



1 June 2021

Senator the Hon. Marise Payne  
Minister for Foreign Affairs  
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Parliament House  
Canberra ACT 2600

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Dear Minister Payne

**RE: ELECTIONS TO THE UN COMMITTEE AGAINST TORTURE**

I am writing to you regarding the upcoming elections to the UN Committee Against Torture.

In October 2021, the states parties to the UN Committee against Torture will elect five new members. I note that the deadline for nominations is 16 June 2021 and encourage the Australian government to nominate a candidate.

When nominating a candidate, and indeed, voting in the elections, I urge you to take into consideration the following 'checklist' for key criteria for membership of the CAT. This list was developed by Amnesty International alongside the Association for the Prevention of Torture, Human Rights Watch, the International Commission of Jurists, the International Federation of ACATs, the International Rehabilitation Council for Torture Victims, REDRESS and the World Organization against Torture.

**1. Be persons of high moral standing<sup>1</sup>**

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

**2. Have recognised competence and experience in the field of human rights, in particular in relation to the prevention of torture<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, prison and criminal justice systems, experience in the documentation, investigation or prosecution of cases of torture and other ill-treatment (accountability), medical or health expertise in the rehabilitation of survivors of torture or other

<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).

ill-treatment, gender-based forms of torture. 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.

### **3. 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).

### **4. 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>

The strength of United Nations committees is directly linked to the quality of the engagement that state parties have with them, including their elections. Again, I urge you to nominate a candidate for the CAT, and to consider the above checklist when seeking a nominee, and when voting.

For further information, or to discuss and organise a meeting, please contact Joel MacKay at [joel.mackay@amnesty.org.au](mailto:joel.mackay@amnesty.org.au) or 0424 242 112.

Yours sincerely,



Sam Klintworth  
National Director  
Amnesty International Australia

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<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,

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

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