The CPT

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
Origins of the CPT

1976: Jean-Jacques Gautier’s idea: independent and internationally binding on the spot monitoring of deprivation of liberty as a crucial means of preventing torture

1981: Failure of initial attempts to launch the idea at UN level

1982 / 1983: Mobilisation of the Parliamentary Assembly of the Council of Europe

1984 - 1986: Intergovernmental work on a draft European Convention against torture

1987: Adoption of the text of the ECPT

1989: Entry into force

1990 (May): First CPT visit (Austria)
Main features / powers of the CPT

• a treaty-based body
• a proactive non-judicial mechanism (alongside the reactive judicial mechanism of the European Court of Human Rights)
• the right to visit, at any time, any place where persons are deprived of their liberty
• the right to interview in private detained persons
• access to information “necessary for the CPT to carry out its task”
“any place of deprivation of liberty”

- Police stations
- Pre-trial detention facilities
- Prisons
- Military detention facilities
- Holding centres for “immigration detainees”
- Juveniles detention centres
- Psychiatric establishments
- Social welfare establishments
Focus of the assessment

- Intentional ill-treatment:
  - Detainees by staff
  - Inter-detainee violence
- Conditions of detention:
  - material conditions
  - regime / activities
- Health care services
- Contact with the outside world
- Use of means of restraint
- Discipline and isolation
- Complaints and inspection procedures
- Staffing issues
Two fundamental principles:

• Co-operation
  (Partnership ?)
  - the goal is to assist, not to condemn

• Confidentiality
  - of the visit report
    (but most States agree to publish)
  - of CPT-State consultations
  - the exception (sanction ?):
    a public statement when faced with a refusal
to co-operate / to implement recommendations
Who does the work?

**CPT members**
- 1 independent member per Party
- work on a part-time basis
- broad mix of professional competence

**CPT Bureau**
- “Directs” the work of the Committee

**CPT Secretariat**
- 24 full-time officials (international civil servants)

**Experts**
- chosen ad hoc
- no formal list
The CPT’s field of operations

- 47 States
- ECPT applicable in time of peace and of war
- Article 17(3): Priority for ICRC in case of “armed conflicts” covered by the Geneva Conventions 1949
Types of visits

Periodic visits (on average every 4 years):
one to two weeks
- broad-based approach
- theme-based approach (e.g. high security units)

Ad hoc visits (one to … days)
- issues of great concern related to the core mandate
- rapid reaction to specific events
- follow-up visits
- individual complaints
The visit process: Before

Selection of States to be visited
• periodic visits: decided by the CPT; countries announced the year before
• ad hoc visits: decided by the CPT or Bureau, based on information received (wide range of sources)

Composition of visiting delegation
• decided by CPT or Bureau

Detailed preparation
• Secretariat in consultation with visiting delegation

Notification of visit
• periodic visits: 2 weeks before
• ad hoc visits: variable
The visit process: During + After

The visit
• begins with contacts with local NGOs and the national authorities
• closes with end-of-visit discussions with the national authorities (Ministerial level)
• preliminary remarks - “immediate observations”

Visit report
• findings, recommendations

Government response
On-going dialogue
Annual visit programme

• 10-11 periodic visits
• 8-9 ad hoc visits
• total visit days 170+
• budget 4,2 million euros
What has the CPT achieved?

1. Shown it can be done (at least at regional level)
   - Demonstration that the Swiss banker’s idea is viable
   - A positive example for efforts to establish a torture prevention mechanism at universal level (SPT)
What has the CPT achieved?

2. Recognition as truly independent and professional
   • Acceptance of the CPT by States as a serious, objective interlocutor
   • CPT findings used by the European Court of Human Rights
   • General appreciation of the CPT’s work by the NGO community (albeit often seen as too “secretive”)
What has the CPT achieved?

3. **Standard-setting through monitoring**
   - Development, and uniform application, of a corpus of standards covering deprivation of liberty in all its forms
   - Increasing influence of those standards in other contexts (judgments of the European Court of Human Rights; European Prison Rules, etc)
Implementation of CPT’s recommendations: A success story?

- **Improving material conditions:**
  - taking out of service of substandard facilities
  - access to natural light and fresh air (removal of window-blocking devices)
  - eradication of “slopping out”

An example:  

**Before renovation:**  

**After renovation:**
Implementation of CPT’s recommendations: A success story?

- Reinforcing safeguards against ill-treatment
  - access to a lawyer as from the outset of police custody; effective medical screening of detained persons; etc
- Establishment of independent inspection bodies at national level
- Overcoming entrenched attitudes conducive to ill-treatment?
  - improving infrastructure and changing laws easier than transforming mentalities
Some current areas of concern

- Fallout from the “fight against terrorism”
  - The prohibition of torture under challenge
  - Restrictions on safeguards against ill-treatment
  - Use/abuse of “diplomatic assurances” in the context of deportation procedures
  - Secret detention facilities?

- Situation of lifers and other long term prisoners

- High-security regimes

- The rising number of irregular migrants – and State countermeasures

- Increasing resort to electroshock stun devices in detention-related situations
Future challenges

• Developing the CPT’s ability to react rapidly to (and foresee) events
• Keeping focused on the core mandate of prevention of torture and ill-treatment
• Concrete assistance to States for the implementation of CPT recommendations (especially those with significant financial implications).
  – Mobilizing support from other institutions.
Future challenges

- Extending the CPT’s field of operations to the whole of Europe:
  - to areas in which the central authorities are not at present in effective control (e.g. Abkahzia and South Ossetia; northern Cyprus; Karabakh)
  - to Belarus (and the Central Asian States participating in the OSCE ?)

- Developing close cooperation with the UN Subcommittee on Prevention of Torture:
  - Avoiding duplication in the context of Europe
  - Coordination of efforts towards the development of national preventive mechanisms
Research

• **Case studies** to assess the level of implementation of the CPT’s recommendations in member states with a focus on the variables which may or may not determine acceptance or non-acceptance as well as implementation or non-implementation.

• **Assessment** of the corpus of CPT standards in a comparative analysis with standards developed by other universal or regional bodies to explore whether there are inconsistencies or contradictions which may create conflicting obligations for a state.
Further information

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