



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

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COMMITTEE AGAINST TORTURE

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

First session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1st MEETING

Held at the Palais Wilson, Geneva,
on Monday, 19 February 2007, at 10 a.m.

Temporary Chairperson: Ms. ARBOUR (United Nations High Commissioner
for Human Rights)

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* The summary record of the second part (closed) of the meeting appears as document
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The meeting was called to order at 10.20 a.m.

OPENING OF THE SESSION BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

1. Ms. ARBOUR (United Nations High Commissioner for Human Rights, Temporary Chairperson) declared open the first session of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
2. The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been developed as a result of years of work, led by committed individuals and human rights organizations, with the aim of filling a glaring gap in the existing protection system.
3. The early signature and ratification of the Optional Protocol by a significant number of States marked a strong step forwards in the promotion of human dignity. Those States parties to the Convention against Torture that had not yet done so should ratify the Optional Protocol, and those States that were not parties to the Convention should accept both instruments.
4. The absolute ban on torture and the principle of the inherent right to physical integrity and dignity of the person, once thought to be unassailable, were increasingly being undermined under the pretext of the “war on terror”. The Optional Protocol would be an indispensable tool to counteract such erosion.
5. The treaty established a system of preventive visits, carried out by independent international and national experts. In that regard, the Subcommittee’s work would complement the activities of the Committee against Torture, as well as the work of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the United Nations Voluntary Fund for Victims of Torture. Unlike other United Nations treaty bodies, the Subcommittee would be able to directly observe the conditions in places of detention and make specific recommendations for the prevention of torture.
6. The Optional Protocol also required the creation of one or several independent mechanisms for the prevention of torture at the domestic level. The provision for national mechanisms clearly emphasized that the implementation of human rights obligations was primarily a national responsibility, which should be overseen by impartial national protection systems. That emphasis was in line with her concept of country engagement. The idea of national oversight should be included in any future monitoring mechanism in the field of human rights.
7. The Optional Protocol also provided for a Special Fund to help finance the implementation of the Subcommittee’s recommendations and the education programmes of the national preventive mechanisms. States, intergovernmental organizations, NGOs and other bodies should contribute to the Fund.

8. The adoption of the Optional Protocol, with its absolute prohibition on torture, was reinforced by the recent adoption of the International Convention for the Protection of All Persons from Enforced Disappearance. That Convention too allowed no derogation from its central precept, which would ensure that States parties were prevented from invoking exceptional circumstances, such as wars, political instability or public emergencies, to gain exemptions tailored to their political situations.
9. Members of the Subcommittee were required to serve efficiently, in their individual capacity, independently and impartially. They should be guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity, which were critical to the fight against torture.
10. Her Office would wholeheartedly assist the Subcommittee. Additional human and financial resources were being provided to respond to the Subcommittee's needs.
11. The first members of the Subcommittee would play a critical role in shaping its working methods and defining its mandate. The success of the Optional Protocol would depend on States' compliance with it and on the Subcommittee's ability to encourage such compliance.
12. The Subcommittee's visiting mechanism should be an inspiration to other human rights bodies. It would undoubtedly be an innovative mechanism that could strike at the root causes of torture, cruel punishment and ill-treatment, thus ensuring that places of detention were free from such conduct.

SOLEMN DECLARATION BY THE MEMBERS OF THE SUBCOMMITTEE

13. Ms. CASALE, Mr. CORIOLANO, Ms. DEFINIS GOJANOVIĆ, Mr. HÁJEK, Mr. LASOČIK, Mr. PETERSEN, Mr. RODRÍGUEZ RESCIA, Mr. SARRE IGUÍNIZ, Mr. TAYLER SOUTO and Mr. TORRES BOURSAULT made the following solemn declaration: "I solemnly declare that I will perform my duties and exercise my powers as a member of the Subcommittee on Prevention independently, impartially and effectively."

The public part of the meeting rose at 10.30 a.m.