

Objectives of the Europe and Central Asia roundtable

The objective of this round-table is to discuss the **steps** that could be taken by **European and Central Asian actors** to support and promote the **ratification and effective implementation of the OPCAT, both inside the region and globally.**

Overview of the situation of the OPCAT in Europe and Central Asia

To date, 61 of the 192 member states of the United Nations have ratified the OPCAT (less than 30%), and only 37 of these have succeeded in the putting in place a NPM. Plainly, five years after the OPCAT's entry into force, the dual challenges of ratifying and implementing the instrument are not as uncomplicated as they may have seemed at the outset. Nevertheless, the Europe and Central Asia region boasts a reasonable level of OPCAT ratifications: almost half of all States Parties (30 of the 61 globally) and the largest number of NPMs (23 out of 37 globally) are from the region.

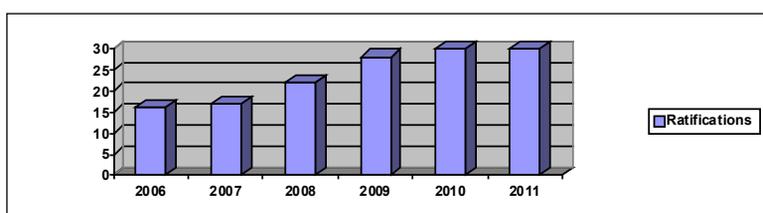
The implementation of the OPCAT has assumed various forms in the region. The majority of countries have designated existing NHRIs as their NPM. Others, such as France, Germany and Switzerland, have established new institutions for this purpose and Kyrgyzstan may do so in the future. There also exist a growing number of examples of collaboration between civil society and NHRIs, often referred to as the so-called 'Ombudsperson plus' NPM model (including Denmark, Moldova and Slovenia). Unsurprisingly, a number of countries do not fall neatly into any of these categories, particularly those which have designated multiple existing institutions as the NPM such as the United Kingdom with its 18-body NPM structure. A small number of countries (Germany, Kazakhstan, Montenegro and Romania) have postponed their NPM designation, under Article 24 of the OPCAT.

Of the 13 in-country visits the SPT has conducted so far, two have been to States Parties in Europe and Central Asia (to Sweden and Ukraine), and one report was published (Sweden). This is relatively few given the number of States Parties in the region: according to the SPT, it has been less present in the region due to alternative means of engagement, in particular through participating in the Council of Europe "European NPM project" and cooperating with the European Committee for the Prevention of Torture.

Overview of the progress and challenges of the OPCAT in Europe and Central Asia five years after its entry into force

1. OPCAT progress in Europe and Central Asia

As this graph shows, progress regarding the OPCAT in Europe and Central Asia has been encouraging, with States Parties almost doubling in five years:



2. Gaps and challenges for the OPCAT in Europe and Central Asia

Despite progress, there exist noticeable gaps and challenges at the present time. For instance, only 15 of the 27 European Union member countries have ratified the instrument (despite the fact that the EU regularly urges countries outside the bloc to do so). At the level of OPCAT implementation, a paucity of human, financial and material resources remains a widespread concern for many NPMs, especially in the current economic climate. Other challenges found in practice include: weak founding legislation, in which key OPCAT provisions are missing; an inability of certain mechanisms to assume key NPM functions; a lack of professional diversity among staff; inadequate organisational clarity; and differing perceptions of effectiveness and credibility. In addition, the quality of the domestic processes for determining NPMs has been varied: while there are examples of best practice, in some countries these processes have not been open, transparent and inclusive, as recommended by the SPT. Finally, a small handful of States Parties have still not succeeded in instituting an NPM, in some cases years after the one-year deadline to do so.

3. Opportunities for the OPCAT in Europe and Central Asia and beyond

Sight should not be lost of the fact, however, that a great deal of innovation and energy can be found in the region, providing examples of good practice for others. Certain bodies have, for instance, used the fact of their designation as an NPM as a moment for introspection, re-orienting their activities and/or organisational structure to enhance their preventive work. Others have found innovative ways of improving the effectiveness of their work within the constraints of existing human, financial and materials resources. In addition, an enormous wealth of torture prevention experience has been accumulated in Europe over a period of more than twenty years in the form of the Council of Europe's Committee for the Prevention of Torture, which remains a very important actor in the region. Moreover, representatives from the region have featured strongly in the SPT (and currently make up over half of its 25 members). In short, there is much regional experience that can be drawn on by actors both inside and outside of Europe and Central Asia.

Proposed concrete ways forward for discussion

It is envisaged that an array of European and Central Asian actors will be represented at this regional roundtable. Many have already been active in promoting the OPCAT both inside and outside of the region, including the region's three main inter-governmental organisations, the Council of Europe, the EU and the OSCE; States Parties to the OPCAT; NPM representatives, individual experts and civil society organisations. This has been done through advocacy, promotion, the sharing of expertise and experience, regional exchanges and networks, workshops and conferences. The regional roundtable will explore how such efforts could be further harnessed or enhanced in order to promote the OPCAT both inside and outside the Europe and Central Asia region. The following are questions for discussion:

1. In light of the fact that so much experience in the prevention of torture and other ill-treatment is locked up in the region, could European and Central Asian actors be doing more to support OPCAT ratification and NPM implementation processes in other regions of the world?
2. If so, how could cross regional ties be engendered and who would be the key actors?
3. Moreover, while bearing in mind the positive lessons which can be drawn from the region, have there been any negative tendencies which should be avoided?
4. Alternatively, could more be done to assist actors in other countries within the region to ratify the instrument and institute effective NPMs? If so, what types of activities could be envisaged?