



Brochure no. 3



# The Prevention of Torture in Europe

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## The CPT: History, Mandate and Composition

by Barbara Bernath

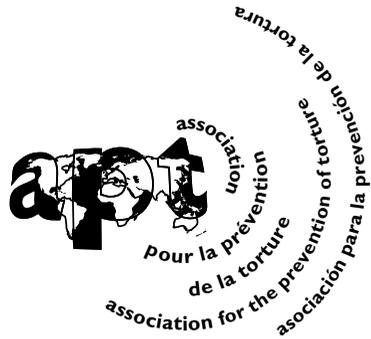


Barbara Bernath, APT Programme Officer for Europe.

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The European Convention for the Prevention of Torture and its practical arm the European Committee for the Prevention of Torture (CPT) together form a unique international system. The Committee's independent experts can go at any time to any country that has ratified the Convention and visit any place of detention there such as prisons, police stations and psychiatric hospitals. The CPT then reports its findings and makes concrete recommendations for preventing torture and ill-treatment.

This unique approach makes the system worthy of study by everyone concerned with or interested in the treatment of persons deprived of liberty and the conditions in which they are detained. The Association for the Prevention of Torture has therefore decided to publish a handbook on the CPT comprising about ten brochures giving a simple practical account of the Committee's work, mandate and operation, the standards it has built up and the prospects for its co-operation with NGOs.



# **The Prevention of Torture in Europe**

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by Barbara Bernath

Geneva, December 1999

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## FOREWORD

The Association for the Prevention of Torture (APT) is a non-governmental organisation based in Geneva, whose mandate is to prevent torture and ill-treatment. The APT seeks to ensure that norms forbidding torture are respected and to reinforce means for the prevention of torture, such as visits to places of detention. Thus, the APT is at the origin of the *European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment* (ECPT) which was adopted by the Council of Europe in 1987 and entered into force in 1989. This Convention establishes the *European Committee for the Prevention of Torture* (CPT), an expert committee which can visit prisons, police stations, psychiatric hospitals, etc. in different European countries and, on the basis of what it sees, make recommendations to the authorities so as to diminish the risks of torture and ill-treatment.

Since 1990, the CPT has visited places of detention in about thirty countries in Europe, but its work remains unknown and poorly publicised. This is the reason why the APT is elaborating a practical handbook on the CPT. This handbook deals with the mandate and functioning of the CPT, the standards it has developed concerning the treatment of persons deprived of liberty and conditions of detention. It is supposed to be useful to persons interested in or concerned by the questions of detention conditions and treatment of persons deprived of their liberty: policemen, prison personnel, NGOs, lawyers, chaplains, detainees and their families...

This handbook will be composed of about ten brochures, which can be used separately or as a whole, for example in the context of NGO seminars or training sessions for persons concerned. The brochures will be published gradually over the next three years and cover the following aspects of the CPT's activities:

- Brochure no. 1: Collected texts
- Brochure no. 2: International and national framework for the combat against torture
- Brochure no. 3: Mandate and composition of the CPT
- Brochure no. 4: *Modus operandi* of the CPT
- Brochure no. 5: The CPT's standards for police custody
- Brochure no. 6: The CPT's standards for imprisonment
- Brochure no. 7: The CPT's standards concerning specific categories of detainees
- Brochure no. 8: Co-operation between NGOs and the CPT
- Brochure no. 9: Practical guide: Visits to places of detention
- Brochure no. 10: Country by country: a comparative analysis of the CPT's recommendations

The present brochure aims at providing an overview of the work of the CPT. After a brief history, it tries to show the specificity of this mechanism through its fundamental characteristics and its mandate. The brochure also presents the composition as well as the functioning of the Committee.



## INTRODUCTION

Numerous international texts place an absolute ban on torture. Article 3 of the European Convention on Human Rights of 1950 lays down that “No one shall be subjected to torture or to inhuman or degrading treatment». Nonetheless, even in Europe, torture and ill-treatment continue to be inflicted on persons deprived of their liberty. It was in an attempt to put an end to this scourge that the member States of the Council of Europe decided to complete the judicial mechanism of the European Court of Human Rights with a non-judicial mechanism of a preventive nature based on visits to places of detention.

In adopting the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereafter called the Convention) in 1987, the Council of Europe was breaking new ground. The Convention set up a mechanism which is unique at the international level: the European Committee for the Prevention of Torture (hereafter referred to as the Committee, or the CPT), which is empowered to visit all places where people are deprived of their liberty by a public authority. The originality of this system stems less from the principle of visits to places of detention than from the preventive nature of these visits. Unlike other international judicial or quasi-judicial bodies, the Committee can enter any member State at any time, without having to wait to receive a complaint or allegation, to examine the treatment of people deprived of their liberty and the conditions of detention, and to make concrete recommendations. The CPT’s activities are thus oriented toward the future, not toward the past.

In order to understand the Committee’s mandate, it is necessary to take a brief look at the history of the Convention and the main features of this innovative mechanism. We shall then examine the Committee’s mandate in relation to visits and recommendations, before outlining the composition of the Committee and its working methods.



# I A BRIEF HISTORY

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## I A BRIEF HISTORY

The origins of the European Convention for the Prevention of Torture can be traced back to a simple idea – that of a Geneva banker, Jean-Jacques Gautier, who in the 1970s decided to devote his retirement to the fight against torture. Inspired by the example of the International Committee of the Red Cross, he launched a proposal for a new Convention setting up an independent international body empowered to visit all places of detention. In January 1977, J.-J. Gautier founded an association, the Swiss Committee against Torture (SCAT, today called the Association for the Prevention of Torture, the APT), which was given the task of putting this idea into action. The Swiss Committee thus drew up the first draft of the “Convention for the Treatment of Persons Deprived of their Liberty”.

At the same time, two draft Conventions against Torture were presented to the United Nations Commission on Human Rights. So as to avoid presenting a third, rival draft before the United Nations, the Swiss Committee against Torture, supported by the International Commission of Jurists (ICJ), decided in 1978 to transform the text of the Convention into a draft optional Protocol to the future Convention against Torture. The draft optional Protocol was officially submitted to the Commission on Human Rights by Costa Rica in 1980. However, it was decided that the draft optional Protocol would be discussed only after adoption of the Convention against Torture. This Convention was adopted in 1984 and entered into force in 1987. Since 1992, the draft optional Protocol has been discussed in a working group of the United Nations Commission on Human Rights. The APT is actively involved in the negotiations with a view to adoption of this text.

Meanwhile, attention turned to the Council of Europe. In 1981, the Parliamentary Assembly of the Council of Europe adopted a recommendation relating to the draft Convention against Torture of the United Nations. This resolution in particular requested the member States to pay particular attention to the planned visit system. In 1983, given the slow progress of the United Nations’ work and the uncertain future of the draft optional Protocol, the President of the Commission of Legal Affairs and Human Rights of the Parliamentary Assembly asked the Swiss Committee against Torture and the ICJ to present a draft Convention which would be applicable in the framework of the Council of Europe. The two organisations drew up a draft which was adopted by the Parliamentary Assembly in September 1983 and then transmitted to the Committee of Ministers. The discussions within the Committee of Ministers and the Sub-Committees of experts lasted three and a half years, from 1984 to 1987. Following the debates, the initial project put forward by the two non-governmental organisations was modified on several points such as the composition of the Committee. The text also establishes a clear distinction between the role of the CPT and that of the organs of the European Convention on Human Rights. Finally, by way of a compromise and in order to keep the text simple, the Committee of Ministers decided to complete the text of the Convention with an Explanatory Report.

The text of the European Convention for the Prevention of Torture was finally adopted by the Committee of Ministers of the Council of Europe on 26 June 1987 and opened for signature on 27 November of the same year. Ratifications ensued more rapidly than expected, and the Convention came into force on 1 February 1989.

The first members of the European Committee for the Prevention of Torture were elected in September 1989 and the CPT carried out its first visit, to Austria, in May 1990. As at 1 July 1999, the Convention had 40 States Parties and the Committee had made over 88 visits to 39 States.

To sum up, we should like to quote a paragraph from the Concluding Remarks of the First General Report on the CPT's Activities: "An enlightened Swiss citizen (Jean-Jacques Gautier), two non-governmental organisations (the SCAT and the ICJ) and the Council of Europe's Parliamentary Assembly deserve credit for this major breakthrough in the human rights field. But not less commendation should be given to the exemplary action of the member States of the Council of Europe in accepting such a significant inroad into an extremely delicate area of domestic jurisdiction. It is thanks to the efforts of all of them that the CPT has been established and is now operational."<sup>1</sup>





## **II MAIN FEATURES OF THE SYSTEM**

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## II MAIN FEATURES OF THE SYSTEM

The mechanism introduced by the European Convention for the Prevention of Torture has certain original features which require elucidation before coming to a closer examination of the Committee's mandate. As the Preamble to the Convention states, the objective is to put in place a non-judicial mechanism of a preventive nature based on visits.

### 1 Non-judicial character

The CPT is not a judicial mechanism empowered to hold an inquiry and give a ruling on complaints or to determine whether a State has breached the basic provisions of the treaty. The Committee does not need to have been petitioned in order to carry out a visit, but intervenes *ex-officio*, on its own initiative. The facts noted during the visits do not give rise to a legally-binding finding, but to the drafting of a report which contains recommendations on how the protection of persons deprived of their liberty should be improved.

In principle, the CPT does not deal with individual cases. Of course, the CPT is also called upon to hold inquiries, in particular in the context of *ad hoc* visits following serious allegations of torture. In such cases, while it does actually try to ascertain whether or not the allegations are well-founded, the results of the visit are of a broader nature, as the CPT looks into the general conditions surrounding the alleged abuses. It can thus draw up recommendations which are directed more at the long-term and concern, beyond the individual case at hand, the material and social conditions of detention in general, procedural guarantees or the training of staff.

There are thus within the Council of Europe two complementary mechanisms for combating torture – the judicial mechanism of the Court, which operates *a posteriori* and gives rulings on individual complaints, and the CPT which carries out preventive visits. Both mechanisms are based on Article 3 of the European Convention on Human Rights, but, unlike the Court, the CPT is not bound by the case-law related to this article. This is merely a source of inspiration, the same as any other international text. It ensues from all these characteristics that the CPT “must aim at a degree of protection that is greater than that upheld by the European Court of Human Rights”<sup>2</sup>.

The authors of the Convention were very careful to ensure that the competence of the Committee would not encroach upon that of the European Court of Human Rights (and at the time, of the European Commission of Human Rights). Thus, Article 17, paragraph 2, establishes that “Nothing in this Convention shall be construed as limiting or derogating from the competence of the organs of the European Convention on Human Rights or from the obligations assumed by the Parties under that Convention”. The CPT itself was at pains to explain the differ-

ences between its activities and the Court's in its first annual General Report<sup>3</sup>, and in the preface to its reports on visits to the States.

## ■ 2 Preventive character

The CPT may travel to the territory of any State at any time to visit all places where persons are deprived of their liberty by a public authority. The very fact that an independent international body can at any time visit places which are by definition closed, such as prisons or police stations, in itself plays an unquestionable preventive role. The preventive nature of the system lies in part in this possibility of conducting unannounced and repeated visits.

The most important aspect of the preventive nature lies however in the very objective of the visits. The Committee does not carry out visits in order to establish facts following a complaint or allegations of torture, but in order to prevent such acts from occurring. The CPT must therefore establish whether conditions or circumstances exist which are likely to deteriorate into acts of torture. The CPT is thus particularly attentive to the "indicators and early signs pointing to possible future abuses"<sup>4</sup>.

The CPT explores the prevailing factual situation in the countries it visits as regards the treatment of persons deprived of their liberty and the conditions of detention. In the CPT's own words, it:

- "examines the general conditions in the establishments visited;
- observes the attitude of law enforcement officials and other staff towards persons deprived of their liberty;
- interviews persons deprived of their liberty in order to understand how they perceive the (afore-mentioned) aspects and hear any specific grievances they may have;
- examines the legal and administrative foundation of the deprivation of liberty."<sup>5</sup>

After the visit, the Committee draws up a report and makes concrete recommendations, which focus essentially on the medium- to long-term, in order to strengthen the protection of persons deprived of their liberty and reduce the risk of torture and ill-treatment.

## ■ 3 Co-operation and confidentiality

The principles of co-operation and confidentiality lie at the very heart of the Convention. The States agreed to let their places of detention be inspected by an international body on the sole condition that the entire procedure remain confidential. Equally, the system can only function effectively if the State co-operates in full with this body.

### ■ Confidentiality

Confidentiality is thus one of the pillars of the Convention. States are willing to authorise inspections of their places of detention only if they are assured that the information gathered and the facts noted will be subject to the strictest confidentiality. Article 11, paragraph 1, states that “The information gathered by the Committee in relation to a visit, its report and its consultations with the Party concerned shall be confidential”.

The principle of confidentiality means, in concrete terms, that no information on the situation in the country, in particular the CPT’s report, is filtered to national or international public opinion, to the press, to NGOs, or even to other Council of Europe organs or other States Parties to the Convention. The Committee’s sessions take place in camera and all the members of a delegation (Committee members, experts, members of the Secretariat, interpreters) must keep secret the facts or information of which they have become aware.

The Convention nonetheless provides for two exceptions to this principle of confidentiality. The first stems from the State’s own wish, while the second has the nature of a sanction.

Firstly, the Convention provides that the Committee’s report can be published whenever this is requested by the State itself (Art. 11, para. 2). The CPT furthermore reserves the right to publish the entire report whenever part of it is made public. Article 11, paragraph 2, which was initially intended as an exception, has gradually become the rule. In fact, three of the first five States visited by the CPT in 1990 published the Committee’s report the following year. On the basis of these precedents, almost all States have so far authorised publication of the reports. Turkey, which after seven visits was the only State to refuse publication, for the first time authorised publication of the report on the 1997 visit in February 1999. While publication has become the norm, the gap between the CPT’s visit and publication of the report varies considerably from one country to the next.

The second exception to the principle of confidentiality has the nature of a sanction. The Convention lays down that if a Party fails to co-operate or refuses to improve the situation in the light of the Committee’s recommendations, the Committee may decide to make a public statement on the matter (Art. 10, para 2). This decision must be made by a qualified majority of two-thirds of the members of the Committee and after the State concerned has been given an opportunity

to make known its views. To date, the Committee has adopted only two public statements, in December 1992 and in December 1996, both in respect of Turkey.

This possibility of making a public statement if a State refuses to co-operate demonstrates the close links that exist between co-operation and confidentiality. Nonetheless, the restrictive use of public statements shows that this is really a measure of last resort.

Finally, it should be noted that the principle of confidentiality is applied at another level. Personal data gathered in particular during private interviews with detainees are also protected by the principle of confidentiality. This information can only be made public with the express consent of the person concerned.

### ■ Co-operation

The principle of co-operation is a corollary of the principle of confidentiality. Article 3 of the Convention establishes that "In the application of this Convention, the Committee and the competent national authorities of the Party concerned shall co-operate with each other". As has already been seen, the objective of the Convention is not to judge a State, and even less to condemn it, but rather to help it improve the treatment of people deprived of their liberty. Such a system can only function in the context of a relationship of mutual confidence between the Committee and the State.

The State's co-operation is indispensable at all stages of the Committee's activities – that is, before, during and after a visit. Article 8, paragraph 2, specifies the content of this obligation to co-operate. The State must grant the CPT access to its territory and the right to travel without restriction, including access to any place where people are deprived of their liberty, and it must provide all information which is necessary for the Committee to carry out its task. In concrete terms, co-operation means active assistance by the State at both national and local levels.

The CPT's visit reports always begin with a section dealing with the levels of co-operation encountered during the visit. Similarly, the annual general report on the CPT's activities contains an evaluation of the degree of co-operation. While this is on the whole satisfactory, the CPT occasionally experiences difficulties in gaining access to certain places of detention. These delays are for the most part due to insufficient knowledge of the CPT's mandate. This is why the CPT insists that the authorities make the CPT and its mandate known, right down to the lower echelons of the administrations concerned.





### **III**

## **THE CPT'S MANDATE**

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### III THE CPT'S MANDATE

The Committee's mandate is set forth in Article 1 of the Convention: "The Committee shall, by means of visits, examine the treatment of persons deprived of their liberty with a view to strengthening, if necessary, the protection of such persons from torture and from inhuman or degrading treatment or punishment". This article presents both the objective of the Committee – to reinforce protection against torture and ill-treatment – and the means for attaining this objective – by conducting visits to places of detention. The Committee has thus not only the right but also the obligation to carry out visits.

Visits are just one means of improving the protection of persons deprived of their freedom. This objective can be fulfilled only if visits are supplemented by another mechanism – concrete recommendations for improving the treatment of detainees and the conditions of detention.

#### 1 The CPT's mandate with regard to visits

The Convention uses the term "visit" in undifferentiated fashion to refer both to visits to particular places of detention and to the entire mission to a country, which in general comprises several visits to different establishments. To avoid confusion, we shall here use the word "mission" to refer to all the activities of the Committee on the territory of a particular State.

We shall thus examine the scope of the CPT's mandate in terms of access to the territory, types of mission, places visited, access to information and documents, and interviews with detainees.

##### Access to the territory in all circumstances.

The Committee can travel to a State Party **at any time** in order to carry out visits to all places of detention. By ratifying the Convention, the State commits itself to grant the Committee access to places of detention both in times of peace and in times of war or unrest.

The Convention simply states that the Committee must give the government of the State concerned advance notice of its intention to conduct a mission. In order to give the State enough time to prepare for the visit, in particular for the meetings at government level, while retaining the element of surprise necessary for the visit to be effective, this notification has been conceived of as a process and not as a single act. The CPT's Rules of Procedure do not detail the stages of this process, merely indicating that notification can be carried out in one or more stages. In practice, notification takes place in accordance with the following three phases:

- At the end of the year, when the programme of periodic visits has been established, the CPT informs the States concerned, and a press release with the list of States is then issued;
- Two weeks before the visit, the CPT officially notifies the State concerned of its intention to carry out the visit; this notification gives the date of the beginning of the visit and its probable duration as well as the composition of the delegation;
- Some days before the visit, the CPT sends a non-exhaustive list of the establishments that it wishes to visit, on the understanding that during the visit it can go to other places.

This notification procedure is valid for periodic visits only.

The Convention provides for one exception as regards access by the Committee. Article 9 establishes that “in exceptional circumstances”, the State may make representations to the Committee against a visit “at the time or to the particular place” proposed. This right may be invoked only on the following grounds:

- national defence;
- public safety;
- serious disorder in places where persons are deprived of their liberty;
- health of a person deprived of liberty;
- an urgent interrogation relating to a serious crime.

This exception could delay the visit for a short period of time. Article 9, paragraph 2, establishes that the Committee and the State “shall immediately enter into consultations in order to clarify the situation and seek agreement on arrangements to enable the Committee to exercise its functions expeditiously. Such arrangements may include the transfer to another place of any person whom the Committee proposed to visit.”

What is more, this article may not be cited in order to refuse the CPT access to the territory of a State. It must be interpreted restrictively, for it is precisely in exceptional circumstances of this kind that the risk of torture and ill-treatment is greatest, and that access by the CPT is all the more important.

To our knowledge, this exceptional provision has never been applied.

### ■ Periodic missions and missions required in the circumstances<sup>6</sup>

Pursuant to Article 7, the Committee may carry out two types of mission: periodic missions and missions which are “required in the circumstances” (*ad hoc* or follow-up missions).

**Periodic missions** are the cornerstone of the Convention and the basis for the preventive nature of the CPT. As each State Party is visited periodically by the Committee, the CPT’s work can be aimed at the long term, as it is in a position to follow the evolution of the situation in a given country on a regular basis.

To start with, periodic missions were supposed to take place every two to three years, but with the increase in the number of States Parties, the interval between visits now stands at around four years.

Periodic missions are planned in advance. At the end of the year, the Committee publishes a list of the countries which are to be visited on a periodic basis during the following year. The first round of missions was decided on by drawing lots. Since then, the Committee has tried to plan the missions on an equitable basis, with a balance between new States Parties and older ones. The programme of periodic missions generally includes eight to ten countries. The length of periodic missions varies according to the size of the country, the number of places of detention and the prison population, but is on average two weeks.

The Committee can also conduct **missions required in the circumstances**. These are “surprise missions” which enable the CPT to respond flexibly to different situations. The CPT can thus react to an urgent situations on receiving information about alleged acts of torture or ill-treatment at a given place or against a given person.

- **Follow-up missions** aim at returning to a place already visited and examine whether the recommendations made at the end of the previous visit have been implemented. Thus, in 1996, the CPT made a four-day visit to San Vittore prison in Milan, Italy, which had been the subject of serious criticism in the previous two visits.
- Through ***ad hoc* mission** the CPT can also react to a situation which it considers to contain a high risk of torture or ill-treatment for a particular person. Thus, in March 1999, shortly after the arrest of Abdullah Ocalan, leader of the Kurdistan Workers’ Party (PKK), by the Turkish authorities, the CPT went to Turkey and was able to interview him in private.
- ***Ad hoc* missions** can also be used to give priority to a State which has ratified the Convention too recently for a periodic mission to have been included on the list. In December 1998 the CPT made a first visit to Russia, some three months after the Convention had come into force there.

- Lastly, *ad hoc* missions can be undertaken in response to an **invitation** by the authorities. In January 1999 the CPT went to the Netherlands Antilles for the third time, following an invitation by the authorities, to check up on measures adopted in the light of earlier recommendations made by the CPT.

The CPT has total discretionary powers to decide whether to conduct missions. It bases its decision on information received from different sources: the authorities, non-governmental organisations, the media or individual communications.

### ■ **Access to all places where people are deprived of their liberty by a public authority**

Under Article 2 of the Convention, “Each Party shall permit visits to any place within its jurisdiction where persons are deprived of their liberty by a public authority”.

The Committee may thus visit all places which correspond to this definition, and is not confined to those places that the State officially designates as places of deprivation of liberty. This very general wording enables the Committee to visit police stations, pre-trial detention centres, places where persons are imprisoned as a result of conviction for an offence, administrative detention centres, as well as psychiatric hospitals, transit zones in airports, holding centres for foreigners and military camps.

The Committee does not concern itself with the reasons why people have been deprived of their liberty, or whether this was the result of a formal decision by the public authorities or not. Similarly, the Committee does not distinguish between private and public establishments: It suffices for people to be deprived of their freedom there through the action of a public authority. In the case of psychiatric hospitals, the CPT visits patients who are involuntarily interned. It can however satisfy itself that the other patients are interned of their own free will.

The CPT’s access to transit zones in airports has been contested, as States argue that the people in question, who were denied access to their territory, remain free to leave the country. The CPT has always considered that it is not a real alternative and that visiting transit zones falls within its mandate. This position was confirmed by the “*Amuur vs. France*” judgement of the European Court of Human Rights in 1996. The Court held that the “mere fact that it is possible for asylum-seekers to leave voluntarily the country where they wish to take refuge cannot exclude a restriction on liberty”<sup>7</sup>, and concluded that “holding the applicants in the transit zone .... was equivalent in practice, in view of the restrictions suffered, to a deprivation of liberty.”<sup>8</sup>

Access to places of detention includes the right for the CPT delegation to move freely within such establishments and to visit all premises.

## Access to information and documents

The Convention stipulates that the State must provide the Committee with full information on the places where persons are deprived of their liberty (Article 8.2.b). Each State is thus required to supply the CPT with a list of the different places where persons are deprived of their liberty. This list must be regularly updated. In its annual general reports, the Committee has sometimes complained of not having complete and up-to-date lists and has reminded the States of their obligations under the terms of the Convention.

The Committee can also solicit all other information necessary to carry out its task (Art. 8.2.d). It is on the basis of this provision that, during a visit to an establishment, the Committee requests access to all registers and files pertaining to the detainees, including legal or medical records. The CPT has sometimes encountered difficulties in this regard, as some States make access to certain rooms subject to authorisation by a magistrate. The CPT reminds them that access to the files must be direct and immediate so as not to undermine the effectiveness of the visit, and that it is bound by the confidentiality rule.

The Convention stipulates that “in seeking such information, the Committee shall have regard to applicable rules of national law and professional ethics” (Art. 8.2.d). For the CPT, this provision merely establishes procedural rules that are to be respected (for example, obligatory presence of a member of the health-care service of the place visited during the consultation of medical records), and cannot be used to justify an outright refusal to grant access to certain files, nor access under conditions which would be tantamount to a refusal<sup>9</sup>.

## Interviews with detainees and contacts with other people

Article 8, paragraph 3, of the Convention states that the Committee may interview in private persons deprived of their liberty. The detainees are free to accept or refuse such an interview (but the CPT may then satisfy itself that this is in fact the free decision of the person concerned). If necessary, the member of the delegation who is a doctor may also proceed to a medical examination of the person. The interviews take place in private, out of earshot and, if possible, out of sight of the authorities. The names of those interviewed are never given in the CPT’s report (except when specific consent had been given).

Interviews constitute one of the basic elements of the visits. They enable the CPT to gather allegations of torture or ill-treatment, and also to hear the detainees’ views on the conditions of detention.

During the mission, the CPT may also enter into contact with any person who it believes can supply information. In general, the Committee meets non-governmental organisations, but also lawyers, medical doctors and relatives of detainees. These meetings are informal and no-one is obliged to communicate with the CPT. As in the case of detainees, the content of the interviews remains confidential and is not mentioned as such in the visit report.

## ■ 2 The CPT's mandate with regard to recommendations

Visits enable the Committee to examine the situation of persons deprived of liberty in a given country, both in relation to the treatment of detainees and the conditions of detention. The CPT's objective of strengthening the protection against torture of persons deprived of liberty cannot be achieved through visits alone, however. These must be followed up by an analysis of the problems encountered and, above all, by proposals to resolve them. After the visit, the Committee drafts a report and makes any recommendations it deems necessary. The State must respond to this report, and it is thus that an ongoing dialogue is established between the Committee and the authorities with the aim of improving the situation.

Each report contains specific recommendations addressed to the Party concerned. The CPT has, however, gone beyond these individual recommendations and worked out generally applicable standards.

### ■ The CPT's recommendations

After each visit, the Committee draws up a report on the facts found during the visit, and in which it makes any recommendations for strengthening the protection against torture and ill-treatment (Art. 10).

In practice, the Committee has developed three kinds of tools: recommendations, comments, and requests for information. The Committee makes recommendations when the situation requires intervention by the State. Comments take the form of suggestions or proposals of a general nature, or a reminder of a minimum rule. In its requests for information, the CPT solicits an explanation of a particular situation or rule, statistics, or specific information.

The Committee's recommendations are not legally binding for the States. Nonetheless, under the principle of co-operation, the States are obliged to give them serious consideration and to try to implement them as far as possible. In addition, the Convention establishes that if a State refuses to improve the situation in the light of the CPT's recommendations, the Committee may decide to issue a public statement.

The State is required to express its opinion on the recommendations and to reply to the Committee's report. Six months after receiving the report, the State must generally submit an interim report, and within one year it must send in a follow-up report on the measures taken to give effect to the recommendations.

In so far as the CPT is a preventive mechanism, it attempts to "assure a protection which is as wide as possible against all abuses, both physical and mental" (preface to the first reports). The recommendations therefore cover very different aspects<sup>10</sup>:

- the material conditions of detention (e.g. overpopulation, cell size, lighting, ventilation, hygiene, sanitary facilities, food, clothing, transport of detainees...);
- health-care services (number of medical staff, their qualifications, treatment of patients);
- social conditions (activities, work, leisure, outdoor exercise, contacts with the outside world, visits, number of staff, detainee-staff relations);
- procedural guarantees (guarantees during custody, registers, interrogation procedures, access to a medical doctor, medical records, informing of detainees, disciplinary procedures, complaints and inspection procedures, use of means of restraint);
- behaviour and training of the staff (prohibition of ill-treatment; proportionate use of force; attitude of the hierarchy and instructions; training; competence).

### ■ Standards developed by the CPT<sup>11</sup>

As we have already seen, the CPT must carry out an objective assessment of the concrete situation encountered in the different places of detention in order to draw up, where need be, concrete recommendations. However, the Committee does not have any specific standards available on which to base this evaluation, as the Convention does not contain any norms on this matter. The CPT has thus drawn from different international texts relating to the treatment of persons deprived of their liberty, such as the European Convention on Human Rights and its case-law, the International Covenant on Civil and Political Rights, and also the European Penitentiary Rules<sup>12</sup> and the United Nations Standard Minimum Rules for the Treatment of Prisoners<sup>13</sup>.

As the CPT wrote in the first annual General Report on its activities: “In spite of the wealth of material available, the CPT often finds that no clear guidance can be drawn from it for the purpose of dealing with specific situations encountered by the Committee, or at least that more detailed standards are needed.”<sup>14</sup> The CPT has therefore had to develop its own evaluation criteria and its own standards in drawing up the visit reports, which constitute a veritable “case-law”.

From the very start, the CPT expressed its intention of going beyond the specific recommendations made in the visit reports to build up “a set of such general criteria for the treatment of persons deprived of their liberty”<sup>15</sup>. The CPT thus began systematising and synthesising certain aspects of these standards in a number of annual general reports.

The following annual general reports deal with substantive issues:

- 2<sup>nd</sup> General Report on the CPT's Activities (1991): standards relating to detention by the police and imprisonment;
- 3<sup>rd</sup> General Report on the CPT's Activities (1992): standards relating to health-care services in prisons;
- 7<sup>th</sup> General Report on the CPT's Activities (1996): standards relating to foreign nationals detained under aliens legislation;
- 8<sup>th</sup> General Report on the CPT's Activities (1997): standards relating to involuntary placement in psychiatric establishments;
- 9<sup>th</sup> General Report on the CPT's Activities (1998): standards relating to juveniles deprived of their liberty.

The standards thus developed by the CPT, given their essentially preventive nature, are often more precise and offer a better degree of protection than the standards contained in other international texts, or than the case-law of certain organs. They could thus also influence the case-law of other international bodies.





## **IV COMPOSITION OF THE COMMITTEE**

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## IV COMPOSITION OF THE COMMITTEE

The initial draft of the Convention envisaged the setting up of a select Committee composed of five members, whose main task would be the adoption of reports and negotiation with States, while the visits would be carried out by experts. The text that was eventually adopted differs greatly from this initial model, for it establishes a Committee made up of as many members as States Parties, and lays down that it is the members themselves who carry out the visits.

Given the particular nature of this mechanism, whose work for the most part takes place in the field, the smooth running and the quality of the CPT's activities largely depend on the competence and commitment of its members and of the persons who assist it.

### 1 The members of the Committee

The Committee consists of a number of members equal to that of the Parties (Art. 4). Each national delegation to the Parliamentary Assembly of the Council of Europe proposes three candidates, of whom at least two are its nationals. The Bureau of the Parliamentary Assembly then draws up a list of candidates by country. This list is transmitted to the Committee of Ministers, which elects the members of the Committee. The term of office is fixed at four years, with the possibility of re-election only once (Article 5.3).

As at 1 December 1999, the Committee had 36 members and four seats were vacant<sup>16</sup>. Vacancies are due to a variety of reasons. Firstly, in the case of new States Parties, there is a certain time lapse between ratification of the Convention and the nomination of candidates. For example, Russia ratified the Convention in May 1998 and the member of the Committee in respect of Russia was elected only in January 1999, that is, eight months later. Secondly, certain States Parties are delayed in replacing their national member once his or her term of office has expired. Thus the United Kingdom did not have a member for three months, from September 1997, when the term expired, until December 1997, when the new British member was elected. This situation is far from satisfactory and the Parties should take their obligation more seriously and put forward their candidates immediately, be they new members or renewals.

In this respect, the renewal of members presents a particularly serious problem for the Committee. Unlike other international organs, the Convention does not make provision for a system of partial renewal of the Committee members. What is more, the term of office of each member is fixed individually from the date of his or her election, both in the case of new members and renewals. As a result, the expiry dates of the members' terms vary considerably. This situation poses a problem for the cohesion of the Committee and for the continuity of its work. It

was to overcome this problem that a protocol was adopted in 1993 providing for the renewal of half of the Committee every two years. The protocol also establishes that members can be re-elected twice instead of just once. However, this protocol requires the ratification of all the Parties to the Convention in order for it to enter into force. By 1 December 1999, only 36 States had ratified it. In spite of the Committee's repeated calls for rapid ratification, and in spite of the support of the Parliamentary Assembly of the Council of Europe, some States do not seem in a hurry to see this protocol of a technical nature enter into force. It would reinforce the Committee's stability considerably.

### ■ Personal qualities of the members

As seen above, each Party proposes three candidates who must fulfil certain criteria.

The Convention lays down that the members must be chosen "from among persons of high moral character" (Art. 4.2). They serve in their individual capacity and must be independent and impartial.

The members of the Committee must "be available to serve the Committee effectively". This criterion of availability is particularly important for a mechanism such as the CPT. The visits are physically and mentally demanding and the members must be able to face up to intensive activity. The age of the members is thus a significant factor, as has been stressed by the Parliamentary Assembly of the Council of Europe. In the light of the most recent elections, it would seem that the States have taken account of this in putting forward their candidates. The average age has sunk considerably over the last four years, from 60.3 to 55.3 (see Table 2). In 1999, the youngest member of the Committee is 35 and only one member is over 70 years of age.

Finally, as regards availability, the introduction of a retainer system not only for the members of the Bureau but for all the Committee members helps ensure that the members are able to fulfil their functions effectively.

### ■ Professional skills and balanced membership of the Committee

As regards professional skills, the Convention simply states that the members must be "known for their competence in the field of human rights or having professional experience in the areas covered by this Convention" (Art. 4, paragraph 2). From the very beginning, the importance of the multi-disciplinary nature of the Committee was stressed. Thus the Explanatory Report to the Convention specifies that the members do not have to be lawyers, and that it would be desirable for the Committee to include medical doctors and specialists in prison administration.

Similarly, women should be better represented within the Committee and the balance between the sexes better guaranteed. Although the number of women has increased, the percentage has remained more or less the same over the last ten years.

What is more, women are well represented among the medical professionals (5 out of 11 in 1999) and under-represented among the legal professionals. It should be noted that since 1993 one of the three members of the Bureau is a woman.

In all its annual General Reports, the Committee has emphasised the importance of a better representation of certain professions, in particular the medical professions and specialists in prison administration, as well as a better representation of women. In its 8<sup>th</sup> General Report, covering the year 1997, the Committee found that “the current membership is arguably the most balanced and specialised that the CPT has ever enjoyed”. It nevertheless stressed that “it would be very helpful if the Committee’s membership were also to include some persons with specialist practical knowledge of police work”.<sup>17</sup>

## ■ 2 Composition of the delegation

For each visit, the Committee sets up a delegation which is made up of members of the Committee, members of the Secretariat, experts, and, if need be, interpreters.

### ■ Members of the Committee

The Committee decides on the composition of the delegation and the delegation chooses a head of delegation. The balanced composition of the Committee as a whole is thus all the more important as the full Committee does not take part in the mission. In fact, delegations comprising two to five members are formed for each mission, and it is the balance within this delegation that counts in the long run. The multi-disciplinary nature of the delegations and the balance between the sexes will be all the easier to achieve if the Committee as a whole includes more women and more representatives of the different professions.

In order to preserve the delegation’s impartiality, the “national” member of the Committee may not take part in a visit to his or her country. This measure, which gave rise to some controversy at first, was applied in practice before being included in the CPT’s Rules of Procedure in November 1990.

### ■ Experts

The Convention states that the Committee “may, if it considers it necessary, be assisted by experts” (Art. 7.2). As the Explanatory Report to the Convention specifies, the idea is to “supplement the experience of the Committee by the assistance of persons who have special training or experience of humanitarian missions, who have a medical background or possess a special competence in the treatment of detainees or in prison regimes”.

According to this provision, resorting to experts on an *ad hoc* basis should form the exception. In practice, experts have accompanied almost all the CPT’s missions up to now, and there are on average two experts per delegation. The par-

ticipation of experts provides particular and specialised skills in addition to those of the Committee members.

The experts are chosen directly by the Committee on an *ad hoc* basis, and are engaged for the duration of the mission. The CPT has availed itself of the services of around forty experts since 1990, although most have participated in just one CPT mission. A dozen or so experts assist the Committee regularly: Five have taken part in over ten missions, while seven others have taken part in over five missions. One can thus say that they constitute a *de facto* panel that the CPT can draw on in accordance with its needs for certain professional skills.

The CPT has had recourse to medical experts, above all psychiatrists, but also to law professors with particular experience in the prison field, as well as professionals from the police and prison administration.

The Convention specifies that the experts act on the instructions and under the authority of the Committee. They are subject to the same duties of independence and impartiality as the members of the Committee. They are also bound by the same obligation of confidentiality. The Convention furthermore provides that a State can object to an expert's visiting a place under its jurisdiction. To our knowledge, such an objection has never been raised in practice.

During a mission, the experts under the authority of the CPT have essentially the same rights and duties as the Committee members. During a visit, the experts may hold private interviews with the detainees. After the mission the experts contribute to drafting the report on the visit and take part in all the necessary meetings, but they do not take part in the plenary meeting of the Committee which adopts the report.





**V**  
**THE FUNCTIONING**  
**OF THE COMMITTEE**

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## V THE FUNCTIONING OF THE COMMITTEE

It is important for the Committee to be able to devote itself entirely to the most important aspect of its work – field visits. For this, it must be able to function effectively by means of plenary meetings and with the support of an efficient Bureau and Secretariat.

### 1 Plenary meetings

Since 1996 the Committee meets in plenary sessions three times a year. With the increase in visits, the Committee has gradually reduced the number of plenary meetings<sup>18</sup>. A Committee meeting can furthermore be called on the decision of the Bureau, or if at least one third of the members requests it. Debates in the Committee take place in camera and only the members of the Committee, the Secretariat and the interpreters are authorised to take part in plenary meetings<sup>19</sup>. The Committee's deliberations are confidential. The agenda of the plenary meetings is submitted by the Secretariat to the Bureau for approval and adopted at the start of the meeting.

The Committee's decisions are taken by a majority of the members present. The Committee functions collegially and the President does not have a casting vote. During plenary meetings, the Committee can take the following decisions:

- election of the Bureau;
- adoption and revision of the Rules of Procedure;
- annual programme of periodic visits;
- decision to conduct visits required in the circumstances (*ad hoc*, follow-up or in response to an invitation);
- membership of the delegations;
- adoption of the visit reports<sup>20</sup>;
- adoption of the annual general report on the CPT's activities;
- adoption of a public statement (by a qualified majority).

As part of the effort to rationalise its working methods, the CPT meets increasingly, on the occasion of plenary sessions, in smaller *ad hoc* working groups which are assigned specific tasks.

Finally, the bulk of the work relating to a visit is carried out by the delegation conducting the visit, which meets on a number of occasions before and after the visit (to prepare the visit, draft the visit report, and to reply to reports from the governments).

## ■ 2 The Bureau

The Bureau guarantees the continuity of the work of the CPT and it directs its work. The reduction in the number of plenary sessions of the Committee has considerably reinforced the role of the Bureau. It prepares the Committee's decisions, for example the programme of visits and the membership of the delegations. The Bureau can also call an extraordinary meeting of the Committee. In cases of urgency, it may decide on the carrying out of a visit required in the circumstances and may also decide on the membership of the delegation.

The Bureau is made up of a President, a first Vice-President and a second Vice-President, who are elected for two years. The composition of the Bureau reflects the multi-disciplinary nature of the Committee, as it comprises representatives of both the legal and medical professions (see Table 2).

## ■ 3 The Secretariat

The Committee is assisted by a Secretariat set up within the Secretariat General of the Council of Europe in Strasbourg. Over the years, the Secretariat has grown considerably in size to cope with the increase in the CPT's activities. It has gone from 5 people in 1989 to 15 in June 1999.

The efficiency of the CPT depends very much on the quality of its Secretariat, which has a very heavy workload. It deals with the administrative side of the work of the Committee and the Bureau, in particular the preparation of the plenary meetings of the Committee and the implementation of decisions. The core of the Secretariat's work is however the preparation of, participation in, and follow-up of missions.

Before a mission, the Secretariat is responsible for all the preparations, for contacting the authorities and for gathering the necessary information (documents, legal texts, information from NGOs, etc...). During the mission, members of the Secretariat accompany the delegation and are in charge of logistics, co-ordination and all administrative questions. After the mission, the Secretariat draws up a draft report on the basis of the notes provided by the members of the delegation. Lastly, it is responsible for carrying out the ongoing dialogue between the Committee and the States.





## **FINAL REMARKS**

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## FINAL REMARKS

When the Convention came into force ten years ago, the CPT was a totally innovative mechanism, as it encroached on one of the symbols of state power: the deprivation of liberty. It was not easy to make States accept that international experts could, at any time and unannounced, enter places which are by definition closed. Today it is safe to say that the CPT has succeeded in establishing itself as a reliable partner in the eyes of the authorities and that its usefulness is widely recognised. However, at the dawn of the 21<sup>st</sup> century, the CPT is confronted with a number of challenges, in terms of both mandate and membership.

As regards its mandate, the constant growth in the number of Parties leads to practical difficulties for the CPT, which must maintain a certain regularity in its periodic visits to the States. While the new States Parties have priority, the oldest member States, for which the third round of visits is beginning, should not be neglected; nor should the States of Central and Eastern Europe, which are now into their second round of periodic visits. A readjustment of the balance between periodic visits and visits required in the circumstances seems thus to be necessary in order to ensure a degree of continuity in the field. And, between visits, the ongoing dialogue takes on an ever greater importance the greater the interval between the visits.

The geographic expansion of the CPT's activities presents new challenges with regard to standards. The standards developed by the CPT in its visit reports and systematised in its annual general reports must continue to be applied in the same manner for all States. It is clear that the economic situation of certain countries does not allow them immediately to attain the standards as regards material conditions of detention. Nonetheless, the implementation of recommendations relating to fundamental guarantees, to legislation, and to the training and behaviour of staff do not require great financial investment on the part of the States.

In terms of membership, the CPT has achieved a certain balance which must be consolidated. Nevertheless, with the increase in the number of members, the need for a more harmonious renewal of the CPT is making itself painfully felt. The entry into force of Protocol No. 2 in the near future is thus of vital importance. Moreover, the Parties should be encouraged to institute a procedure for nominating candidates which is much more transparent at the national level.

To conclude, the greatest challenge facing the CPT is without doubt the implementation of its recommendations by the national authorities at all levels. Its visits and reports must be taken seriously and followed up by action – by the Ministries, by directors of places of detention, and by their staff.

- 1 First General Report on the CPT's Activities, para. 97.
- 2 First General Report on the CPT's Activities, para 51.
- 3 First General Report on the CPT's Activities, para. 6.
- 4 First General Report on the CPT's Activities, para. 48.
- 5 First General Report on the CPT's Activities, para 4.
- 6 The different types of mission are presented in greater detail in Brochure No.4 "Modus Operandi of the CPT".
- 7 *Amuur vs. France*, judgement of 20 May 1996, para. 48.
- 8 *Ibid*, para. 49.
- 9 Fourth General Report on the CPT's Activities, para.5.
- 10 For a comparison of the number and types of recommendations see Annex 1, Table No. 1.
- 11 The CPT's standards will be presented in detail in Brochures No. 5, 6 and 7.
- 12 Recommendation No. R(87)3 adopted by the Committee of Ministers of the Council of Europe on 12 February 1987.
- 13 ECOSOC Resolutions 663 C(XXIV) of 31 July 1957 and 2067 (LXII) of 13 May 1977.
- 14 First General Report on the CPT's Activities, para. 95.
- 15 First General Report on the CPT's Activities, para. 96.
- 16 The States in question are: Andorra, Italy, Latvia and Lithuania (see Annex 4).
- 17 8th General Report on the CPT's Activities, para. 17.
- 18 In 1990 the Committee met six times and in 1991 five times. From 1992 to 1996 four sessions were held per year.
- 19 The experts who accompanied the Committee on the visit do not take part in the discussions leading to adoption of the visit report.
- 20 In 1996 the Committee adopted an accelerated procedure for the adoption of visit reports. The reports are transmitted to the Committee members well in advance of plenary meetings and are adopted without debate, save for those sections in respect of which a discussion has been specifically requested. 7th General Report on the CPT's Activities, para. 22.

# **ANNEXES**

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# ANNEXES

## Annex 1

**Table No. 1: Number and types of recommendations made by the CPT following periodic visits (based on reports published up to 31 August 1999)<sup>1</sup> and <sup>2</sup>**

	TOTAL	Material conditions	Medical services	Social conditions	Procedural safeguards	Staff: attitude and training
<b>AUSTRIA</b>						
1990 visit	18	2	1	2	12	1
1994 visit	51	8	19	4	12	8
<b>BELGIUM</b>						
1993 visit	74	19	13	8	30	4
1997 visit	90	27	20	11	23	9
<b>BULGARIA</b>						
1995 visit	94	37	7	11	27	12
<b>CYPRUS</b>						
1992 visit	42	11	2	4	22	3
1996 visit	36	9	4	1	20	2
<b>DENMARK</b>						
1990 visit	30	3	-	2	21	4
1996 visit	31	5	2	6	15	3
<b>FINLAND</b>						
1992 visit	38	9	4	3	21	1
1998 visit	48	10	8	6	22	2
<b>FRANCE</b>						
1991 visit	60	24	6	6	22	2
1996 visit	62	21	14	9	15	3
<b>GERMANY</b>						
1991 visit	47	8	3	13	19	4
1996 visit	54	11	14	8	17	4
<b>GREECE</b>						
1993 visit	123	49	26	12	31	5
<b>HUNGARY</b>						
1994 visit	55	18	11	11	12	3
<b>ICELAND</b>						
1993 visit	40	6	9	6	17	-
1998 visit	34	4	8	6	15	1
<b>IRELAND</b>						
1993 visit	52	18	9	4	15	6
<b>ITALY</b>						
1992 visit	24	14	1	5	12	2
1995 visit	46	15	6	6	14	5

	TOTAL	Material conditions	Medical services	Social conditions	Procedural safeguards	Staff: attitude and training
<b>LIECHTENSTEIN</b>						
1993 visit	21	2	1	2	16	-
<b>LUXEMBURG</b>						
1993 visit	45	8	8	5	22	2
<b>MALTA</b>						
1990 visit	27	7	2	4	14	-
1995 visit	42	12	7	4	18	1
<b>NETHERLANDS</b>						
1992 visit	22	1	3	4	14	-
1997 visit	39	5	1	8	21	4
<b>NORWAY</b>						
1993 visit	31	8	3	1	19	-
<b>POLAND</b>						
1996 visit	66	19	3	11	30	3
<b>PORTUGAL</b>						
1992 visit	51	20	7	7	14	3
1995 visit	59	13	8	7	27	4
<b>ROMANIA</b>						
1995 visit	95	32	21	9	24	9
<b>SAN MARINO</b>						
1992 visit	18	4	1	1	12	-
<b>SLOVAK REP.</b>						
1995 visit	66	19	6	14	22	5
<b>SLOVENIA</b>						
1995 visit	25	5	4	3	9	4
<b>SPAIN</b>						
1991 visit	73	21	3	9	34	7
1994 visit	62	17	1	3	39	2
<b>SWEDEN</b>						
1991 visit	38	6	4	9	19	-
1998 visit	16	4	1	2	8	1
<b>SWITZERLAND</b>						
1991 visit	47	16	4	7	14	6
1996 visit	32	13	3	4	11	1
<b>TURKEY</b>						
1997 visit	95	34	13	19	26	3
<b>UNITED KINGDOM</b>						
1990 visit	45	10	8	7	17	3
1994 visit	86	21	8	11	40	6

- 1 Only recommendations are taken into account and not comments or requests for information. When a recommendation has sub-divisions, each point is counted as a recommendation;
- 2 We have to admit that the classification of the recommendations in the different categories is not always easy and it is hard to avoid a certain "subjectivity".



## Annex 2

**Table No. 2: Composition of the CPT in 1989, 1995 and 1999**

	<b>1989 (September)</b>	<b>1995 (July)</b>	<b>1999 (February)</b>
Members	14	25	34
Vacant seats	1	3	6
Professions	5 legal professionals 4 medical professionals (1 psychiatrist) 2 former parliamentarians 1 civil servant 1 ambassador and 1 former ambassador	11 legal professionals 8 medical professionals (2 psychiatrists) 1 parliamentarian and 1 former parliamentarian 1 former senior civil servant 1 ambassador and 1 former ambassador 1 chaplain	18 legal professionals 11 medical professionals (4 psychiatrists) 1 omdudsman 1 parliamentarian 1 chaplain 1 specialist on penal system 1 former senior civil servant
Average age	56.3 years	60.3 years	55.3 years
65 years or more	4	9 (4 aged 70 or more)	11 (4 aged 70 or more)
Number of women	3 (21%)	7 (28%)	9 (26.5%)
Bureau			
President	Lawyer	Judge	Judge
1 <sup>st</sup> Vice-President	Medical doctor	Medical doctor	Psychiatrist
2 <sup>nd</sup> Vice-President	Psychiatrist	Parliamentarian	Lawyer



## Annex 3

### List of States visited by the CPT (as at 1 December 1999)

Date of visit	State Party	Type of visit	Publication of report*
<b>1990</b>			
20.05.1990 - 27.05.1990	Austria	1 <sup>st</sup> periodic	03.10.1991
01.07.1990 - 09.07.1990	Malta	1 <sup>st</sup> periodic	26.09.1996
29.07.1990 - 10.08.1990	United Kingdom	1 <sup>st</sup> periodic	26.11.1991
09.09.1990 - 21.09.1990	Turkey	<i>Ad hoc</i>	-
02.12.1990 - 08.12.1990	Denmark	1 <sup>st</sup> periodic	03.10.1991
<b>1991</b>			
01.04.1991 - 12.04.1991	Spain	1 <sup>st</sup> periodic	05.03.1996
05.05.1991 - 14.05.1991	Sweden	1 <sup>st</sup> periodic	12.03.1992
21.07.1991 - 29.07.1991	Switzerland	1 <sup>st</sup> periodic	27.01.1993
29.09.1991 - 07.10.1991	Turkey	<i>Ad hoc</i>	-
27.10.1991 - 08.11.1991	France	1 <sup>st</sup> periodic	19.01.1993
08.12.1991 - 20.12.1991	Germany	1 <sup>st</sup> periodic	19.07.1993
<b>1992</b>			
19.01.1992 - 27.01.1992	Portugal	1 <sup>st</sup> periodic	22.07.1994
15.03.1992 - 27.03.1992	Italy	1 <sup>st</sup> periodic	31.01.1995
25.03.1992 - 27.03.1992	San Marino	1 <sup>st</sup> periodic	12.10.1994
10.05.1992 - 20.05.1992	Finland	1 <sup>st</sup> periodic	01.04.1993
30.08.1992 - 08.09.1992	Netherlands	1 <sup>st</sup> periodic	15.07.1993
02.11.1992 - 09.11.1992	Cyprus	1 <sup>st</sup> periodic	22.05.1997
22.11.1992 - 03.12.1992	Turkey	1 <sup>st</sup> periodic	-
<b>1993</b>			
17.01.1993 - 25.01.1993	Luxembourg	1 <sup>st</sup> periodic	12.11.1993
14.03.1993 - 26.03.1993	Greece	1 <sup>st</sup> periodic	29.11.1994
14.04.1993 - 16.04.1993	Liechtenstein	1 <sup>st</sup> periodic	23.05.1995
27.06.1993 - 06.07.1993	Norway	1 <sup>st</sup> periodic	21.09.1994
06.07.1993 - 12.07.1993	Iceland	1 <sup>st</sup> periodic	28.06.1994
20.07.1993 - 29.07.1993	U. K. (Northern Ireland)	<i>Ad hoc</i>	17.11.1994
26.09.1993 - 05.10.1993	Ireland	1 <sup>st</sup> periodic	13.12.1995
14.11.1993 - 23.11.1993	Belgium	1 <sup>st</sup> periodic	14.10.1994
<b>1994</b>			
10.04.1994 - 22.04.1994	Spain	2 <sup>nd</sup> periodic	05.03.1996
15.05.1994 - 31.05.1994	United Kingdom	2 <sup>nd</sup> periodic	05.03.1996
10.06.1994 - 14.06.1994	Spain	<i>Ad hoc</i>	-
26.06.1994 - 30.06.1994	Netherlands (Antilles)	<i>Ad hoc</i>	03.10.1994
30.06.1994 - 02.07.1994	Netherlands (Aruba)	<i>Ad hoc</i>	03.10.1994
03.07.1994 - 07.07.1994	France (Martinique)	<i>Ad hoc</i>	24.09.1996
20.07.1994 - 22.07.1994	France	Follow-up	-
23.08.1994 - 26.08.1994	Sweden	Follow-up	03.04.1995
26.09.1994 - 07.10.1994	Austria	2 <sup>nd</sup> periodic	31.10.1996
16.10.1994 - 28.10.1994	Turkey	Follow-up	-
01.11.1994 - 14.11.1994	Hungary	1 <sup>st</sup> periodic	01.02.1996

Date of visit	State Party	Type of visit	Publication of report*
<b>1995</b>			
19.02.1995 - 28.02.1995	Slovenia	1 <sup>st</sup> periodic	27.06.1996
26.03.1995 - 07.04.1995	Bulgaria	1 <sup>st</sup> periodic	06.03.1997
14.05.1995 - 26.05.1995	Portugal	2 <sup>nd</sup> periodic	21.11.1996
25.06.1995 - 07.07.1995	Slovak Republic	1 <sup>st</sup> periodic	03.04.1997
16.07.1995 - 21.07.1995	Malta	2 <sup>nd</sup> periodic	26.09.1996
24.09.1995 - 06.10.1995	Romania	<i>Ad hoc</i>	19.02.1998
22.10.1995 - 06.11.1995	Italy	2 <sup>nd</sup> periodic	-
<b>1996</b>			
11.02.1996 - 23.02.1996	Switzerland	2 <sup>nd</sup> periodic	26.06.1997
14.04.1996 - 26.04.1996	Germany	2 <sup>nd</sup> periodic	17.07.1997
12.05.1996 - 21.05.1996	Cyprus	2 <sup>nd</sup> periodic	22.05.1997
30.06.1996 - 12.07.1996	Poland	1 <sup>st</sup> periodic	24.09.1998
19.08.1996 - 23.08.1996	Turkey	"Invitation"	-
18.09.1996 - 20.09.1996	Turkey	<i>Ad hoc</i>	-
29.09.1996 - 09.10.1996	Denmark	2 <sup>nd</sup> periodic	24.04.1997
06.10.1996 - 18.10.1996	France	2 <sup>nd</sup> periodic	14.05.1998
21.10.1996 - 24.10.1996	Portugal	Follow-up	13.01.1998
04.11.1996 - 06.11.1996	Greece	Follow-up	-
25.11.1996 - 28.11.1996	Italy	Follow-up	-
<b>1997</b>			
17.01.1997 - 18.01.1997	Spain	<i>Ad hoc</i>	-
16.02.1997 - 26.02.1997	Czech Republic	Periodic	15.04.99
17.03.1997 - 21.03.1997	Norway	Follow-up	05.10.1997
20.04.1997 - 25.04.1997	Luxembourg	<i>Ad hoc</i>	03.12.1998
21.04.1997 - 28.04.1997	Spain	<i>Ad hoc</i>	19.05.1998
25.05.1997 - 06.06.1997	Greece	2 <sup>nd</sup> periodic	-
13.07.1997 - 23.07.1997	Estonia	1 <sup>st</sup> periodic	-
31.08.1997 - 12.09.1997	Belgium	2 <sup>nd</sup> periodic	18.06.1998
08.09.1997 - 17.09.1997	U.K. (Isle of Man)	<i>Ad hoc</i>	-
05.10.1997 - 17.10.1997	Turkey	2 <sup>nd</sup> periodic	23.02.1999
17.11.1997 - 27.11.1997	Netherlands	2 <sup>nd</sup> periodic	10.09.1998
07.12.1997 - 11.12.1997	Netherlands (Antilles)	Follow-up	10.12.1998
09.12.1997 - 20.12.1997	Albania	1 <sup>st</sup> periodic	-
<b>1998</b>			
08.02.1998 - 24.02.1998	Ukraine	1 <sup>st</sup> periodic	-
15.02.1998 - 25.02.1998	Sweden	2 <sup>nd</sup> periodic	25.02.1999
29.03.1998 - 6.04.1998	Iceland	2 <sup>nd</sup> periodic	16.02.1999
17.05.1998 - 27.05.1998	Former Yugoslavia		
	Rep. of Macedonia	1 <sup>st</sup> periodic	-
27.05.1998 - 30.05.1998	Andorra	1 <sup>st</sup> periodic	-
25.05.1998 - 28.05.1998	Germany	<i>Ad hoc</i>	27.05.1999
07.06.1998 - 18.06.1998	Finland	2 <sup>nd</sup> periodic	11.05.1999
31.08.1998 - 10.09.1998	Ireland	2 <sup>nd</sup> periodic <sup>1</sup>	-
20.09.1998 - 01.10.1998	Croatia	1 <sup>st</sup> periodic	-
11.10.1998 - 21.10.1998	Moldova	1 <sup>st</sup> periodic	-
16.11.1998 - 30.11.1998	Russian Federation	<i>Ad hoc</i>	-
22.11.1998 - 06.12.1998	Spain	3 <sup>rd</sup> periodic	-
13.12.1998 - 18.12.1998	Albania	Follow-up	-

Date of visit	State Party	Type of visit	Publication of report*
<b>1999</b>			
24.01.99-03.02.99	Latvia	1 <sup>st</sup> periodic	-
25.01.99 – 30.01.99	Netherlands (Antilles)	Invitation	-
24.01.99 .06.02.99	Romania	2 <sup>nd</sup> periodic	-
26.02.99 –04.03.99	Turkey	<i>Ad hoc</i>	04.05.1999
19.04.99-03.05.99	Portugal	3 <sup>rd</sup> Periodic	-
25.04.99-09.05.99	Bulgaria	2 <sup>nd</sup> periodic	-
31.05.99 – 03.06.99	Liechtenstein	2 <sup>nd</sup> periodic	-
09.06.99 – 12.06.99	San Marino	2 <sup>nd</sup> periodic	-
15.07.99 – 24.07.99	Ukraine	<i>Ad hoc</i>	-
30.08.99 –15.09.99	Russian Federation	1 <sup>st</sup> periodic	-
19.09.99 –30.09.99	Austria	3 <sup>rd</sup> periodic	-
13.09.99 – 22.09.99	Norway	3 <sup>rd</sup> periodic	-
26.10.99 –02.11.99	Greece	<i>Ad hoc</i>	-
	<i>Hungary</i>	<i>2<sup>nd</sup> Periodic</i>	
	<i>U.K. (Northern Ireland)</i>	<i>1st Periodic</i>	
<b>2000</b>			
	<i>Albania</i>	<i>2<sup>nd</sup> periodic</i>	
	<i>Cyprus</i>	<i>3<sup>rd</sup> Periodic</i>	
	<i>France</i>	<i>3<sup>rd</sup> Periodic</i>	
	<i>Germany</i>	<i>3<sup>rd</sup> Periodic</i>	
	<i>Italy</i>	<i>3<sup>rd</sup> Periodic</i>	
	<i>Lithuania</i>	<i>1<sup>st</sup> periodic</i>	
	<i>Poland</i>	<i>2<sup>nd</sup> Periodic</i>	
	<i>Russian Federation</i>	<i>2<sup>nd</sup> Periodic</i>	
	<i>Slovak Republic</i>	<i>2<sup>nd</sup> Periodic</i>	
	<i>Ukraine</i>	<i>2<sup>nd</sup> Periodic</i>	



## Annex 4

### List of members of the CPT (as at 1 December 1999)

*The members are listed in order of precedence*

*At this date, the seats in respect of Andorra, Italy, Latvia and Lithuania were vacant.*

<b>Name</b>	<b>Nationality</b>	<b>Term of office expires</b>
Mr Ivan ZAKINE, President	French	20.09.2001
Ms Ingrid LYCKE ELLINGSEN, 1 <sup>st</sup> Vice-President	Norwegian	20.09.2001
Mr John OLDEN, 2 <sup>nd</sup> Vice-President	Irish	21.03.2003
Mr Constantin ECONOMIDES	Greek	30.11.1999
Mr Jón BJARMAN	Icelandic	26.03.2000
Mr Arnold OEHRH	Liechtensteiner	13.01.2001
Mr Leopoldo TORRES BOURSAULT	Spanish	03.05.2001
Mr Safa REISOGLU	Turkish	20.09.2001
Ms Gisela PERREN-KLINGLER	Swiss	20.09.2001
Mr Florin STANESCU	Romanian	21.03.2003
Mr Mario BENEDETTINI	San Marinese	21.03.2003
Ms Jagoda POLONCOVÁ	Slovakian	21.06.2003
Ms Christina DOCTARE	Swedish	19.09.2003
Mr Adam LAPTAS	Polish	30.11.1999
Mr Lambert KELCHTERMANS	Belgian	08.01.2000
Ms Maria SCIBERRAS	Maltese	09.01.2000
Mr Miklós MAGYAR	Hungarian	03.04.2000
Mr Zdenek HÁJEK	Czech	11.09.2000
Ms Emilia DRUMEVA	Bulgarian	17.03.2001
Mr Pieter Reinhard STOFFELEN	Dutch	20.09.2001
Mr Ole Vedel RASMUSSEN	Danish	20.09.2001
Ms Renate KICKER	Austrian	20.09.2001
Mr Pierre SCHMIT	Luxemburger	20.09.2001
Ms Silvia CASALE	British	18.12.2001
Mr Andres LEHTMETS	Estonian	18.12.2001
Mr Davor STRINOVIC	Croatian	04.06.2002
Mr Aurel KISTRUGA	Moldovan	04.06.2002
Mr Rudolf SCHMUCK	German	08.09.2002
Mr Volodymyr YEVINTOV	Ukrainian	09.11.2002
Mr Ale_ BUTALA	Slovenian	09.11.2002
Mr Yuri KUDRYAVTSEV	Russian	12.01.2003
Ms Veronica PIMENOFF	Finnish	28.07.2003
Ms Maria Teresa PIZARRO BELEZA	Portuguese	28.07.2003
Mr Fatmir BRAKA	Albanian	28.07.2003
Mr Nikola Matovski	Macedonian	16.11.2003
Mr Petros Michaelides	Cypriot	31.11.2003

## ■ Annex 5

### ■ The CPT's address

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