



UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS



Address of Ms Louise Arbour,
the High Commissioner for Human Rights,
Temporary Chairperson
to the First session of the Subcommittee on
Prevention of Torture and Inhuman or Degrading
Treatment or Punishment

Check against Delivery



Monday, 19 February 2007

Geneva, Palais Wilson

First Floor Conference Room, 10.00 a.m.

Distinguished members of the United Nations Subcommittee on
Prevention of Torture,
Distinguished delegates,
Representatives of civil society,
Dear friends,

I have the pleasure of extending to you a very warm welcome
to the first meeting of the Subcommittee on Prevention of Torture.

Your meeting is the culmination of thirty years of work,
spearheaded by committed individuals, such as Jean-Jacques Gautier,
together with the then Swiss Committee against Torture (today the
Association for the Prevention of Torture) and the International
Commission of Jurists. It is thanks to their vision and labour that the
Optional Protocol to the United Nations Convention against Torture and
Other Cruel, Inhuman or Degrading Treatment or Punishment was
originally conceived to fill a glaring protection gap.

Their passionate advocacy efforts on behalf of countless
victims were finally rewarded when, on 18 December 2002, the General

Assembly adopted the Optional Protocol which entered into force on 22 June 2006. To date, 56 States have signed the Protocol, while 32 have ratified or acceded to it. Early signature and ratification mark a strong step in the promotion of human dignity.

Thus, I exhort the remaining 120 States Parties to the UN Convention against Torture which have not yet done so to ratify this crucial instrument. By the same token, States which are not party to the Convention against Torture should also accept both of these treaties.

While the entry into force of the Optional Protocol represents an historic step in the worldwide fight against torture and other forms of ill-treatment, it arrives at a time when the absolute ban on torture, a cornerstone of the international human rights edifice, is under attack. A principle that we once believed to be unassailable – the inherent right to physical integrity and dignity of the person- is becoming a casualty of the so-called war on terror.

The Optional Protocol provides the international community with a new, indispensable tool to counteract such erosion to the absolute ban on torture. As you know, the treaty establishes a system of

preventive visits, to be carried out in a complementary manner by independent international and national experts. States parties undertake the obligation to grant those experts access to all places where persons may be deprived of their liberty. Your work will complement the existing reporting, inquiry and petition procedures of the Committee against Torture, as well as the work of the Special Rapporteur on Torture and the Voluntary Fund for Victims of Torture.

The monitoring mechanism created by the Protocol is significantly different from those established by other United Nations treaties. In this instance, you will have a first-hand opportunity to oversee the conditions in different places of detention and be able to issue concrete recommendations to preclude torture.

Distinguished members,

The Protocol also requires the creation of one or several independent national mechanisms for the prevention of torture at the domestic level. These could comprise Human Rights Commissions, Ombudspersons, Parliamentary Commissions, or non governmental organizations. National preventive mechanisms must be designated or

established within one year after the entry into force of the Optional Protocol or of its ratification or accession. States parties are required to guarantee the functional independence of these mechanisms and their staff, provide all necessary means for their functioning and give due consideration to the Principles relating to the status of national institutions for the prevention and protection of human rights (the Paris Principles).

By including oversight by national mechanism, the Protocol clearly emphasises that the implementation of human rights obligations is first and foremost a national responsibility, which should be overseen by impartial national protection systems. This emphasis is very much in line with my concept of country engagement, and I would hope to see the idea of national monitoring mechanisms included in any future monitoring mechanism in the field of human rights.

I am encouraging my colleagues to develop models for national preventive mechanisms so that support is available to States parties as they work to put these in place.

The Protocol also provides for the establishment of a Special

Fund to help finance the implementation of the recommendations made by the Subcommittee after a visit to a State Party, as well as for education programmes of the national preventive mechanisms. My Office has worked to establish this Fund. I encourage States, intergovernmental and non-governmental organizations and other private or public entities to contribute to this fund.

Ladies and Gentlemen,

Let me recall that the Optional Protocol requires members of this Subcommittee to serve efficiently, in their individual capacity, independently and impartially. Your work is to be guided by principles of confidentiality, impartiality, non-selectivity, universality and objectivity. These principles are critical to the fight against torture.

The adoption of the Optional Protocol is reinforced by the International Convention for the Protection of all Persons from Enforced Disappearances, which was opened for signature in Paris on 6 February 2007. In language echoing the absolute prohibition of torture, it stipulates that “No one shall be subjected to enforced disappearances”. The convention envisages no derogation from its precept, meaning that

neither a state of war, nor threats of war, internal political instability and public emergencies can be invoked by States parties to carve out exceptions tailored to their particular political circumstances.

Distinguished members,

I am aware that the Subcommittee will require very specific support and wish to assure you that my Office will assist your activities wholeheartedly. The Secretariat is being reinforced to respond to your needs, both in terms of human and financial resources.

As the first ten members you will be critical in shaping the Subcommittee's working methods and in defining its mandate. Although the Optional Protocol provides a set of rules to start from, its success will ultimately depend on States' compliance with its precepts and your ability to stimulate such an outcome.

I look forward to the establishment of your visiting mechanism which should serve as an inspiration for other human rights bodies. I am convinced that it will constitute a truly innovative mechanism which can strike at the structural or root causes of torture

and cruel punishment and ill-treatment, thus bringing about the changes required to ensure that places of detention are free from such conduct.

I wish you well in your important duties.

Allow me to proceed to agenda item 3 of the Provisional agenda (document CAT/OP/of 2007), namely the solemn declaration of the newly appointed members of the First Meeting of the Subcommittee on Prevention. I would now like to call on the members to make the solemn declaration as their names are read out.

Ms. Silvia CASALE

Mr. Mario Luis CORIOLANO

Ms. Marija Definis GOJANOVIC

Mr. Zdenek HAJEK

Mr. Zbigniew LASOCH

Mr. Hans Draminsky PETERSEN

Mr. Victor Manuel RODRIGUEZ RESCIA

Mr. Miguel SARRE IGUINIZ

Mr. Wilder TAYLER SOUTO

Mr. Leopoldo TORRES BOURSAULT

Allow me now to adjourn the meeting for a few minutes, after which the Subcommittee will resume its meeting in closed session.

Thank you.