



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

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## Committee against Torture Seventieth session

### Summary record of the first part (public)\* of the 1824th meeting

Held via videoconference on Monday, 26 April 2021, at 12.30 p.m. Central European Summer Time

*Chair:* Mr. Heller (Vice-Chair)

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\* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.1824/Add.1.

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*The meeting was called to order at 12.35 p.m.*

### **Opening of the session**

1. **The Chair** declared open the seventieth session of the Committee against Torture.
2. **Mr. Cissé-Gouro** (Office of the United Nations High Commissioner for Human Rights (OHCHR)), speaking on behalf of the Secretary-General, said that he wished to congratulate Mr. Heller, who had been acting as Chair of the Committee since March 2021, following the resignation of Mr. Modvig. As a member of the Committee since 2014 and as Chair since 2016, Mr. Modvig had promoted innovative tools, such as the guidelines on the receipt and handling of allegations of reprisals against individuals and organizations cooperating with the Committee (CAT/C/55/2) and the guidelines for follow-up to concluding observations (CAT/C/55/3), and championed more focused dialogues with States parties, notably through the coordination of lists of issues prior to reporting with other treaty bodies. He had also played a central role in the treaty body strengthening process, including in the development of the treaty body Chairs' common vision for the 2020 review.
3. The coronavirus disease (COVID-19) pandemic had had a major impact on human rights protection across the globe, including in the area of torture prevention. As the Committee and other United Nations anti-torture mechanisms had pointed out in their joint statement on the United Nations International Day in Support of Victims of Torture in 2020, the pandemic had highlighted institutional and procedural failures that exacerbated the risk of torture and ill-treatment for people in all regions of the world. In such circumstances, the active engagement of the treaty bodies was more crucial than ever, despite the challenges posed by pandemic-related restrictions and the ongoing lack of resources. While the suspension of in-person meetings had slowed the work of the treaty bodies, 27 State party reviews had been completed, concluding observations on 39 State party reports issued and 239 views and decisions on individual communications adopted since 2020.
4. In the face of the pandemic, the Secretariat and treaty body experts alike had had to make significant changes to their ways of working in order to keep the treaty body system operating. Despite challenges including time differences and connectivity issues, most treaty bodies had decided to hold virtual sessions and to pursue their main activities. Since the start of the pandemic, the Committee had continued to register individual complaints, make decisions on requests for interim measures and adopt lists of issues and lists of issues prior to reporting. The rapporteur on reprisals, the rapporteur on follow-up to concluding observations and the working group on communications had all maintained their activities. OHCHR strongly encouraged the Committee to resume its discussions on the merits of individual communications and its dialogues with States parties, in an online format; no precedent would be set for the future. Lastly, it assured the Committee of its support in helping to overcome the challenges caused by the pandemic.
5. **The Chair** said that the treaty bodies were not being given the necessary resources to fulfil their mandates. The future of the Committee and the entire human rights protection system was at stake. At the same time, the pandemic was exacerbating the human rights situation in many countries. Member States and OHCHR must assume their responsibilities in that regard.

### **Adoption of the agenda (CAT/C/70/1)**

6. *The agenda was adopted.*

### **Organizational and other matters**

7. **The Chair** said that the pandemic and the related impossibility of holding in-person meetings had led the Committee to cancel two of its 2020 sessions entirely and hold a single virtual meeting in July 2020. The difficulties of ensuring a secure and well-functioning online platform and connectivity for all members and providing interpretation in the working languages for the full duration of sessions had prevented the Committee from carrying out its main activities. It had, however, been able to continue some aspects of its work, including with regard to individual communications. The Committee had also participated in a private

webinar on extra-custodial use of force amounting to torture and other ill-treatment, organized by the World Organization against Torture.

8. The previous Chair, Mr. Modvig, had attended meetings with other treaty body Chairs and had been actively engaged in the 2020 treaty body review. Mr. İscan had represented the Committee at meetings of the treaty bodies' informal working group on COVID-19 and attended, along with two other members, a meeting of that group focused on working methods, facilitated by the Geneva Academy of International Humanitarian Law and Human Rights. In March 2021, a private discussion had been held among the four United Nations anti-torture mechanisms in the context of the fifty-third session of the United Nations Voluntary Fund for Victims of Torture. Together with the Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee had welcomed the decision by Argentina to repeal a decree that had allowed for the expedited expulsion of migrants without due process, thereby responding to a recommendation made in the Committee's most recent concluding observations. Committee members had attended various relevant online events organized by OHCHR, States, the Convention against Torture Initiative, national human rights institutions, national preventive mechanisms and non-governmental organizations (NGOs).

9. At the end of 2020, the General Assembly had decided not to approve a requested increase in staff resources for assisting the treaty bodies. The Secretariat-wide recruitment freeze related to the liquidity crisis would, moreover, remain in place in 2021. Resources for the activities of the treaty bodies, including the Committee, would thus remain insufficient even after the resumption of in-person meetings. Against that backdrop, the Committee must continue raising its concerns about the future of the treaty body system, particularly with States.

10. During the current session, which would consist of three meetings, the Committee would adopt lists of issues prior to reporting for Belarus, Chile, Czechia, Norway, Qatar, the Russian Federation and Senegal. It would also discuss requests to initiate inquiries under article 20, individual communications and how to address the backlog of State party reports and would hold a meeting with NGOs.

#### **Adoption of the annual report of the Committee on its activities (CAT/C/70/R.1)**

11. **The Chair** invited Mr. Rodríguez-Pinzón to introduce the Committee's draft report on its sixty-ninth and seventieth sessions (CAT/C/70/R.1).

12. **Mr. Rodríguez-Pinzón** said that the period covered by the draft report had been exceptional, historic and tragic, owing to the impact of the COVID-19 pandemic. Over a year had elapsed since the Committee had last met in person and it was still uncertain when the next full session would take place. In those exceptional circumstances, members had had to seek new ways of working in order to fulfil the Committee's mandate and to perform the individual tasks assigned to them.

13. The draft report included information about the Committee's sixty-ninth session, which had been held online. It would be amended to reflect the resignation of Mr. Modvig from the Committee and the appointment of Mr. Heller to act as Chair, in addition to any decisions taken during the seventieth session.

14. During the period under review, 14 reports had been submitted by States parties pursuant to article 19 of the Convention and the Committee had approved a number of lists of issues prior to reporting for States parties that had accepted its invitation to submit their reports under that procedure. The rapporteur for follow-up to concluding observations had pursued activities aimed at encouraging States parties to take measures to implement the Committee's recommendations. The results of inquiries conducted under article 20 had been published.

15. The Committee had continued to receive and register communications under article 22 from persons alleging violations of the rights guaranteed by the Convention. A total of 65 new complaints had been registered and 42 requests for interim measures had been transmitted to States parties. From 27 November to 30 December 2020, the Committee had held an online intersessional meeting at which it had examined 25 complaints. On that

occasion, the Committee had found 4 complaints to be inadmissible, had discontinued the consideration of 20 complaints and had postponed the examination of 1 complaint to the following session. The Committee's working group on communications had also recommended discontinuing the consideration of a further 14 cases.

16. Despite the progress made, the Committee had fallen behind in its work because it had been unable to meet in Geneva to review reports from States parties and hold constructive dialogues with them. Nor had the Committee been able to discuss the merits of individual communications in plenary meeting, which had resulted in a growing backlog of such cases.

17. A number of notable activities carried out by Committee members were mentioned in the draft report. For example, the previous Chair had presented the Committee's report (A/75/44) to the General Assembly at its seventy-fifth session and had engaged in an interactive dialogue with the Assembly. He had also attended a joint online meeting with members of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

18. He wished to take the opportunity to thank the different bodies and organizations that had continued to support the Committee at such a difficult time, in particular the United Nations Voluntary Fund for Victims of Torture, the Convention against Torture Initiative and the World Organization against Torture. He was confident that, with the support of those and other stakeholders and OHCHR, the Committee would be able to identify and implement improvements to its working methods in order to continue to fulfil its mandate under the current challenging circumstances and in the future.

19. **Mr. Touzé** said that he commended the work carried out by Mr. Rodríguez-Pinzón in drafting the report. It was heartening to hear such a positive presentation in spite of the difficult circumstances. However, to his mind, there were certain prerequisites for overcoming the challenges facing the Committee and they needed to be spelled out more clearly in the report.

20. Firstly, the administrative system that supported the treaty bodies needed to react more quickly to external events to enable them to continue their work. A year on from the start of the COVID-19 crisis, the Committee had still not received clear guidance as to how it should organize its work. Secondly, it was clear from the draft report that the Committee's main priority must be to address the backlog of individual complaints. To do so, it needed not only access to resources, but also the flexibility to amend the rules governing its decision-making processes. In that regard, the Committee should grant more powers to the working group on communications so that such cases could be concluded more quickly. Lastly, both the Committee and OHCHR needed to demonstrate greater adaptability. They must work together to identify and implement the changes required to enable the Committee to resume its constructive dialogues with States parties. He hoped that, moving forward, a solution could be found to ensure that the Committee would have more access to the means and resources it required to fulfil its mandate.

21. **The Chair** suggested that, if there were no further questions or comments, the Committee should adopt the draft report on its sixty-ninth and seventieth sessions.

22. *The draft annual report of the Committee was adopted, subject to the necessary amendments.*

*The public part of the meeting rose at 1.20 p.m.*