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Committee against Torture

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Opening Address by

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Representative of the Secretary General

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Monsieur le Président du Comité,

Chers membres du Comité,

Chers collègues,

Mesdames et Messieurs,

Au nom du Secrétaire général des Nations Unies, j'ai le plaisir d'ouvrir la soixante-dix-huitième session du Comité contre la torture et d'accueillir les membres du Comité à Genève, au Palais Wilson.

Tout d'abord, je souhaiterais adresser mes félicitations aux membres du Comité qui ont été réélus lors de la Dix-neuvième réunion des États parties à la Convention contre la torture¹ qui s'est tenue à Genève le 19 octobre 2023 : Monsieur Heller, Monsieur Iscan et Madame Racu. Votre apport aux travaux du Comité pourra ainsi se poursuivre dans le cadre d'un nouveau mandat de quatre ans.

Je me réjouis aussi de rencontrer prochainement les deux nouveaux membres du Comité, Monsieur Contesse Singh et Monsieur Vedel Kessing, qui se joindront à nous lors de la session d'avril-mai 2024.

Permettez-moi également de remercier les membres du Comité qui termineront leur mandat à la fin de cette année: Madame Puce, qui a

¹ See, <https://www.ohchr.org/en/events/meetings/2023/19th-meeting-states-parties-2023-elections-committee-against-torture>

apporté une contribution importante par son expertise en droits de l’homme et son expérience précédente avec le Comité européen pour la prévention de la torture (CPT); et, Monsieur Touzé, qui a enrichi le Comité par son expérience de professeur de droit public et de Directeur de la Fondation René Cassin, garantissant la précision juridique des décisions et des déclarations de ce Comité.

Distinguished Members of the Committee,

I would now like to highlight some of the work relevant to your mandate, which the Office has been engaged in since your last session.

During your last session, the High Commissioner for Human Rights, Mr. Volker Türk, referred to Office’s work on treaty body strengthening process, in particular to support the implementation of the conclusions of the Chairs to strengthen predictability, harmonization and digital shift.² In that connection, an informal briefing by the High Commissioner with States on the treaty body strengthening process will take place this Wednesday in Geneva, with participation of Mr. Heller in his capacity as the Chair of the treaty body chairs’ meeting. The briefing is meant to provide an opportunity for States to share their views on the OHCHR [Working Paper](#) – containing Options and guiding questions for the development of an implementation plan for the

² [A/77/228](#) and [A/78/354](#).

conclusions of the treaty body Chairs. The Working Paper is now available – in an informal and unedited translation – in all six UN official languages. You are all invited to listen in the meeting. The Secretariat can provide you with the link. We hope these exchanges will facilitate an emerging consensus among States on the options for reform and in the lead-up to the biannual General Assembly resolution on treaty bodies in December 2024, coupled with adequate resources.

Distinguished experts,

I would like to draw your attention to a recent OHCHR publication on online hearings in justice systems. This [guidance document](#) provides expert advice on the types of hearings that may be appropriately dealt with online. Such hearings can improve access to justice and the efficiency of judicial institutions. They can also ensure the safety and wellbeing of victims and witnesses and can be a form of reasonable accommodation for persons with disabilities. However, some hearings should be held with the physical presence of the accused without recourse to online hearings. This is the case of hearings relating to judicial control of detention upon arrest or detention, and those aimed at assessing the lawfulness of detention (under the principle of *habeas corpus*). As this Committee has rightly pointed out in the past, online custody hearings significantly reduce the probability of detecting and

investigating cases of torture.³ In that respect, the briefer underlines the fact that the physical appearance of the person helps to safeguard their right to security and the prohibition against torture and ill-treatment. Signs of torture and ill-treatment cannot be properly observed in an online hearing and the person's ability to complain of torture or ill-treatment may be compromised if they are heard online from a place of detention. Moreover, the court must have the power to order the detainee brought before it, regardless of whether the detainee has asked to appear.

Another recent publication relevant to your work is '[Mental health, human rights and legislation](#)'. This guidance document published jointly by the World Health Organization and OHCHR addresses, among other, the issues of coercive practices and involuntary treatments in mental health care, and the lack of free and informed consent for the treatment of persons with mental health conditions and psychosocial disabilities. This publication encourages States to ensure an enabling legal framework for the development of mental health services that respect the rights of all service users and base all treatment decisions on the free and informed consent of the individual, to protect people against abuses in the use of specific mental health interventions, to guarantee effective reparations and redress to persons who have been subjected to such practices, and to secure the provision of safe, hygienic and conducive

³ [CAT/C/BRA/CO/2](#), paras. 11-12.

mental health services, which are critical to a person's recovery and overall well-being.

Distinguished experts,

I would also like to draw your attention to the [thematic study](#) on the global trade in weapons, equipment and devices used by law enforcement and other public authorities that are capable of inflicting torture and other ill-treatment contained in the report presented this month to the General Assembly by the Special Rapporteur on torture, Ms. Alice Jill Edwards. The report concludes with a number of recommendations, particularly the development of an international torture-free trade instrument to complement and reinforce existing obligations to prohibit and prevent torture and ill-treatment. Of particular interest to you, in her report the Special Rapporteur encourages the Committee against Torture to examine a State's trade and use of equipment referred to in her study in the course of the consideration of State parties' initial and periodic reports.

Distinguished Committee members,

Also in the framework of the current session of the General Assembly, the latest [annual report](#) of the Secretary-General on the subject of intimidation and reprisals for cooperation with the United Nations shows once again the scope of the issue, and the extent to which

people are persecuted for raising human rights concerns with the Organization, including human rights treaty bodies. The report highlights the preventive measures put in place by the Committee against Torture following fear of reprisals expressed by civil society organizations for their engagement with the Committee, as well as the concerns expressed by the Committee in its concluding observations. I compliment the Committee for its continued attention to these situations affecting stakeholders and the preventive measures regularly taken in this regard.

Distinguished Members of the Committee,

As you well know, in December last year the High Commissioner launched a year-long commemoration of the 75th anniversary of the Universal Declaration of Human Rights. We have since issued a series of initiatives calling on States and others to make pledges, and to take further steps to fulfil the promises of the Universal Declaration. The [Human Rights 75 Initiative](#) will culminate in a high-level event on 11 and 12 December – convened by OHCHR here in Geneva, linked up with Bangkok, Nairobi and Panama City. This event will be the culmination of the national and regional dialogues, thematic consultations and recommendations from other sectors. A pledging event and vision for the next 25 years will contribute to the 2024's [Summit of the Future](#). We are counting down to Human Rights Day and

would like to invite you to continue to actively participate in this campaign. An invitation for two members of this Committee – the Chair and another member – to attend the Event has been sent by the High Commissioner last week.

On this note, I wish you all a successful and productive session.

Thank you for your kind attention.
