



**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 FIRST PART (PUBLIC)* OF THE 713th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 12 May 2006, at 10 a.m.

Chairperson: Mr. MAVROMMATIS

CONTENTS

ORGANIZATIONAL AND OTHER MATTERS (continued)

* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.713/Add.1.

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The meeting was called to order at 10.10 a.m.

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

1. Ms. GAER, introducing the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents” (HRI/MC/2006/3), briefly outlined the background to the guidelines, which had been finalized by the Inter-Committee Technical Working Group. She had been a member of that Working Group, which had been established by the fourth Inter-Committee Meeting and the seventeenth Meeting of Chairpersons of Human Rights Treaty Bodies. It was hoped that the guidelines would be adopted at the fifth Inter-Committee Meeting in June 2006.

2. The purpose of the guidelines was to improve the effectiveness of the treaty monitoring system by facilitating a consistent approach by all committees in considering the reports submitted to them, helping them to consider the human rights situation in every State party on an equal basis and reducing the need for a committee to request supplementary information. While general information for States parties was provided on the purpose of reporting, the collection of data and the periodicity of reports, the main focus in the guidelines was on the content of the common core document and the treaty-specific document. She summarized the specific types of information States were recommended to include in the common core document, as listed in paragraphs 32 to 59 of the guidelines. There had been some argument during the Working Group’s discussion about how much information on non-discrimination and equality in general to include, with strong concerns being voiced in particular by the Committee on the Elimination of Discrimination against Women that the inclusion of general information on discrimination against women in the core document might diminish the significance of its work.

3. The draft guidelines had been examined very closely by the Working Group, to decide what information to include in the common core document, which States parties would submit to all treaty bodies, and what to include in the treaty-specific document, which States parties would submit to each treaty body. After detailed discussions it had been decided that the common core document would focus on factual information concerning the institutional, political and legal structure of the State, with interpretative information on implementation of the specific provisions of the different treaties being reserved for the treaty-specific document. In her view, a good balance between the two had been achieved. Appendix 3 contained a list of indicators for assessing the implementation of human rights, which included civil and political rights - a point which she had strongly advocated.

4. The key points to have emerged from the Working Group’s discussion were: agreement among all participants on the importance of effective compliance; the vital importance of reporting; the need to make the common core document useful; the need to strike a balance regarding how much information could be included in the common core document without requiring it to be frequently updated; and the attempt to make the requirements relating to that document voluntary rather than mandatory.

5. Ms. CONNORS (Senior Human Rights Officer) said that the Committee had before it the third version of the guidelines, the first version of 2004 having been revised to take into account comments by States parties, NGOs and others, and subsequently those of the Working Group in which Ms. Gaer had participated.

6. A coordinated approach to reporting was already being adopted in some countries, following the agreement at the sixteenth Meeting of Chairpersons in 2004 that any State party wishing to use the streamlined reporting system on the basis of the 2004 guidelines was welcome to do so. On that basis, Timor-Leste was preparing a relatively comprehensive common core document, and she believed that the country's treaty-specific documents, including its report to the Committee against Torture, would be available in 2007. Similarly, the United Nations Interim Administration Mission in Kosovo had also decided to draw up a report on the implementation of the treaties concerned in Kosovo, on the basis of the 2004 guidelines, since the country in which Kosovo was situated had indicated that it was unable to do so. Interest in a coordinated reporting approach had also been shown by Angola and Burkina Faso, inter alia.

7. She apologized for the fact that the guidelines only existed in their present form in English; translations would be available shortly. The guidelines would have been seen by each of the treaty bodies before their consideration and, all being well, adoption at the fifth Inter-Committee Meeting and eighteenth Meeting of Chairpersons. Various views had been expressed by the different committees during discussions of the guidelines. Some members of the Committee on the Elimination of Racial Discrimination had said, for example, that more material should have been included in the common core document guidelines, and that they should be revised after initial "field testing". However, comprehensive or detailed comments from the committees at the present stage of the process were not anticipated.

8. Mr. MARIÑO MENÉNDEZ said that there was general agreement among the States parties about the usefulness of harmonized reporting guidelines, even if many unknowns remained concerning their practical application. In the draft guidelines submitted to the Committee, the second part dealing with the treaty-specific document (para. 60) clearly needed to be expanded on the basis of contributions from all the committees concerned. There were gaps to be filled in the indicators in appendix 3. The core document would also need to be updated regularly by the States parties, with the assistance of OHCHR. With those provisos, he thought the document should be approved as a useful step towards the longer-term goal of a unified human rights body, with specialized subcommittees and a permanent secretariat, which would devote several days to giving overall consideration to the human rights situation of specific countries.

9. Ms. BELMIR said that, having been designated with Ms. Sveaass to attend the forthcoming Inter-Committee Meeting on the harmonized guidelines together with the Chairperson, she would have preferred to receive the relevant information in French before the start of the session.

10. Ms. SVEAASS, welcoming the information provided to the Committee and the opportunity to attend the Inter-Committee Meeting, said that she retained an open mind on the projected unified human rights body, which had good as well as more problematic aspects.

11. Ms. CONNORS (Senior Human Rights Officer) informed members of the Committee that the two earlier versions of the draft guidelines were available in the six official languages. The current version, which had only recently been approved by the Working Group, would be available in the other five languages in a week's time.

12. The report before the Committee should not be confused with the paper on the unified standing treaty body. It was the culmination of work done since 2002 with the aim of creating a streamlined and less cumbersome human rights reporting procedure in order to address the problem of overdue national reports. The fact that only 6 of the 194 States concerned were fully up to date in their reporting indicated the scale of the problem for all countries, particularly those that were parties to all or most of the human rights treaties.

13. The Inter-Committee Meeting and Meeting of Chairpersons in June would also have before them the High Commissioner's concept paper, justifying her idea of a unified standing treaty body. That paper had already been distributed to the Committee in six languages.

14. With reference to comments by Ms. Gaer and Mr. Mariño Menéndez, she could make available to members of the Committee an unedited version in English of a recent report on indicators, which would shortly be available in all languages. An updated paper on the working methods of treaty bodies would be issued shortly and be sent to members of the Committee. The report on the implementation of the recommendations of the previous year's Meeting of Chairpersons and Inter-Committee Meetings, already distributed to the Committee, should be read in particular by members designated to attend the relevant meetings in June.

15. Concerning the meeting in June of the small working group on reservations, it might be helpful to its representative on that group, Mr. Camara, if the Committee were to spend some time thinking about its approach to reservations. She was trying to arrange a meeting of the working group with the Rapporteur of the International Law Commission, who had been working for 10 years or so on the question of reservations.

16. Other documents routinely submitted to the inter-committee and chairpersons' meetings were a compilation of the recommendations of all treaty bodies, a compilation of the reporting guidelines of all treaty bodies, their rules of procedure, and the reporting history of States parties.

17. The Inter-Committee Meeting, the fifth of its kind, had been established to permit a broader discussion of the issues covered by the Meeting of Chairpersons. It might also serve as a vehicle for giving effect to various ideas submitted to the High Commissioner for improving the functioning of the treaty bodies, such as the establishment of a coordinating committee for the treaty body system. The Meeting of Chairpersons was a long-standing body and was being convened for the eighteenth time.

The public part of the meeting rose at 11.05 a.m.