



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

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## Committee against Torture Eightieth session

### Summary record of the first part (public)\* of the 2130th meeting\*\*

Held at the Palais Wilson, Geneva, on Tuesday, 23 July 2024, at 10 a.m.

*Chair:* Mr. Heller

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\* The summary record of the second part (closed) of the meeting appears as document [CAT/C/SR.2130/Add.1](#).

\*\* No summary records were issued for the 2126th to 2129th meetings.

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*The meeting was called to order at 10 a.m.*

**Meeting with the Chair of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/79/2)**

1. **Ms. Jabbour** (Chair, Subcommittee on Prevention of Torture), introducing the Subcommittee's seventeenth annual report (CAT/C/79/2), said that, in 2023, the global context within which the Subcommittee and the Committee operated had been significantly shaped by conflict. However, the commitment of both bodies to the prevention of torture had remained resolute and had even been strengthened at a time when it was much needed. Côte d'Ivoire and Slovakia had become States parties to the Optional Protocol, bringing the total number to 93. While the Subcommittee had undergone significant organizational changes in 2023, including the election of new members and the strategic reshaping of both the regional teams and the standing working groups, its working methods continued to be centred around visits, which were key to its mandate to prevent torture and ill-treatment.
2. In 2023, the Subcommittee had undertaken visits to the Philippines, Georgia, Guatemala, the State of Palestine, Croatia, Madagascar, Kazakhstan and South Africa. In conducting and following up on those visits, the Subcommittee had identified recurring problems, and it had urged States parties to carry out the reforms necessary to address them, including by establishing national preventive mechanisms, reducing prison overcrowding and modernizing prison systems. Following one of the visits, the Subcommittee had received an allegation relating to reprisals. The Subcommittee had raised the matter with the State party concerned to ensure that protective measures were taken. Thus far in 2024, the Subcommittee had conducted visits to Gabon, Albania, Honduras and Mongolia, and it had made plans to visit the Plurinational State of Bolivia, the Democratic Republic of the Congo, Greece and Nigeria later in the year.
3. During the visits conducted in 2023, the Subcommittee had held individual or collective interviews with more than 3,500 persons. Although most of the interviewees had been persons deprived of their liberty, interviews had also been held with officials, law enforcement personnel and medical staff. Those interviews, and the visits conducted to numerous places of deprivation of liberty, had given the Subcommittee insights into the treatment of persons deprived of their liberty, conditions in places of detention and prison management practices.
4. The Subcommittee's approach was informed by the cultural, socioeconomic and institutional context of each country that it visited. For example, in countries where new prison facilities were in the process of being constructed, the Subcommittee recommended the swift completion of those facilities and the transfer of prisoners to them, while in countries where building new prisons was not feasible, it recommended the use of alternative measures to detention, such as community service, house arrest and electronic tagging.
5. Various operational challenges, including the lack of available resources, had prevented the Subcommittee from undertaking all the visits that it had intended to make. The ongoing liquidity crisis facing the United Nations had significantly undermined the Subcommittee's operational capacity and effectiveness. She was pleased to note that, in spite of those challenges, the Subcommittee would be able to proceed with its planned visits to Nigeria, the Democratic Republic of the Congo and Greece and would also be able to hold a third session in 2024, thanks largely to the advocacy work carried out by the Office of the United Nations High Commissioner for Human Rights.
6. The visits conducted by the Subcommittee in recent months had yielded some very positive outcomes. For example, during the visit to Honduras, the visiting team had witnessed deeply troubling conditions in places of deprivation of liberty. However, the Subcommittee's presence in that country might well have played a part in expediting the appointment of the remaining members of the national preventive mechanism, which was recognized and respected by both persons deprived of their liberty and the authorities.
7. In order to strengthen the framework for the prevention of torture and ill-treatment, the Subcommittee's annual report for 2023 included annexes addressing specific queries raised by national preventive mechanisms. Those queries concerned the independence of

mechanisms established within national human rights institutions and the scope of the documentation to which mechanisms should have access in executing their mandates.

8. The Subcommittee's engagement with other bodies, including United Nations agencies, regional organizations and civil society stakeholders, played a significant part in its work. It had collaborated with the Global Alliance of National Human Rights Institutions during the Fourteenth International Conference of National Human Rights Institutions in Copenhagen, thereby strengthening the network of institutions working to prevent torture and highlighting the importance of national preventive mechanisms in such efforts. Collaboration had also been essential to the development of the Subcommittee's general comment No. 1 (2024) on article 4 of the Optional Protocol (places of deprivation of liberty), which it had adopted at the session held in June 2024.

9. The exchange of information between the Subcommittee and the Committee enhanced the operational efficiency of both bodies, ensuring that their actions were informed, relevant and impactful. The synergy between the two bodies was further enhanced by the Committee's role in advocating the ratification of the Optional Protocol and the establishment of national preventive mechanisms by States, and such advocacy served to consolidate the global network of bodies committed to the prevention of torture. The treaty body strengthening process had also benefited from the collaboration between the Committee and the Subcommittee, through their Chairs' shared leadership at the thirty-fifth annual meeting of the Chairs of the human rights treaty bodies.

10. **Mr. Iscan** said that transparency was an essential aspect of preventing and prohibiting torture. In that regard, it was interesting to note that, by the end of 2023, 52 of the Subcommittee's 82 visit reports had been made public (CAT/C/79/2, para. 20). The Committee would be interested to know whether the Subcommittee could provide any further guidance on how to encourage States parties to commit themselves to the principle of transparency.

11. **The Chair** said that, when the Committee issued concluding observations to States that had not yet ratified or acceded to the Optional Protocol, it routinely recommended that they do so. In taking that important step, States undertook to establish a national preventive mechanism and to facilitate visits by the Subcommittee to places of deprivation of liberty. Given that some of the States that the Subcommittee had visited, or planned to visit, had declared states of emergency, it would be interesting to know whether such situations restricted the Subcommittee's ability to visit places of deprivation of liberty.

12. Members of the Committee had attended the Fourteenth International Conference of National Human Rights Institutions in Copenhagen and had made efforts to strengthen the Committee's relations with such institutions. The Committee and the Subcommittee had worked together to promote the adoption, in December 2024, of the biennial General Assembly resolution relating to the human rights treaty body system. In the Committee's view, the resolution should address the adoption of a predictable eight-year cycle for States party reviews, the harmonization of working methods, the digital uplift and the need for the treaty body system to be properly resourced. Given that the work of many treaty bodies had been adversely affected by the lack of resources available to them, it would be interesting to know whether, and to what extent, that problem had affected the Subcommittee's ability to conduct visits.

13. **Mr. Kessing**, noting that more than 100 armed conflicts were currently taking place around the world, said that he wished to know whether the Subcommittee could undertake visits to States affected by such conflicts.

14. **Ms. Jabbour** (Chair, Subcommittee on Prevention of Torture) said that the Subcommittee's work was based on the principle of confidentiality and that not all States chose to make its visit reports public. However, national preventive mechanisms could publish their own reports and could encourage States parties to publish the Subcommittee's visit reports. Often, the two types of report contained the same findings and recommendations. The Optional Protocol differed from the other human rights treaties in that it required States to establish a national body – the national preventive mechanism – that could serve as a partner for the Subcommittee, including in its efforts to promote transparency.

15. Of late, there had been a disengagement on the part of States where human rights generally, and torture prevention specifically, were concerned. The Subcommittee therefore needed to be creative in finding ways to enable States to collaborate with it and fulfil their obligations under the Optional Protocol. Other bodies, such as civil society organizations and national and regional organizations that worked in the area of torture prevention, also had an important part to play in that regard.

16. The Fourteenth International Conference of National Human Rights Institutions had focused on the role of such institutions in preventing torture, as reflected in the declaration adopted by the institutions that had participated in the Conference. The greater the involvement of different actors in efforts to combat torture, the easier it would be to promote transparency. Although States were often reluctant to act on recommendations issued by experts, rather than as a result of peer reviews, they should be encouraged to understand that experts had a significant contribution to make through the provision of technical assistance.

17. The Subcommittee had encountered restrictions relating to a state of emergency during its visit to the State of Palestine. It had engaged with the de facto authorities but had failed to persuade those authorities to allow it to visit the Gaza Strip. The de facto authorities had expected the Subcommittee to comply with their regulations. However, the visiting team could not do so as it was required to act in line with its mandate and to follow its normal practices and procedures for visits.

18. In situations of armed conflict, the preventive work undertaken by the Subcommittee was of lower priority than the immediate action required to save the lives of people affected by the conflict. However, the Subcommittee made efforts to monitor situations of conflict and communicate with the relevant authorities, as it had done with the authorities in Ukraine.

*The public part of the meeting rose at 10.35 a.m.*