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I. ORGANIZATIONAL AND OTHER MATTERS

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G. Pre-sessional working group

10. During the period under review, in November 2005, the Committee decided to modify the working group to enable the full Committee to meet in plenary to consider additional reports to address the growing backlog in the consideration of States parties reports.

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IV. FOLLOW-UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS

38. In Chapter IV of its annual report for 2004-2005 (A/60/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2005. This chapter updates the Committee's experience to 19 May 2006, the end of its thirty-sixth session.

39. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2006 on the results of the procedure.

40. The Rapporteur has emphasized that the follow-up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment," as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

41. Since its thirtieth session in May 2003, the Committee began the practice of identifying a limited number of these recommendations that warrant a request for additional information following the review and discussion with the State party concerning its periodic report. Such "follow-up" recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its "follow-up

recommendations” which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties’ report under article 19.

42. Since the procedure was established at the thirtieth session in May 2003 through the end of the thirty-sixth session in May 2006, the Committee has reviewed 39 States for which it has identified follow-up recommendations. Of the 19 States parties that were due to have submitted their follow-up reports to the Committee by 1 May 2006, 12 had completed this requirement (Argentina, Azerbaijan, Czech Republic, Colombia, Germany, Greece, Latvia, Lithuania, Morocco, New Zealand, United Kingdom, and Yemen). As of May, seven States had failed to supply follow-up information that had fallen due (Bulgaria, Cambodia, Cameroon, Chile, Croatia, Moldova, Monaco), and each was sent a reminder of the items still outstanding and requesting them to submit information to the Committee.

43. With this procedure, the Committee seeks to advance the Convention’s requirement that “each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ...” (art. 2, para. 1) and the undertaking “to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ...” (art. 16).

44. The Rapporteur has expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all of the items designated by the Committee for follow-up (normally between three to six recommendations) have been addressed, whether the information provided responds to the Committee’s concern, and whether further information is required. Where further information is needed, she writes to the State party concerned with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she writes to solicit the outstanding information.

45. Each letter responds specifically and in detail to the information presented by the State party, which is given a formal United Nations document symbol number.

46. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues not addressed but which are deemed essential in the Committee’s ongoing work in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

47. In the correspondence with States parties, the Rapporteur has noted recurring concerns which are not fully addressed in the follow-up replies. The following list of items is illustrative, not comprehensive:

(a) The need for greater precision on the means by which police and other personnel instruct about and guarantee detainees their right to obtain prompt access to an independent doctor, lawyer, and family member;

(b) The importance of specific case examples regarding such access, and implementation of other follow-up recommendations;

(c) The need for separate, independent and impartial bodies to examine complaints of abuses of the Convention because the Committee has repeatedly noted that victims of torture and ill-treatment are unlikely to turn to the very authorities of the system allegedly responsible for the acts;

(d) The value of providing precise information such as lists of prisoners which are good examples of transparency, but which often reveal a need for more rigorous fact-finding and monitoring of the treatment of persons facing possible infringement of the Convention;

(e) Numerous ongoing challenges in gathering, aggregating, and analysing police and administration of justice-sector statistics in ways that ensure adequate information as to personnel, agencies, or specific facilities responsible for alleged abuses;

(f) The protective value of prompt and impartial investigations into allegations of abuse, and in particular information about effective parliamentary or national human rights commissions or ombudspersons as investigators, especially for instances of unannounced inspections, as well as the utility of permitting non-governmental organizations to conduct prison visits;

(g) The need for information about specific professional police training programmes, with clear-cut instruction as to the prohibition against torture and practice in identifying the sequellae of torture;

(h) The lacunae in statistics and other information regarding offences, charges and convictions, including any specific disciplinary sanctions against officers and other relevant personnel, particularly on newly examined issues under the Convention, such as the intersection of race and/or ethnicity with ill-treatment and torture, the use of “diplomatic assurances” for persons being returned to another country to face criminal charges, incidents of sexual violence, complaints about abuses within the military, etc.

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VI. CONSIDERATION OF COMPLAINTS UNDER ARTICLE 22 OF THE CONVENTION

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B. Interim measures of protection

59. Complainants frequently request preventive protection, particularly in cases concerning imminent expulsion or extradition, and invoke in this connection article 3 of the Convention. Pursuant to rule 108, paragraph 1, at any time after the receipt of a complaint, the Committee, its working group, or the Rapporteur for new complaints and interim measures may transmit to the State party concerned a request that it take such interim measures as the Committee considers necessary to avoid irreparable damage to the victim or victims of the alleged violations. The State party shall be informed that such a request does not imply a determination of the admissibility or the merits of the complaint. The Rapporteur for new complaints and interim measures regularly monitors compliance with the Committee’s requests for interim measures.

60. The Rapporteur for new complaints and interim measures has developed the working methods regarding the withdrawal of requests for interim measures. Where the circumstances suggest that a request for interim measures may be reviewed before the consideration of the merits, a standard sentence is added to the request, stating that the request is made on the basis of the information contained in the complainant's submission and may be reviewed, at the initiative of the State party, in the light of information and comments received from the State party and any further comments, if any, from the complainant. Some States parties have adopted the practice of systematically requesting the Rapporteur to withdraw his request for interim measures of protection. The Rapporteur has taken the position that such requests need only be addressed if based on new information which was not available to him when he took his initial decision on interim measures.

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Annex VII

REQUEST FOR EXTENSION OF THE MEETING TIME OF THE COMMITTEE AGAINST TORTURE CONTAINED PARAGRAPH 14 OF A/59/44

PROGRAMME BUDGET IMPLICATIONS IN ACCORDANCE WITH RULE 25 OF THE RULES OF PROCEDURE OF THE COMMITTEE AGAINST TORTURE

1. The Committee against Torture requests the General Assembly to authorize the Committee to meet for an additional week per year as of its thirty-ninth session (November 2007).
2. The activities to be carried out relate to: programme 24 Human Rights and Humanitarian Affairs, and conference services; subprogramme 2.
3. Provisions have been made in the 2006-2007 programme budget for travel and per diem costs of the 10 members of the Committee to attend its two annual regular sessions in Geneva, one of 15 working days the second of 10 working days, with each preceded by a five-day pre-sessional working group meeting, as well as for conference services to the Committee and the pre-sessional working group.
4. Should the General Assembly approve the Committee's request provisions for a total of 10 additional meetings (from 2007) would be required. The additional meetings of the Committee would require interpretation services in the six official languages. Summary records would be provided for the 10 additional meetings of the Committee. The proposed one-week extension would require an additional 50 pages of in-session and 30 pages of post-session documentation in the six languages.
5. Should the General Assembly accept the request made by the Committee against Torture, additional resources estimated at 25,000 United States dollars for per diem costs for the members of the Committee in relation to the extension of its November session from 2007 would be required under section 24 of the programme budget for the biennium 2006-2007. Furthermore, additional conference-servicing costs are estimated at 697,486 dollars from 2007 under section 2; and 2,520 dollars from 2007 under section 29 E.

6. The above requirements relating to the additional meetings of the Committee and the pre-sessional working group are enumerated in the table below:

***Requirements relating to additional meetings of the Committee
and the pre-sessional working group***

		2006 \$
I.	Section 24. Human rights: travel, per diem and terminal expenses	25 000
II.	Section 2. General Assembly affairs and conference services: meeting servicing, interpretation and documentation	697 486
III.	Section 29 E. Office of Common Support Services: support services	2 520
Total		725 000

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