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national  
preventive  
mechanism

# Ten years of the UK National Preventive Mechanism

Working together to prevent torture and  
ill-treatment in detention

**2020**

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and ill-treatment in detention

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Any enquiries regarding this publication should be sent to us at:  
[hmiprisons.enquiries@hmiprisons.gsi.gov.uk](mailto:hmiprisons.enquiries@hmiprisons.gsi.gov.uk) or  
HM Inspectorate of Prisons, 3rd floor, 10 South Colonnade, Canary Wharf, London E14 4PU

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# Foreword

## by John Wadham

Chair of the National Preventive Mechanism

Torture and ill-treatment can happen anywhere in the world. In a landmark global study from 2016, commissioned by the Association for the Prevention of Torture, researchers looked for the first time at the influence of torture prevention bodies. Their findings made it clear that torture occurs in diverse social and political environments, and that it can be prevented.<sup>1</sup>

The international human rights community has repeatedly acknowledged that there is a greater risk of torture and ill-treatment happening in places of detention. Convinced that more needed to be done to protect the rights of people deprived of their liberty, the Optional Protocol to the United Nations Convention Against Torture (OPCAT) was agreed by the countries of the United Nations, and a two-pillar detention oversight system created.

I am proud of the fact that the UK was one of the first countries to ratify OPCAT and set up a domestic oversight body, establishing the UK National Preventive Mechanism (NPM) in 2009. As Chair of the UK's NPM, I know just how vital it is to monitor and inspect prisons, police custody suites, mental

health detention, immigration detention centres and all other types of detention.

Despite the UK's human rights commitments, NPM members have witnessed and reported on alarming treatment of people in detention. In 2018-19, two NPM members – Her Majesty's Inspectorate of Prisons (HMI Prisons) and the Care Quality Commission (CQC) – reported that over 10,500 people were detained or deprived of liberty in places deemed inadequate or poor for safety.<sup>2</sup>

NPM members who monitor mental health detention have reported on the difficulties people living and working in these settings face. These include overly restrictive environments, excessive lengths of stay in detention far away from their loved ones and abusive, undignified treatment.

Similarly, NPM members routinely find that the safeguards in place to ensure survivors of torture are not detained do not always work.

While there are important efforts to drive improvements for those in detention, with many staff working hard to provide people in detention with a good level of care,

1 R. Carver & L. Handley, 2016, Does Torture Prevention Work, University of Liverpool Press, Print; Association for the Prevention of Torture, September 2016, "Yes, torture prevention works" Insights for a global study on 30 years of torture prevention. Available at: [https://www.ap.t.ch/content/files\\_res/apr-briefing-paper\\_yes-torture-prevention-works.pdf](https://www.ap.t.ch/content/files_res/apr-briefing-paper_yes-torture-prevention-works.pdf) [accessed 31 January 2020].

2 In 2018-2019, CQC rated 5% of mental health organisations that can detain patients under the Mental Health Act inadequate in relation to safety. There are more than 40,000 such detentions a year, so CQC estimated that 2,000 could be to hospitals rated unsafe. In 2018-19 there were a further 2,131 notifications to CQC of a Deprivation of Liberty Safeguards application outcome at locations that were then (as of 22 August 2019) rated inadequate for safety. HMI Prisons' figures, in reports published in 2018-19, show that 6,003 out of 29,361 prisoners in prisons that were inspected were living in establishments judged to be poor in safety. CQC and HMI Prisons use different methodologies and assessment standards in their inspection reports. While CQC's lowest rating is 'inadequate', HMI Prisons rate establishments from 1 – 4, 1 being a 'poor' in outcomes of their four healthy prison tests.

too many of the situations NPM members encounter in the detention estate need to be addressed urgently.

During our first ten years, the NPM and its members have made an invaluable contribution to the prevention of torture and ill-treatment. Many of the members of the UK NPM existed long before OPCAT was drafted and the NPM designated, and they bring extensive experience gained over decades. They have played a crucial role as a safeguard and are critical, independent voices, identifying conditions and treatment of concern across the country. We have sought to strengthen our work in line with the international obligations that OPCAT brings, in particular to focus our role on preventing ill-treatment.

However, the NPM centrally does not have the ability to fulfil our role adequately without a legislative foundation and statutory guarantees of our independence. As far as we are aware, of the 71 NPMs in the world, we are one of the few to have such a precarious basis for our work, merely designation by ministerial statement (which, of course, is as easily removed).

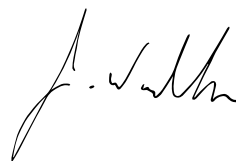
The NPM's power lies in our ability to report independently and objectively on matters in detention that may amount to torture and ill-treatment, while also being held to account internationally. The last time we were able to

gather and analyse all of the available data, we found that on an average day there were more than 110,000 people detained in the UK across prisons, immigration centres, secure settings for children and young adults and psychiatric hospitals.<sup>3</sup>

NPM members have unparalleled access to these places of detention, meaning that we can gather evidence from inspectors, volunteer monitors and, most importantly, from the people living and working inside.

I hope this report gives you some insight into how, in our first ten years, we have sought to reform detention policy and practice, raise awareness of international human rights standards and increase the oversight of environments where vulnerable individuals are at risk – in short, to reduce the risks of torture and ill-treatment.

Although more needs to be done to stop ill-treatment happening in the first place, I believe that the NPM has made a meaningful impact in our first ten years. I hope that we can celebrate similar success in the year 2030.



John Wadham

3 UK's National Preventive Mechanism, January 2018, Detention Population Data Mapping Project 2016-17. Available at: [https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2018/01/20180123\\_NPM-Data-mapping-2016\\_17\\_FINAL.pdf](https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2018/01/20180123_NPM-Data-mapping-2016_17_FINAL.pdf) [accessed 31 January 2020].

## **UK National Preventive Mechanism members**

**Care Inspectorate (CI)**

**Care Quality Commission (CQC)**

**Care Inspectorate Wales (CIW)**

**Children's Commissioner for England (CCE)**

**Criminal Justice Inspection Northern Ireland (CJINI)**

**Healthcare Inspectorate Wales (HIW)**

**Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)**

**Her Majesty's Inspectorate of Constabulary in Scotland (HMICS)**

**Her Majesty's Inspectorate of Prisons (HMI Prisons)**

**Her Majesty's Inspectorate of Prisons for Scotland (HMIPS)**

**Independent Custody Visiting Association (ICVA)**

**Independent Custody Visitors Scotland (ICVS)**

**Independent Monitoring Board (IMB)**

**Independent Monitoring Boards Northern Ireland (IMBNI)**

**Independent Reviewer of Terrorism Legislation (IRTL)**

**Lay Observers (LO)**

**Mental Welfare Commission for Scotland (MWCS)**

**Northern Ireland Policing Board Independent Custody Visiting Scheme (NIPBICVS)**

**Ofsted (Office for Standards in Education, Children's Services and Skills)**

**Regulation and Quality Improvement Authority (RQIA)**

**Scottish Human Rights Commission (SHRC)**



## Introduction

Members of the UK National Preventive Mechanism (NPM) monitor and inspect all places of detention with the aim of preventing torture and ill-treatment for those deprived of their liberty anywhere in the UK. The NPM was created in 2009 as part of the UK's duties under the international human rights treaty, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

With a well-established history of detention inspection and monitoring in the UK, when the Government designated the NPM it decided to give this new role to several existing organisations who would fulfil OPCAT duties together. The now 21 bodies which make up the UK NPM monitor different types of detention across the UK. These include: prisons, police, court and customs custody; mental health detention; military detention; places where children are detained; and immigration facilities.

**Ten years on from the creation of the UK NPM, we look back at the positive impact we have had on preventing torture and ill-treatment and on upholding the rights of people in detention.**



**What is torture and  
ill-treatment?**

Torture and ill-treatment is prohibited by:

- The United Nations Universal Declaration of Human Rights (Article 5)
- The United Nations Convention Against Torture (UNCAT) (Articles 1 and 16)
- The United Nations International Covenant for Civil and Political Rights (ICCPR) (Articles 7 and 10)
- The European Convention on Human Rights and Fundamental Freedoms (ECHR) (Article 3)<sup>4</sup>

### *Torture*

UNCAT provides a definition of torture. According to Article 1, torture refers to those acts that: cause severe pain and suffering; are inflicted intentionally and for a purpose (for instance to extract information); and are committed by or at the instigation of, or with the consent or acquiescence of, a public official.

### *Ill-treatment*

There is no single definition of cruel, inhuman and degrading treatment or punishment, which are often referred to as other ill-treatment. However, international human rights bodies have provided explanations of the meaning of the term in their respective jurisprudence.<sup>5</sup> *Cruel and inhuman treatment or punishment* refers to the infliction (whether intentionally or not) of severe pain or suffering, whether mental or physical, by or at the instigation, or with

the consent or acquiescence of, a public official or other person acting in an official capacity. *Degrading treatment* refers to the infliction of pain or suffering, whether mental or physical, which humiliates the victim.

In the past the United Nations Human Rights Committee (UNHRC) and the Committee against Torture, as well as the European Court of Human Rights, have recognised that certain conditions in detention (and in the case of the European Court, sometimes the detention regime itself) may contribute to a breach of the international law on torture and ill-treatment. Some of the detention conditions that have been raised within the scope of these Articles include: overcrowding and the size of cells; conditions and duration of solitary confinement; health care; access to beds and bedding; lack of natural light, exercise or ventilation; food; and inadequate access to sanitary facilities.<sup>6</sup>

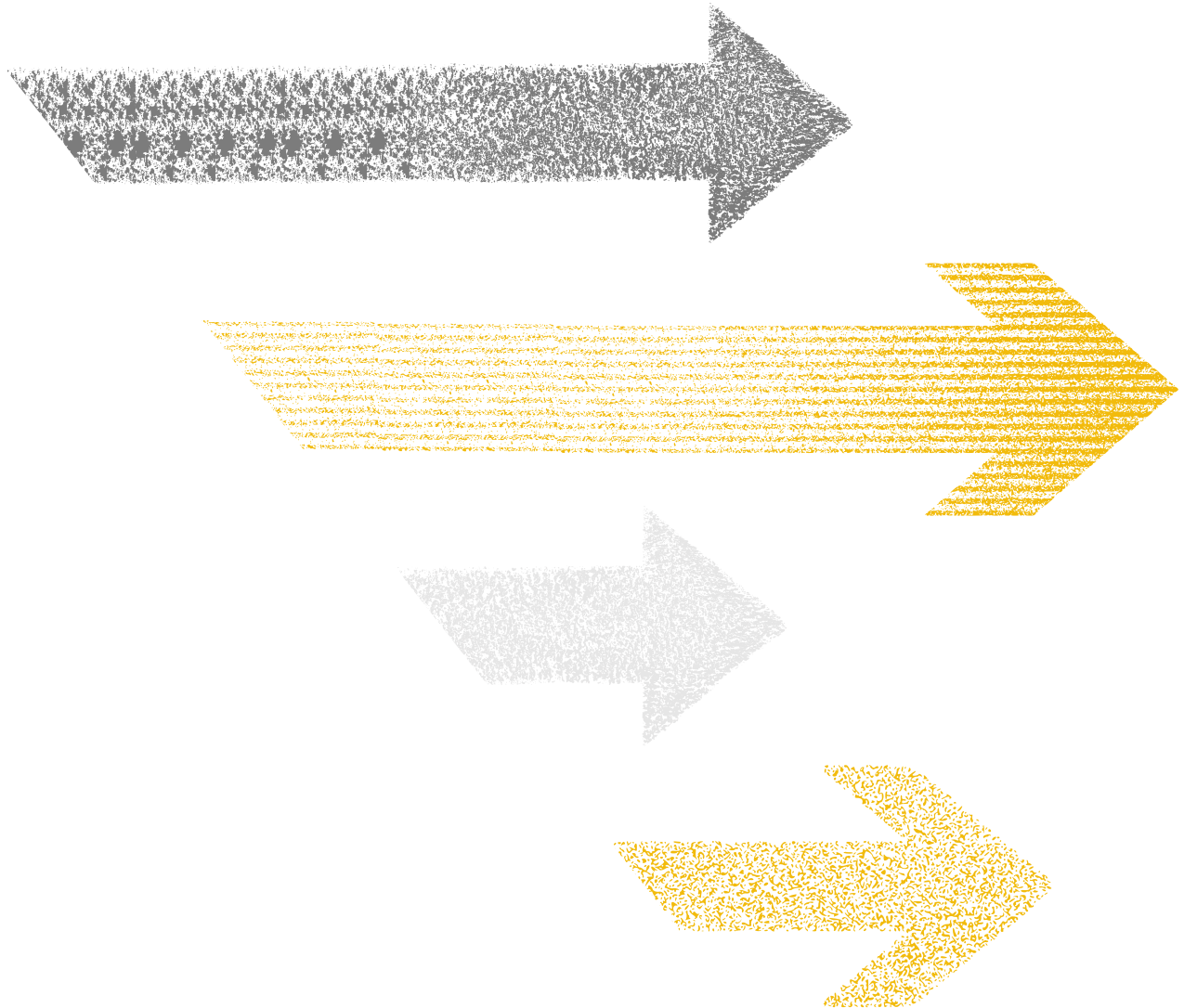
The UNHRC and UN Committee against Torture refer to the Standard Minimum Rules for the Treatment of Prisoners and other international standards in their consideration of whether the prohibition of torture has been breached. The European Court often draws on reports from the Council of Europe's Committee for the Prevention of Torture in their judgments.

<sup>4</sup> Torture and ill-treatment is also prohibited: by the United Nations Convention on the Right of the Child (Article 37); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Article 10); and the Convention on the Rights Persons with Disabilities (Article 15).

<sup>5</sup> HRC, March 1992, General Comment No.20 Article 7 "Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment" UN Doc. HRI/GEN/1/Rev.7; M. Nowak, December 2005, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, UN Doc. E/CN.4/2006/6; CAT, November 2007, General Comment No. 2, "Implementation of article 2 by States Parties", UN Doc. CAT/C/GC/2/CRP.1/Rev.4.

<sup>6</sup> Association for the Prevention of Torture, Center for Justice in International Law, 2008, Torture in International Law, a guide to jurisprudence. Available at: [https://www.appt.ch/content/files\\_res/jurisprudenceguide.pdf](https://www.appt.ch/content/files_res/jurisprudenceguide.pdf) [accessed 31 January 2020].





## Key moments in the UK NPM's history

## Background

UNCAT was adopted by the UN General Assembly in 1984 and entered into force in 1987.

The Optional Protocol to this convention (OPCAT) was adopted by the UN General Assembly in 2002. OPCAT entered into force in June 2006 and reflected a consensus among the international community that, behind closed doors, people in detention are particularly vulnerable to ill-treatment and that efforts to combat this should focus on preventing them coming to any harm.

The international human rights framework for responding to torture has historically focused on its prohibition. UNCAT sets out what States must do when torture and ill-treatment does occur (primarily through investigatory and judicial processes, such as making torture a criminal offence). Other international treaties have also highlighted the importance of stamping out torture. OPCAT went one step further by creating a mutually-reinforcing national and international system of oversight. Through recognising that the protection of people deprived of their liberty required specific safeguards, OPCAT designed a more proactive, non-judicial model focused on regular independent monitoring in places of detention.

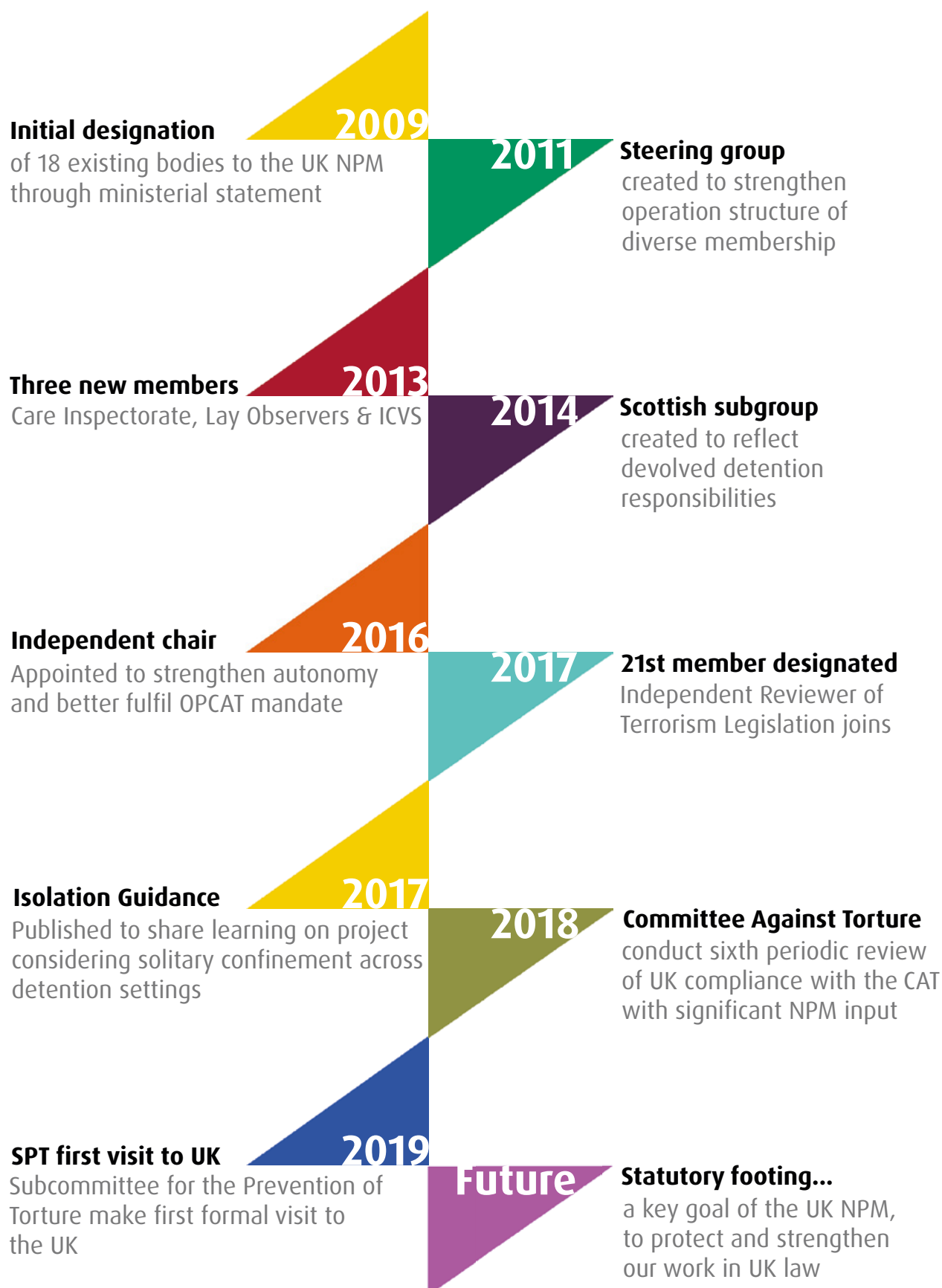
OPCAT requires States which ratify the Convention to designate a 'national preventive mechanism' (NPM), which must be given the powers to conduct unannounced visits to places of detention with the aims of preventing torture and ill-treatment and improving practices. Under OPCAT, an NPM must be independent of government and the institutions it monitors, and have sufficient resource, expertise and diversity to carry out this function.<sup>7</sup> To fulfil its mandate, an NPM must also have access to all places of detention and to data on detention settings, as well as the ability to conduct private interviews with detainees and the liberty to choose who it interviews and where it visits.<sup>8</sup> Internationally, there are currently 90 States which are parties to OPCAT, and 71 designated NPMs.<sup>9</sup>

7 Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Art. 18, A/RES/57/199, 2002. Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx> [accessed 27 January 2020].

8 Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Art. 20, A/RES/57/199, 2002. Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx> [accessed 27 January 2020].

9 Association for the Prevention of Torture OPCAT database. Available at: <http://www.appt.ch/en/opcat-database/> [accessed 1 January 2020].

# Ten years of the UK National Preventive Mechanism



## The creation of the UK NPM

Long before OPCAT was written, the UK had numerous official bodies tasked with monitoring detention. In fact, ordinary people have been visiting prisons in their local communities to check on detainees' welfare since the 18th century, which is a distinct and important part of the UK's history. When **the UK ratified OPCAT in December 2003** (it was the third country in the world to do so), the government had to consider the existing network of visiting and inspecting organisations, as well as the different political and legal systems in place across the four nations of the UK.

Rather than create a new body, it was intended that the requirements of OPCAT be fulfilled by the collective action of existing organisations.

**The UK government designated a national preventive mechanism through a written ministerial statement in March 2009.**<sup>10</sup> This created an NPM of 18 member organisations, making us the most complex NPM in the world. The government delegated the coordination of the NPM to HMI Prisons. Across the four nations, members included prison and police inspectorates, lay monitoring bodies, monitors of mental health detention and secure care settings, the Children's Commissioner for England (CCE) and the Scottish Human Rights Commission (SHRC).

**In December 2013, three new designations were made to the NPM:** the Care Inspectorate (CI) (replacing the Scottish Commission for the Regulation of Care), the Lay Observers (LO) (who monitor conditions for court custody detainees in England and Wales) and the Independent Custody Visitors Scotland (ICVS).<sup>11</sup>

The UK government designated this complex NPM with very little provision for the coordination of its work. Although this has increased, in 2018-19 our annual budget for coordinating the work of all 21 members was only £170,000 which included budget from the Ministry of Justice (MoJ), annual contributions from NPM members and budget from Scottish government. With such limited central provisions, we had to find ways of bringing together work across 21 organisations, with wide-ranging responsibilities and differing expertise, operating in four nations. As such, **in May 2011 the NPM created a Steering Group to facilitate decision making between members and take forward joint work.**

In Scotland, the governance and monitoring of nearly all detention settings are a devolved responsibility. Reflecting this, the NPM established **a Scottish subgroup of the NPM, which held its inaugural meeting in October 2014.** This has allowed for a direct dialogue with the Scottish Parliament and Government through the subgroup, and the strengthening of joint work between NPM members in Scotland.

10 Minister of State, Ministry of Justice (Michael Wills), 31 March 2009, Written Ministerial Statement: Optional Protocol to the Convention Against Torture (OPCAT). Available at: <https://www.nationalpreventivemechanism.org.uk/about/background/> [accessed 1 January 2020].

11 Minister for Policing, Criminal Justice and Victims (Damian Green), 3 December 2013, Written Ministerial Statement: Optional Protocol to the Convention Against Torture (OPCAT). Available at: [https://www.apt.ch/content/files/npm/eca/UK\\_Ministerial%20Statement%20on%20NPM\\_03122013.pdf](https://www.apt.ch/content/files/npm/eca/UK_Ministerial%20Statement%20on%20NPM_03122013.pdf) [accessed 1 January 2020].

Initially chaired by HM Chief Inspector of Prisons for England and Wales, **in 2014 NPM members decided to appoint an independent Chair from outside the membership** to strengthen our governance and support the NPM in fulfilling its OPCAT mandate. The Chair has brought leadership and direction to our work, given the NPM a representative collective voice, and increased the visibility of the NPM at both national and international levels.

**The Independent Reviewer of Terrorism Legislation was designated in January 2017, bringing the membership to 21 individual members.** This designation was made because of the Independent Reviewer's power to monitor the conditions of detention for persons detained under the Terrorism Act 2000.<sup>12</sup>

NPM members have used our collective expertise to focus on thematic issues across detention settings with a view to strengthening the consistency of the standards they apply. In 2014–15 a key thematic focus was isolation and solitary confinement. This led, in 2017, to the drafting and **publication of guidance on monitoring isolation and solitary confinement across detention settings**, which provides a clear human rights framework for examining these issues, wherever they occur. The guidance has been influential nationally and used by other NPMs and organisations internationally.

A State's compliance with human rights commitments on preventing torture and ill-treatment in detention is monitored by numerous international bodies including the **UN Committee against Torture, which undertook its sixth periodic review of the UK's compliance in May 2019.**

The UK NPM is also in regular contact with the UN Subcommittee on Prevention of Torture (SPT), which provides advice and assistance towards fulfilling our mandate. The UK Government must account for the NPM's ability to perform its functions to the SPT. **The SPT visited the UK for the first time in 2019.** Both these international bodies have indicated that the UK should place the NPM on statutory footing to guarantee its independence.

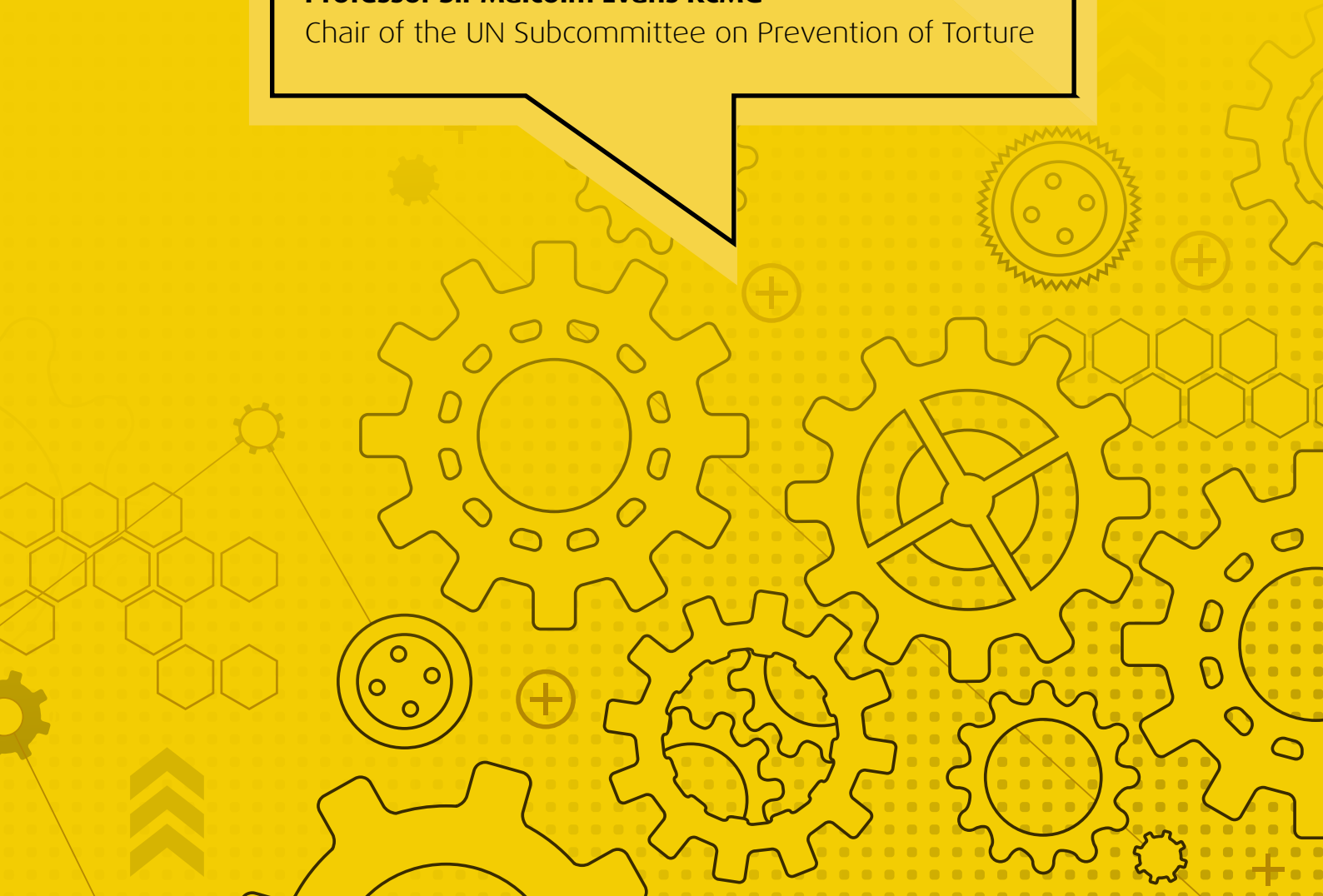
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<sup>12</sup> Ministry of Justice, Lords Spokesperson (Lord Keen of Elie), Optional Protocol to the Convention Against Torture (OPCAT): Written statement - HLWS412. Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2017-01-12/HLWS412/> [accessed 1 January 2020].

The UK played a significant role in advocating for the adoption of OPCAT and has been a major supporter of it ever since. OPCAT emphasises the crucial role played by independent detention monitoring and requires States to take practical measures to ensure that such systems are in place. The UK has a long tradition of detention monitoring – by both professionals and volunteers in their local communities – and the UK NPM has a wealth of experience to share with other NPMs around the world. However, the authority of the UK NPM to act as an international leader remains diminished whilst its own independence is still not enshrined in law.

**Professor Sir Malcolm Evans KCMG**

Chair of the UN Subcommittee on Prevention of Torture







Strengthening the  
human rights focus  
of inspection and  
monitoring work

While the UK NPM members designated in 2009 already undertook regular visits and inspections across detention settings, one of the most important ways in which OPCAT has created a positive impact has been in strengthening, protecting and refocusing the human rights basis for inspection and monitoring work.

OPCAT is clear: NPMs must consider the standards of the United Nations when carrying out their preventive work. This means that members should consider not only UNCAT, but other UN conventions and human rights standards.<sup>13</sup> While some NPM members already used international human rights standards in their work, operating as part of the NPM has helped other members emphasise the importance of inspecting not just to the current standards of national detention policy but to international human rights standards.

NPM members are expected to make recommendations on detention policies and practices that are in line with current and developing human rights standards.<sup>14</sup> Being a part of the NPM has encouraged and supported several of our members to more fully and explicitly embed human rights (and national laws such as the Human Rights Act) within their inspection and monitoring frameworks.

HM Chief Inspector of Prisons for England and Wales has a clear statutory purpose: to examine and report on the treatment of prisoners and conditions in prisons (and some other places of detention). HMI Prisons draws from the requirements of OPCAT in their human rights-focused, independent and objective assessment framework, *Expectations*.<sup>15</sup> HMI Prisons' inspections are focused on reaching objective judgments about outcomes for detainees. This is achieved by listening to the detainee voice, for example through interviews and detainee surveys. OPCAT did not change this approach but gave firm ground for HMI Prisons to defend it.

As a direct result of its designation to the NPM, HM Inspectorate of Prisons in Scotland (HMIPS) has collaborated with fellow NPM members. Drawing from the requirements of OPCAT, in 2013 the then Chief Inspector of Prisons in Scotland commissioned human rights-based standards for their inspections, which SHRC advised on.<sup>16</sup> These standards are designed to reflect best practice in the context of an institution's legal obligations. SHRC is now involved in every HMIPS prison inspection, providing a broader, expert view on whether prisoners' human rights are being upheld.

13 Including but not limited to: the International Covenant on Civil and Political Rights; the Convention on the Rights of the Child and on the Rights of Persons with Disabilities; the European Convention for the Protection of Human Rights and Fundamental Freedoms (now part of the UK law as a result of the Human Rights Act); and the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Alongside these, greater consideration should also be given to the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) and the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

14 Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Art. 19b, A/RES/57/199, 2002. Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx> [accessed 27 January 2020].

15 Her Majesty's Inspectorate of Prisons, *Expectations*. Available at: <https://www.justiceinspectorates.gov.uk/hmiprison/our-expectations/prison-expectations/> [accessed 1 January 2020].

16 Her Majesty's Inspectorate of Prisons for Scotland, April 2018, Standards for inspecting and monitoring prisons in Scotland, Available at: [https://www.prisoninspectoratescotland.gov.uk/sites/default/files/publication\\_files/SCT12176046561.pdf](https://www.prisoninspectoratescotland.gov.uk/sites/default/files/publication_files/SCT12176046561.pdf) [accessed 27 January 2020].

The NPM's human rights foundations have been used by NPM members to push for certain reforms in the legislation that governs detention. CQC underlined its position as an NPM member in its engagement with the independent review of the Mental Health Act throughout 2018. CQC similarly stressed its NPM functions when undertaking its review, leading to the June 2019 report *Mental Health Act Code of Practice 2015: An evaluation of how the Code is being used*, in which it noted that providers generally lacked understanding about how to promote, apply and report on the guiding principles in the Code.<sup>17</sup>


NPM membership has also helped maintain focus on detention for some organisations whose work is far broader, as OPCAT highlights the increased risk of ill-treatment within detention settings. HM Inspectorate of Constabulary in Scotland (HMICS) inspects all aspects of policing, of which custody is just one part, yet OPCAT and the organisation's NPM role has helped ensure custody is kept high on the agenda.

The HMICS inspection methodology has recently been developed to incorporate better the voices and experiences of detainees. Inspectors often found that many detainees were reluctant to speak to them. In light of this concern, HMICS worked with third sector organisations to hold focus groups with women who had experience of being in police custody. This approach offered new and important insights, and there are plans to hold further focus groups so that other detainees can share their experience of detention with HMICS.

At the centre of a human rights-informed practice is the individual detainee. Some members conduct formal detainee surveys to produce and analyse data about people in detentions' perceptions. Other members, such as the CQC and the Mental Welfare Commission Scotland (MWCS), work with people with lived experience of detention on inspections. Most importantly, a visit to a place of detention always involves speaking confidentially to those locked up. The UK NPM is therefore well-placed to capture the voice of people in detention and use it to meaningfully create change.

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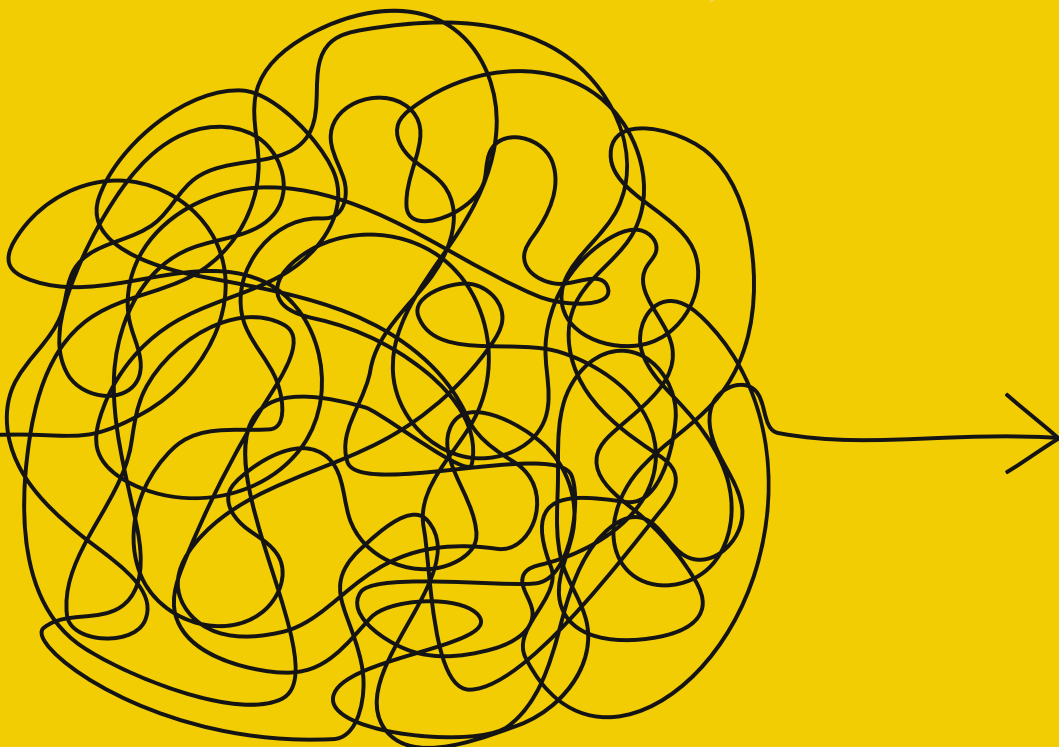
<sup>17</sup> CQC, June 2019, *Mental Health Act Code of Practice 2015: An evaluation of how the Code is being used*. Available at: <https://www.cqc.org.uk/publications/major-report/mental-health-act-code-practice-2015-evaluation-how-code-being-used> [accessed 27 January 2020].



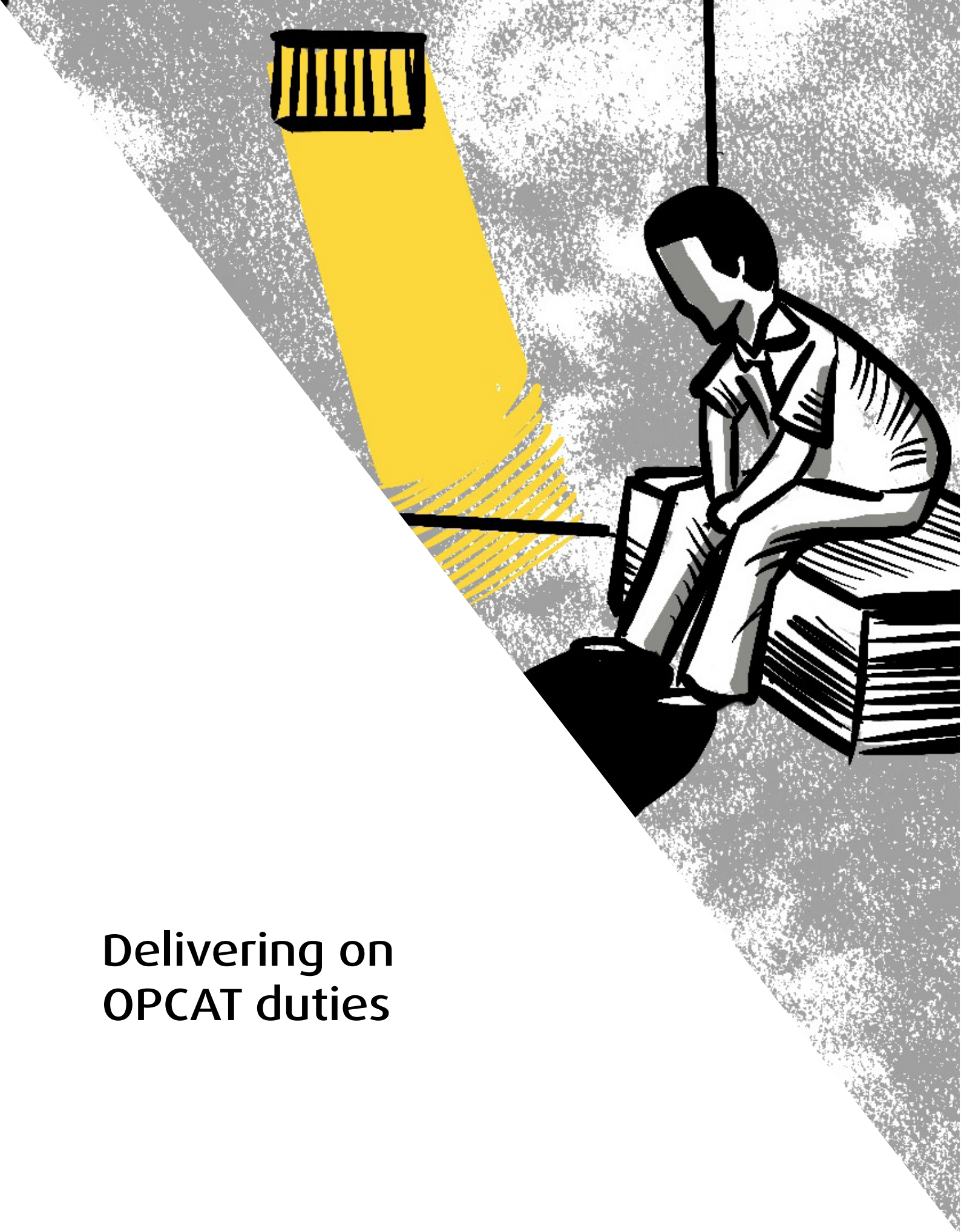
As part of the NPM, I have been able to bring my experiences as a user of mental health services and former detained patient to inform international discussions about how NPMs should go about monitoring places where people are detained under mental health laws. We need independent and influential bodies like the NPM, and the MWCS, to safeguard the rights of people like me when we are detained.

**Graham Morgan MBE**

Mental Welfare Commission for Scotland







Delivering on  
OPCAT duties

## Preventing ill-treatment

Our core priority as an NPM is to prevent torture and ill-treatment in places of detention. In practice, this means that member organisations work hard to influence and change detention policy and practice so that people's rights are better protected, their safety and dignity are assured and the risks of ill-treatment are reduced.

For example, HMICS effectively influenced custody policy and practice around the 'rousing' of detainees. When Police Scotland was established in 2013, it rolled out a local policy of waking detainees at least once an hour and requiring a verbal response. While the policy was intended to increase safety, HMICS was concerned that the blanket use of rousing was excessive in lower-risk cases, and could negatively impact detainees. In 2014 HMICS made a recommendation to revise this policy and continued to highlight the issue until it was officially updated in 2018.<sup>18</sup>

For the Independent Custody Visiting Association (ICVA), which represents local voluntary police custody visiting schemes, working to fulfil OPCAT has created real change for people in police custody. Independent custody volunteers issue reports to the elected Police and Crime Commissioner. Due to the regularity of their visits they can spot everyday issues facing people in detention which might otherwise be missed. In 2017 volunteers reported that women in custody were being denied access to sufficient menstrual care products.<sup>19</sup> After hearing reports of shocking cases of poor care, ICVA was able to swiftly assess the situation across custody suites and found that standards of provision of menstrual care products may amount to a breach of human rights. With the support of human rights lawyers and others, pressure from ICVA led the Home Office to change the Police and Criminal Evidence Act 1984 to ensure that routine failures and gaps were addressed so that 'detainees have basic privacy to use a toilet and access to menstrual products and that dignity is promoted within the police custody environment'.<sup>20</sup>


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18 HMICS, August 2014, Thematic Inspection of Police Custody Arrangements in Scotland. Available at: <https://www.policecare.scot.nhs.uk/wp-content/uploads/2015/01/Her-Majestys-Inspectorate-of-Constabulary-in-Scotland-HMICS-Thematic-Inspection-of-Police-Custody-Arrangement-in-Scotland.pdf> [accessed 4 January 2020]; Police Scotland, October 2018, Care and Welfare of Persons in Police Custody: Standard Operating Procedure, 15.2. Available at: <https://www.scotland.police.uk/assets/pdf/151934/184779/care-and-welfare-of-persons-in-police-custody-sop> [accessed 4 January 2020].

19 ICVA, September 2017, Sanitary Custody. Available at: <https://icva.org.uk/sanitary-custody/> [accessed 4 January 2020].

20 Home Office, April 2019, Press Release, Dignity of women in custody ensured by planned law change. Available at: <https://www.gov.uk/government/news/dignity-of-women-in-custody-ensured-by-planned-law-change> [accessed 27 January 2020].





All detainees should be treated humanely and with dignity. That is a key part of the work of the NPM. Periods remain a taboo subject and we found that detainees were simply going without adequate menstrual care. I am so proud of the fact that our work, with the help of dedicated lawyers at Doughty Street Chambers, resulted in change for people in police custody.

**Katie Kempen**

Chief Executive of the Independent Custody Visiting Association (ICVA)

The NPM raises human rights concerns about issues of detention policy in numerous consultations and uses its shared fora to identify trends and common areas of concern. NPM members have used their evidence to push for important reforms in detention policy.

## Extending coverage

To fulfil its international obligations under OPCAT, an NPM must have knowledge of, and access to, all places of detention.

After signing OPCAT and agreeing to establish an NPM, the government was made aware of significant gaps in the UK's oversight system. Crucially, police station custody facilities were not routinely visited by an inspection or monitoring body.<sup>21</sup> Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) (then HMIC) did not always have a detention-specific inspection methodology for police custody while inspecting policing in general. Although detention in police custody tends to be of relatively short duration, it can be a particularly risky environment, exacerbated by high levels of stress and anxiety and its unspecified duration and outcome. NPM members recognised the need for a system of oversight in which inspectors could enter

police custody. A joint programme of custody inspection was drawn up between HMI Prisons and HMICFRS. It was clear that these places of short-term detention needed to be inspected more thoroughly: early inspection reports found unsafe and unhygienic conditions.<sup>22</sup> This joint inspection work continues today alongside CQC.

Since the NPM was designated in 2009, members have used this requirement to identify other gaps in the monitoring arrangements for detainees, one of which related to the customs custody centres operated by Border Force. Legislation was introduced in 2012 which provided for these centres to be monitored by HMICFRS, with HMICS joining inspections for centres in Scotland. Border Force centres have been inspected three times since 2012. The joint methodology outlined in the Memorandum of Understanding between HMICFRS, HMI Prisons and HMICS is underpinned by OPCAT and a commitment to 'individual rights'.<sup>23</sup>

Informed by the requirements of OPCAT, coverage has been extended to cells in courts for defendants while they wait for their hearings, medium security level units for children and young people and non-designated police cells.<sup>24</sup>

21 R. Murray, E. Steinerte, M. Evans & A. Hallo de Wolf, 2011, *The Optional Protocol to the UN Convention Against Torture*, Oxford University Press.

22 See HMI Prisons 2008 report on Southwark police custody suites for more information on the conditions: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2014/05/Southwark-PCS.pdf> [accessed 17 February 2020]

23 2012 legislation <http://www.legislation.gov.uk/ukxi/2012/2840/contents/made> [accessed 17 February 2020]. Memorandum of Understanding between HMIP, HMICFRS and HMICS, signed 2013: Available at: <https://www.justiceinspectorates.gov.uk/prisons/wp-content/uploads/sites/4/2014/02/border-force-mou.pdf> [accessed 17 February 2020].

24 Non-designated police cells are those which have not been designated by a Chief Constable for use in detaining arrested persons.

## Strengthening independence

OPCAT requires that NPMs be fully independent of the institutions they inspect. The Committee against Torture has emphasised that NPMs should not use personnel seconded from the institutions being monitored, which required the NPM to consider how we would balance the need to hire professional staff with up-to-date expertise with the strict requirements of independence.

When the UK government designated the member bodies to fulfil the duties of an NPM in 2009, it did not give them any new powers, increased or specific budgets for NPM work nor place any specific requirements on them as a result of the designation. Together, these are significant weaknesses in the UK NPM model. Currently there are just two references to OPCAT and the SPT in members' statutes.<sup>25</sup> While both are symbolically important, they are not sufficient to meet the international requirements of an NPM.

The collective progress made by the UK NPM and its members in implementing OPCAT has depended almost entirely on the efforts and positive intent of those involved, who have shown their institutional commitment to protecting the human rights of people in detention and to understanding and implementing the duties that being part of the NPM brings. The NPM has focused on introducing internal structures that enable members to perform their role coherently, raise awareness of this little-known element of the UK's human rights framework and undertake collaborative work that supports members to identify issues in detention that could amount to ill-treatment.

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<sup>25</sup> The Police and Fire Reform (Scotland) Act 2012 refers explicitly to the SPT and OPCAT (s. 93-96). The Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015 also introduces a reference to the SPT and OPCAT into the Prisons (Scotland) Act 1989.

At certain points in our ten year history, issues associated with the independence of individual NPM members have been raised.

My time as Chief Inspector coincided with a series of controversies around declining prison safety and decency, concerns about the treatment of immigration detainees and allegations of ill-treatment of boys in youth custody. Our reports were often challenging and unpopular in some quarters. We faced both direct attacks and more subtle efforts to co-opt us into the management of the criminal justice system.

The inspectorate's status as part of the UK NPM was a crucial safeguard. We used it to fend off attacks on our independence and it was a compass that helped us ensure we did not get side-tracked from our core preventive and human rights role.

**Professor Nick Hardwick**

HM Chief Inspector of Prisons for England and Wales and NPM Chair, 2010-2016





Working together  
and across the four  
nations: 21 bodies,  
one NPM

Two key strengths of the diverse NPM membership are our oversight across UK detention settings and the expertise members contribute to collective and joint working.

While there is strength in numbers, working across so many organisations also has particular challenges. The NPM prioritised strengthening collaboration and consistency across the organisations. One impact of this has been an increase in regular joint work between a number of different inspection and monitoring bodies, who now support each other's individual programmes of work and contribute to the NPM's broader collective work.

NPM member bodies undertake collective work through:

- Joint working in the field;
- Thematic projects, bringing collective focus to specific issues such as isolation and solitary confinement;
- Subgroups in which members with similar priorities come together to progress work;
- Collective responses to policy, consultations and legislation, fulfilling the duty under OPCAT to make recommendations on conditions and submit proposals and observations on existing or draft legislation;
- Improving oversight of data across detention settings, including through projects which map all the disparate data on populations in detention settings.

### *Working together in the field*

A distinctive aspect of the UK NPM is the way in which two layers of oversight – professional inspectorates and lay visitors – complement each other. Lay visitors and inspectorates have different approaches to monitoring places of detention. While inspectorates often spend an extended period of time in places of detention, conducting deep-dives into all aspects of an establishment, volunteers are a more frequent presence in these closed spaces. The work of both of these types of organisation has a huge impact on the UK's system of oversight: last year 66,000 independent monitoring visits were conducted by lay members of the NPM, while 1,600 inspections took place.<sup>26</sup>

Professional inspectorates and lay visitors work in tandem to respond to specific concerns, and they make sure they share information that allows timely responses to urgent situations. HMI Prisons and the Independent Monitoring Boards (IMB) acted swiftly to address the 'appalling state' of and 'fundamentally unsafe' conditions in HMP Birmingham in 2018. HMI Prisons sent an Urgent Notification to the then Secretary of State for Justice to alert him to the conditions at the prison. As a direct result of their work, immediate measures were put in place to address the conditions for prisoners.

<sup>26</sup> UK's National Preventive Mechanism, January 2019, Ninth Annual Report of the United Kingdom's National Preventive Mechanism 1 April 2017 – 31 March 2018, pg. 34. Available at: [https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2019/01/6.5163\\_NPM\\_AR\\_2017-18\\_WEB.pdf](https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2019/01/6.5163_NPM_AR_2017-18_WEB.pdf) [accessed 27 January 2020].



Collaborative working across the NPM is particularly important for the oversight of Terrorism Act police custody suites (TACT). TACT detainees can be held for longer than standard custody detainees (up to 14 days), in extremely high-pressure and closed environments. Independent custody volunteers have worked with previous Independent Reviewers of Terrorism Legislation (IRTL) to pull together themes and shared learning across TACT facilities. In the 2016 Annual Report, the Independent Reviewer noted a reluctance by detainees to consent to custody visits in the TACT custody facility in Northern Ireland.<sup>27</sup> The IRTL subsequently worked to promote an understanding of the independence of custody visitors, which led to a change in policy in the Northern Ireland Policing Board Independent Custody Visiting Scheme (NIPBICVS) whereby volunteers introduce themselves to detainees, giving detainees an opportunity to raise concerns.

OPCAT highlights the risk that people in detention might face as a result of their interaction with inspectors or visitors, leading many members to acknowledge and address this risk for the first time. Lay visiting bodies and inspectorates have together created policies to respond to reprisals and sanctions to eliminate the risk that detainees come to any harm as a result of our work, a key principle for our accountability.<sup>28</sup>

As well as lay and professional bodies working together, joint work has developed between criminal justice inspectorates and healthcare focused bodies, allowing them to share expertise and improve the coverage and value of detention inspection. For example:

- Healthcare Inspectorate Wales (HIW) has worked with HMICFRS and others outside the NPM on their youth offending inspection programme, to ensure the health needs of detainees are being properly examined and met;
- Criminal Justice Inspection Northern Ireland (CJINI) reported that membership of the NPM has supported the continuation and development of joint work on prison inspections with Regulation and Quality Improvement Authority (RQIA) Northern Ireland, which began in January 2009 just prior to NPM designation. CJINI also consults with lay visitors to prison and police custody in Northern Ireland, to ensure the everyday experiences examined by regular visits are reflected in formal inspections;
- HMIPS began to collaborate with Health Improvement Scotland in 2018, to assess the quality of health care during inspections of prisons and young offender institutions (YOIs). HMICS have used OPCAT to highlight the value such a partnership would bring to their work.

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27 Hill, M Q.C. Independent Reviewer of Terrorism Legislation, January 2016, The Terrorism Acts in 2016. Report of the Independent Reviewer of Terrorism Legislation on the Operation of the Terrorism Acts 2000 and 2006. Available at: <https://terrorismlegislationreviewer.independent.gov.uk/wp-content/uploads/2018/01/Terrorism-Acts-in-2016.pdf> [accessed 18 February 2020]

28 Her Majesty's Inspectorate of Prisons, June 2015, Protocol for working arrangements to prevent sanctions with Independent Monitoring Boards and the Prisons and Probation Ombudsman. Available at: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2014/02/Protocol-for-working-arrangements-to-prevent-sanctions-with-Independent-Monitoring-Boards-and-the-Prisons-and-Probation-Ombudsman1.pdf> [accessed 4 January 2020].

I have been an Independent Custody Visitor, monitoring police custody, for 25 years. The NPM has enabled a coordinated response to detention monitoring across all settings where people are deprived of their liberty. As such it is reassuring when I, along with my fellow volunteers, enter police custody, to know that we are part of a group of organisations under the umbrella of the NPM which ensures that OPCAT requirements are being complied with. It is nice to think that I am helping the NPM to ensure that people deprived of their liberty are being treated with dignity and respect.

**David Sampson**

Independent Custody Visitor for the Office of the Police and Crime Commissioner in Humberside



## Thematic projects

NPM thematic work focuses on issues which are relevant across all detention settings. It aims to build a greater understanding and evidence base to influence, improve and inform members' own work, as well as inform the policies and practices that affect detainees.<sup>29</sup>

In 2014-15, the NPM conducted work on isolation and solitary confinement, using human rights-based criteria to identify the range of practices that led to people in detention being isolated while detained. This led to an extensive period of research that for the first time brought together findings from all types of detention across the UK. The NPM published guidance to be applied when monitoring isolation and solitary confinement in all types of detention in January 2017.<sup>30</sup>

The guidance, which is unique in setting out the safeguards and protections that should be applied to a potentially harmful practice wherever in the detention estate a detainee may find themselves, has been influential both nationally and internationally.

The NPM *Isolation Guidance* was used in the arguments before the High Court in a case which ruled that the prolonged solitary confinement of a child was unlawful, and the final judgment referred to the NPM.<sup>31</sup> It was cited by the Joint Committee on Human Rights (JCHR) in its report on 'Youth detention: solitary confinement and restraint'.<sup>32</sup> It was also influential in the drafting of a joint position statement from the British Medical Association (BMA) on 'The medical role in solitary confinement: Guidance for doctors working in the Youth Justice system'.<sup>33</sup> The BMA used our *Isolation Guidance* when developing their own guidance on best practice for doctors.

This joint work has resulted in further scrutiny of isolation and solitary confinement within the NPM. For example, in 2019 the MWCS issued new guidance on seclusion in mental health settings in Scotland which draws on the NPM's *Isolation Guidance*.<sup>34</sup>

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29 See NPM annual reports for more information: [www.nationalpreventivemechanism.org.uk/publications-resources/](http://www.nationalpreventivemechanism.org.uk/publications-resources/)

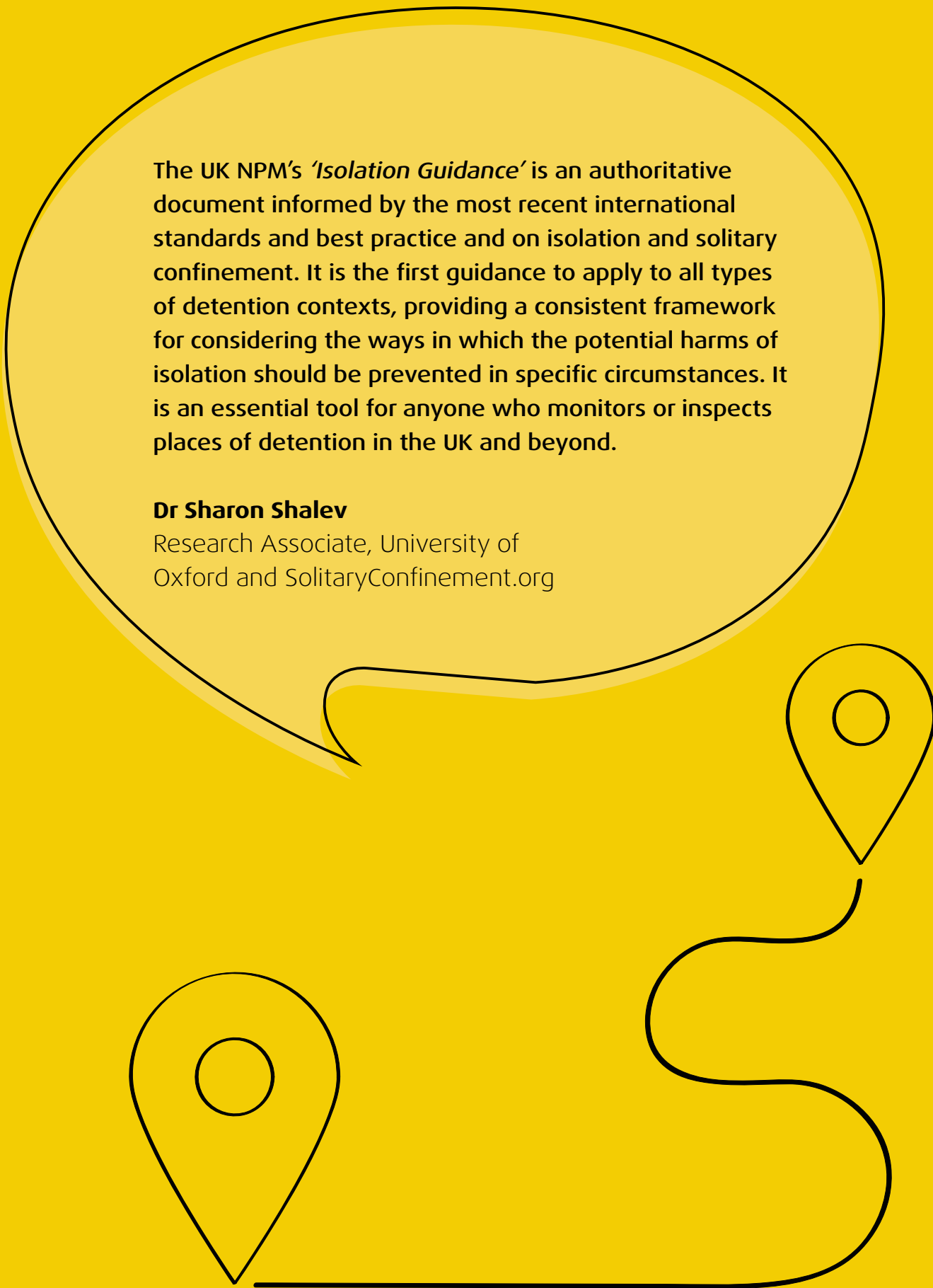
30 UK's National Preventive Mechanism, January 2017, Guidance: Isolation in detention. Available at: <https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2017/02/NPM-Isolation-Guidance-FINAL.pdf> [accessed 4 January 2020].

31 R (on the application of AB) v Secretary of State for Justice (Youth Justice Board, interested party) (Equality and Human Rights Commission intervening) [2019] 4 All ER 152 R.

32 Joint Committee on Human Rights, 10 April 2019, Youth detention: solitary confinement and restraint inquiry, Nineteenth report of session 2017-19. Available at: <https://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/inquiries/parliament-2017/youth-detention-solitary-confinement-17-19/> [accessed 5 January 2020].

33 British Medical Association, the Royal College of Psychiatrists and the Royal College of Paediatrics and Child Health, December 2018, Guidance for doctors on the use of solitary confinement in the youth secure estate. Available at: <https://www.bma.org.uk/collective-voice/policy-and-research/equality/the-medical-role-in-solitary-confinement> [accessed 27 January 2020].

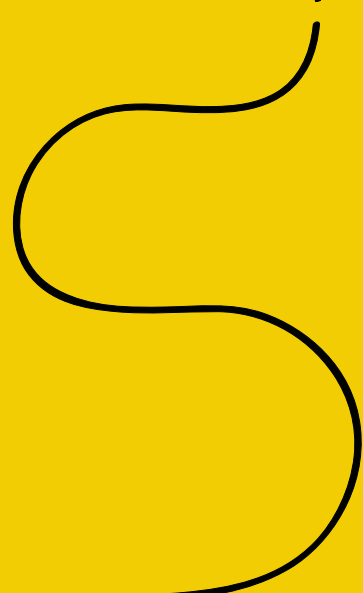
34 Mental Welfare Commission for Scotland, October 2019, Use of seclusion: Good practice guide. Available at: [https://www.mwscot.org.uk/sites/default/files/2019-10/Seclusion\\_GoodPracticeGuide\\_20191010.pdf](https://www.mwscot.org.uk/sites/default/files/2019-10/Seclusion_GoodPracticeGuide_20191010.pdf) [accessed 5 January 2020].



The UK NPM's '*Isolation Guidance*' is an authoritative document informed by the most recent international standards and best practice and on isolation and solitary confinement. It is the first guidance to apply to all types of detention contexts, providing a consistent framework for considering the ways in which the potential harms of isolation should be prevented in specific circumstances. It is an essential tool for anyone who monitors or inspects places of detention in the UK and beyond.

**Dr Sharon Shalev**

Research Associate, University of  
Oxford and [SolitaryConfinement.org](http://SolitaryConfinement.org)



## Subgroups

The NPM's subgroups – focused on Children and Young People, detention in Scotland, mental health detention and police custody – allow member organisations to pool their expertise, identify joint priorities and learn from best practice. The NPM is the only UK-wide, cross-detention forum where this can happen, and has provided opportunities for thematic and geographical collaboration that do not exist elsewhere.

The Mental Health subgroup brings together all NPM member organisations across the four jurisdictions with responsibilities for the monitoring and protection of people in health and social care detention. Their regular meetings provide an opportunity to discuss cross border issues and identify possibilities for sharing resources for research and development.<sup>35</sup> As well as engaging with policy nationally, the subgroups seek to proactively contribute our expertise from the UK to bear in the development of international standards. The Mental Health subgroup was able to do this in a complex and contentious area in a letter to the SPT regarding a document on 'the rights of persons institutionalized and treated medically without informed consent'. The letter gave a joint position on this issue and sought clarification from the SPT on behalf of the NPM as a whole.<sup>36</sup>

## Research on detention

The composition of the NPM is extremely valuable for research purposes, as the members collectively have unparalleled insight across detention. In 2015, members identified that despite there being various publicly available datasets on detention populations, there was no simple answer to the question: 'How many people are detained in the UK?' Disparate and incomplete data gave no sense of an interconnected system in which people are moved from one place to another, between police, prison and mental health detention, or between jurisdictions for which data are recorded differently. It was clear for some settings, particularly for children and care settings and places where people are held for short periods, there were little to no collated or publicly available data at all.

OPCAT states that NPMs should have access to such information. Understanding this information is necessary to carrying out our preventive role. The NPM therefore undertook a data mapping project to collate data and identify gaps and omissions. Two annual detention population data mapping projects have been published for 2015–16 and 2016–17, with the latter also mapping data on deaths of detainees.<sup>37</sup> Following this, the NPM mapped the transitions and pathways through the detention estates, to capture not just snapshots of settings but the journeys of individuals between them.<sup>38</sup>

35 NPM website, Mental health network. Available at: <https://www.nationalpreventivemechanism.org.uk/about/governance-and-structure/mental-health-network/> [accessed 5 January 2020].

36 UK's National Preventive Mechanism, July 2017, Re: Approach of the SPT regarding the rights of persons institutionalized and treated medically without informed consent. Available at: <https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2019/04/UK-NPM-letter-to-SPT-re-involuntary-detention-and-treatment.-pdf.pdf> [accessed 19 January 2020].

37 UK's National Preventive Mechanism, 2016, Detention Population Data Mapping Project 2015-16. Available at: <https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2017/01/NPM-Detention-Population-Data-Mapping-Project-FINAL.pdf> [accessed 5 January 2020]; UK's National Preventive Mechanism, 2017, Detention Population Data Mapping Project 2016-17. Available at: [https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2018/01/20180123\\_NPM-Data-mapping-2016\\_17\\_FINAL.pdf](https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2018/01/20180123_NPM-Data-mapping-2016_17_FINAL.pdf) [accessed 5 January 2020].

38 UK's National Preventive Mechanism, February 2018, Eighth Annual Report of the United Kingdom's National Preventive Mechanism 1 April 2016 – 31 March 2017. Pg. 28-56. Available at: [https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2018/02/6.4122\\_NPM\\_AR2016-17\\_v4\\_web.pdf](https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2018/02/6.4122_NPM_AR2016-17_v4_web.pdf) [accessed 27 January 2020].

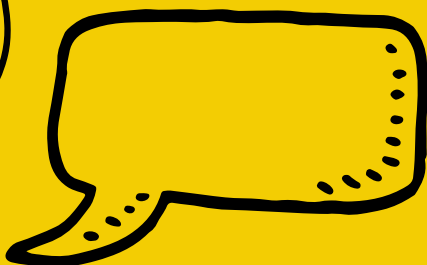
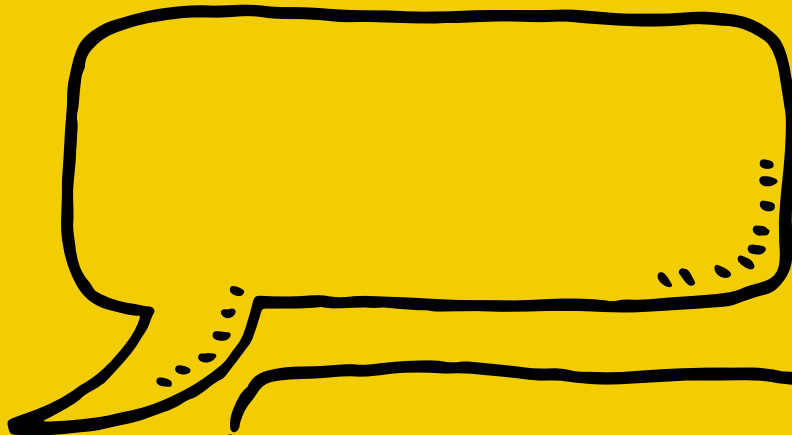


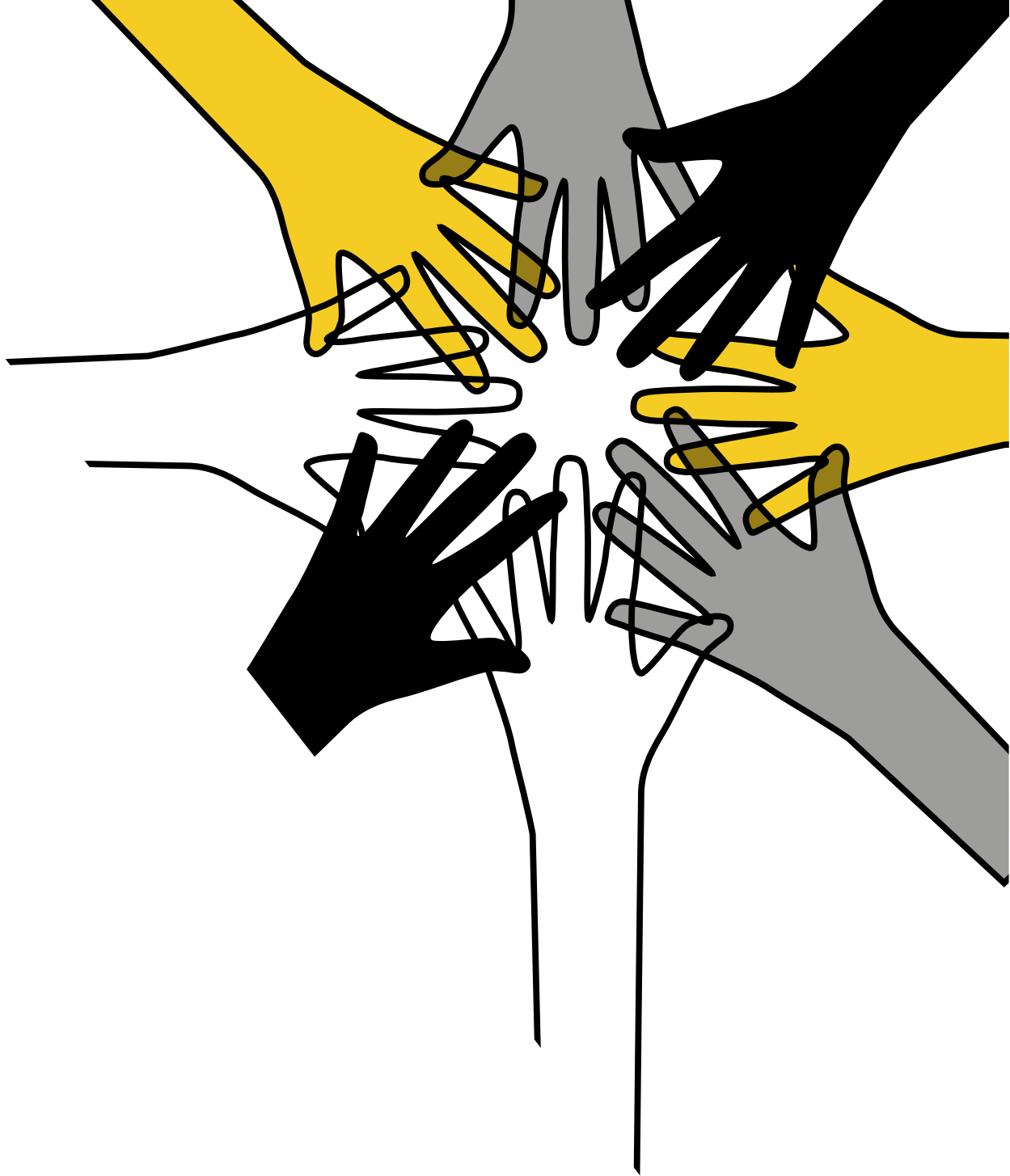


I think one of the best examples of the NPM's influence is the work of the Mental Health subgroup. The subgroup evaluates the work undertaken by the bodies responsible for regulating, inspecting and monitoring mental health detention across the four nations. It provides a practical forum to discuss how each country can apply the lessons learnt and implement best practice within the day to day work of individual NPM members.

**John Powell**

Healthcare Inspectorate Wales





Engaging with  
international efforts  
to prevent torture

The UK NPM is one of 71 designated NPMs around the world.<sup>39</sup> There are a number of international organisations, academics and non-governmental organisations (NGOs) which support NPM work and contribute to progressing the aims of OPCAT. The UK NPM has an international reputation and regularly hosts stakeholders from around the world who come to shadow our visits and learn from our methodologies. We regularly attend and speak at international conferences and expert meetings on OPCAT-related issues, and contribute to work that strengthens the role of NPMs internationally.

We engage with other NPMs around the world to share knowledge and best practice. For example, the UK NPM has led efforts to establish an NPM-led network in Europe (for the 47 countries that are members of the Council of Europe), to ensure NPMs can lead the exchange of expertise and determine priorities for joint working. The UK NPM Secretariat has also shared its experience of coordinating a multi-body NPM with officials from the Attorney General's office, the Commonwealth Ombudsman, future NPM members and representatives of the civil society coalition for the NPM in Australia. International engagement with other NPMs inspired the UK NPM's internal structure, particularly the formation of the Steering Group.

We have also shared our experience with monitoring bodies, activists, academics and government representatives from many countries, including:

- Bolivia
- France
- Georgia
- Ireland
- Japan
- Kazakhstan
- Morocco
- New Zealand
- South Africa
- Switzerland

## Human rights monitoring bodies

The United Nations Committee against Torture, an international human rights body of independent experts, regularly undertakes periodic reviews of member states to assess their compliance with UNCAT, using evidence provided by States, NPMs and NGOs to conduct these reviews from Geneva. In 2019 it undertook its sixth periodic review of the UK, with the UK NPM giving written evidence and attending the sessions in Geneva to contribute. Few NPMs have engaged with international treaty reviews. The UK NPM started doing this in 2015, with what we believe was the first ever NPM submission to the UN Human Rights Committee.<sup>40</sup> The NPM's role in these reviews is crucial – we provide the UN with evidence generated by the work of volunteer monitors and inspectors, which informs their understanding of the extent to which the UK is meeting its international obligations. As a result, CAT issue official recommendations to the UK Government which are an important tool for national bodies to highlight international concerns.

39 Association for the Prevention of Torture, OPCAT database. Available at: [www.appt.ch/en/opcat-database/](http://www.appt.ch/en/opcat-database/) [accessed 1 January 2020].

40 UK's National Preventive Mechanism, 2015, Submission to the UN Human Rights Committee's Seventh Periodic Review of the United Kingdom at the Committee's 114th session. Available at: <https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2015/07/UK-NPM-Submission-to-the-UN-Human-Rights-Committee.pdf> [accessed 27 January 2020].

The European Committee for the Prevention of Torture (CPT) fulfils the requirements of the European Convention on Human Rights (Article 3).<sup>41</sup> Under Article 7 of the European treaty on torture prevention, the CPT must regularly organise visits to States that have signed up to the treaty and visit and report on places of detention. The CPT have visited the UK on eight periodic (regular) visits and 15 ad-hoc visits since 1988. The UK NPM works closely and proactively with the CPT, providing advice and attending its meetings with government as an observer.

Our Scottish subgroup provided input to the CPT on its report on prisons and police stations in Scotland from a visit conducted in 2018. The CPT findings on the treatment of women with mental ill health in HMP YOI Cornton Vale (a women's prison) were particularly worrying. Many areas which the CPT highlighted echoed concerns NPM members were raising in their own reports which were unfortunately not resolved. The Scottish subgroup therefore published a joint response to the report, which the CPT publicly highlighted. The NPM's evidence gave extra weight to the international committee's findings and highlighted the NPM's commitment to following up on critical issues. MWCS are now undertaking their own review of the pathways to mental health support in prison, with a focus on women, to ensure these concerns are effectively addressed.

## NGOs and academics

Over the past ten years, we have worked with NGOs and academics from around the world. We share our practical expertise on detention monitoring and learn from other organisations' important work in the field to make sure we are up to date on emerging debates and methodologies.

We continue to work with the University of Bristol's Human Rights Implementation Centre. Academics from this centre have supported numerous NPM projects since 2009. They have made an important contribution to the development of effective NPMs around the world and continue to be a great source of learning for our members.

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<sup>41</sup> Council of Europe, 2002, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment: Text of the Convention and Explanatory report. Available at: <https://rm.coe.int/16806dbaa3> [accessed 1 January 2020].

The CPT has benefitted from the constructive and proactive engagement with the UK NPM. They have set an excellent example in the way they respond to our reports, showing how important it is to have international and national level monitoring in place to strengthen the protection of detainees.

**Dr Julia Kozma**

Austrian Member of the CPT

We have worked closely with the UK NPM since it was established (it was one of the first NPMs to be set up around the world). The UK NPM and its individual members have made a significant contribution to the development of standards and best practice for detention monitoring. We have drawn from their expertise on monitoring psychiatric detention, the protections for LGBTI detainees and the practicalities of monitoring escorts, deportations and police custody.

**Barbara Bernath**

General Secretary Association  
for the Prevention of Torture (APT)



**2030**

The next ten years





The scrutiny and oversight which is provided by the UK NPM is an essential tool for protecting people's human rights across detention settings. Their work has gone a long way to embedding rights-focused practices and strengthening the independence of our inspectorate and monitoring bodies. Going forward the UK government must better respect and resource their vital role, first and foremost by bringing the UK closer to international standards and entrenching their work in law.

**Deborah Coles**

Director of the human rights charity INQUEST





Reflections on the past decade of the UK NPM show a proud history of detention inspection and monitoring across the four nations, which has undoubtedly been strengthened by the OPCAT framework and international support and scrutiny this has brought. The UK NPM has welcomed this, as it has increasingly allowed us to improve and develop our practices.

However, it is clear that more can be done to protect the NPM's role. The NPM will continue to call for a proper legislative basis. When designated in 2009, no legislation was enacted to establish the UK NPM in law or to protect its independence. The NPM has raised concerns that its status must be formalised in legislation and awaits a response from the MoJ on how this will be taken forward.

Without this legislative basis, the NPM will never fully meet its international obligations and organisations like UNCAT and SPT will continue to identify this as a fundamental weakness. Both the House of Commons Justice Committee and the JCHR in the UK Parliament have supported this call for NPM legislation.

We urgently need greater resourcing for our central Secretariat in order to fulfil the requirements of OPCAT. Such funding should be protected and ring-fenced.

The SPT undertook its first visit to the UK in September 2019. Its visit put detention and custody facilities under an unprecedented international spotlight. The SPT's visit was of huge importance for the NPM and we were pleased they spent time with NPM members seeing their detention monitoring in action. We raised the lack of legal basis for the work of the NPM with the SPT and are pleased that it took all our concerns very seriously.

NPM members look forward to working harder to prevent ill-treatment in places of detention by employing unique oversight across settings, making thousands of visits each year and shining a light on practices that occur behind closed doors. Reflecting on his visit to the UK, Daniel Fink, who led the SPT delegation, said: 'The visiting bodies do an impressive amount of good work, but a more robust legislative framework is needed to achieve full compliance with the Optional Protocol'. There is hope that in the next ten years this can be achieved, to allow the UK NPM to better fulfil its role protecting the rights of people in detention.

## Glossary

APT Association for the Prevention of Torture

BMA British Medical Association

CCE Children's Commissioner for England

CI Care Inspectorate

CJINI Criminal Justice Inspection  
Northern Ireland

CPT Committee for the Prevention  
of Torture (Council of Europe)

CQC Care Quality Commission

ECHR European Court of Human Rights

HIW Healthcare Inspectorate Wales

HMICFRS Her Majesty's Inspectorate of  
Constabulary and Fire & Rescue Services

HMICS Her Majesty's Inspectorate of  
Constabulary in Scotland

HMI Prisons Her Majesty's Inspectorate of  
Prisons

HMIPS Her Majesty's Inspectorate of Prisons  
for Scotland

HMPPS Her Majesty's Prison  
and Probation Service

ICVA Independent Custody Visiting  
Association

ICVS Independent Custody Visitors Scotland

IMB Independent Monitoring Board

IMBNI Independent Monitoring Boards  
(Northern Ireland)

IRTL Independent Reviewer of Terrorism  
Legislation

JCHR Joint Committee on Human Rights

LO Lay Observers

MoJ Ministry of Justice

MWCS Mental Welfare Commission for  
Scotland

NGO Non-governmental organisation

NIPBICVS Northern Ireland Policing Board  
Independent Custody Visiting Scheme

NPM National Preventive Mechanism

OPCAT Optional Protocol to the Convention  
against Torture and other Cruel, Inhuman or  
Degrading Treatment or Punishment

PACE Police and Criminal Evidence Act 1984

RQIA Regulation and Quality Improvement  
Authority

SHRC Scottish Human Rights Commission

SPT United Nations Subcommittee  
on Prevention of Torture and other  
Cruel, Inhuman or Degrading Treatment  
or Punishment

UNCAT United Nations Convention Against  
Torture and other Cruel, Inhuman or  
Degrading Treatment or Punishment

YOI Young offender institution

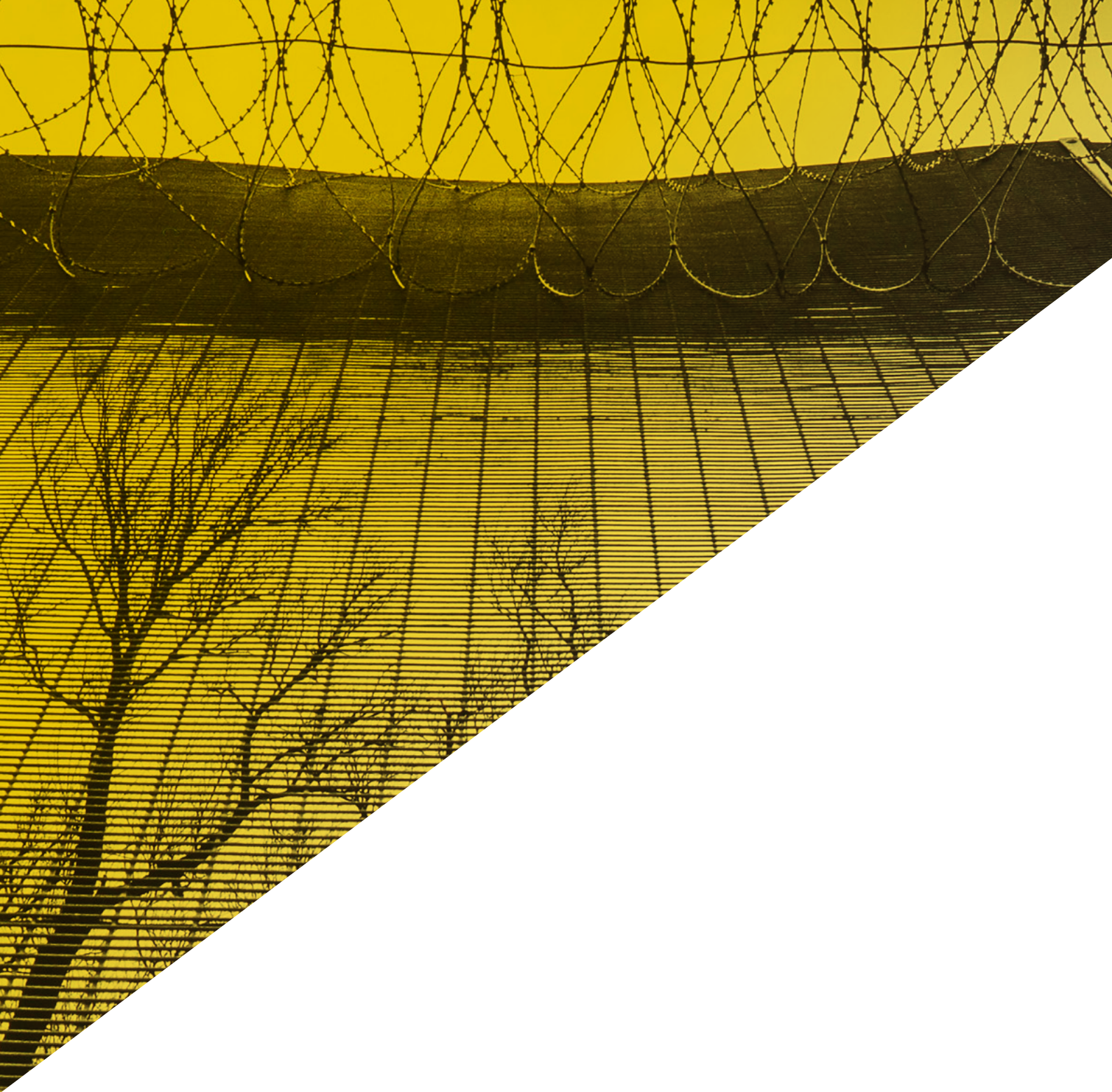
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Contact details: [rosanna.ellul@hmiprisons.gov.uk](mailto:rosanna.ellul@hmiprisons.gov.uk)