



## Resolution 1808 (2011)<sup>1</sup>

# Strengthening torture prevention mechanisms in Europe

Parliamentary Assembly

1. The Parliamentary Assembly, recalling its [Resolution 1248 \(2001\)](#) on the European Committee for the Prevention of Torture (CPT): composition and [Resolution 1540 \(2007\)](#) on improving selection procedures for CPT members, stresses the paramount importance among fundamental rights of the prohibition of torture and inhuman and degrading treatment (Article 3 of the European Convention on Human Rights (ETS No. 5)).
2. It congratulates the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its high-quality work, sustained by faultless dedication for over twenty years. The CPT constitutes one of the Council of Europe's greatest successes.
3. To carry out their difficult task, the members of the CPT must have high professional qualifications and personal merits. The election of the CPT members by the Assembly would vest them with enhanced democratic legitimacy and authority, with the outcome that the candidates on the lists forwarded by the national delegations would henceforth be evaluated in the same body as the one making the final choice.
4. In the meantime, it is necessary to further improve the procedures for shortlisting candidates at national level, in line with the indications contained in [Resolution 1540 \(2007\)](#). In addition, the Assembly shall provide the Committee of Ministers, where necessary, with reasons for its recommendation. 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.
5. The public statements which the CPT adopts by a two-thirds majority in the event of a shortfall in co-operation by the authorities of a state party are of very special importance due to their exceptional character. These infrequent cries of alarm should, as a matter of course, prompt a debate in the Committee of Ministers and the national parliament concerned. The Assembly's Sub-Committee on Human Rights is also invited to enter into a dialogue with the national delegation in question and to seize, if necessary, the Committee on Legal Affairs and Human Rights.
6. The principle of the confidentiality of the CPT's work aids its close co-operation with the national authorities. But the final reports following the CPT's visits would benefit from speedy systematic publication, together with the authorities' comments. Almost all states parties ask for the publication of this information after varying intervals, but timely publication allows for the commencement of public debate on the problems noted and the ways to solve them. The Russian Federation alone is still reluctant to do so.
7. The Assembly regrets that the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) has not yet been ratified by all Council of Europe member states, and that not all the member states which have ratified it have as yet implemented the national preventive mechanisms prescribed by that instrument.
8. National preventive mechanisms constitute a major innovation in the move towards subsidiarity. They should be fully independent and provided with adequate resources, including the legal, medical and other expertise crucial to the tasks of on-site prevention and monitoring.

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1. Assembly debate on 14 April 2011 (17th Sitting) (see [Doc. 12551](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Gardetto). Text adopted by the Assembly on 14 April 2011 (17th Sitting). See also [Recommendation 1968 \(2011\)](#).



9. The Assembly welcomes the efforts made within the Council of Europe to create synergies between the CPT on the one hand and the OPCAT-based mechanisms on the other, and to pool their relevant experience.
10. A similar approach, avoiding overlaps and the wasting of limited resources, is also imperative in the links between the CPT and the European Union concerning activities envisaged by the latter to improve the conditions of detention in its member states.
11. The Assembly therefore invites:
  - 11.1. the Council of Europe member states which have not yet done so to sign and ratify the OPCAT and to designate an independent and adequately resourced national preventive mechanism as soon as possible;
  - 11.2. the States Parties to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126) to:
    - 11.2.1. amend the convention, via the Committee of Ministers, to allow:
      - 11.2.1.1. the election of CPT members by the Parliamentary Assembly;
      - 11.2.1.2. automatic publication of the visit reports, and of the comments of the parties concerned, providing the possibility for each party to request a postponement of publication for up to six months following transmission;
    - 11.2.2. make a general request for future CPT visit reports to be published as soon as possible after transmission, except in special cases where the party concerned objects;
  - 11.3. the national delegations to the Assembly to make the procedures for selecting candidates to the CPT more transparent and better suited to the needs of the CPT, according to the indications in [Resolution 1540 \(2007\)](#);
  - 11.4. the parliaments of the concerned states parties to the convention to appeal to their governments with regard to the public statements adopted by the CPT under Article 10 of the convention in case of insufficient co-operation or refusal to improve matters in the light of the CPT's recommendations;
  - 11.5. the Council of Europe Commissioner for Human Rights to acquaint himself with the follow-up taken on the findings of the CPT on the occasion of the Commissioner's visits to the state concerned, and to keep a watchful eye on the CPT's public statements;
  - 11.6. the CPT to continue its co-operation based on seeking synergies and pooling experiences with the mechanisms prescribed by the OPCAT, particularly assistance in the development of national preventive mechanisms;
  - 11.7. the competent European Union institutions to make reference to the CPT's achievements and to use its know-how to create synergies and avoid overlaps in developing their actions to improve conditions of detention in the member states of the European Union.