

What are the objectives of thematic session N°6?

- To review the SPT's role and operations in view of reinforcing its impact
- To take stock of the activities, progress, results and impact of the SPT
- To identify challenges, gaps and ways forward in SPT's role in the implementation of the OPCAT and prevention of torture and other ill-treatment

Why is thematic session N°6 relevant to the OPCAT Global Forum?

The Subcommittee on Prevention of Torture (SPT) is the international component of the system of torture prevention established by the OPCAT. Consideration of its role, challenges and impact is therefore essential to the OPCAT Global Forum.

The SPT is a new kind of UN treaty body, with a proactive and preventive mandate. It has two interrelated functions: an advisory function (of providing advice to States and NPMs on the implementation of OPCAT) and an operational function (involving in-country missions and monitoring of places of detention). It works on the basis of cooperation with State Parties, NPMs, and other international and regional bodies involved in the prevention of torture. Confidentiality, in particular of reports drafted following in-country visits, constitutes an important working principle of the SPT.

The SPT is composed of independent experts elected by the State Parties. In October 2010, the SPT increased in size from 10 to 25 members, and a better gender, regional and expertise balance was achieved in its composition. Since its first meeting in February 2007, the SPT has conducted 14 in-country visits. Four SPT annual reports have been published, as well as a number of policy documents, including guidelines on NPMs. Members of the SPT have also been invited to participate in a number of in-country activities, in particular regarding NPM designation processes and NPM functioning.

What are the main issues to be discussed?

1. Progress

- During its first five years of work, the SPT has developed its **understanding of its preventive mandate**. This is reflected in a number of recently published substantive policy papers, as well as the way it has progressively developed the structure and content of its annual and visits reports.
- The SPT is **strengthening its internal organisation and functioning**: a new Bureau has been created, composed of one President and four Vice-Presidents with specific responsibilities; a new system of regional focal points and tasks forces has been put in place; and the SPT's rules of procedure have finally been published.
- The SPT has also **developed contacts and relations** with regional partners (in the Americas, Africa and Europe) and other UN mechanisms (Special Rapporteur on Torture, UN Committee against Torture), in order to promote synergies between the various actors involved in torture prevention.
- The SPT has thus far focused on **the operational component of its mandate**: the conduct of in-country visits and production of visits reports. **Cooperation with States parties** has been positive. It is promising, for example, that within

the first few years of its work, six of the 13 States visited by the SPT have authorised the publication of its visit-reports. The SPT has visited a broad range of places of detention, not only prisons or police stations but also places such as psychiatric institutions, centres for minors and social welfare centres.

2. Challenges/Gaps

- The SPT has limited financial resources, the majority of which have thus far been allocated to fund its in-country visits, to the detriment of its **advisory role**.
- Advice to States on **NPM designation** has been occasional, and today several States Parties have still not designated their NPM, long after the expiration of the one-year deadline provided by the OPCAT.
- The **direct contacts** foreseen by the OPCAT **between the SPT and NPMs** have been limited. The SPT has not been proactive in seeking to meet with NPMs, either during in-country activities organised by third parties or by carrying out in-country missions for that purpose. The existence of NPMs does not seem to have been a decisive criterion for the SPT when selecting countries to visit.
- Finally, the SPT's **follow-up** to in-country visits and recommendations seems to have been limited (one follow-up visit to Paraguay).

3. Ways forward

- The foundations of the international system of torture prevention envisaged by the OPCAT are currently being laid. The SPT has an important role to play in this crucial phase, in particular by **assisting States Parties to designate effective NPMs**. The SPT could develop a comprehensive strategy in this regard, which could include: interpreting key OPCAT requirements for NPMs such as independence (functional, personal, financial) and adequate resourcing; providing comments on draft NPM legislation; and holding high level meetings to advise authorities and key national stakeholders.
- At the same time, where NPMs have been designated, the SPT could be proactive in **advising these NPMs directly** on their capacity-strengthening and effective functioning, including through trainings and technical assistance. Within its limited resources, creative cost-effective ways of interacting with a number of NPMs are currently being explored and could be further developed (electronic means, country and thematic rapporteurs etc).
- Finally, the SPT's interaction and cooperation with other bodies, especially when it comes to their relationships with NPMs, is essential. In this regard, different actors have suggested a potential role for the SPT's in "**assessing**" **NPMs**, to provide a guiding framework for other bodies as well as States Parties in their interaction with NPMs.

Five questions for debate

1. How could the SPT improve its contacts and advisory role in respect of NPMs (short term and mid-term)?
2. What would be the pros and cons of the SPT establishing an NPM "accreditation" system?
3. The SPT's in country visits to places of detention - is there a need to review the methodology, the criteria for choosing the countries, the visit reports and recommendations?
4. Cooperation with other mechanisms - how to ensure synergies and avoid duplication or contradiction towards the authorities and towards NPMs?
5. How could the SPT improve follow-up to its work?