



The first five years of the UK National Preventive Mechanism

The UK set up its National Preventive Mechanism (NPM) in March 2009. The NPM aims to prevent torture and ill-treatment in all places of detention, in line with the Optional Protocol to the UN Convention against Torture (OPCAT).

Establishing the NPM

In its first five years, the UK NPM has focused efforts on establishing an effective governance structure and raising awareness among its members and key stakeholders. Progress has been made to:

- *Ensure all places of detention within the UK are subject to independent monitoring*
NPM members' monitoring has expanded to cover court cells, escorts and deportations, medium secure units for children and young people, and 'non-designated' police cells.
- *Establish a common set of Expectations to guide members' efforts under their NPM mandate*
The powers and practices expected of NPM members in performing their monitoring function were set out and agreed by the full NPM membership in 2012.
- *Strengthen governance*
The coordination function, performed by HM Inspectorate of Prisons, and the establishment of a steering group to facilitate decision making and set the strategic direction, has strengthened the effectiveness of the NPM which is now made up of 20 institutional members.
- *Address the specific issues faced by children and young people in detention*
A thematic subgroup now meets regularly to share information and join up efforts towards preventing ill-treatment of children and young people in detention.
- *Build awareness of the UK NPM nationally and internationally*
Training on preventing torture and ill-treatment through monitoring has been delivered by NPM members to numerous lay visiting bodies, professional inspectorates and other stakeholders. Strong relationships for sharing information and expertise have been established with non-governmental organisations and many others. The UK NPM has been called on to share its expertise around the world with new NPMs and countries in the process of ratifying OPCAT.

Focusing on detention-related concerns

Bringing together its different skills, expertise and approaches, the UK NPM has sought to focus attention on priority areas of concern relating to detention. This has allowed NPM members to share expertise, develop new understanding of human rights issues, strengthen

their own methodologies, and issue recommendations for further action.

This includes:

- *The human rights implications of detention-related practices*
NPM-wide discussions have strengthened understanding of the human rights issues around use of force and restraint, deaths in custody, segregation and mental health.
- *Exposing the issues associated with de facto detention*
Monitoring bodies' ability to understand and tackle de facto detention has been refreshed by analysis of existing practices and approaches.
- *Ensuring detainees are not subject to sanctions*
A protocol has been agreed among two NPM members to ensure that no prisoners or detainees are subject to reprisals or sanctions arising from their contact with monitors or visitors, and that actions are taken when such practices are reported.
- *Strengthening recommendations made to authorities*
An analysis of how recommendations are made and followed up has been conducted across the NPM and will contribute to future work.

Commenting on legislation and policy

Many individual NPM members are active in implementing their powers to comment on legislation and policy. Being part of the NPM has encouraged members to submit joint proposals on areas of shared concern or interest, and apply human rights principles to their analysis. These have included comments on:

- the Scottish Government's decision to abolish prison visiting committees because they were not OPCAT-compliant and proposals that their monitoring role be taken up by the Scottish prison inspectorate
- the UK government's proposals to transform the youth custodial estate
- the Scottish Government's proposals to reform policing, successfully calling on the Government to use this reform as an opportunity to strengthen custody visiting arrangements
- Home Office proposals around detention of 17-year-olds in custody, resulting in the decision to require an appropriate adult to assist them, and that a person responsible for their welfare is informed
- a range of parliamentary inquiries and bills on topics that include: female offenders; youth justice; and the way in which deaths following police contact are investigated.

Looking ahead: the next five years of the NPM

The UK NPM is using its fifth anniversary to take stock of its work and approaches to date. It will make public the results of its own assessment of the extent to which it is fulfilling its torture prevention mandate and identify ways of strengthening its work over the next five years.

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