

Statement by the Council of Europe

Prevention of Torture

The Council of Europe's efforts to protect persons deprived of their liberty against torture and other forms of ill-treatment have laid increasing emphasis on mechanisms for preventing violations rather than denouncing those which may have occurred. This was the idea behind the drafting of the 1987 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The Convention foresaw the establishment of a proactive non-judicial mechanism based on visits to places of deprivation of liberty. Such a mechanism would operate alongside the already existing reactive judicial mechanism of the European Court of Human Rights.

The Convention has now been ratified by the 46 member States of the Council of Europe. Further, since 1 March 2002, the Committee of Ministers of the Council of Europe may invite any non-member State to accede to the Convention. The Convention has been in force in respect of Montenegro since 6 June 2006.

The main task of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), set up under the Convention is to examine the treatment of persons deprived of their liberty by a public authority in order to strengthen, if necessary, their protection from torture and inhuman or degrading treatment and punishment. However, the CPT is not empowered to deal with individual applications, as these are the responsibility of the European Court of Human Rights.

The CPT carries out both periodic visits and visits which appear to it "to be required in the circumstances". To date the CPT has made 135 periodic and 83 ad hoc visits. Under the Convention, CPT delegations have unlimited access to places of detention and complete freedom of movement within them. They may interview detainees in private and have free access to anyone who can provide information. A delegation's findings are subsequently set out in a report, which forms the basis for an ongoing dialogue with the State concerned.

The CPT submits an annual report on its activities to the Committee of Ministers, which is published. Several of the annual reports have described the standards developed by the Committee in relation to matters falling within its mandate.

A compilation of these "standards", as well as a set of other brochures describing the Committee's *modus operandi*, is available in English and French. Translations have been produced in Albanian, Bulgarian, Croatian, Czech,

Estonian, German, Italian, Lithuanian, Macedonian, Polish, Romanian, Russian, Serbian, Slovak, Spanish, Turkish and Ukrainian.

Since the early 60s the Council of Europe has been promoting legal cooperation to make prisons more humane and efficient. The intergovernmental activities in this field are coordinated by the European Committee on Crime Problems, a body of specialised government representatives, which reports to the Committee of Ministers and is advised by the Council for Penological Cooperation.

The principal achievement of intergovernmental cooperation in the prison field is a number of legal instruments setting standards for the management of member states' penitentiary systems. The prevention of the ill-treatment of prisoners is one of the principal concerns of these instruments.

The most prominent such instrument is the updated European Prison Rules. These Rules prohibit corporal and other forms of cruel, inhuman and degrading punishment as well as the use of certain instruments of restraint. They take into account the latest developments in the penal field, namely the standards set by the Committee for the Prevention of Torture (CPT) and the case-law of the European Court of Human Rights (EctHR).

Another very important recommendation is expected to be adopted by the Committee of Ministers by the end of 2006, namely on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse.

The Council for Penological Cooperation has recently started its work on European Rules for Juvenile Offenders deprived of their liberty or subject to community sanctions or measures. The text will take account of current trends in the field and will establish guidelines regarding the treatment of juvenile offenders in open and closed environment. The text should be finalised by the end of 2008.

The European Committee on Crime problems has also entrusted the Council for Penological Cooperation with the task to deal with the role and place of probation and aftercare services in the European criminal justice systems. It is expected that work will start in 2007.

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