



**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
Twenty-first session**

Summary record of the third part (public)* of the 5th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 13 November 2013, at 10 a.m.

Chairperson: Mr. Evans

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* The summary records of the first part (closed) and the second part (closed) of the meeting appears as documents CAT/OP/21/SR.5 and CAT/OP/21/SR.5/Add.1–CAT/C/SR.1194, respectively.

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The third part (public) of the meeting was called to order at 12.20 p.m.

Meeting with the Committee against Torture (continued)

1. **The Chairperson** said that he welcomed the opportunity to have a dialogue with representatives of civil society and NGOs. The Subcommittee on Prevention and the Committee against Torture continued to seek new ways to strengthen their working relationship and intended to work together in particular on the reprisals to which not only human rights defenders but also persons interviewed in places of deprivation of liberty during visits by the Subcommittee were sometimes subjected. He invited those present to share their questions and comments.
2. **Mr. Kjaerum** (International Rehabilitation Council for Torture Victims, IRCT) thanked the Subcommittee and the Committee for organizing a public meeting and said that it had not been clearly stated that it would in fact be a meeting with NGOs. He asked if it would be possible for the Subcommittee, the Committee against Torture and the special rapporteurs to improve the sequencing of their various visit and review cycles in order to avoid needless overlap. As to reprisals, he regretted that he had not been able to respond to the Subcommittee's call for contributions for lack of time. When the Subcommittee transmitted a mission report to a State party it could make a public announcement to that effect, without revealing the content of the report, in order to alert actors on the ground to the possible risk of reprisals. The role and functions of the rapporteurs on reprisals in the Committee against Torture should be clearly defined and publicized so that representatives of civil society knew under what circumstances it might be useful to contact them and what outcome they might expect.
3. **The Chairperson** said that the meeting was a joint public meeting between the Subcommittee and the Committee against Torture and not strictly speaking a meeting with NGOs. He had nevertheless felt it important for outside participants not to be mere observers but to be able to take part in the discussions. The Subcommittee would be interested to receive any written contribution on the question of reprisals even if the official deadline had passed.
4. **Mr. Grossman** (Chairperson, Committee against Torture) said that the function of rapporteur on reprisals had recently been created and he invited civil society to make its views known on how it could be discharged. Efforts were made to coordinate the work of the Subcommittee and the Committee as far as possible, but each body had its own rhythm and operating procedures. When considering reports by States parties, the Committee always invited States that had not yet done so to ratify the Optional Protocol and requested information on the establishment and operation of national preventive mechanisms.
5. **The Chairperson** said that the Subcommittee always tried to arrange its schedule of visits to take account of the activities planned by the other bodies working in the field of torture prevention, including the various regional mechanisms, but there was always an element of uncertainty and unpredictability. The Subcommittee now announced its visits several months ahead of time so that the State party and civil society could prepare better.
6. **Ms. Belmir** (Committee against Torture) said that some European countries that were parties to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had little inclination to ratify the Optional Protocol as they already received visits from the European Committee for the Prevention of Torture.
7. **The Chairperson** said that half the States parties to the Optional Protocol were also parties to the European Convention. The advantage of the Optional Protocol was that it formed part of the global framework of United Nations international treaties and required the establishment of a national preventive mechanism. The Subcommittee devoted considerable efforts to the European States parties but they essentially took the form of

support to the national preventive mechanisms and were therefore less visible than regular visits. Overall, the Subcommittee tried to pay equal attention to all regions of the world.

8. **Mr. Tugushi** (Committee against Torture) said that the national preventive mechanisms were key to the prevention of torture but some of them were at risk given political developments in their countries. He wondered what could be done to protect the preventive mechanisms and guarantee their independence.

9. **Mr. Bruni** (Committee against Torture) said that some countries put off acceding to the Optional Protocol because they did not feel they had the human or financial resources to set up a national preventive mechanism. As to reprisals under article 22 of the Convention, more thought needed to be given to the question of fear of reprisals against the author of an individual communication, notably if the author was sent back to their country of origin.

10. **The Chairperson** said that the countries that were parties to the Optional Protocol were very different, but he agreed that the lack of financial resources could be an obstacle. He pointed out that many States had established or intended to establish a national preventive mechanism in line with the provisions of the Optional Protocol even though they were not parties to, or had even signed, the Protocol. The Subcommittee's scope for action in that area therefore went far beyond the 70 States parties to the Protocol. As to national preventive mechanisms whose operation or independence might be at risk, it was important to remember that they were not isolated bodies but integral parts of an international preventive system and as such could count on the advice and support of the Subcommittee.

The meeting rose at 1 p.m.