Parliamentary Assembly
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COUNCIL OF EUROPE
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Resolution 2264 (2019)[1]

Improving follow-up to CPT recommendations: enhanced role of the Parliamentary Assembly and of national parliaments

Parliamentary Assembly

1. The Parliamentary Assembly reiterates its appreciation for the outstanding work of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), which has led to significant improvements in the conditions of detention in the States Parties to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126, hereinafter "the convention"). The ongoing work of the CPT clearly demonstrates, however, that more remains to be done to make Europe a torture-free zone.

2. The Assembly has for many years developed its role in supporting and promoting the work of the CPT. The Assembly frequently adopts thematic resolutions relating to conditions of detention and the prevention of torture and ill-treatment, an area that is also often addressed in resolutions adopted in the context of the monitoring procedure. In addition, the Committee on Legal Affairs and Human Rights has developed the practice of holding an exchange of views with the head of the delegation concerned, whenever the CPT issues a public statement concerning a particular country.

3. National parliaments can play an essential role in the promotion and protection of CPT standards, with numerous possibilities available to parliamentarians who wish to be proactive in the review and implementation of CPT recommendations, thus ensuring further transparency and accountability for member States' obligations relating to Article 3 of the European Convention on Human Rights (ETS No. 5), and fostering the creation of a deep-rooted human rights culture.

4. In this context, the Assembly recalls its Resolution 1823 (2011) "National parliaments: guarantors of human rights in Europe", in which it called on parliaments to set up and/or reinforce structures that would permit the mainstreaming and rigorous supervision of their international human rights obligations, on the basis of the "Basic principles for parliamentary supervision of international human rights standards" appended to that resolution.

5. The Assembly therefore:

5.1. encourages its Committee on Legal Affairs and Human Rights to:

5.1.1. further develop its practice of holding an exchange of views with the head of the delegation concerned whenever the CPT issues a public statement concerning a particular country;

5.1.2. consider organising ad hoc thematic hearings on new standards or outstanding issues originating in the work of the CPT;

5.1.3. discuss important CPT recommendations, even in the absence of a public statement, in the event of persistent failure by a member State, over a long period of time, to implement them;

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1. *Assembly debate* on 25 January 2019 (9th Sitting) (see Doc. 14788, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Damir Arnaut). *Text adopted by the Assembly* on 25 January 2019 (9th Sitting).
See also Recommendation 2146 (2019).

5.2. encourages its Committee on Legal Affairs and Human Rights and its Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe to consider jointly inviting the President of the CPT to an annual exchange of views during which he or she could, *inter alia*, present the CPT's most recent annual report;

5.3. resolves to maintain a focus on the issue of conditions of detention and prevention of torture and ill-treatment, including through reports and participation in activities related to standard-setting and implementation.

6. The Assembly invites the national parliaments of member States to:

6.1. react promptly to CPT reports concerning their own country, in particular by holding their government to account for the timely implementation of CPT recommendations;

6.2. give priority to legislative reforms required to ensure compliance with CPT recommendations;

6.3. appeal to their government to take immediate, effective action in response to any public statements adopted by the CPT under Article 10 of the convention concerning their country;

6.4. ensure that the mandate of the structure responsible for the mainstreaming and rigorous supervision of the State's international human rights obligations, established in accordance with Resolution 1823 (2011), includes promoting the implementation of CPT recommendations and the review of CPT annual reports;

6.5. make CPT reports concerning their own country more accessible by having them translated into the national language, where possible, and making them available in the parliamentary documentation centre and on their website;

6.6. liaise with national preventive mechanisms and any other relevant national human rights structures on the implementation of CPT recommendations;

6.7. consider organising a one-off review of the CPT's recommendations to identify evolutions in standards and outstanding recommendations concerning their own countries, to mark the 30th year of the CPT's existence in 2019;

6.8. co-operate with the Assembly's Parliamentary Project Support Division in the organisation of activities intended to enhance the parliament's capacity to promote implementation of CPT recommendations;

6.9. appeal, when necessary, to their government to take all necessary steps to ensure that nominations of CPT members are submitted in a timely manner.

7. The Assembly invites the member States to:

7.1. co-operate fully with their national parliament on the implementation of CPT recommendations;

7.2. agree in advance to the automatic publication of CPT visit reports and related government responses, subject to the possibility of delaying publication for a certain period in specific circumstances.

8. The Assembly invites Turkey to authorise immediately the publication of the report of the second ad hoc visit of the CPT in 2016.