



## Resolution 2160 (2017)<sup>1</sup>

# 25 years of the CPT: achievements and areas for improvement

Parliamentary Assembly

1. The Parliamentary Assembly, recalling its [Resolution 1248 \(2001\)](#) “European Committee for the Prevention of Torture (CPT): composition of the Committee”, [Resolution 1540 \(2007\)](#) on improving selection procedures for CPT members and [Resolution 1808 \(2011\)](#) on strengthening torture prevention mechanisms in Europe, congratulates the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) for its outstanding work which has led to significant improvements in the States parties.

2. The Assembly notes, however, that no matter how much progress may be achieved towards the elimination of torture and inhuman or degrading treatment, the need to eradicate these major human rights violations will continue. While it is the duty of the States parties to implement the recommendations of the CPT, the latter deserves the strongest political support from other bodies, including the Assembly itself and the Committee of Ministers.

3. Independence, impartiality and expertise, as well as relevant prior experience of the CPT members, are crucial to the quality and authority of the CPT’s work. The Assembly welcomes the notable progress that has been made since the adoption of [Resolution 1540 \(2007\)](#) to improve selection procedures, both at national level and within the Assembly.

4. The Assembly welcomes another positive evolution: in accordance with Assembly [Resolution 1808 \(2011\)](#) calling for the automatic publication of CPT reports, a number of States parties have now agreed in advance to the publication of CPT reports concerning them.

5. The Assembly is convinced, however, that there is still room for improving the efficiency, authority and impact of the work of the CPT.

6. The Assembly recalls that special qualities and skills are expected of CPT members. Once elected, they should be available to carry out their duties effectively and to dedicate sufficient time to CPT work. This means being available to work at short notice, and working a minimum of approximately 40 days a year. Furthermore, CPT work implies participating in long and challenging visits which require good physical and mental condition. Language skills are also essential to making an effective contribution to CPT visits and meetings. The Assembly therefore:

6.1. calls on national delegations to:

6.1.1. ensure that the candidates have an excellent command of at least one of the official languages of the Council of Europe (English or French), and at least a passive knowledge of the second official language;

6.1.2. provide detailed information about the national selection procedure when submitting the three names and curricula vitae of the shortlisted candidates;

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1. *Assembly debate* on 26 April 2017 (15th Sitting) (see [Doc. 14280](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Jordi Xuclà). *Text adopted by the Assembly* on 26 April 2017 (15th Sitting). See also [Recommendation 2100 \(2017\)](#).



6.1.3. in order to ensure the independence and impartiality of the CPT, bear in mind that a candidate holding a decision-making position which implies defining and/or implementing policies at national level or otherwise holding functions which may give rise to a conflict of interest, should in principle not be selected. If such a candidate is nevertheless shortlisted, he or she must undertake in a signed declaration that he or she will relinquish that position or those functions if elected;

6.2. reiterating its long-term aspiration to potentially elect the CPT members, as already stated in [Resolution 1808 \(2011\)](#), resolves to:

6.2.1. consider ways and means of improving its own selection procedure with a view to better assessing the language proficiency of the candidates, by refining its model CV for candidates and, if possible, by conducting long-distance interviews with them;

6.2.2. reject any list put forward in which the national selection procedure does not comply with Assembly [Resolution 1540 \(2007\)](#) on improving selection procedures for CPT members and with this resolution, as well as any list in which a candidate holding a position or a function giving rise to a possible conflict of interest (see paragraph 6.1.3 above), does not provide a signed declaration committing him or her to relinquish that position or those functions if elected.

7. It is important to further increase awareness of CPT activities and standards among relevant stakeholders so as to facilitate the implementation of CPT recommendations. In this context, the Assembly:

7.1. commends the developing practice among States of agreeing 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;

7.2. strongly encourages those who have not yet done so to adopt this practice;

7.3. welcomes the CPT's initiative to publish information on its standards on living space per prisoner in prison establishments and encourages it to continue making its standards more accessible to the wider public.

8. The Assembly could also develop its role in contributing to the follow-up of CPT recommendations, in particular by encouraging national parliaments to adopt a proactive approach towards them. National parliaments could discuss CPT reports and/or public statements on their respective countries in their competent parliamentary committees and bring the findings of the CPT, as well as the follow-up given to its recommendations, to their governments' attention through parliamentary questions. The Assembly could also strengthen its existing dialogue with the CPT, in particular via its Committee on Legal Affairs and Human Rights, reinforce its political support by reacting appropriately to the CPT's public statements and, more generally, pay greater attention to the prevention of torture in member States. In this regard, the Assembly calls on its members to consider the above in their activities.

9. The Committee on Legal Affairs and Human Rights and the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) could 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 annual report. The chairpersons of national delegations to the Parliamentary Assembly of the countries visited by the CPT in the previous year could be invited to participate in this exchange of views.

10. The Assembly stresses the importance of strengthening all torture prevention tools and instruments in order for the CPT to achieve its goals. It recognises that national preventive mechanisms (NPMs) provided for by the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT) are a practical expression of subsidiarity. While encouraging the CPT to further explore all possibilities for interaction with the OPCAT mechanisms – around the principles of complementarity and subsidiarity to make the best use of their respective resources – the Assembly invites Council of Europe member States to:

10.1. if they have not yet done so, ratify the OPCAT, designate an effective, independent NPM in line with the requirements laid down in the OPCAT, and ensure that the mechanism has sufficient human and financial resources;

10.2. facilitate the exchange of information and co-ordination between the CPT and the NPMs, including by inviting the mechanism to be represented when the CPT delegation provides the authorities with its preliminary remarks at the end of the visit;

10.3. make arrangements to ensure that CPT visit reports and government responses are made available without delay to NPMs or any other relevant national monitoring body, on the condition that they are treated as confidential until publication by the CPT. Similar arrangements could be made in relation to any confidential substantive correspondence between the CPT and the authorities.