



**Doc. 12877**

21 February 2012

## Strengthening torture prevention mechanisms in Europe

**Reply to Recommendation<sup>1</sup>:** Recommendation 1968 (2011)  
Committee of Ministers

1. The Committee of Ministers notes with interest Parliamentary Assembly [Recommendation 1968 \(2011\)](#) on “Strengthening torture prevention mechanisms in Europe”, which it has communicated to the Steering Committee for Human Rights (CDDH) and to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) for information and possible comments. The Committee of Ministers takes this opportunity to underline the importance which it attaches to the work of the CPT and its independence.

2. With respect to the concrete proposals made in the Assembly’s recommendation, the Committee of Ministers sees no need to amend the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (the Convention) as suggested by the Assembly, i.e. in order to permit

- i. the election of members of the CPT by the Parliamentary Assembly, and
- ii. the automatic publication of CPT visit reports and of the responses of the Parties concerned, subject to the possibility of a State to request postponement of publication for up to six months after transmission of the visit report.

3. As regards the election process, the key requirement is that the procedures in place ensure that persons elected to the Committee fully meet the requirements set out in Article 4 of the Convention. The Committee of Ministers agrees that Assembly [Resolution 1540 \(2007\)](#) contains many elements that could be useful for member States in the conception of their national selection procedures (public calls for candidatures, consultations on candidates with both State and non-governmental bodies, and interviews with shortlisted candidates to assess their qualifications, motivation and availability, as well as language skills). The goal should be that all persons placed on lists of candidates forwarded by the national delegations in the Assembly are capable of making an effective contribution to the CPT’s activities. The Committee of Ministers also notes that the stipulation in paragraph 4 of Assembly [Resolution 1808 \(2011\)](#), that “If it is considered that a candidate may have a conflict of interest, the person in question shall be required to undertake in writing that, if elected, he or she will relinquish the functions that may give rise to such a conflict”, has already been put into practice in some cases.

4. The Committee of Ministers agrees that the timely publication of the CPT’s visit reports can only increase the impact of the Committee’s work. This allows other relevant organisations to contribute to the process of taking forward the implementation of recommendations contained in a report and enables the CPT to participate directly in public debate on the issues involved. Consequently, authorising publication of visit reports can be seen as an important means of facilitating co-operation with the CPT. However, the Committee of Ministers has some misgivings as regards the proposal to amend the Convention and provide for the automatic publication of the Committee’s visit reports no later than six months after their transmission. Firstly, there may be exceptional situations when the rapid publication of a visit report would do more harm than good. The Committee of Ministers is also concerned that weakening the principle of confidentiality by providing for the automatic publication of the visit reports could upset the balance in the Convention’s

---

1. Adopted at the 1134th meeting of the Ministers’ Deputies (15 February 2012).



provisions, to the detriment of the CPT's future co-operation with States. Instead of envisaging an amendment of the Convention, the Committee of Ministers repeats the message it delivered on 6 February 2002, when it "encouraged all Parties to the Convention to authorise publication, at the earliest opportunity, of all CPT visit reports and of their responses".

5. The Assembly finally invites the Committee of Ministers to place on its agenda and discuss as a matter of urgency any public statement adopted by the CPT under Article 10 of the Convention. The Committee of Ministers agrees with the Assembly that when a public statement is made under Article 10, the exceptional character of this measure should merit that such a step be taken. The Committee of Ministers notes, however, that a public statement should above all be thoroughly examined by the national authorities concerned.