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The need to establish effective, independent national mechanisms for monitoring places of detention

Motion for a resolution

tabled by Mr Michel HUNAULT and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

In [Recommendation 1656 \(2004\)](#), the Parliamentary Assembly condemned the critical conditions in prisons and pre-trial detention centres in many Council of Europe member states. The Assembly was therefore most concerned to take note of recent reports – by the European Committee for the Prevention of Torture (CPT) and the Commissioner for Human Rights – confirming that the conditions persist today.

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126) and its monitoring mechanism, the CPT, are vitally important to ensuring respect for human rights in places of detention.

However, the CPT has always stressed that its work could not have a lasting effect unless there were effective, independent national mechanisms which ensured that the CPT's recommendations were followed up in practice.

The Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT, opened for signature on 1 January 2003) provides for the establishment of such national mechanisms for the prevention of torture.

To date, only 17 of the Council of Europe's 47 member states have ratified OPCAT and only a few of them have passed legislation establishing a national mechanism for monitoring places of detention.

The Assembly therefore resolves to instruct its relevant Committee to prepare a report to:

- encourage member states which have not yet done so to ratify OPCAT;
- encourage member states which have already ratified the optional protocol to establish the relevant national mechanisms and make sure that existing national mechanisms are independent and effective;
- support the efforts of the Council of Europe Commissioner for Human Rights to establish a network to facilitate co-operation and co-ordination between the national mechanisms concerned.

Signed (see overleaf)



*Signed*¹:

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