



**Optional Protocol to the
Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**Subcommittee on Prevention of Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

Forty-second session

Summary record of the second part (public)* of the 6th meeting

Held via videoconference on Friday, 13 November 2020, at 5.05 p.m. Central European Time

Chair: Sir Malcolm Evans

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* The summary record of the first part (closed) of the meeting appears as document [CAT/OP/42/SR.6](#).

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The public part of the meeting was called to order at 5.05 p.m.

Closure of the session

1. **The Chair** said that much of the session, which had been held entirely online, had been devoted to discussions with other interested bodies of experiences of working during the coronavirus disease (COVID-19) pandemic. While the pandemic presented challenges for all bodies working to prevent torture, it created even greater difficulties for persons deprived of their liberty and at risk of torture. In considering such persons and the risks that they faced, the Subcommittee was mindful of the fact that both financial constraints and pandemic-related restrictions had prevented it from conducting visits to places of deprivation of liberty in 2020. However, the Subcommittee hoped to be able to resume such visits in the near future and it had spent a great deal of time discussing the practicalities of doing so under the current circumstances.

2. In order to continue providing support to national preventive mechanisms, the Subcommittee's regional teams had held discussions with a number of them to determine how those mechanisms had responded to the pandemic and what could be learned from their experiences. Earlier in 2020, the Subcommittee had issued advice to national preventive mechanisms and States parties on the measures that might be taken in detention systems in connection with the pandemic. The Subcommittee had subsequently sought to obtain feedback on the impact of such measures on persons deprived of their liberty.

3. The Subcommittee had learned that many States parties had taken steps to mitigate the effect of the pandemic by reducing overcrowding in places of detention. Moreover, in many places of detention, greater use had been made of technology to enable detainees to communicate with friends and family members. It was interesting to note that the Subcommittee, along with many other bodies, had been calling for such measures for many years but had always been told that they were not possible. The difference now appeared to be a greater willingness on the part of the authorities to implement them. It was to be hoped that such changes would remain in place after the pandemic had ended in order to bring about long-term improvements in the lives of persons deprived of their liberty.

4. The pandemic had forced States parties to face the fact that many persons deprived of their liberty lived in very poor conditions. It had created the opportunity to instigate a major debate about the role played by detention in criminal justice systems and in the modern world in general. The Subcommittee encouraged all concerned stakeholders to pursue that debate once the pandemic had passed. In that regard, the Subcommittee was continuing to develop new ways of thinking about detention and new guidance for States parties and national preventive mechanisms on how best to monitor places of detention. The Subcommittee would continue starting conversations about what was feasible in the area of preventive visiting and how such visits should be conducted in future.

5. **Mr. Kvaratskhelia**, speaking on behalf of Ms. Lopez, head of the regional team on Asia and the Pacific, said that, despite the challenges associated with working online, the team had made progress in its work. Three countries from the region were currently on the Subcommittee's public list of States parties whose compliance with their obligation under article 17 of the Optional Protocol to designate or establish a national preventive mechanism was at least three years overdue. The Subcommittee had, however, received credible information that those States parties were taking steps to implement that obligation. It was hoped that they could soon be removed from the article 17 list.

6. The team had reviewed the work conducted by national preventive mechanisms in the region during the COVID-19 pandemic and had identified a number of good practices. However, it appeared that, in some cases, the pandemic had exacerbated the challenges that they were already facing. The team was engaging directly with the mechanisms concerned.

7. The team was of the view that the Subcommittee's visits to the region should be resumed as soon as possible and had set priorities in that regard. It was continuing to monitor the situation regarding the publication of the Subcommittee's visit reports and the follow-up by States parties to those reports. He wished to remind States parties from the Asia and the Pacific region of their obligations in that regard.

8. **Ms. Comas-Mata Mira**, speaking on behalf of Mr. Fehér Pérez, head of the regional team on the Americas, said that the team was concerned about the adverse effects of the pandemic, and some of the protection measures taken in response to it, on detainees in many countries in the region. It had likewise received reports of attacks against members of national preventive mechanisms as they sought to carry out their mandates and of a further deterioration in detention conditions in certain places of deprivation of liberty. The detention of migrants, especially those travelling through Central America, was also a cause for concern. She hoped that the Subcommittee would be able to examine that issue in greater detail at a future session.

9. The Subcommittee had met with representatives of the Inter-American Commission on Human Rights to discuss ways and means of strengthening cooperation between the two bodies in the areas of torture prevention and treatment of persons deprived of their liberty.

10. Going forward, the Subcommittee would need to follow up on the multiple issues that had arisen during the pandemic and to respond to those that would surely arise in the post-pandemic period. She wished to recall that visiting places of deprivation of liberty was part of the Subcommittee's core mandate and what distinguished it from other treaty bodies. She hoped that the pending visits to the Americas region could take place in the very near future.

11. **Mr. Ounnir**, speaking as head of the regional team on Africa, said it was regrettable that the Subcommittee had not been able to conduct any visits since the beginning of 2020 owing to the travel restrictions related to the pandemic. He hoped that those visits could be rescheduled as soon as circumstances allowed. In the interim, the team had continued to guide States parties and national preventive mechanisms in the region following the publication of the advice of the Subcommittee to States parties and national preventive mechanisms relating to the COVID-19 pandemic (CAT/OP/10) in April 2020.

12. He was pleased to report that the Niger had recently established a national preventive mechanism and that the team had started to foster a constructive working relationship with its members. Not long after having ratified the Optional Protocol, South Africa was making rapid progress towards setting up and operationalizing a national preventive mechanism. The team was working closely with the South African Human Rights Commission to support that process.

13. The reports on the Subcommittee's visits to Ghana and Senegal had been completed and duly transmitted to the States parties concerned. He would encourage Ghana and Senegal to make those reports public in order to facilitate dialogue with the Subcommittee and to become eligible to request assistance from the Special Fund established pursuant to article 26 of the Optional Protocol. States parties and national preventive mechanisms from the region that were experiencing difficulties should not hesitate to contact the Subcommittee for support. Lastly, the team had highlighted the need for the Subcommittee to step up its engagement with African regional mechanisms, such as the Committee for the Prevention of Torture in Africa.

14. **Mr. Fink**, speaking as head of the regional team on Europe, said that, during the pandemic, the team had devoted much of its time to providing support and advice to States parties and national preventive mechanisms in the region. However, the sheer number of States parties and the diversity of their mechanisms made it difficult to closely monitor the situation in each country. The team had therefore decided to hold a webinar with national preventive mechanisms at the Subcommittee's next session to review States parties' responses to the pandemic. It also planned to contact States parties to request information on the good practices that they had adopted in that connection.

15. He wished to inform interested stakeholders that the University of Lausanne, Switzerland, had recently published a report containing an evaluation of the short-term impact of COVID-19 on prison populations. That research was extremely valuable and would allow the Subcommittee to expand on the advice that it had issued to States parties and national preventive mechanisms in April 2020.

16. The team had also discussed the importance of the Subcommittee's resuming its visits to the region as soon as possible and the need to review visiting modalities in the light of the

current circumstances. It planned to consult the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in that regard.

17. **The Chair** said that eight members, including himself, would be leaving the Subcommittee when their terms of office expired on 31 December 2020. The other members were: Mr. Abdel Malick, Ms. Gómez, Ms. Lopez, Mr. Michaelides, Mr. Mitrovic, Ms. Vidali and Mr. Zaharia. He wished to thank them for their service and the many ways in which they had contributed to the Subcommittee. While it was hoped that the Subcommittee would be able to hold its February 2021 session in person so as to allow the new members to meet their colleagues, the possibility of the session having to be held online could not be ruled out at the current stage.

18. **Ms. Jabbour**, Vice-Chair, said that those members who would be leaving the Subcommittee had each brought a great deal of expertise to bear on its work. She wished to extend a special thanks to Sir Malcolm Evans for his professionalism, determination, diplomacy, leadership and wisdom during his tenure as Chair of the Subcommittee and for his significant contribution to the field of torture prevention. She trusted that the Subcommittee would continue to build on the solid foundations that he had laid since joining its ranks.

19. **Mr. Ounnir**, Vice-Chair, said that he wished to thank Sir Malcolm Evans for his years of loyal service and the vast contribution that he had made to the work of the Subcommittee during his 10-year tenure as Chair, which would leave an indelible mark on its history. During that time, he had played a key role in developing the Subcommittee's working methods, ably guided its work and raised its profile within the international community. His unfailingly considerate nature, coupled with his conciliatory spirit, had allowed the Subcommittee to adopt nearly all of its decision by consensus and to overcome many obstacles.

20. **Ms. Sveaass**, Vice-Chair, said that she was saddened by the departure of those Subcommittee members whose terms of office had come to an end, in particular the Chair, Sir Malcolm Evans. Having served alongside Sir Malcolm on the Bureau, she had witnessed first-hand his preparedness, eagerness to find solutions, attentiveness, good humour and optimism. Sir Malcolm had been a tireless advocate of the Optional Protocol and a champion of the cause of torture prevention. His insight and analytical gaze had been an inspiration to many on the Subcommittee.

21. **The Chair** said that he was grateful to members and to the secretariat for the countless ways in which they had supported the work of the Subcommittee over the years. It was a huge privilege to have worked alongside colleagues with such a wide range of expertise in the field of torture prevention and to have witnessed their devotion to a common cause. The life-changing experiences that members had shared while visiting places of deprivation of liberty had fostered a unique camaraderie that would last far beyond the term of their membership of the Subcommittee.

22. He noted that the list of decisions taken by the Subcommittee at the current session would be adopted intersessionally. After the customary exchange of courtesies, he declared the forty-second session of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment closed.

The meeting rose at 5.55 p.m.