

Resolution 1540 (2007)¹

Improving selection procedures for CPT members

Parliamentary Assembly

1. The Parliamentary Assembly, recalling its [Resolution 1248 \(2001\)](#) and [Recommendation 1323 \(1997\)](#), stresses the high importance it attaches to the work of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), a monitoring body set up by virtue of the 1987 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126) (hereinafter “the convention”). This body, mandated to make periodic and ad hoc visits to all places of detention within the territory of contracting parties, makes an important practical contribution to the eradication of torture and inhuman and degrading treatment in all member states of the Council of Europe.
2. The CPT’s continued authority depends on the moral standing, professional qualifications and personal implication of all its members – one from each contracting party.
3. The procedure of appointment of CPT members is in part laid down in the convention. Members are appointed by the Committee of Ministers following a proposal by the Bureau of the Assembly which, in turn, delegates the examination of the shortlist of the three candidatures submitted by national delegations to the Sub-Committee on Human Rights of the Committee on Legal Affairs and Human Rights.
4. The procedure of appointment of CPT members can be enhanced in practice, without having to amend the convention, by improving:
 - 4.1. national selection procedures, by ensuring their transparency and strengthening mechanisms designed to lead to the nomination of the most qualified candidates;
 - 4.2. the procedure within the Assembly, by improving the information on the basis of which the Sub-Committee on Human Rights bases its recommendation, and by giving it the possibility, in appropriate cases, to interview shortlisted candidates;
 - 4.3. communication between the Assembly and the Committee of Ministers.
5. To facilitate the selection of appropriate candidates at national level, the Assembly also wishes to clarify certain issues pertaining to different selection criteria.
6. The Assembly therefore:
 - 6.1. invites all member states to review their national selection procedures in the light of the results of the comparative analysis carried out by the rapporteur, and in particular to introduce:
 - 6.1.1. public calls for candidatures open equally to male and female candidates, with a preference for candidates of the under-represented sex on the CPT in the case of equal merit;
 - 6.1.2. consultation on suitable candidates with relevant state and non-governmental bodies (for example, ministries of justice, interior and health, prison administration, academic institutions and NGOs active in the fight against torture and in assistance to prisoners and inmates of psychiatric institutions);

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 16 March 2007 (see [Doc. 11182](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Cebeci, and [Doc. 11194](#), opinion of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Wurm).*



- 6.1.3. interviews with shortlisted candidates to assess their qualifications, motivation and availability, as well as language skills, possibly carried out by an independent panel of experts;
- 6.1.4. an active role, in the final phase of the pre-selection process, for the national delegation to the Parliamentary Assembly;
- 6.1.5. the systematic use of the standard curriculum vitae form designed to provide all relevant information on the candidates to national authorities, as well as to the different bodies of the Council of Europe involved in the selection procedure;
- 6.2. encourages its Sub-Committee on Human Rights to:
 - 6.2.1. systematically invite the heads of national delegations to its meetings dealing with lists of candidates, in order to allow them to provide additional information on candidates and national selection procedures followed;
 - 6.2.2. collect, through its chair, objective facts such as availability or language skills relating to the work of incumbents seeking re-election, in particular from the CPT's Bureau;
 - 6.2.3. reject lists of candidates when relevant information is missing, even when not all candidates are concerned, and when not all candidates fulfil the minimum requirements under the convention;
 - 6.2.4. reject lists of candidates which do not include at least one man and one woman, except when all candidates on the list are of the sex under-represented on the CPT (less than 40%);
 - 6.2.5. interview candidates on a case-by-case basis, if it finds that information provided in the curriculum vitae or by the chair of the national delegation concerned is not sufficient in order to enable it to make an enlightened choice, or if the national pre-selection procedures are considered unsatisfactory (see paragraphs 6.1.1 to 6.1.4 above);
 - 6.2.6. attach particular importance to the preferences expressed by national delegations when the national pre-selection procedures are satisfactory (see paragraphs 6.1.1 to 6.1.4 above);
 - 6.2.7. give succinct reasons for its recommendations to the Bureau of the Assembly;
- 6.3. invites its Bureau to provide succinct reasons for its recommendation to the Committee of Ministers.
- 7. As regards certain eligibility criteria for CPT candidates, the Assembly wishes to clarify that:
 - 7.1. the independence of CPT members is not put into question by the mere fact that they are civil servants or otherwise employed in the public sector. However, persons who are, at central government level, in charge of the definition of national policies in the sector concerned and who could be held politically responsible for any shortcomings, ought not to be members of the CPT;
 - 7.2. lists of candidates shall include at least one man and one woman, except when all candidates on the list are of the sex under-represented on the CPT (less than 40%); a list that does not conform to this rule shall be rejected by the Bureau;
 - 7.3. in the case of dual nationality of a candidate, effective nationality for the purposes of the convention shall be that of the country in which the candidate exercises his or her political rights;
 - 7.4. the Assembly considers Article 4.3 of the convention, which precludes the presentation of candidates not having the nationality of the state presenting the list, as outdated. It encourages the Committee of Ministers to consider taking a unanimous decision to cease applying it;
 - 7.5. bearing in mind the time-consuming and physically demanding nature of the CPT's on-site visits, candidates should have sufficient time available for this work and possess the requisite physical capacity.