

The SPT Working Group on the OPCAT Special Fund
TERMS OF REFERENCE AND WORKING METHODS

Background

During its 28th session on 18 February 2016, the Subcommittee on Prevention of Torture (“SPT”) decided to establish a working group to strengthen and support the work of the Special Fund established by Article 26 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment (“the Fund”).

The OPCAT Special Fund Working Group (“the Working Group”) works under the guidance and within the framework of the SPT. Its mandate is to support and advise the United Nations High Commissioner for Human Rights, through the OHCHR Grants Committee, on the strategic directions of the Fund and in the selection and impact assessment of individual projects, and to contribute to the promotion of and fundraising for the Fund. 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. The OHCHR Grants Committee advises the High Commissioner on the awards grants based on the recommendations of the SPT Working Group.

Mandate

The Working Group shall:

- a) Advise on the strategic directions of the Fund and on its focus;
- b) Design, with OHCHR, appropriate plans through which to achieve the strategic goals of the Fund;
- c) Provide guidance to OHCHR on the selection of projects to be supported by the Fund;
- d) Provide guidance to OHCHR on the likely impact of the projects eligible for funding and make suggestions regarding their subsequent follow-up and evaluation;
- e) Design, with OHCHR, contribute to and participate in fundraising strategies and activities for the promotion of the Fund.

Sessions

Sessions of the Working Group shall be held *in principle* for two half days during each regular session unless it is decided otherwise. Work can also be undertaken inter-sessionally, when necessary.

Provisional agenda

The provisional agenda and supporting documents of the Working Group shall be prepared and circulated by the Secretariat of the Fund (“the Fund Secretariat”), in consultation with the Chair of the Working Group, ideally one month prior to the beginning of the session.

Members and term of office

The Working Group shall comprise of up to five SPT members who are assigned to the Working Group in accordance with the SPT Rules of Procedure and internal working practices.

Independence of members

The members of the Working Group shall serve in their capacity as SPT members and in accordance with SPT Rules of Procedure and internal working practices, The Working Group members shall

conduct themselves in accordance with the Guidelines on the independence and impartiality of members of the human rights treaty bodies (“the Addis Ababa Guidelines”, A/67/222), in particular:

- (a) No member of the SPT shall participate in the Working Group if this may imply, or may be seen to imply, a conflict of interest with her or his capacity as an independent and impartial member of the Working Group. As a rule, SPT members having a direct interest in, holding or assuming a decision-making position in any organization or entity which may give rise to a real or perceived conflict of interest with the responsibilities inherent to the mandate of the Working Group shall refrain from participating in the Working Group.
- (b) No member of the Working Group shall receive any personal benefits from, be financially or managerially associated with, an organization supported by the Fund or participate in assessment or recommendation of a project proposal if any real or perceived conflict of interest is present.
- (c) Members of the Working Group shall avoid any action which might give the impression that any given project proposal is receiving treatment which is more or less favourable than that accorded to other project proposals.

Chair

The Working Group shall select a Chairperson from among its members.

The Chairperson shall perform the functions conferred upon her or him by these terms of reference.

If the Chairperson is unable to be present during the session, he or she shall designate another member of the Working Group, to act in his or her place.

The Special Fund Secretariat

The Fund Secretariat, staffed by OHCHR, shall provide the members of the Working Group, ideally two weeks in advance of each session, with all necessary documentation to be considered at the respective session including advice received by OHCHR field presences, as applicable, on the grants proposals. This is to facilitate the recommendation process with respect to the distribution of grants, contribute to the evaluation of reports on completed projects and all other necessary information for the Working Group to fulfil its mandate effectively.

The Fund Secretariat shall prepare and attend the Working Group sessions and update the Working Group with all relevant developments concerning the Fund, including status of the applications, financial status and fundraising strategy. The staff of the SPT Secretariat may also attend the meetings of the Working Group, as appropriate.

The Fund Secretariat shall keep a record of all communications and documentations concerning the Fund.

Languages

The members of the Working Group will receive the documents in the language of their submission and may also need to work in other working languages of the United Nations. The recommendations and decisions of the Working Group shall be issued in English.

Confidentiality

The meetings of the Working Group shall be held in camera. The Working Group shall report its recommendations to the Plenary of the SPT.

Conduct of business

Quorum

Meetings of the Working Group shall require a quorum of three members.

Adoption of decisions

The Working Group shall take its decisions and recommendations based on the Guidelines for the Fund. The Group endeavours to reach all its decisions by consensus. If a consensus cannot be reached, decisions of the Working Group shall be put to a vote and made by a simple majority vote of the members participating in the meeting and voting and any dissenting opinion can be recorded upon request.

Each member of the Working Group shall have one vote.

The Working Group may make its decisions and recommendations inter-sessionally in accordance with the SPT standard procedures.

Promotion and fundraising

The Working Group contributes to and participates in fundraising and promotional activities, in close coordination with OHCHR's Fund Secretariat, the Donors and External Relation Section and Communication Section. The Group can develop and adopt a fundraising and promotion strategy, which could include calling for donor meetings, raise funds in bi-lateral meetings and during missions, and assist in developing public information and outreach material.

Amendments of the terms of reference and working methods

The present terms of reference and working methods may be amended by a decision of the Working Group provided that the amendment is not inconsistent with the provisions of the Optional Protocol or the Rules of Procedure of the SPT.