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Chair: Ms. Nilsson (Vice-Chair) (Sweden)
later: Ms. Mesquita Borges (Chair) (Timor-Leste)

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In the absence of Ms. Mesquita Borges (Timor-Leste), Ms. Nilsson (Sweden), Vice-Chair, took the Chair.

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

Agenda item 68: Promotion and protection of human rights (A/69/383-S/2014/668)

(a) Implementation of human rights instruments

(A/69/40 (Vol. I), A/69/40 (Vol. II, Part One), A/69/40 (Vol. II, Part Two), A/69/44, A/69/48, A/69/284, A/69/285, A/69/289, A/69/290, A/69/296 and A/69/387; A/HRC/22/53 and CAT/C/52/2)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (A/69/36)

1. **Mr. Šimonović** (Assistant Secretary-General for Human Rights), introducing the report of the Secretary-General on the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/69/290), said that the Board of Trustees had been able to recommend only 35 grants for 2014 owing to insufficient resources, and generous contributions were needed for the Fund to continue to have a meaningful impact. Turning to the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/69/296), he said that the Fund had awarded grants for 270 projects in 2014. In view of the drop-off in contributions since 2011, the Board of Trustees had recommended that the Fund should begin gradually winnowing its project portfolio with the goal of achieving better geographical balance by 2017.

2. Introducing the note by the Secretary-General transmitting to the General Assembly the report of the Chairs of the human rights treaty bodies on their twenty-sixth meeting (A/69/285), he said that the meeting had focused on harmonizing working methods across treaty bodies. The Chairs had recommended that the treaty bodies should make the simplified reporting procedure available as of 1 January 2015, had adopted a harmonized guidance note for States parties and had endorsed a standard framework for concluding observations. They had also urged all treaty bodies to establish a rapporteur for reprisals and had decided to include the issue of reprisals as a standing item on the agenda of their annual meeting. Lastly, they had recommended that the twenty-seventh annual meeting should be held in New York in order to facilitate

dialogue with the States and other stakeholders involved in the treaty body strengthening process.

3. Regarding the report of the Secretary-General on the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/69/289), he said that the Fund supported projects to implement recommendations made by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment following a regular visit to a State party. Since its creation, the Special Fund had supported 22 projects in six countries across three regions. In view of the anticipated growth in the number of grant applications, the Subcommittee stressed the need for increased contributions.

4. **Mr. Grossman** (Chairperson, Committee against Torture), noting that 2014 marked the thirtieth anniversary of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, said that to date 156 States, including most recently Eritrea, had ratified or acceded to the Convention. Since its entry into force, the Committee against Torture had received 370 reports, of which it had examined 343. In each case, it had adopted concluding observations with constructive recommendations and followed up with further dialogue to ensure full compliance. Unfortunately, 26 States parties had never submitted even an initial report, and others had failed to submit regular periodic reports. The Committee had a backlog of 151 complaints pending review, owing essentially to a lack of material and human resources. Recalling the Committee's general comment No. 3 (2012) on the application of article 14 by States parties, he said that the European Court of Human Rights had endorsed it in two judgments in 2014.

5. Unfortunately, the ratification of the Convention was not universal, and many of the States parties had not accepted the Convention in its entirety. Of the 156 States parties, 90 had not recognized the Committee's competence to receive and consider complaints under article 22, and 11 had not recognized its competence to consider reliable information under article 20. In recognition of the thirtieth anniversary of the Convention, in March 2014 the Governments of Chile, Denmark, Ghana, Indonesia and Morocco had launched the Convention against Torture Initiative to encourage universal ratification and implementation,

and on 4 November a forum would be held in Geneva as part of the Initiative.

6. The treaty body strengthening process had culminated in April 2014 with the adoption of General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system. The Committee against Torture had been allocated an additional two and a half weeks per year, which it would put to good use, and it would continue to strive to improve its effectiveness. Already, the Committee had pioneered a simplified reporting procedure that had been accepted by 86 States, and in November it would hold a special two-day meeting on its working methods. Lastly, the Committee against Torture had zero tolerance for reprisals against individuals and groups that cooperated with it. It maintained a webpage on reprisals and had designated two rapporteurs to follow up on any allegations.

7. **Ms. Loew** (Switzerland) said that her Government had garnered support from several treaty body chairpersons for a proposal to create a platform to facilitate cooperation among treaty bodies in Geneva and with other human rights mechanisms, experts, academia and States parties, which was in the pilot stage. She would appreciate the Chairperson's views on the idea and, in particular, on what characteristics such a platform should have in order to be useful to the work of his Committee. Her delegation welcomed the appointment of two rapporteurs on reprisals and would like to know what other measures the Committee envisaged.

8. *Ms. Mesquita Borges (Timor-Leste) took the Chair.*

9. **Ms. Tschampa** (Observer for the European Union) said that the European Union was heartened by ever-increasing number of States parties to the Convention. Her delegation wished to know what tangible results the Committee's efforts to combat intimidations and reprisals had achieved and what else it and the States parties might do.

10. **Mr. Last** (United Kingdom) said that the United Kingdom had joined the Group of Friends of the Committee against Torture Initiative. He wished to know what practical opportunities the Chairperson saw for renewing the momentum towards universal ratification and implementation, what challenges the Committee continued to face with respect to the

implementation of its recommendations and how its follow-up procedure could be made more effective.

11. **Mr. Ruidiaz** (Chile), emphasizing his country's commitment and efforts to make reparations to victims of human rights violations through transitional justice mechanisms, said that its new Constitution would contain specific guarantees of human rights, including the right to life and the right to physical and psychological integrity.

12. **Mr. Grossman** (Chairperson, Committee against Torture) said that, in view of the importance of harmonizing and coordinating the necessarily overlapping work of the different treaty bodies, the Committee would welcome any coordinating mechanism that also facilitated cooperation with the States parties and civil society, which was a source of tremendous knowledge and experience. Treaty bodies were guided by the principle of legality, the principle of the independence of treaty body members and, perhaps most importantly, the principle that, in case of doubt, any ambiguity should be interpreted in favour of the victim.

13. Acts of reprisal against non-governmental organizations were pointless, since the State always had an opportunity to comment on any reports of torture or ill-treatment, and the Committee against Torture would make a fair determination. In regard to what could be done to improve efficiency, as mentioned, the Committee would be holding a two-day meeting on the subject, and it welcomed any suggestions from Members States and civil society. Dialogue and awareness-raising were needed to make Governments aware of the very negative long-term consequences of reprisals, which created a gap between theory and practice that made people cynical and disdainful of government. In addition, the Committee had discussed the possibility of visits to countries implicated in reprisals. It was also crucial to coordinate better on the issue with other treaty bodies.

14. Almost all of the obligations established in the Convention were obligations of customary law. Thus, to maintain the momentum for universal ratification, it was necessary to convince the 39 non-ratifying States that they were simply denying themselves the possibility of constructive dialogue with the Committee on how best to achieve compliance with obligations already incumbent on them. For those that claimed a lack of institutional or human capacity to

implement the Convention, it was important to emphasize that not all obligations were immediately binding. The United Nations system could help them to build the required capacities, and he urged them to consider participating in the Convention against Torture Initiative for that purpose. Member States could also assist by holding regional meetings to share good practices.

15. The Convention required an initial report from States parties within one year of ratification, which was not always enough time to achieve full compliance. To facilitate the work of the States, the Committee had been refining the recommendations in its final observations to establish realistic one-year goals. Lastly, regarding the comments of the representative of Chile, he said that the Committee attached great importance to the subjects of transitional justice and political reparation.

16. **Mr. Evans** (Chairperson, Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), introducing the Subcommittee's seventh annual report (CAT/C/52/2) and updating the Committee on subsequent events, expressed the hope that the newly launched Convention against Torture Initiative would encourage additional States to ratify both the Convention and its Optional Protocol. However, as the number of States parties to the Optional Protocol grew, the Subcommittee was under increasing pressure to undertake field visits. It was already so short-staffed that it had been able to make only seven field visits in 2014, one of which was very short, and in the future it would be limited to three visits a year. Unless its core secretariat was increased, it would be operating on a 25-year cycle of visits and would need at least 15 years to clear its visit backlog.

17. The independent national preventive mechanisms required under the Optional Protocol had proven extremely valuable. The Subcommittee would therefore continue to conduct shorter visits focused solely on establishing and improving the mechanisms, which was a critical activity and also allowed it to visit more countries. Of the 60 mechanisms in place, many were grossly under-resourced, and others appeared not to grasp fully what a preventive approach looked like in practice. In the case of its full field visits, the Subcommittee was waiting longer and longer to be granted access to information and facilities; and, in the case of Azerbaijan, it had for the first time been forced

to postpone a visit until it could be assured of access to places of detention.

18. The Subcommittee was pleased by the continued strong trend in favour of the publication of its reports. With respect to compliance with its recommendations, because of the Subcommittee's extremely limited ability to return to the countries, he did not really know if or to what extent its recommendations were being applied. It was using written communications as a substitute for visits, but in addition to placing an undue burden on the States, they did not always paint an accurate picture. The Subcommittee was seeking to expand the number of short follow-up visits, but it needed to do more. It therefore looked forward to the implementation of General Assembly resolution 68/268 on strengthening the human rights treaty body system, which would bring the regularization of its ad hoc staff levels and a long-overdue step change in the provision of advice and assistance on the fulfilment of treaty obligations.

19. Over the years, the Subcommittee had gained significant insights into the reality of torture prevention, such as the clear connection between torture, ill-treatment and corruption and the need for Governments to be open about who was really in charge in places of detention, because they alone could bring about change. Far too often, it saw constitutional provisions and legislative and administrative frameworks that bore very little relationship to what happened on the ground. The role of the Subcommittee and the national preventive mechanisms, with which it would be working even more closely on substantive and not just procedural issues, was to suggest practical steps for addressing those discrepancies and to discuss their implementation with the States in detail on an ongoing basis.

20. **Ms. Loew** (Switzerland) thanked the members of the Subcommittee for their commitment. During its presidency of the Organization for Security and Cooperation in Europe (OSCE), Switzerland had made the prevention of torture a thematic priority with a view to developing its responsiveness and strengthening collaboration with the Subcommittee. It also attached importance to the need for cooperation among national preventive mechanisms and the key role of civil society in the prevention of torture. She would like to know how the Subcommittee might go about collaborating with regional organizations such as OSCE, which of the Subcommittee's activities most

urgently required intensification or adaption in order to prevent torture more effectively and what steps the Subcommittee should take to strengthen the independence of the national preventive mechanisms.

21. **Ms. Sevaková** (Czech Republic) congratulated Eritrea and the State of Palestine on becoming parties to the Convention and Burundi, Finland, Greece, Lithuania and Mozambique on becoming parties to the Optional Protocol, and urged States that had not yet done so to ratify both instruments. It was regrettable that Bahrain still had not agreed to a date for the visit of the Special Rapporteur on the question of torture, and she would appreciate an update on his contacts with the Government of Bahrain and his forthcoming country visits. Her delegation called on Bahrain to improve prison conditions and ensure adequate medical care for Mr. Al-Khawaja, Mr. Al-Mukhoder and Mr. Al-Singace.

22. During its universal periodic review, the Czech Republic had continued to raise the issue of the establishment of national preventive mechanisms with strong competence and genuine independence. Cooperation with the mechanisms should be at the core of the Subcommittee's activities. Her delegation would appreciate information on the latest developments and trends in connection with the establishment of national preventive mechanisms.

23. **Ms. Tschampa** (Observer for the European Union) asked for further details on the barriers to establishing national preventive mechanisms and how they could be overcome. She would like to know if the measures to prevent reprisals suggested in paragraphs 65 to 67 of the Subcommittee's annual report (CAT/C/52/2) had been tested and, if so, what the outcome had been. Her delegation would also like to know the timeline for finalizing the policy on reprisals.

24. **Mr. Last** (United Kingdom) said that his delegation was pleased to note that the Subcommittee had been able to draw up and progressively refine internal guidelines for its work with the national preventive mechanisms. He would appreciate further details on how the outcome of the treaty body strengthening process might benefit the work of the Subcommittee, as well as what more it and the States parties might do to improve the implementation of its recommendations.

25. **Mr. Aliyev** (Azerbaijan) said that his Government was committed to its obligations under the Convention.

It regretted that the Subcommittee's visit had ended sooner than planned and hoped that the Subcommittee would be able to return in the near future.

26. **Mr. Evans** (Chairperson, Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) said that one of the hallmarks of the Subcommittee was that it was required by its mandate to work with local, national, regional and international bodies. He had therefore been very pleased to participate in April 2014 in the OSCE Special Human Dimension Implementation Meeting, where the possibility of collaboration had been raised, and he looked forward to the outcome of future meetings. Organizations such as OSCE were in an extremely good place to provide practical assistance and advice on establishing and operating national preventive mechanisms. However, it was important for them to involve all stakeholders in order to prevent duplication or interference.

27. Early engagement with new States parties to the Optional Protocol would help to ensure the establishment of independent national preventive mechanisms. The Subcommittee would like to be able spend a day and a half discussing the process with new States parties within the first few months of ratification, so as to establish an easy, ongoing working relationship on the basis of what was decided. Regrettably, such visits seemed to be impossible for logistical and financial reasons. In fact, often the Subcommittee could fulfil its mandate to provide advice and support only if its expenses were compensated. He hoped that the advice and assistance provisions of the treaty body strengthening package would increase its capacity in that regard.

28. It was also important for the Subcommittee to work more closely with national preventive mechanisms on matters such as how to establish effective dialogue with States parties around their recommendations. He once again stressed that while there was no one right way to establish a national preventive mechanism, it was vital to share experiences. Thus forums like the Convention on Torture Initiative could be very valuable.

29. With respect to trends, increasingly, States considering becoming parties to the Optional Protocol were seeking the Subcommittee's input on what an effective national preventive mechanism might look like and imply for them. In the case of established

mechanisms, many were still having great difficulty obtaining adequate resources. A great number also functioned more like inspectorates and needed education and training to work effectively as preventive mechanisms.

30. The Subcommittee had been testing the proposed measures for preventing reprisals throughout the year and had obtained some useful outcomes. It would be working on developing a formal policy during its next plenary meeting and hoped to have a more public version of its working practice in place by the end of 2015. It was important to note that risk analyses took into account not only reprisals from those in positions of authority in places of detention but also from fellow detainees, and that reprisals could take place at any moment, even during the Subcommittee's visits.

31. In regard to the Subcommittee's internal working practices relating to national preventive mechanisms, it had appointed a country rapporteur for each country. Rapporteurs were in direct, ongoing contact with the national mechanisms and reported back during every session of the Subcommittee. While effective, the practice strained available resources, increased the workload of Subcommittee members and would prove challenging to maintain. In that connection, the outcome of the treaty body strengthening process did not increase the Subcommittee's capacity. However, it did provide for increased technical assistance capacity within the Office of the United Nations High Commissioner for Human Rights (OHCHR). He wanted to make it clear that much of the Subcommittee's work involved technical advice and support and that it could work alongside the Office to deliver those services. Unless it could share the workload, as more States became parties to the Optional Protocol, its backlog would grow.

32. Lastly, regarding implementation, some States parties already held highly valuable follow-up round tables with members of the Subcommittee delegation after each visit in order to discuss challenges encountered in implementing the Subcommittee's recommendations and how it could be of assistance. He would like to see that practice extended system-wide.

33. **Mr. Méndez** (Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment) said that his interim report to the General Assembly ([A/69/387](#)) addressed the key role of forensic investigation in the prevention of torture and

other ill-treatment. Under international law, States were obligated to ensure justice and to prevent and redress all acts of torture, as well as to investigate possible instances of torture or other ill-treatment thoroughly, even in the absence of an express or formal complaint.

34. For that purpose, forensic evaluation and evidence collection in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) were imperative, as there were often no witnesses or obvious physical evidence in cases of torture. In practice, however, medical examinations were rarely performed, recourse to public forensic expertise was usually denied, and private forensic examination and modern forensic tests were generally unavailable. In addition, forensic services frequently lacked the requisite organizational, institutional and functional independence from the police, judiciary, military and prison systems.

35. Adhering to high standards of forensic assessment was less a question of financial resources than of training and commitment. States with limited resources must seek forms of cooperation, including sharing best practices with other resource-challenged countries, and emphasis should be placed on training forensic specialists in applying the Istanbul Protocol, which few were able to implement. Moreover, the evaluation of medical and psychological documentary evidence and expert opinions, including psychiatric and psychological evidence, must move towards a more systematic approach based on the Protocol.

36. Training must also be provided for judges and prosecutors, who were often unable to evaluate complex forensic evidence adequately and therefore disregarded it. Lastly, the reports of non-governmental health professionals must be acceptable as evidence in court and must have the same weight as State assessments. There was a pressing need to step up the overall involvement of forensic medical science in the criminal justice cycle, as well as in high risk situations such as administrative, pretrial and juvenile detention and psychiatric institutions.

37. Regarding his country visit to Mexico, he said that, while he had observed significant progress in several respects, the practice of torture remained generalized, in large part because of the lack of a

uniform definition of torture, the failure to investigate accusations of torture and the failure to prosecute or award compensation. In that regard, he stressed that recognition that there was a problem with torture and mistreatment was key to its eradication.

38. He thanked the Governments of Tajikistan and Tunisia for their openness during his follow-up visits. In Tunisia, he had been encouraged by several important developments, such as the new Constitution's provisions on the prohibition of torture and the inapplicability of the statute of limitations. He welcomed the adoption of new legislation on transitional justice and the establishment of the Truth and Dignity Commission, as well as Tunisia's ratification of the Optional Protocol and establishment of a national preventive mechanism. However, substantial changes were still required to ensure that many of the legal measures and reforms adopted would be effective.

39. The joint country visit to the Gambia with the Special Rapporteur on extrajudicial, summary or arbitrary executions had been postponed at very short notice and rescheduled for early November 2014. His country visit to Thailand had been postponed twice, and he was discussing new dates for 2015. He wished to thank the Governments of Brazil and Georgia for their invitations to conduct country visits in 2015 and regretted that the Government of Bahrain had not provided new dates since the second effective cancellation. He had reiterated his request for an invitation from the United States Government to visit detainees at its naval base at Guantanamo Bay on conditions that he could accept. Meanwhile, his request to visit federal and state prisons on the United States mainland remained pending.

40. **Ms. Hamilton** (United States of America) thanked the Special Rapporteur for his ongoing work on torture and ill-treatment and for a recent report in which he addressed the exclusionary rule (A/HRC/25/60). The United States agreed that the exclusion from evidence of statements obtained by coercion was not only an essential means of preventing torture and other ill-treatment, but also crucial to guarantees of a fair trial. It also agreed that that medical and forensic reporting could be vital in determining whether torture had occurred. Her delegation wished to know how resources such as medical personnel and forensic materials could best be made available to victims of torture.

41. **Ms. Loew** (Switzerland), drawing attention to the practical guides to the Istanbul Protocol published by the International Rehabilitation Council for Torture Victims, called on States to ensure the full independence of forensic experts and to end the practice of solitary confinement, which was a form of torture. Her delegation agreed with the Special Rapporteur's recommendation on implementing mandatory medical examinations of detained persons on entry, transfer and exit from places of detention or at their request and would like to know if the Special Rapporteur would systematically include it among his recommendations during future country visits.

42. **Mr. Ríos Sánchez** (Mexico) said that his Government looked forward to receiving the Special Rapporteur's final report on his visit. It hoped that the report would paint an accurate picture, and it would give the cases documented due consideration. Mexico also looked forward to the Special Rapporteur's report to the Human Rights Council at its eighteenth regular session.

43. **Ms. Tschampa** (Observer for the European Union) asked the Special Rapporteur how he planned to follow up on the cancellations, postponements and pending requests for invitations to visit mentioned in his statement, and how they affected his ability to fulfil his mandate. She would appreciate his views on what States could do to improve his working conditions and facilitate his work and would also like to know about any other forthcoming visits.

44. **Mr. Petersen** (Denmark), speaking also on behalf of Chile, Ghana, Indonesia and Morocco, said that the five States had recently launched the Convention against Torture Initiative to encourage universal ratification and better implementation of the Convention by 2024. The Initiative had the support of all three Convention mandate-holders, and the Group of Friends of the Initiative had thus far been joined by 10 States parties. He wished to ask the Chairperson of the Committee against Torture and the Chairperson of the Subcommittee on Prevention of Torture, first, how they were responding and intended to respond to General Assembly resolution 68/268 and, secondly, how the States parties had responded thus far to their endeavours. He would also appreciate it if the Special Rapporteur could share some practical examples of how States had overcome financial and other constraints to provide training for the relevant health and legal professionals.

45. **Ms. Mollestad** (Norway), expressing concern at the upswing in reprisals, welcomed the work in progress on effective policies and cooperation among treaty bodies on that issue. The human rights pillar of the United Nations system was clearly underfunded — a situation which Member States had a duty to reverse. Unfortunately, on the eve of the thirtieth anniversary of the Convention, torture remained widespread because of structural problems, including malfunctions in the administration of justice, disrespect for legal safeguards and impunity. Norway was grateful to the Special Rapporteur for his efforts to address them and would like to know what he considered top priorities for combatting torture and ill-treatment.

46. **Ms. Schneider Calza** (Brazil) said that her delegation fully supported the recommendations contained in the Special Rapporteur's interim report, including in particular the recommendations regarding implementation of a system of mandatory medical examinations and special protection for victims and cooperating legal and medical professionals. It also agreed on the importance of capacity-building and training for doctors and other professionals and on the need for technical assistance on applying the Istanbul Protocol, particularly among developing countries.

47. Her Government considered it essential for detained persons to appear promptly before an independent judicial authority and had introduced a bill that, when approved, would ensure that they were brought before a judge within 24 hours. It looked forward to the Special Rapporteur's visit in 2015 and would continue to cooperate with him fully. With respect to future reports, Brazil would be interested in seeing a gender-perspective, with a focus on the forms of torture most often directed at women.

48. **Ms. Ali** (Bahrain) said that her delegation was aware of the Special Rapporteur's workload, which included a list of more than 30 countries to which visits had been requested, in some cases as much as 15 years previously, but from which no invitation had been received. Bahrain remained committed to cooperation with the Human Rights Council and treaty bodies through the universal periodic review mechanism and to compliance with its constitutional and international obligations, including its obligations to implement the recommendations of the Bahrain Independent Commission of Inquiry as well as those given by its peers in the context of the universal periodic review. She reiterated that dates for the

Special Rapporteur's visit should be discussed within a specific bilateral mechanism, in line with the mandate that Member States had given to special rapporteurs.

49. As to the concerns voiced by the representative of the Czech Republic, in compliance with the recommendations of the Bahrain Independent Commission of Inquiry and the universal periodic review, Bahrain had set up both a special investigative unit and an independent ombudsman's office to look into any allegations of mistreatment and had established a national human rights institution that was based on the Paris Principles.

50. **Ms. Nescher** (Liechtenstein), referring to the Special Rapporteur's 2013 report on abuses in health-care settings ([A/HRC/22/53](#)), asked if he had seen any progress or follow-up on eliminating the forced institutionalization of persons with psychosocial disabilities, as well as what the United Nations could do to support such follow-up.

51. **Ms. Gandini** (Argentina) said that forensic science could indeed play a key role in the investigation of torture and other human rights violations. It was used extensively in Argentina, both by public investigators and by a non-governmental organization, the Argentine Forensic Anthropology Team, which had also conducted investigations in other countries. Together with the International Committee of the Red Cross and a group of experts, Argentina had prepared a guide to forensic genetics intended for justice operators, legislators, public officials, human rights defenders and the families of victims, among others.

52. Her country agreed that, to build forensic assessment capacity, training and commitment were more important than financial resources, and it hoped that one day proper application of the Istanbul Protocol and the guide to forensic genetics would help to break the cycle of impunity. She asked the Special Rapporteur what steps could be taken to strengthen the mechanisms for increasing the awareness and use of forensic science.

53. **Mr. Last** (United Kingdom) asked what opportunities the Special Rapporteur had or would have to encourage States to ratify the Convention and its Optional Protocol.

54. **Ms. Sameer** (Maldives) said that, in his report on the exclusionary rule, the Special Rapporteur had

emphasized the responsibilities of the executive. She wondered how the executive branch could enforce the exclusionary rule in States such as the Maldives which had a clear separation of powers.

55. **Mr. Rabi** (Morocco) said that his country had established constitutional, legislative and institutional safeguards against torture and would soon ratify both the Convention and the Optional Protocol. After the Special Rapporteur's visit in September 2012, it had organized several follow-up meetings with him and had invited him for a follow-up visit — a set of best practices that it encouraged other countries to follow.

56. The Convention against Torture Initiative would provide a series of forums in which States that had not yet ratified the Convention could work with area experts to identify and overcome obstacles to ratification, and States parties could discuss challenges for effective implementation. The first forum had been held in Geneva in September 2014, and Morocco had offered to organize an African regional forum. The core group invited all Member States to join the Group of Friends of the Initiative.

57. Torture was generally committed by isolated individuals and not as a matter of State policy. States needed more assistance from the human rights mechanisms for preventing torture in order to ensure adequate training for law enforcement officers, with a special emphasis on the definition of torture. They also needed assistance in setting up national mechanisms for investigating allegations of torture.

58. **Mr. Méndez** (Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment) said that, in all his country visits and case studies, he tried to extend the exclusionary rule to evidence that merely might have been procured by coercion, or at the very least to require the State to prove admissibility in such cases. That was how the exclusionary rule worked in the United States, and it was an appropriate and good faith interpretation of the spirit of the Convention. It was mostly incumbent on the judiciary to apply the rule, but there were situations in which enforcement could fall to the executive, such as when the police and the interrogators were members of the executive branch. He had been prompted to write his report on the exclusionary rule by the ease with which it was often circumvented.

59. As he had indicated in his report on the role of forensic science, it was incumbent on all States, even

States with limited resources, to obtain technical assistance through inter-country exchanges between medical associations and medical professionals. Such exchanges would also help to increase awareness of the importance and accessibility of forensic science, and it was crucial for highly developed States to contribute to and support those exchanges. The special rapporteurs and working groups on human rights had recently met with the Assistant Secretary-General for Human Rights to discuss the Human Rights Up Front initiative, aimed at putting human rights front and centre in every aspect of United Nations operations. He looked forward to doing what he could to contribute to its success.

60. He greatly appreciated the support expressed for his recommendation that medical examinations should be mandatory at critical points in the process of detention and referral to the court. However, he regretted that the report touched only briefly on sexual torture. It was indeed important to incorporate a gender perspective. For example, there were many, many cases of women who had been mistreated or jailed when they sought medical care after miscarriages, stillbirths or abortions. He wished to commend the Government of Mexico not only for inviting him but also for impeccably facilitating his work. In terms of best practices, Mexico had conducted such extensive training on the application of the Istanbul Protocol that the Protocol had been incorporated into the dialogue on the abolition of torture to an unparalleled extent. Unfortunately, in Mexico as elsewhere, eight or ten months often elapsed before independent doctors could examine possible victims of torture.

61. With respect to cancelled visits, he had mentioned them because cancellations, especially last-minute ones, interfered greatly with his ability to organize his work. He appreciated the comment regarding the long list of countries that had not even responded to his requests for invitations, which gave him the opportunity to stress the importance of his being able not only to visit countries but also to visit them under conditions that he could accept, including unfettered access to all places of detention and authorization to conduct independent interviews with inmates of his choosing, without witnesses. Of course, there should also be no reprisals. In practice, however, given the limited resources for his mandate, it was very difficult to know even if reprisals had taken place, and a system was needed to identify risks of reprisals more systematically.

62. As to future plans, in addition to the scheduled visits to Brazil and Georgia, he might also be travelling to Morocco for additional follow-up visits. It was important to maintain the level of attention that his visits generated and to engage not only with the State but also with civil society and the professions to determine to what extent his recommendations were being implemented and what difficulties had been encountered. He was therefore experimenting with a much more intense follow-up process, although it required considerable ingenuity, since he did not have the resources for it. He would also be working with the Convention on Torture Initiative to encourage ratification of the Convention and its Optional Protocol.

63. With respect to follow-up on eliminating the forced institutionalization of persons with psychosocial disabilities, he had been endeavouring to continue the discussion on when non-consensual treatment constituted cruel, inhuman and degrading treatment by talking with organizations of psychiatrists and organizations of so-called victims of psychiatrists. Thematic reports such as the report on abuses in the health-care setting attempted to set new standards and required continued discussion and should therefore be followed up systematically. To date, he had done so by participating in discussions on their content whenever there was an interest, but it would be better to issue actual follow-up reports.

64. **Mr. Grossman** (Chairperson, Committee against Torture) said the his Committee would take full advantage of the additional two and a half weeks granted by General Assembly resolution 68/268. It had reached the point where it was considering two reports from the same State party at the same time because it had not yet been able to consider the first report, and with its own backlog of 150 petitions, it was difficult to ask States to rule on allegations in a timely manner. In accordance with the resolution, the Chairs of the human rights treaty bodies should further coordinate and harmonize their work, which they would do through their annual meetings. In addition, the Committee against Torture would be meeting for two days in November to analyse its working methods and set priorities in order to maximize its limited resources.

65. **Mr. Evans** (Chairperson, Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), speaking in his capacity as Chairperson of the annual meeting of

chairpersons of the human rights treaty bodies, said that it was impossible to achieve the harmonization and coordination emphasized in resolution 68/268 by meeting once a year for two days under a rotating chairpersonship. Speaking as Chairperson of the Subcommittee, he said that the needs of the Subcommittee had been largely ignored in the treaty body strengthening process because it was very different from the other treaty bodies. From the standpoint of the Subcommittee, the strengthening process was not so much unfinished as unstarted business.

66. **The Chair** invited the Committee to begin its general discussion of sub-items (a) and (d) of agenda item 68.

67. **Ms. Tschampa** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Iceland, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia and Ukraine, said that, on the thirtieth anniversary of the Convention against Torture and the twenty-fifth anniversary of the Convention on the Rights of the Child, the European Union reaffirmed its unwavering support for the ratification and implementation of international human rights treaties. It had welcomed the adoption of General Assembly resolution 68/268 on strengthening the treaty body system, which should encourage all stakeholders to increase the effectiveness and efficiency of the system, and it would pay close attention to its impact.

68. The European Union was strongly committed to the sharing of good practices, which it often supplemented with technical assistance, and in that connection, it stressed the important assistance provided by the independent national human rights institutions. Human rights should be at the centre of all of the work of the United Nations, including in particular the post-2015 development agenda. The European Union greatly appreciated the work of OHCHR. Despite an ever-increasing workload, the Office had taken significant steps in 2014 to mainstream human rights throughout the United Nations system and to react to acute, severe crises.

69. The European Union was particularly appreciative of the work of the Human Rights Monitoring Mission in Ukraine and stressed the

importance of its continued mandate. It would continue to champion the independence, impartiality and non-selectivity of the Office, which should not have to rely mainly on voluntary contributions. The Union warmly welcomed the new High Commissioner for Human Rights and commended his focus on the situation of human rights defenders and accountability, as well as his engagement on children's rights issues and his commitment to combat discrimination, both of which were European priorities. The Union also shared his concern about recent acts of violence against ethnic and religious minorities, to which it would be giving increased emphasis in its resolution on freedom of religion or belief.

70. Noting that representatives of civil society faced increasing intimidation, harassment and physical violence in many countries, the European Union called on all Governments to respect their rights of freedom of expression, opinion, association and assembly. It strongly supported the right of civil society actors, representatives of non-governmental organizations and human rights defenders to unhindered access to and communication with international human rights bodies, including the Human Rights Council, and it would speak out loudly against any attempt to limit, prevent or take reprisals for their participation in the Council's discussions.

The meeting rose at 1.05 p.m.