



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

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COMMITTEE AGAINST TORTURE

Thirty-fifth session

SUMMARY RECORD OF THE 665th MEETING

Held at the Palais des Nations, Geneva,  
on Monday, 7 November 2005, at 10.30 a.m.

Chairperson: Mr. MARIÑO MENÉNDEZ

CONTENTS

OPENING OF THE SESSION

STATEMENT BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

ADOPTION OF THE AGENDA

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The meeting was called to order at 10.40 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared open the thirty-fifth session of the Committee against Torture.

STATEMENT BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

2. Ms. CONNORS (Treaty Team Leader, Office of the United Nations High Commissioner for Human Rights) informed the Committee that the High Commissioner would unfortunately be unable to attend the afternoon meeting.

3. The 2005 World Summit Outcome adopted by heads of State and Government in September in New York recognized the protection of human rights as a central purpose of the United Nations and as a prerequisite for security and development. It established the responsibility of States to protect their populations from grave human rights violations and underlined the international community's role in supporting States in that endeavour. The text also reflected States' resolve to take collective action through the Security Council, in accordance with the rules governing international relations, where peaceful means proved inadequate and national authorities manifestly failed to fulfil their protection mandate. Particular emphasis had been placed on the need to protect vulnerable groups. World leaders had further stated their commitment to establish a Human Rights Council; double the regular budget resources of the Office of the United Nations High Commissioner for Human Rights (OHCHR) over a period of five years; and make the treaty bodies more effective.

4. The High Commissioner's Plan of Action, which laid out her approach to strengthening OHCHR, addressed the challenges facing the human rights treaty body system, including delayed or inadequate reporting, and identified steps to enhance its effectiveness. The central idea, namely increased engagement at the country level, would help ensure greater support for the work of treaty bodies, thus increasing its relevance at the national level, with geographic desks and field staff working with Governments and other stakeholders at all stages of the reporting process. The Plan further called for the adoption of draft harmonized reporting guidelines; the creation in the long term of a unified standing treaty body; and the transfer of the Committee on the Elimination of Discrimination against Women to OHCHR.

5. In the context of the ongoing debate on streamlining reporting requirements and harmonizing working methods, the fourth inter-committee meeting and seventeenth meeting of human rights treaty body chairpersons had decided to establish a technical working group, to be composed of one representative of each treaty body, to finalize the draft harmonized reporting guidelines. The Committee was invited to elect its representative before the end of the current session.

6. OHCHR had undertaken to develop a concept paper identifying options for the establishment of a unified standing body in close consultation with all stakeholders. Areas singled out as requiring in-depth examination included legal and procedural questions; lessons to be drawn from the experience of regional systems and other reporting systems; questions relating to the modalities of such a body; and the role of stakeholders. Brainstorming meetings to reflect

on issues relevant to the development of the concept paper had been organized by the OHCHR Treaties and Commission Branch, in consultation with OHCHR as a whole, and by the United Kingdom for members of the European Union.

7. In order to ensure the broadest possible participation, an online discussion forum had been launched on 1 November for a duration of five weeks. Proposed issues for discussion included the strengths and weaknesses of the current system; the possible form, composition and functions of a unified standing treaty body; ways in which such a body could enhance implementation at the national level; prevention of marginalization of specific rights or groups; and legal issues. NGOs, States parties and national and academic institutions, among others, were also being consulted. The insight and expertise of treaty bodies were crucial to the development of the concept paper and the Committee, collectively or individually, was invited to contribute its ideas.

8. Once finalized, the concept paper would be circulated for comments. A brainstorming meeting had been scheduled for May 2006, the results of which would be considered by the fifth inter-committee meeting and eighteenth meeting of chairpersons in June 2006, and intergovernmental consultations with States parties would be held in late 2006 to discuss reform options.

9. On 23 September 2005, the Intersessional Open-Ended Working Group to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance had approved the text of a draft convention with a new, independent monitoring mechanism that would be composed of 10 experts. The draft convention provided for a reporting procedure; country visits; an optional protocol to deal with individual complaints; and a procedure enabling the future committee on enforced disappearances to bring cases of widespread or systematic enforced disappearances directly to the attention of the Secretary-General. Four to six years after the entry into force of the draft convention, States parties would be consulted on the possible transfer of the monitoring functions to another body, if appropriate, as part of the ongoing efforts to strengthen the treaty body system. The draft convention further contained provisions to ensure consistency with the work of other treaty bodies. The text would be submitted to the Commission on Human Rights and the General Assembly for approval and was expected to be opened for signature and ratification by the end of 2006.

10. OHCHR had continued its efforts to raise awareness of the human rights treaty body system among NGOs, national human rights institutions and the media and engaged in technical cooperation activities at the regional and country levels to promote ratification of the relevant instruments. The Office also conducted so-called "preparatory workshops" to enable national actors to make best use of the treaty monitoring process prior to sessions and to enhance their involvement in follow-up activities. Five such workshops had been held in 2005 and the participants had subsequently convened in Geneva to engage in direct contact with committees. The programme had been deemed useful by participants in the workshops and treaty bodies alike.

11. Among the issues before the Committee was the backlog in State party reports and individual communications. The one-week extension of the current session would help reduce

that backlog but not eliminate it totally. The Committee might therefore wish to consider transforming the working groups temporarily into an additional week of plenary meetings at its forthcoming sessions until the backlog was cleared.

12. With rising security concerns leading to a resurgence of acts of torture worldwide, the work of the Committee against Torture was paramount. The United Nations High Commissioner for Human Rights and the OHCHR Treaties and Commission Branch would do their utmost to support the Committee in its efforts.

#### ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (CAT/C/85)

13. The CHAIRPERSON drew attention to the draft programme of work circulated to all members of the Committee.

14. Mr. RASMUSSEN said that, while the OHCHR portal containing documentation relevant to Committee sessions was certainly useful, any last-minute changes should be communicated directly to rapporteurs and co-rapporteurs. Also, the Committee should allocate time during the current session to further discuss the possibility of changing the presentation of its concluding observations so as to ensure consistency with the practice of other treaty bodies.

15. The CHAIRPERSON said that the Bureau would discuss the matter prior to the adoption of concluding observations. The time initially allocated for the meeting with the United Nations High Commissioner for Human Rights could be used for the consideration of communications.

16. Ms. GAER suggested that time should be allocated in the programme of work for a discussion of the major developments referred to by the representative of the Secretary-General.

17. She would welcome more information on the meeting with the representatives of the OHCHR field office in Bosnia and Herzegovina scheduled for that afternoon and the procedure for its organization. While she viewed it as a positive initiative, she would have appreciated some prior warning that it was being held, particularly since she was the Country Rapporteur. In a similar vein, she shared the concerns expressed by Mr. Rasmussen about changing the dates for the consideration of State party reports without consulting the Committee members concerned.

18. Ms. MORALES (Secretary of the Committee) said the meeting had been organized given that the Committee was scheduled to consider reports from four States parties (Bosnia and Herzegovina, the Democratic Republic of the Congo, Nepal and Sri Lanka) where OHCHR had a strong field presence. OHCHR had been informed only the previous week that, coincidentally, the field office representatives would be in Geneva during the first week of the session. However, thus far it had only received confirmation of the participation of the field office representative from Bosnia and Herzegovina. It was to be hoped that the meeting would prove beneficial for both OHCHR and the Committee.

19. Mr. MAVROMMATIS said the most pressing issue warranting discussion was how to deal with the backlog of State party reports. Greater attention should be paid to the needs of the country and special rapporteurs: to enable them to comply with their mandate and expedite the work of the Committee, they must be given advance warning of changes in the programme of work affecting them.

20. Mr. GROSSMAN said that the Committee must find time to discuss the important issues raised by the representative of the Secretary-General in her statement. Such a response would be expected of the Committee in the light of the reform process under way. As for the rescheduling of consideration of State party reports at short notice, while he understood that there might have been compelling reasons for it, the Committee members concerned should have been duly informed. He suggested that in future no such changes should be made to the programme of work without first consulting the Chairperson and Committee members concerned, by the swiftest means possible. Such changes affected not only Committee members but also NGO representatives with whom consultations might have been arranged.
21. Mr. EL MASRY endorsed Mr. Grossman's comments concerning the need to follow up on the presentation by the representative of the Secretary-General. He then inquired whether the situation of the non-reporting State of Guyana would be considered during the current session. If not, he suggested that the meeting time allocated to Guyana in the draft programme of work could be used to discuss follow-up of article 22 of the Convention earlier than scheduled.
22. The CHAIRPERSON said that in a letter dated 2 November 2005, Guyana had informed the Committee that it was complying with its reporting obligations. Its initial report was currently being reviewed by a regional human rights body and would be submitted to the Committee in March 2006. He suggested that the situation in Guyana should therefore be considered at a subsequent session and the meeting scheduled with NGOs cancelled. The Democratic Republic of the Congo had also requested that the dates for the consideration of its report should be changed. Owing to particular problems in Sri Lanka, the dates for the consideration of the reports of Sri Lanka and France had also been rescheduled.
23. Mr. RASMUSSEN agreed on the need to find time to discuss the statement by the representative of the Secretary-General. While he was reluctant to add to the programme of work, he suggested that it was time for the Committee to draft conclusions on diplomatic assurances - thus far members had merely had the opportunity to express their own views. The Chairperson might also wish to consider whether to discuss the draft general comment on article 2 at the Committee level during the current session.
24. The CHAIRPERSON suggested that in future any rescheduling of the consideration of States parties' reports should be brought in good time to the attention of the Chairperson, who would duly notify the members concerned. He took it that suggestion was acceptable to the Committee.
25. Mr. GROSSMAN said that while the Committee's rules of procedure mentioned the need for the agenda to be prepared in consultation with the Chairperson, there was no specific reference to dates. He expressed concern about the possible political implications of allowing States parties to negotiate directly concerning the dates for the consideration of their reports.
26. Mr. CAMARA said that there should be further discussion of the statement made by the representative of the Secretary-General. Concerning Mr. Grossman's comments, he stressed the need to allow the Chairperson and the secretariat some flexibility in relation to the programme of work. There had never been any particular problems beforehand and he saw no reason to change the current procedure.

27. As for the initial report of the Democratic Republic of the Congo, he would have been in favour of adopting a similar approach to that of Bosnia and Herzegovina. The United Nations was well represented in the Democratic Republic of the Congo and the Committee could have benefited from input from field office representatives during the current session.

28. Ms. MORALES (Secretary of the Committee), explaining why the dates for considering the periodic reports of France and Sri Lanka had been changed at short notice, said that the original date for consideration of Sri Lanka's report coincided with national elections. The Sri Lankan Government had informed the Committee that it would be unable to send a delegation and had requested that consideration of its second periodic report be deferred until the next session. As 11 November was a bank holiday in France, the French delegation had been happy to switch its scheduled meeting with the Committee with Sri Lanka, thus avoiding the need for consideration of the Sri Lanka report to be postponed until the next session. The Chairperson had unfortunately not read her letter, since it had been received on a Spanish bank holiday.

29. Mr. WANG Xuexian said that the Committee should maintain a flexible approach to such matters. Given the high number of States parties presenting reports during the session, he suggested that the Committee should focus on specific issues of concern and avoid asking a State party questions that had been posed during consideration of its previous periodic reports.

30. Mr. MAVROMMATIS said that Committee members should be informed of late changes to the agenda in order to allow them time to make the necessary changes to their schedules.

31. The Committee should insist on receiving Guyana's report by the end of April 2006 at the latest, so that it could be considered in May 2006.

32. Ms. GAER emphasized the need for country rapporteurs in particular to be informed of any changes to the agenda. Their responsibility was so great that it might be necessary to amend the Committee's rules of procedure to stipulate that country rapporteurs as well as the Chairperson should be consulted about changes to the provisional agenda.

33. Given that Guyana's initial report was over 15 years overdue, she failed to see why the Committee should change its plans to consider Guyana as a non-reporting country at the current session.

34. The Committee should allow time during the session for consideration of the harmonized reporting guidelines that had been discussed at the previous treaty body meeting. Since several other treaty bodies had proposed wording for those guidelines at that meeting, the Committee against Torture could find itself at a disadvantage in future if it made no specific input to that document at the drafting stage.

35. The CHAIRPERSON suggested that the Committee should give Guyana one last opportunity to submit its initial report by the end of March 2006, in time for consideration in May 2006.

36. Mr. EL MASRY said that, while the Chairperson should indeed have been consulted on the changes to the schedule, the Committee should remain flexible. He commended the initiative of the secretariat in arranging a timetable that ensured Sri Lanka's participation in the current session.
37. Given that it was thanks to pressure from the Committee that Guyana was finally preparing its initial report, it would be unfortunate to consider that country as a non-reporting State. To do so risked discouraging other States parties from honouring their reporting obligations.
38. Mr. GROSSMAN reaffirmed the validity of the Committee's rules of procedure, particularly the need for the Chairperson to be consulted on all changes to the agenda.
39. The CHAIRPERSON confirmed that consideration of the third periodic report of France would take place on 17 November, and informed the Committee that the Democratic Republic of the Congo had requested a later date for consideration of its initial report.
40. Ms. LEE (Secretariat) added that that request had been made because the Government had decided to send a high-level ministerial delegation instead of representatives from its mission in Geneva. The secretariat had proposed Friday, 18 November and Monday, 21 November as possible dates for consideration of that report, pending the Committee's decision.
41. Mr. CAMARA agreed that consideration of the report of the Democratic Republic of the Congo should be postponed until Friday, 18 November. The secretariat should use the additional time to provide the Committee with information on the issues that would have to be addressed when considering the report.
42. The CHAIRPERSON endorsed Mr. Camara's comment and said that the report of the Democratic Republic of the Congo would be taken up on Friday, 18 November. On Monday, 21 November, the Committee would continue its consideration of the report.
43. The agenda was adopted.

The meeting rose at 12.40 p.m.