



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

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Organizational and other matters

Thirteenth 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 2019.

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 State parties and in designated national preventive mechanisms, and details concerning the operation of the Special Fund established under the Optional Protocol.

In section III, it provides substantive information concerning developments in its working practices and comments on any issues it has faced when undertaking its work during the year under review.

In sections IV and V, the Subcommittee concludes the report by reflecting on future challenges and describing its plan of work.

A statement adopted by the Subcommittee on 22 February 2019 at its thirty-seventh session on the 2020 review is contained in an annex to the report.



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I. Introduction

1. Reflecting article 16 (3) of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and in accordance with 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, addresses its activities from 1 January to 31 December 2019. The Subcommittee considered and adopted the report at its fortieth session, in February 2020.

II. Year in review

A. Participation in the Optional Protocol system

2. As at 31 December 2019, 90 States were a party to the Optional Protocol and 13 States were signatories. In 2019, the Optional Protocol was ratified by Iceland (20 February 2019) and South Africa (20 June 2019).

The pattern of regional participation was as follows:

African States	23
Asia-Pacific States	12
Eastern European States	19
Latin American and Caribbean States	15
Western European and other States	21

The regional breakdown of the 13 signatory States 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 and membership issues

3. During the reporting period, the Subcommittee held three one-week sessions in Geneva: the thirty-seventh session (18–22 February), the thirty-eighth session (17–21 June) and the thirty-ninth session (18–22 November).

4. The membership of the Subcommittee changed in 2018.¹ In accordance with rule 9 of the rules of procedure of the Subcommittee, the eight newly elected members of the Subcommittee – Patricia Arias, Carmen Comas-Mata Mira, Hameth Saloum Diakhate, Suzanne Jabbour,² Nika Kvaratskhelia, María Luisa Romero, Juan Pablo Vegas and Sophia Vidali – assumed their duties as members upon taking their solemn oath at the thirty-seventh session.

5. Also at its thirty-seventh session, the Subcommittee re-elected Sir Malcolm Evans as its Chair and elected the following members as Vice-Chairs and members of the Bureau: Suzanne Jabbour (Vice-Chair for external relations); Abdallah Ounnir (jurisprudence and Subcommittee Rapporteur); Nora Sveaass (Vice-Chair for visits); and Victor Zaharia (Vice-Chair for national preventive mechanisms). The Subcommittee designated Satyabhooshun Gupta Domah as Rapporteur for reprisals for a term of two years.

¹ The list of members is available at www.ohchr.org/EN/HRBodies/OPCAT/Pages/Membership.aspx.

² Member of the Subcommittee from 2008 to 2016.

6. On 7 October, Haimoud Ramdan resigned from the Subcommittee following his appointment as Minister for Justice of Mauritania. The State party nominated Cheikh Tourad Abdel Malick to replace Mr. Ramdan for the remainder of his term of office, in accordance with the procedure pursuant to article 8 of the Optional Protocol. As no States parties responded negatively to the nomination within the six-week period after having been informed thereof by the Secretary-General, Mr. Malick commenced his term of office on 30 November, and will be sworn in at the fortieth session.

7. At the thirty-ninth session, Margarete Osterfeld resigned from the Subcommittee for personal reasons. Germany nominated Marina Langfeldt to replace Ms. Osterfeld for the remainder of her term of office, in accordance with the procedure pursuant to article 8 of the Optional Protocol. As no States parties responded negatively to the nomination within the six-week period after having been informed thereof by the Secretary-General, Ms. Langfeldt commenced her term of office on 8 January 2020, and will be sworn in at the fortieth session.

8. In the light of the increasing number of States parties to the Optional Protocol, the Subcommittee decided to restructure the membership of its regional teams and to restructure and reorganize the composition of its working groups.

9. The regional teams examine the implementation of the Optional Protocol within their region, reporting to the Subcommittee in plenary session, and make recommendations as appropriate. As of 31 December 2019, the heads of the regional teams will be as follows: for Africa, Gnambi Garba Kodjo (replacing Abdallah Ounnir following the thirty-seventh session); for Asia and the Pacific, June Caridad Pagaduan Lopez; for Europe, Daniel Fink; and for Latin America, Maria Dolores Gomez (replacing Roberto Fehér Pérez following the thirty-eighth session). The composition of the regional teams is available on the Subcommittee website.³

10. The Subcommittee's permanent and ad hoc working groups met as required and were able during 2019. It decided at its thirty-eighth session to establish two working groups: one on jurisprudence and practice, the other on health aspects of torture prevention (see also sect. IV below). The Subcommittee considers that meeting in subgroups and working groups facilitates discussion of a broad range of issues in an efficient, focused and participatory fashion.

11. For the first time, the Subcommittee met in dual chambers during the thirty-eighth session: one day for the meetings of the regional teams, and one day for the meetings of the working groups. This greatly facilitated the work of the Subcommittee, as it allowed members of both working groups to benefit from interpretation into the three working languages of the Subcommittee. This arrangement was also possible at the thirty-ninth session.

12. At its thirty-seventh session, the Subcommittee held a meeting with representatives of the Council of Europe on the draft additional protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine; the Bureau and heads of regional teams met with the Association for the Prevention of Torture.

13. At its thirty-eighth session, the Subcommittee held a meeting with representatives of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment to consider the implementation of the exchange of letters between the Subcommittee and the European Committee within the framework of article 31 of the Optional Protocol to the Convention against Torture. The Bureau and heads of regional teams met with the Association for the Prevention of Torture.

14. At its thirty-ninth session, the Bureau and heads of regional teams held a meeting with representatives of the Association for the Prevention of Torture.

15. At its thirty-ninth session, the Subcommittee met with the Committee against Torture to discuss issues of common interest.

³ See www.ohchr.org/EN/HRBodies/OPCAT/Pages/ContactRegionalTeams.aspx.

C. Visits conducted during the reporting period

16. Although the Subcommittee had planned, in accordance with its mandate under articles 11 to 13 of the Optional Protocol, to undertake 10 official visits in 2019, it was able to undertake only seven: to Switzerland (27 January–7 February), Costa Rica (3–14 March), Sri Lanka (2–12 April), Senegal (5–16 May), Ghana (26 May–1 June), the United Kingdom of Great Britain and Northern Ireland (8–19 September) and Cabo Verde (29 September–10 October). Due to financial difficulties of the United Nations, the planned visits to Bulgaria (13–24 October) and to Paraguay had to be postponed until 2020. The planned visit to the State of Palestine (5–12 April) was not possible for administrative reasons unrelated to the State party or the Subcommittee, and has been delayed sine die. The fact that the Subcommittee was unable to undertake the three visits explains the smaller number of visits undertaken during 2019.

17. During the course of its official visits in 2019, the Subcommittee conducted more than 950 individual or collective interviews with more than 1,500 persons, mainly with detainees but also with officials, law enforcement personnel and medical staff. It visited, inter alia, 45 prisons, including female facilities, 57 police stations, 4 juvenile detention centres, 8 psychiatric and health-care institutions, 10 closed centres for undocumented migrants and 10 other places of deprivation of liberty, such as closed rehabilitation centres, court cells, prayer camps and closed Qur'anic schools.

18. Further factual information will be made available in the press releases issued following each visit and at sessions of the Subcommittee.⁴

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

19. The substantive aspects of the dialogue arising from visits are confidential. Reports are made public only with the consent of the recipient. By the end of 2019, the Subcommittee had transmitted a total of 87 visit reports to State, including within the reporting period to Belize, Burkina Faso, Costa Rica (including to the national preventive mechanism), Kyrgyzstan (including to the national preventive mechanism), Liberia, Morocco and Poland (including the national preventive mechanism).

20. A total of 51 visit reports have been made public following requests from State parties or national preventive mechanisms under article 16 (2) of the Optional Protocol, including seven in 2019, namely the reports addressed to the State party arising from the visits of the Subcommittee to Portugal, Spain, Turkey and Uruguay, and the reports addressed to the national preventive mechanisms of Costa Rica, Kyrgyzstan and Portugal. While fully respecting the principle and right of confidentiality provided for in the Optional Protocol, the Subcommittee welcomes the greater 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 the recipients of reports to request their publication.

21. 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 such replies from Portugal, Turkey and Uruguay.

22. During the reporting period, the Subcommittee held advance preparatory meetings with each of the State parties scheduled for a visit and, in accordance with established practice, invited each State party that it visited to meet with the Subcommittee at the subsequent session to discuss how best to advance the post-visit dialogue.

⁴ See www.ohchr.org/EN/NewsEvents/Pages/newssearch.aspx?MID=Sub_Committ_Torture.

E. Developments concerning national preventive mechanisms

23. The Subcommittee has continued to engage in dialogue with State parties and signatories at its sessions concerning the designation or functioning of their national preventive mechanisms. At its thirty-seventh, thirty-eighth and thirty-ninth sessions, it held meetings or teleconferences with representatives of Argentina, Australia, Belize, Benin, the Plurinational State of Bolivia, Bosnia and Herzegovina, Brazil, Burundi, Chile, Colombia (as signatory), Cyprus (national preventive mechanism), the Democratic Republic of the Congo, Denmark (national preventive mechanism), Ecuador, El Salvador, Gabon, Guatemala (national preventive mechanism), Honduras (national preventive mechanism), Madagascar, Maldives, Mexico, Mongolia, Morocco, New Zealand (national preventive mechanism), Nicaragua, the Niger, Nigeria, Panama (national preventive mechanism), Peru (national preventive mechanism), Poland, Portugal, South Sudan, the United Kingdom of Great Britain and Northern Ireland (national preventive mechanism), Uruguay (national preventive mechanism), the Bolivarian Republic of Venezuela and the State of Palestine.

24. In accordance with its mandate under article 11 (b) (ii) of the Optional Protocol, the Subcommittee established and maintained direct contact with national preventive mechanisms. During its sessions in 2019, in addition to its meeting with them during its visits, the Subcommittee met or held videoconferences with the national preventive mechanisms of Cyprus, Denmark, Guatemala, Honduras, New Zealand, Panama, Peru, Uruguay and the United Kingdom of Great Britain and Northern Ireland.

25. The Subcommittee and its members have continued to receive invitations to attend numerous national, regional and international meetings on 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. It regrets that its participation must remain conditional on the financial support of others, as it has no budget allocation with which to fund the attendance of its members. The Subcommittee also 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 (OHCHR).

F. Substantial non-compliance with article 17

26. At its twenty-seventh session, the Subcommittee decided to identify State parties whose establishment of their national preventive mechanism was substantially overdue and to record them on a list.⁵ The list is revised at each session of the Subcommittee, and State parties will be removed from the list once the threshold for such removal is met, namely, that the Subcommittee has received (a) notification of the official designation of the national preventive mechanism; and (b) copies of the documentation providing for its establishment and effective functioning. As at 31 December 2019, 13 State parties were listed: Benin, Bosnia and Herzegovina, Burkina Faso, Burundi, Chile, the Democratic Republic of the Congo, Gabon, Liberia, Mongolia, Nauru, the Niger, Nigeria and the Philippines.

27. This remains a matter of great concern to the Subcommittee, particularly since some of these State parties still appear to be making little if any progress towards fulfilling their obligations.

G. Special Fund established under the Optional Protocol

28. 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 2019, grants amounting to \$276,494 were awarded through the Special Fund to support 12 torture prevention projects in 10 State parties during their implementation in 2020. The

⁵ See www.ohchr.org/EN/HRBodies/OPCAT/Pages/Article17.aspx.

Subcommittee has assisted in the assessment of project proposals and recommendations for grants.

29. The Subcommittee greatly appreciates the contributions made to the Special Fund during the reporting period by Czechia (\$8,703), France (\$55,741), Germany (\$85,227), Norway (\$108,318) and Spain (\$ 32,822). Nevertheless, it remains mindful of the fact that further contributions will be necessary to support projects during the 2020–2021 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.

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

A. International cooperation

1. Cooperation with other United Nations bodies

30. The Chair of the Subcommittee discussed the twelfth annual report of the Subcommittee (CAT/C/66/2) with the Committee against Torture in plenary session at the Committee's sixty-sixth session.

31. 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, presented the twelfth annual report of the Subcommittee to the Assembly at its seventy-fourth session.

32. As a member of the meeting of the Chairs of the treaty bodies, the Chair of the Subcommittee participated in the thirty-first meeting of the former, which was held in New York from 24 to 28 June 2019.

33. On 26 June, the United Nations International Day in Support of Victims of Torture, the Subcommittee on Prevention of Torture, the Committee against Torture, the United Nations Voluntary Fund for Victims of Torture and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment issued a joint statement⁶ in which they highlighted the need to achieve justice and rehabilitation for torture victims and, in particular, the significance of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol).

34. The Subcommittee continued to cooperate systematically with other mechanisms, including by transmitting to the Committee against Torture suggestions for it to consider concerning States parties to the Optional Protocol, the reports of which are to be considered at forthcoming sessions of the Committee, and issues for it to consider raising with State parties under the simplified reporting procedure. At their joint meeting in November 2019, within the framework of the thirty-eighth session of the Subcommittee and the sixty-eighth session of the Committee against Torture, the Subcommittee and Committee against Torture discussed the implementation of the obligations of the Convention and of the Optional Protocol thereto in a range of States of current mutual interest.

35. The Subcommittee continued to cooperate with the treaty body capacity-building programme.

36. The Subcommittee also continued its cooperation with the regional offices of OHCHR, the United Nations country teams and the Office of the United Nations High Commissioner for Refugees, particularly in the context of its field visits.

⁶ www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24739&LangID=E.

2. Cooperation with other relevant international organizations

37. The Subcommittee continued its cooperation with the International Committee of the Red Cross, particularly in the context of its field visits.

B. Regional cooperation

38. 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. The Subcommittee also met with representatives of the Council of Europe and the secretariat to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine for an exchange of views concerning proposals for a protocol to the Convention. The Subcommittee expressed its concerns at aspects of the proposals. The Subcommittee is aware that, following widespread expressions of concern, new proposals are likely. It welcomes the opportunity to contribute to future discussions, drawing on its own expertise and experience concerning the matters to be addressed.

C. Civil society

39. 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, including the Human Rights Implementation Centre at the University of Bristol. It also benefited from its contact with civil society organizations during visits, which it thanks for their work in promoting and supporting the Optional Protocol. The Subcommittee is particularly grateful to the Geneva Centre for Security Sector Governance for facilitating meetings with a delegation from the State of Palestine at its thirty-eighth session regarding the establishment of the national preventive mechanism by the State party.

40. The Subcommittee also welcomes the revision to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol), to which it was pleased to contribute.

IV. Developments relating to working practices

A. Visits

41. The Subcommittee had planned to resume a programme of 10 visits in 2019, having been able to undertake only six visits in 2018. It was, however, able to make visits to only seven State parties (Cabo Verde, Costa Rica, Ghana, Senegal, Sri Lanka, Switzerland and the United Kingdom of Great Britain and Northern Ireland). A planned visit to the State of Palestine has been delayed sine die (see para. 16 above). Another two visits – to Bulgaria and Paraguay – had also been announced, but could not be made as planned owing to budgetary restrictions. This is the first time in the Subcommittee's history that visits that had been planned and announced have had to be postponed for such reasons.

42. The Subcommittee reiterates the point it made in its eleventh annual report, on the work undertaken in 2017 (CAT/C/63/4), that the inability of the Subcommittee to undertake a minimum of 10 visits per year significantly diminishes 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 undertake a full visiting programme.

B. Working groups

43. The Subcommittee benefited in June and November 2019 from the availability of additional interpretation facilities during its sessions. This permitted all members to contribute more effectively to the working groups and regional teams of the Subcommittee,

helping it to expedite the consideration of a number of important issues. While welcoming this positive development, the Subcommittee remains of the view that an additional plenary meeting, accompanied by a corresponding increase in its secretariat human and financial resources, is necessary for it to be able to fulfil its mandated functions effectively.

C. Regional teams

44. The regional teams and the respective country rapporteurs have continued to engage extensively with national preventive mechanisms, which has included but not been limited to providing feedback on annual reports, and addressing queries made by national preventive mechanisms and providing them with substantive and practical information in country-specific contexts. The extensive use of videoconferencing during meetings of regional teams allowed them to engage with a considerable number of State parties and national preventive mechanisms at each session. Improved videoconferencing facilities would further enhance the quality of such exchanges.

D. Views regarding the operation of a national preventive mechanism

45. In 2019, questions were raised concerning proposed structural changes to the national preventive mechanism in Brazil. Following requests for guidance, the Subcommittee issued a document entitled “Views of the Subcommittee on Prevention of Torture on the compatibility of Presidential Decree No. 9.831/2019 with the Optional Protocol to the Convention against Torture”. The Subcommittee welcomes the positive response to the issuance of these views, and looks forward to further dialogue with both the mechanism and the State party on the matters raised. The document has been issued as a public document of the Subcommittee and posted on its website,⁷ given that it offers views that are of general relevance to all State parties and national preventive mechanisms.

V. Looking forward

46. The work of the Subcommittee was seriously affected by resourcing constraints in 2019; indeed, even the thirty-ninth session of the Subcommittee was, for a period, at risk of cancellation. Programmed visits will now have to be made in 2020, reducing the capacity of the Subcommittee to visit other State parties, which it had hoped to do. The Subcommittee is well aware that the financial crisis affecting the treaty body system has not gone away, and that its plan of work for 2020 cannot be guaranteed. Once again, it is necessary to stress that the real victims of this situation are those at risk of torture and detainees around the world, many of whom languish in the most inhuman of situations.

47. The Subcommittee is also aware that there is a need for it to support the establishment of national preventive mechanisms in an increasing number of State parties since not all have fulfilled their obligation to establish such mechanisms. All States are required to establish their national preventive mechanisms within a year of ratification unless they have delayed that obligation by making a declaration as provided for under article 26 of the Optional Protocol. Currently 22 States are not in compliance with this obligation. There are also significant regional variations: 13 are in Africa (55 per cent of all State parties in the region), four in Asia-Pacific (33 per cent of all State parties in the region), four in Latin America and the Caribbean (25 per cent of all State parties in the region) and one in Eastern Europe (5 per cent of State parties in the region). All State parties from the Western European and Other Group have done so. Much work therefore remains to be done to ensure a global culture of compliance. The Subcommittee is committed to that task and seeks to assist all States in whatever way it can to support the establishment and operation of a national preventive mechanism compliant with the Optional Protocol. This requires, however, that State parties have the will to do so; in an increasing number of State parties, the Subcommittee doubts that this is the case.

48. In recent years, the Subcommittee has compiled a list of States whose establishment of a national preventive mechanism is more than three years overdue (see para. 26 above).

⁷ www.ohchr.org/EN/HRBodies/OPCAT/Pages/AdvicesToNPMS.aspx.

These States will have had four years to do so since the date of the ratification of the Optional Protocol. The list is clearly too long; unfortunately, however, it is likely that the list will become substantially longer in the coming year.

49. The Subcommittee also wishes to point out that, while the establishment of a national preventive mechanism in all States on the article 17 list is substantially overdue, in some State parties it is egregiously so; in the case of, for example, Benin, Bosnia and Herzegovina, Chile, Liberia and Nigeria, such a mechanism is more than 10 years overdue. These States seem to lack the will to comply with this obligation, thus violating not only the letter but also the spirit of the Optional Protocol. While the Optional Protocol may be indeed be optional, the obligation to establish a national preventive mechanism is not, given that it is an element central to the Optional Protocol. All State parties are offered advice and technical assistance to assist them in doing so. The Subcommittee has examined the situation in many of these States during its country visits, concluding regretfully that there appeared to be little sense of urgency attached to the establishment of the mechanism – and therefore to the prevention of torture and ill-treatment. The Subcommittee has visited some of these States not once but twice, and they still have made no progress. It has contacted them frequently, but some have rarely replied. All State parties should take responsibility for the commitments they have undertaken and honour their obligations by establishing a national preventive mechanism, as they have promised to do.

50. The Subcommittee is also mindful that, in 2020, the General Assembly is due to undertake a review of its support for the treaty body system, in accordance with the terms laid out by the Assembly in its resolution 68/268. The Subcommittee has been following the discussions in advance of that review, and in particular has contributed to the discussions that resulted in the endorsement by the Chairs of the treaty bodies of a vision for the future of the treaty body system, at the meeting of the Chairs held in June 2019. The Subcommittee is supportive of that vision, and notes that some of the proposals draw inspiration from the practice and experience of the Subcommittee as a treaty body engaging with State parties in country and in region.

51. The Subcommittee is, however, very concerned that the 2020 review process may not fully engage with the needs of the Subcommittee, given its unique mandate among the treaty bodies. Indeed, the concern is compounded by the fact that the financial solutions found for the treaty body funding crisis in 2019 were sufficient to protect the work of all treaty bodies except the Subcommittee, whose need to conduct visits was not catered for.

52. At its thirty-seventh session, the Subcommittee adopted a statement on the 2020 review (see annex). The Subcommittee stresses the significance of its work being properly reflected in the 2020 review, and draws attention to its statement of its needs.

VI. Plan of work

53. The Subcommittee has already announced visits to Argentina, Australia, Bulgaria, the Central African Republic, Croatia, Lebanon, Madagascar, Nauru, Paraguay and the State of Palestine in the coming months. In accordance with its established practice, further announcements concerning future visits may be made after future sessions.

Annex

The Subcommittee on Prevention and the 2020 review

1. The Subcommittee approaches the 2020 review in a positive spirit, seeking to ensure that the review enhances the capacity of the treaty bodies, individually and collectively, to put rights holders at the heart of their work by maximising the effectiveness of the system.

2. Inspired by the principles and approaches articulated at the conference on strengthening the treaty body system held at Wilton Park in March 2018, the Chairs of the treaty bodies, at their thirtieth meeting, in New York in May 2018, decided to canvass the views of all treaty bodies on a series of issues relating to their working practices and a number of suggestions for change. In particular, these related to the length of the reporting cycle, whether consideration of State party reports should be focused on a single session at which a State met with the treaty bodies, rather than have States come to sessions of the treaty bodies as is currently the case, and whether State party reports might be considered in situ rather than in Geneva.

3. As inputs for the 2020 review are now being prepared, the Subcommittee believes that it is important to make the following points:

(a) The Subcommittee has consistently argued that it ought to have the capacity to engage with States through its visiting mandate with a periodicity akin to that of the reporting cycle of the other human rights treaty bodies. This reflects its experience that periods of about four years are appropriate for both its visits and for reporting. It does not believe that periods of much more than four years for either visiting or reporting are appropriate;

(b) Given its experience of working in the field, the Subcommittee believes that in situ engagement has many advantages over procedures that are focused solely on Geneva. It firmly supports focused engagement by the treaty bodies both in situ and in Geneva, and would encourage participants in the review to embrace and facilitate this, to bring their work closer to rights holders, duty bearers, service users and providers and civil society more generally.

4. The Subcommittee is, in addition, conscious that – as in the process leading up to the adoption of General Assembly resolution 68/268 – its mandate-specific work has not received sufficient consideration. It is deeply concerned that the 2020 review will fail to rectify this failure. It therefore believes it is important to stress that, in accordance with its mandate under article 11 of the Optional Protocol, the Subcommittee should, at a minimum:

(a) Be able to undertake 10 to 12 formal visits per year, in accordance with article 11 (a) of the Optional Protocol;

(b) Be allocated specific resources in order for it to support its mandate of advising States and assisting them in the establishment of national preventive mechanisms, and advising the mechanisms on their work and practice, in accordance with article 11 (b) of the Optional Protocol (this has not been the case in the past);

(c) Have the resourcing necessary to enable it to engage effectively with other international bodies working in the field of torture prevention, in accordance with article 11 (c) of the Optional Protocol;

(d) Have the capacity and resourcing necessary to enable it to engage with States on the implementation of its recommendations through a variety of formats.

5. In practical terms, this also means that, in order to be able to process its work, the Subcommittee would need to have an additional week of plenary time every year and, in addition, the capacity to work in sections (chambers/working groups) with translation facilities for at least half of each of its sessions.

6. Access to enhanced video conferencing facilities for its chambers/working groups are also essential for the Subcommittee to maintain regular contact at its sessions with national

preventive mechanisms and officials with whom it is working to assist in the implementation of obligations emanating from the Optional Protocol.

7. Lastly, it is essential that this is accompanied by a significant increase in the size of the secretariat (by at least two staff members at the P level and one General Service staff member) to work for the Subcommittee on a permanent basis. The nature of the Subcommittee's work involves building long-term relationships, which requires a stable, dedicated staff base.

8. The present paper is not intended to define the extent of these needs; rather, it is to ensure that the specific resourcing needs of the Subcommittee are known and taken properly into consideration alongside the needs of other treaty bodies during the 2020 review.

9. The Subcommittee fully supports the importance of the regular and timely monitoring of human rights obligations of States by specialized treaty bodies. Those at risk of torture should not, however, be forgotten, so it is important that the work of this mechanism, which was set up by the United Nations to ensure that those persons are protected, is properly recalled, respected and reflected during the 2020 review.
