



To all States parties to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

**Re: 2019 ELECTIONS TO THE UNITED NATIONS COMMITTEE AGAINST TORTURE**

Excellencies,

Amnesty International, the Association for the Prevention of Torture and the International Rehabilitation Council for Torture Victims, would like to draw your attention to the upcoming election, in October 2019, of five members to the UN Committee against Torture.

The 10-member Committee against Torture, one of the smallest of the UN human rights treaty bodies, has a significant responsibility to provide guidance to States parties on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter “the Convention”). One key determinant of the effectiveness of the Committee, as with all the UN treaty bodies, is the quality, independence, impartiality and diversity of its membership. We believe that open, transparent and competitive national processes for selecting treaty body candidates contribute to better treaty body membership.

As a State party to the Convention, if you are planning to nominate a candidate, we would therefore like to encourage you to consider setting up an open, transparent and competitive national processes to select the most suitable candidate, in accordance with the highest membership criteria. Key elements of such a process would include:

- Issuing an open and widely shared call for applications and expressions of interest based on a job description.
- Establishing a panel composed by government representatives and independent national and/or international human rights experts to review the applications, shortlist the candidates and carry out interviews.
- Referring the selected candidate to the competent government authority for approval and formal nomination.

To assist States parties to identify candidates, we have highlighted key criteria for CAT membership in a *checklist* (see Annex) as set out in article 17 of the Convention and in General Assembly resolution 68/268 on Strengthening and enhancing the effective functioning of the human rights treaty body system. The annexed document also includes some of our own recommendations related to these criteria.

Once nominations have formally closed, we will circulate a questionnaire to all nominees, to offer them the opportunity to present their skills, experience, expertise, intended contribution to the Committee’s work and availability to serve. The responses to those questionnaires will be made public on [www.unthelections.org](http://www.unthelections.org).

We hope that the annexed document will be useful to you as a State party to identify the strongest possible candidates and remain available to provide further information throughout this process.

Yours faithfully,

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## KEY CRITERIA FOR MEMBERSHIP OF THE UNITED NATIONS COMMITTEE AGAINST TORTURE

In October 2019, elections to the UN Committee against Torture will take place as the term of five Committee members ends on 31 December 2019. To this end, States parties are invited to take into account the below criteria for the selection of candidates to this election:

### BE PERSONS OF HIGH MORAL STANDING<sup>1</sup>

Candidates must be people of high integrity in their personal and public life, including with respect to financial matters. Candidates must not have been involved, by act or omission, in any violation of international human rights law or international humanitarian law.

### HAVE RECOGNIZED COMPETENCE AND EXPERIENCE IN THE FIELD OF HUMAN RIGHTS, IN PARTICULAR IN THE FIELD COVERED BY THE RELEVANT TREATY<sup>2</sup>

Candidates must have demonstrated expertise within a field relevant to the mandate of the Committee, e.g. through past or present professional activities, work-related achievements, or holding of other relevant expert positions. Such experience may relate to prevention of torture or other ill-treatment, monitoring of places of detention, experience in the documentation, investigation or prosecution of cases of torture and other ill-treatment, medical or health expertise in the rehabilitation of survivors of torture or other ill-treatment. Candidates shall also have experience in working in a multidisciplinary environment with a diverse group of stakeholders.

According to the Convention, consideration should be given to the "usefulness of the participation of some persons having legal experience."<sup>3</sup> To ensure a multidisciplinary perspective in the Committee's work, States shall also consider nominating experts with backgrounds in other fields that are relevant to torture and other forms of ill-treatment. Legal and other expertise in areas of specific relevance to the Convention among others criminal law, asylum, immigration law, extradition law, detention law and standards, including with respect to detention conditions and regimes, juvenile justice, and gender-based violence would be particularly important.

### SERVE IN THEIR PERSONAL CAPACITY AND IN FULL INDEPENDENCE<sup>4</sup>

Candidates must be independent of all States. States should therefore refrain from nominating candidates who hold any paid or unpaid position within the executive or legislative branch of government, unless situated within an independent authority, or who perform any other functions that could compromise their independence and impartiality (real or perceived).

### PROMOTING DIVERSITY IN MEMBERSHIP<sup>5</sup>

When nominating candidates to the Committee, States should also give due consideration to a diverse membership with balanced geographical and gender representation. Diversity in the membership could include, in addition to equal gender representation and gender diversity, experts from diverse ethnic, cultural, religious and secular backgrounds, experts from Indigenous communities, and experts with disabilities. Consideration should also be given to the nomination of victims of torture or other forms of ill-treatment.

Finally, a balance between Committee members from civil law and common law jurisdictions should be sought in order to give representation to "different forms of civilization and the principal legal systems."<sup>6</sup>

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<sup>1</sup> *United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention)*, Article 17.1 and Statement of the [Committee against Torture] adopted on 4 November 2013, at its fifty-first session (28 October–22 November 2013), UN Doc. CAT/C/51/2.

<sup>2</sup> Convention, Article 17.1 and [General Assembly Resolution 68/268](#) on the *Strengthening and enhancing the effective functioning of the human rights treaty body system*, 21 April 2014, (hereinafter GA res 68/268).

<sup>3</sup> Convention, Article 17.1.

<sup>4</sup> Convention, Article 17.1. See also "The independence and impartiality of treaty body members is compromised by the political nature of their affiliation with the executive branch of the State. Members of treaty bodies shall consequently avoid functions or activities which are, or are seen by a reasonable observer to be, incompatible with the obligations and responsibilities of independent experts under the relevant treaties, "[Guidelines on the independence and impartiality of members of the human rights treaty bodies](#) (*Addis Ababa guidelines*), para. 12.

<sup>5</sup> GA Res 68/268, at para. 13 and Convention, Article 17.1.

<sup>6</sup> Convention, Article 17.1.