



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

Distr.: General  
17 June 2022

Original: English

---

## Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Forty-seventh session

### Summary record of the first part (public)\* of the 4th meeting

Held at the Palais Wilson, Geneva, on Thursday, 9 June 2022, at 10 a.m.

*Chair:* Ms. Jabbour

## Contents

Informal meeting with States parties (*continued*)

---

\* The summary record of the second part (closed) of the meeting appears as document [CAT/OP/47/SR.4/Add.1](#).

---

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section ([DMS-DCM@un.org](mailto:DMS-DCM@un.org)).

Any corrected records of the public meetings of the Subcommittee at this session will be reissued for technical reasons after the end of the session.



*The meeting was called to order at 10.05 a.m.*

**Informal meeting with States parties** (*continued*)

1. **The Chair** said that the Subcommittee welcomed the opportunity to hold its first informal in-person meeting with States parties for over two years and to update them on its activities during that period.
2. Although it had been unable to carry out visits throughout most of 2020 and 2021, the Subcommittee had remained in close contact with stakeholders, issued specific advice related to the coronavirus disease (COVID-19) pandemic and developed an internal protocol for on-site visits to places of deprivation of liberty in the context of the pandemic. In 2020, the Subcommittee had also become the first human rights treaty body to hold an entire session via videoconference. On that occasion, it had used the virtual meeting time to discuss its working methods and the draft general comment on article 4 of the Optional Protocol. The Subcommittee had also pursued its dialogues with other treaty bodies as part of the ongoing treaty body strengthening process. States parties were called on to support the proposal that the Subcommittee had adopted in that connection, which would be presented by Ms. Muhammad at the current meeting.
3. Open dialogue and cooperation were at the heart of the Subcommittee's work, and States parties had an active role to play in that regard. States parties were responsible for nominating and electing Subcommittee members, facilitating visits and taking measures to improve detention conditions. In return, the Subcommittee and national preventive mechanisms provided States parties with advice and support.
4. Unfortunately, some States parties had still not designated or established a national preventive mechanism, and too many existing mechanisms were underfunded or not fully independent. Detention conditions in many countries remained unacceptable, and acts of torture and ill-treatment were widespread. Regrettably, in the face of those challenging circumstances, the Subcommittee did not have the necessary human and financial resources to fulfil its mandate.
5. **Mr. Ounnir**, speaking as Vice-Chair for the development of jurisprudential issues and Rapporteur, said that the Subcommittee's activities had continued in spite of the difficulties posed by the pandemic. The plenary Subcommittee, regional teams and working groups had continued to meet in virtual and hybrid formats, and the Subcommittee's contact with national preventive mechanisms had never been interrupted. Visits to States parties had resumed as soon as border restrictions had been lifted in the second half of 2021.
6. On two occasions, the Subcommittee had issued advice relating to the COVID-19 pandemic. It had encouraged States parties to ensure the effective independent oversight of places of detention to protect staff members and detainees, while stressing that the pandemic situation must not be used as a pretext to worsen conditions of detention. States parties had also been urged to reduce overcrowding in places of detention and implement measures aimed at mitigating the lack of visitor access. He was pleased to report that the initiative had been a success – faced with the need to respond to the pandemic while continuing to take action to prevent torture and ill-treatment, many States parties and national preventive mechanisms had followed the Subcommittee's advice and recommendations.
7. Annual reports on the Subcommittee's activities had been issued for 2019, 2020 and 2021. The current session, which would exceptionally last two weeks, promised to be intense, with the Subcommittee continuing to discuss its working methods and the draft general comment on article 4 of the Optional Protocol.
8. **Ms. Muhammad**, speaking as Vice-Chair for work related to national preventive mechanisms, said that she hoped the treaty body strengthening process would ultimately prove beneficial to the Subcommittee's work. However, the Subcommittee's mandate was in many ways unique within the treaty body system and there was a general lack of understanding of its responsibilities and functions. Perhaps as a result, little had changed for the Subcommittee since the adoption of General Assembly resolution 68/268. The only benefits it had obtained from the implementation of the resolution were the acquisition of an

additional week of meeting time and the permanent appointment of two members of staff to its secretariat.

9. The latter change had consolidated, rather than increased, the Subcommittee's human resources, since the two members of staff in question had already been working for the secretariat on short-term contracts. The Subcommittee therefore still desperately needed more dedicated members of staff, including a junior professional officer. Owing to the staff shortage, before the pandemic the Subcommittee had been obliged to reduce the annual number of visits it conducted from 10 to 7 or 8. By any measure, that was unacceptable.

10. Visits to States parties were at the heart of the Subcommittee's mandate, but they were also expensive. The Subcommittee had been disproportionately affected by the 25 per cent reduction in the United Nations travel budget and other cuts that had been imposed on the treaty bodies, including during the COVID-19 pandemic. Those budgetary restrictions had since been lifted, and the Subcommittee had recently proposed to bring its cycle of visits into line with the eight-year review cycle that the other treaty bodies planned to establish. However, that would mean conducting up to 12 visits per year, necessitating the addition of at least three members of staff and a significant increase in the Subcommittee's funding.

11. The Subcommittee's proposal regarding its cycle of visits had been included in the conclusions of the thirty-fourth annual meeting of the Chairs of the human rights treaty bodies. The Chairs had also agreed to its proposal to hold cyclic dialogues within four years of visits for the purpose of advising and assisting States parties and national preventive mechanisms, and to support an increase in the Subcommittee's allocation of meeting time and human resources. States parties were called on to endorse those proposals.

12. Lastly, she noted with gratitude that Denmark and Hungary had previously sponsored the appointment of junior professional officers to support the Subcommittee in its work. The services of another junior professional officer would be of great help to the Subcommittee and she would urge States parties to consider sponsoring a new appointment.

13. **The Chair** said that a Special Fund had been set up, pursuant to article 26 of the Optional Protocol, to support the implementation of the Subcommittee's recommendations and the development of capacity-building and awareness-raising programmes by States parties, national preventive mechanisms and civil society organizations. An essential tool in the implementation of the Optional Protocol, the Special Fund had supported around 70 projects in 24 countries since 2012. Given the increasing number of States parties to the Optional Protocol, the Subcommittee hoped that the Fund could receive additional financial resources in order to support as many as 20 projects per year and called on States parties to consider making fresh contributions to it.

14. In October 2022, 13 new members would be elected to the Subcommittee. In addition to conducting visits, formulating recommendations and holding dialogues with States parties and national preventive mechanisms, members were required to maintain close relations with those stakeholders, follow the latest developments in States parties and participate in the Subcommittee's cross-cutting activities. New members were nominated in accordance with the criteria laid down in article 5 (2) of the Optional Protocol. It was also important to ensure that the composition of the Subcommittee respected the principles of gender balance and equitable geographical representation. In that connection, she wished to bring the attention of States parties to the fact that Africa and Asia had always been underrepresented and that the terms of eight female members were coming to an end in 2022. On a more general note, the prevention of torture and ill-treatment required a multifaceted approach and States parties should therefore also consider the need for members possessing a diverse range of professional expertise in all the fields relevant to the treatment of persons deprived of their liberty.

15. **Ms. Panourgia** (Greece) said that she welcomed the Subcommittee's participation in the treaty body strengthening process. She foresaw a clear benefit from the implementation of an eight-year cycle of visits, which would bring the Subcommittee's visit schedule into line with the reporting cycle agreed by the other treaty bodies.

16. **Ms. Muhammad** said it should not be forgotten that the Subcommittee's work was different from that of any other treaty body. Unfortunately, it had not previously been able to

present its workload in a measurable way, with the result that it had not benefited meaningfully from General Assembly resolution 68/268. That was why, in the context of renewed efforts to advance the treaty body strengthening process, the Subcommittee had decided to present its workload differently and had proposed to bring its cycle of visits into line with the predictable review cycle agreed by the other treaty bodies. However, States parties should bear in mind that, as things stood, it simply did not have the human or financial resources to conduct the 12 or so visits per year that would be required to implement an eight-year cycle.

17. **Ms. Cizero Ntasano** (Switzerland) said that her Government had supported the development of the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles) and that several other States were planning to endorse that document at the next session of the Human Rights Council. It would be interesting to learn whether the Subcommittee found the Méndez Principles to be a useful tool in its dealings with national preventive mechanisms and, more generally, in its efforts to prevent torture.

18. **The Chair** said that Subcommittee members had participated in the drafting of the Méndez Principles and that the Subcommittee fully endorsed them. The Principles were particularly relevant to the prevention of torture because they highlighted the importance of adopting good interviewing techniques and practices during the first phase of investigation following arrest, which was the point at which acts of torture were most likely to be committed. The Subcommittee encouraged States parties to take the Principles seriously and to include them in their own capacity-building activities for law enforcement personnel.

19. **Ms. Chicote Escrich** (Spain) said that several other treaty bodies had highlighted how important digital resources had become to their work. She would be interested to understand the ways in which digital resources were facilitating the Subcommittee's work and whether they had become necessary for it to fulfil its mandate.

20. **Ms. Langfeldt** said that the information technology system that the Subcommittee used for its work was completely inadequate and not at all user-friendly. She had heard that it would take 10 years to set up a new system but, in her opinion, it needed to be replaced much more urgently than that.

21. **The Chair** said that the issue of digital uplift had been discussed the previous week at the annual meeting of the Chairs of the human rights treaty bodies. The Subcommittee did indeed rely heavily on digital tools to carry out its work. For example, both during and between sessions, members used digital videoconference platforms to hold dialogues with stakeholders whom they were unable to meet in person. However, virtual meetings would never completely replace in-person meetings, which had always been an indispensable element of the Subcommittee's work.

22. **Mr. Fink**, speaking as Vice-Chair for external relations, said that digital tools could facilitate a part of the Subcommittee's work. However, visits to places of deprivation of liberty remained one of its core activities and they could simply not be carried out virtually.

23. **Mr. Jaber** (France) said that his Government firmly believed in the benefits of the digital uplift and supported the Subcommittee in its continued efforts to use more digital resources to facilitate its work. With respect to the treaty body strengthening process, he encouraged Subcommittee members to consider the proposals that had been included in non-papers submitted in recent years by Member States, including Costa Rica in 2019 and Canada in 2022. His Government was committed to the treaty body system but believed that it could only thrive through closer coordination between the treaty bodies and greater harmonization of working methods.

24. He was interested to know whether it would be possible for the Subcommittee to strengthen its resources without having to wait for a new General Assembly resolution. Was there anything that States parties could do in the short term to improve the Subcommittee's situation?

25. **Mr. Fink** said that the Subcommittee would need a much bigger budget if it was to implement the proposed eight-year cycle of visits to States parties. Given the number of countries that had ratified the Optional Protocol, not to mention those that were expected to do so in the near future, such a change would necessitate a dramatic increase in the number

of visits conducted each year. Those visits were not just expensive, they also generated a considerable workload for the secretariat.

26. **The Chair** said that any willing States parties could make an immediate difference to the Subcommittee's human resources by sponsoring the appointment of a new junior professional officer.

27. **Ms. Sveaass** said that the Subcommittee had closely followed the development of the Méndez Principles. The Istanbul Protocol, originally published in 2001, was another important training tool in the prevention of torture. An updated and expanded version would be launched at the end of the month. Endorsed by the United Nations High Commissioner for Human Rights, the updated Istanbul Protocol would provide valuable guidelines on the training of legal and health-care professionals, as required under article 10 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

28. **Ms. Comas-Mata Mira**, speaking as Vice-Chair for visits, said that she wished to take the opportunity to describe to States parties how the Subcommittee's visits were organized. Since COVID-19 travel restrictions had been lifted, the Subcommittee had carried out visits to Bulgaria, Tunisia, Argentina and Lebanon and a high-level visit to Brazil. Prior authorization from the authorities was not required for those visits. The Subcommittee decided which countries it would visit on the basis of proposals made by the regional teams, and the Subcommittee then informed the States parties concerned of its intention to carry out a visit. The delegations sent to the countries comprised a minimum of four people, including at least two Subcommittee members. The composition of those delegations took into account linguistic requirements, in addition to the need to ensure that different genders, geographical origins and areas of professional expertise were represented. The aim of visits was not to offer criticism, but rather to initiate a constructive dialogue with States parties and strengthen cooperation with the Government, national preventive mechanism and civil society organizations in order to gain a clearer understanding of the situation on the ground.

29. **Ms. Paulet**, speaking on behalf of Mr. Kodjo, the head of the regional team on Africa, said that the team had continued to support the activities of national preventive mechanisms in the region and to encourage States parties that had not yet done so to designate or establish a mechanism in accordance with article 17 of the Optional Protocol. Of the 23 States parties in the region, 12 had set up their national preventive mechanisms, while 10 were on the list of States parties whose compliance with their obligations under article 17 was substantially overdue and 1 was soon to be placed on the list. The aim of the regional team was to achieve the removal of all African countries from the article 17 list by the start of the Subcommittee's February 2023 session.

30. Unfortunately, a significant number of the national preventive mechanisms that had been established in the region lacked the financial resources required to become fully operational. The States parties in question should ensure that those mechanisms were allocated the funds required to fulfil their mandates.

31. During the pandemic, the regional team on Africa had supported the national preventive mechanisms with the implementation of the Subcommittee's recommendations related to COVID-19. The steps taken had helped to reduce prison overcrowding, improve health conditions in places of deprivation of liberty, increase food rations for detainees and encourage alternative measures to detention. She urged States parties to raise awareness of all actions taken in respect of the Optional Protocol, to make the Subcommittee's country visit reports public and, above all, to ensure that national preventive mechanisms enjoyed full financial and legal independence.

32. **Mr. Vegas**, speaking as head of the regional team on the Americas, said that persons deprived of their liberty in the region had been among those most seriously affected by the COVID-19 pandemic. Already a cause of grave concern before the pandemic, conditions at places of deprivation of liberty in the Americas had deteriorated in 2020 and 2021 and there were precious few signs of an imminent improvement in the situation.

33. Although the Subcommittee had been unable to carry out visits during the pandemic, the regional team had been in closer contact than ever with national preventive mechanisms, thanks to the use of videoconference platforms. It had become clear that, in certain States

parties, the institutional framework for torture prevention had been weakened during the pandemic. However, in others, the COVID-19 context had served to raise the profile of the work of national preventive mechanisms and to help them stand out from other national human rights mechanisms.

34. With regard to visits, the Subcommittee had conducted a special visit to Brazil in February 2022 in order to help resolve the crisis facing the country's preventive mechanisms. In addition, a visit to Argentina had been carried out in April and it was hoped that a visit to Ecuador would be organized for the second half of the year.

35. **Mr. Kvaratskhelia**, speaking as head of the regional team on Asia and the Pacific, said that, regrettably, only 17 States, or 25 per cent of countries, in the region had ratified the Optional Protocol while one further State had signed it. The regional team hoped that its ongoing dialogue with other States would lead to further ratifications. States should welcome regular visits to places of detention, both by the Subcommittee and, more importantly, by their own national preventive mechanisms. Currently, only seven regional States parties had established or designated a national preventive mechanism, while three States had been included on the article 17 list. He recognized, nonetheless, that some of the existing mechanisms in the region had made positive contributions to torture prevention.

36. It was important to ensure that national preventive mechanisms were well resourced and independent, and that the State authorities took due account of the views they expressed. The mechanisms' role was particularly important during times of public emergency, such as the recent COVID-19 pandemic, which could place obstacles in the way of effective torture prevention. His team had noted that, in some parts of the region, a lack of properly functioning State institutions coupled with political and socioeconomic problems had endangered peace, security and human rights. Detention facilities were often overcrowded and detainees were held in poor conditions, which heightened the risk of torture and ill-treatment.

37. Enhanced international and regional cooperation could help to overcome acute and endemic problems and to embed a human rights-based approach. Such an approach, and torture prevention in particular, needed to be at the heart of technical capacity-building. States, moreover, needed to share knowledge and to openly discuss the challenges they faced in the places of detention under their control. For that reason, the Subcommittee always encouraged States to make post-visit reports public. The Subcommittee was looking forward to its forthcoming visit to Lebanon.

38. **Ms. Romero**, speaking as head of the regional team on Europe, said that Europe had 40 States parties to the Optional Protocol, more than any other region. In addition, Belgium, Ireland and Slovakia had signed but not yet ratified the Protocol. Of the States parties, only two had not established a national preventive mechanism, one being Latvia which, having ratified the Optional Protocol in December 2021, was still within the one-year time limit for the creation of a mechanism. The Subcommittee remained concerned about Bosnia and Herzegovina, which had ratified the Protocol in 2008 but had still not established its own preventive mechanism. She hoped that the Subcommittee's visit to that country later in the year would help to clarify the situation there.

39. Although it had the largest number of States parties, Europe had the lowest number of visits proportionately: just 21 of the 40 States had received a visit from the Subcommittee. She hoped that human and financial resources would be made available to enable the Subcommittee to visit all the States parties in the region in the coming years. In that regard, it was important to pursue collaboration with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), reinforcing the complementarity and subsidiarity of the two bodies while respecting their respective strengths and values. Apart from its visit to Bosnia and Herzegovina, the Subcommittee also planned to visit Turkey later in the year. Unlike its 2016 visit to that country, which had focused on the national preventive mechanism, the forthcoming visit would focus on visits to places of deprivation of liberty.

40. In 2021, the Subcommittee had visited Bulgaria where it had been able to engage in constructive dialogue with the authorities and to conduct visits to detention facilities jointly with the national preventive mechanism. One issue that had arisen during the visit was the

detention conditions of migrants and particularly of migrant children. The detention of migrants across the region was a matter of ongoing concern to the Subcommittee, and the regional team intended to discuss that issue at a virtual meeting with European national preventive mechanisms scheduled for the following week. Lastly, the team was following up on the Subcommittee's recent visits to Switzerland and the United Kingdom.

41. **The Chair** said that the Subcommittee and the States parties acted as joint guardians of the Optional Protocol. She wished to thank the representatives of the States parties for participating in the meeting.

*The public part of the meeting rose at 11.20 a.m.*