



SUBCOMMITTEE ON PREVENTION OF TORTURE

Introduction

The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), which came into operation in 2007, is a treaty body with a particular way of working. Created under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), it is composed of 25 independent experts elected for a four-year term, renewable once, taking into account an equitable geographical and gender distribution, and who have a variety of experience concerning places of deprivation of liberty (specialists in prison, police or justice administration, health professionals, etc.). The OPCAT also provides for the establishment of National Preventive Mechanisms (NPMs) no later than one year after ratification, or within four years if the State concerned has made a declaration under article 24 of the OPCAT to postpone the implementation of its obligations.

National Preventive Mechanisms

Established at the national level with the aim of preventing torture and ill-treatment, NPMs are supposed to be independent bodies composed of experts in this thematic area. NPMs have several roles:

- To examine the treatment of persons deprived of their liberty in order to strengthen their protection against torture and ill-treatment.
- To address recommendations to the authorities to improve the treatment of persons deprived of their liberty.
- To make observations and proposals on relevant legislation.

To this end, NPMs should have access to all information on the number of persons deprived of their liberty and their treatment, visit all places of deprivation of liberty (including unannounced visits), and interview in private the persons in those places or any other persons concerned.

How does the SPT work?

The SPT's mandate has three components:

1) The visits



The SPT conducts regular missions to OPCAT States Parties. Delegations are composed of at least 2 members of the Sub-Committee who may be accompanied by experts nominated from a list of names proposed by States parties and UN bodies, such as the OHCHR.

The SPT may visit police stations, prisons (civil and military), detention centres (pre-trial and migrant detention centres, juvenile detention facilities, etc.), psychiatric and social institutions and any other place where people may be deprived of their liberty under public authority. States may not place restrictions on the places to which the SPT has access¹. Furthermore, they undertake to provide all information requested by the SPT concerning the condition and treatment of persons deprived of their liberty.

1. Unless an objection is made in accordance with article 14§2 of the OPCAT for urgent and compelling grounds of national defence, public safety, natural disasters or serious disorder in the place to be visited.

The SPT may also interview persons in detention privately and confidentially, as well as any other person who can provide useful information.

Four types of visit can be distinguished:

- **Country visits:** the SPT visits various types of places of deprivation of liberty and meets with high-level government officials, representatives of the NPM, the national human rights institution (NHRI) and NGOs.
- **Follow-up visits:** the SPT carries out the same activities as during its regular visits, but with the aim of reviewing developments and the implementation of its recommendations.
- **Advisory visits to the NPM:** the objective of these visits is to support and strengthen the NPM by providing advice and technical assistance. During these visits, the SPT may meet with a number of actors and visit places of detention ².
- **OPCAT advisory visits:** focusing on compliance with the obligations set out in OPCAT. They focus on meetings with representatives of the government, civil society and other relevant actors.

2) Establishing and supporting the NPMs



An important part of the SPT's mandate is to advise and assist States in the establishment of the NPM. This assistance is provided upstream to guide States on how to establish such a mechanism effectively and then to help strengthen it. It provides advice and technical assistance to strengthen its independence and capacity and to ensure that visits are carried out to all places of deprivation of liberty.

2. If the State concerned refuses to cooperate, the Committee against Torture may decide to publish the report.

It also works directly with the State to strengthen safeguards against torture and ill-treatment of persons deprived of their liberty.

3) Strengthening protection against torture and ill-treatment



Each year, the SPT prepares a report for the CAT on its work during the previous year. These reports are also an opportunity to reflect and share on specific issues related to the deprivation of liberty and the prevention of torture.

Opportunities for action by FIACAT and the ACATs

1) Participation in the preparation, conduct and follow-up of visits



Even before a country visit by the SPT is announced, NGOs can interact with the SPT to advise it on which States to visit. Because of the SPT's limited capacity, it carries out only a limited number of visits per year. Once the countries to be visited are announced, NGOs can assist the SPT in compiling relevant information and preparing the mission. They can provide a report containing information on the different places of deprivation of liberty in the country (including secret detention facilities), the treatment of persons there and the safeguards to protect them from torture and ill-treatment. During the visit, the SPT arranges a meeting with local NGOs to receive additional information. Once the visit has taken place, NGOs can act in three ways: 1) to encourage their State to publish the SPT's report, 2) to ensure the protection of witnesses and 3) to follow-up on the implementation of the recommendations made by the SPT.



2) Supporting the NPM

Civil society has a key role to play in the establishment and support of NPMs. Firstly, NGOs should remind their States of their obligation to set up an NPM one year after ratification of the OPCAT. They can then ask to be involved in consultations with the government when choosing the format of the NPM and when drafting the law establishing the mechanism to ensure its independence and expertise. Once established, NPMs are expected to work closely with NGOs, sharing information and addressing problematic situations. In addition, NGOs should continue to support the NPM in building the capacity of its members and ensuring compliance with the OPCAT.

In this respect, the Special Fund of the Optional Protocol to the Convention against Torture, accessible to NGOs, set up in 2011, provides financial support for projects aimed at establishing and strengthening NPMs.

Find out more

- [OPCAT special fund -
https://tinyurl.com/4yw86zm4](https://tinyurl.com/4yw86zm4)

