

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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United Nations: Call to nominate independent and highly qualified candidates for election to the Subcommittee on Prevention of Torture

In view of the forthcoming elections to the United Nations (UN) Subcommittee on Prevention of Torture (SPT) on 28 October 2010 in Geneva, Amnesty International is calling on all states parties to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) to nominate and elect independent, impartial and highly qualified candidates. Five members of the current SPT are standing down. Together with the expansion in membership of the SPT which follows the 50th ratification of the treaty, a total of 20 vacancies need to be filled.

The main function of the SPT is to establish a system of regular visits to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. The SPT has “unrestricted access to all places of detention, their installations and facilities and to all relevant information relating to the treatment and conditions of detention of persons deprived of their liberty”.¹ In carrying out its tasks, the SPT is guided by a principle of confidentiality. However, it has announced that its programme of work for 2010 will include country visits to Bolivia, Lebanon and Liberia, and the reports of some previous missions are also publicly available.

Article 5 of the OPCAT established that the candidates should be of “high moral character, having proven professional experience in the field of the administration of justice, in particular criminal law, prison or police administration, or in the various fields relevant to the treatment of persons deprived of their liberty”. In addition the nomination of candidates should strive towards a membership that is diverse in terms of skills, experience, geographical region and gender. At present, for example, there is only one woman serving on this body.

Amnesty International further calls on all 51 states parties to ensure increased transparency around the selection of candidates at both the national and international levels. The organization urges all states parties to build on the good practices established by some governments, for example the consultations with civil society held by the Mexican government and the national process for publicizing the vacancies and organizing a selection procedure put in place by the UK government. The process should provide for involvement of civil society organizations competent in the areas covered by the OPCAT, including commenting on applicants' suitability for the post. Amnesty International urges all states parties to make this information widely available at the national level and to announce their candidate(s) at the earliest possible time and provide information about the nominee's qualifications, skills and expertise.

Amnesty International takes no position in favour or against individual candidates, but believes that it is in the interest of all states parties to establish a Subcommittee which comprises individuals who are experts in the field of prevention of torture and other cruel, inhuman or degrading treatment or punishment. This treaty contains an important provision

¹ For more info see *SPT in Brief*: http://www2.ohchr.org/english/bodies/cat/opcat/spt_brief.htm

which allows states parties to nominate individuals who are nationals of other states parties (although no more than 2 nationals of the same state may serve).

Background information

The elections will take place at the Third Meeting of States Parties to the OPCAT on 28 October 2010. In a first instance, the 5 vacancies to be filled in 2010 will take place. In addition, upon receiving its 50th state ratification in September 2009, the State Parties will after having filled the 5 vacancies that expire in 2010 elect a further 15 members to serve on the Subcommittee.

The experts whose terms expire on 31 December 2010 are nationals of Croatia, Denmark, Mexico, Spain and Uruguay. The Mexican national has already been nominated for re-election. Among the current members whose term of office continues until 31 December 2012 are nationals of Argentina, Costa Rica, Czech Republic, Poland and United Kingdom.

The full text of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is available at: <http://www2.ohchr.org/english/law/cat-one.htm>

The list of candidates that have so far been nominated for the election in October 2010 is available at: <http://www2.ohchr.org/english/bodies/cat/opcat/elections2010.htm>

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