



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

Distr.: General
30 March 2011
English
Original: French

Meeting of the States Parties

Third Meeting

Geneva, 28 October 2010

Summary record of the 3rd meeting

Held at the Palais des Nations, Geneva, on Thursday, 28 October 2010, at 10 a.m.

Temporary Chairperson: Mr. Salama (Representative of the Secretary-General of the United Nations)

Chairperson: Mr. Najafbayli (Azerbaijan)

Contents

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

Election of the Chairperson

Adoption of the agenda

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 5 members of the Subcommittee on Prevention to replace those whose terms of office will expire on 31 December 2010, as well as 15 additional members, in light of the entry into force of the Optional Protocol for the fiftieth State party on 24 September 2009, in accordance with article 5, paragraph 1, of the Optional Protocol

This record is subject to correction.

Corrections should be submitted in one of the working languages. They 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 this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings will be issued in a corrigendum.

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

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

1. **Mr. Salama** (Temporary Chairperson), speaking as the representative of the Secretary-General, on behalf of the United Nations High Commissioner for Human Rights, welcomed the States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Following the historic steps taken in the fight against torture and other forms of ill-treatment with the entry into force of the Optional Protocol in June 2006 and the establishment of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in February 2007, the current Meeting marked another landmark with the addition of 15 new members to the Subcommittee. On 24 September 2009, Switzerland had deposited its instrument of ratification with the Secretary-General, thus becoming the fiftieth State party to the Optional Protocol. In conformity with article 5 of the Optional Protocol, after the fiftieth ratification the number of members of the Subcommittee would increase from 10 to 25. Nobody would have predicted such a rapid development, particularly in the area of torture prevention and taking into account the difficulties encountered in the drafting and adoption of the Optional Protocol.

2. The origin of the Optional Protocol lay in the belief that torture and ill-treatment could be prevented, or the risk of such treatment occurring lessened, by putting in place a system of visits to places of detention undertaken by external independent observers. In the mid-1970s, Jean-Jacques Gautier, inspired by the model of the International Committee of the Red Cross, had proposed that an international treaty body should be established that would have the right to conduct unannounced visits to places of detention and make recommendations in confidence to the State concerned with a view to better ensuring the prevention of torture and ill-treatment. Together with the then Swiss Committee against Torture (now the Association for the Prevention of Torture) and the International Commission of Jurists, Mr. Gautier had prepared a draft Optional Protocol to the Convention against Torture, which had been submitted in 1980 by the delegation of Costa Rica to the then United Nations Commission on Human Rights. That Commission had then established a working group to examine the draft Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. After a difficult start owing to an unfavourable political climate, the working group, with Ms. Elizabeth Odio Benito as its Chairperson, had made significant progress from 1992, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been adopted by the General Assembly at its fifty-seventh session on 18 December 2002. It had entered into force three years later. The Subcommittee had had only three years in which to establish itself, its approach to its mandate and its working methods before facing the additional challenges posed by its current enlargement. Since its establishment, the Subcommittee had been particularly active and creative. It had undertaken 11 field visits, including 10 regular visits (Benin, Bolivia (Plurinational State of), Cambodia, Honduras, Lebanon, Maldives, Mauritius, Mexico, Paraguay and Sweden) and 1 follow-up visit (Paraguay). Five Subcommittee visit reports had been made public following a request from the State party concerned, as provided for under article 16, paragraph 2, of the Optional Protocol. The Subcommittee had also established a follow-up procedure to its visit reports. As part of its mandate, it had developed a first set of preliminary guidelines for national preventive mechanisms, which were of great importance given the obligation of States parties to the Optional Protocol to maintain, designate or establish one or several independent national preventive mechanisms. The Subcommittee had further elaborated on those guidelines in its annual reports and visit reports. It continued to work with States parties that had not yet implemented national preventive mechanisms, and it offered advice and assistance to

existing mechanisms. As provided for under the Optional Protocol, the Subcommittee had engaged with other mechanisms in the field of torture prevention, in particular the Committee against Torture, the Special Rapporteur on the question of torture, the International Committee of the Red Cross and regional bodies. The increase in the Subcommittee membership and in the number of States parties to the Optional Protocol would lead to a substantial expansion of country missions as well as more interaction with national preventive mechanisms. It was therefore essential for the Subcommittee to receive additional resources, both financial and human. The Human Rights Treaties Division would not be able to support additional activities of the Subcommittee without the required staff. States and other partners were encouraged to consider contributing to the Special Fund set up, in accordance with article 26 of the Optional Protocol, to help finance the implementation of the recommendations made by the Subcommittee after its visits to States parties, as well as education programmes of the national preventive mechanisms.

3. The delegations of States parties to the Optional Protocol were meeting to elect 20 new members of the Subcommittee. Article 5 of the Optional Protocol stated that the members of the Subcommittee on Prevention should be chosen from among independent persons of high moral character and that, in the composition of the Subcommittee, due consideration should be given to equitable geographic distribution and balanced gender representation. The Subcommittee should be multidisciplinary and should ensure that its members possessed all the professional skills and personal qualities required to carry out their mandate effectively. Its work should be guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity. Even though there were more candidates than members to be elected at the current Meeting, there would be no losers because the further development of the Subcommittee on Prevention made winners of everyone.

Election of the Chairperson

4. **Ms. Romano** (Croatia) nominated Mr. Najafbayli (Azerbaijan) for the office of Chairperson.

5. *Mr. Najafbayli (Azerbaijan) was elected Chairperson by acclamation.*

Adoption of the agenda (CAT/OP/SP/6)

6. *The agenda was adopted.*

Credentials of the representatives

7. **The Chairperson**, referring to rules 2 and 3 of the provisional rules of procedure (CAT/OP/SP/3), recalled that the Secretary-General, in a note dated 16 September 2010, had invited the States parties to forward to him the credentials of their representatives, if possible not later than 22 October 2010. As some States parties had not yet done so, he suggested that the representatives of those States parties should be entitled provisionally to participate in the Meeting, and that the authorities of the States concerned should be urged to submit the credentials of their representatives to the Secretary-General as soon as possible.

8. *It was so decided.*

Election of other officers of the Meeting

9. **Ms. Mokaddem** (Lebanon), speaking on behalf of the Group of Asian States, nominated Mr. Adam (Maldives) for the office of Vice-Chairperson.

10. **Mr. Haidara** (Nigeria), speaking on behalf of the Group of African States, nominated Mr. Mbaye (Senegal) for the office of Vice-Chairperson.

11. *Mr. Adam (Maldives) and Mr. Mbaye (Senegal) were elected Vice-Chairpersons by acclamation.*

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 5 members of the Subcommittee on Prevention to replace those whose terms of office will expire on 31 December 2010, as well as 15 additional members, in light of the entry into force of the Optional Protocol for the fiftieth State party on 24 September 2009, in accordance with article 5, paragraph 1, of the Optional Protocol

12. **The Chairperson** invited the States parties to elect by secret ballot five members of the Subcommittee on Prevention to replace those whose terms would expire on 31 December 2010, in accordance with the procedure set out in the note by the Secretary-General (CAT/OP/SP/7). He read out the list of the 31 candidates nominated by States parties. The biographical data of candidates nominated before the original deadline of 11 August 2010 were contained in document CAT/OP/SP/8; those of candidates nominated after the deadline were contained in documents CAT/OP/SP/8/Add.1 and 2. If there were no objections from States parties, all the persons nominated would be accepted as candidates.

13. *The candidatures were accepted.*

14. **The Chairperson** recalled that, in accordance with rule 15 of the provisional rules of procedure of the meetings of the States parties (CAT/OP/SP/3), the candidates who obtained in the first ballot the largest number of votes and an absolute majority of the votes of the representatives of States parties present and voting would be elected.

15. *At the invitation of the Chairperson, Mr. Guillermet-Fernandez (Costa Rica) and Mr. Last (United Kingdom) acted as tellers.*

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

The meeting was suspended at 10.55 a.m. and resumed at noon.

17. **The Chairperson** said that, since no candidate had obtained an absolute majority, a second ballot would be held. The voting would be restricted to the candidates who had obtained the largest number of votes in the previous ballot, with the number of candidatures being limited to not more than twice the number of places remaining to be filled, in accordance with rule 15 of the provisional rules of procedure. The 10 candidates who had obtained the largest number of votes in the previous ballot and were therefore eligible to participate in the second ballot were: Ms. Definis-Gojanović (Croatia) – 16 votes; Mr. Ginés Santidrián (Spain) – 21 votes; Mr. Lam Shang Leen (Mauritius) – 11 votes; Ms. Muhammad (Maldives) – 14 votes; Mr. Obrecht (France) – 13 votes; Mr. Petersen (Denmark) – 17 votes; Mr. Pross (Germany) – 18 votes; Mr. Sarre Iguíniz (Mexico) – 17 votes; Mr. Tayler Souto (Uruguay) – 19 votes; and Mr. Villavicencio Terreros (Peru) – 12 votes.

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

The meeting was suspended at 12.10 p.m. and resumed at 12.45 p.m.

19. **The Chairperson** announced the results of the vote.

Number of ballot papers: 56

Number of invalid ballots: 1

Number of valid ballots: 55

Number of representatives voting: 56

Required majority: 29

Number of votes obtained:

Mr. Ginés Santidrián 33

Mr. Tayler Souto 33

Mr. Petersen 32

Mr. Obrecht 30

Mr. Sarre Iguíniz 27

Mr. Pross 26

Ms. Definis-Gojanović 25

Ms. Muhammad 25

Mr. Lam Shang Leen 22

Mr. Villavicencio Terreros 21

20. *Having obtained the required majority, Mr. Ginés Santidrián (Spain), Mr. Obrecht (France), Mr. Peterson (Denmark) and Mr. Tayler Souto (Uruguay) were elected members of the Subcommittee on Prevention for a term of four years to replace those whose terms would expire on 31 December 2010.*

21. **The Chairperson** said that in accordance with rule 15 of the provisional rules of procedure, since the number of candidates who had obtained the required majority was less than the number of members to be elected, a third ballot would be held to fill the remaining vacancy. The voting would be restricted to the two candidates who had obtained the largest number of votes in the previous ballot, Mr. Pross (Germany) and Mr. Sarre Iguíniz (Mexico).

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

23. **The Chairperson** said that, owing to the time needed for the tellers to count the votes, the results of the vote would be announced at the following meeting.

The meeting rose at 1 p.m.