



# General Assembly

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## Human Rights Council

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Agenda item 2

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

### **Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

**Note by the Secretary-General**

#### *Summary*

The present note provides information on the status of the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including on its critical financial situation.



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## **I. Introduction**

### **A. Submission of the report**

1. The present note was prepared in accordance with General Assembly resolution 68/156, in which the Assembly encouraged contributions to the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and requested the Secretary-General to report to the Human Rights Council on the operations of the Special Fund. It complements the report of the Secretary-General on the activities of the Special Fund, submitted to the Assembly at its sixty-ninth session (A/69/289).

### **B. Mandate of the Special Fund**

2. The Special Fund was established pursuant to article 26 of the Optional Protocol to help to finance the implementation of the recommendations made by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment following a visit to a State party to the Optional Protocol, and to finance education programmes of national preventive mechanisms.

3. The Special Fund receives voluntary earmarked contributions from Governments, intergovernmental and non-governmental organizations and other private or public entities.

### **C. Management of the Special Fund**

4. The Special Fund is administered by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with the Financial Regulations and Rules of the United Nations.

### **D. Eligibility criteria**

5. Applications may be submitted by State institutions of States parties to the Optional Protocol visited by the Subcommittee and that have agreed to the publication of the Subcommittee report, and the national preventive mechanisms of the said States parties. Applications may also be submitted by national human rights institutions compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and by non-governmental organizations if the proposed projects are to be implemented in cooperation with eligible States parties and/or national preventive mechanisms. Only applications relating to recommendations contained in visit reports of the Subcommittee that have been published in accordance with article 16, paragraph 2, of the Optional Protocol, and hence are no longer confidential, may be considered.

## **II. Activities of the Special Fund**

### **A. 2014 project cycle**

6. The third call for applications to the Special Fund, for grants for projects to be implemented in 2014, closed on 20 November 2013. For the call, specific thematic priorities by State were identified by the Subcommittee at its nineteenth session, held in Geneva from 18 to 22 February 2013.

7. In accordance with the guidelines for applications, the secretariat of the Special Fund conducted an extensive evaluation of the 24 project proposals received by the deadline in the light of the thematic priorities identified, taking into consideration the outcome of informal consultations held with members of the Subcommittee. After review, seven grants were awarded to projects aimed at implementing recommendations made by the Subcommittee in six eligible States — Benin, Brazil, Honduras, Maldives, Mexico and Paraguay — for a total of \$198,108 (see annex).

8. Since its first call for applications for projects to be implemented in 2012, the Fund has enabled a variety of technical cooperation projects worldwide, with the aim of establishing or consolidating national prevention mechanisms on torture, training judiciary and law enforcement personnel, and developing manuals and dissemination material on the rights of persons in detention. Through its projects, the Fund has engaged with several national entities, including ministries of the interior and justice, ombudsman institutions and civil society actors.

### **B. Call for applications 2015**

9. The call for applications for 2015 closed on 17 October 2014. For the call, the Subcommittee, at its twenty-third session, held in Geneva from 2 to 6 June 2014, identified specific thematic priorities by State. Projects addressing any other specific recommendation in the visit reports detailing a pressing and compelling need may also be considered.

10. Applicants could request grants of up to \$35,000 for project activities to be implemented between 1 January and 31 December 2015.

11. A total of 34 applications were received concerning 10 of the 12 eligible States (Argentina, Benin, Brazil, Germany, Honduras, Kyrgyzstan, Mexico, Paraguay, Senegal and Sweden). The evaluation process was under way at the time of reporting.

## **III. Financial situation of the Special Fund**

12. The Special Fund is the only functional fund established by an international human rights treaty. Since its creation in 2012, and despite its limited income in voluntary contributions, the Fund has supported a total of 21 projects in six States across three regions, including the training of more than 1,000 people in torture prevention techniques and methodology.

13. Fund activities should be commensurate with the growth of the activities of the Subcommittee, which have resulted in an expanding number of States eligible for the Fund. The minimum required on an annual basis to guarantee a functioning fund able to support an average of 20 projects per year, with a reasonable level of funding per project (for

example, \$35,000) would be around \$1.4 million. The Fund, however, struggles to secure a sustainable donor base. For activities to be implemented in 2015, the Fund has secured, in 2014, a total of only \$228,878 (see table below). Consequently, the Fund will only be able to fund seven or eight projects of \$35,000 each to be implemented in 2015. More worryingly, based on current trends, it is estimated that the Fund reserves accumulated over the past three years will be entirely depleted by the end of 2015.

#### **Contributions to the Special Fund (6 August 2013 – 25 July 2014)**

<i>Donor</i>	<i>Amount (United States dollars)</i>	<i>Date of receipt</i>
Argentina	10 000.00	27 February 2014
Czech Republic	9 777.00	19 December 2013
Germany	218 878.25	27 March 2014
Netherlands	125 000.00	20 December 2013
<b>Total contributions received</b>	<b>363 655.25</b>	

## **IV. Making a contribution**

14. Contributions to the Special Fund may be accepted from Governments, intergovernmental or non-governmental organizations, private sector organizations and the public at large, in accordance with the Financial Regulations and Rules of the United Nations. Only un-earmarked funds for the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment will be channelled to the Fund.

15. Contributions to the Special Fund should always be marked “Payee: Special Fund established by the Optional Protocol to the Convention against Torture, account CH”. Payments may be made either by bank transfer (a) in United States dollars, to the UNOG General Fund, account No. 485001802, J.P. Morgan Chase Bank, 270 Park Avenue, 43rd floor, New York, NY 10017, United States of America (Swift code: CHAS US 33; bank number: (ABA) 021000021; (b) in euros, to the United Nations Office at Geneva, account No. 6161600934, J.P. Morgan Chase AG, Grueneburgweg 2 – 60322 Frankfurt am Main, Germany (Swift code: CHAS DE FX, bank number: (BLZ) 50110800, IBAN: DE78 5011 0800 6161 6009 34); (c) in pounds sterling, to the United Nations Office at Geneva, account No. 23961903, J.P. Morgan Chase Bank, 25 London Wall, London EC2Y 5AJ, United Kingdom of Great Britain and Northern Ireland (Swift code: CHAS GB 2L, bank number: (SC) 609242, IBAN: GB68 CHAS 6092 4223 9619 03); (d) in Swiss francs, to the United Nations Geneva General Fund, account No. 240-C0590160.0, UBS AG, rue du Rhône 8, case postale 2600, CH-1211 Geneva 2, Switzerland (Swift code: UBSW CH ZH 80A; bank number: 240; IBAN: CH92 0024 0240 C059 0160 0); (e) in other currencies, to the United Nations Geneva General Fund, account No. 240-C0590160.1, UBS AG, rue du Rhône 8, case postale 2600, CH-1211 Geneva 2, Switzerland (Swift code: UBSW CH ZH 80A; bank number: 240; IBAN: CH65 0024 0240 C059 0160 1); (f) or by cheque, payable to the United Nations, addressed to the Treasury, United Nations, Palais des Nations, CH-1211 Geneva 10, Switzerland.

16. Donors are requested to inform the Donor and External Relations Section of OHCHR when a payment has been made (including a copy of the bank transfer order or of

the cheque) to facilitate effective follow-up to the official recording procedure and preparation of reports of the Secretary-General.

## **V. Recommendations**

17. **The Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is the only functional fund established by an international human rights treaty. It is increasingly affirming itself as a model for engagement between the United Nations, State parties, national preventive mechanisms and civil society in the prevention of torture.**

18. **The minimum amount required on an annual basis to guarantee a functioning Fund able to support an average of 20 projects per year, with a reasonable level of funding per project (for example, \$35,000), is approximately \$1.4 million.**

19. **Significantly more contributions are required to sustain and consolidate the Fund as a viable tool in the torture prevention system of the United Nations. Governments, intergovernmental and non-governmental organizations and other private or public entities are strongly encouraged to contribute to the Special Fund.**

## Annex

### Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: projects approved by the Office of the United Nations High Commissioner for Human Rights Grants Committee since the establishment of the Fund

<i>State</i>	<i>Project summary</i>	<i>Implementing entity</i>	<i>Year of project</i>	<i>Grant amount (United States dollars)</i>
1. Benin	Implementation of the recommendations of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment concerning the protection of children deprived of their liberty	World Organization against Torture (non-governmental organization) in partnership with Enfants solidaires d’Afrique et du monde (local non-governmental organization)	2012	19 539.00
2. Benin	Implementation of Subcommittee recommendations concerning the protection of children deprived of their liberty in Benin	World Organization against Torture (non-governmental organization) in partnership with Enfants solidaires d’Afrique et du monde (local non-governmental organization)	2013	44 428.00
3. Benin	Informing detainees of their fundamental rights and reducing overpopulation in places of detention through improved identification of cases of arbitrary detention by State actors and civil society	International Federation of Action by Christians for the Abolition of Torture (ACAT)	2014	35 000.00
4. Brazil	Implementation of a mechanism to prevent torture and other cruel, inhuman or degrading treatment or punishment in Minas Gerais	Human development secretariat of Minas Gerais State	2013	47 712.50
5. Brazil	Implementation of Subcommittee recommendations concerning the protection of children deprived of their liberty in Brazil	World Organization against Torture (non-governmental organization) in partnership with Justiça Global (local non-governmental organization)	2014	34 802.00
6. Honduras	Training for prison staff on human rights standards and prevention of torture	Ministry of Justice and Human Rights	2012	20 000.00
7. Honduras	Technical support to the national preventive mechanism in Honduras and training for judges, prosecutors and public	Regional Office for Latin America of the Association for the Prevention of Torture (non-governmental organization) in Panama	2012	14 847.00

<i>State</i>	<i>Project summary</i>	<i>Implementing entity</i>	<i>Year of project</i>	<i>Grant amount (United States dollars)</i>
	defenders			
8. Honduras	Legal reform and support to the national preventive mechanism in Honduras	Regional Office for Latin America of the Association for the Prevention of Torture (non-governmental organization) in Panama	2013	30 325.00
9. Honduras	Training on the rights and duties of persons deprived of liberty to holders of rights and obligations	National Committee for the Prevention of Torture and Other Cruel, Inhuman and Degrading Treatment (national preventive mechanism)	2014	35 000.00
10. Maldives	Notification of fundamental rights to foreign detainees in their local language	Human Rights Commission of Maldives (national preventive mechanism)	2012	13 200.00
11. Maldives	Supporting the national preventive mechanism of Maldives in effectively implementing Subcommittee recommendations	Human Rights Commission of Maldives (national preventive mechanism)	2013	15 328.60
12. Maldives	Understanding the risk of violence to Maldivian children deprived of their liberty	Juvenile Justice Unit, Ministry of Home Affairs	2014	23 786.00
13. Maldives	Development and delivery of Istanbul Protocol training on investigation and documentation of torture and other ill-treatment	Redress Trust (non-governmental organization)	2014	34 876.15
14. Mexico	Providing training on the use of the Istanbul Protocol	Colectivo contra la Tortura y la Impunidad (non-governmental organization)	2012	19 807.00
15. Mexico	Training on combating torture for the Mexican judiciary in partnership with the Office of the United Nations High Commissioner for Human Rights, members of the Subcommittee and key national justice institutions	International Bar Association's Human Rights Institute (non-governmental organization)	2013	46 855.00
16. Mexico	Training workshop on human rights and the prevention of torture with a gender perspective	Government of Oaxaca	2014	35 000.00
17. Paraguay	Systematization of police records	Ministry of the Interior	2012	19 984.00
18. Paraguay	Design of fair-trial indicators allowing for the monitoring of constitutional guarantees of lawful detention and the presumption of innocence	Supreme Court of Justice	2012	20 000.00
19. Paraguay	Support for the work of the	Ministry of Justice and Labour	2012	19 500.00



<i>State</i>	<i>Project summary</i>	<i>Implementing entity</i>	<i>Year of project</i>	<i>Grant amount (United States dollars)</i>
	national body in charge of the selection of commissioners for the future national preventive mechanism			
20. Paraguay	Contribution to the development of public policies aimed at the prevention of torture and cruel, inhuman or degrading treatment within the purview of the judiciary	Supreme Court of Justice	2013	35 730.00
21. Paraguay	Promoting the fundamental human rights of persons deprived of liberty and citizen engagement against torture in Paraguay	Fundación “Celestina Pérez de Almada”	2014	34 520.00
<b>Total grants awarded</b>				<b>600 240.25</b>