



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

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COMMITTEE AGAINST TORTURE

Thirtieth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 549th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 29 April 2003, at 3 p.m.

Chairman: Mr. BURNS

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.549/Add.1.

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The meeting was called to order at 3.10 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

Secretary-General's proposals for reform of the treaty body system (continued)

1. The CHAIRMAN invited the members of the Committee to resume their discussion of the issues raised by the Secretary-General's proposals for reform of the treaty body system, as contained in the report of the Secretary-General on strengthening of the United Nations: an agenda for further change (A/57/387).
2. Mr. RASMUSSEN said that the Committee against Torture was one of the few human rights treaty bodies that refused to accept consolidated periodic reports; that was a sound instinct because the Committee's approach to the periodicity of reporting should be differentiated to take account of varying circumstances. The Committee should reserve the right to ask a State party for more or less frequent reports, as required. Like medical patients, individual State parties had quite distinct problems and needs, and it was only natural that some would require advice and assistance more frequently than others. Likewise, some State party reports could be disposed of inside an hour, whereas others might require a more thorough examination.
3. Ms. GAER said that she was puzzled by the apparent contradiction between the States parties' willingness to ratify separate human rights conventions and establish distinct treaty monitoring bodies, and their desire to harmonize procedures and consolidate all their human rights reports into a single super-report. The concept of one report for all the treaty monitoring bodies was administratively appealing but was unlikely to satisfy the requirements of the treaty monitoring bodies themselves; it might even delay the submission of reports. In countries with a federal system of government, for instance, she could envisage a vast and cumbersome centralization effort.
4. A single consolidated report might conceivably save paper and cut translation time, but the onus upon the States parties to provide hard information would essentially remain the same. Nevertheless, the idea of an expanded core document, as mooted by the Committee on the Elimination of Racial Discrimination, seemed to be a sensible compromise that was worth considering.
5. As to the periodicity of reporting, the Committee against Torture was in an awkward position because the Convention itself laid down specific reporting deadlines. Harmonized reporting guidelines would certainly be helpful, but much time and labour would need to be expended to draw them up. The idea of focused or thematic reports seemed to her unworkable, unless the High Commissioner had some compelling reason to advocate their use or certain human rights committees wanted to publish joint opinions.
6. Mr. YU Mengjia observed that, from the point of view of the States parties, the treaty monitoring bodies had a tendency to overstep the confines of their respective mandates, and a certain degree of overlapping of mandates was in any case inevitable. Accordingly, State parties

often expressed irritation at having to address the same issues more than once. One solution might be to establish an inter-committee advisory group to identify overlapping issues. In any event, a single report for all the treaty monitoring bodies seemed impracticable.

7. Mr. YAKOVLEV said that the Secretary-General's proposals for reform of the treaty body system appeared to be based on the assumption that the work of the United Nations in the area of human rights would steadily grow and proliferate as new social and economic rights were codified and required policing. Viewed in that light, the proposals were an attempt to curb the growth of a luxuriant administrative apparatus and head off organizational paralysis, while at the same time substituting greater depth and focus for sheer breadth of vision. A unified report was thus an attempt - misguided in his view - to distil a huge amount of material into a single document. Such an idea would never work because the result would be too unwieldy. Some hybrid solutions suggested themselves: where the areas of interest of certain committees coincided or overlapped, it might be possible to ask a State party to submit a single report to the bodies concerned. The example of the Committee against Torture and the Human Rights Committee sprang to mind.

8. Mr. CAMARA suggested that the Committee might wish to delve into the Convention and identify those provisions which dovetailed with similar provisions in other human rights instruments. A unified report could then be requested in respect of those provisions. Articles 8-14 of the Convention seemed to him to be a good starting point. It was possible to imagine State party reports with common and specific sections, the purpose of the common sections being to save the State party the trouble of repeating itself.

9. Ms. GAER said that the question of unified reporting tapped into the broader question of the place of human rights in the United Nations system. If the purpose of a single report was to strengthen human rights programmes in the field, all well and good. The whole drift of human rights thinking in the United Nations was away from conference-room diplomacy, and the consequent downgrading of treaty monitoring bodies, towards a more hands-on, country-based approach. Consolidation and harmonization were all very well, but they counted for nothing unless underpinned by a proper professional infrastructure. If one compared the number of human rights officers working at the United Nations with the numbers working for other international human rights structures and organizations, it appeared that the United Nations Secretariat was being asked to do more with less.

10. The CHAIRMAN said that States parties had not thought through the consequences of having to compile a single report. Merely consolidating all their reporting requirements into a single document would not achieve the desired economies of scale. Moreover, the sheer size and laborious preparation of such a report would cause it to be out of date by the time it was published. Doubtless the situation could be remedied by a series of addenda addressed to each committee, but it was difficult to see how that would differ from the existing arrangements. The case for real cost savings had yet to be conclusively made.

11. The idea of an expanded core document deserved further consideration. He interpreted a focused periodic report to mean one that dwelt exclusively on the follow-up to previous reports and lacunae in reporting, the idea being to save the State party the trouble of raking over past history. Thematic or modular reporting struck him as a very academic approach. Very often the

themes selected were too broad, for example “criminal justice” or “health”, with the accompanying danger that relatively small points were unjustifiably magnified in importance and significant points often overlooked. The Committee had already agreed to adopt a reporting procedure that incorporated lists of issues, and would begin working with such lists at the forthcoming November session.

12. He agreed with Mr. Rasmussen that it was the Committee’s duty to do whatever it could to assist the States parties, taking into account their specific needs. However, the Committee was obliged to honour the terms of the treaty, which called for periodic reports to be submitted every four years. Under the treaty and its rules of procedure, the Committee was able to call for additional reports to be submitted more frequently, and perhaps it should do so more often. However, owing to the broad principle of equality of States, certain States were likely to interpret such a policy as reflecting either denigration or approval. On the other hand, the proposal to deal with some reports of States parties more expediently, for example in less than a single meeting, was certainly worthy of consideration.

13. Mr. EL MASRY said he noted that there had been no objections to the use of cross-referencing in the submission of reports. For example, a State party should be able to refer to the report it submitted to the Committee against Torture when it addressed issues involving torture in the other treaty bodies.

14. The CHAIRMAN said he wished to stress the need to ensure that reporting States made reference to detailed reports and did not use cross-referencing as a means of shirking their reporting responsibilities, for example by referring to sweeping generalizations. There must be a clear understanding of the intersections between the fields covered.

15. Mr. RASMUSSEN said that most treaty bodies, including the Committee against Torture, had to some extent or other adopted flexible approaches to the periodicity of reporting. In the case of the Committee against Torture, consideration of the reports of certain States had been moved up in the timetable because of the situation in those countries. The use of lists of issues was likely to make it even more constructive for the Committee to show such flexibility in the future. To ensure the best possible methodology, the Committee should adopt some internal guidelines to ensure consistency when it applied such flexible scheduling.

16. The CHAIRMAN, summarizing the discussion, said that the Secretariat would draft a letter detailing the position of the Committee, stating inter alia that it supported harmonization of reporting guidelines, that it would soon adopt a procedure involving lists of issues and that it supported the use of expanded core documents, but that the Committee did not support the use of a single report for all treaty bodies. The letter would be submitted to the members for comment, and Ms. Gaer would then be able to present it at the forthcoming meeting to be held in Liechtenstein.

The public part of the meeting rose at 4.10 p.m.