



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

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COMMITTEE AGAINST TORTURE

Thirty-sixth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 705th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 8 May 2006, at 12.05 p.m.

Chairperson: Mr. MAVROMMATIS

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* The summary record of the first part (closed) of the meeting appears as document CAT/C/SR.705.

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The public part of the meeting was called to order at 12.05 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 5) (continued)

Programme of work for 2006

1. The CHAIRPERSON said that if the current backlog of State party reports continued to grow, many reports would not be discussed for more than five years following their submission. Moreover, if the Committee focused efforts on clearing the backlog, it would not have sufficient meeting-time to deal with other matters, including its general comments and follow-up procedures. He therefore suggested that it should request funding for an additional week during its November session on a permanent basis. It should draft a proposal along those lines for inclusion in its annual report, explaining the current difficulties it faced in its work and suggesting possible ways of increasing efficiency. He invited members of the Committee to state their preliminary views on the matter.
2. Ms. GAER said that there were two factors which had significantly swollen the Committee's workload in recent years. The first was the increase in the number of States parties to the Convention. Since they were obliged to submit their initial reports soon after ratification, and the Committee had decided that those reports should be given priority over others, the number of initial reports to be dealt with had risen.
3. The second factor was that the Committee, like other treaty bodies, now drafted a list of issues, which required additional preparation and meeting-time. However, since the States parties were not obliged to submit written replies in advance, they tended to give oral replies, which sometimes took up the greater part of the meeting allocated for dialogue with the Committee. The only way of saving time in the consideration of reports would therefore be to ensure that written replies were submitted, translated and distributed in advance, although in some respects that would undermine the spirit of the dialogue. She failed to see how the Committee could rationalize its work: it simply required more meeting-time to do its work properly.
4. Mr. GROSSMAN, while endorsing the proposal for a third week during the November session, said that it would not resolve the problem of the backlog. He voiced concern about the prior submission and translation of written replies, not only because of the practical difficulties that would entail, but also because it would diminish the impact of the dialogue. Moreover, the amount of time currently allocated to the consideration of State party reports covering a period of several years already seemed inadequate. The only viable solution for expediting consideration of reports would be for the Committee to split into two chambers. That would of course have certain disadvantages, but in other respects it would make sense for Committee members to deal with a few States parties only. Realistically, members could not prepare equally well for each and every State party report; they simply did not have the time.
5. Mr. MARIÑO MENÉNDEZ said the States parties should be accorded equal treatment, or at least any differentiation in treatment would need to be well founded and clearly explained. If the Committee wished to work in two chambers, like the Committee on the Rights of the Child, its membership would need to be enlarged.

6. One way of saving time might be to deal more expeditiously with the concluding observations, for instance by not discussing them paragraph by paragraph and leaving drafting matters to the discretion of the country rapporteur. Another possibility would be to allow consolidated State party periodic reports covering more than the established reporting period, which owing to delays in the submission of reports already occurred in practice.
7. Clearly the secretariat required additional resources, inter alia, for the preparation of the list of issues and for translation purposes. He was circumspect about reducing the amount of time currently allocated for the consideration of State party reports.
8. Ms. SVEAASS said it would be useful to know how the Committee on the Rights of the Child had fared when it had split into two chambers. She hoped that the Committee against Torture would find time to discuss its working methods and policies on a regular basis. One way of rationalizing the Committee's work might be to prepare better for the consideration of State party reports by allocating questions to different Committee members in advance, so as to ensure that all important issues were covered and there was no duplication of efforts.
9. The CHAIRPERSON pointed out that formally splitting the Committee into two chambers would entail an amendment to the rules of procedure. However, a de facto division of labour might be possible.
10. Ms. GAER said that the involvement of NGOs and use of the list of issues, however necessary they might be, had undoubtedly placed an additional burden on the Committee. She did not support the idea of changing the current method of considering and adopting recommendations and concluding observations relating to State party reports. They represented the Committee's final assessment of the situation in a State party and must be adopted in the appropriate way. Similarly, if the time allocated for the dialogue with States parties was further reduced, there was the risk that Governments would no longer send national delegations but their locally-based diplomatic representatives instead.
11. In order to save time the Committee needed to exercise greater discipline with regard to the list of issues. It might also envisage consolidating the consideration of periodic reports, as suggested by Mr. Mariño Menéndez. The programme of work should be carefully examined to see where further streamlining was possible. A more flexible approach could be adopted to the consideration of reports; the same amount of time need not be allocated to all of them.
12. Mr. WANG Xuexian said that while the idea of enlarging the membership might be attractive, it was overshadowed by the broader proposals for treaty body reform made by the United Nations High Commissioner for Human Rights. He endorsed the proposal to request an additional week during the November session.
13. One means of rationalizing the Committee's work would be to delegate more research on communications to the secretariat. It was also important to ensure that time was not wasted in the scheduling of NGO briefings.
14. Mr. CAMARA said that, in his opinion, it would not be possible for the Committee to work in two chambers as there were only 10 members and the current quorum was 6. He endorsed the idea of reducing the number of questions in the list of issues. Twenty questions

would suffice for periodic reports, since detailed information on the legislative framework was usually provided in initial reports. It was also important to avoid too many questions on the same subject. With a view to rationalizing the Committee's work, the secretariat might wish to analyse State party reports in advance, and to suggest how much meeting-time should be allocated to their consideration according to volume and contents. The Committee should not place too much emphasis on its output and clearing the backlog, particularly not at the expense of quality.

15. Mr. GROSSMAN said one issue which had not been addressed was how to ensure that the Committee received the necessary support to comply with its mandate under the Convention. For instance, the consideration of communications could be expedited if members received copies of the relevant communications prior to and not during the session.

16. Problems relating to States parties' replies to the lists of issues did not stem from a lack of discipline on the part of members, but from the fact that the written replies could not be translated prior to the session. As a result, much of the dialogue was taken up by the delegations reading out their replies, thereby leaving little time for additional questions from members. The possibility of dividing the Committee into two chambers should not be ruled out. Other committees did it, and the problem of the quorum could be addressed.

17. Ms. BELMIR said that replying to the list of issues was no easy task for States parties, particularly when, for whatever reason, the consideration of their reports was delayed. It meant that any replies already prepared needed to be updated to take account of recent national developments.

18. The CHAIRPERSON recalled that there was no obligation under the Convention for States parties to submit written replies prior to the session, although it was obviously preferable. He thanked the members for the useful ideas put forward. The discussion would be continued at a later date.

The meeting rose at 1.05 p.m.