

## What is the difference between the SPT, the CAT and the Special Rapporteur on torture?

These three UN bodies cooperate with each other but have different functions.

- **The Subcommittee on Prevention of Torture** assists States Parties to the OPCAT to improve the situation in detention. It can visit any place of detention in any State Party to the OPCAT, without invitation by the State. States Parties do not have to submit periodic reports to the SPT. It is the SPT which, following each of their visits, submits a confidential report to the State Party. Nevertheless, States are encouraged to make those reports public.
- **The Committee against Torture** monitors the implementation of the UN Convention against Torture by States Parties, mainly through reviews, in Geneva, of their periodic reports, and issues public recommendations based on these reviews. It can conduct confidential inquiries where systematic torture is alleged, in cooperation with the States concerned. It can also examine individual communications alleging violations of the Convention.
- **The Special Rapporteur on torture** is an independent expert, appointed by the UN Human Rights Council. His/her mandate covers all countries, even those which have not ratified the UN Convention against Torture. The Special Rapporteur can receive allegations of torture and other forms of ill-treatment and transmit urgent appeals to States. If a State accepts his/her request, the Special Rapporteur can also undertake in-country missions. The mission reports are public.

## What do States Parties to the OPCAT have to do?

- Engage in national consultations with all relevant actors, including civil society, to decide on the structure of the National Preventive Mechanisms (NPMs).
- One year after ratifying the OPCAT, set up independent NPM(s).
- Allocate adequate financial resources to the NPMs.
- Provide the NPMs and the Subcommittee on Prevention of Torture (SPT) with access to any place of detention, to any relevant information and to any person.
- Establish on-going cooperative dialogue with the NPMs and SPT on the implementation of their recommendations.
- Take measures to reduce the risks of torture and other forms of ill-treatment.



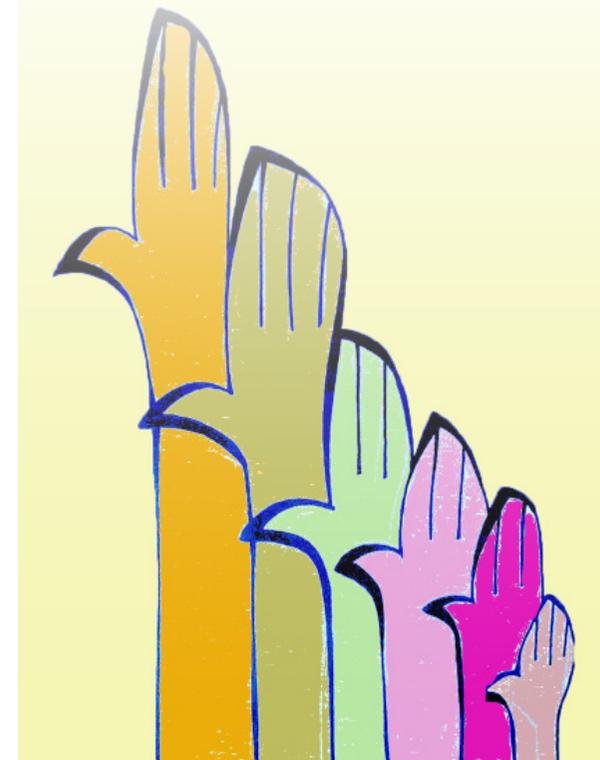
- For more information, please visit: [www.apr.ch/opcat](http://www.apr.ch/opcat)



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## The Optional Protocol to the UN Convention against Torture

### • OPCAT FAQ



## What is the OPCAT?

The Optional Protocol to the UN Convention against Torture (OPCAT) is a unique international human rights treaty which assists States to prevent torture and other forms of ill-treatment.

### How does the OPCAT assist States to prevent torture?

The OPCAT establishes a system of regular visits to all places of detention, conducted by national bodies, the National Preventive Mechanisms (NPMs) and an international body, the Subcommittee on Prevention of Torture (SPT). The OPCAT bodies work in close cooperation with national authorities, identifying gaps in laws and practice to protect the rights and dignity of all persons deprived of their liberty.

### What are the National Preventive Mechanisms?

- National detention monitoring bodies
- Set up by the States
- Have multidisciplinary expertise
- Are functionally independent
- Have financial autonomy

The OPCAT does not foresee any specific model for NPMs. The States decide on the most appropriate structure for the NPMs, according to their national context. They can set up NPMs within one or more existing institution, or establish new specialised bodies. But they have to ensure that the NPMs are independent, have adequate resources and expertise. National authorities have to cooperate with the NPMs.

## What do NPMs do?

- Conduct visits to any place of detention at any time: examine the treatment of persons and conditions of detention; conduct confidential interviews with persons deprived of liberty and authorities; check relevant information and records.
- Review and comment on laws, policies and practices relating to deprivation of liberty.
- Identify root causes of torture and other forms of ill-treatment.
- Make recommendations where concrete solutions are given to the authorities to improve the treatment and conditions of persons deprived of liberty and the functioning of places of detention.
- Establish dialogue and cooperation with authorities on the implementation of their recommendations.
- Maintain direct, and if necessary confidential, contact with the SPT.

### What is the Subcommittee on Prevention of Torture?

- UN body established by the OPCAT
- 25 independent experts from different regions with multidisciplinary expertise
- Elected by States Parties to the OPCAT

### What does the SPT do?

- **SPT Visits:** The SPT conducts visits to any place of detention in any State Party to the OPCAT and makes confidential recommendations to authorities to better prevent torture and other forms of ill-treatment.

- **SPT Advice:** The SPT provides advice to authorities on the establishment of NPMs. It also cooperates and assists the NPMs on their functioning, if necessary on a confidential basis.

### Which places of detention can be visited by NPMs and the SPT?

NPMs and the SPT can visit any type of places where persons are, or may be, deprived of their liberty by public authorities, or with State consent or acquiescence. Places include, but are not limited to: prisons, police stations, pre-trial facilities, transport vehicles, hospitals, immigration centres, psychiatric institutions, children's homes, military facilities, airports, etc.

### What is the OPCAT Special Fund?

The Special Fund of the OPCAT supports educational programmes for NPMs and initiatives which contribute to the implementation of recommendations made by the SPT in States which have been visited by the SPT and have published the visit report.

## Facts and figures\*

- **2002:** adopted by the UN General Assembly on 18 December
- **2006:** entered into force on 22 June
- **88** States Parties from all regions of the world
- **14** additional States signatories
- **67** National Preventive Mechanisms set-up

\* as of April 2018