



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

Distr.: General
11 May 2012

Original: English

**Committee against Torture
Forty-eighth session**

Summary record of the first part (public)* of the 1058th meeting

Held at the Palais Wilson, Geneva, on Monday, 7 May 2012, at 10 a.m.

Chairperson: Mr. Grossman

Contents

- Opening of the session by the representative of the Secretary-General
- Solemn declaration by the newly elected members of the Committee
- Election of the officers of the Committee
- Adoption of the agenda

* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.1058/Add.1.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.10 a.m.

Opening of the session by the representative of the Secretary-General

1. **Ms. Kyung-wha Kang** (Deputy High Commissioner for Human Rights) declared open the forty-eighth session of the Committee against Torture.
2. The treaty body system continued to grow. In December 2011 the General Assembly had adopted the third Optional Protocol to the Convention on the Rights of the Child and just two further ratifications were required for the entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. While those developments would greatly contribute to the evolution of jurisprudence and the protection of human rights, they would also entail an increase in the workload of the treaty bodies and the Secretariat and hence an increase in resource requirements.
3. In that context, she underscored the importance of the treaty body strengthening process. The High Commissioner would publish her report in June 2012, and follow-up action on the report would depend both on the treaty bodies and on States.
4. The Committee had been briefed at its last session in November 2011 on the outcome of the Dublin II consultations. She was pleased to note that, in addition to the many individual treaty body members who had endorsed the Dublin II Outcome Document, several Committees, including the Committee on the Rights of the Child, the Committee on Enforced Disappearances, the Human Rights Committee, the Committee on Migrant Workers and the Committee on the Rights of Persons with Disabilities, had endorsed the document at recent meetings. She urged the Committee against Torture to consider endorsing it at its current session.
5. She welcomed the steps that the Committee had already taken to address some of the challenges faced by the system. Its planned request to the General Assembly for an additional week per session for the 2013–2014 biennium would send a strong signal to States that a global solution was needed for all treaty bodies, since similar requests were being submitted by other bodies.
6. In addition to working with treaty bodies on the strengthening process, the Office of the United Nations High Commissioner for Human Rights (OHCHR) had been actively engaged in consultations with States. The High Commissioner had facilitated further informal consultations in Geneva in February 2012 and in New York in April 2012. At the two-day New York consultation, the High Commissioner had stressed once again that treaty bodies must be provided with sufficient resources to fulfil their mandate. She believed that the message had been clearly understood by the more than 110 Member States present.
7. States were increasingly demonstrating their engagement in the treaty body strengthening process. On 23 February 2012, the General Assembly had adopted a resolution tabled by the Russian Federation on the launching of an open-ended intergovernmental process aimed at strengthening and enhancing the effective functioning of the human rights treaty body system. While acknowledging the concerns raised by some stakeholders, OHCHR considered that the initiative could complement the process launched by the High Commissioner. It was both appropriate and necessary for States to reflect on concrete methods of resolving the financial challenges faced by the treaty bodies. OHCHR would do its utmost to ensure that all the treaty bodies had a strong voice, and it would continue to insist that key principles were borne in mind during the deliberations. She sincerely hoped that such joint action would lead to an adequately resourced and increasingly efficient treaty body system, which would in turn contribute to the enjoyment of human rights by all. She trusted that the Committee would engage in a dialogue with the OHCHR staff concerned during the session and make a full contribution to the process. Its continued support was highly appreciated.

8. Highlighting OHCHR action in the field in support of the Committee's work, she said that Cambodia, further to the Committee's concluding observations of November 2010 (CAT/C/KHM/CO/2), had enacted a Law on Prisons in December 2011 which represented a real improvement on the previous legal framework. In particular, it placed a strong emphasis on rehabilitation; the requirement for separation of the different categories of prisoners; greater attention to the needs of women and children; the inclusion of minimum design standards for prison construction to ensure acceptable basic conditions; an absolute prohibition of torture and other cruel, inhuman and degrading treatment and punishment; and additional safeguards against arbitrary detention.

9. In Paraguay, the harmonization of the definition of torture with international standards was being considered by Congress. With a view to promoting the enactment of the law, a member of the OHCHR country team had disseminated the Committee's recommendations to Paraguay in its concluding observations of November 2011 (CAT/C/PRY/CO/4-6) as well as international standards relating to the prohibition and prevention of torture. Congress had also passed a law approving the establishment of a national preventive mechanism that complied with the provisions of the Optional Protocol to the Convention, as recommended in the Committee's concluding observations.

10. The Annual Report of OHCHR for 2011, which would be published by the end of May 2012, contained detailed information on the Office's support for the Committee in its field activities, including assistance in the enactment of new legislation on the rights of prisoners and detainees and advocacy aimed at ensuring the absolute prohibition of torture.

11. She noted that the Committee intended to adopt a draft general comment on article 14 of the Convention during the current session. The comprehensiveness of the reparative concept developed in the draft, which entailed restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, would provide crucial assistance not only to States parties but also to victims, since it indicated the full scope of the measures to which they were entitled for full redress. She encouraged the Committee to continue elaborating general comments, a task that was explicitly recognized as part of its mandate by the recent amendments to its rules of procedure.

12. **Ms. Gaer** said that she had participated in the informal consultation for States parties on treaty body strengthening held in New York on 2 and 3 April 2012 and felt that it would be useful for the Committee to review some of the proposals that had been made during the consultation.

13. Noting that the High Commissioner's report would be published in June 2012, she asked whether it was too late to have the Committee's views reflected in the document. She also enquired about procedures for coordinating the proceedings of the proposed open-ended intergovernmental working group with follow-up action on the High Commissioner's report.

14. **Mr. Grossman** said that it was important to recognize that States had created oversight systems that actually allowed individuals to complain about violations committed by the States themselves. The treaty bodies were composed of independent experts who used their expertise to support common values of human dignity.

15. The Dublin II meeting had been held in November 2011 concurrently with the Committee's last session. Its conclusions and recommendations should certainly be discussed by the Committee at its current session. He wished to hear the Deputy High Commissioner's assessment of how the process was likely to evolve in the future. The resource issue, for instance, was extremely serious. If all States parties to the Convention submitted their reports on time, the Committee would need to meet uninterruptedly for more than five years to consider them all. Its survival under the current circumstances depended on States parties' non-compliance with their reporting obligations. Another major

problem was the lack of translated versions of documents in all the Committee's working languages.

16. **Ms. Sveaass** said that the general comment on article 14 would provide guidelines not only to States parties but also to professionals working in the area of rehabilitation and reintegration for torture victims. Indeed States parties would be unable to fulfil their obligations without the assistance of such professionals.

17. **Mr. Wang** Xuexian said that the Committee's need for additional meeting time was greater than that of other treaty bodies because of the onerous duties entrusted to such a small number of expert members. He asked whether it would again be necessary to lobby the General Assembly, for instance by sending the Chairperson to New York to argue the Committee's cause.

18. **Mr. Mariño Menéndez** said that torture and ill-treatment were cross-cutting issues of relevance to the entire treaty body system. Two four-week sessions were essential for the Committee. Moreover, as noted by the Deputy High Commissioner, its recommendations led to important legislative changes.

19. The intergovernmental process that was being conducted by the General Assembly was said to be complementary to the OHCHR process and the High Commissioner's report. He asked whether the intergovernmental process would deal with matters such as a code of conduct for members of treaty bodies or the use of information provided by NGOs. He also wished to know how the High Commissioner planned to deal with the results of the intergovernmental process.

20. **Mr. Bruni** asked whether the High Commissioner's report was likely to contain specific recommendations or whether it would merely summarize the main positions adopted during the various consultation meetings. The open-ended intergovernmental process was supposed to take into account the expertise and inputs of treaty bodies, national human rights institutions and NGOs. He wondered how that would be achieved in practice. The draft resolution tabled by the Russian Federation had mentioned a working group, but the later amended version referred to a process. He enquired about the reason for the amendment. He assumed that the meetings would be attended by representatives of States, that the High Commissioner would submit recommendations and that treaty body members might be invited to participate.

21. **Ms. Belmir** said that she had attended a consultation in Addis Ababa in November 2011 on the strengthening of the treaty bodies. She had proposed that the chairpersons of the treaty bodies should discuss a procedure for linking the two categories of consultations.

22. **Ms. Kyung-wha Kang** (Deputy High Commissioner for Human Rights) said that OHCHR had been engaged in a thorough compilation of the results of the consultations on the treaty body strengthening process. The High Commissioner's draft report was currently being finalized; the definitive version would be published in full on the OHCHR website and a summary would be sent to the intergovernmental process. The report would be a faithful reflection of the Dublin II Outcome Document, albeit differently structured, and would emphasize the independence of the treaty bodies. It would indicate some key issues for consideration by Member States and treaty body members. The High Commissioner would introduce her report at the first meeting of the intergovernmental process, due to be held in early July 2012. The President of the General Assembly had appointed the ambassadors of Iceland and Indonesia as co-facilitators of the intergovernmental process. Both of them were committed to the process and fully appreciated the importance of the independence of the treaty bodies and their members.

23. The treaty bodies' work was the foundation of the entire United Nations human rights machinery. The treaty bodies upheld, preserved and enriched the norms, without

which the entire system would flounder. The goal was to strengthen that foundation, while allowing it to develop and evolve. Whatever outcome was achieved in the short or medium term, the consultation process itself had been truly valuable. The consultations had been the initiative of the High Commissioner alone; she had not been influenced by any intergovernmental mandates, nor had her opinion been swayed by any stakeholders. She had seen the need for such a process within the larger context of the growing United Nations human rights system. In the field, the High Commissioner and her Deputy were constantly reminded of the critical importance of the treaty bodies' work. In order to make meaningful recommendations to governments on the ground, they referred to the treaty bodies' concluding observations and general comments.

24. It was clear that the treaty bodies required more certainty and fewer ad hoc arrangements in the future in order to accomplish their mandate. The system was indeed based on non-compliance, which was unacceptable. The goal was to increase the compliance rate, and all ways of achieving that aim would be explored. In the meantime, the Chairperson's lobbying at the General Assembly for an additional week of meeting time would receive the support of OHCHR. Given that the first meeting of the intergovernmental process would be held in July, it was unlikely that any meaningful outcome would be achieved at the sixty-sixth session of the General Assembly. OHCHR expected that Member States would continue to be engaged in the process at the sixty-seventh session of the General Assembly in 2013.

Solemn declaration by the newly elected members of the Committee

25. **Ms. Kyung-wha Kang** (Deputy High Commissioner for Human Rights) welcomed the new members of the Committee, Mr. Satyabhoosun Gupt Domah and Mr. George Tugushi, who had been elected at the thirteenth meeting of States parties on 18 October 2011. She also congratulated Ms. Gaer, Mr. Gaye and Mr. Grossman on their re-election.

26. She invited Mr. Domah and Mr. Tugushi to make the solemn declaration set forth in rule 14 of the Committee's rules of procedure (CAT/C/3/Rev.5).

27. **Mr. Domah** and **Mr. Tugushi** made the following declaration:

"I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee against Torture honourably, faithfully, impartially and conscientiously."

Election of the officers of the Committee

28. **Ms. Sveaass** suggested that the Committee should suspend the meeting to confer on the election of officers.

The meeting was suspended at 10.55 a.m. and resumed at 11.15 a.m.

29. **Mr. Mariño Menéndez** nominated Mr. Grossman for the office of Chairperson.

Mr. Grossman was elected Chairperson by acclamation.

Mr. Grossman took the Chair.

30. **The Chairperson** invited nominations for the three offices of Vice-Chairperson.

31. **Ms. Belmir** nominated Ms. Gaer and Mr. Bruni.

32. **Ms. Sveaass** nominated Ms. Belmir and seconded the nomination of Ms. Gaer.

33. **Mr. Mariño Menéndez** said that, as it was customary to have a vice-chairperson from each continent, he nominated Mr. Wang Xuexian.

34. **Ms. Gaer**, noting that the treaty body system did not function according to regional groups, said that she favoured the idea of competitive elections and wished to nominate Ms. Sveaass.

The meeting was suspended at 11.35 a.m. and resumed at 11.50 a.m.

35. **The Chairperson** said that following consultations Ms. Sveaass had withdrawn her candidacy for vice-chairperson. He would nominate her as Rapporteur to expedite the election process. As the number of nominations for vice-chairperson was greater than the vacancies to be filled, he invited the Committee to elect by secret ballot three vice-chairpersons.

36. *At the invitation of the Chairperson, Ms. Edelenbos, Mr. Nataf and Mr. Walker acted as tellers.*

37. *A vote was taken by secret ballot.*

Number of ballot papers: 10

Number of valid ballots: 10

Number of members voting: 10

Required majority: 6

Number of votes obtained:

Ms. Belmir 8

Mr. Bruni 5

Ms. Gaer 6

Mr. Wang Xuexian 6

38. *Having obtained the required majority, Ms. Belmir, Ms. Gaer and Mr. Wang Xuexian were elected Vice-Chairpersons.*

39. **The Chairperson** said that, as Ms. Sveaass had been the sole candidate to be nominated as Rapporteur, he took it that the Committee wished to elect her by acclamation.

40. *It was so decided.*

41. **The Chairperson**, endorsed by Ms. Sveaass, said that he took it that the Committee would like Ms. Gaer to continue to act as Rapporteur on follow-up to concluding observations and Mr. Mariño Menéndez as Rapporteur on follow-up to individual communications.

42. *It was so decided.*

Adoption of the agenda (CAT/C/48/1)

43. **Ms. Gaer** said that the treaty body strengthening process should be taken up as a sub-item under organizational and other matters.

44. *The provisional agenda was adopted.*

The public part of the meeting rose at 12.20 p.m.