



**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 781st MEETING

Held at the Palais Wilson, Geneva,  
on Monday, 5 November 2007, at 10.30 a.m.

Chairperson: Mr. MAVROMMATIS

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The meeting was called to order at 10.45 a.m.

OPENING OF THE SESSION BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

1. Mr. SALAMA (Representative of the Secretary-General) declared open the thirty-ninth session of the Committee against Torture and informed members of developments relating to human rights treaties and their monitoring bodies since the previous session in May 2007. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had held its second session in June 2007, and had undertaken its first country visit to Mauritius in October. Enhancement of the human rights treaty body system had been discussed in July 2007 at an informal meeting in Berlin, hosted by the Government of Germany, at which the Committee had been represented by Mr. Grossman. The need to seek ways of harmonizing the treaty body system had been raised, and the Inter-Committee Meeting highlighted as a possible vehicle for achieving that.
2. Discussion at the Sixth Inter-Committee Meeting had focused predominantly on the treaty body system, and how to improve and harmonize the working methods of the different bodies. The Inter-Committee Meeting, which would henceforth be held twice a year, would work in consultation with treaty bodies to formulate recommendations in that area.
3. Recently, a note verbale had been sent to all Permanent Missions to the United Nations Office in Geneva recommending that the approved harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, should be used by States parties when submitting a report to any treaty body. The Committee on the Elimination of Racial Discrimination (CERD) had already adopted revised reporting guidelines for the CERD-specific document and the Committee on the Elimination of Discrimination against Women (CEDAW) was making good progress with the revision of its specific guidelines. He encouraged the Committee against Torture to consider developing and adopting, as a matter of priority, a CAT-specific document. Common core documents had been received from Australia, Timor-Leste and Turkey, with several States parties indicating progress in that regard.
4. The issue of effective cooperation between the treaty bodies and the Human Rights Council, particularly regarding the universal periodic review (UPR) mechanism - established by the Human Rights Council in June 2007, had been addressed at the nineteenth Meeting of Chairpersons of Human Rights Treaty Bodies. The Chairpersons had underlined the complementary and mutually reinforcing nature of the treaty body system and the future UPR, and emphasized the importance of continuing dialogue on the matter. They had welcomed the fact that the findings and recommendations of treaty bodies would form part of the basis of the UPR, highlighting the role of the concluding observations in that regard, and recommended that all treaty bodies consider developing modalities for enhanced interaction with the special procedures mandate-holders, inter alia with a view to developing effective approaches to the UPR.
5. The Office of the United Nations High Commissioner for Human Rights (OHCHR) had continued to undertake training workshops with a view to strengthening the capacity of key target groups, namely national human rights institutions, non-governmental organizations (NGOs)

and the media, to support and facilitate the implementation of concluding observations at national level. Follow-up to the Committee's concluding observations had been an integral part of those workshops. Since the Committee's last session, workshops had been convened in Guyana, the Philippines and Mauritius, and a further workshop was scheduled to take place before the end of 2007 in Mexico. OHCHR also continued to develop its training tools in order to raise awareness of the core human rights treaties. Those tools included a film "The Treaty Bodies - Bringing Human Rights Home", highlighting the Committee's work, which had been widely distributed and used both internally and externally. The updated version of the DVD would be available in all six official languages, and a copy would be given to each Committee member at the following session.

6. Since the Committee's last session, the Human Rights Council had held the first part of its sixth session in September 2007, during which it had completed its important institution-building task and adopted general guidelines for the preparation of information to be used for the UPR. He gave examples of the information that would be required under the guidelines, and described the working arrangements and workload of the Working Group on the universal periodic review for 2008-2011. It had been requested that a voluntary trust fund and voluntary fund for financial and technical assistance be set up in order to help developing countries participate in the UPR process and assist States in the implementation of the resulting recommendations.

7. The body of human rights norms had been enriched with the adoption of three new instruments: the Convention on the Rights of Persons with Disabilities, which had 118 signatories and 7 ratifications and was expected to enter into force shortly, as should its Optional Protocol, which had 63 signatories and 3 ratifications. He recalled that article 15 of that Convention contained specific references to the right of persons with disabilities to be free from torture or cruel inhuman or degrading treatment or punishment. Finally, the International Convention for the Protection of All Persons from Enforced Disappearance had 71 signatories to date. Those three instruments had been supplemented by the adoption, in September 2007, of the important United Nations Declaration on the Rights of Indigenous Peoples.

8. With reference to reporting guidelines under article 19 of the Convention against Torture, he said that, with the submission of periodic reports by Azerbaijan, El Salvador and Nicaragua, the Committee had received a total of 22 reports for consideration.

9. He assured the Committee that the Treaties and Council Branch was ready to provide any assistance the Committee might require, and expressed his best wishes for a productive and successful session.

10. Ms. GAER asked the representative of the Secretary-General for his views on the relative importance of the work done to eradicate torture and cruel, inhuman or degrading treatment or punishment in the current overall human rights situation. Similarly, what should the relationship between the Committee against Torture and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment be? In particular, did he see any contradiction between, or any possible harmonization of, the work of each body? Lastly, she requested updated information on the proposal of the High Commissioner for Human Rights concerning the consolidation of the treaty bodies.

11. Mr. SALAMA (Representative of the Secretary-General) said that in the context of the UPR process the findings of the Committee against Torture would have a prominent place. A difficult balance must be struck between the need to condense the findings of all treaty bodies and the need to respect the indivisibility of human rights. The Committee's input and suggestions at the Inter-Committee Meeting would be useful in that regard. He would welcome any opportunity for discussion with the Committee, including informal discussion, on the relationship between treaty bodies and the UPR.

12. With regard to the relationship between the Committee against Torture and the Subcommittee on Prevention, he said that was a matter for those bodies themselves. While their roles were complementary, their functions were distinct, from both a conceptual and practical point of view. The Subcommittee should be given time to establish its own territory and find its own parameters, following which both bodies needed to shape their relationship.

13. With regard to the proposal for the consolidation of the different treaty bodies, it was increasingly clear that the human rights treaty body system could not function in a fragmented way, as had been shown by the challenge of the UPR. The different treaty bodies, while keeping their own specific characteristics, had to serve one purpose. The UPR would have huge political visibility, but would not necessarily reflect the level of technical expertise of the treaty bodies. The High Commissioner's proposal to develop a more unified treaty body system should be seen in that context. However, the treaty bodies themselves were the main players, and their views on the matter, and their ability to find creative ways of working towards unification, would be taken into account.

14. Mr. MARIÑO MENÉNDEZ, referring to the national preventive mechanisms required under article 17 of the Optional Protocol, noted that his own country, Spain, was having some difficulty in establishing an appropriate balance in its mechanism between long-established bodies and new participants such as NGOs. He wondered whether other States parties were having similar problems.

15. With regard to the consolidation of the treaty body system, the Committee had already submitted a number of requests for action to enable it to reduce the backlog of State party reports, including an increase in membership and a third session. He asked whether OHCHR was aware of any progress in that regard.

16. Mr. SALAMA (Representative of the Secretary-General) said that he was unable to comment on experience to date with regard to national preventive mechanisms under the Optional Protocol. However, he was sure that domestic mechanisms that specialized in monitoring the situation in places of detention could play a very useful role.

17. It was for States parties to decide on the question of increased membership of the Committee and a third session. He had unfortunately seen no progress to date in that direction. In general, the treaty bodies were victims of their own success and the number of States parties would doubtless increase further as the UPR generated publicity for the system. He therefore foresaw an even greater increase in the workload of both treaty bodies and the secretariat. In the absence of additional resources, the only solution was to focus on improving working methods and technical tools.

18. The CHAIRPERSON said that at the last meeting of States parties a representative of the State that normally sponsored the draft resolution on the Committee that was submitted to the United Nations General Assembly had asked for details of the Committee's request for additional resources. Unfortunately, however, none of those details had been included in the draft resolution that was currently being circulated.

19. Ms. BELMIR said she feared that States were likely to give priority to their reporting obligations under the UPR system, neglecting their obligations vis-à-vis the treaty bodies.

20. Mr. SALAMA (Representative of the Secretary-General) said that the UPR was not intended to be a "super treaty body" but a mechanism that followed up the work of the established treaty bodies. The reporting guidelines adopted by the Human Rights Council stipulated that reports should not exceed 20 pages. As a peer review mechanism, the UPR would attract media attention which could be expected to make the treaty bodies' work more visible. On the other hand, its evolution was unpredictable. In the worst-case scenario it might degenerate into a talking shop that ignored the conclusions and recommendations of the treaty bodies.

21. The CHAIRPERSON agreed that while the UPR was a promising innovation, it presented a number of pitfalls.

#### ADOPTION OF THE AGENDA (CAT/C/39/1)

22. The provisional agenda (CAT/C/39/1) was adopted.

#### ORGANIZATIONAL AND OTHER MATTERS

23. Mr. GROSSMAN noted that, according to the Representative of the Secretary-General, the scheduled examination of the third periodic report of Australia had been postponed because the Australian Government was "in caretaker mode". He wondered whether any other treaty body had agreed to reschedule the consideration of a State party's report on such grounds. He requested an opportunity to discuss the matter in closed session.

24. The CHAIRPERSON, speaking in the light of his lengthy personal experience as a member of two treaty bodies, said that no State party which had requested a postponement had ever been refused. However, the matter could certainly be discussed in closed session at a later meeting.

#### DRAFT GENERAL COMMENT No. 2 CONCERNING THE IMPLEMENTATION OF ARTICLE 2 OF THE CONVENTION (CAT/C/GC/2/CRP.1/Rev.2)

25. Mr. MARIÑO MENÉNDEZ (Rapporteur for the general comment) said that a considerable number of observations by States parties, international human rights institutions and NGOs regarding the draft general comment on article 2 of the Convention (CAT/C/GC/2/CRP.1/Rev.2) had been distributed to members of the Committee.

26. Ms. GAER (Alternate rapporteur for the general comment) said that more than 50 responses been received but they were so far available only in the language of submission. They covered five or six broad issues and a number of details. About 12 responses were in Spanish, about 5 in French, 1 each in Chinese and Russian, and the remainder in English.
27. The CHAIRPERSON suggested that the responses should be read out so that they could be interpreted into the Committee's working languages. The rapporteurs' formal analysis could be discussed later in the session.
28. It was so decided.
29. Mr. KOVALEV read out the observations submitted by the Russian Federation.
30. Ms. MORALES (Secretary of the Committee) read out the observations submitted by Argentina.
31. Ms. BELMIR read out the observations submitted by Burkina Faso.
32. Mr. WANG Xuexian summarized the observations submitted by China.
33. Ms. BELMIR summarized the observations submitted by Lebanon.
34. The CHAIRPERSON said those observations could be regarded as conferring tacit approval on the draft.
35. Ms. MORALES (Secretary of the Committee) read out the observations submitted by Colombia.
36. The CHAIRPERSON said that on the matter of territorial jurisdiction and the question of gender, the views of the Government of Colombia appeared to go beyond the immediate scope of the draft.
37. Ms. MORALES (Secretary of the Committee) began reading out the observations submitted by Mexico.

The meeting rose at 1.05 p.m.