



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

Distr.: General
8 June 2010

Original: English

Meeting of the States Parties

Third meeting

Geneva, 28 October 2010

Elections of members of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Note by the Secretary-General

I. Introduction

1. The Secretariat has the honour to inform the States Parties to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Optional Protocol) of the procedure pursuant to which the elections of members to the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Subcommittee on Prevention) will be conducted at the third meeting of States Parties to the Optional Protocol, which will be held on 28 October 2010, at the United Nations Office at Geneva.

II. Third meeting of States Parties to Optional Protocol

2. In accordance with article 5, paragraph 1, of the Optional Protocol:

“The Subcommittee on Prevention shall consist of ten members. After the fiftieth ratification of or accession to the present Protocol, the number of the members of the Subcommittee on Prevention shall increase to twenty-five”.

3. In accordance with article 7, paragraph 1(d), of the Optional Protocol, elections of the members of the Subcommittee on Prevention shall be held at biennial meetings of the States Parties convened by the Secretary-General of the United Nations.

4. In accordance with article 9 of the Optional Protocol:

“The members of the Subcommittee on Prevention shall be elected for a term of four years. They shall be eligible for re-election once if renominated. The term of half the members elected at the first election shall expire at the end of two years; immediately after the first election the names of those members shall be chosen by lot by the Chairman of the meeting referred to in article 7, paragraph 1 (d)”.

5. At the first meeting of States Parties, which was held on 18 December 2006, ten members were elected to the Subcommittee on Prevention. In accordance with articles 7, paragraphs 1 (d) and 9, of the Optional Protocol, at the second meeting of States Parties held on 30 October 2008, an election was held to fill the vacancies of those five members whose terms of office were to expire at the end of that year.

6. At the third meeting of States Parties, five members are to be elected to fill the vacancies of those current members of the Subcommittee on Prevention whose terms of office will expire on 31 December 2010. In addition, in conformity with article 5, paragraph 1, of the Optional Protocol, 15 new members are to be elected following the fiftieth ratification of the Optional Protocol, which took place in September 2009.

7. The Optional Protocol does not provide for the convening of a special meeting of the States Parties or for a special procedure for the election of the additional 15 members to the Subcommittee on Prevention, once the fiftieth ratification has occurred. Accordingly, all elections, including those for the additional 15 members, should be held in accordance with the articles of the Optional Protocol that deal with elections, i.e. articles 5 through 9

8. Thus, the election of 15 additional members to the Subcommittee on Prevention shall coincide with the next biennial election to fill the vacancies of those current five members of the Subcommittee on Prevention whose terms of office will expire on 31 December 2010, to be held under article 7, paragraph 1 (d), i.e. at the third meeting of States Parties on 28 October 2010.

III. Candidatures and voting procedure

9. All States Parties to the Optional Protocol have been requested by note verbale dated 12 May 2010 to nominate candidates for membership in the Subcommittee on Prevention, in accordance with article 6 of the Optional Protocol.

10. Following the receipt of nominations, which pursuant to the note verbale of 12 May 2010 could be submitted by States Parties until 11 August 2010, the Secretary-General is to compile a list, in alphabetical order, of all the persons nominated, with an indication of the States Parties which have nominated them, in accordance with article 6, paragraph 3, of the Optional Protocol.

11. The elections of members to the Subcommittee on Prevention will be based on this one list of candidates, and will be held in accordance with rules 13 through 15 of the Provisional Rules of Procedure of the Meetings of the States Parties to the Optional Protocol.

12. The third meeting of States Parties will commence with the first round of elections, to elect five members from the list of candidates to fill the vacancies of those current members of the Subcommittee on Prevention whose terms of office will expire on 31 December 2010.

13. Following the election of five members to the Subcommittee on Prevention, the meeting of States Parties will then proceed with a second round of voting to elect the 15 additional members that should be elected pursuant to article 5 of the Optional Protocol. The 15 additional members will be elected from among those candidates that were not elected in the first round of election.

IV. Terms of membership

14. With regard to the term of office of the members of the Subcommittee on Prevention, in conformity with article 9 of the Optional Protocol, the five members of the Subcommittee on Prevention elected at the first round will have a term of four years.

15. As for the additional 15 members elected at the second round, as stated above, the Optional Protocol does not provide for any special election procedure. The first election of the additional 15 members should therefore follow the manner in which the original 10 members were first elected, also as regards their terms of office. This will ensure the appropriate staggering of members and the continuation of biennial elections for the Subcommittee on Prevention not only with respect to the original members, but with respect to the additional 15 members as well, as required by article 7, paragraph 1) (d), of the Optional Protocol.

16. As 15 is not divisible by two, immediately after the second round of election, 7 of the additional 15 members shall be selected by the drawing of lots to serve a two-year term, with the remaining 8 members serving for a four-year term.
