



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

First Meeting Geneva, 18 December 2006

PROVISIONAL RULES OF PROCEDURE OF THE MEETINGS OF THE STATES PARTIES TO THE OPTIONAL
PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT

Submitted by the Secretary-General

I. REPRESENTATION AND CREDENTIALS

Rule 1

Each State party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the Optional Protocol) shall be represented at the Meeting of States Parties (hereinafter referred to as the Meeting) by an accredited representative. If more than one representative is named, one shall be designated as the head of the delegation. Each delegation may also include such alternate representatives and advisers as may be required.

Rule 2

The credentials of representatives and the names of members of a delegation shall be submitted to the Secretary-General of the United Nations, if possible not later than one week before the date fixed for the opening of the Meeting. The credentials shall be issued by the Head of State or Government or by the Minister for Foreign Affairs. The Secretary-General shall report to the Meeting on the credentials.

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Rule 3

Pending the decision of the Meeting upon the report on credentials, the representatives of the participating States parties shall be entitled provisionally to participate in the Meeting.

II. OFFICERS

Rule 4

The Meeting shall elect a Chairperson and one to four Vice-Chairpersons from among the representatives of the States parties.

Rule 5

If the Chairperson is absent from a Meeting or any part thereof, a Vice-Chairperson nominated by him or her shall preside. The Vice-Chairperson, when acting as Chairperson, shall have the same powers and duties as the Chairperson.

Rule 6

The Chairperson or Vice-Chairperson acting as Chairperson may in his or her capacity as representative appoint one of his or her alternates or advisers to participate in the proceedings and to vote in the meetings in his or her place. In such a case, the Chairperson or Acting Chairperson shall not vote.

III. SECRETARIAT

Rule 7

The Secretary-General of the United Nations shall be responsible for making the arrangements connected with the Meeting. He or his representatives may participate in the Meeting and may make either oral or written statements to the Meeting concerning any question

under consideration.

IV. CONDUCT OF BUSINESS

Rule 8

A quorum shall be constituted by the representatives of two thirds of the States parties to the Optional Protocol.

Rule 9

The Chairperson shall declare the opening and closing of each Meeting, and at such Meeting shall direct the discussions, accord the right to speak, put questions to the vote, announce decisions, rule on points of order and, subject to these rules of procedure, have complete control of the Meeting. In exercising these functions the Chairperson shall remain under the authority of the Meeting.

V. VOTING

Rule 10

Each State party represented at the Meeting shall have one vote.

Rule 11

Decisions of the Meeting shall be made by a majority of the representatives present and voting except as regards the election of the members of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which shall be conducted in accordance with rules 13, 14 and 15 of these rules of procedure.

Rule 12

For the purposes of these rules, the phrase “representatives of States parties present and voting” shall mean representatives casting an affirmative or a negative vote. Representatives who abstain from voting are considered as not voting.

VI. ELECTION OF THE MEMBERS OF THE SUBCOMMITTEE ON PREVENTION OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Rule 13

1. Members of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment shall be experts of high moral character, independent and impartial, having proven professional experience in the field of the administration of justice, in particular criminal law, prison or police administration, or in the various fields relevant to the treatment of persons deprived of their liberty, who shall serve in their personal capacity.

2. The members of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment shall be elected by the States parties from a list of persons possessing the qualifications described in paragraph 1 of this rule and nominated by the States parties, due consideration being given to equitable geographical distribution, to gender representation, and to the representation of different forms of civilizations and legal systems. The list of all persons nominated shall be prepared by the Secretary-General and submitted to the States parties in conformity with article 6, paragraph 3 of the Optional Protocol.

3. Each State party may nominate up to two persons meeting the requirements of article 5 of the Optional Protocol, and at least one of the two persons shall have the nationality of the nominating State party. Before a State party nominates a national of another State party, the consent of that State party shall be obtained. No more than two nationals of a State party shall be nominated.

Rule 14

Elections of members of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment shall be held by secret ballot.

Rule 15

The persons elected to the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment shall be those nominees who obtain 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. If the number of candidates obtaining such majority is less than the number of persons to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates who obtained the largest number of votes in the previous ballot and the number of candidatures being limited to not more than twice the number of places remaining to be filled, with the provision that, after the third inconclusive ballot, votes may be cast for any eligible nominee.

If two nationals of a State party have become eligible to serve as members, the candidate receiving the higher number of votes shall serve as the member. Where nationals have received the same number of votes, the following procedure applies:

Where only one has been nominated by the State party of which he or she is a national, that national shall serve as the member of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

Where both candidates have been nominated by the State party of which they are nationals, a separate vote by secret ballot shall be held to determine which national shall become the member;

Where neither candidate has been nominated by the State party of which he or she is a national, a separate vote by secret ballot shall be held to determine which candidate shall be the member.

VII. LANGUAGES

Rule 16

English, French, Russian and Spanish shall be the official languages. English, French, Russian and Spanish shall be the working languages of the meeting.

VIII. RECORDS

Rule 17

Official records of the Meeting shall be drawn up by the Secretariat of the United Nations in the working languages.

Rule 18

The text of all formal decisions adopted by the Meeting shall be distributed by the Secretary-General of the United Nations in the official languages as soon as possible after the Meeting.

IX. PUBLICITY

Rule 19

The Meetings shall be held in public unless decided otherwise.

X. REFERENCE TO THE RULES OF PROCEDURE OF THE GENERAL ASSEMBLY

Rule 20

Any procedural matters arising at meetings of States parties which are not covered by these rules shall be dealt with by the Chairperson in the light of the rules of procedure of the General Assembly of the United Nations which may be applicable to the matter at issue.

XI. AMENDMENTS

Rule 21

These rules of procedure may be amended by a decision of the Meeting of the States Parties to the Optional Protocol, provided that the amendment is not inconsistent with the provisions of the Optional Protocol.
