bodies were the victims of their own success and that their lack of resources weakened States parties' accountability under international human rights law.

7. The Chairpersons had taken a number of interesting decisions during their 23rd meeting. They had decided, for instance, to draft guidelines on the independence and expertise of members of treaty bodies. She noted that the Committee had recently revised its rules of procedure in that regard. The Chairpersons had also decided to hold their next meeting in June 2012 in Africa, *inter alia* with a view to interacting with regional mechanisms and other actors. In addition, the Chairpersons had suspended the Inter-Committee Meetings, not only because of their less than enviable success rate in harmonizing treaty bodies' working methods but also because the necessary funding might not be available due to the current funding crisis. It had been agreed that if funding was available, her Office could support a substantive meeting or a meeting of a working group if such a step was deemed necessary by the Chairpersons. Lastly, the Meeting of Chairpersons, while noting that the autonomy and specificity of treaty bodies should be respected, recommended that the Chairpersons be empowered to adopt measures on working methods and procedural matters that were common to all treaty bodies. Individual Chairpersons would consult their respective committees on such matters in advance, and if a treaty body was not in agreement with the measures adopted by the Chairpersons, it could subsequently dissociate itself from them.

8. At the first meeting of States parties to the International Convention for the Protection of All Persons from Enforced Disappearance at United Nations Headquarters on 31 May 2011, the 10 members of the newly established Committee on Enforced Disappearances had been elected. The Committee had been established following the entry into force of the Convention on 23 December 2010 after its ratification by the twentieth State. It would hold its first session on 8 November 2011 and the Committee against Torture might wish to arrange a meeting with its members in view of the issues shared by the two treaty bodies.

9. The Human Rights Council had held its eighteenth session from 12 to 30 September 2011. An item of specific interest to the Committee was the Council's consideration of a report by the Secretary-General on the question of the death penalty (A/HRC/18/20). The Council had adopted decision 18/117 requesting the Secretary-General to continue submitting to the Human Rights Council a yearly supplement to his quinquennial report on capital punishment, paying special attention to the imposition of the death penalty on persons younger than 18 years of age at the time of the offence, on pregnant women and on persons with mental or intellectual disabilities.

10. On 18 October 2011, the 13th meeting of States parties to the Convention against Torture had elected five new members to replace those whose mandate ended on 31 December 2011. She congratulated Ms. Gaer, Mr. Gaye and Mr. Grossman on their re-election and thanked Ms. Kleopas, who had not run for re-election and was participating in her last session as a Committee member, as well as Mr. Gallegos Chiriboga, who had tendered his resignation prior to the session, for their valuable contribution to the Committee's work.

11. The current session would be the busiest ever for the Committee: it would consider 9 State party reports and 15 individual communications, discuss a draft general comment on article 14 of the Convention and consider information under article 20 of the Convention. It would also continue to review compliance with concluding observations and decisions under article 22 and adopt five lists of issues under the regular reporting procedure for its May 2012 session. A meeting had also been arranged with the Subcommittee on Prevention of Torture. The Subcommittee had visited Ukraine in May 2011 and Brazil in September 2011 and would visit Mali in December 2011. Lastly, she noted that the Committee would discuss and evaluate the optional reporting procedure in the light of a document prepared by the secretariat, with a view to improving it for the next reporting cycle, although it was already a very successful initiative. All in all, it was a very heavy workload for a

Committee with such a small membership and a clear sign of its commitment to the fight against torture and ill-treatment throughout the world.

12. **The Chairperson** said that the Committee warmly acknowledged the High Commissioner's leading role in promoting the strengthening of the treaty body system through harmonization and coordination. It trusted that the process would produce valuable results. The system's legitimacy would certainly be enhanced if greater consistency could be achieved.

13. The current session would present the Committee with major challenges and it would spare no effort, as a committed group of independent experts, to address them effectively. He agreed with the High Commissioner that it was important to forge links with the new Committee on Enforced Disappearances. The Committee had frequently condemned enforced disappearance as a crime against humanity and called for reparations not just for the victims but also for family members and dependants, who suffered severe trauma. The Secretary-General's report on the death penalty was also an initiative of great relevance to the Committee.

14. **Ms. Belmir** commended the High Commissioner on her courage in tackling human rights issues around the world, especially in the context of the so-called "Arab spring". She hoped that the Committee would discuss and take some form of action on the horrendous events involving torture and loss of life that were occurring every day in the Arab world.

15. **Ms. Gaer** said that she had been struck by the fact that, while a number of United Nations Secretaries-General and High Commissioners for Human Rights had addressed the need to reform the treaty body system, to ensure closer coordination among the treaty bodies and to ease the reporting burden, the present High Commissioner had been the first to focus on the goal of strengthening the system. She thanked her for that change of focus and for emphasizing the need to ensure compliance with treaty obligations.

16. As the High Commissioner frequently interacted with States parties to the Convention, the Committee would welcome advice on how it might assist her in promoting the implementation of its concluding observations and recommendations in that context.

17. **Mr. Bruni** noted that the report on further improving the effectiveness of, and on harmonizing and reforming the treaty body system contained a short-term recommendation concerning the backlog of reports awaiting review and a long-term recommendation on harmonizing the meeting time required by each treaty body. He expressed strong support for the report and hoped that the Committee would find time to discuss it during the session.

18. **The Chairperson** said that the Committee hoped to complete its general comment on article 14 of the Convention during the session. Its work would be enriched by the very impressive number of comments that had been received. The question of reparations was of great importance for victims of torture and could also serve as a deterrent.

19. **Ms. Pillay** (United Nations High Commissioner for Human Rights), speaking from her experience as a former judge, stressed the importance of asserting one's independence in order to prevent the executive from imposing its own rules. She encountered the problem of overbearing executive authority wherever she travelled. Even the media complained about government restrictions. She therefore welcomed the independent initiatives taken by treaty bodies. However, it was also essential to harmonize their procedures and to develop a common vision. Any progress made in that direction facilitated her task of persuading Member States to appreciate the work of the treaty bodies. Her recent meeting with Member States at United Nations Headquarters had been very well attended, and she had left with the impression and hope that they had finally understood her point of view. Some States had called for more exchanges with treaty bodies along the lines of the meeting in

Sion. Others had referred to the possibility that the Third Committee of the General Assembly would address the concerns that she had raised, particularly regarding resources. She had also recommended the prior identification of issues in order to lighten the reporting burden.

20. She raised the question of compliance with universal periodic review, treaty body and special procedure recommendations at every event and in all her interactions with States. She also intended to bring up the subject of treaty body recommendations during the next universal periodic review cycle. Unfortunately heads of State and ministers sometimes seemed to be totally unaware of them.

21. She had recently attended an event at United Nations Headquarters concerning reprisals against individuals and civil society actors who had engaged with United Nations mechanisms. Certain shocking cases of reprisals had been shown on screen, without mentioning the country, for instance the case of a person who had been sentenced to 10 years' imprisonment for writing a letter to the Secretary-General. It was important to confront the representatives of governments in this manner with their failure to comply with international obligations.

22. **The Chairperson** said that only three States parties had elected not to cooperate with the Committee with regard to the lists of issues produced by the Committee prior to the consideration of State party reports; the majority of countries welcomed receiving the list of issues early. In addition, he expressed appreciation for the work of the Committee Secretary.

Adoption of the agenda

23. **Ms. Gaer** enquired whether discussion of item 4 of the agenda would include discussion of requests for reports by the Committee.

24. **Ms. Belmir** said that the current situation in the Syrian Arab Republic merited discussion under item 6 of the agenda on the consideration of information under article 20.

25. *The provisional agenda (CAT/C/47/1) was adopted.*

The public part of the meeting rose at 10.55 a.m.