



## UK National Preventive Mechanism Submission to House of Lords International Relations Committee inquiry into the UK priorities for the new UN Secretary General

### Background

1. The UK National Preventive Mechanism (NPM) was established in March 2009 as a consequence of the UK's ratification of the United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in December 2003. It is made up of 20 statutory bodies that monitor places of detention.<sup>1</sup>
2. The objective of OPCAT is to establish a system of regular visits undertaken by both independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.
3. In order to fulfil its obligations under OPCAT, the UK has to recognize the mandate of the UN's Subcommittee on Prevention of Torture (SPT), an international treaty body, and establish a National Preventive Mechanism, which must:
  - i) regularly examine the treatment the persons deprived of their liberty in places of detention, with a view to strengthening the protection against torture and ill treatment;
  - ii) make recommendations to relevant authorities with the aim of improving the treatment and conditions of persons deprived of their liberty and to prevent torture and ill treatment; and
  - iii) submit proposals and observations concerning existing or draft legislation.
4. NPMs must have functional independence from the government and be resourced by the State.
5. The UK government designated its NPM by, in turn, designating the existing inspection bodies already in existence in all four nations of the UK and whose mandate included independent inspection, visiting or regulation of places of detention, including prisons, police, military and court custody, immigration detention, detention in health and social care settings and places where children are detained.
6. The UK was one of the States actively involved in drafting OPCAT and one of the first to ratify the treaty. Members of the UK's NPM are world-renowned for their well-established and

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<sup>1</sup> Further information about the UK NPM can be found on its website at:

<http://www.nationalpreventivemechanism.org.uk/>

effective methodologies and approaches to detention monitoring and inspection. The Ministry of Justice is the departmental sponsor for the NPM. The NPM is co-ordinated by a small team based at HM Inspectorate of Prisons (England and Wales) and recently appointed its first independent Chair. The Foreign and Commonwealth Office actively promotes the expertise of the UK NPM in its torture prevention work overseas.

**Question 1: Where can the United Nations add value to challenges facing the UK and the international community?**

7. The framework established by OPCAT – the SPT and NPMs – are one element of a vitally important human rights framework provided by the UN which complements and supplements the work of the EU, Council of Europe and, particularly, the European Court of Human Rights. As a treaty, OPCAT is unique in requiring a specific mechanism for its implementation at domestic level and by doing so adds an important practical dimension to the prevention of ill-treatment of those in detention. The bodies that make up the UK NPM consider OPCAT to be particularly useful in that it recognises their considerable existing efforts to monitor places of detention, provides a clear link to the UN's theoretical and practical human rights framework and is of practical use in strengthening the way in which such monitoring in the UK is actually carried out.
8. The UN SPT provides technical assistance to the UK NPM, and encourages learning between the 64 NPMs that have been designated around the world by different States Parties. Being part of this international framework means the UK NPM is able to learn and share experience with counterpart bodies around the world, and so improves its work in line with best practice and in response to changes in its environment.
9. Further international advances, such as the recent adoption of the updated Standard Minimum Rules on the Treatment of Prisoners, 'the Nelson Mandela Rules', drafted under the auspices of the UN Office on Drugs and Crime and adopted by the UN General Assembly in December 2015, provide helpful and practical guidance to the UK on how to improve the enjoyment of rights in detention.

**Question 3: How should the UK configure its role at the UN and how can it most effectively leverage its influence in the UN and other multilateral organisations?**

10. The UK NPM would welcome the UK government's continuing commitment to the UN-based human rights bodies and framework, particularly the Committee against Torture and OPCAT which have provided useful and practical guidance to strengthen domestic practice. This should include increased commitment to the UK's NPM as part of the OPCAT international framework, as well as the many other human rights treaty bodies and the Human Rights Council, which play a role in scrutinising practices in detention and the work of NPMs.
11. For the UK NPM it is of specific importance that the UN SPT is a strong, effective and credible body, made up of impartial and experienced individuals, and the UK's role in lobbying for this is essential.

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