



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

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COMMITTEE AGAINST TORTURE

Thirty-ninth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 808th MEETING

Held at the Palais Wilson, Geneva, on
Thursday, 22 November 2007 at 3 p.m.

Chairperson: Mr. MAVROMMATIS

SUMMARY

DRAFT GENERAL COMMENT No. 2 ON IMPLEMENTATION OF ARTICLE 2 OF THE CONVENTION (*continued*)

* The summary record for the first part (closed) of the meeting is published as CAT/C/SR.808.

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The second part of the meeting (public) was called to order at 5.35 p.m.

DRAFT GENERAL COMMENT No. 2 ON IMPLEMENTATION OF ARTICLE 2
OF THE CONVENTION BY STATES PARTIES
(CAT/C/GC/2/CRP.1.Rev.3)(*continued*)

1. The CHAIRPERSON invited Committee members to examine, paragraph by paragraph, the new draft version of General Comment No. 2.
2. Mrs. GAER (Rapporteur for the draft general comment), presenting the draft, said that this new version included amendments of substance and form that States parties, nongovernmental organizations (NGOs) and other stakeholders had submitted to the Committee after considering the previous version, published as document CRP/C/GC/2/CRP.1/Rev.2. She explained that in the course of preparing this document, Mr. Mariño Menendez (Co-rapporteur) and she had relied heavily on the Committee's jurisprudence with respect to implementation of article 2.

Paragraph 2

3. Mr. WANG Xuexian suggested adding the word "party" after "State" in the first and fourth lines of the paragraph.
4. *The proposal was accepted.*
5. *Paragraph 2, as amended, was approved.*

Paragraph 3

6. Mr. WANG Xuexian did not agree with the wording of the first sentence of the paragraph, which established too close a link between the obligation to prevent torture, enshrined in article 2, and the obligation to prevent ill-treatment, set forth in article 16, and he proposed eliminating the word "includes" in the first line of the paragraph. He then proposed splitting the first sentence into two sentences, placing a period in the first line, after the word "wide-ranging", and replacing the rest of the sentence by the following text: "Measures to prevent cruel, inhuman or degrading treatment or punishment are also effective measures to prevent torture."
7. After an exchange of views involving Mrs. SVEAASS, Mr. MARIÑO MENÉNDEZ (Co-rapporteur), Mrs. GAER (Rapporteur) and Mr. WANG Xuexian, the Chairperson, finding that no consensus had emerged as to the wording of paragraph 3 of the draft general comment, proposed that this paragraph be examined again at a later meeting.
8. *It was so decided.*

The meeting rose at 6.05 p.m.