



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Organizational and other matters

Sixteenth annual report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*

Summary

In the present report, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment describes the work it undertook in 2022.

Following a brief introduction, the Subcommittee provides an update on developments relating to the system of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including visits, the increase in the number of States parties and designated national preventive mechanisms, and details concerning the operation of the Special Fund established by the Optional Protocol (sect. II).

The Subcommittee provides substantive information concerning engagement with other bodies in the field of torture prevention (sect. III) and developments in its working practices (sect. IV), and comments on issues it has faced when undertaking its work during the year under review.

The Subcommittee concludes the report by considering future challenges (sect. V) and describing its plan of work (sect. VI).

A statement on the updated version of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), which reflects the advances made in the global understanding of the practices and effects of torture and ill-treatment as well as the practical experience gained over the past 20 years, is annexed to the report.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



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I. Introduction

1. In accordance with article 16 (3) of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and rule 33 of its rules of procedure, the Subcommittee prepares an annual report on its activities as a public document. Pursuant to these provisions, the Subcommittee, in the present report, describes the activities undertaken from 1 January to 31 December 2022. The Subcommittee considered and adopted the report at its forty-ninth session, which was held from 6 to 10 February 2023.

II. Year in review

A. Participation in the Optional Protocol system

2. As at 31 December 2022, 91 States were party to the Optional Protocol and 13 States were signatories but had not yet ratified the instrument.¹

3. The pattern of regional participation was as follows:

African States	23
Asia-Pacific States	13
Eastern European States	20
Latin American and Caribbean States	15
Western European and other States	20

4. The regional breakdown of the 13 signatories that had not yet ratified the instrument was as follows:

African States	8
Asia-Pacific States	1
Eastern European States	1
Latin American and Caribbean States	1
Western European and other States	2

B. Organizational matters and membership

5. During the reporting period, the Subcommittee held two one-week sessions and one two-week session. The forty-sixth session (7–11 February 2022) was held in a hybrid format; the forty-seventh session (7–17 June 2022) and forty-eighth session (7–11 November 2022) were held in person in Geneva.

6. The membership of the Subcommittee changed in the period under review,² as Marina Langfeldt resigned, for personal reasons, on 31 October 2022.

7. The Bureau remained unchanged during the year: Suzanne Jabbour (Chair), Carmen Comas-Mata Mira (Vice-Chair for visits), Daniel Fink (Vice-Chair for external relations), Aisha Shujune Muhammad (Vice-Chair for national preventive mechanisms) and Abdallah Ounnir (Vice-Chair, Rapporteur).

8. Nora Sveaass remained as rapporteur on reprisals. At the forty-eighth session of the Subcommittee, Jakub Julian Czepek was designated to replace her temporarily from 1 January 2023 until the election of a new rapporteur at the forty-ninth session.

¹ See https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9-b&chapter=4&clang=_en.

² See <https://www.ohchr.org/en/treaty-bodies/spt/membership>.

9. Following the resignation of Ms. Langfeldt, on 2 December 2022 Germany nominated Martin Zinkler to serve the remainder of her term of office, in accordance with the procedure provided for in article 8 of the Optional Protocol.

10. The membership of the regional teams and standing working groups did not change. As at 31 December 2022, the heads of the regional teams were as follows: for Africa, Gnambi Garba Kodjo; for Asia and the Pacific, Nika Kvaratskhelia; for Europe, María Luisa Romero; and for Latin America, Juan Pablo Vegas. The composition of the regional teams is available on the Subcommittee website.³ The regional teams met at the forty-sixth, forty-seventh and forty-eighth sessions. The teams examined the implementation of the Optional Protocol within their region, reporting to the Subcommittee in plenary session, and made recommendations as appropriate.

11. As at 31 December 2022, the heads of the permanent working groups on jurisprudence, on health aspects of torture prevention and on the Special Fund established by the Optional Protocol were Mr. Ounnir, Zdenka Perović and Ms. Jabbour, respectively. The permanent working groups on jurisprudence and on health aspects of torture prevention met at all sessions in the period under review. The working group on the Special Fund established by the Optional Protocol met at the forty-seventh session only.

12. The forty-sixth session was held in Geneva in a hybrid format, as three members and the secretary were unable to attend in person owing to restrictions related to the coronavirus disease (COVID-19) pandemic. Regional teams met without interpretation. The Subcommittee also met with other stakeholders, including the Association for the Prevention of Torture.

13. The forty-seventh session was held in person in Geneva. Regional teams and working groups met without interpretation. The Subcommittee held a training session for its members, which served in particular as induction training for those recently elected. The Subcommittee also met with other stakeholders, including the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the Association for the Prevention of Torture.

14. Also at the forty-seventh session, the Subcommittee decided to amend rules 16 (1) and 17 (5) of its rules of procedure in order to give consideration to an effective rotation among members, to the extent possible, when electing the members of the Bureau. In order to implement such rotation, it decided that the Chair would not serve more than two terms, consecutive or otherwise.

15. At the same session, the regional team for Europe held a webinar on the role of national preventive mechanisms in monitoring places where migrants are deprived of liberty, in which the Special Rapporteur on the human rights of migrants participated. Representatives of the national preventive mechanisms shared experiences, challenges and good practices regarding their monitoring in places where migrants were deprived of liberty. Participants stressed the exceptionality of migration detention, and highlighted the importance of ending children migrant detention and being aware of pushbacks.

16. The forty-eighth session was held in person in Geneva. The Subcommittee held a joint meeting with the Committee against Torture to discuss issues of common interest, including a request under article 16 (4) of the Optional Protocol with regard to Nicaragua. It also held meetings with other stakeholders, including the Association for the Prevention of Torture.

17. Also at the forty-eighth session, the Subcommittee, in order to be absolutely clear on the independence and impartiality of its members, recalled that the guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa guidelines),⁴ irrespective of a footnote that some versions might have on the application of the provisions to the Subcommittee, were fully applicable to the Subcommittee and its members, regardless of their occupation and nationality.

³ See <https://www.ohchr.org/en/treaty-bodies/spt/regional-teams>.

⁴ [A/67/222](#) and [A/67/222/Corr.1](#), annex.

18. Also at the forty-eighth session, the Subcommittee prepared a first draft of a general comment on the definition of deprivation of liberty (article 4 of the Optional Protocol), to be made available for public consultation following its issuance in all three working languages (English, French and Spanish) of the Subcommittee.

19. The Subcommittee, considering the importance of having draft documents available in its working languages in a timely fashion, decided that any draft document relating to its activities under the Optional Protocol requiring discussion and adoption by the Subcommittee, in session or intersessionally, was to be translated into the Subcommittee's working languages (i.e. English, French and Spanish), prior to the session at which the document would be discussed or prior to its intersessional discussion. That included any draft document relating to:

(a) The Subcommittee's reporting and advising mandates (including, but not limited to, draft reports, draft advice and draft views addressed to States parties and national preventative mechanisms);

(b) Legal interpretation related to its mandate (including, but not limited to, draft general comments, draft guidance and draft formal statements);

(c) Working methods and other related matters (including, but not limited to, draft annual reports, draft reports on the work of, and decisions adopted by, the Subcommittee, draft revised rules of procedure and draft guidance).

C. Visits conducted during the reporting period

20. Given that the travel limitations related to the COVID-19 pandemic had been lifted, the Subcommittee resumed its programme of visits. In accordance with its mandate under articles 11 to 13 of the Optional Protocol, the Subcommittee undertook eight official visits in 2022: Brazil (31 January–4 February), Tunisia (27 March–1 April), Argentina (20–30 April), Lebanon (4–10 May), Türkiye (4–15 September), Ecuador (25 September–1 October), Australia (scheduled for 16–27 October, suspended on 23 October) and Bosnia and Herzegovina (11–17 December).

21. During the course of its official visits in 2022, the Subcommittee conducted more than 730 individual or collective interviews with more than 2,300 persons. Most interviews were with detainees, but the Subcommittee also held interviews with officials, law enforcement personnel and medical staff. It visited 44 prisons, including facilities for women, 47 police stations, 11 detention centres for children, 5 psychiatric and health-care institutions, 13 closed centres for undocumented migrants and 3 other places of deprivation of liberty.

22. Additional information is available in the press releases issued following each visit and at sessions of the Subcommittee.⁵

D. Dialogue arising from visits, including publication of the Subcommittee's reports by States parties and national preventive mechanisms

23. The substantive aspects of the dialogue arising from visits are confidential. Reports are made public only with the consent of the recipient.⁶ By 31 December 2022, the Subcommittee had transmitted a total of 98 visit reports to States parties and national preventive mechanisms, including two sent within the reporting period to Bulgaria (to the State party and to the national preventive mechanism).

24. In that regard, the Subcommittee decided to implement the proposal, made at the forty-fifth session, to not request that reports addressed to national preventive mechanisms be made public, in order to reinforce the privileged communication between the

⁵ Available at <https://www.ohchr.org/en/treaty-bodies/spt>.

⁶ Data concerning visit reports, including those that have been made public, are available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/CountryVisits.aspx.

Subcommittee and national preventive mechanisms. The new policy will apply to such reports transmitted as from 2020.

25. A total of 66 visit reports have been made public following requests from States parties or national preventive mechanisms under article 16 (2) of the Optional Protocol, including one in 2022, namely the report addressed to the State party arising from the visit to Bulgaria.⁷ With regard to States parties, while fully respecting the principle of and right to confidentiality provided for in the Optional Protocol, the Subcommittee welcomes the increasing number of visit reports that are being published, believing that this reflects the spirit of transparency on which preventive visiting is based and facilitates better implementation of the respective recommendations. The Subcommittee encourages States parties that have received reports to request their publication.

26. In conformity with established practice, the recipients of reports are requested to submit a written reply within six months of their transmission, giving a full account of the action taken and that will be taken to implement the recommendations contained in the reports. During the reporting period, the Subcommittee received one reply, namely from Bulgaria (State party), which was made public at the request of the State party.⁸

27. As at 31 December 2022, 60 replies to Subcommittee reports had been received from States parties or national preventive mechanisms; 44 of those replies have been made public. In the spirit of cooperation under the Optional Protocol, the Subcommittee encourages all States parties to reply to its visit reports in a timely fashion in order to enter into a constructive dialogue with the Subcommittee on the measures taken to implement its recommendations. Information about Subcommittee reports and replies is available on the Subcommittee website.

E. Developments concerning national preventive mechanisms

28. The Subcommittee has continued to engage in dialogue with States parties and signatories, at its sessions and between sessions, concerning the designation or functioning of their national preventive mechanisms and other relevant issues. During 2022, the Subcommittee continued to engage with States parties of and signatories to the Optional Protocol with regard to the impact of the pandemic.

29. In accordance with its mandate under article 11 (b) (i) and (ii) of the Optional Protocol, the Subcommittee established and maintained direct contact with national preventive mechanisms, both during sessions and intersessionally. During 2022, considering that the impact of the pandemic on activities was significantly reduced, the Subcommittee resumed its normal engagement with all national preventive mechanisms and with other relevant bodies performing national preventive mechanism functions.

30. The Subcommittee and its members have continued to receive invitations to attend numerous national, regional and international meetings, mostly online, concerning the designation, establishment and development of national preventive mechanisms in particular and on the Optional Protocol in general. The Subcommittee is grateful to the organizers of those and all other events to which it has been invited. The Subcommittee would be grateful if all invitations to official events and discussions could be made through the Subcommittee secretariat in the Office of the United Nations High Commissioner for Human Rights.

F. Substantial non-compliance with article 17

31. At its twenty-seventh session, the Subcommittee decided to identify States parties whose establishment of a national preventive mechanism was substantially overdue and to record them on a list.⁹ The list is revised at each session of the Subcommittee, and States parties are removed from the list once the threshold for such removal is met, namely that the

⁷ CAT/OP/BGR/ROSP/1.

⁸ CAT/OP/BGR/CSPRO/1.

⁹ See <https://www.ohchr.org/en/treaty-bodies/spt/non-compliance-article-17>.

Subcommittee has received notification of the official designation of the national preventive mechanism and copies of the documentation providing for its establishment and effective functioning.

32. In order to clarify the criteria for determining whether a national preventive mechanism has been maintained, designated or established, as appropriate, under article 17 of the Optional Protocol, and for removing a State party from the above-mentioned list, the Subcommittee has set out on its website¹⁰ the elements that a State party is to include in a note verbale addressed to the Subcommittee, namely:

- (a) The fact of such establishment;
- (b) A copy of the legal instrument establishing the national preventive mechanism, whether by legislation or another act;
- (c) The name of the head of the national preventive mechanism;
- (d) The postal address of the national preventive mechanism;
- (e) The email address and phone number of the national preventive mechanism.¹¹

33. In addition, the Subcommittee decided at its forty-seventh session that the secretariat would request all the above information from the State party if it was not provided in the notification that a national preventive mechanism had been maintained, designated or established.

34. Burkina Faso and Mongolia established their national preventive mechanisms, which the Subcommittee noted with satisfaction, and thus were taken off the list. As at 31 December 2022, the following 14 States parties were listed: Belize, Benin, Bosnia and Herzegovina, Burundi, Central African Republic, Democratic Republic of the Congo, Gabon, Ghana, Liberia, Nauru, Nigeria, Philippines, South Sudan and State of Palestine. It remains a matter of great concern to the Subcommittee that some of the States parties on the list still appear to be making little if any progress towards fulfilling their obligations and are long overdue with the establishment of their national preventive mechanism.

G. Special Fund established by the Optional Protocol

35. Support provided through the Special Fund established under article 26 (1) of the Optional Protocol is directed towards projects aimed at establishing or strengthening national preventive mechanisms, thereby contributing to the implementation of the relevant recommendations made by the Subcommittee following a visit to a State party. In 2022, grants amounting to \$525,790 were awarded through the Special Fund to support 18 torture-prevention projects in 16 States parties during their implementation in 2023. The Subcommittee has assisted in the assessment of project proposals and recommendations for grants.

36. The Subcommittee greatly appreciates the contribution made by Czechia (\$8,247) to the Special Fund during the reporting period, and the pledges made by Denmark (\$278,164) and Germany (€140,000). Nevertheless, it remains mindful that further contributions will be necessary to support projects during the 2023–2024 grant cycle and beyond. The Special Fund is an essential tool for supporting and complementing the implementation of Subcommittee recommendations aimed at the prevention of torture and ill-treatment; the Subcommittee therefore urges States to continue to provide the Special Fund with the financial support it requires.

¹⁰ Ibid.

¹¹ Ibid.

H. Advice relating to the COVID-19 pandemic

37. Following its issuance of advice relating to the COVID-19 pandemic,¹² and the protocol for national preventive mechanisms undertaking on-site visits during the COVID-19 pandemic,¹³ the Subcommittee continued to be supportive of national preventive mechanisms with specific actions related to COVID-19, as COVID-19 was still prevalent.

38. The Subcommittee remained attentive to the issue, and expressed concern about the lack of political will to implement its recommendations and that, in certain cases, improvements related to measures adopted to minimize the impact of the pandemic were not maintained.

III. Engagement with other bodies in the field of torture prevention

A. International cooperation

1. Cooperation with other United Nations bodies

39. The Chair of the Subcommittee presented, on 25 April 2022, the fifteenth annual report of the Subcommittee¹⁴ to, and discussed the report with, the Committee against Torture in plenary session at the Committee's seventy-third session, which was held in person from 19 April to 13 May 2022.

40. In accordance with General Assembly resolution 70/146, the Chair of the Subcommittee, together with the Chair of the Committee against Torture and the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, presented the fifteenth annual report of the Subcommittee to the Assembly at its seventy-seventh session.¹⁵

41. During the year, the Chair of the Subcommittee participated in several informal online meetings of the Chairs of the human rights treaty bodies and represented the Subcommittee at the thirty-fourth meeting of the Chairs of human rights treaty bodies, held from 30 May to 3 June 2022 in New York. The Chairs agreed to establish a predictable schedule for reviewing reports of States parties in compliance with human rights treaties obligations, with an eight-year cycle for full reviews, combined with follow-up reviews during the cycle, for the eight Committees that had periodic reviews. Similarly, the Subcommittee, which has a visiting mandate, will visit States parties, on average, every eight years, with a cyclic dialogue between visits, in accordance with the relevant statement adopted by the Subcommittee.¹⁶

42. On 26 June, the United Nations International Day in Support of Victims of Torture, the Subcommittee, the Committee against Torture and the board of directors of the United Nations Voluntary Fund for Victims of Torture issued a joint statement on health-care professionals, who are essential for torture prevention, accountability and redress for victims of torture.¹⁷

43. The Subcommittee continued to cooperate systematically with other mechanisms, including by transmitting to the Committee against Torture, for its consideration, suggestions regarding States parties to the Optional Protocol, the reports of which were to be considered at forthcoming sessions of the Committee, and issues for the Committee to consider raising with States parties under the simplified reporting procedure.

¹² CAT/OP/10 and CAT/OP/12.

¹³ CAT/OP/11.

¹⁴ CAT/C/73/2.

¹⁵ See <https://www.ohchr.org/en/statements/2022/10/chairperson-subcommittee-prevention-tortures-statement-77th-ga-session>.

¹⁶ CAT/C/73/2, annex.

¹⁷ See <https://www.ohchr.org/en/statements/2022/06/un-experts-healthcare-professionals-are-essential-torture-prevention>.

44. During its forty-eighth session, the Subcommittee met with the Committee against Torture, and they decided to continue to strengthen their cooperation. Following the meeting, they issued a joint statement on Nicaragua, deploring the State's lack of cooperation with both bodies.¹⁸ The Committee decided to issue the statement in response to a request of the Subcommittee, made under article 16 (4) of the Optional Protocol,¹⁹ given that Nicaragua had repeatedly refused to cooperate with both the Subcommittee and the Committee, and had even questioned the legitimacy of the United Nations treaty body system as a whole.²⁰ Not long before the statement was issued, the authorities of Nicaragua had refused a visit of the Subcommittee for 2023 and had also refused to provide information regarding measures taken to implement the recommendations outlined in the Subcommittee report following its visit to Nicaragua in 2014.²¹ The State party did not respond to repeated requests to hold private meetings with the Subcommittee to discuss its obligations under the Optional Protocol.

45. The Subcommittee also continued its cooperation with the regional offices of the Office of the United Nations High Commissioner for Human Rights, the United Nations country teams and the Office of the United Nations High Commissioner for Refugees.

46. The Subcommittee continued to cooperate with the treaty body capacity-building programme, particularly in support of the work of national preventive mechanisms.

2. Istanbul Protocol

47. The Istanbul Protocol was revised and the new version was launched on 29 June 2022. As one of the participants in this important revision process, the Subcommittee issued a statement to support the implementation of the new version of the Istanbul Protocol (see the annex to the present report).

3. Cooperation with other relevant international organizations

48. The Subcommittee continued its cooperation with the International Committee of the Red Cross.

B. Regional cooperation

49. The Subcommittee continued its cooperation with regional organizations, including the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, building on the reciprocal exchange of letters to give effect to article 31 of the Optional Protocol in order to strengthen complementarity and subsidiarity. Several meetings were held at the levels of Chairs and the Bureau, as well as of the secretariat.

C. Civil society

50. The Subcommittee continued to benefit from the support of civil society, including the Association for the Prevention of Torture and a number of academic institutions. The Subcommittee also benefited from its contact with civil society organizations in preparation for visits, and it thanks those organizations for their work in promoting and supporting the Optional Protocol.

¹⁸ See <https://www.ohchr.org/en/statements/2022/11/nicaragua-two-un-rights-committees-deplore-refusal-cooperate-and-lack>.

¹⁹ CAT/C/75/2.

²⁰ See <https://www.ohchr.org/en/statements/2022/11/nicaragua-two-un-rights-committees-deplore-refusal-cooperate-and-lack>.

²¹ CAT/OP/NIC/ROSP/1.

IV. Developments relating to working practices

A. Visits

51. The Subcommittee resumed its programme of visits in 2022, beginning with a high-level visit to Brazil (31 January–4 February). The main purpose of the visit, originally scheduled to be undertaken in 2020, was to raise awareness among the authorities of the State party about the views of the Subcommittee regarding the situation of the national preventive mechanism of Brazil, in particular with regard to a presidential decree adopted in 2019.²² Following the visit, the Supreme Federal Court of Brazil ruled that the presidential decree was unconstitutional.²³

52. The visit to Argentina, suspended in 2020 due to the pandemic, was resumed and completed (20–30 April). All visits, including to Tunisia (27 March–1 April), Lebanon (4–10 May), Türkiye (4–15 September), Ecuador (25 September–1 October), Australia (scheduled for 16–27 October, suspended on 23 October due to the lack of cooperation of the State party)²⁴ and Bosnia and Herzegovina (11–17 December) were discussed at the plenary upon the return of the respective delegation, each of which presented a briefing on the outcome of the visit. At its forty-seventh session, the Subcommittee decided to engage with national authorities to seek the assurances necessary to be able to resume that visit as soon as possible.

53. Following the experiences of the 2021 visit to Bulgaria and the 2022 visit to Brazil, including a situation in which a member of one delegation tested positive for COVID-19, which precluded in-person attendance of the members of the delegation at the session taking place immediately after the visit, the internal protocol was amended and adopted intersessionally and applied to the subsequent visits.

54. At its forty-seventh and forty-eighth sessions, the Subcommittee discussed the priorities of the visiting programme, in the light of the evolution of the pandemic and the situations in States parties that had ratified the Optional Protocol. A list of States parties to be visited in 2023 was made public: Croatia, Georgia, Guatemala, Kazakhstan, Madagascar, Mauritius, the Philippines, South Africa and the State of Palestine.²⁵

55. The Subcommittee continues to stress the point it made in its eleventh annual report²⁶, namely, that the inability of the Subcommittee to undertake a minimum of 12 visits per year, in line with the statement adopted at its forty-sixth session,²⁷ is significantly diminishing the preventive impact of the Optional Protocol and undermines the proactive nature of the system of prevention that it establishes. It is imperative that the Subcommittee be allocated the resources necessary to enable it to have a secretariat of adequate size and to resume its full visiting programme.

B. Meeting time

56. The forty-sixth and forty-eighth sessions were each one week in duration. The forty-seventh session marked the first time the Subcommittee met for two weeks. The Subcommittee decided that it would also hold one two-week session in 2023.

²² [CAT/OP/8](#).

²³ See <https://www.ohchr.org/en/press-releases/2022/04/un-torture-prevention-body-applauds-brazil-supreme-courts-decision>.

²⁴ See <https://www.ohchr.org/en/press-releases/2022/10/un-torture-prevention-body-suspends-visit-australia-citing-lack-co-operation>.

²⁵ See <https://www.ohchr.org/en/press-releases/2022/11/un-torture-prevention-body-announces-upcoming-visits-2023>.

²⁶ [CAT/C/63/4](#).

²⁷ [CAT/C/73/2](#), annex.

V. Looking forward

57. The Subcommittee established its programme of visits for 2023 with the hope that a new wave of the pandemic would not jeopardize the programme. It notes that the measures taken within the framework of the Subcommittee's visiting protocol and the permanent monitoring of the pandemic in Geneva ensured that members did not participate in visits if they tested positive for COVID-19 just before a scheduled visit, thus avoiding, with one exception, situations of members falling ill during or shortly after the conduct of the visit. The Subcommittee is thus optimistic that it will be able to carry out its planned activities.

58. The Subcommittee will continue to promote its COVID-19 awareness campaign in its addresses to States parties and national preventive mechanisms, focusing on the taking of protective measures for persons deprived of their liberty, for the staff of establishments and for members of national preventive mechanisms visiting such establishments.

59. Visits to places of deprivation of liberty constitute the foundation of the Optional Protocol. The Subcommittee will therefore spare no effort, and will use all means possible, to follow through with its programme of visits, despite obstacles resulting from shortfalls in resources or requests from States parties to suspend visits.

60. It has been pointed out on many occasions that visits by the Subcommittee can only take place in person, with face-to-face interviews of persons deprived of their liberty. The Subcommittee is most indebted to national preventive mechanisms for their activities in the field of prevention, as the resources of the Subcommittee do currently not permit it to undertake more visits.

61. The Subcommittee has been active in the current phase of the process to strengthen the treaty body system. It has advocated for the adaptation of procedures for the allocation of resources to enable it to provide adequate support for the increasing number of States parties to the Optional Protocol and existing national preventive mechanisms. The aim is to be in line with the predictable eight-year cycle of reviews recommended within the framework of the process.²⁸ The Subcommittee's statement on the 2020 review process²⁹ was welcomed by Chairs of the other treaty bodies, and the necessary adaptations in the allocation process were made for the new budget cycle beginning in 2024. Members of the Subcommittee are to lobby for the necessary funds to be allocated by the States parties to strengthen the activities of the Subcommittee envisioned in the new framework.

62. Taking stock of the creation and existence of national preventive mechanisms, the Subcommittee reiterated the need to receive adequate and relevant information on the effective establishment of any national preventive mechanism, which must take the form of, at the minimum, a legal instrument. In the guidelines on national preventive mechanisms, the Subcommittee specifies that the mandate and powers of the national preventive mechanism should be clearly set out in a constitutional or legislative text.³⁰ However, considering the difficulties, in some contexts, that States parties face in achieving that, the Subcommittee decided to clarify its approach and to accept any written legal instrument for that purpose, in the form of legislation or any another legal act. The Subcommittee will consolidate this practice in 2023, to ensure that the use of notes verbales, not substantiated by the appropriate legal texts, does not become an entrenched practice by which States parties might circumvent their obligations under the Optional Protocol or disregard guidance adopted by the Subcommittee. The establishment of national preventive mechanisms should not open the door to entities with other missions or whose work to prevent torture is relegated to the background.

63. The above challenges indicate that the Subcommittee must strengthen its relationships with States parties and national preventive mechanisms. It must work through a process of dialogue and a policy of openness towards those entities, without neglecting input from the

²⁸ See [A/77/228](#).

²⁹ [CAT/C/73/2](#), annex.

³⁰ [CAT/OP/12/5](#), para. 7.

non-governmental organizations with which the Subcommittee has historical or new relationships.

64. The joint celebration of the anniversaries of the Optional Protocol and the Subcommittee is an appropriate moment to recall the fundamental principles, and the strengthening of the ties, of cooperation. It is also a time to recall the need for the States parties to honour their financial commitments vis-à-vis the United Nations and to provide support through donations to the Special Fund established by the Optional Protocol.

VI. Plan of work

65. The Subcommittee has established its schedule of visits for 2023. The visits are envisaged in line with the standards the Subcommittee holds regarding the rigorousness of its work and the needs of the States parties and national preventive mechanisms, in the spirit of cooperation with and between States parties and national preventive mechanisms.

66. The Subcommittee will take the opportunity, in the context of the event marking its anniversary and that of the Optional Protocol, to recall the principles of the prevention of torture. It will also strengthen its ties of cooperation with States parties; with States, regarding the initiative to encourage States that have not yet done so to sign and ratify the Optional Protocol; with national preventive mechanisms; and with non-governmental organizations working in the field.

67. The Subcommittee will maintain the practice of participation by its members, authorized by its Bureau, in events related to the mandate conferred by the Optional Protocol. Such events may include the training of monitors, conferences on best practices or events regarding ratification procedures of the Optional Protocol.

Annex

Statement by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on the updated version of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol)

Introduction

1. In 2001, the Office of the United Nations High Commissioner for Human Rights (OHCHR) published the first edition of the *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol)*, which was subsequently updated in 2004. It has since been used in medico-legal and other contexts worldwide as a valuable practical tool to effectively guide the investigation and documentation of torture and ill-treatment; protection of victims; and advocacy work of civil society on behalf of victims. An updated and strengthened version, based on consultations involving more than 180 participants from 51 countries, was launched in June 2022.

2. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment contributed to the updating process and was part of the editorial committee, together with the other three United Nations anti-torture mechanisms (the Committee against Torture, the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment and the United Nations Voluntary Fund for Victims of Torture) and representatives from four civil society organizations (Physicians for Human Rights, International Rehabilitation Council for Torture Victims, Human Rights Foundation of Turkey and Redress Trust).

Content of the updated Istanbul Protocol

3. The updated version of the Istanbul Protocol reflects advances made in the global understanding of the practices and effects of torture and ill-treatment as well as practical experience gained over the past 20 years. In addition to updates to the six original chapters, the 2022 version includes two new chapters, which provide guidance on the role of health professionals in various contexts in which documentation may be necessary (chapter VII) and guidance on the conditions necessary for effective implementation of the Istanbul Protocol by States (chapter VIII).

Documentation and prevention of torture

4. International law requires that victims of torture and ill-treatment should be afforded remedies and redress; to this end, proper documentation is paramount to ensuring those rights. However, the importance of proper documentation of torture and ill-treatment goes beyond that. Adequate documentation also allows States parties to better understand what is happening in their jurisdictions. Such compiled knowledge, including about frequently used torture methods, situations in which torture takes place, typical perpetrators and populations at risk, is the essential basis for tailor-made prevention programmes.

5. The Istanbul Protocol provides the means to ensure a systematic, coherent and evidence-based description of every form of ill-treatment and torture. It also provides a systematic approach for assessing the consistency between narrative history and clinical findings, thus enabling States to conduct the necessary analysis and use the data for preventive purposes.

The Subcommittee and the Istanbul Protocol

6. The Subcommittee, throughout its years of functioning and during numerous visits, has advised States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to systematically use the Istanbul Protocol, given its impact with regard to the prevention of ill-treatment and torture. The Subcommittee has emphasized the importance of setting up systems allowing for transmittal of information to the public prosecutor and other relevant authorities and for prompt, thorough and exhaustive investigations where there are grounds for suspecting that a person has been subjected to torture or ill-treatment. Such examinations should be performed by qualified forensic doctors and psychologists whose independence and impartiality are ensured. Furthermore, the Subcommittee has recommended that training on the Istanbul Protocol be provided, on a regular basis, to all health and legal professionals working with persons deprived of liberty and to those mandated to monitor places of deprivation of liberty. The Subcommittee has also called for the promotion and wide dissemination of the contents of the Istanbul Protocol and for exchanges of information on best practices.

Concluding remarks

7. The Subcommittee reiterates its recommendation that all States that are party to the Optional Protocol introduce and strengthen the use of the Istanbul Protocol, the effective implementation of which relies on many actors. All of the various stakeholders should be trained in, and included in, the procedures for the implementation of the Istanbul Protocol. Its systematic use will help ensure individual victims' rights; assist in bringing perpetrators to justice, thus serving as a strong deterrent; and as serve as a strong basis for the prevention of torture. The Subcommittee therefore considers the Istanbul Protocol to be one of the most important guiding documents supporting the fundamental aim of the Optional Protocol: to prevent torture.

8. The updated version of the Istanbul Protocol provides users with the most recent information on relevant international legal norms and standards, ethical codes, legal investigation of torture and ill-treatment, general considerations for interviews and physical and psychological evidence of torture and ill-treatment. Furthermore, the new chapters provide valuable information for national preventive mechanisms and other stakeholders about the role of health professionals in documenting torture and ill-treatment in different contexts, and advice on the implementation of the Istanbul Protocol.

9. The Subcommittee stresses the essential role of national preventive mechanisms in relation to the Istanbul Protocol, and the importance of providing effective training on the Istanbul Protocol to the representatives of such mechanisms. Although in-depth documentation of cases is not the core task of national preventive mechanisms, they are in a position to observe evidence of patterns of abuse and report anonymous information, thereby preventing potential harm to others. The mechanisms are also well positioned to make appropriate referrals for accountability purposes within their mandates, and should seek to do so. National preventive mechanisms may be effective partners with regard to clarifying and/or defining the procedures for referrals between stakeholders. In addition, national preventive mechanisms should monitor the implementation of the Istanbul Protocol and its provisions, including relevant legal frameworks, policies and practices.

10. Compliance with the standards of the updated version of the Istanbul Protocol is an important step towards the effective prevention of torture and ill-treatment worldwide.
