



**Optional Protocol to the
Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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MEETING OF THE STATES PARTIES
First Meeting
Geneva, 18 December 2006

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 18 December 2006, at 10 a.m.

Temporary Chairperson: Ms. IZE-CHARRIN
(Representative of the Secretary-General)

Chairperson: Mr. VARELA QUIRÓS (Costa Rica)

later: Mr. MNATSAKANIAN (Armenia)
(Vice-Chairperson)

later: Mr. VARELA QUIRÓS (Costa Rica)
(Chairperson)

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The meeting was called to order at 10.35 a.m.

OPENING OF THE MEETING BY THE REPRESENTATIVE OF THE
SECRETARY-GENERAL (CAT/OP/SP/2)

1. Ms. IZE-CHARRIN (Representative of the Secretary-General, Temporary Chairperson), on behalf of the High Commissioner for Human Rights, welcomed the States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. She paid tribute to the memory of Jean-Jacques Gautier, the first person to have conceived, with a view to the eradication of the practice of torture, of a system of visits by independent experts who could have access to all places of detention and meet with all detainees. Relating the background to the preparation of the Optional Protocol, she noted that the delegation of Costa Rica had submitted the first draft instrument to the Commission on Human Rights in 1980. However, at that time, the political climate had not been favourable and for a number of years no progress had been achieved. Mr. Gautier's ideas had nevertheless been implemented at the European level with the adoption of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the establishment of the European Committee for the Prevention of Torture.
2. From 1992, the working group on a draft optional protocol to the Convention against Torture, chaired by Ms. Odio Benito, had made significant progress and the text of the Optional Protocol had been adopted by the General Assembly at its fifty-seventh session, on 18 December 2002. The Protocol, which had been signed by 56 States and ratified by 29 had entered into force on 22 June 2006, marking a decisive step in the fight against torture and other forms of ill-treatment. The Subcommittee on Prevention, established under the Protocol, would complement the existing United Nations framework to combat torture. The new monitoring mechanism was significantly different from those established by other United Nations treaty bodies in that it involved a system of preventive visits to be carried out in a complementary manner by independent international and national experts. States parties undertook to allow those experts to have access to all places where persons were deprived of their liberty and to speak confidentially to the detainees. Such visits, carried out regularly and unannounced, would be an effective tool for the prevention of torture and other forms of ill-treatment. While most of the other treaty bodies reviewed reports submitted by States, the new body would be able to see conditions of detention at first hand and issue recommendations based on its own observations.
3. Each State party must put in place one or more independent national preventive mechanisms, which could be human rights commissions, ombudsmen, parliamentary commissions or non-governmental organizations, and ensure that those mechanisms functioned without interference from the State authorities. The Office of the High Commissioner for Human Rights was in the process of establishing the Special Fund provided for in the Optional Protocol, which could be financed through voluntary contributions made by Governments, intergovernmental and non-governmental organizations and other private or public entities; States and other entities were encouraged to consider contributing. The Optional Protocol also provided for the establishment of a roster of experts whose skills should complement those of the Subcommittee members to be elected by the Meeting. The first 10 members of the Subcommittee would play a decisive role in shaping the new body, establishing its working methods and defining its mandate.

4. After recalling the provisions of article 5 of the Optional Protocol relating to the composition of the Subcommittee, she emphasized that States parties should ensure that the Subcommittee was multidisciplinary and that its members possessed all the professional and personal skills required to carry out its mandate effectively. The Subcommittee should be guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity; its members would not represent their countries, but would instead act entirely independently. In accordance with article 9, the members of the Subcommittee would be elected for four years and be eligible for re-election once. The term of half the members, whose names would be drawn by lot, would expire after two years. When the number of States parties to the Protocol reached 50, the membership of the Subcommittee would increase to 25; that could occur in the near future if ratifications continued at the current rate of two per month. The States parties must elect 10 members from among the 14 candidates but, whatever the result of the ballot, there would be no losers as the creation of the Subcommittee represented a victory for all.

ELECTION OF THE CHAIRPERSON

5. Ms. OVERVAD (Denmark) nominated Mr. Varela Quirós (Costa Rica) for the office of Chairperson.

6. Mr. ZINZINDOHOUE (Benin) seconded the nomination.

7. Mr. Varela Quirós (Costa Rica) was elected Chairperson by acclamation.

8. Mr. Varela Quirós (Costa Rica) took the Chair.

9. The CHAIRPERSON thanked those present for having elected him to preside over the First Meeting of the States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The realization of an idea first conceived 20 years earlier had been made possible by the contributions of a large number of non-governmental organizations specializing in the defence of human rights and in legal matters, as well as of individual human rights activists who had shared their conviction that the creation of the Subcommittee was essential to the protection of human rights. The States that from the outset had supported the draft instrument and fought for it to see the light of day, as well as the numerous others that had worked towards its adoption, merited particular recognition. Lastly, thanks were due to the 127 States that had voted in favour of its adoption on 18 December 2002.

10. It was, however, the vast ranks of victims of torture, who had known suffering and humiliation, to whom special tribute must be paid. A day would come when all States, large or small, powerful or otherwise, would recognize as an essential truth that torture and any other form of cruel, inhuman or degrading treatment were morally and legally indefensible and could not be justified on any grounds whatsoever, even abuses committed by those against whom it was practised. The universal conscience was now so strong as to give hope of an imminent general condemnation of torture in law and in fact. The Subcommittee would have the difficult task of making the system of visits a reality and taking the measures necessary for carrying out real preventive work. When electing the members the participants in the Meeting would of course endeavour to establish a Subcommittee that was representative of the different legal systems and balanced in terms of geographical distribution and gender.

11. Mr. MARCH (Spain) congratulated the Chairperson on his election and recalled that Costa Rica had been particularly active in the establishment of the Subcommittee, which was set to become the most advanced and effective international mechanism for combating torture. Once its members were elected, the new body would immediately be able to begin its work in aid of victims. Spain took the opportunity to reiterate its confidence in the Office of the High Commissioner for Human Rights and the representatives of civil society and other organizations, whose support was essential to the success of the Subcommittee's work.

12. Mr. QERIMAJ (Albania) congratulated the Chairperson on his election and stressed the importance of his task, which consisted in steering the work of a meeting that would elect the members of the body responsible for ensuring the implementation of the Optional Protocol to the Convention against Torture.

13. Poor conditions in all institutions in which individuals were detained or imprisoned, in particular overcrowding, were a problem common to all countries in Europe and probably in other regions of the world too. The adoption of the Optional Protocol was therefore a significant step forward in the field of torture prevention in countries, since the instrument provided for regular visits to places of detention by members of the Subcommittee, in addition to visits by national mechanisms and real cooperation between the two. The creation of national bodies by States parties, the second component of the Optional Protocol, was also particularly important for effective torture prevention.

14. The task of the Subcommittee members would therefore be far from easy but, given the experience and skills of the candidates, there was no doubt that the new body would be up to the challenge.

ADOPTION OF THE AGENDA (CAT/OP/SP/2)

15. The agenda was adopted.

16. The CHAIRPERSON, referring to rules 2 and 3 of the provisional rules of procedure, suggested that representatives of States parties that had not yet submitted credentials should be allowed to participate in the Meeting. He invited the competent authorities of the States concerned to submit credentials to the Secretary-General as soon as possible.

ADOPTION OF THE RULES OF PROCEDURE FOR THE MEETING (CAT/OP/SP/3)

17. The rules of procedure for the Meeting were adopted, subject to amendment.

ELECTION OF OTHER OFFICERS OF THE MEETING

18. The CHAIRPERSON suggested that only one Vice-Chairperson should be elected in order to simplify and expedite the work of the Meeting.

19. Mr. DUMONT (Argentina) nominated Mr. Mnatsakanian (Armenia) for the office of Vice-Chairperson.

20. Mr. MARKOTIČ (Croatia) seconded the nomination.

21. Mr. Mnatsakanian (Armenia) was elected Vice-Chairperson by acclamation.

ESTABLISHMENT OF THE SUBCOMMITTEE ON PREVENTION OF TORTURE AND
OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Election of the members of the Subcommittee on Prevention under article 7 of the
Optional Protocol

22. The CHAIRPERSON invited delegations to elect by secret ballot the 10 members of the Subcommittee. He read out the names of the 14 candidates, whose biographical data were contained in documents CAT/OP/SP/1 and CAT/OP/SP/1/Add.1 and 2.

23. A vote was taken by secret ballot.

The meeting was suspended at 11.20 a.m. and resumed at noon.

24. The CHAIRPERSON announced the results of the ballot.

Number of votes obtained:

Ms. Casale (United Kingdom) 26

Mr. Torres Boursault (Spain) 25

Mr. Sarre Iguíniz (Mexico) 24

Mr. Coriolano (Argentina) 23

Mr. Hájek (Czech Republic) 22

Mr. Petersen (Denmark) 22

Mr. Rodríguez Rescia (Costa Rica) 20

Mr. Lasocik (Poland) 19

Mr. Tayler Souto (Uruguay) 19

Ms. Definis Gojanović (Croatia) 18

25. Having obtained the required majority and the largest number of votes, Ms. Casale (United Kingdom), Mr. Coriolano (Argentina), Ms. Definis Gojanović (Croatia), Mr. Hájek (Czech Republic), Mr. Lasocik (Poland), Mr. Petersen (Denmark), Mr. Rodríguez Rescia (Costa Rica), Mr. Sarre Iguíniz (Mexico), Mr. Tayler Souto (Uruguay) and Mr. Torres Boursault (Spain) were elected members of the Subcommittee on Prevention.

Choice by lot by the Chairperson of the Meeting of the five members of the Subcommittee on Prevention whose terms shall expire at the end of two years, as provided in article 9 of the Optional Protocol

26. The CHAIRPERSON congratulated the newly elected members of the Subcommittee. He invited the Vice-Chairperson to take the Chair for the drawing of lots, since one of the new members was from Costa Rica.

27. Mr. Mnatsakanian (Armenia), Vice-Chairperson, took the Chair.

28. The Meeting decided by lot that Ms. Casale, Mr. Coriolano, Mr. Hájek, Mr. Lasocik and Mr. Rodríguez Rescia would serve for a term of two years.

29. Mr. Varela Quirós (Costa Rica), Chairperson, resumed the Chair.

Determination of the date on which the members of the Subcommittee are to assume office

30. The CHAIRPERSON suggested that the new members of the Subcommittee should assume office on 1 January 2007. The two-year terms would therefore expire on 31 December 2008 and the four-year terms on 31 December 2010. If there were no objections, he would take it that the Meeting accepted his suggestion.

31. It was so decided.

The meeting rose at 12.15 p.m.