



# Elections to the UN Subcommittee on Prevention of Torture

## *Guidance for OPCAT States parties on SPT membership*

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### **Introduction**

This guidance note aims to provide key advice to States parties to the Optional Protocol to the UN Convention against Torture (OPCAT) on the process leading to the designation of candidates to membership of the Subcommittee on Prevention of Torture (SPT). Elections to the SPT take place every two-years, when between 12 and 13 seats are up for election. This guidance was elaborated based on APT's experience in working with the SPT and National Preventive Mechanisms (NPMs) over the past decade, and draws on good practices implemented by States around the world.

The Association for the Prevention of Torture (APT) recommends that States parties follow a public procedure to select SPT candidates and carefully consider the skills and experience of each candidate according to the qualities necessary for this unique treaty body. This guidance note is complemented by a Frequently Asked Questions (FAQ) document, to assist States in the process towards the elections.

### **1. UN Subcommittee on Prevention of Torture: mandate and composition**

The SPT is the international preventive body created by the OPCAT.

The SPT has a preventive and proactive mandate. It focuses on two main functions:

- Conducting visits, in any State party to the OPCAT, to any place where persons are or may be deprived of their liberty, including, but not limited to: police stations, prisons, immigration detention centres, juvenile justice establishments, mental health and social care institutions.
- Providing advice to States parties and NPMs on NPM establishment and functioning, and on preventive measures in general.

It comprises 25 experts elected by OPCAT States parties, drawn from different domains of expertise, regions and professional backgrounds. Members are elected every two years for a four-year term and are eligible for re-election to a second term, if re-nominated.

The work of the SPT is structured around working groups and regional teams composed of several members. Each SPT member is part of a regional team and is responsible for a certain number of States parties to the OPCAT. Furthermore, each regional team is headed by one member, who is also responsible for specific countries.

The SPT work is based on sustained cooperation with OPCAT States Parties and the NPMs, and it is guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity.

## **2. The role of SPT members**

The role of SPT members is unique in that it is based on a preventive approach and it focuses on domestic implementation of the OPCAT, by directly visiting States parties and providing them with advice and technical assistance. To reflect this complex mandate, SPT members carry out a range of different activities during their terms.

➤ Core functions common to all SPT members:

- Participate in three sessions per year in Geneva, Switzerland. SPT sessions last one week and are usually held in February, June and November.
- Prepare for official country visits, including gathering information and engaging with States, NPMs, and other stakeholders prior to visits.
- Conduct visits to places of detention, during which they: examine the treatment of persons deprived of liberty and their conditions of detention; talk in private with persons deprived of liberty; and engage in dialogue with authorities, staff of places of detention, doctors, and other relevant stakeholders, including representatives of civil society. The member designated as head of the visiting delegation will have additional responsibilities, including coordinating the visit and the roles of different members.
- Follow-up to the visit, including drafting internal notes on the visit, making recommendations and providing inputs to the official SPT visit reports.
- Provide advice to the authorities on the establishment of NPMs.
- Act as focal point within the SPT for a certain number of States Parties to the OPCAT.
- Liaise with NPMs and assist them in their functioning, through regular communication.
- Contribute to SPT developments and jurisprudence, providing input on SPT functioning and thematic issues related to the prevention of torture and other ill-treatment.

➤ Additional functions depending on specific assignments and responsibilities:

- Participate in UN meetings as representatives of the SPT.
- Participate in conferences, training and other OPCAT-related events, upon invitation from State authorities, NPMs, civil society organisations and other stakeholders.
- Coordinate the work of the SPT Regional Teams and thematic working groups.

### 3. Profile and skills of SPT members

Considering the diversity of SPT duties, States should take into account a variety of different criteria in the nomination of experts for election.

➤ *Independence and impartiality*

Members are nominated and elected by States parties, but remain independent from their State while active in the SPT. As such, they shall not seek or accept instructions from anyone concerning their duties. Each member serves in a personal capacity, accountable only to the SPT and his or her own conscience. States should also take into consideration the "[Addis Ababa](#) guidelines" on the independence and impartiality of members of the human rights treaty bodies.

Members are expected to maintain the highest standards of impartiality and integrity and apply the standards of the OPCAT equally to all States. States parties should therefore consider whether each candidate demonstrates high moral character and authority and will be able to act and be seen to act independently of their State. This is crucial for the SPT to establish a constructive dialogue with States parties, NPMs, persons deprived of their liberty, civil society organisations and other relevant actors.

➤ *Professional expertise*

The fulfilment of the SPT's broad preventive mandate requires that its members possess one or more of the following professional competencies:

- Medical or health expertise in areas of relevance to deprivation of liberty.
- Legal expertise in areas of relevance to deprivation of liberty.
- Experience in police administration and/or administration of justice.
- Expertise in human rights, social work, anthropology or education.
- Experience in monitoring places where persons are deprived of their liberty.
- Knowledge of and expertise in areas related to persons in situations of vulnerability, including children, women, persons with disabilities, LGBTI persons, and migrants.

➤ *Personal skills*

The specificity of the SPT mandate requires members to be able to perform activities of different nature, including: conducting visits to various types of places of detention around the world; interviewing persons deprived of their liberty in private; analysing the situation of prevention of torture and ill-treatment; maintaining a constructive dialogue with State authorities; and working constructively with NPMs, civil society and other relevant actors.

This requires a number of different personal skills, such as:

- Holistic understanding and commitment to prevention of torture and other ill-treatment and its approach based on systemic analysis, constructive dialogue and cooperation.

- Experience in working with a wide range of stakeholders, including high-level national authorities, detaining authorities, persons deprived of their liberty and civil society.
- Ability and willingness to undertake travel, including long distance, and visits to places of detention in countries that may be culturally different than their own.
- Sensitivity, empathy, patience and humility when interacting with persons deprived of their liberty, staff of places of detention and other actors.
- Objectivity and diplomatic skills to interact with national authorities and deal with situations of disagreement and political sensitivities.
- Good communication and interpersonal skills.
- Drafting and analytical skills for research and report writing.
- Ability to work in a positive environment with colleagues from different backgrounds and cultures, and, in particular, the ability to work as a team member.
- Proficiency in at least one UN language (Arabic, Chinese, English, French, Russian, Spanish). Fluency in another UN language would be an asset, especially for internal communication within the SPT.

➤ Availability

The work of SPT members is demanding. They are expected to dedicate a total of between 1.5 and 3 months throughout the year to their SPT duties. In addition to conducting several official visits and participating in the three SPT sessions in Geneva, SPT members are also expected to dedicate time to: preparing for and following-up on visits; participating in seminars related to the OPCAT; liaising with NPMs and other relevant actors; and contributing to the development of the SPT's work.

The amount of time given to SPT work also depends on the SPT members' specific assignments and responsibilities within the SPT. These may include being a member of the Bureau or being the head of a regional team, of a visiting delegation or a working group.

➤ Diversity

When nominating and electing experts to the SPT, States should also value diversity in the membership. In this regard, due consideration should be given to the gender balance, but also to the representation of diverse groups, including indigenous people, LGBTI persons, persons with disabilities, persons belonging to ethnic, cultural and religious minorities, and others.

## Frequently Asked Questions for States Parties

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### 1. Who can nominate candidates to the SPT?

Only States that have ratified the OPCAT can nominate candidates to the SPT. Each State Party can nominate up to two candidates. However, no two members of the SPT may be from the same State.

### 2. Are there quotas of experts according to each regional group?

There are no regional quotas for the SPT elections, thus it is important for States parties to consider the current overall composition of the SPT when evaluating candidates, as regional balance is a requirement for the treaty body.

### 3. What are the criteria for the nomination of candidates?

Each candidate must have the nationality of a State party. If a State party nominates two candidates, at least one of them must have the nationality of that State party. If a State party wants to nominate a national from a different State party, it must get the consent of that State party. States parties are encouraged to consider the APT's guidance on SPT members, when nominating their candidate.

### 4. What is the procedure at the national level to nominate a candidate for SPT membership?

The OPCAT does not specify any specific procedure. However, the APT recommends that States parties engage in an open, public, transparent and inclusive national selection process of candidates at the domestic level. This process should ideally include a public call for candidates, as follows:

- Announcement of the public call for nominations clearly laying down the criteria.
- Encouragement of candidatures from women, persons belonging to ethnic and other minority groups and persons from diverse professional backgrounds.
- Encouragement of civil society organisations to propose appropriately qualified candidates.
- Selection process at the national level which guarantees equal conditions and treatment of candidates.

### 5. I want to nominate a candidate. How should I proceed?

Nominations and biographical data should be submitted to the Office of the High Commissioner for Human Rights (OHCHR) in Geneva, Switzerland. Nominations and biographical data should be sent in accordance with the OHCHR model "specific standard format" (available in [English](#), [French](#) and [Spanish](#)). The biographical data of nominated candidates should **not exceed 38 lines**.

States are encouraged to send the electronic version to [registry@ohchr.org](mailto:registry@ohchr.org), with copy to [opcat@ohchr.org](mailto:opcat@ohchr.org), by the deadline indicated.

## 6. Where I can found more about the current candidates?

The CVs of candidates will be made available on the [SPT elections webpage](#), once the deadline to present candidacies has expired.

## 7. How to publicise the candidate I nominate?

States are encouraged to invite their candidates in Geneva ahead of the elections (for instance during the Human Rights Council) to organise bilateral meetings between States and candidates. States can also take this opportunity to invite relevant civil society organisations to meet with their candidates to share views on torture prevention priorities and vision for the SPT. In addition to these bilateral meetings, communications support materials such as short videos or flyers, are effective means to highlight the most relevant expertise of the candidates, and to help others get acquainted with them. This is particularly relevant in times of the COVID-19 pandemic.

## 8. Who can vote in Geneva?

Each of the current 90 States parties to the OPCAT should be represented at the Meeting of States parties. Representatives of 2/3 of the States parties to the OPCAT will constitute a quorum.

## 9. How many votes does each State party have?

Each State party at the meeting shall have one vote per voting round.

## 10. Are the votes secret?

Yes, elections of members of the SPT shall be held by secret ballot.

## 11. How many votes should a candidate obtain to be elected?

Candidates will be elected if they obtain “the largest number of votes and an absolute majority of the votes of the representatives of States parties present and voting” (OPCAT, Article 7(d)).

## 12. What should the global composition of the SPT look like?

The OPCAT, in Article 5(3), encourages States parties to give due consideration to the global composition of the SPT. “In the composition of the Subcommittee on Prevention due consideration shall be given to **equitable geographic distribution** and to the representation of different forms of civilisation and legal systems of the States parties.”

In addition, the OPCAT, in its Article 5(4), strongly encourages States parties to give due consideration to the **gender balance** of the whole SPT, stating that: “in this composition consideration should also be given to balanced gender representation on the basis of equality and non-discrimination”. The APT also recommends that **adequate representation of ethnic and minority groups** be sought amongst the SPT members, including indigenous people, LGBTI persons, persons with disabilities, persons belonging to ethnic, cultural and religious minorities, and others.

This is in line with the [General Assembly Resolution 68/268](#) on “Strengthening and enhancing the effective functioning of the human rights treaty body system” from 9 April 2014.