



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

Distr.: General
9 December 2014

Original: English

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

Obligations of States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to facilitate the visits of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Statement adopted by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at its twenty-fourth session (17–21 November 2014)

1. All States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are obliged to ensure that the Subcommittee on Prevention of Torture is able to fully carry out its visiting mandate, in accordance with articles 12 and 14 of the Optional Protocol.
2. That encompasses the State party's obligation, *inter alia*, to provide the Subcommittee on Prevention of Torture with all necessary information, including all documentation that it requests, both prior to and during the visit; to grant it unhindered access to all places under its jurisdiction where people are or may be deprived of their liberty, as defined in article 4 of the Optional Protocol; and to grant it the opportunity to have private interviews with persons deprived of their liberty, in order to enable it to carry out its mandate.
3. In the event that the Subcommittee on Prevention of Torture encounters obstacles in the execution of its mandate and a State party does not cooperate fully, to the extent that the Subcommittee considers the success of its mission to be in jeopardy, it may suspend or terminate its visit, as stipulated in paragraph 27 of the guidelines of the Subcommittee in relation to visits to States parties (CAT/OP/12/4).
4. The suspension may be temporary, with the visit resuming after a brief period. The Subcommittee on Prevention of Torture may also suspend its visit and leave the country, in which case the visit may recommence at a later date, either in whole or in part. In such instances, the Subcommittee will continue its direct engagement with the State party and the delegation may return to the State party when the Subcommittee is fully satisfied that it



has received appropriate assurances, supported by practical measures and methodologies, that no further obstacles will be encountered in fulfilling its mandate.

5. Should the State party either refuse to cooperate with the Subcommittee on Prevention of Torture in seeking to address the obstacles and difficulties faced, or be unable to provide it with sufficient assurances that it will be able to properly fulfil its Convention mandate, or if the Subcommittee again faces obstacles, it may choose to use all appropriate measures to address the lack of cooperation. Such measures include termination of the visit, issuance of a formal public statement and release of the Subcommittee's preliminary findings, as provided for in article 16, paragraph 4, of the Optional Protocol, as well as utilizing all possible good offices within the United Nations system and any other appropriate forums.
