



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

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Forty-ninth session

Summary record of the first part (public)* of the 1094th meeting

Held at the Palais Wilson, Geneva, on Monday, 29 October 2012, at 10 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.1094/Add.1.

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The meeting was called to order at 10.05 a.m.

Opening of the session

1. **The Chairperson** declared open the forty-ninth session of the Committee against Torture.

Statement by the representative of the United Nations High Commissioner for Human Rights

2. **Mr. Salama** (Director of the Human Rights Treaties Division, Office of the United Nations High Commissioner for Human Rights) conveyed the best wishes of the High Commissioner for a successful session. Recalling the challenges that resulted from the increase in the number of treaty bodies, including a shortage of available resources and a lack of uniform working methods and practices, he said that the High Commissioner had issued a report on strengthening the treaty bodies (A/66/860) in June 2012, which contained a series of recommendations that sought to ensure greater independence and harmonization of the treaty bodies. The Committee was invited to discuss the recommendations in the light of its own methods of work with a view to adapting them or being inspired by them, as other treaty bodies had already done, and to adopt a statement of its findings, as appropriate.

3. Since the publication of the High Commissioner's report, the annual meeting of chairpersons of the treaty bodies had examined and endorsed the Guidelines on the independence and impartiality of members of the human rights treaty bodies, known as the Addis Ababa guidelines, which the Committee was encouraged to examine and adopt at its forty-ninth session.

4. The morose global financial situation had resulted in an ongoing decrease in voluntary contributions to the Office of the High Commissioner. Extrabudgetary resources, which paid for one-third of the Treaties Division's staff, had already been cut by 7.5 per cent in 2012, and, according to estimates, could be cut by a further 15 per cent in 2013. The cuts had translated into a reduction in temporary staff, and therefore the Division's ability to support the work of the treaty bodies, including the Committee against Torture. Everyone would therefore have to work within their means, and to that end the Committee was encouraged to simplify its procedure for the adoption of the list of issues prior to reporting. In that context, if the General Assembly decided to grant the Committee the additional meeting time it had requested without granting the corresponding additional resources, it would be difficult, not to say impossible, for the Treaties Division to continue to provide the Committee with the secretariat assistance it had thus far been able to offer.

5. He looked forward to the adoption of the Committee's general comment No. 3 on the implementation of article 14 of the Convention, which would provide assistance to States in defining their obligations under article 14 and guarantee better protection of the rights of victims. General comments were a means of gathering together the Committee's jurisprudence and streamlining its approaches to the reporting and communications procedures. The importance of general comments should not be underestimated, as evidenced by the recent reference in the report of the Independent International Commission of Inquiry on the Syrian Arab Republic to the Committee's general comment No. 2 as a means of clarifying the States' obligation to prevent and to investigate acts of torture and to prosecute and punish the perpetrators. Undoubtedly, general comment No. 3 on the implementation of article 14 of the Convention, requiring States parties to ensure that victims of acts of torture obtained redress and had the right to fair and adequate compensation, including full rehabilitation, would have a similar wide-reaching impact.

6. **The Chairperson** said that, at a meeting with the chairpersons of five treaty bodies, the Secretary-General had expressed his firm commitment to supporting the work of the human rights treaty bodies, in view of the key role they played in the defence and protection of human rights.

7. **Ms. Gaer** asked for additional information on the nature of the extrabudgetary funds used to cover the costs of the staff of the Office of the High Commissioner, including those related to the work of the Committee. Further to a proposal by the High Commissioner, the Committee against Torture, which was aware of cases of reprisals against persons who had cooperated with the Committee in the context of the implementation of articles 19 and 20 of the Convention, would endeavour to establish a mechanism or appoint a coordinator to register all cases of reprisals. In that regard, she wished to know whether other committees had already adopted a similar measure and, if so, whether the appointed persons collaborated with the special procedures of the Human Rights Council, and what the outcome of their work had been.

8. **Mr. Mariño Menéndez** asked what was on the agenda for the meeting of the regional human rights mechanisms to be organized by the Office of the High Commissioner in December 2012, and whether the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had evaluated the effectiveness of national mechanisms for monitoring and prevention of torture.

9. **Ms. Sveaass** asked whether the difficulties faced by the treaty body system were solely related to budgetary restrictions or whether the system was also affected by other problems, such as the lack of independence of certain experts. She also wished to know what action would be taken on the report of the Independent International Commission of Inquiry on the Syrian Arab Republic and asked the representative of the Secretary-General to comment on the situation in that country. She would also welcome additional information on what was being done in the other treaty bodies to avoid reprisals against human rights defenders, and asked whether it would not be desirable to develop cooperation between the various committees in that area.

10. **The Chairperson** wished to know whether the special session of the Human Rights Council on the issue of reprisals had resulted in the adoption of specific proposals.

11. **Mr. Salama** (Director of the Human Rights Treaties Division) said that the issue of reprisals had gained a higher profile, as reflected in the growing number of members of civil society who submitted complaints concerning reprisals to the existing mechanisms, and that the Committee against Torture played a vital role in that area. The fact that one of the Committee's general comments had been cited in the report of the Independent International Commission of Inquiry on the Syrian Arab Republic showed the flexibility of the treaty body system, which was not limited to examining the periodic reports of States parties every four years but provided the means to intervene in emergencies.

12. The obstacles faced by the treaty body system were not solely financial in nature. The treaty bodies needed to learn to take concerted action and not be confined only to their own working methods. The chairpersons of the treaty bodies should also speak with one voice in order to send a stronger message, including to the General Assembly. By June 2013, there should be a clearer idea of how the committees had managed to harmonize their working methods. The master calendar for the presentation of reports proposed by the High Commissioner was probably the best option under discussion, as it was necessary to consider to what extent it was viable for States parties not to fulfil their reporting obligations, and at what point it would have to be concluded that the system no longer met its desired objective. With regard to resources, the strongest proposal contained in the High Commissioner's report was to request that the work of the treaty bodies be funded from the regular budget of the United Nations. In any case, it should be stressed that the two pillars

that needed to be protected in order to maintain the treaty body system were the frequency of the presentation of reports and the independence and competence of the members of the committees.

13. **Mr. David** (Office of the United Nations High Commissioner for Human Rights) said that, in recent years, all the treaty bodies had received reports of reprisals against human rights defenders or witnesses who had cooperated with them. However, as the response to those cases remained unsatisfactory, the High Commissioner had recommended that measures should be taken systematically whenever such incidents arose. For instance, the treaty bodies could inform the Special Rapporteur on the situation of human rights defenders. As a preventive measure, the Office of the High Commissioner could organize training courses in the countries concerned.

14. **Mr. Wang Xuexian** said that it was paradoxical that the General Assembly should grant the Committee the possibility of holding four sessions a year rather than three without granting it additional resources. Furthermore, while the views expressed by States parties during the consultation process on the strengthening of the treaty bodies might be considered questionable, they should not be disregarded altogether and the treaty bodies should at least listen to what the States parties had to say.

15. **Ms. Belmir** said that she had noticed at the Addis Ababa meeting that certain States parties were unsure about the mandate of the various human rights bodies in the United Nations system and did not know how their activities and objectives differed. Awareness-raising activities should be conducted in order to clear up the uncertainty.

16. **Mr. Bruni** wished to know the position of the Office of the High Commissioner with regard to the proposal to adopt a short-term master calendar, which would be drawn up on the basis of the backlog of reports and other overdue documents and reviewed every two years.

17. **The Chairperson** asked, as he had done in previous sessions, whether the Office of the High Commissioner could arrange for the sessions of the Committee and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to be held in the same building at least once a year.

18. **Mr. Salama** (Director of the Human Rights Treaties Division) suggested that the chairpersons of the two treaty bodies in question should send a letter to conference services, which was responsible for the allocation of meeting rooms. It was understandable that States parties might have difficulties distinguishing between the various mandates, as there was an increasing number of bodies, special procedures and expert mechanisms and they did not coordinate their activities as well as they could. The treaty bodies and other human rights bodies should adopt an integrated approach and, in the current financial context, the possibility of reducing their activities while strengthening their effectiveness should perhaps be considered. For instance, it would be useful to organize meetings outside the regular sessions, at which the members of the treaty bodies, special procedures mandate holders and the expert mechanisms could debate a topic that was of interest to them all. Furthermore, the Committee should reach out more to the other treaty bodies in order to jointly discuss how to avoid overlaps in their activities.

19. He acknowledged that the possibility that the General Assembly would grant the Committee a fourth meeting week without allocating the additional resources to do so was puzzling. In that connection, he suggested that the chairpersons of the treaty bodies should join forces and make a joint statement to the General Assembly and the Fifth Committee when they wished to obtain additional resources. With regard to budget cuts, he made no secret of the fact that the Office of the High Commissioner was in an extremely tricky financial situation and had in fact been obliged to cancel certain activities. However, he pointed out that the additional workload resulting from the decrease in extrabudgetary

resources used to fund temporary staff had been borne by all the staff of the Office of the High Commissioner. The Committee could therefore rest assured that there was no unequal treatment between the treaty bodies and that they would all be affected to the same degree.

20. The short-term master calendar mentioned by Mr. Bruni was in fact simply a formatted version of the case-by-case approach adopted to date by most of the treaty bodies. In any event, that proposal was sure to lead to an improvement in the current situation, and States parties should approve it if they did not adopt the alternative proposal for a master calendar.

Adoption of the agenda

21. *The provisional agenda (CAT/C/49/1) was adopted.*

The public part of the meeting rose at 11.35 a.m.