



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

Eighth Meeting

Geneva, 22 October 2020

Summary record of the 1st meeting

Held at the Palais des Nations, Geneva, on Thursday, 22 October 2020, at 10 a.m.

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

Chair: Mr. Klymenko (Ukraine)

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Closure of the Meeting

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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 Eighth 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 a further two States – Iceland and South Africa – had become parties to the Optional Protocol since the Seventh Meeting of the States Parties, in October 2018, bringing the total number of States parties to 90. To date, the Subcommittee had undertaken 73 regular, follow-up or advisory 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 52 Subcommittee reports on such visits. Unfortunately, no visits had taken place in 2020 because of restrictions linked to the coronavirus disease (COVID-19) pandemic. Despite the challenges posed by COVID-19, the Subcommittee had continued to engage with States parties and national preventive mechanisms and had issued advice on how to mitigate the effects of the pandemic within detention systems.

3. Currently, 68 States parties had formally established one or more national preventive mechanisms. The Subcommittee was working with the remaining States, advocating for the establishment of independent and well-resourced mechanisms with mandates to visit all places of deprivation of liberty and to publish annual reports. The Subcommittee had issued guidelines on the establishment and operation of national preventive mechanisms and had developed a national preventive mechanism assessment tool; where necessary, it undertook advisory visits to States parties to assist them in fulfilling their obligations under the Optional Protocol. 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 key mechanisms in the field of torture prevention, in particular the Committee against Torture, the Special Rapporteur on torture, the Voluntary Fund for Victims of Torture, the International Committee of the Red Cross 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 overview 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, most recently, views on the alignment of domestic legislation on national preventive mechanisms with the provisions of the Optional Protocol. The Subcommittee’s thirteenth annual report had been presented to the General Assembly at the Assembly’s seventy-fifth session, together with the annual reports of the Committee against Torture and the Special Rapporteur on torture.

6. Thanks to its action-oriented, factual and jurisprudential 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 9 to 10 years. That was clearly inadequate, especially considering that no visits had been undertaken in 2020. Additional resources were therefore urgently needed to allow the Subcommittee to fully discharge its mandate.

7. Over the past eight years, the Special Fund under article 26 of the Optional Protocol had supported 72 projects in 22 countries across four regions, disbursing a total of US\$ 1.8 million. Since 2016, the Fund’s work had been focused on helping States parties to establish and strengthen their national preventive mechanisms. In 2020, the eligibility criteria had been widened to allow national preventive mechanisms in all States parties to apply for support for certain programmes. Projects supported by the Fund had resulted in legislative, institutional and operational changes, as well as direct improvements in the lives of detainees.

He therefore wished to urge all States to contribute to the Fund in order to support its call for applications in 2021.

8. On 7 October 2020, 18 of the 20 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. The Association had also set up a virtual platform on which it had posted the curriculum vitae of each candidate, accompanied by a short video presentation. The event itself had been attended by more than 80 participants, including 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. Czech** (Poland), speaking on behalf of the Eastern European States parties to the Optional Protocol, nominated Mr. Klymenko (Ukraine) for the office of Chair.

10. **Mr. Playford** (Australia) seconded the nomination.

11. *Mr. Klymenko (Ukraine) was elected Chair by acclamation.*

12. *Mr. Klymenko (Ukraine) took the Chair.*

Adoption of the agenda (CAT/OP/SP/17)

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. Rodríguez Mancia (Guatemala) and Mr. Seck (Senegal) 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 12 members of the Subcommittee on Prevention of Torture to replace those whose terms are due to expire on 31 December 2020 (CAT/OP/SP/18 and CAT/OP/SP/18/Add.1)

18. **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 three nominations had been received after the deadline of 18 August 2020, and that Mali had withdrawn its nomination on 3 September 2020, bringing the total number of candidates nominated by States parties to 20. He read out the list of the 20 candidates and indicated that their curricula vitae were contained in documents CAT/OP/SP/18 and CAT/OP/SP/18/Add.1. 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. Zimmermann (Brazil) and Ms. Lachausée (France) acted as tellers.*

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

<i>Number of ballot papers:</i>	88
<i>Number of valid papers:</i>	88
<i>Number of representatives voting:</i>	88
<i>Required majority:</i>	45
<i>Number of votes obtained:</i>	
Ms. Langfeldt (Germany)	70
Mr. Ounnir (Morocco)	70
Mr. Fink (Switzerland)	69
Mr. Domah (Mauritius)	66
Mr. Feoli Villalobos (Costa Rica)	66
Mr. Bagaglini (Italy)	65
Ms. Muhammad (Maldives)	62
Ms. Brasholt (Denmark)	59
Mr. Coriolano (Argentina)	58
Ms. Dridi (Tunisia)	52
Ms. Perović (Montenegro)	51
Mr. Czepek (Poland)	49
Mr. Dwaik (State of Palestine)	48
Mr. Nissen (South Africa)	48
Mr. Abdel Malick (Mauritania)	47
Ms. Morar (Romania)	45
Mr. Mitrovic (Serbia)	40
Ms. Hadonou Toffoun (Benin)	37
Ms. Doninguin (Central African Republic)	16
Mr. Ouambita (Central African Republic)	6

22. *Having obtained the required majority and the largest number of votes, Mr. Bagaglini (Italy), Ms. Brasholt (Denmark), Mr. Coriolano (Argentina), Mr. Czepek (Poland), Mr. Domah (Mauritius), Ms. Dridi (Tunisia), Mr. Feoli Villalobos (Costa Rica), Mr. Fink (Switzerland), Ms. Langfeldt (Germany), Ms. Muhammad (Maldives), Mr. Ounnir (Morocco), and Ms. Perović (Montenegro) were elected members of the Subcommittee on Prevention of Torture.*

Closure of the Meeting

23. **Mr. Jones** (United Kingdom) said that he wished to pay tribute to the incumbent Chair of the Subcommittee, Sir Malcolm Evans, whose second full term as a member of the Subcommittee would expire on 31 December 2020 and who was not eligible for re-election. Sir Malcolm had made an enormous contribution to the Subcommittee's work through his constructive and creative approach and had served the Subcommittee and the wider treaty body system with distinction.

24. **The Chair** declared the Eighth 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 1.05 p.m.