



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

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COMMITTEE AGAINST TORTURE

Thirty-seventh session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 740th MEETING

Held at the Palais Wilson, Geneva
on Thursday 16 November 2006, at 10 a.m.

Chairperson: Mr. MAVROMMATIS

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* The summary record of the second part (closed) of the meeting appears as document
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The meeting was called to order at 10.15 a.m.

ORGANIZATIONAL AND OTHER MATTERS (item 4 of the agenda)

Report on the brainstorming meeting on reform of the human rights treaty body system (A/61/351; A/61/385).

1. The CHAIRPERSON asked Mr. Grossman and Ms. Belmir to report to the Committee on the brainstorming meeting that had been held in Liechtenstein in July 2006.

2. Mr. GROSSMAN said that document A/61/351 reflected accurately the work of the meeting, at which the concept paper on the proposal of the High Commissioner for a unified standing treaty body (HRI/MC/2006/2) had been examined. Three treaty bodies had also submitted proposals in writing.

3. The High Commissioner's proposal had had the major merit of stimulating discussion and clearly setting out the problems. The idea of establishing a unified standing body had not been received very favourably, notably by the African and Asian Groups, with the idea being warmly welcomed only by the countries of Northern Europe. The objections raised included the fact that the unified body envisaged would not be able to guarantee the same level of specificity as the present system, and that the protection offered to certain categories of persons, such as women and children, and to certain categories of rights, was likely to be less effective. Certain States also feared that a standing body would take on a quasi-judicial character. There were also likely to be problems of ratification.

4. In any event, the presentation of the concept paper had made it possible to awaken all sides to the current difficulties (delays in the consideration of reports, non homogeneous jurisprudence, and so on) and to concentrate attention on coordination and harmonization. By taking a very aspirational position with respect to the inadequacies of the system, the High Commissioner had given a real boost to the thinking on harmonization. There was, for example, a fairly positive reaction to the idea of institutionalizing the meetings of the chairpersons of the human rights treaty bodies or increasing the resources of a secretariat which could evolve to be common to all the treaty bodies. The idea of creating a single body with responsibility for handling individual complaints met with less favour, for reasons having to do with the specificity of certain rights. Steps taken towards harmonization, however, could in the future create conditions favourable to the establishment of a unified standing body.

5. Ms. BELMIR expressed the view that the existing mechanisms, while admittedly entailing a number of problems, were nevertheless the lesser evil in that there was a body of jurisprudence in existence for each of them. Despite the accuracy of the High Commissioner's analysis regarding the present situation, and in the light in particular of the shortcomings observed in the State parties' preparation of their reports, reworking the existing treaties would raise several legal problems, some of which were described by members of the Committee on the Elimination of Racial Discrimination. Indeed, in order to be able to establish a unified standing body, it would be necessary to revise the treaties both from the point of view of their legal content and that of their procedures.

6. As for the proposal concerning a core document, comprising a general part and a specific part, there was no agreement on the number of fundamental rights that

would be covered in the general part. It had been proposed that that part should cover the four essential rights, plus the right to a fair trial, an idea to which some representatives had replied that it would weaken the part specific to each treaty. It had nevertheless been felt that such a mechanism would enable States to draw up their reports more effectively and more promptly.

7. The CHAIRPERSON indicated that in the course of the inter-committee meetings and the meetings of the chairpersons of the human rights treaty bodies, the reception of the High Commissioner's proposal had been somewhat similar to what had just been described. In the light of the numerous innovative ideas that had been put forward, it would be useful to know whether it was planned to have another meeting on the subject. Some of the suggestions made could be put into practice right away – for example, the Committee against Torture and the Human Rights Committee could have a joint meeting on the topic of handling individual complaints, or on objections commonly raised by States parties.

8. Ms. CONNORS (Secretariat) said that the Office of the High Commissioner had a very full schedule until the end of the year but was quite open to any suggestions for 2007. An intergovernmental meeting of the States parties had been envisaged, but as that had been deferred to a date not yet decided, there was a need to look for ways of taking advantage of the favourable reception accorded the analysis in the concept paper (HRI/MC/2006/2) and the idea of a harmonization which could indeed open the way to establishment of a unified standing body. The Chairperson's proposal to hold a joint meeting on the handling of individual complaints appeared feasible. A meeting of the chairpersons of the human rights treaty bodies and the States parties was also planned for 2007.

9. It had also been proposed that the secretariat should prepare a new concept paper taking account of the proposals put forward by four treaty bodies. A meeting on harmonization would take place in the very near future, and would be attended by a member of the Committee against Torture. If a further brainstorming meeting on the envisaged reform were to be organized in the future, it would probably take place in Geneva and involve a larger number of participants; in any event, it was too soon to plan that now, but the brainstorming process could be continued item by item, starting for example with the question of harmonization. Bringing together all of the members of the treaty bodies would doubtless be too expensive to envisage, but the High Commissioner urged those bodies to be a driving force in a reform which all agreed had become necessary.

10. Mr. GALLEGOS CHIRIBOGA said that the idea of reforming the human rights protection mechanisms so as to make them more effective was not a brand-new one and the discussion on the issue was likely to go on for a good while longer, in the light of the, to say the least, lukewarm reaction to the proposal by the High Commissioner for Human Rights to establish a unified standing body and the many legal and political implications of implementing such a proposal. He also considered that although the opinion of the various treaty bodies on the topic of reform was of importance, it was obviously the States that would take the final decision. Meanwhile, the problem of the inadequacy of the resources allocated to the treaty bodies was a very real one and should be tackled seriously as part of the discussions on reform.

11. Mr. MARIÑO MENÉNDEZ considered that at the present stage of the debate, the treaty bodies should as a priority work in coordination in order to define the

details of harmonizing their working methods, in particular with regard to tracking the implementation of recommendations and the consideration of communications.

12. Mr. CAMARA thought that the very first step was to identify clearly the root causes of the shortcomings blamed on the present system so as to distinguish those that were directly related to the working methods of the treaty bodies from those that resulted from a lack of capacity or will in the States.

13. The CHAIRPERSON said that as it would be desirable for the Committee to submit its comments on the High Commissioner's proposal, as well as concrete suggestions, before the next inter-committee meeting and meeting of the chairpersons of the human rights treaty bodies, he would be grateful if the members of the Committee could prepare some ideas in that direction.

The public part of the meeting rose at 11.15 a.m.