



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

Distr.: General
27 October 2022

Original: English

Meeting of the States Parties

Ninth Meeting

Geneva, 20 October 2022

Summary record of the 1st meeting

Held at the Palais des Nations, Geneva, on Thursday, 20 October 2022, at 10 a.m.

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

Chair: Mr. Empole Losoko Efambe(Democratic Republic of the Congo)

Contents

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

Election of the Chair

Adoption of the agenda

Other matters

Election of other officers of the Meeting

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 13 members of the Subcommittee on Prevention of Torture to replace those whose terms are due to expire on 31 December 2022

Closure of the Meeting

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).

Any corrected records of this Meeting will be reissued for technical reasons.



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 Ninth 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 that he was pleased to report that an additional State – Latvia – had become a party to the Optional Protocol since the Eighth Meeting of the States Parties, in October 2020, bringing the total number of States parties to 91. Since its establishment in 2007, the Subcommittee on Prevention of Torture had undertaken 80 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 60 Subcommittee reports on such visits. Unfortunately, because of restrictions linked to the coronavirus disease (COVID-19) pandemic, no visits had been completed in 2020; one visit had been commenced but had subsequently been suspended for reasons related to the pandemic. The Subcommittee had resumed its visiting programme in 2021, undertaking a visit to Bulgaria, and it had already conducted seven visits – to Brazil, Tunisia, Argentina, Lebanon, Türkiye, Ecuador and Australia – in 2022.

3. To date, more than 70 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. It had, for example, issued four documents containing advice and practical recommendations on how to mitigate the effects of the COVID-19 pandemic within detention systems and minimize its impact on persons deprived of their liberty; those documents had been well received by both national preventive mechanisms and States parties.

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. It was currently preparing its first ever general comment, on the definition of "place of deprivation of liberty". The Subcommittee's fifteenth annual report had been presented to the General Assembly at the Assembly's seventy-seventh session, together with the annual reports of the Committee against Torture and the Special Rapporteur on torture.

6. 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.

7. 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\$ 2.5 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 2023. He therefore wished to urge all States to contribute to the Fund as a matter of urgency.

8. For the second 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

9. **Mr. Zniber** (Morocco), speaking on behalf of the African States parties to the Optional Protocol, nominated Mr. Empole Losoko Efambe (Democratic Republic of the Congo) for the office of Chair.

10. **Mr. Sougouri** (Burkina Faso), **Ms. Duncan Villalobos** (Costa Rica) and **Mr. Labo** (Niger) seconded the nomination.

11. *Mr. Empole Losoko Efambe (Democratic Republic of the Congo) was elected Chair by acclamation.*

12. *Mr. Empole Losoko Efambe (Democratic Republic of the Congo) took the Chair.*

Adoption of the agenda (CAT/OP/SP/19)

13. *The agenda was adopted.*

Other matters (CAT/OP/SP/3)

14. **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.

15. It was so decided.

Election of other officers of the Meeting

16. The Chair said that it was his understanding that, following informal consultations, it had been agreed that Ms. Duncan Villalobos (Costa Rica) and Mr. Labo (Niger) would act as Vice-Chairs.

17. *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 13 members of the Subcommittee on Prevention of Torture to replace those whose terms are due to expire on 31 December 2022 (CAT/OP/SP/20, CAT/OP/SP/20/Add.1 and CAT/OP/SP/20/Add.2)

18. **The Chair** invited delegations to elect by secret ballot 13 future members of the Subcommittee on Prevention of Torture; those elected would serve for a four-year term. He noted that one nomination had been received after the deadline of 18 August 2022 and that Kazakhstan had withdrawn its nomination on 19 September 2022, bringing the total number of candidates nominated by States parties to 16. He read out the list of the 16 candidates and indicated that their curricula vitae were contained in documents CAT/OP/SP/20 and

CAT/OP/SP/20/Add.1. He said that, if he heard no objection, he would take it that all the persons nominated were accepted as candidates.

19. *It was so decided.*

20. *At the invitation of the Chair, Mr. Martins (Portugal) and Mr. Louati (Tunisia) acted as tellers.*

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

<i>Number of ballot papers:</i>	87
---------------------------------	----

<i>Number of valid ballots:</i>	87
---------------------------------	----

<i>Number of representatives voting:</i>	87
--	----

<i>Required majority:</i>	44
---------------------------	----

<i>Number of votes obtained:</i>	
----------------------------------	--

Ms. Kozma (Austria)	83
---------------------	----

Ms. Jabbour (Lebanon)	82
-----------------------	----

Ms. Comas-Mata Mira (Spain)	77
-----------------------------	----

Ms. Artinopoulou (Greece)	75
---------------------------	----

Mr. Kvaratskhelia (Georgia)	75
-----------------------------	----

Mr. Zaharia (Republic of Moldova)	71
-----------------------------------	----

Ms. Šteinerte (Latvia)	69
------------------------	----

Ms. Tomšić (Croatia)	69
----------------------	----

Mr. Diakhaté (Senegal)	68
------------------------	----

Mr. Vegas (Peru)	68
------------------	----

Ms. Romero (Panama)	65
---------------------	----

Ms. Agomoh (Nigeria)	64
----------------------	----

Mr. Nissen (South Africa)	57
---------------------------	----

Mr. Yekmalyan (Armenia)	54
-------------------------	----

Mr. Sanvee (Togo)	53
-------------------	----

Ms. Nebie Ouedraogo (Burkina Faso)	39
------------------------------------	----

22. *Having obtained the required majority and the largest number of votes, Ms. Agomoh (Nigeria), Ms. Artinopoulou (Greece), Ms. Comas-Mata Mira (Spain), Mr. Diakhaté (Senegal), Ms. Jabbour (Lebanon), Ms. Kozma (Austria), Mr. Kvaratskhelia (Georgia), Mr. Nissen (South Africa), Ms. Romero (Panama), Ms. Šteinerte (Latvia), Ms. Tomšić (Croatia), Mr. Vegas (Peru) and Mr. Zaharia (Republic of Moldova) were elected members of the Subcommittee on Prevention of Torture.*

Closure of the Meeting

23. **The Chair** declared the Ninth 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 12.30 p.m.