

# National Preventive Mechanism- Torture Prevention in the UK

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# Optional Protocol to the Convention against Torture

A national NPM to be set up under the Protocol

Independent

Unrestricted access to the detained

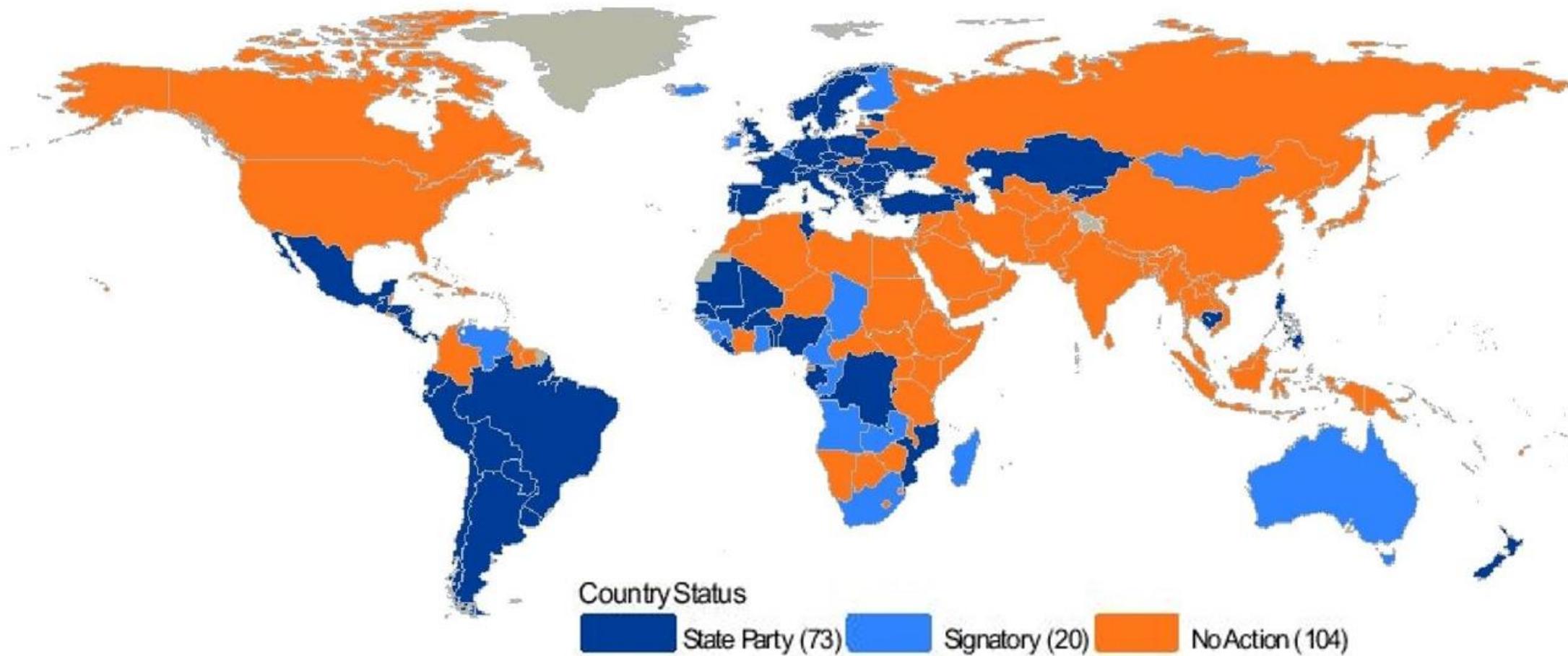
Make recommendations

Comment on legislation

Working with the UN Subcommittee on  
Prevention

## Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Last Updated: 29 Sep 2014



# European examples of NPM structure

FRANCE	GREECE	ITALY	POLAND	PORTUGAL	SPAIN
A separate body	A discrete section within the structure of the Ombudsperson, under the Deputy Ombudsman for Human Rights	A separate body within the Ministry of Justice	Separate department within the National Human Rights Institution	The NPM is exercised by the Ombudsman	The Ombudsman, with an Advisory Council as a body of technical and legal cooperation

# The UK NPM

A member collective

Began in 2009

Part-time coordination by the Chief  
Inspector of Prisons

Statutory basis lies with members, not the  
NPM

## Members (1)

### England and Wales

Her Majesty's Inspectorate of Prisons (HMIP)

Independent Monitoring Boards (IMB)

Independent Custody Visiting Association (ICVA)

Her Majesty's Inspectorate of Constabulary (HMIC)

Care Quality Commission (CQC)

Healthcare Inspectorate of Wales (HIW)

Children's Commissioner for England (CCE)

Care and Social Services Inspectorate Wales (CSSIW)

Office for Standards in Education (OFSTED)

Lay Observers

## Members (2)

- Scotland
- Her Majesty's Inspectorate of Prisons for Scotland (HMIPS)
- Her Majesty's Inspectorate of Constabulary for Scotland (HMICS)
- Scottish Human Rights Commission (SHRC)
- Mental Welfare Commission for Scotland (MWCS)
- The Care Commission (CC)
- Independent Custody Visitors Scotland
- Social Care and Social Work Improvement Scotland

# Members (3)

- Northern Ireland
- Independent Monitoring Boards (IMB)
- Criminal Justice Inspection Northern Ireland (CJINI)
- Regulation and Quality Improvement Authority (RQIA)
- Northern Ireland Policing Board Independent Custody Visiting Scheme (NIPBICVS)
- Isle of Man
- Independent Monitoring Board for the Isle of Man Prison
- Independent Monitoring Board for the Isle of Man Secure Care Home
- and the Mental Health Commission.

# Civil society

IMB

Establishments are visited at least once a week by at least one member of their Board

ICVA

Member of the NPM Steering Committee

Campaigning organisations giving evidence to Committee against Torture

# Key issues for prisons (1)

Prevention of deaths in custody

Overcrowding

Restraint and use of force

# Key issues for prisons (2)

Segregation

Mental health services

Reprisals against whistle-blowers

# Beyond criminal justice

- Immigration removal escorts
- Detention safeguards in care settings
- Implications of neglect at Mid-Staffordshire Hospital and abuse at Winterbourne View home
- Ministry of Defence objections to NPM inspection of its foreign detention facilities

# Evaluation

- International and systematic monitoring of allegations
  - e.g. Ill-treatment and Torture Scale (ITT)
  - how do allegation frequencies relate to NPM activity?
- Functional capacity and activity
  - does NPM do what it is supposed to?
- Accountability to international scrutiny
  - how do NPM and the State Party work with international committees?

# Pragmatism

Wide membership ensures coverage of many fields

Existing organisations are recruited

Ideas and standards are shared at a high level

Potential economies because OPCAT issues are incorporated in many different inspections

# Stasis or progress?

- In their latest review of its functioning, NPM members were self-critical about insufficient attention to equality and diversity in its staffing
- They supported greater coherence in focus on key OPCAT issues across the NPM
- Greater attention to inspection itself and how it was conducted

# Resources?

No ring-fenced budget for the NPM

Budget pressures across the NPM

CAT has been critical of the use of inspection staff seconded from the organisations, parts of which are being inspected

Should there be a distinct budget for NPM functions?

# Independence?

Chief Inspector of Prisons has questioned whether his relationship with the Ministry of Justice is compliant with the OPCAT

The Public Administration Standards Committee has recommended that HMIP should report to Parliament directly

Should there be an Office of the NPM that reports to Parliament?