



**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 695th MEETING

Held at the Palais des Nations, Geneva,  
on Monday, 1 May 2006, at 10.30 a.m.

Temporary Chairperson: Ms. CONNORS  
(Representative of the Secretary-General)

Chairperson: Mr. MAVROMMATIS

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The meeting was called to order at 10.45 a.m.

OPENING OF THE SESSION BY THE REPRESENTATIVE OF THE  
SECRETARY-GENERAL (item 1 of the provisional agenda)

1. Ms. CONNORS (Representative of the Secretary-General, Temporary Chairperson) declared open the thirty-sixth session of the Committee against Torture. After welcoming the newly elected and re-elected members, she informed the Committee that Mr. Prado Vallejo had tendered his resignation on health grounds; it was expected that his successor would attend the November 2006 session.
2. Turning to developments since the previous session, she said it had been decided that a new Human Rights Council would replace the Commission on Human Rights as of June 2006. It was envisaged that the Council would retain the system of independent special procedures but would establish a new system for reviewing the human rights situation in Member States. The United Nations High Commissioner for Human Rights believed that would have the effect of raising the profile of the work of the treaty bodies, since it was only natural for a human rights review to be based on independent assessments by international expert bodies.
3. On the subject of treaty body reform, she said that the High Commissioner had finalized her concept paper for a unified standing treaty body on which members' comments and suggestions would be welcome. Input from Member States and NGOs had already been received during brainstorming meetings for that purpose held in April 2006. The Government of Liechtenstein had offered to host another informal brainstorming meeting for all stakeholders in July 2006. The matter would also be discussed at the fifth inter-committee meeting and eighteenth meeting of chairpersons in June 2006, as well as during an intergovernmental consultation of States parties scheduled for December 2006.
4. In parallel with discussions under way on a unified standing treaty body, efforts to strengthen the human-rights-treaty reporting system continued pursuant to the Secretary-General's proposal for reform of 2002. The treaty bodies had been considering harmonized guidelines for reporting, inter alia, during the meetings of the inter-committee technical working group held in December 2005 and February 2006. As emphasized in the High Commissioner's Plan of Action, the harmonized guidelines must be finalized and implemented so that the treaty bodies could begin to function as a unified system. A meeting would also be held in June 2006 to discuss the treaty bodies' approach to reservations. With the widest possible contributions it was hoped that the reform process would achieve the fundamental goal of the better protection of rights-holders.
5. The total number of States parties to the Convention against Torture was now 141, Nicaragua being the latest country to have ratified it. In addition, Spain had become the eighteenth Member State to ratify the Optional Protocol to the Convention. Only two further ratifications or accessions were required for the treaty to enter into force, which was expected to take place within the next three months.

6. The Office of the United Nations High Commissioner for Human Rights (OHCHR) had continued its efforts to raise awareness of the human rights treaty body system among NGOs, national human rights institutions and the media, including through its technical cooperation activities in 40 countries or regions. In that connection, during a judicial colloquium for senior-level judges on the domestic application of international human rights standards held in Nairobi in February and March 2006, participants had observed that greater attention was being paid to the jurisprudence of human rights bodies, as was borne out by the growing number of judgements referring to it. However, the reasoning behind such decisions was often too succinct and difficult to follow. More detailed reasoning for the decisions was therefore called for.

7. With regard to the Committee's programme of work, she noted that there were 28 reports awaiting consideration, in addition to the 7 to be dealt with during the current session. Reports received in 2006 would not be considered until 2008 at the earliest. The Committee might therefore wish to consider holding plenary meetings during the week normally set aside for working groups, as had been done in November 2005, or even to request a three-week session each November on a permanent basis.

8. Concerning the Committee's consideration of non-reporting States, which had proved successful in some cases, she stressed the need for coordination with OHCHR so as to ensure that such States were not already receiving technical assistance from the Office in order to comply with their reporting obligations.

9. The Treaties and Commission Branch stood ready to provide the Committee with any assistance it might require to ensure the effectiveness of its work and a successful session.

SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBERS OF THE COMMITTEE  
(item 2 of the provisional agenda)

10. Ms. CONNORS (Representative of the Secretary-General, Temporary Chairperson) invited the newly elected members of the Committee to make the solemn declaration provided for in rule 14 of the rules of procedure.

11. Ms. Belmir, Mr. Kovalev and Ms. Sveaass made the declaration contained in rule 14 of the Committee's rules of procedure.

ELECTION OF THE OFFICERS OF THE COMMITTEE (item 3 of the provisional agenda)

12. Ms. GAER nominated Mr. Mavrommatis for the office of Chairperson.

13. Mr. MARIÑO MENÉNDEZ and Mr. GROSSMAN seconded the nomination.

14. Mr. Mavrommatis was elected Chairperson by acclamation and took the Chair.

15. Mr. MARIÑO MENÉNDEZ nominated Mr. Grossman for the office of Vice-Chairperson.

16. Mr. Grossman was elected as Vice-Chairperson for the Latin American region.

The meeting was suspended at 11.10 a.m. and resumed at 11.35 a.m.

17. The CHAIRPERSON recommended that, in the light of consultations and in the interests of regional representation, Mr. Camara and Mr. Kovalev should be elected Vice-Chairpersons, representing the African Group and the Eastern European Group respectively. Similarly, he recommended that Ms. Gaer should be elected Rapporteur of the Committee, representing the Western European and Others Group.

18. It was so decided.

The meeting was suspended at 11.40 a.m. and resumed at noon.

ADOPTION OF THE AGENDA (item 4 of the provisional agenda) (CAT/C/36/1)

19. The provisional agenda (CAT/C/36/1) was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 5)

20. The CHAIRPERSON said that extensive consultation had taken place concerning the vacancy occasioned by the departure of Mr. Prado Vallejo, to whom he intended to write on the Committee's behalf, thanking him for his excellent work and wishing him a speedy recovery. Mr. Prado Vallejo had striven to defend human rights throughout his life, and had personally experienced their violation.

21. Ms. MORALES (Secretary of the Committee) outlined the general rules relating to travel and subsistence allowances for the benefit of the new Committee members, gave a full explanation of the documentation provided for the Committee's thirty-sixth session, and suggested a possible method of work for the rapporteurs for Mexico, Hungary and the Russian Federation, countries whose reports were to be considered at the thirty-seventh session.

22. Mr. GROSSMAN, thanking the secretariat for the documentation provided to the Committee, considered that it would be beneficial to new members to receive a briefing from more senior members on the various sequences of events and the roles of rapporteurs and co-rapporteurs in the Committee's consideration of country reports and cases. He proposed that substantive guidance of that kind, for which there was no provision in the programme of work, might be given informally, possibly over lunch.

23. The CHAIRPERSON said that, as two new members had been designated to serve as co-rapporteurs for reports submitted at the present session, he had suggested that they should contact the corresponding rapporteurs appointed at the previous session. The normal practice was for the latter to cover articles 1-9 of the Convention and for co-rapporteurs to deal with the remainder. However, another more flexible arrangement could be envisaged if members so wished.

24. Following the resignation of Mr. Prado Vallejo, it had been agreed that Mr. Mariño Menéndez and Mr. Grossman should serve as rapporteurs for the report of Peru, and Mr. Mariño Menéndez and Mr. Kovalev for that of Guatemala. In response to requests for clarifications concerning other reports to be considered at the current session, he asked the secretariat to prepare an updated list of rapporteurs for the Committee's next meeting.

25. On the question of the participation of NGOs in the Committee's meetings, the practice had been to receive and listen to those organizations that had submitted written reports on the situation in the countries concerned, while exercising a certain flexibility with regard to oral presentations by NGOs that had not submitted written reports, particularly where recent or previously unavailable information was concerned. He wished to know whether members agreed that the Committee should continue to follow a flexible approach of that kind.

26. Mr. CAMARA raised the question of the timing of the interventions of the NGOs. Would it not be preferable to receive those bodies at the end of the morning, rather than towards the end of the afternoon meeting, since the present practice gave members of the Committee limited time to analyse and take account of NGO submissions prior to consideration of the country reports the following morning?

27. Ms. MORALES (Secretary of the Committee) said that Mr. Camara's suggestion could be accommodated by shifting the three-hour consideration of country reports to the Committee's afternoon meeting and programming the two-hour reply session for the following morning, although that would have the disadvantage of reducing the time available to States to prepare their replies.

28. Ms. GAER considered the current arrangements to be logical inasmuch as they enabled the Committee to complete its consideration of a particular country's report before hearing the submissions of NGOs on the report to be examined on the following morning. That practice, she believed, set the priorities correctly.

29. On the question of whether the Committee should receive NGOs that had not submitted oral reports, she thought that flexibility was in order, given that submissions from NGOs were in some instances too numerous while in others they were non-existent.

30. Another issue that the Committee might wish to consider was what should be done when NGOs were disinclined to be the first to make a presentation, as had occurred at a previous session. On both issues, she believed that the Committee should strive for consistency while remaining flexible to take account of special circumstances.

31. Just as the Committee had been one of the first to invite NGOs to make formal submissions six weeks ahead of the corresponding session, so it had been notably forthcoming with regard to accommodating oral presentations by NGOs. Various formulas had been tried in that respect, such as devoting a day to NGO briefings before the start of the Committee's session; but the present arrangements arguably represented the best system available in that they enabled NGOs to make their submissions as close as possible to the review of the corresponding country reports

32. Mr. GROSSMAN noted that NGOs themselves considered that the late hour at which the Committee received them detracted from the significance of their submissions. Perceptions in that respect were important and were leading to an increasing number of requests by NGOs for private briefings. He suggested that Mr. Camara should formulate a proposal in consultation with the secretariat, taking account of all the issues involved, for further discussion by the Committee.

33. The CHAIRPERSON, noting that the current arrangements had been adopted fairly recently, suggested that it was too early to draw conclusions on their appropriateness and that the secretariat should keep the matter under scrutiny. In the meantime, the need was for flexibility.

34. Ms. SVEAASS, while recognizing the need for flexibility, emphasized that discipline was required in seeking clarifications from those NGOs that had submitted written reports. Concerning those that had not done so, consideration might be given to organizing a lunchtime meeting to hear their submissions.

35. Mr. MARÍÑO MENÉNDEZ agreed that flexibility should be the Committee's watchword in the present case and more generally. While it was clear that the programme for the current session could not be changed, the Committee could reflect on the various possibilities for improving arrangements for future sessions.

36. Ms. BELMIR took the view that the importance of the information provided by NGOs for the Committee's deliberations required that meetings with them should be official rather than private.

37. The CHAIRPERSON, while agreeing that the official meeting was of primary importance, considered that rapporteurs should be free to hold private meetings in order to seek information not readily obtainable otherwise. The question, which called for a pragmatic approach, should be kept under scrutiny by the secretariat.

38. Ms. MORALES (Secretary of the Committee) informed the Committee that, given the large number of organizations wishing to follow the debate on the report of the United States, and in view of the size of the United States delegation attending, the meeting would take place in Conference Room XII. The secretariat also suggested that the meeting on 12 May should take place in Room XVI to accommodate a request from Turkey for members of its judiciary to be present on that occasion.

39. Mr. CAMARA said that he would appreciate more information on the projected meeting of treaty bodies, referred to earlier by Ms. Morales, to consider a common approach to reservations by States parties.

40. Ms. MORALES (Secretary of the Committee) said that the meeting had been called for by the third inter-committee meeting and was scheduled to take place, in English only, on 8 and 9 June.

The meeting rose at 1 p.m.