



**Recommendation 1323 (1997)<sup>1</sup>**

## **Strengthening the machinery of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**

Parliamentary Assembly

1. The Assembly recalls its [Recommendation 1257 \(1995\)](#) on the conditions of detention in Council of Europe member states and reaffirms its support for the highly valuable work of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the committee" or "CPT").
2. Under the 1987 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the convention"), the CPT is empowered to examine the treatment of persons deprived of their liberty. It implements its essentially preventive function through visits to any place where such persons are held and, where necessary, the making of recommendations designed to strengthen their protection.
3. In 1993, two additional protocols to the convention were opened for signature :
  - 3.1. Protocol No. 1 will open the convention to non-member states of the Council of Europe;
  - 3.2. Protocol No. 2 provides for the orderly renewal of the committee's members and the possibility for them to be re-elected twice.
4. The ratification of the convention by an ever-increasing number of states from central and eastern Europe represents a growing challenge for the CPT which has a significant role to play in improving conditions of detention in these countries. By including the ratification of the convention among the commitments undertaken by member states upon their accession to the Council of Europe, the Assembly underlined the political significance of the convention.
5. The Assembly notes that ratification of the convention by the Russian Federation and by Ukraine will more than double the civil prisoner population which will be subject to the CPT's mandate.
6. To cope with these developments while safeguarding its effectiveness and credibility, the CPT needs increased human and budgetary resources. In this respect, the Assembly welcomes the measures already taken by the Committee of Ministers in the course of 1996 and 1997 (the introduction of a retainer system for the members of the CPT's bureau and reinforcement of its secretariat).
7. The effectiveness of the committee's work also depends on the quality and continuity of its members. In this context, the Assembly stresses the need for:
  - 7.1. a more balanced composition, with regard to professional background, gender and age;
  - 7.2. the rapid entry into force of Protocol No. 2 to the convention

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1. Assembly debate on 21 April 1997 (9th Sitting) (see [Doc. 7784](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Jaskiernia). Text adopted by the Assembly on 21 April 1997 (9th Sitting).



8. The relevant authorities and personnel (such as police, prison officers, judges, public prosecutors, health staff, etc.), both at national and local level, should be more aware of the work of the CPT and of its tasks and powers under the convention.
9. When examining the conditions of detention in member states, the committee should take advantage of information already existing on the subject within the Council of Europe. Assembly reports on the honouring of obligations and commitments by member states may be particularly valuable in this respect. Exchange of information and co-operation between the CPT and the United Nations Committee Against Torture should also be strengthened.
10. Accordingly, the Assembly recommends that the Committee of Ministers:
  - 10.1. call upon those member states which have not yet done so to sign and to ratify the convention without delay;
  - 10.2. urge the states parties to the convention which have not yet done so to ratify its protocols, in particular Protocol No. 2, without delay, thus allowing its entry into force;
  - 10.3. invite the authorities of states considering ratification of the convention to ratify its Protocol No. 2 at the same time;
  - 10.4. consider the possibility of assigning responsibility to the CPT for missing persons;
  - 10.5. pay particular attention, when electing members of the CPT, to the criteria of professional background, gender and age, in order to ensure a more balanced composition of the committee and, in particular, a greater participation of prison specialists and forensic scientists, as well as an increased number of women among its members; the criterion of availability should also be emphasised in order to ensure the committee's effectiveness;
  - 10.6. make the office of member of the Parliamentary Assembly of the Council of Europe incompatible with that of CPT member;
  - 10.7. promote co-operation between the CPT and the Assembly, in particular its Committee on Legal Affairs and Human Rights and its Committee on the Honouring of Obligations and Commitments by Member States;
  - 10.8. give favourable consideration to any request for further increase of the human and budgetary resources of the CPT;
  - 10.9. invite the authorities of states parties to the convention, as well as states which intend to ratify it in the near future, to promote awareness, at national and local level, of the CPT's activities, tasks and powers.