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**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.



I. Introduction

A. Submission of the report

1. The present report 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. The present report covers the activities of the Special Fund between 1 January 2015 and 1 December 2015.

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 (the Paris Principles) and 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 (2) of the Optional Protocol, and hence are no longer confidential, may be considered.

II. Activities of the Special Fund

A. 2015 project cycle

6. The fourth call for applications to the Special Fund, for grants for projects to be implemented in 2015, closed on 17 October 2014. Projects concerning 13 eligible States could be submitted (Argentina, Benin, Brazil, Germany, Honduras, Kyrgyzstan, Maldives, Mali, Mexico, Paraguay, the Republic of Moldova, Senegal and Sweden). Applicants could request grants of up to \$ 35,000 for project activities to be implemented between 1 January and 31 December 2015. For the call, specific thematic priorities by the State parties concerned were identified by the Subcommittee at its twenty-third session, held in Geneva from 2 to 6 June 2014.

7. In accordance with the guidelines for applications, the secretariat of the Special Fund conducted an extensive evaluation of the 34 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, detailing a pressing and compelling concern, were also considered. After review, seven grants were awarded to projects aimed at implementing recommendations made by the Subcommittee in five eligible States — Argentina, Brazil, Honduras, Mexico and Senegal — for a total of \$228,670 (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: bringing laws on prevention of torture into line with international human rights standards, including those that seek to establish national preventive mechanisms on torture or to ensure the effective functioning of existing national preventive mechanisms on torture or other relevant institutions; enhancing the knowledge and skills of members of the judiciary and law enforcement personnel; and developing and disseminating manuals and 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, national preventive mechanisms, hospitals and prisons, the police and civil society actors.

B. Call for applications for 2016

9. The call for applications for 2016 closed on 16 October 2015. For the call, the Subcommittee, at its twenty-sixth session, held in Geneva from 15 to 19 June 2015, identified specific thematic priorities by State. Projects addressing any other specific recommendation in the visit reports detailing a pressing and compelling need could also be considered.

10. Applicants could request grants of up to \$25,000 for project activities to be implemented between 1 January and 31 December 2016.

11. A total of 19 applications were received concerning 9 of the 16 eligible States (Argentina, Armenia, Benin, Brazil, Kyrgyzstan, Mexico, New Zealand, Paraguay and the Republic of Moldova). 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 to date supported a total of 28 projects (with a total amount of \$801,197.85) in eight States across three regions, including the training of more than 1,300 people in torture prevention techniques and methodology, in particular staff members of national preventive mechanisms, members of the judiciary, law enforcement and penitentiary officers, medical personnel, social workers and members of civil society organizations.

13. Activities supported by the Fund 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: there were 13 eligible States in 2015, while there are 16 eligible States in 2016. This trend is expected to continue as countries are encouraged to ratify the Optional Protocol and to accept the publication of the Subcommittee's visit reports.

14. The minimum required on an annual basis to guarantee a functioning fund able to support an average of 20 projects per year, and with a reasonable level of funding per project (for example, \$35,000) would be around \$1.4 million. The Fund, however, did not receive any financial contributions during 2015, with the exception of one pledge of \$30,000. Consequently, the Fund will only be able to fund seven or eight projects of \$25,000 each to be implemented in 2016 and 2017. More worryingly, based on current trends, it is projected that the Fund reserves accumulated over the past three years will be entirely depleted by the end of 2017.

Contributions to the Special Fund (1 January-1 December 2015)

<i>Donor</i>	<i>Amount (United States \$)</i>	<i>Date of receipt</i>
No contributions received between 1 January and 1 December 2015		
Total contributions received	None	

IV. Making a contribution

15. 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 will be channelled to the Fund.

16. 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 UN 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 UN

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.

17. 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

18. **The Special Fund is a unique mechanism, being the only functional fund established by an international human rights treaty. It is a model for engagement between the United Nations, State parties, national preventive mechanisms and civil society in attaining the common objective of the prevention of torture.**

19. **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.**

20. **The Secretary-General notes with alarm that the Special Fund has received no contributions in 2015 (with the exception of one pledge of \$30,000). This is a most regrettable situation that directly threatens the sustainability and consolidation of the Fund as a viable tool in the torture prevention system of the United Nations. The Secretary-General calls on Governments, intergovernmental and non-governmental organizations and other private or public entities to contribute to the Special Fund, and to ensure sustained financial support to it.**

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. Argentina	Legal reform for the establishment of the provincial 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 (provincial preventive mechanism)	2015	35 000.00
2. 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
3. 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
4. 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 (non-governmental organization)	2014	35 000.00
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. 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
7. Honduras	Training for prison staff on human rights standards and prevention of torture	Ministry of Justice and Human Rights	2012	20 000.00
8. Honduras	Technical support to the national preventive mechanism in Honduras and training for judges,	Regional Office for Latin America of the Association for the Prevention of Torture (non-governmental organization)	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>
	prosecutors and public defenders	in Panama		
9. 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
10. 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
11. 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 (non-governmental organization) in Panama	2015	34 966.65
12. Honduras	Training of justice operators and students on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol)	Centro de Prevención, Tratamiento y Rehabilitación de Víctimas de la Tortura y sus Familiares (non-governmental organization)	2015	34 995.05
13. Maldives	Notification of fundamental rights to foreign detainees in their local language	Human Rights Commission of Maldives (national preventive mechanism)	2012	13 200.00
14. 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) (non-governmental organization)	2012	20 000.00
15. 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
16. Maldives	Understanding the risk of violence to Maldivian children deprived of their liberty	Juvenile Justice Unit, Ministry of Home Affairs	2014	23 786.00
17. 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
18. Mexico	Providing training on the use of the Istanbul Protocol	Colectivo contra la Tortura y la Impunidad (non-governmental organization)	2012	19 807.00
19. 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	International Bar Association's Human Rights Institute (non-governmental organization)	2013	46 855.00

<i>State</i>	<i>Project summary</i>	<i>Implementing entity</i>	<i>Year of project</i>	<i>Grant amount (United States dollars)</i>
	institutions			
20. Mexico	Training workshop on human rights and the prevention of torture with a gender perspective	Government of Oaxaca	2014	35 000.00
21. Mexico	Supporting the work of the Federal Prosecutor regarding the monitoring and evaluation of medico-legal assessments	Asistencia Legal por los Derechos Humanos (non-governmental organization)	2015	35 000.00
22. Paraguay	Systematization of police records	Ministry of the Interior	2012	19 984.00
23. 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
24. 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
25. 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
26. Paraguay	Promoting the fundamental human rights of persons deprived of liberty and citizen engagement against torture in Paraguay	Fundación “Celestina Pérez de Almada” (non-governmental organization)	2014	34 520.00
27. Senegal	Supporting the national preventive mechanism of Senegal in effectively implementing Subcommittee recommendations	Observateur national des lieux de privation de liberté (national preventive mechanism)	2015	34 770.90
28. Senegal	Supporting the national preventive mechanism of Senegal in effectively implementing Subcommittee recommendations	Association for the Prevention of Torture (in partnership with the Senegalese national preventive mechanism, Observateur national des lieux de privation de liberté) (non-governmental organization)	2015	18 937.50
Total grants awarded				801 197.85