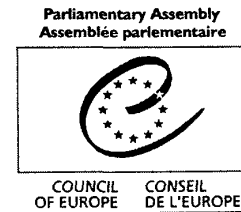


Parliamentary Assembly Assemblée parlementaire

Committee on Legal Affairs and Human Rights
Commission des questions juridiques et des droits de l'homme



The Chairperson

4 October 2005

Dear Chairperson,

As you are no doubt aware, the Committee on Legal Affairs and Human Rights is in the process of preparing a report on "Improving CPT selection procedures" (Rapporteur: Mr Cebeci, Turkey, EEP/CD).

At its last meeting, held in Paris on 16 September 2005, the Committee instructed me to request all national delegations to provide information on current internal procedures for the selection of CPT candidates. For example: Is there a public call for candidatures? Are candidates invited to specify their experience in work related to the CPT's field of competence? Are interviews held? How is the list of candidates drawn up by the national delegation?

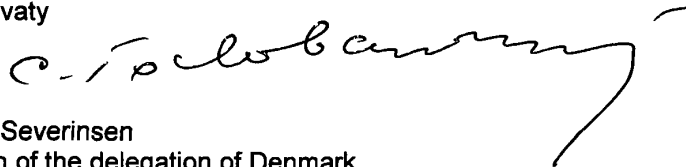
Please see, in this connection, Articles 4 and 5 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987, as amended by Protocols Nos 1 and 2 thereto). For your convenience, a copy of the said provisions is enclosed.

I would be grateful if you would send me your replies by 10 December 2005.

Thank you in advance for your co-operation.

Yours sincerely,

Serhiy Holovaty



Mrs Hanne Severinsen
Chairperson of the delegation of Denmark
to the Parliamentary Assembly of the Council of Europe

Copy: Secretary of the national delegation

European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)

Extract

[...]

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 and No. 2 (1993).