

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE AGAINST TORTURE 42ND SESSION ANNUAL MEETING WITH STATES PARTIES 28 APRIL 2009

The Committee against Torture held its annual meeting with States Parties on Tuesday 28 April, with nearly forty States taking part in the dialogue. The Committee Chairperson, Mr. Grossman, opened the meeting by calling on the States present to engage in a dialogue on the working methods and follow up procedures of the Committee.

The **issue of the Committee's transparency** dominated the discussion, however, with certain States questioning the **election of country rapporteurs** and challenging the role of NGOs in the reporting process. Egypt was first to ask about the criteria used to appoint country rapporteurs for each State review, showing persistent interest in the **identity of the rapporteur** chosen for the upcoming review of Israel. China agreed with Egypt that there should be a transparent procedure for selecting country rapporteurs, and further stressed that if the Committee was to be efficient and transparent it would have to address the problem of **using reports from NGOs** which allegedly 'distort facts and spread lies to pursue a hidden political agenda'. In this respect it wanted to know more about the process by which the Committee assessed the validity of NGO reports 'in order to be convinced of CAT's independence'.

China also reminded the Committee that as an elected body it had an obligation to remain transparent and impartial, and to seek input from States Parties. It called upon the Committee to **include in its concluding observations the process by which it reaches its decisions**, noting any dissenting views of Committee members. China said that this would help to improve its work and avoid some of the 'improper' practices of the past. Algeria echoed these sentiments, referring to the case of an individual who presented information to the Committee while having an international arrest warrant issued against him for terrorist attacks committed in Algeria.

Denmark and the United States stressed that they attach great importance to the independence of the Committee, and furthermore expressed their belief that the independent experts are free from any political influence. Denmark underlined its full support for how the Committee assessed and dealt with NGO information. It also addressed the Committee's request for additional meeting time in light of the backlog of reviews and asked how the Committee will convince States Parties to support this.

In response to the issues raised, the Committee reiterated its independence, emphasising that it was **created by the States Parties as a body of independent experts** to exercise a semi-judicial role in applying the Convention, and to act independently in doing so. Mr. Grossman explained that **discussions within the Committee should and would remain private**, so as to allow for effective debate and to develop concluding observations through a consensus approach.

On the issue of the appointment of **country rapporteurs**, the Committee stated that the **election is the result of a process of consensus and a decision by the Committee as a whole**. Criteria that were taken into account when electing a rapporteur were, among others, the language of the country that was being reviewed, whether the rapporteur has had previous experience with the country, conflict of interest between a State and a rapporteur (e.g. because of nationality), and avoiding overburdening Committee members.

On the issue of **NGO participation** and submission of information, the Committee noted that the Convention provides for **the right to everyone to send information**. Even if a terrorist had been tortured and sent information to the Committee, the Committee had to review this. It repeatedly affirmed that the information received is processed by a body of independent experts with considerable experience of assessing its credibility. The Committee noted that all sources are published and that the standard practice is to acknowledge where sources have been used to obtain information.

The Chairperson concluded by saying that in the recent past, criticism about torture was seen as a violation of a country's sovereignty. Now, however, States parties have created a system where this is not possible anymore.

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