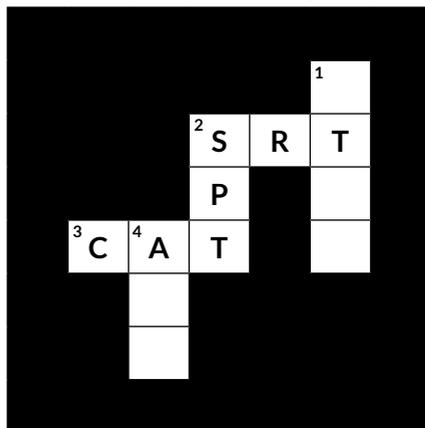


# ANNEX 7 :

## DIFFERENCE BETWEEN ANTI-TORTURE MANDATE HOLDERS



*What is the difference between anti-torture mandate holders? Which ones can conduct visits, publish reports and/or call States to account?*



**The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (SRT)** is an independent expert appointed by the Human Rights Council for a renewable period of three years to examine questions relevant to torture.<sup>23</sup>

The Special Rapporteur's mandate extends to all countries, irrespective of whether a State has ratified the UN Convention against Torture. In urgent cases, the SRT transmits appeals on behalf of individuals reported to be at risk of torture. The Special Rapporteur also collects factual information such as institutional and legislative factors that contribute to torture and other forms of ill-treatment and conducts country visits at the invitation of a Government. Finally, the Special Rapporteur submits annual reports on activities, the mandate and methods of work to the Human Rights Council and the General Assembly. The reports of the Special Rapporteur are public.

<sup>23</sup> See <http://www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/SRTortureIndex.aspx>

**The Committee against Torture (CAT)** is a body of 10 independent experts that monitors implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) by its States parties.<sup>24</sup>

The CAT considers reports by each State party and addresses its concerns and recommendations to the State party in the form of “concluding observations”. In addition, the Committee may also, under certain circumstances, consider individual complaints or communications from individuals or States, and undertake confidential inquiries. Such inquiries are rare, but may be undertaken when the CAT receives reliable allegations that torture is being systematically practised in a State party and may include, with the agreement of the State party, a visit to its territory. Visits by the Committee are characterised by their confidential character and the pursuit of cooperation with the State party concerned.

**The Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)** is the UN body established by the Optional Protocol to the UN Convention against Torture (OPCAT), composed of 25 independent and impartial experts coming from different backgrounds and from various regions of the world.<sup>25</sup> The SPT is unlike other treaty bodies. It has a purely preventive mandate aimed at the achievement of a sustained, proactive approach to the prevention of torture and other ill-treatment.

The work of the SPT may therefore be distinguished from the work of the CAT. The SPT is proactive, maintaining a continuous dialogue with the State to offer forward-looking recommendations aimed at preventing violations from happening. While the CAT does have a preventive mandate, its work also looks at reacting to allegations, promoting effective investigations, and ensuring accountability for previous violations.

The SPT conducts visits to any place where people are or may be deprived of their liberty in any State party to the OPCAT and makes confidential recommendations to authorities to better prevent torture and other forms of ill-treatment. Although these reports are confidential, States are encouraged to make their reports public. The SPT also provides advice to States on the establishment and functioning of National Preventive Mechanisms (below).

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<sup>24</sup> See <http://www.ohchr.org/EN/HRBodies/CAT/Pages/CATIndex.aspx>

<sup>25</sup> See <http://www.ohchr.org/EN/HRBodies/OPCAT/Pages/OPCATIndex.aspx>

The OPCAT also establishes a system of regular visits to places of detention conducted by **National Preventive Mechanisms (NPMs)**. NPMs are established by each State party to the OPCAT in response to the particular national context. Like the SPT, NPMs conduct visits to places of deprivation of liberty, collect information and make recommendations to implement solutions which improve the conditions of persons deprived of liberty, in a cooperative dialogue with the State authority.

A number of regional anti-torture mechanisms have also been established. **The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)** was established pursuant to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.<sup>26</sup>

In a similar way to the SPT, the CPT organises visits to places of detention, in order to assess how persons deprived of their liberty are treated. After each visit, the CPT sends a detailed report to the State concerned, including its findings and its recommendations. Principles of co-operation and confidentiality are also embodied in the working practices of the CPT. The Committee works in close cooperation with the national authorities and its reports and the governments' responses are confidential until such time that the State chooses to make the report public.

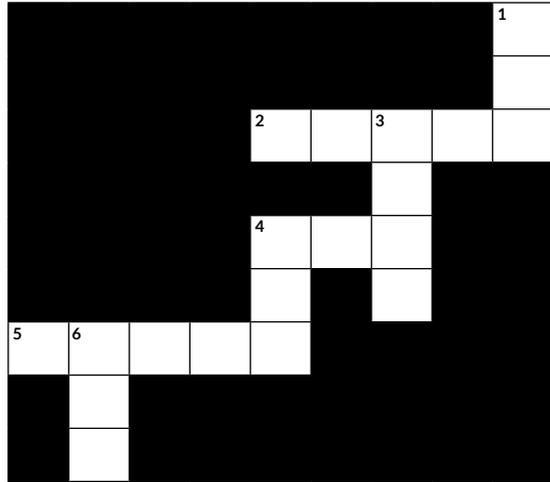
**A Committee for the Prevention of Torture in Africa (CPTA)** was established by the African Commission on Human and Peoples' Rights to offer assistance and advice to African States in the implementation of the African Union's Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (The Robben Island Guidelines or RIG).

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<sup>26</sup> See <http://www.cpt.coe.int/en/>

## Quiz

- 1 Treaty body acting as guardian over its Convention; May conduct a confidential visit to a party of the Convention where there is evidence of systematic practice of abuse, with the consent of the State party.



- 2 Operational human rights treaty requiring the establishment of a national mechanism for monitoring all places where persons may be deprived of their liberty.
- 3 Regional mechanism tasked with designing and proposing to the African Commission strategies to promote and implement the Robben Island Guidelines at national and regional level.
- 4 (across) Treaty body expressly mandated to conduct visits to all places where persons are deprived of liberty in any State party; Provides confidential reports to States aimed towards the effective prevention of torture and other ill-treatment.
- 4 (down) Mandated by the UN Human Right Council; can conduct visits to any Member State of the UN, but may be granted access only after an invitation has been offered by the State.
- 5 Human Rights treaty which supplements the customary international law prohibition against torture with provisions on prevention, accountability and redress for acts of torture and other forms of ill-treatment.
- 6 National mechanism established under its treaty to conduct visits to places where persons may be detained and offer recommendations for the prevention of torture and other forms of ill-treatment.