



Council of Europe
Parliamentary Assembly

The Secretary General

Strasbourg, 13 December 2004

Dear Chairperson,

The term of office of the member of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) in respect of Denmark, Mr Ole Vedel RASMUSSEN, will expire on 3 October 2005.

In conformity with article 5-1 of the "European Convention for the prevention of torture and inhuman or degrading treatment or punishment" (CPT), your parliamentary delegation is invited to put forward three candidates to fill the seat falling to your country in this Committee. May I add that, according to article 5-3, Mr RASMUSSEN may be re-elected.

The procedure for the election of CPT members is provided for in the enclosed articles 4 and 5 of the Convention. The members are elected by the Committee of Ministers of the Council of Europe by an absolute majority of votes for, in principle, a period of four years from a list of names drawn up by the Bureau of the Parliamentary Assembly.

The members of the Committee shall be chosen from among persons of high moral character, known for their competence in the field of human rights or having professional experience in the areas covered by this Convention. They shall serve in their individual capacity, shall be independent and impartial, and shall be available to serve the Committee effectively.

Parliamentary Assembly Order No. 530 (1997) (enclosed) invites the Bureau when drawing up lists of candidates for the CPT to pay particular attention to the criteria of professional background, gender and age in order to ensure a more balanced composition of the Committee and, in particular, a greater participation of prison specialists and forensic scientists as well as an increased number of women among its members. In this connection, may I draw your attention to the 14th General Report on the CPT's activities, which provides further details on the current membership of CPT (extract enclosed).

1.

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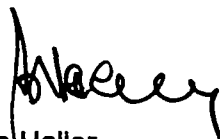
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Order No. 530 further provides that in the case where a member of the Parliamentary Assembly is a candidate for election to the CPT, he/she should commit him/herself to resign from the Assembly if elected.

According to Resolution 1248 (2001), the list of candidates will be examined by the Committee on Legal Affairs and Human Rights, which will draw up a recommendation to the Bureau listing candidates in order of preference or recommend that the Bureau request a new list.

Thanking you in advance for your co-operation, I remain,

Yours sincerely,

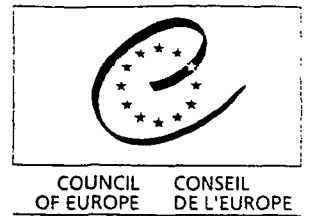


Bruno Haller

Enclosures:

- European Convention for the prevention of torture and inhuman or degrading treatment or punishment (articles 4 and 5)
- Recommendation 1323 (1997)
- Order No. 530
- Extract from the 14th General rapport on the CPT's activities (CPT membership)

Copy: Secretary of the Parliamentary Delegation of Denmark



European Treaty Series - No. 126

**EUROPEAN CONVENTION
FOR THE PREVENTION
OF TORTURE AND INHUMAN
OR DEGRADING TREATMENT
OR PUNISHMENT**

Strasbourg, 26.XI.1987

Text amended according to the provisions of Protocols No. 1 (ETS No. 151) and No. 2 (ETS No. 152), which entered into force on 1 March 2002.

Chapter II

Article 4

- 1 The Committee shall consist of a number of members equal to that of the Parties.
- 2 The members of the Committee shall be chosen from among persons of high moral character, known for their competence in the field of human rights or having professional experience in the areas covered by this Convention.
- 3 No two members of the Committee may be nationals of the same State.
- 4 The members shall serve in their individual capacity, shall be independent and impartial; and shall be available to serve the Committee effectively.

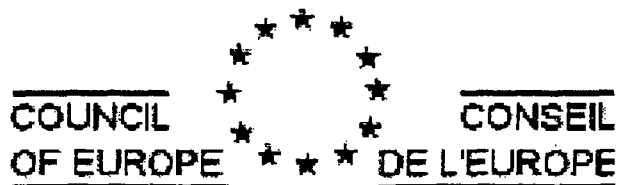
Article 5¹

- 1 The members of the Committee shall be elected by the Committee of Ministers of the Council of Europe by an absolute majority of votes, from a list of names drawn up by the Bureau of the Consultative Assembly of the Council of Europe; each national delegation of the Parties in the Consultative Assembly shall put forward three candidates, of whom two at least shall be its nationals.

Where a member is to be elected to the Committee in respect of a non-member State of the Council of Europe, the Bureau of the Consultative Assembly shall invite the Parliament of that State to put forward three candidates, of whom two at least shall be its nationals. The election by the Committee of Ministers shall take place after consultation with the Party concerned.

- 2 The same procedure shall be followed in filling casual vacancies.
- 3 The members of the Committee shall be elected for a period of four years. They may be re-elected twice. However, among the members elected at the first election, the terms of three members shall expire at the end of two years. The members whose terms are to expire at the end of the initial period of two years shall be chosen by lot by the Secretary General of the Council of Europe immediately after the first election has been completed.
- 4 In order to ensure that, as far as possible, one half of the membership of the Committee shall be renewed every two years, the Committee of Ministers may decide, before proceeding to any subsequent election, that the term or terms of office of one or more members to be elected shall be for a period other than four years but not more than six and not less than two years.
- 5 In cases where more than one term of office is involved and the Committee of Ministers applies the preceding paragraph, the allocation of the terms of office shall be effected by the drawing of lots by the Secretary General, immediately after the election.

¹ Text amended according to the provisions of Protocols No. 1 (ETS No. 151) and No. 2 (ETS No. 152).



Assemblée parlementaire
Parliamentary Assembly

RECOMMENDATION 1323 (1997)^[1]

on strengthening the machinery of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

1. The Assembly recalls its Recommendation 1257 (1995) on the conditions of detention in Council of Europe member states and reaffirms its support for the highly valuable work of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the committee" or "CPT").
2. Under the 1987 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the convention"), the CPT is empowered to examine the treatment of persons deprived of their liberty. It implements its essentially preventive function through visits to any place where such persons are held and, where necessary, the making of recommendations designed to strengthen their protection.
3. In 1993, two additional protocols to the convention were opened for signature:
 - i. Protocol No. 1 will open the convention to non-member states of the Council of Europe;
 - ii. Protocol No. 2 provides for the orderly renewal of the committee's members and the possibility for them to be re-elected twice.
4. The ratification of the convention by an ever-increasing number of states from central and eastern Europe represents a growing challenge for the CPT which has a significant role to play in improving conditions of detention in these countries. By including the ratification of the convention among the commitments undertaken by member states upon their accession to the Council of Europe, the Assembly

underlined the political significance of the convention.

5. The Assembly notes that ratification of the convention by the Russian Federation and by Ukraine will more than double the civil prisoner population which will be subject to the CPT's mandate.

6. To cope with these developments while safeguarding its effectiveness and credibility, the CPT needs increased human and budgetary resources. In this respect, the Assembly welcomes the measures already taken by the Committee of Ministers in the course of 1996 and 1997 (the introduction of a retainer system for the members of the CPT's bureau and reinforcement of its secretariat).

7. The effectiveness of the committee's work also depends on the quality and continuity of its members. In this context, the Assembly stresses the need for:

- i. a more balanced composition, with regard to professional background, gender and age;
- ii. the rapid entry into force of Protocol No. 2 to the convention.

8. The relevant authorities and personnel (such as police, prison officers, judges, public prosecutors, health staff, etc.), both at national and local level, should be more aware of the work of the CPT and of its tasks and powers under the convention.

9. When examining the conditions of detention in member states, the committee should take advantage of information already existing on the subject within the Council of Europe. Assembly reports on the honouring of obligations and commitments by member states may be particularly valuable in this respect. Exchange of information and co-operation between the CPT and the United Nations Committee Against Torture should also be strengthened.

10. Accordingly, the Assembly recommends that the Committee of Ministers:

- i. call upon those member states which have not yet done so to sign and to ratify the convention without delay;
- ii. urge the states parties to the convention which have not yet done so to ratify its protocols, in particular Protocol No. 2, without delay, thus allowing its entry into force;
- iii. invite the authorities of states considering ratification of the convention to ratify its Protocol No. 2 at the same time;
- iv. consider the possibility of assigning responsibility to the CPT for missing persons;
- v. pay particular attention, when electing members of the CPT, to the criteria of professional background, gender and age, in order to ensure a more balanced composition of the committee and, in particular, a greater participation of prison specialists and forensic

scientists, as well as an increased number of women among its members; the criterion of availability should also be emphasised in order to ensure the committee's effectiveness;

vi. make the office of member of the Parliamentary Assembly of the Council of Europe incompatible with that of CPT member;

vii. promote co-operation between the CPT and the Assembly, in particular its Committee on Legal Affairs and Human Rights and its Committee on the Honouring of Obligations and Commitments by Member States;

viii. give favourable consideration to any request for further increase of the human and budgetary resources of the CPT;

ix. invite the authorities of states parties to the convention, as well as states which intend to ratify it in the near future, to promote awareness, at national and local level, of the CPT's activities, tasks and powers.

[1] Assembly debate on 21 April 1997 (9th Sitting) (see Doc. 7784, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Jaskiernia).

Text adopted by the Assembly on 21 April 1997 (9th Sitting).

CPT Membership

total 33

Breakdown men / women:

Men	20
Women	13

Breakdown by professional background:

Lawyers	14
Experts on prison matters / Prosecutors	4
Experts on prison medical services	1
Police officers	1
Medical members	13
<i>Doctors</i>	(5)
<i>Psychiatrists</i>	(6)
<i>Psychotherapist / Psychologist</i>	(2)

on 27/09/2004

without members elected in respect of:

- Iceland
- Italy

Extract from the CPT's 14th General Report (of 21 September 2004)

23. As regards professional expertise within the CPT, the number of members with a medical background remains not quite on a par with that of lawyers in the Committee. Further, there are still not enough members with practical experience of prison work or with expertise in child psychiatry, and it would be desirable to have more members with first-hand knowledge of the work of law enforcement agencies and of immigration issues. One or more members with extensive nursing experience would also be a considerable asset to the Committee.

The CPT hopes that these remarks will be kept in mind in the process of filling vacant seats in the Committee.

Extract from the CPT's 13th General Report (of 10 September 2003)

25. The CPT welcomes the fact that the proportion of women among its membership has risen over the last twelve months and now stands at 13 out of 35. Further, the number of members with a medical background is once again close to being on a par with that of lawyers in the Committee.

However, following recent departures from the CPT, the Committee currently does not have a sufficient number of members with practical experience of prison work. Further, it would be desirable to have still more members with first-hand knowledge of the work of law enforcement agencies and of immigration issues. In the health-care field, one or more members with extensive nursing experience would be a considerable asset to the CPT. The Committee would also benefit from the presence among its members of a specialist in child psychiatry and of more doctors with relevant forensic skills (in particular as regards the observation and recording of physical injuries) and with experience of treating torture survivors.

The CPT hopes that these remarks will be kept in mind during the process of filling vacant seats in the Committee.



Assemblée parlementaire
Parliamentary Assembly

ORDER No. 530 (1997)¹ on strengthening the machinery of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

1. The Assembly refers to its Recommendation 1323 (1997).
2. It invites its Bureau, when drawing up lists of candidates for the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT):
 - i. to pay particular attention to the criteria of professional background, gender and age, in order to ensure a more balanced composition of the committee and, in particular, a greater participation of prison specialists and forensic scientists, as well as an increased number of women among its members;
 - ii. to emphasise the criterion of availability in order to ensure the committee's effectiveness;
 - iii. to ask all candidates to undertake formally, should they be elected as member of the CPT, to resign as member of the Parliamentary Assembly of the Council of Europe.
3. It calls upon the national parliamentary delegations to have particular regard to the above-mentioned criteria when nominating candidates for the CPT.
4. It instructs its Bureau to return the list of candidates to the national delegations for re-examination if the above-mentioned criteria have not been taken into account.
5. For the purpose of facilitating and harmonising the selection of candidates for membership of the CPT, the Assembly invites its Bureau to establish, in co-operation with its Committee on Legal Affairs and Human Rights, a model curriculum vitae to be transmitted to all national delegations and completed by each candidate they nominate.
6. The Assembly instructs its Committee on Legal Affairs and Human Rights:
 - i. to follow closely the CPT's work;
 - ii. to co-operate closely with the CPT and transmit to it without delay any information regarding the conditions of detention in a member state, and, whenever useful, to invite CPT representatives to its working meetings;

iii. to meet from time to time, if necessary, the chairpersons of the national parliamentary delegations, in the context of paragraph 5 above.

7. The Assembly instructs its Committee on the Honouring of Obligations and Commitments by Member States:

i. to insist on the timely ratification of the convention and its additional protocols, in particular Protocol No. 2, in the framework of the different monitoring procedures;

ii. to transmit without delay to the CPT, after declassification, its reports on the honouring of obligations and commitments by member states, together with the comments of the authorities of the state concerned, and, whenever useful, to invite CPT representatives to its working meetings.

1. Assembly debate on 21 April 1997 (9th Sitting) (see Doc. 7784, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Jaskiernia).

Text adopted by the Assembly on 21 April 1997 (9th Sitting).