



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

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## Committee against Torture Forty-third session

### Summary record of the 919th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 17 November 2009, at 3 p.m.

*Chairperson:* Mr. Grossman

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*The meeting was called to order at 3.15 p.m.*

**Meeting with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

1. **The Chairperson** welcomed the members of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the opportunity to hold a dialogue with them in order to strengthen cooperation between the two bodies and enhance the fulfilment of their respective mandates. The meeting, the agenda of which had been drawn up by the Committee and the Subcommittee, would deal essentially with implementation of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (“the Optional Protocol”), cooperation between the Committee and the Subcommittee, the functioning of the two bodies’ joint working group, and information exchange.

2. In 2009 the Special Rapporteur on the question of torture and the Chairpersons of the Subcommittee and the Committee had all three submitted reports to the General Assembly of the United Nations, which, in its resolution 63/166, had stressed the importance of their work and the need to continue to strengthen their respective activities and their collaboration. Thanks to the Subcommittee’s unstinting efforts, 50 States had already ratified the Optional Protocol, which was a remarkable feat. In that regard, the Committee, in its concluding observations, systematically recommended States parties that had not yet done to sign and ratify the Optional Protocol.

3. **Mr. Rodríguez Rescia** (Chairperson of the Subcommittee) noted with satisfaction the presence of many representatives of civil society organizations, which contributed to the dissemination of the work of the Committee and the Subcommittee. He also welcomed the opportunity offered to the Subcommittee to benefit from the Committee’s opinions and advice on implementation of the Optional Protocol. Given that 50 States had ratified the Optional Protocol, the Subcommittee would need to rethink a number of practical problems, especially of a budgetary nature, linked to that transition. It must also endeavour to improve its cooperation with the Committee and with non-governmental organizations (NGOs), regional organizations and other United Nations bodies and mechanisms.

4. The Subcommittee had made seven visits under the Optional Protocol and prepared a report on each visit. A further visit was also planned by the end of 2009 and three in 2010. The States parties had expressed interest in the way it worked with the Committee and the Special Rapporteur and how it could fulfil its mandate even more effectively. Unfortunately, efforts had concentrated for the most part on visits, to which a large share of the budget had been devoted, whereas the Subcommittee’s mandate included other activities, particularly those provided for in article 11, paragraph (b), namely the advice and assistance that the Subcommittee could offer States parties for the purpose of putting in place national preventive mechanisms to prevent torture, and training for reinforcing those mechanisms’ capacities. The Special Fund set up by the Optional Protocol to help finance implementation of the Subcommittee’s recommendations to States parties was another important aspect and, in that connection, all stakeholders had met that very day to discuss the allocation of their contributions. In that regard, it would be useful if the Committee in its concluding observations would call States’ attention to the Special Fund and the need to contribute to it.

5. **Mr. Mariño Menéndez** asked what ideas the Subcommittee had drawn from the activities of the Optional Protocol Contact Group, what assistance it received from civil society and whether it had defined guidelines for its future work. He would also like to hear the Subcommittee’s general impressions of the national preventive mechanisms and what follow-up States parties had given to the Subcommittee’s recommendations.

6. **Ms. Gaer**, recalling that the Subcommittee had informed the General Assembly that four visits per year did not suffice and that the number would need to be doubled, asked how many Subcommittee members participated in those visits, how tasks were distributed and the mechanisms envisaged to take the increase in the number of members into account. As to cooperation between the existing bodies and further enhancement of their effectiveness, she noted that in paragraph 32 of resolution 63/166, the General Assembly had stressed the need for the continued regular exchange of views among the Committee, the Subcommittee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations Crime Prevention and Criminal Justice Programme, with regional organizations and mechanisms, as appropriate, and civil society organizations, including NGOs. She would like to know whether the Subcommittee had thought about how it could achieve balance between States' requirements, particularly regarding coordination and the manifest constraints on the time programmed for meetings and the financing of the required activities. She would also like to know its views on the overlapping caused by the existence of different forms of examination and their impact on the effectiveness of activities to prevent and eradicate torture and ill-treatment.

7. Where the Special Fund was concerned, the Committee was in the habit of asking each State party whether it had contributed, but also of congratulating those who did so in its concluding observations, until some had come to the view that to congratulate States, regardless of the size of their contribution, risked compromising the Committee's independence and integrity, and the practice had come to an end. It would be interesting to learn the Subcommittee's views.

8. **The Chairperson**, speaking as a member of the Committee, said that it would be preferable to separate the issue of contribution to the Special Fund from the consideration of States parties' reports, it being somewhat delicate to reproach a country, for instance, with extraditing individuals to a country where they risked torture and then congratulate them on having made a contribution and invite them to contribute them more. Some Governments, in fact, tended to think that a payment sufficed to settle human rights problems and they were prepared to make such payment. It was therefore necessary to find a way of encouraging countries to contribute to the Fund without intimating that so doing released them from their obligations.

9. **Ms. Sveaass** asked what the Subcommittee expected of the Committee, because thus far the latter had only put relatively simple questions to States parties regarding ratification of the Optional Protocol and the creation of national preventive mechanisms. Yet, the time was approaching when States parties wondered about the type of mechanism they must adopt and the way it must function, and when NGOs reported the malfunction of a particular system, etc. The Committee would therefore like to know what precisely it should recommend and how far it could go in that area.

10. **Ms. Kleopas** asked to what extent the Committee's work influenced the Subcommittee's decisions when planning country visits.

11. **Ms. Belmir** said that the upsurge in terrorism worldwide had impelled most Member States of the United Nations to draft laws to reverse the phenomenon, particularly by amending their criminal codes and codes of criminal procedure, which often consisted of an arsenal of provisions whereby terrorist suspects were detained and held incommunicado or placed in solitary confinement for relatively extended periods. It would be useful to reflect on how the Committee and the Subcommittee could induce States to reconcile the need to fight terrorism using the Convention and the Optional Protocol.

12. **Mr. Gallegos Chiriboga**, pointing out that the number of ratifications of the Optional Protocol had led to a degree of optimism among the international community, said that the fact that the two Chairpersons were both attending the General Assembly to present their reports was a great step forward, firstly because it provided information for Member States and encouraged those that were not parties to the Convention and the Optional Protocol to ratify those instruments, and secondly because it explained to them the work of the Committee, the Subcommittee and the Special Rapporteur.

13. Given the inadequacy of financial and human resources, the secretariat of the Office of the High Commissioner found it very difficult to provide the services required by the Committee and the Subcommittee. Not only was there was a need for more efficient management of resources of the United Nations budget, but the Committee and the Subcommittee also needed to adopt a common stance on the matter in order to facilitate positive results. The Committee was now in a critical situation; reports were piling up and could not be examined despite the many measures taken to facilitate the report submission process; it was a problem that called for individual and collective reflection. If effectiveness was to be increased, ways must be found streamlining the massive bureaucracy and increasing the human resources of the secretariat of the Office of the High Commissioner, which was much too small to address the needs of the nine treaty bodies and, particularly, of remedying the problem of insufficient permanent staff.

14. On the question of coordination among bodies, the Member States had decided to include the United National Crime Prevention and Criminal Justice Programme, but there were many other programmes with the potential for similar close cooperation.

15. In conclusion, he would like details on the Subcommittee's visits to the field, particularly on its findings. It was also important for the General Assembly to emphasize, in the resolution it would be adopting in 2010, dialogue and cooperation between the Committee and the Subcommittee. It would be a helpful to meet with the States sponsoring the resolution.

16. **Mr. Wang Xuexian** said that it would be a good idea for a more targeted agenda to be drawn up for all future meetings between the Committee and the Subcommittee and circulated sufficiently in advance to enable members better to prepare themselves. Regarding cooperation between the two bodies, there was need of reflection on ways of enhancing information exchange because the Subcommittee, thanks to its presence on the ground, was able to gather information first hand, to which the Committee did not necessarily have access and which would make a substantial contribution to its work.

17. **Mr. Sarre Iguiniz** (Subcommittee) said that one important aspect of torture prevention was to impress on States that their obligation to respect the guarantees of a regular procedure did not end with sentencing and that a condemned person remained a subject of rights for the duration of his/her sentence.

18. **Mr. Coriolano** (Subcommittee) said that thus far 30 of the 50 States parties to the Optional Protocol, comprising 20 in Europe, 4 in Latin America, 3 in Africa and 3 in Asia, had designated a national preventive mechanism. It might be useful for the Committee to have updated information on progress in setting up national preventive mechanisms, which it could mention in its recommendations to States parties.

19. The Subcommittee faced three major problems, also faced by the Committee against Torture: insufficient human and financial resources; poor rate of implementation of its recommendations; and lack of coordination among United Nations bodies and between United Nations bodies and regional bodies. While the Subcommittee and the Committee had no direct influence over the resources allocated to them or the States' implementation

of their recommendations, they could, nonetheless, take action to strengthen their cooperation by establishing a joint programme of work based on their discussions thus far, founded in particular on the work of the joint working group. Both bodies should also deliberate on the question of the institutional support needed to implement the programme.

20. **Mr. Lasocik** (Subcommittee) said that another very important – but insufficiently discussed – component of the Optional Protocol was financial assistance for implementation of the Subcommittee's recommendations to States parties after its visits. The Committee and the Subcommittee might perhaps put their heads together on how best to inform the various stakeholders about the fund, taking care to distinguish it from the United Nations Voluntary Fund for Victims of Torture. In three years of activity, the Subcommittee had achieved the status of full partnership with a growing number of national and regional institutions, which provided it with information and sought its advice. However, for lack of adequate resources, the Subcommittee was regrettably less present on the ground than its mission required. As to the strengthening of collaboration between the Subcommittee and the Committee, one way of promoting exchanges between the two bodies would be to ensure that their autumn sessions were held in the same building so that their members could easily meet and hold informal discussions outside meeting hours.

21. **Mr. Ginés Santidrián** (Subcommittee) said that inspection of detention centres was the only really effective way of fighting torture and ill-treatment. The European Committee for the Prevention of Torture had led the way in that field, and its experience was valuable to the Subcommittee. However, unlike the system instituted by its older European counterpart, the visiting system as conceived by the Optional Protocol was reinforced by the action of national preventive mechanisms, which ensured continuity of surveillance of detention centres and follow-up to recommendations. The functions of the Subcommittee and the Committee were entirely different and there was no need to fear overlapping.

22. **Mr. Evans** (Subcommittee) said that the obligation on States parties to set up or designate national preventive mechanisms was undoubtedly one of the most important innovations of the Optional Protocol and offered new prospects to all bodies engaged in the fight against torture. While such bodies legitimately followed with interest the creation of national preventive mechanisms, they must still exercise some caution when it came to commenting or assessing those mechanisms' activities so as not to risk sending them contradictory messages, which would be counterproductive. It would therefore be desirable for the bodies concerned to reflect together on how to promote, with one voice, the action of the national preventive mechanisms, highlighting the criteria established by the Optional Protocol.

23. **The Chairperson**, speaking as a member of the Committee, said that visits were certainly useful and necessary but that other existing mechanisms, such as the procedure for examining individual communications, were no less so and could even be more suited to certain cases. What was important was that they should all aspire to a shared objective, that of fighting torture, and that they should provide complementary means of action that made it possible to respond to very diverse situations of torture. Moreover, many countries had not yet ratified the Optional Protocol and were therefore not subject to visits from the Subcommittee or to an obligation to create national preventive mechanisms, an obligation which nearly half of States parties to the Optional Protocol had not yet honoured. He was pleased that those countries were not, however, exempt from any kind of monitoring.

24. Lack of resources was a problem with which the Committee had been struggling for some time. It had recently asked for the duration of its sessions to be increased from three to four weeks to enable it to absorb the considerable workload involved in consideration of periodic reports and communications, but that request – albeit entirely reasonable – had been denied; just one of many examples, it showed that the treaty bodies' needs were not

acknowledged. All the same, that did not mean that the status quo should be accepted, and the Committee would continue to plead its case before the competent bodies. With that in mind, it would be useful to know how far the introduction of the universal periodic review influenced the allocation of resources to the treaty bodies, for that body, the usefulness of which the Committee was not contesting, must not deprive it of the resources it needed.

25. There had been a sensible proposal to set up a common work programme. The initial phase could consist in defining priority areas of cooperation, bearing in mind that the Committee and Subcommittee had limited resources. That task would be entrusted to a joint Committee/Subcommittee working group or to those bodies' Chairpersons, who would later submit their proposals to all members of both bodies.

26. **Mr. Rodríguez Rescia** (Chairperson of the Subcommittee) said that, in the context of reflection on improving its working methods, the Subcommittee had decided that its Bureau would deal with matters to do with collaboration with the Committee against Torture. In that context, the Subcommittee proposed that the Committee alter the composition of the joint working group so that the three members of its Bureau – rather than two as originally planned – would represent it in the group.

27. The Subcommittee assigned priority importance to cooperation with the organs of the United Nations system. It collaborated closely with the International Committee of National Human Rights Institutions, which invited it to participate in its accreditation procedure as an observer. Since accredited national institutions – which met the requirements laid down in the Paris Principles – did not necessarily fulfil the conditions required to serve as national prevention mechanism, the Subcommittee also provided training in the States concerned in order to explain to those institutions which specific conditions flowing from the Optional Protocol they must meet in order to be designated national preventive mechanisms.

28. The Subcommittee was well aware that cooperation must not be a one-way exercise and that it could not seek confidential information from the Committee and refuse to entrust it with such information in turn. There were myriad possibilities for cooperation with the Committee against Torture, the European Committee, the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights, while respecting the principle of confidentiality. The Subcommittee and the European Committee had recently met in Strasbourg and had established a number of unofficial rules governing the avenues of collaboration between the two bodies, particularly regarding the establishment of their respective programmes of visits. In that domain, the Subcommittee did not have the same priorities as the European Committee, its mandate being to prevent torture and rather than to react to an emergency situation or actual occurrences. The Subcommittee had therefore decided to plan its programme of visits, taking those of the European Committee and the Special Rapporteur on the question of torture into account and on the basis of certain criteria, which it was in the process of defining as part of its examination of its working methods. The list of criteria could subsequently be communicated to the Committee since such information posed no confidentiality problems.

29. Regarding collaboration between the Subcommittee and the regional mechanisms, the Subcommittee had planned to follow the guidelines on the conduct of visits to places of detention, prepared by the Special Rapporteur of the Inter-American Commission on Human Rights on the rights of detainees when he had visited countries of that region. During its visits to the African continent, the Subcommittee followed the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (the Robben Island Guidelines) adopted by the African Commission on Human and Peoples' Rights, representatives of which it had met during its eighth session.

30. Since the members of the Subcommittee issued in part from NGOs, it maintained close links with the Optional Protocol Contact Group, members of which it met at each of its plenary sessions. Moreover, given the need to make optimum use of available resources, the Subcommittee made eight visits per year at most, which meant that each member made an average of three per year.

31. The Subcommittee had been invited to conduct training workshops on the creation of national preventive mechanisms and had visited South Africa and Latin America in that connection. For the time being the Subcommittee carried out those activities at its own expense and with help from NGOs because the United Nations programme-budget did not commit funds to finance them.

32. **The Chairperson**, speaking as a member of the Committee, remarked that it would be desirable for the Subcommittee and the Committee to examine together the question of training in the Istanbul Protocol, an instrument the existence of which was unknown in many countries and which, if applied, would considerably improve the quality of information supplied under article 22 of the Convention, as well as information furnished in the periodic reports.

33. **Mr. Gallegos Chiriboga** said it was necessary to draw up a road map to guide the activities of the joint Committee/Subcommittee working group and to coordinate its activities with those of other United Nations mechanisms. The members of the Subcommittee and the Committee could draw that road map between sessions by exchanging ideas by e-mail. He also endorsed the idea of holding the sessions of the Subcommittee and the Committee in the same building when both bodies met in Geneva, which would facilitate communication between them.

34. **The Chairperson** invited the participants to discuss the exchange of information relating to the Subcommittee's visits and matters linked to the Convention, including the mechanisms having to do with individual complaints.

35. **Mr. Rodríguez Rescia** (Chairperson of the Subcommittee) said that, according to the provisions of the Optional Protocol, the confidentiality requirement applied exclusively to visits and reports thereon. It must not, therefore, be interpreted as extending to other areas. Hence, when numerous allegations of torture or ill-treatment were brought to the Subcommittee's attention during one of its visits, it should be able to transmit them to the Committee or to the Special Rapporteur on the question of torture, not itself having competence to receive or examine allegations of torture. That was why the Subcommittee and the Petitions Unit of the Office of the United Nations High Commissioner for Human Rights had undertaken to establish working methods that dealt precisely with the unofficial communication of such information. Given that the Subcommittee was not empowered to request States parties to take interim measures in emergencies, unlike other United Nations organs and mechanisms, it would be necessary to determine how the Subcommittee could best alert the Committee or the Working Group on arbitrary detention so that they could take the appropriate measures.

36. The Subcommittee would appreciate it if the Committee communicated general information to it when it considered the report of a State party that had been visited by members of the Subcommittee, particularly on the way in which the political situation in the country was developing. It would also be useful if the head of delegation of the State party and the country rapporteurs met in private to discuss topics jointly determined by the Bureaus of the Committee and the Subcommittee.

37. Lastly, there were many areas to be explored, in which information could be exchanged without any risk of a breach of confidentiality. It was in that spirit that the Subcommittee intended to make available to the Committee the overview of the situation in the country which it prepared before any visit to a State party.

38. **Mr. Gallegos Chiriboga** said that it was precisely in case of emergency that the need to exchange information was felt, which was why the Committee and Subcommittee should prepare guidelines on joint activities to be undertaken in cases in which the Subcommittee was told of violations of the Convention.

39. **Mr. Lasocik** (Subcommittee) said that confidentiality and professional secrecy were not to be confused and that, in so far as a relationship of trust existed between the Subcommittee and the Committee, there was no reason why confidential information should not be passed on to it. Information could be divided into three types: general, confidential and medical. General information needed to be exchanged automatically in the interest of transparency. Confidential information could be passed on, on the understanding that precautions needed to be taken to protect the source and the victim of breaches of the Convention. The Committee and the Subcommittee ought jointly to prepare appropriate data reporting standards. Lastly, medical information fell under the heading of professional secrecy and the Subcommittee would not communicate it to the Committee as long as it was in the patient's interest that it not be divulged.

40. **Mr. Mariño Menéndez** asked whether the Subcommittee thought that the existing national preventive mechanisms were effective and, if so, whether it made recommendations to the States parties concerned and whether they were taken into consideration.

41. **Mr. Hajek** (Subcommittee) observed that the Subcommittee was pressurized on all fronts, particularly by NGOs, treaty bodies and special procedures mandate holders, to divulge more information. Some information could and should be communicated, especially when it concerned the national preventive mechanisms, but that did not apply to information collected during visits. The obligation of discretion imposed on the Subcommittee was due to the need not to lose the trust of States parties, which would be reluctant to provide the Subcommittee with information if they had reason to believe that it was being made public.

42. **The Chairperson**, speaking as a member of the Committee, pointed that, all the same, – as had recently occurred with Honduras – States parties might themselves decide to publish the Subcommittee's report on its visit. In such a case, the Committee could consult and use that information without breaching the principle of confidentiality since it had passed into the public domain. It would also be interesting to study the question of whether the Committee could provide the Subcommittee with information on communications it received under article 22 of the Convention. He, too, felt that it would be preferable for the sessions of the Committee and the Subcommittee to be held in the same building so that members of both bodies could meet more often, both officially and unofficially. In conclusion, the Subcommittee Chairperson and himself would prepare a synopsis of the discussion in order to review the situation; that document would be sent to all members of both bodies so that the discussion could be resumed where it had been left off when they held their next joint meeting.

*The meeting was suspended at 5.05 p.m. and resumed at 5.20 p.m.*

**Dialogue with the Human Rights and Disability Adviser in the Office of the United Nations High Commissioner for Human Rights, and the assistant to the Special Rapporteur on the question of torture**



43. **Ms. Lavagnoli** (Human Rights and Disability Adviser, Office of the United Nations High Commissioner for Human Rights) said that the Convention on the Rights of Persons with Disabilities, which had entered into force in 2008 and had thus far been ratified by 74 States, shed new light on the question of torture and on persons with disabilities, clarifying how the normative framework of prohibition of torture applied to persons with disabilities, and helping to identify the forms of torture and ill-treatment most affecting them.

44. Traditionally, only the medical point of view had been taken into account, so that certain types of treatment inflicted on persons with disabilities were not considered to be ill-treatment, on the grounds that they were a therapeutic necessity. With the Convention, disability was also looked at from the human rights viewpoint. Hence, the question arose of the grounds on which acts that would be readily recognized as acts of torture if inflicted on the healthy would not be recognized as such when inflicted on persons with disabilities. Moreover, article 1 of the Convention against Torture prohibited the infliction of pain or suffering for any reason based on discrimination of any kind, which included disability.

45. A number of articles of the Convention on the Rights of Persons with Disabilities helped to identify acts committed against such persons, which were comparable to acts of torture. In addition to article 15, which expressly stated that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or, without his/her free consent, to medical or scientific experimentation, articles 3 and 12 were particularly interesting. Article 3 set out the general principles guiding the interpretation of all articles of the Convention: the principles of non-discrimination and respect for inherent dignity and individual autonomy – including freedom to make one's own choices – and independence of persons. But it was article 12 in particular that demonstrated the paradigm shift of the Convention; it reaffirmed that persons with disabilities had the right to recognition everywhere as persons before the law and enjoyed legal capacity on an equal basis with others in all aspects of life. Consequently, persons with disabilities were not only owners of rights, but could also exercise them. That new paradigm had a considerable impact on the issue of informed consent of a person with a disability to institutionalization and treatment. While it had been hitherto normally accepted that consent was given by the legal representatives of a person with a disability that was no longer the case.

46. Recognition of legal capacity meant that health professionals must obtain the free and informed consent of persons with disabilities. The Convention also established the obligation to provide persons with disabilities with any health care and attention they needed, without discrimination (art. 25). Article 23 called into question the legality of forced sterilization, establishing the right of persons with disabilities to retain their fertility. In conclusion, the Convention demonstrated enormous progress regarding the right to freedom of persons with disabilities, prohibiting as it did deprivation of liberty on the basis of disability (art. 14).

47. **Ms. Kainz-Labbe** (Assistant to the Special Rapporteur on torture) said that the Special Rapporteur on torture regretted that he could not be present. She would present a broad outline of the report on the legal framework for the protection of persons with disabilities against torture, which he had submitted to the sixty-third session of the General Assembly (A/63/175). That report demonstrated the legal developments following the entry into force of the Convention on the Rights of Persons with Disabilities and affirmed that the prohibition of torture also applied to doctors and health professionals. It showed how some treatments given to persons with disabilities could be comparable to torture or ill-treatment; discrimination based on disability included all forms of discrimination, including refusal to provide "reasonable accommodation".

48. The Special Rapporteur also dealt with the use of restraints and isolation, on the grounds that it was comparable to torture or ill-treatment. Regarding the consent of persons

with disabilities to health care, the more invasive and irreversible treatments became, the more necessary it became to obtain free and informed consent. It also showed that forced psychiatric hospitalization because of a disability could inflict acute pain and suffering and therefore fell within the purview of the Convention against torture.

49. The Special Rapporteur noted that State consent to violence against persons with disabilities took many forms, including that of legislative frameworks and discriminatory practices, which allowed such acts of violence to go unpunished. Lastly, he made three key recommendations to States: namely, adoption of laws that recognized the legal capacity of persons with disabilities and ensured, where appropriate, that those persons were given the support needed for them to take informed decisions; establishment of clear guidelines in conformity with the Convention on the meaning of “free and informed consent”; and accessible complaints procedures. It also recommended establishing mechanisms for vetting institutions where persons with disabilities might live.

50. **Mr. Gallegos Chiriboga** said that anyone could be confronted in the course of their lives with the question of disability, especially given the ageing of the population. The purpose of the Convention on the Rights of Persons with Disabilities was to grant legal rights to the more than 158 million persons with disabilities in the world, most of them in developing countries. As part of its work, the Committee should assign special importance to the articles of the Convention on the Rights of Persons with Disabilities in connection with the prohibition of torture. Lastly, it was necessary to continue to sensitize the population to disability in order to change its perception of persons with disabilities.

51. **Mr. Rodríguez Rescia** (Chairperson of the Subcommittee) said that the Subcommittee was keen to identify the specific problems encountered by detainees with disabilities and hoped that in future it could have psychologists or psychiatrists among its members.

52. **Mr. Mariño Menéndez** noted that the Convention on the Rights of Persons with Disabilities apparently made it possible to impute acts of torture to private individuals, such as health personnel. Articles 1 and 4 of the Convention against Torture applied, in principle, only to public servants, which meant that they could apply to private individuals only if they were acting on behalf of the State. He would like to know whether anything was currently being done in connection with acts of psychological torture inflicted on persons with disabilities and whether, under article 4 of the Convention on the Rights of Persons with Disabilities, States parties were required to render financial and social assistance to the families of persons with disabilities.

53. **Ms. Sveaass**, emphasizing the practical usefulness of the work of the Special Rapporteur on the question of torture concerning persons with disabilities, said that it was astonishing that the most flagrant violations of the rights of persons with disabilities occurred in countries that normally respected human rights and that they were perpetrated by educated persons who had no idea that they were committing violations. The Committee against Torture appeared to be more interested in the detention of the mentally disabled than in detention based solely on disability, which it should change in the future.

54. **The Chairperson** thanked Ms. Lavagnoli and Ms. Kainz-Labbe for their presentations on the protection of persons with disabilities against torture, which had been extremely enlightening for the Committee.

*The meeting rose at 6.05 p.m.*