

Speech by Mykola Gnatovskyy, President of the CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment)

on the occasion of the conference marking the 10th anniversary of the entry into force of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

Geneva, 17 November 2016

Excellencies, distinguished representatives, ladies and gentlemen, dear colleagues!

It is indeed a great honour for me to address you at this conference marking the 10th anniversary of the entry into force of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. I would like to congratulate my SPT colleagues, and also colleagues from the various national preventive mechanisms present here on this occasion, and to express the deep appreciation for your work that I and my colleagues from the CPT have.

Before the OPCAT entered into force, the CPT had been more or less alone in its work to prevent ill-treatment in Europe. Now, thanks to the OPCAT, we have both a fully-fledged peer body at the United Nations level, and also the national preventive mechanisms, embodying something that the CPT has been recommending from the outset of its activities, that is the existence of independent national structures able to carry out visits on a regular basis to places of deprivation of liberty. Therefore, it remains the CPT's standard recommendation to those countries which have yet to ratify the OPCAT to do so as soon as possible. Regrettably, among the 47 member states of the Council of Europe there are several countries which have not done so yet.

Of course, the existence of several bodies with various torture prevention mandates is something that in itself is very remarkable and, in my opinion, has a very significant potential for achieving success. The experience of the last ten years can generally be described as very good. Indeed, we have established relationships between the CPT and the SPT, between the CPT and the national preventive mechanisms based on mutual respect and support. For the CPT such relationships are not at all just a symbolic thing but an important matter on which we rely when organizing our activities. For example, one important factor we take into account when organizing our visit to a country is the existence of a well-functioning national preventive mechanism. We see this not only as an effort to promote synergy between us – something that has to be done – but also as a manifestation of the principle of subsidiarity.

We do believe very strongly – and this opinion is also based on a number of discussions I have had with my colleagues within the CPT – that the synergy between the CPT and the SPT, the CPT and the national preventive mechanisms, should be centred around those areas where we have the biggest potential. For example, it is absolutely true, as already underlined by a number of speakers today, that the national preventive mechanisms are the bodies capable of ensuring regular monitoring of places of deprivation of liberty with sufficient frequency, quality and thoroughness – provided that the NPMs are indeed organized as they should be, i.e. in accordance with the SPT's Guidelines.

At the same time, the existence of regional actors, such as the CPT in Europe, should not be overlooked either. During the 27 years of the CPT's existence, we have engaged in an ongoing dialogue with every single Council of Europe's member state in all the areas falling under our mandate. Therefore, we would ideally see the SPT's role in Europe not so much in fact-finding, but rather in streamlining the national preventive mechanisms and ensuring that they operate properly. This is certainly not a matter for the CPT to focus on as we are very careful (some people say we are too careful) with saying anything that would fall under the exclusive mandate of the SPT, that is to assess the NPMs' performance. Nevertheless, we count on more support from the SPT as the NPMs in a number of European countries could be significantly improved, to say the least.

To conclude, I must say that I agree with Mr Manfred Nowak who said that the OPCAT is better than the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in that it obliges States Parties to create NPMs. I believe that the NPMs are hugely important, they are the main treasure and the essence of the system established by the OPCAT. I was asked by the organizers whether I could give advice to the SPT. While perhaps it is not for me now to give advice, I would say that it would be highly desirable that the SPT continues its excellent work also in the direction of strengthening the national preventive mechanisms.

Once again, congratulations on the occasion of the OPCAT's 10th anniversary and I look forward to our future cooperation. Thank you.