



**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
Second Meeting
Geneva, 30 October 2008

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 20 October 2008, at 10.30 a.m.

Temporary Chairperson: Mr. SALAMA
(Representative of the Secretary-General)

Chairperson: Mr. GARRIGUES FLÓREZ (Spain)

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OTHER MATTERS

The meeting was called to order at 10.45 a.m.

OPENING OF THE MEETING BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

1. Mr. SALAMA (Representative of the Secretary-General, Temporary Chairperson), on behalf of the 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. The entry into force of the Optional Protocol in June 2006, a mere three and a half years after its adoption by the General Assembly and the subsequent establishment of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in February 2007, were the outcome of three decades of relentless struggle against torture, waged by committed individuals such as Jean-Jacques Gautier, who had been the first to envisage the creation of a system of visits by independent experts to places of detention in order to eliminate that practice, which generally occurred behind closed doors.
2. The second Meeting of the States Parties to the Optional Protocol coincided with the sixtieth anniversary of the Universal Declaration of Human Rights, article 5 of which prohibited torture and other cruel, inhuman or degrading treatment or punishment, a principle which had become a legally-binding norm under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The commemoration of the Universal Declaration therefore offered an opportunity to intensify the struggle against torture. The Office of the United Nations High Commissioner for Human Rights had taken a step in that direction by holding the “Dignity and Justice for Detainees Week” from 6 to 12 October 2008, during which it had called on States, national human rights institutions, non-governmental organizations and other partners to pay particular attention to the rights of persons deprived of their liberty.
3. The Optional Protocol also offered a unique chance to prove that it was possible to prevent torture and even essential to do so, as once violations had occurred the only remedial action that could be taken was to mitigate the suffering of victims. The preventive bodies established under the Optional Protocol complemented the existing United Nations mechanisms to combat torture, namely, the Committee against Torture, the Special Rapporteur on Torture and the United Nations Voluntary Fund for Victims of Torture. The Optional Protocol was also novel in that it created a two-pillar monitoring system, namely, the Subcommittee on Prevention of Torture (SPT), which was an international treaty body, and national preventive mechanisms established at the country level. All were responsible for carrying out preventive visits to all places of detention.
4. Since the first Meeting of the States Parties in December 2006, the number of States that had become signatories to the Optional Protocol had risen to 62, while 37 had ratified or acceded thereto. To date, the Subcommittee on Prevention had visited Mauritius, Maldives, Benin, Sweden and Mexico. During its initial sessions, it had focused on developing its working methods, including its rules of procedure and guidelines on visits. It had also defined its relationship with States parties and national preventive mechanisms. It had further developed preliminary guidelines for the establishment of the latter, every State party being under an obligation to establish one or more such independent mechanisms at the latest one year after the entry into force of the Optional Protocol for the State party concerned. Nine States parties had already acquitted themselves of that obligation, namely, Costa Rica, the Czech Republic,

Denmark, Estonia, Maldives, Mexico, the Republic of Moldova, New Zealand, and Sweden. As part of its mandate, the Subcommittee on Prevention assisted States parties with the establishment or design of effective national preventive mechanisms meeting the requirements of articles 18 to 23 of the Optional Protocol and could also directly support the work of those mechanisms.

5. Moreover, in accordance with article 26 of the Optional Protocol, a Special Fund had been set up to help States parties implement the recommendations made by the Subcommittee on Prevention after its visits and to finance the training programmes of the national preventive mechanisms. Governments, as well as intergovernmental and non-governmental organizations and other private or public bodies, were invited to contribute to the Fund.

6. Finally, in accordance with article 13 (3) of the Optional Protocol, a roster of experts who might accompany members of the Subcommittee on Prevention on visits had been prepared on the basis of nominations by States parties. Those States parties that had not already done so were invited to nominate experts.

7. According to the provisions of article 5 of the Optional Protocol, the Subcommittee on Prevention must be multidisciplinary and must ensure that its members possess all the professional skills and personal qualities necessary to carry out their mandate effectively. Its work must be guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity. In accordance with article 9 of the Optional Protocol, the term of half of the members elected in December 2006 expired at the end of 2008. States parties were therefore, at the present Meeting, to elect or re-elect five members for a term of four years. Although there were more candidates than members, there would be no losers regardless of the outcome of the vote, as the establishment of the Subcommittee on Prevention was already a victory for all, especially since the Subcommittee would grow in strength, with its membership increasing to 25 as soon as the number of States parties reached 50.

ELECTION OF THE CHAIRPERSON

8. Mr. KRAGHOLM (Denmark) nominated Mr. Garrigues Flórez (Spain) for the office of chairperson.

9. Mr. Garrigues Flórez (Spain) was elected Chairperson by acclamation.

ADOPTION OF THE AGENDA (CAT/OP/SP/4)

10. The agenda was adopted.

Credentials of representatives

11. The CHAIRPERSON, referring to articles 2 and 3 of the provisional Rules of Procedure, recalled that the Secretary-General, in his note of 19 September 2008, had requested States parties to send the credentials of their representatives at least one week before the opening of the Meeting. As some had not yet done so, he proposed that the representatives of the States parties

concerned should be allowed to attend the meeting. He invited the competent authorities of the States parties concerned to submit the required credentials to the Secretary-General as soon as possible.

12. It was so decided.

ELECTION OF OTHER OFFICERS OF THE MEETING

13. The CHAIRPERSON proposed that one Vice-Chairperson should be elected in order to expedite the work, as had been done at the first Meeting of the States Parties on 18 December 2006.

14. Mr. PONCE VIVANCO (Peru) nominated Ms. Gómez Oliver (Mexico) for the office of Vice-Chairperson.

15. Ms. Gómez Oliver (Mexico) was elected Vice-Chairperson 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 FIVE MEMBERS OF THE SUBCOMMITTEE ON PREVENTION TO REPLACE THOSE WHOSE TERMS ARE DUE TO EXPIRE ON 31 DECEMBER 2008

16. The CHAIRPERSON invited delegations to elect five future members of the Subcommittee on Prevention by secret ballot. He read out the list of seven candidates nominated by States parties and indicated that their curricula vitae were contained in document CAT/OP/SP/5.

17. A vote was taken by secret ballot.

The meeting was suspended at 11.15 a.m. and resumed at 11.45 a.m.

18. The CHAIRPERSON announced the result of the vote.

Number of votes obtained:

Ms. Casale	30
Mr. Cassar	3
Mr. Coriolano	32
Mr. Hájek	27
Mr. Lasocik	24
Mr. Ndiaye	17
Mr. Rodriguez Rescia	31

Having obtained the required majority and the largest number of votes, Ms. Casale (United Kingdom of Great Britain and Northern Ireland), Mr. Coriolano (Argentina), Mr. Hájek (Czech Republic), Mr. Lasocik (Poland) and Mr. Rodriguez Rescia (Costa Rica) were elected members of the Subcommittee on Prevention.

OTHER MATTERS

19. The CHAIRPERSON said that he took it that representatives did not wish to raise any further matters and therefore declared closed the second Meeting of the States Parties.

The meeting rose at 11.50 a.m.