Elections to the UN Subcommittee on Prevention of Torture

Guidance for OPCAT States parties on SPT membership

31 May 2018

1. UN Subcommittee on Prevention of Torture: mandate and composition

The UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) is the international preventive body created by the Optional Protocol to the UN Convention against Torture (OPCAT).

The SPT has a preventive and proactive mandate. It focuses on two main functions:

- Conducting visits, in any State party to the OPCAT, to any place where persons are or may be deprived of their liberty, including, but not limited to, police stations, prisons, immigration detention centres, juvenile justice establishments, mental health and social care institutions.
- Providing advice to States parties and National Preventive Mechanisms (NPMs) on NPM establishment and functioning, and on preventive measures in general.

It comprises 25 experts elected by OPCAT States parties, drawn from different expertise, regions and professional backgrounds. Members are elected every two years for a four-year term and are eligible for re-election to a second term, if re-nominated.

The work of the SPT is structured in working groups and regional teams composed of several members. Each SPT member is part of a regional team and is responsible for a certain number of States parties to the OPCAT. Furthermore, each regional team is headed by one member, who is also responsible for specific countries.

The SPT work is based on sustained cooperation with OPCAT States parties and the NPMs, and it is guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity.
2. The role of SPT members

The role of SPT members is unique in that it is based on a preventive approach and it focuses on domestic implementation of the OPCAT, by directly visiting States parties and providing them with advice and technical assistance. To reflect this complex mandate, SPT members carry out a range of different activities during their term.

➢ **Core functions common to all SPT members:**

- Participate in three sessions per year in Geneva, Switzerland. SPT sessions last one week and are usually held in February, June and November.
- Prepare for official country visits, including gathering information and engaging with States, NPMs, and other stakeholders prior to visits.
- Conduct visits to places of detention, during which they: examine the treatment of persons deprived of liberty and their conditions of detention; talk in private with persons deprived of liberty; and engage in dialogue with authorities, staff of places of detention, doctors, and other relevant stakeholders, including representatives of civil society. The member designated as head of the visiting delegation will have additional responsibilities, including coordinating the visit, The depending on the specific role of each member
- Follow-up to the visit, including drafting internal notes on the visit, making recommendations and providing inputs to the official SPT visit reports.
- Provide advice to the authorities on the establishment of NPMs.
- Act as focal point for a certain number of States Parties to the OPCAT.
- Liaise with NPMs and assist them in their functioning.
- Contribute to the SPT development, providing inputs on SPT functioning and thematic issues related to the prevention of torture and other ill-treatment.

➢ **Additional functions depending on specific assignments and responsibilities:**

- Participate in UN meetings as representatives of the SPT.
- Participate in conferences, trainings and other OPCAT-related events, upon invitation from State authorities, NGOs and other stakeholders.
- Coordinate the work of the SPT Regional Teams and thematic working groups.

3. Profile and skills of SPT members

Considering the diversity of SPT duties, in the nomination of experts to be elected as SPT members, States should take into account a variety of different criteria.

➢ **Independence and impartiality**

Members are nominated and elected by States parties, but remain independent from their State while active in the SPT and shall not seek nor accept instructions from anyone
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concerning their duties. Each member serves in a personal capacity, accountable only to the SPT and his or her own conscience.

Members are expected to maintain the highest standards of impartiality and integrity and apply the standards of the OPCAT equally to all States. States parties should therefore consider whether each candidate demonstrates high moral character and authority and will be able to act and be seen to act independently of their State. This is crucial for the SPT to establish a constructive dialogue with States parties, NPMs, persons deprived of their liberty, civil society organisations and other relevant actors.

➢ **Professional expertise**

The fulfilment of the SPT’s broad preventive mandate requires that its members possess one or more of the following professional competencies:

- Medical or health expertise in areas of relevance to the OPCAT.
- Legal expertise in areas of relevance to the OPCAT.
- Experience in police administration and/or administration of justice.
- Expertise in human rights, social work, anthropology or education.
- Experience in monitoring places where persons are deprived of their liberty.
- Knowledge of and expertise in areas related to persons in situation of vulnerability, including children, women, persons with disabilities, LGBTI persons, and migrants.

➢ **Personal skills**

The specificity of the SPT mandate requires members to be able to perform activities of different nature, including: conducting visits to various types of places of detention in any given country of the world; interviewing persons deprived of their liberty in private; analysing the situation of prevention of torture and ill-treatment; maintaining a constructive dialogue with State authorities; and working constructively with NPMs, civil society and other relevant actors.

This requires a number of different personal skills, such as:

- Holistic understanding and commitment to prevention of torture and other ill-treatment and its approach based on systemic analysis, constructive dialogue and cooperation.
- Experience in working with a wide range of stakeholders, including high level national authorities, detaining authorities, persons deprived of their liberty and civil society.
- Ability and willingness to undertake travels, including long distance ones, and visits to places of detention in countries that may be culturally different than their own.
- Sensitivity, patience and humbleness when interacting with persons deprived of their liberty, staff of places of detention and other actors.
• Objectivity and diplomatic skills to interact with national authorities and deal with situations of disagreement and political sensitivities.
• Good communication and interpersonal skills.
• Drafting and analytical skills for research and report writing.
• Ability to work in a positive environment with colleagues from different expertise and cultures.
• Proficiency in at least one UN language (Arabic, Chinese, French, English, Russian, Spanish). Fluency in another UN language would be an asset, especially for internal communication within the SPT.

➢ Availability

The work of SPT members is demanding. They are expected to dedicate between 1.5 to 3 months in total throughout the year to their SPT duties. In addition to conducting several official visits and to participate in the three SPT sessions in Geneva, SPT members are also expected to dedicate time to prepare for and follow-up to the visits, participate in seminars related to the OPCAT, and contribute to the development of SPT’s work.

The amount of time given to SPT work also depends on the SPT members’ specific assignments and responsibilities within the SPT. These may include being a member of the Bureau or being the Head of a regional team, of a visiting delegation or a working group.

➢ Diversity

When nominating and electing experts to the SPT, States should also value diversity in the membership. In this regard, due consideration should be given to the gender balance, but also to the representation of diverse groups, including indigenous people, LGBTI persons, persons with disabilities, persons belonging to ethnic, cultural and religious minorities, and others.