



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

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**Committee against Torture**  
**Forty-fifth session**

**Summary record of the first part (public)\* of the 954th meeting**

Held at the Palais Wilson, Geneva, on Monday, 1 November 2010, at 10.30 a.m.

*Chairperson:* Mr. Grossman

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\* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.954/Add.1.

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*The meeting was called to order at 10.35 a.m.*

**Opening of the session by the Representative of the Secretary-General**

1. **Mr. Kompass** (Representative of the Secretary-General) declared open the forty-fifth session of the Committee against Torture.
2. The work of the treaty bodies was used by field offices of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in their monitoring, reporting, protection and technical assistance activities. The conclusions and recommendations of the treaty bodies were also used by the High Commissioner in her bilateral relations and advocacy with Member States. The recommendations of the Committee against Torture were critical tools and many field offices followed up on them. The Voluntary Fund for Victims of Torture was a concrete form of assistance to victims.
3. In September 2010, the Human Rights Council had appointed Mr. Juan Méndez as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. It was to be hoped that the meeting between the Committee and Mr. Méndez during the present session would mark the beginning of a fruitful synergy. The final report of Mr. Novak, the former Special Rapporteur on torture, had included the preliminary findings of his missions to Papua New Guinea, together with studies on impunity as a root cause of the prevalence of torture, on the role of rehabilitation centres for victims of torture and on the role of national preventive mechanisms. In October 2010 he had conducted his last mission in Greece.
4. The joint statement of the Chairpersons of the treaty bodies, delivered at the United Nations Summit on Millennium Development Goals in September 2010, had drawn attention to the guidance offered by the treaty bodies to Member States and had emphasized that realizing the Millennium Development Goals was an important step towards achieving human rights for all. The need to protect and promote human rights was recognized in the Summit's outcome document.
5. Turning to the work of OHCHR, he said that new field offices had recently been opened in Guinea and Mauritania, bringing the total number of country offices to 56. Field offices were the most direct means of assessing human rights challenges and assisting Governments and other counterparts. Most recently, the Deputy High Commissioner had conducted missions to Mexico, Somalia, Cambodia and Thailand. The High Commissioner would soon travel to Bolivia.
6. The overarching objective of the Mapping report, which documented serious violations of human rights and international humanitarian law between 1993 and 2003 in the Democratic Republic of the Congo and had been released by the High Commissioner on 1 October 2010, was to assist the Government of that country in identifying appropriate transitional justice mechanisms to address the legacy of the violations by means of truth, reparation and reform. A panel chaired by the Deputy High Commissioner would examine the remedies and reparations available to victims of sexual violence and submit a report to the Government containing recommendations to complement ongoing efforts to promote justice for those victims.
7. The High Commissioner had launched a publication entitled "Preventing Torture: An Operational Guide for National Human Rights Institutions", which was of direct relevance to the work of the Committee.
8. The High Commissioner's call for different stakeholders to reflect on how to strengthen the treaty body system had led to a number of initiatives. Participants in the meeting of treaty body experts held in Poznan in September had reflected on the

independence of members and the role of chairpersons. The outcome document from that meeting was undergoing final review and would be circulated shortly.

9. OHCHR intended to facilitate dialogue among treaty body members through a series of consultations with the treaty bodies that had a reporting procedure. A meeting between the present Committee and the Committee on Economic, Social and Cultural Rights would be scheduled for May 2011. The consultations would allow members of treaty bodies to identify options for enhancing their work, and would provide an opportunity to discuss in advance issues tabled by the Inter-Committee Meeting and the Meeting of Chairpersons.

10. Members of the Committee had attended the eleventh Inter-Committee Meeting in order to discuss harmonization of working methods. The recommendations of the Inter-Committee Meeting had been adopted by the 22nd Meeting of Chairpersons in July. The subject of treaty bodies' lists of issues prior to reporting had been discussed by the Inter-Committee Meeting and was being considered by other treaty bodies. The second annual Inter-Committee Meeting, to be held in January 2011, had been invited to strengthen procedures for follow-up to recommendations and individual petitions. Future Meetings of Chairpersons would be convened in different regions in order to bring treaty bodies closer to the scene of implementation and to allow interaction with national stakeholders, including civil society.

11. Lists of issues prior to reporting, a new optional reporting procedure pioneered by the Committee, had the potential to enhance the quality of States parties' reports and to deepen the understanding of key challenges, thus facilitating more focused reports and, consequently, more targeted concluding observations. He welcomed the Committee's proactive and progressive approach, and had been interested to learn that, at the current session, the Committee would examine reports considered under that procedure.

12. He also welcomed the Inter-Committee Meeting's emphasis on the enforcement by treaty bodies of the page limitations set in the harmonized and treaty-specific guidelines. He recommended that all treaty bodies should refer systematically to page limitations in their concluding observations.

13. States parties faced difficulties in focusing their reports since lists of issues were lengthy, and they were often requested to address a number of different recommendations. A discussion on the structure and length of concluding observations had begun in the Inter-Committee Meeting and he encouraged the Committee to address the topic.

14. He noted that the Committee would meet with the Subcommittee on Prevention of Torture at the current session. The Subcommittee had recently undertaken visits to Lebanon and Bolivia and had completed its first follow-up mission to Paraguay. A visit to Liberia would take place by the end of July.

15. The Committee's request for additional meeting time had been presented to the General Assembly and he expected a positive outcome.

16. An explanation of the new procedures for simplifying travel arrangements would be given at the current meeting.

17. During the present session, the Committee would examine the reports of six States parties, and adopt lists of issues prior to reporting for 26 States parties and one standard list of issues for the May 2011 session. It would continue follow-up to concluding observations and take decisions on individual communications and on the confidential inquiry procedure. It would also consider draft decisions under article 22 of the Convention, amendments to the rules of procedure and a general comment on article 14 of the Convention. It would assess the added value of the four-year reporting cycle, which had been a very successful initiative although it had placed a heavy burden on a committee with a small membership.

18. **Ms. Belmir** said that she had recently attended a meeting in Lebanon on policing and minorities which had been organized by OHCHR. She queried why the meeting had not been mentioned in the statement by the Representative of the Secretary-General.

19. **Ms. Gaer**, supported by **Ms. Kleopas**, asked whether, in preparing its report on the adequacy of remedies available to the victims of sexual violence in the Democratic Republic of the Congo, the panel chaired by the Deputy High Commissioner would take into account the recommendations made by the Committee in response to the State party's initial report (CAT/C/DRC/CO/1). She asked whether copies of the Mapping report could be made available to the Committee.

20. She wished to learn about the practice of the various committees with regard to page limitations and the views of OHCHR on how more focused concluding observations could be produced.

21. **Mr. Mariño Menéndez**, supported by **Mr. Gallegos Chiriboga**, said that it might be helpful to devise a regional strategy for Africa in order to encourage the submission of initial reports, since two thirds of States that had failed to submit them were African.

22. He wished to know whether an assessment of the benefits of harmonizing the universal periodic review process (UPR) and the work of the treaty bodies was envisaged.

23. **Ms. Kleopas** said that, in previous years, the Committee's concluding observations had been concise, but they had not stated sufficiently clearly the action requested of States parties. Recently, the concluding observations had been expanded in order to make more detailed recommendations to States parties. It was important to retain substantive and conclusive recommendations.

24. **Mr. Gallegos Chiriboga** said he understood that some States parties were unable to submit reports on time owing to economic constraints and hoped that OHCHR would be able to provide assistance in those cases since the Committee preferred to receive detailed reports.

25. He asked how OHCHR, working through its field offices and with the United Nations as a whole, would deal with sexual violence, which had been used as a weapon of war in the Democratic Republic of the Congo for many years. He agreed with Ms. Gaer that, when documents on torture such as the panel report (see paragraph 19) were prepared, it would be appropriate to consult the Committee.

26. **Mr. Kompass** (Representative of the Secretary-General), responding to questions raised, agreed that it would be helpful if OHCHR would keep the Committee informed of its activities in the various regions, reflect the views of the Committee in future reports and consult with it when developing new tools.

27. The Mapping report was a public document that could be made available to Committee members. The situation in the Democratic Republic of the Congo was particularly difficult and OHCHR, like other bodies, was seeking ways in which to support its fragile Government in protecting the civilian population.

28. The question of the relationship between the UPR mechanism and the treaty bodies was a timely one that would be addressed by OHCHR in a seminar to be held later that year. An internal working paper on strategy for UPR follow-up could be shared with the Committee.

29. **Mr. Salama** (Director, Human Rights Treaties Division) agreed that it would be helpful to develop a strategy to promote the submission of initial reports by African States parties. It was very useful for OHCHR and the Committee to share thinking on how best to follow up on the findings of the UPR: OHCHR collaborated in the field with countries to follow up on the recommendations made by the Committee but it would also be useful to

learn the extent to which its findings could complement and reinforce the Committee's work. His division had begun a comparison of progress made in a number of countries which it would share with the Committee. It would also make available to the Committee the results of a study on the UPR and whether it served to bring political pressure to bear on States parties to implement the Committee's findings. The question of common ground between the committees would be explored by each committee at its internal retreat and an analysis of the deliberations would be shared with the Committee.

30. **The Chairperson** said that it was important for the Committee to obtain all the documents mentioned by the representatives of the secretariat so that it could offer feedback on the issues raised.

**Adoption of the agenda**

31. *The agenda was adopted.*

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