



The International Subcommittee on Prevention under the Optional Protocol to the Convention against torture

**APT position paper
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Executive summary

Established under Article 2 of the Optional Protocol to the United Nations Convention against Torture and other forms of cruel, inhuman or degrading treatment or punishment (OPCAT), the Subcommittee on Prevention will have the mandate to visit all places of detention in States Parties and to provide assistance and advice to both States Parties and National Preventive Mechanisms.

This unique body will be established no longer than 6 months after the entry into force of the Optional Protocol on 22nd June 2006.

The present paper interprets the mandate of the International Subcommittee. It is based on a series of experts consultations organized by the Association for the Prevention of Torture (APT) in cooperation with the Office of the High Commissioner for Human Rights (OHCHR).

This paper also includes general recommendations for OHCHR, States Parties and the Subcommittee in terms of mandate, membership, methods of work, human and financial resources and cooperation with existing mechanisms. They reflect the three main features of the Subcommittee :

1. A visiting body;
2. An assisting and advisory body for both States Parties and National Preventive Mechanisms;
3. A body that integrates with existing mechanisms.

Adopted on 18th December 2002, the Optional Protocol to the United Nations Convention against Torture (OPCAT or the Protocol) constitutes a major step forward in the prevention of torture and other ill-treatment by establishing a system of regular visits by complementary international and national independent experts bodies to places where people are deprived of their liberty.

Article 2 of the OPCAT establishes, “*a Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading treatment or Punishment of the Committee against Torture (hereinafter referred to as the Subcommittee on Prevention or SPT)*” which is to “*carry out the functions laid down in the present Protocol*”.

The Subcommittee will be established at least **6 months after the entry into force of the OPCAT (22nd June 2006)** once its 10 members have been elected by States Parties.

The present paper interprets the mandate of the International Subcommittee and includes general recommendations for its effective functioning. It is based on a series of experts consultations organized by the Association for the Prevention of Torture (APT) in cooperation with the Office of the High Commissioner for Human Rights (OHCHR) between 2004 and 2006¹.

Because many operational issues will need to be determined by the Subcommittee itself, this paper aims to identify foundational principles and key questions.

That being said, the APT considers that, on the basis of the OPCAT, three main features characterize the SPT. It is :

1. A visiting body;
2. An assisting and advisory body for both States Parties and National Preventive Mechanisms;
3. A body that integrates with existing mechanisms.

¹ The first of these meetings took place in December 2004 in Geneva and gathered the key actors involved in torture prevention at the national, regional and international levels (the International Committee of the Red Cross (ICRC), the European Committee for the Prevention of Torture (CPT), the Inter-American Commission on Human Rights, OHCHR...) It aimed at identifying the specificity and requirements of the preventive approach. It ended up focusing on the visiting dimension of the mandate.

The second meeting, held in June 2005, focused on the visiting dimension of the mandate and aimed at identifying its implications in terms of human and financial resources. On the basis of this meeting, the APT prepared a “Proposed draft initial budget for the International Subcommittee” which was thereafter submitted to the Deputy High Commissioner. The third and most recent meeting, held in February 2006, was focused on the advisory role of the International Subcommittee vis-à-vis National Preventive Mechanisms.

1 - The International Subcommittee : a visiting body

The basic concept of the Optional Protocol was that regular and unannounced visits to places of detention undertaken in a spirit of cooperation constitute an effective manner to prevent torture and ill-treatment. From the very beginning the Optional Protocol was inspired by the work of the International Committee of the Red Cross (ICRC). Initial proposals aimed at creating an international visiting body entitled to exercise its mandate in situations not covered by International Humanitarian Law. The ICRC is entitled to visit protected persons in situation of international or internal armed conflict and may also conduct such visits in non armed conflict situation on the basis of the Status of the Red Cross and Red Crescent Movement ².

The negotiation process eventually led to a more comprehensive system with a national component and an advisory mandate (see below), the SPT's prominent task remains to conduct visits as stated by Article 11-a) of the OPCAT³.

The visiting mandate is one of the aspects of the Optional Protocol that makes it unique in the framework of the United Nations Human Rights system. In order to establish its credibility in that regard, it will be very important for this body to **start as soon as possible its program of visits to State parties.**

This dimension of the mandate is **not only the most innovative but also the most challenging**, especially for OHCHR. For the time being, even if some OHCHR field missions (e.g. in Nepal) have a mandate to conduct visits to places of detention, and if the UN Special Rapporteur on torture and the Committee against Torture (under article 20 procedure) occasionally make such visits, there is no specific in-house expertise within OHCHR on how preventive visits ought to be carried out. Furthermore such visits, submitted to the willingness of the government to accept them, remain exceptional.

Accordingly, in order to fulfill its mandate in an effective manner, the SPT will require :

- a) a methodology that is new to the OHCHR;
- b) specific skills for its members and for the secretariat and
- c) adequate resources.

²For further details, see :

<http://www.cicr.org/Web/Eng/siteeng0.nsf/iwpList528/B462B98285B30773C1256C79004D4EE7>

³ Article 11-a : *"The Subcommittee on Prevention shall :*

Visit the places referred in Article 4 and make recommendations to States Parties concerning the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;"

a) A new methodology for OHCHR

It has long been demonstrated that monitoring the treatment and conditions of detention of persons deprived of their liberty through unannounced and regular visits is one of the most effective means of preventing torture and ill-treatment⁴. However, in order to be effective, it needs to be done following a **specific methodology**.

OHCHR staff will need to adopt this methodology for the preparation of the visits, the visit themselves and the follow-up. The ICRC and the CPT have already expressed their willingness to provide the members of the SPT and its staff with training on that matter.

Moreover the SPT should become familiar with existing tools such as the APT visits guide⁵.

The APT considers that a **significant part of the first session of the International Subcommittee should be dedicated to specific training on visiting methodology and that similar training should be systematically provided to any new member or any new Secretariat staff**.

Moreover, the Subcommittee should **make use of the roster of experts** foreseen by the OPCAT in Article 13-3 *in fine*⁶ **and invite experts** with a general experience of visits to places of detention in order to guide its work at least for its first visits. It is hoped that, over time, in-house expertise will be developed, thus making such general external assistance less relevant.

b) Skills of members and staff and adequate resources

Article 5.2 of the OPCAT states that

“the members of the Subcommittee on Prevention shall be chosen from among persons of high moral character, having proven professional experience in the field of 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”.

⁴ As shown by the work of the CPT and underlined by the paragraph 7 of the OPCAT's preamble which states : *“Convinced that the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment can be strengthened by non-judicial means of a preventive nature, based on regular visits to places of detention”.*

⁵ <http://www.apr.ch/pub/library/Monitoring%20Guide%20EN.pdf>

⁶ Article 13.3 : *“The visits shall be conducted by at least two members of the Subcommittee on Prevention. These members may be accompanied, if needed, by experts of demonstrated professional experience and knowledge in the fields covered by the present Protocol who shall be selected from a roster of experts prepared on the basis of proposals made by the States Parties, the Office of the United Nations High Commissioner for Human Rights and the United Nations Centre for International Crime Prevention. In preparing the roster, the States Parties concerned shall propose no more than five national experts. [...]”.*

Among the “*various fields relevant to the treatment of persons deprived of their liberty*” the following criteria should be included for prospective members of the SPT:

- **legal expertise,**
- **ability to deal with authorities**
- **medical expertise**
- a **mix of hands-on experience** such as in policing, prisons, psychiatric institutions
- **experience in monitoring places of detention**
- being **available upon request**, being **independent**, and having relevant **linguistic skills**.

Given the delicate and sensitive task, the Subcommittee should feature a mix of the expertise described above plus :

- show empathy
- be culturally aware
- be a **team player**
- **seek a gender balance**⁷
- **obtain a regional balance**

For members and as well as for the support staff, being **physically fit and mentally stable** is key for all individuals involved in stressful and tiring visits, including the interpreters and experts chosen in the roster.

Drafting and analytical skills will also be important. Members and staff will have to digest a lot of information obtained in the course of the visits and during their preparation. Furthermore, reports following the visits will have to be sent to the authorities ideally **no later than 6 months after the visit**.

States parties and relevant stakeholders should keep in mind these specific skills while identifying, nominating and electing the members of the SPT. In the same manner, OHCHR should also keep these skills in mind in the recruitment of staff for the SPT Secretariat.

c) Adequate resources

Beyond this question of the necessary skills, other aspects such as the regularity of the visits, follow-up visits, preparation, composition of the visiting team and implementation of the recommendations must be taken into consideration in order to give to visits to places of detention their full preventive impact.

⁷ Experience has shown that it is a strong advantage to have a balance between male and female members in a visiting team. In most cultures, men and women have different opportunities to establish relationships based on trust with detainees and staff. Detainees and staff will prefer to talk either to a man or a women, depending on the specific issue. A gender-balanced team will increase the possibility of getting a full picture of the conditions of detention.

Regularity of the visits. Taking especially into account the experience of the European CPT, the SPT in its first year(s) of activity should carry out at least 50 days of visits a year. If visit lasts an average of ten days, it should thus be possible to carry out approximately **5 visits in States parties per year and to visit each State party on average once every 4 or 5 years.**

The SPT should also use its mandate under Article 13.4 to undertake **follow-up visits** in order to better assess the evolution of the situation of a specific place of detention and/or the implementation of its recommendations.

The preparation of visits is obviously very important and requires **adequate staffing** in order to deal, among other things, with correspondence and communications to and from the Subcommittee during the periods in between its visits and formal sessions, as well as the analysis of relevant information obtained on particular countries. Accordingly the APT considers that the Secretariat of the SPT should be composed at least by 4 members at the beginning of its activities. This number should increase over the years with the growth of SPT's activities and States Parties.

This preparatory phase is also crucial in terms of **information gathering**. On this front the Secretariat should develop a network of various sources of information (see below) and have the capacity to **analyze the inflow of information**.

For the visit itself, in addition to members (a minimum of two according to Article 13-3⁸) and to the regular staff, the delegation include experts chosen from the **roster** in order to ensure a multidisciplinary composition and to cover all potential requirement for specific expertise in certain circumstances. In that regard, the APT hopes the Subcommittee will have a wide range of experts to choose from and invites the **OHCHR to propose an unlimited number of truly independent and effective experts with relevant experience.**

Moreover the delegation should also be accompanied by **independent interpreters**. On this front, the APT considers that based on existing practices a ratio of 1 interpreter to 1.5 delegates is highly desirable. Moreover given the sensitive and disturbing nature of the work and operation, **special training of interpreters will be required.**

Finally, these visits will have a greater impact if a **proper follow-up** is made after them. Following the experience of the Council of Europe's CPT, the SPT should be able to draft a visit report within at most 6 months of completing each visit to be sent to the authorities and NPM of the visited State party. This report will constitute the main basis for the dialogue and cooperation with States parties regarding the implementation of the recommendations (Article 12.d⁹).

⁸ Article 13.3 : « *The visits shall be conducted by at least two members of the Subcommittee [...]* ».

⁹ Article 12-d) : « *In order to enable the Subcommittee on Prevention to comply with its mandate as laid down in article 11, the States Parties undertake : to examine the recommendations of the Subcommittee on Prevention and enter into dialogue with it on possible implementation measures.* »

It is also partially on the basis of the information contained in the report that the Subcommittee will build its advisory and assistance role.

2 - The International Subcommittee : an advisory and assisting body

Although the visiting part of the Subcommittee's mandate is undoubtedly the most prominent one, it would be a mistake to conceive the SPT as a visiting body exclusively. As a matter of fact, it also has the **duty to give advice and assistance** on issues related to National Preventive Mechanisms either through States Parties or directly to the NPM.

On these two aspects the APT considers that the SPT should have a **pro-active profile** by proposing, on a permanent basis, its advisory services to all States parties and National Preventive Mechanisms.

2.1 – Advice and assistance to States Parties

Article 11b) i)¹⁰ enables the Subcommittee to assist States parties in the establishment of NPM. According to Article 17, States parties have one year after the entry into force or after the ratification to create, designate or maintain their NPM.

Between the entry into force of the OPCAT (22nd June 2006) and the first meeting of the Subcommittee, a “virtual” Subcommittee may receive requests on the basis of article 11 b i) even though it will not yet formally exist. **The OHCHR should already be prepared to deal with such requests during this vacuum period and should start thinking about how it will deliver the advisory role.**

Once the Subcommittee has been set up, the APT believes that it should play a **pro-active role** by proposing, on a permanent basis, its advisory services to all States parties in that regard. Furthermore, it should also make any new State party aware of the availability of advisory services.

The SPT is also entitled to play an advisory role in relation with the NPMs in order to strengthen their capacities through recommendations to States Parties (Article 11 b iv).

Indeed, **Article 11 b iv)** enables the Subcommittee to

Make recommendations and observations to the States Parties with a view to strengthening the capacity and the mandate of the national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

¹⁰ Article 11-b)i : « *The Subcommittee on Prevention shall in regard with national preventive mechanisms advise and assist States Parties, when necessary, in their establishment* »

This ability should not be limited to the States parties already visited by the SPT. However, to be able to deliver sound recommendations to States parties, especially in the ones it has not yet visited, the Subcommittee staff will need to **gather relevant information on the NPMs (mandate, appointment, membership, etc...) and how they operate.**

The most obvious source of information will be the States parties themselves in compliance with Article 12 b)¹¹ and Article 14-1-a) and b)¹². But the Subcommittee will have to use other sources, such as other international and regional mechanisms (in compliance with article 11 c)¹³) and NPMs directly (Article 20-f)¹⁴).

Information could also come from other sources such as national, regional and international NGOs (see below).

With these various sources of information the Subcommittee should be in a position to deliver suitable advisory services that respond to the needs expressed by States parties.

2.2 – Advisory role of the Subcommittee directly for NPMs

On the basis of the OPCAT, the Subcommittee is also entitled to deliver advice directly to NPMs to strengthen their capacities and to strengthen the situation of persons deprived of their liberty.

Article 11 b ii) states the following :

The Subcommittee on Prevention shall :

(b) In regard to the national preventive mechanisms:

(ii) Maintain direct, and if necessary confidential, contact with the national preventive mechanisms and offer them training and technical assistance with a view to strengthening their capacities;

¹¹ Article 12-b) « *In order to enable the Subcommittee on Prevention to comply with its mandate as laid down in article 11, the States Parties undertake : to provide all relevant information the Subcommittee on Prevention may request to evaluate the needs and measures that should be adopted to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment*”.

¹² Article 14-1-a) and b) : « *In order to enable the Subcommittee on Prevention to fulfill its mandate, States Parties to the present Protocol undertake to grant it :*

a) *Unrestricted access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 1, as well as the number of places and their location;*

b) *Unrestricted access to all information referring to the treatment of those persons as well as their conditions of detention”*

¹³ Article 11-c) : « *The Subcommittee on Prevention shall cooperate, for the prevention of torture in general, with the relevant United Nations organs and mechanisms as well as with the international, regional and national institutions or organizations working towards the strengthening of the protection of persons against torture and other cruel, inhuman or degrading treatment or punishment »*

¹⁴ Article 20-f) : « *In order to enable the national preventive mechanisms to fulfil their mandate, the States Parties to the present Protocol undertake to grant them the right to have contacts with the Subcommittee on Prevention and to meet with it.*”

The APT believes that the “*training and technical assistance*” referred in this provision primarily relates to the operational work of the NPM. Accordingly, such assistance would focus on **methods of work and methodology of the visits**. Consequently, the members of the SPT and its staff should have a good **knowledge of this methodology and also of existing visiting mechanisms** in order to be able to assess in a comparative way the work of NPM. **Furthermore on these activities** the SPT should elaborate **benchmarks on methodology** and have a **database on existing domestic mechanisms**. This assistance should include practical techniques and methods and the Subcommittee should be able to do deliver **generic advice and training activities to the NPM**.

Moreover, **Article 11 b iii)** states the following :

1. The Subcommittee on Prevention shall:

(b) In regard to the national preventive mechanisms:

(iii) Advise and assist them in the evaluation of the needs and the means necessary to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;

On the basis of this provision the SPT should also be able to **provide advice to NPM on improving the situation of persons deprived of their liberty**.

Thus the SPT should act as an **expert body on all issues related to deprivation of liberty**. In the course of its visits, but also and mainly by using information coming from its different partners, the SPT should ensure it is in a position to deliver high quality advice on such issues.

However, the APT is of the opinion that the SPT should seek not to draft general reports about the situation of persons deprived of their liberty in States parties. It should rather, on an *ad hoc* basis **to give its opinion on specific situations or draft legislations...**

3- The International Subcommittee: an integrated body

Once created, the International Subcommittee will be at the core of an already existing framework for torture prevention. A number of actors are already very active in this area and it only makes sense for the SPT to take them into account in interpreting and executing its mandate. The SPT and the existing actors would benefit from the cross fertilization that is encouraged by Article 11-c)¹⁵.

Furthermore, as the following sections discuss, in order to fully deliver its ambitious mandate the SPT would be well advised to engage in mutual cooperation within and outside of the United Nations system.

3.1- Cooperation within the United Nations system

Action 2 of the UN Secretary General¹⁶ and the recent Plan of Action and Strategic Management Plan of the UN High Commissioner for Human Rights have emphasized the need for an **integrated approach within the UN system and especially within OHCHR**.

This SPT should benefit from this new approach. Indeed, it would be both unrealistic and counterproductive to expect a Secretariat working alone and in isolation, no matter its size, to be able to cope in an effective manner with all the different aspects of the SPT's mandate. Rather, the Secretariat of the SPT will have to liaise with the different relevant actors of the OHCHR to fulfill in an effective manner its job by **gathering information** and being able to **deliver assistance and advice**.

The Committee against Torture, the Special Rapporteur on Torture, and to a lesser extent the Voluntary Fund for Victims of Torture, are the main existing United Nations bodies in charge of torture issues. Logically the SPT will have to seek cooperation with all these entities, especially in terms of sharing information.

Regarding the CAT, it has to be extremely clear that there is **no general hierarchy** of the Committee over the Subcommittee. The only express link between the SPT and the CAT to be found in the OPCAT text concerns publication of the annual report of SPT activities (Article 16.3¹⁷) and public statements by the CAT in a case of lack of cooperation with the SPT from a State Party (Article 16.4¹⁸).

¹⁵ Op. cit. note 13.

¹⁶ Action 2 of the Secretary General's second report on UN reform calls for strengthened United Nations actions at the country level in support of Member States' efforts to bolster their national systems to promote Human Rights. Since 2003, the Action 2 initiative has improved coordination within the UN system relating to Human Rights capacity building.

¹⁷ Article 16.3 : « *The Subcommittee on Prevention shall present a public annual report on its activities to the Committee against Torture* ».

¹⁸ Article 16.4 : « *If the State Party refuses to cooperate with the Subcommittee on Prevention according to articles 12 and 14, or to take steps to improve the situation in the light of the recommendations of the Subcommittee on Prevention, the Committee against Torture may, at the request of the Subcommittee on Prevention, decide, by a majority of its members, after*

The **relationship between the CAT and the SPT is therefore also one of cooperation and coordination** rather than hierarchy. For instance, through the process of receiving and reviewing periodic States reports under the UNCAT, the CAT receives a great deal of information from States parties, NGOs, National Institutions and others. Sharing this information with the SPT will be of help for the SPT to better understand on the situation of persons deprived of their liberty in States Parties and will equip the SPT to prepare its visits and to provide its assistance and advice. A similar cooperation should be developed with another UN treaty body, the **Human Rights Committee**.

In the same manner, through urgent appeals and country visits, the **Special Rapporteur on Torture** gathers information both on the general situation of persons deprived of their liberty in given States and on individual cases. Such information would also be of assistance to the SPT by ensuring that it visits key places, for instance, during its visits. Furthermore, regarding individual cases brought to their attention by the Special Rapporteur, the SPT could, on the occasion of its visits, ask questions to the authorities about the whereabouts of specific individuals.

Similarly, the reports published by the SPT may be of use for the newly established **Human Rights Council** especially in the framework of the universal periodic review.

The Secretariat should **cooperate closely with the OHCHR Desk officers** in Geneva and with **Field missions**. In the preparation of SPT visits and other aspects of its mandate, the Secretariat should **seek, compile and analyze information** from them about the situation of persons deprived of their liberty in the States parties, the implementation of earlier recommendations of the SPT and the functioning of the National Preventive Mechanisms in the State. The staff of OHCHR and UN Field missions may also be able to **provide practical assistance** to the Secretariat and the members in carrying out visits.

The Secretariat should work with the Capacity Building Branch, especially the **Training Unit**, in order to deliver training tools for NPMs as part of the SPT mandate to provide advice and assistance.

The Secretariat should also liaise with **the Rule of Law Unit and the Legal Advocacy and Advice Unit** in order to provide advice to States parties regarding legal reforms related to the situation of persons deprived of their liberty.

the State Party has had an opportunity to make its views known to make a public statement on the matter or to publish the report of the Subcommittee on Prevention.”

3.2- Cooperation with existing actors outside of the UN system

In order to obtain information about the implementation of the OPCAT and on the situation of persons deprived of their liberty in States Parties, the International Subcommittee should cooperate closely with NGOs, international and regional bodies and existing domestic visiting mechanisms.

- Cooperation with NGOs:

In order to fulfill its multifaceted mandate the SPT will require information on the situation of persons deprived of their liberty in the States parties as well as on the functioning of the NPM and on the level of implementation of its recommendations. **National, regional and international NGOs are best placed to provide this kind of information.**

Accordingly, shortly after its establishment, the SPT will need to liaise with these key actors and inform them of its existence, expectations and limitations. National NGOs should send relevant information to the SPT including advice on specific places of detention to visit.

Further, an **informal OPCAT NGO network should be created**. It would constitute an ideal platform of exchange of information and experiences between the SPT and NGOs but also between NGOs themselves. Between NGOs and SPT, such exchange of information would enable the SPT to have a better knowledge of the situation of persons deprived of their liberty and to know which places of detention ought to be visited as a matter of priority. Such a network would also enable NGOs to exchange their views and experiences on how they work with the SPT but also and mainly with NPM.

Such cooperation should also be encouraged with other members of civil society, including : National Human Rights Institutions, academics, church-based groups, relatives associations, research institutes and the media.

- Cooperation with existing international and regional visiting mechanisms:

There exist already a number of visiting mechanisms both at the international and regional levels. The International Committee of the Red Cross is perhaps the most widely known but the European Committee for the Prevention of Torture, the Inter-American Commission's Special Rapporteur on the situation of persons deprived of their liberty, as well as the African Commission's Special Rapporteur on prison conditions should not be forgotten.

Article 31 of the OPCAT¹⁹ expressly encourages cooperation between regional mechanisms and the SPT. The APT considers that cooperation at the regional and international level could be very useful in terms of **sharing**

¹⁹ Article 31 : *“The provisions of the present Protocol shall not affect the obligations of States Parties under any regional convention instituting a system of visits to places of detention. The Subcommittee and the bodies established under such regional conventions are encouraged to consult and cooperate with a view to avoiding duplication and promoting effectively the objectives of the present Protocol”.*

information, within the limits of confidentiality. It should also help to avoid unnecessary overlap between different actors. On that front, the informal cooperation put in place between the ICRC and the CPT could be used as a model²⁰.

More specifically, article 32 also underscores that the Protocol “*shall not affect the obligations of States Parties to the four Geneva Conventions [...] and the Additional Protocols thereto [...], nor the opportunity available to any State Party to authorize the International Committee of the Red Cross to visits places of detention in situations not covered by international humanitarian law*”.

More specifically, the ICRC has, on several occasions, expressed its willingness to provide the members and the secretariat of the SPT with **training on the methodology of the visits** and is ready to cooperate with the SPT within the limits of its mandate. In the same manner, the CPT has expressed its willingness to **share with the SPT its experience as a regional visiting mechanism**.

- Cooperation with existing domestic visiting mechanisms, and especially with National Preventive Mechanisms:

Communication between the SPT and NPMs is already expressly contemplated by the OPCAT itself in article 11. Exchange of information between the SPT and the NPMs is crucial for the overall functioning of the OPCAT system. Such exchange will enable the SPT to better understand the situation of persons deprived of their liberty in the States parties and will enable the NPM to get appropriate support from the SPT.

However, the SPT should not limit itself to the officially-designated NPM, and it should also **work with any other existing domestic mechanisms**. As a matter of fact, bodies such as ombudspersons, NGOs, parliamentarians' committees, also have first hand information on the situation of persons deprived of their liberty and the SPT should not overlook them. The profile thereby given to existing visiting mechanisms could also help ensure their work remains respected by the authorities.

²⁰ Over the years the ICRC and the CPT have developed a cooperation aimed mainly at avoiding overlaps in their visits activities. Such a cooperation is obviously respectful of the confidentiality principle which binds the two bodies.

In conclusion, the APT reiterates the following general recommendations :

- **Equal attention should be given to the two aspects of the SPT's mandate (visiting; assistance and advice);**
- **An OPCAT NGO network should be created to enhance exchange of information between NGOs working with the SPT and between these NGOs and the SPT;**

To States Parties :

- **States Parties should ensure sure that the membership of the SPT is multidisciplinary;**
- **States Parties should ensure that the members have the relevant professional and personal skills;**

To the Office of the High Commissioner for Human Rights

- **OHCHR should guarantee adequate financial and human resources for the effective functioning of the OPCAT;**
- **The Secretariat of the SPT should be composed of at least 4 members with relevant professional and personal skills;**
- **In its first few years the SPT should receive resources and capacity to conduct at least 50 days of visits per year;**
- **OHCHR should propose an unlimited number of truly independent and effective experts for the roster;**

To the Subcommittee on Prevention of Torture

- **SPT members and staff should receive training on the methodology of visiting places of detention before the SPT begins its first round of visits;**
- **The SPT should adopt a pro-active approach to its advisory role;**
- **The SPT should have a good knowledge of existing visiting mechanisms;**
- **The SPT should elaborate benchmarks on methodology of the visits to places of detention;**
- **The Secretariat should cooperate closely with other actors within OHCHR;**

- **The Secretariat should cooperate closely with other United Nations Human Rights actors;**
- **The SPT should cooperate closely with existing international, regional and national visiting mechanisms;**
- **The SPT should work with other National Visiting Mechanisms in addition to the officially-designated NPM**

APT, Geneva, May 2006