



# 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

### Tenth Meeting

Geneva, 24 October 2024

### Summary record of the 1st meeting

Held at the Palais des Nations, Geneva, on Thursday, 24 October 2024, at 10 a.m.

*Temporary Chair:* Mr. Cissé-Gouro (Representative of the Secretary-General)

*Chair:* Mr. Alimbayev .....(Kazakhstan)

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*The meeting was called to order at 10.10 a.m.*

### **Opening of the Meeting by the representative of the Secretary-General**

1. **The Temporary Chair**, speaking on behalf of the United Nations High Commissioner for Human Rights, declared open the Tenth Meeting of the States Parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

2. He said he was pleased to report that three additional States – Côte d'Ivoire, the Congo and Slovakia – had become parties to the Optional Protocol since the Ninth Meeting of the States Parties, in October 2022, bringing the total number of States parties to 94. Since its establishment in 2007, the Subcommittee on Prevention of Torture had undertaken 90 visits to States parties, working closely with national preventive mechanisms. In a gesture of trust in the Subcommittee's work, States parties or their national preventive mechanisms had requested the publication of more than 70 Subcommittee reports on such visits. In 2024, the Subcommittee had visited Albania, Gabon, Greece, Honduras, Mongolia and Nigeria, and it would visit the Plurinational State of Bolivia and the Democratic Republic of the Congo before the end of the year.

3. To date, more than 75 States parties had formally established one or more national preventive mechanisms. The Subcommittee was working with the remaining States, advocating for the establishment of mechanisms that were consistent with the requirements set out in the Optional Protocol. Where necessary, it undertook advisory visits to States parties for that purpose. It also regularly interacted with established mechanisms, providing them with advice on request and publishing that advice on its website for the benefit of all.

4. The Subcommittee cooperated with other mechanisms in the field of torture prevention, in particular the Committee against Torture, the Special Rapporteur on torture, the United Nations Voluntary Fund for Victims of Torture and the International Committee of the Red Cross. At the regional level, it maintained close relations with the Inter-American Court of Human Rights and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Civil society organizations also played an important role through their continued support for the Subcommittee's core activities.

5. The Subcommittee had adopted a series of substantive papers on such issues as judicial oversight and due process, treatment without informed consent, and the prevention of torture and ill-treatment of women deprived of liberty, persons in pretrial detention and lesbian, gay, bisexual, transgender and intersex persons, as well as a document on corruption in the context of the prevention of torture and ill-treatment and views on the alignment of domestic legislation on national preventive mechanisms with the provisions of the Optional Protocol. The Subcommittee's seventeenth annual report would be presented to the General Assembly at the Assembly's seventy-ninth session, together with the annual reports of the Committee against Torture and the Special Rapporteur on torture.

6. Recently, the Subcommittee had adopted its first general comment (CAT/OP/GC/1), on article 4 of the Optional Protocol, the purpose of which was to provide clarification for States parties, national preventive mechanisms and other stakeholders concerning the obligations of States parties under the Optional Protocol with regard to the definition of "place of deprivation of liberty". The subject was a crucial one, since the fundamental aim of the Optional Protocol was to establish a system of preventive visits by the Subcommittee and national preventive mechanisms to all places of deprivation of liberty.

7. Thanks to its unique and proactive approach, the Subcommittee had become a reference in torture prevention. Its work was, however, limited by serious resource challenges. At the current pace of 8 to 10 visits each year, the Subcommittee would visit each State party only once every 10 years. That was clearly inadequate; additional resources were therefore urgently needed to allow the Subcommittee to fully discharge its mandate. With a view to the conduct of more regular visits by the Subcommittee, the Chairs of the human rights treaty bodies had indicated, in an important agreement on the strengthening of the treaty body system adopted at their annual meeting in June 2022, that each State party to the Optional Protocol should be visited, on average, at least once every eight years.

8. Since its establishment, the Special Fund under article 26 of the Optional Protocol had supported over 100 projects in 30 countries throughout the world, disbursing a total of more than US\$ 3 million. Projects supported by the Fund had resulted in legislative, institutional and operational changes. However, the current situation of the Fund was a cause for concern; without new contributions, it would be unable to continue supporting any projects beyond 2025. He therefore wished to urge all States to contribute to the Fund as a matter of urgency.

9. For the third time since October 2020, the persons nominated for election to the Subcommittee had participated in an innovative online meet-and-greet event organized by the Association for the Prevention of Torture, with the support of the Office of the United Nations High Commissioner for Human Rights. A virtual platform had been set up, on which the curriculum vitae of each candidate, accompanied by a short video presentation, had been posted. The event had been well attended, including by representatives of States parties and civil society. Each candidate had briefly presented himself or herself and had responded to the participants' questions.

#### **Election of the Chair**

10. **Ms. Rasheed** (Maldives), speaking on behalf of the Asian and Pacific States parties to the Optional Protocol, nominated Mr. Alimbayev (Kazakhstan) for the office of Chair.

11. **Ms. Fuentes Julio** (Chile) and **Mr. Staniulis** (Lithuania) seconded the nomination.

12. *Mr. Alimbayev (Kazakhstan) was elected Chair by acclamation.*

13. *Mr. Alimbayev (Kazakhstan) took the Chair.*

#### **Adoption of the agenda (CAT/OP/SP/21)**

14. *The agenda was adopted.*

#### **Other matters (CAT/OP/SP/3)**

15. **The Chair**, drawing attention to the provisional rules of procedure of the meetings of the States parties to the Optional Protocol (CAT/OP/SP/3), said that the Secretary-General had yet to receive proper credentials from some of the States parties represented at the Meeting. He suggested that, in accordance with rule 3, the representatives of those States should be entitled provisionally to participate in the Meeting. He urged them to submit their credentials to the Secretary-General as soon as possible.

16. *It was so decided.*

#### **Election of other officers of the Meeting**

17. **The Chair** said it was his understanding that, following informal consultations, it had been agreed that Ms. Macdonal Alvarez (Plurinational State of Bolivia) and Mr. Nkosi (South Africa) would act as Vice-Chairs.

18. *It was so decided.*

#### **Election, in accordance with articles 7 and 9 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of 12 members of the Subcommittee on Prevention of Torture to replace those whose terms are due to expire on 31 December 2024 (CAT/OP/SP/22, CAT/OP/SP/22/Add.1 and CAT/OP/SP/22/Add.2)**

19. **The Chair** invited delegations to elect by secret ballot 12 future members of the Subcommittee on Prevention of Torture; those elected would serve for a four-year term. He noted that four nominations had been received after the deadline of 16 August 2024 and that Cyprus had withdrawn the candidature of Mr. Michaelides on 16 October 2024, bringing the total number of candidates nominated by States parties to 14. He read out the list of the 14 candidates and indicated that their curriculum vitae were contained in documents CAT/OP/SP/22, CAT/OP/SP/202/Add.1 and CAT/OP/SP/202/Add.2. He said that, if he heard no objection, he would take it that all the persons nominated were accepted as candidates.

20. *It was so decided.*

21. *At the invitation of the Chair, Mr. Missaoui (Tunisia) and Mr. Last (United Kingdom of Great Britain and Northern Ireland) acted as tellers.*

22. *A vote was taken by secret ballot.*

*Number of ballot papers:* 85

*Number of invalid ballots:* 1

*Number of valid ballots:* 84

*Number of representatives voting:* 85

*Required majority:* 43

*Number of votes obtained:*

Ms. Muhammad (Maldives) 76

Ms. Brasholt (Denmark) 73

Mr. Zinkler (Germany) 73

Mr. Battas (Morocco) 72

Ms. Bernath Thévenoz (Switzerland) 72

Mr. Feoli Villalobos (Costa Rica) 72

Mr. Bagaglini (Italy) 71

Mr. Czepek (Poland) 71

Mr. Lam Shang Leen (Mauritius) 68

Mr. Mariz Maia (Brazil) 65

Ms. Kambanella (Cyprus) 64

Mr. Alempijevic (Serbia) 60

Ms. Biyogou (Gabon) 57

Mr. Elhadji Moussa (Niger) 32

23. *Having obtained the required majority and the largest number of votes, Mr. Alempijevic (Serbia), Mr. Bagaglini (Italy), Mr. Battas (Morocco), Ms. Bernath Thévenoz (Switzerland), Ms. Brasholt (Denmark), Mr. Czepek (Poland), Mr. Feoli Villalobos (Costa Rica), Ms. Kambanella (Cyprus), Mr. Lam Shang Leen (Mauritius), Mr. Mariz Maia (Brazil), Ms. Muhammad (Maldives) and Mr. Zinkler (Germany) were elected members of the Subcommittee on Prevention of Torture.*

#### **Closure of the meeting**

24. **The Chair** declared the Tenth Meeting of the States Parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment closed.

*The meeting rose at 12.25 p.m.*