



# General Assembly

Distr.: General  
14 December 2016

Original: English

---

## Human Rights Council

Thirty-fourth session

Agenda item 2

27 February-24 March 2017

**Annual Report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
United Nations High Commissioner for Human  
Rights 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**

#### **Report of the Secretary-General**

##### *Summary*

In the present report, submitted in accordance with General Assembly resolution 70/146, the Secretary-General 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.

GE.16-22125(E)



\* 1 6 2 2 1 2 5 \*

Please recycle



## **I. Introduction**

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

1. The present report was prepared in accordance with General Assembly resolution 70/146, 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 Fund. The report covers the activities of the Special Fund undertaken from 1 January to 8 December 2016.

### **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 to the Special Fund may be submitted by State institutions of States parties to the Optional Protocol that have been visited by the Subcommittee and their national preventive mechanisms that have agreed to the publication of the Subcommittee's report. Applications may also be submitted by national human rights institutions that are compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the 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 reports of visits by the Subcommittee that have been published in accordance with article 16 (2) of the Optional Protocol, and hence are no longer confidential, may be considered.

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

### **A. 2016 and 2017 project cycles**

6. The fifth call for applications to the Special Fund, for grants for projects to be implemented in 2016, closed on 16 October 2015. Projects concerning 16 eligible States

(Argentina, Armenia, Benin, Brazil, Gabon, Germany, Honduras, Kyrgyzstan, Maldives, Mali, Malta, Mexico, New Zealand, Paraguay, Republic of Moldova and Sweden) and one eligible national preventive mechanism (Senegal) could have been submitted. Applicants could have requested grants of up to \$25,000 for project activities to be implemented between 1 January and 31 December 2016.

7. A total of 19 applications were received concerning nine eligible States (Argentina, Armenia, Benin, Brazil, Kyrgyzstan, Mexico, New Zealand, Paraguay and Republic of Moldova). In accordance with the guidelines for applications, the secretariat of the Special Fund conducted an extensive evaluation of the 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. Projects addressing any other specific recommendation in the visit reports that was considered pressing and compelling were also considered. After review, eight grants were awarded to projects aimed at implementing recommendations made by the Subcommittee in seven eligible States (Armenia, Benin, Brazil, Mexico, New Zealand, Paraguay and Republic of Moldova), for a total of \$184,107 (see annex).

8. Since its first call for applications for projects to be implemented in 2012, the Special Fund has supported a variety of technical cooperation projects in 11 countries worldwide. These projects resulted in legislative changes, for example bringing laws into line with international human rights standards on torture prevention (including revised codes of criminal procedure, prison acts and laws prohibiting abusive body searches for persons deprived of their liberty), as well as laws to establish national preventive mechanisms on torture; institutional changes, such as establishing or strengthening the effective functioning of national preventive mechanisms on torture or other relevant institutions; establishment of registers of detainees; operational changes resulting from enhanced knowledge and skills of judicial, law enforcement and medical personnel; as well as changes in people's lives, including, in one case, a reported decrease in violence against children in detention facilities. The projects also contributed to increasing awareness of persons deprived of their liberty about their rights by developing and distributing manuals. Through its projects, the Fund has engaged with several national entities, including ministries of the interior and justice, ombuds institutions, hospitals and prisons, the police and civil society actors.

9. The projects addressed real gaps and needs in torture prevention identified by the Subcommittee on the ground, and were instrumental in implementing the Subcommittee's recommendations. The Special Fund is unique in that it links the recommendations of an independent treaty-based expert committee to work on the ground, and can serve as an incentive for the publication of the Subcommittee's visit reports.

## **B. Other activities of the Special Fund**

10. In 2016, the dire financial situation of the Special Fund required further promotion and fundraising activities to solicit more contributions to enable additional calls for applications. The strategic direction of the Fund was reviewed to strengthen the role of the Subcommittee in the strategic leadership of the Fund, to simplify the procedures for applications and administration of the grants and to harmonize those with good practices established under the United Nations Voluntary Fund for Victims of Torture.

11. Consequently, during its twenty-eighth session, held on 18 February 2016, the Subcommittee decided to establish a working group composed of up to five of its members to support and advise on the strategic direction of the Special Fund and on selection and impact assessment of the projects, and to contribute to the fundraising for the Fund. The OHCHR Grants Committee continues, under a leaner procedure, to be accountable and to

ensure coherence with the work of the Office as well as with the Financial Regulations and Rules of the United Nations. New guidelines for applicants and grantees were adopted by OHCHR and the Subcommittee's working group. It was decided that, in its next call for applications, the Special Fund will pursue a new strategic direction, focusing its support entirely on national preventive mechanisms, the establishment of which is a core obligation under the Optional Protocol to the Convention against Torture. Properly functioning national preventive mechanisms are vital in preventing torture and ill-treatment through their visits to places of detention, the identification of risks and the adoption of recommendations to authorities on how to address those risks.

12. With respect to promotion and fundraising, two meetings of the Chair of the Subcommittee with Member States were held, on 17 October and 15 November 2016, in New York and Geneva respectively. The Chair updated Member States on work that had been undertaken during the first five years of the Special Fund, including the real impact on torture prevention on the ground. He highlighted the dire financial situation of the Fund and encouraged further contributions to enable the Fund to carry out its unique and very important work. The Secretariat developed a new brochure on the Fund with the support of United Nations Volunteers.

### III. Financial situation of the Special Fund

13. The Special Fund is the only functional fund established by an international human rights treaty. Since its creation in 2012, the Fund has supported a total of 36 projects for a total amount of \$985,304.25 in 11 States across four regions. Projects contributed to building the knowledge and capacities of more than 2,000 people in torture prevention techniques and methodology, in particular staff of national preventive mechanisms, judges, law enforcement and penitentiary officers, medical personnel and social workers as well as members of civil society organizations.

14. Activities of the Special Fund should be commensurate with the expansion of the activities of the Subcommittee, which has resulted in more States becoming eligible for grants from the Fund: 13 States in 2015 and 17 in 2016. This trend is expected to continue as more States ratify the Optional Protocol and agree to the publication of the Subcommittee's visit reports.

15. The minimum amount required on an annual basis to guarantee the functioning of the Special Fund is some \$500,000, which would enable the Fund to support an average of 10-20 projects per year with a reasonable level of funding per project (for example, \$20,000). During 2016 the Fund received contribution of \$48,846 and pledges of \$230,779.

#### Contributions to the Special Fund (1 January 2016-8 December 2016)

<i>Donor</i>	<i>Amount (United States dollars)</i>	<i>Date of receipt</i>
Argentina	10 000	4 March 2016
Spain	38 846	29 November 2016
<b>Total contributions received</b>	<b>48 846</b>	

**Pledges to the Special Fund (1 January 2016-8 December 2016)**

<i>Donor</i>	<i>Amount (United States dollars)</i>	<i>Date of receipt</i>
Czechia	7 849	6 December 2016
Germany	222 930	8 December 2016
<b>Total contributions received</b>	<b>230 779</b>	

**IV. Making a contribution to the Special Fund**

16. 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 funds earmarked 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.

17. 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 UN Geneva General Fund, account No. 240-FP100381.0, UBS AG, Rue du Rhône 8, CH-1211 Geneva 2, Switzerland (Swift code: UBSW CH ZH 80A, bank number: 240, IBAN: CH85 0024 0240 FP10 0381 0); (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.

18. 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**

19. **The Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is a unique mechanism of torture prevention and the only operational fund established by an international human rights treaty. Its support to national preventive mechanisms, the establishment of which is a core obligation under the Optional Protocol to the Convention against Torture, can be key in preventing torture at the national level.**

20. The minimum required on an annual basis to guarantee the functioning of the Special Fund is some \$500,000, which would enable the Fund to support an average of 10-20 projects per year with a reasonable level of funding per project (for example, \$20,000).

21. The Secretary-General appreciates the contributions received in 2016 which enable the Special Fund to continue supporting projects on torture prevention through the 2017-2018 grant cycle. He calls on Governments, intergovernmental and non-governmental organizations and other private or public entities to sustain its support for the Fund and provide further financial contributions to this crucial mechanism of torture prevention.

## 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. Armenia	Strengthening of the national preventive mechanism	Penal Reform International	2016	25 000.00
2. Argentina	Legal reform towards the establishment of the state preventive mechanism in Tucumán and training of judges, penitentiary officers and social workers on the rights of detainees	Abogados y Abogadas del Noroeste Argentino en Derechos Humanos y Estudios Sociales	2015	35 000.00
3. 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 in partnership with Enfants solidaires d’Afrique et du monde	2012	19 539.00
4. Benin	Implementation of Subcommittee recommendations concerning the protection of children deprived of their liberty in Benin	World Organization against Torture in partnership with Enfants solidaires d’Afrique et du monde	2013	44 428.00
5. 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
6. Benin	Improving detention conditions of children deprived of their liberty in penitentiary institutions as well as in police and gendarmerie facilities. Training of juvenile justice judges to be recruited for the newly established child-friendly courts as provided by the revised Children’s Code	World Organization against Torture	2016	15 820.00
7. Brazil	Implementation of Subcommittee recommendations concerning the protection of children deprived of their liberty in Brazil	World Organization against Torture in partnership with Justiça Global	2014	34 802.00

<i>State</i>	<i>Project summary</i>	<i>Implementing entity</i>	<i>Year of project</i>	<i>Grant amount (United States dollars)</i>
8. Brazil	Supporting the Rio de Janeiro preventive mechanism and promoting the establishment of torture preventive mechanisms in other states of Brazil	Justiça Global (in partnership with the Rio de Janeiro preventive mechanism)	2015	35 000.00
9. Brazil	Supporting the work of the federal preventive mechanism and advocating for the establishment of state preventive mechanisms in São Paulo and Maranhão.	Associação Direitos Humanos em Rede (Conectas)	2016	25 000.00
10. Honduras	Training for prison staff on human rights standards and prevention of torture	Ministry of Justice and Human Rights	2012	20 000.00
11. Honduras	Technical support to the national preventive mechanism in Honduras and training for judges, prosecutors and public defenders	Regional Office for Latin America of the Association for the Prevention of Torture in Panama	2012	14 847.00
12. 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 in Panama	2013	30 325.00
13. 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	2014	35 000.00
14. Honduras	Supporting the national preventive mechanism of Honduras in effectively implementing Subcommittee recommendations	Regional Office for Latin America of the Association for the Prevention of Torture in Panama	2015	34 966.65
15. Honduras	Training of justice officials and students on the Istanbul Protocol	Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas y sus Familiares (CPTRT)	2015	34 995.05
16. Maldives	Explaining their fundamental rights to foreign detainees in their local language	Human Rights Commission of Maldives	2012	13 200.00



<i>State</i>	<i>Project summary</i>	<i>Implementing entity</i>	<i>Year of project</i>	<i>Grant amount (United States dollars)</i>
17. Maldives	Supporting the national preventive mechanism of Maldives in effectively implementing Subcommittee recommendations	Association for the Prevention of Torture (in partnership with the Human Rights Commission of Maldives)	2012	20 000.00
18. Maldives	Supporting the national preventive mechanism of Maldives in effectively implementing Subcommittee recommendations	Human Rights Commission of Maldives	2013	15 328.60
19. Maldives	Teaching Maldivian children deprived of their liberty to understand the risk of violence	Juvenile Justice Unit, Ministry of Home Affairs	2014	23 786.00
20. Maldives	Development and delivery of training on investigation and documentation of torture and other ill-treatment under the Istanbul Protocol	Redress Trust	2014	34 876.15
21. Mexico	Providing training on the use of the Istanbul Protocol	Colectivo contra la Tortura y la Impunidad	2012	19 807.00
22. 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 Human Rights Institute	2013	46 855.00
23. Mexico	Training workshop on human rights and the prevention of torture with a gender perspective	Government of Oaxaca	2014	35 000.00
24. Mexico	Supporting the work of the federal prosecutor regarding the monitoring and evaluation of medico-legal assessments	Asistencia Legal por los Derechos Humanos (ASILEGAL)	2015	35 000.00
25. Mexico	Strengthening the capacity of criminal justice judges to exercise effective judicial control in places of detention, including for torture prevention purposes	Documenta, Análisis y Acción para la Justicia Social	2016	24 813.00
26. New Zealand	Establishing an evidence base to inform the ongoing discussion on institutional, legislative and behavioural changes regarding the use of seclusion and restraint across New Zealand's places of deprivation of liberty. Contributing to development of a standardized and consistent approach to seclusion and restraint in order to eliminate de facto discrepancies among New Zealand's various places of deprivation of liberty	Human Rights Commission	2016	24 775.00

<i>State</i>	<i>Project summary</i>	<i>Implementing entity</i>	<i>Year of project</i>	<i>Grant amount (United States dollars)</i>
27. New Zealand	Strengthening the capacity of the Office of the Ombudsman to monitor and report on the detention conditions of persons with psychosocial disabilities and mental health issues in various places of deprivation of liberty, including penitentiary institutions, mental health institutions and places of detention for persons with disabilities, as well as immigration detention facilities	Office of the Ombudsman	2016	18 699.00
28. Paraguay	Systematization of police records	Ministry of the Interior	2012	19 984.00
29. 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
30. Paraguay	Support for the work of the national body in charge of the selection of commissioners for the future national preventive mechanism	Ministry of Justice and Labour	2012	19 500.00
31. Paraguay	Contribution to the development of public policies aimed at the prevention of torture and other cruel, inhuman or degrading treatment within the purview of the judiciary	Supreme Court of Justice	2013	35 730.00
32. 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
33. Paraguay	Strengthening of institutional capacity in monitoring and investigation of torture and ill-treatment by assisting the work of the national preventive mechanism, conducting research on root causes of torture and ill-treatment, liaising with relevant stakeholders and facilitating the establishment of groups of victims’ families	Coordinadora de Derechos Humanos del Paraguay (CODEHUPY)	2016	25 000.00
34. Republic of Moldova	Facilitating the resumption of the work of the national preventive mechanism, strengthening its visibility and its influence on the relevant State authorities, as well as supporting the mechanism in discharging its monitoring and reporting mandate	Institute for Democracy	2016	25 000.00
35. Senegal	Supporting the national preventive mechanism of Senegal in effectively implementing Subcommittee recommendations	Observateur national des lieux de privation de liberté (ONLPL)	2015	34 770.90

<i>State</i>	<i>Project summary</i>	<i>Implementing entity</i>	<i>Year of project</i>	<i>Grant amount (United States dollars)</i>
36. Senegal	Supporting the national preventive mechanism of Senegal in effectively implementing Subcommittee recommendations	Association for the Prevention of Torture (in partnership with the Observateur national des lieux de privation de liberté (ONLPL))	2015	18 937.50
<b>Total grants approved</b>				<b>985 304.25</b>