



## **VISIT BY UNITED NATIONS SUB COMMITTEE FOR THE PREVENTION OF TORTURE, SEPTEMBER 2019**



### **John Wadham, Chair of the UK National Preventive Mechanism**

This week (w/c 9 Sept 2019), experts from the United Nations will be in this country to check on how we treat people we detain and I, on behalf of the UK's independent statutory monitoring bodies (National Preventive Mechanism or NPM), will be welcoming the Subcommittee for the Prevention of Torture (SPT) for its first ever visit to the UK.

They are set to visit prisons, courts, police stations, secure hospitals and immigration detention centres, examining how we treat some of our most vulnerable detainees, putting detention and custody under an unprecedented international spotlight.

As the Chair of the NPM I believe the timing of the committee's visit is no accident. I believe that the UN are here to press the Government to give the NPM stronger powers to make us a more effective watchdog in preventing ill-treatment, more robust in our actions and even more independent of the authorities. However I think that they are also here because there is mounting evidence of troubling conditions, particularly the recent scandals in our immigration and mental health services and violence and self-harm in men's and children's prisons.

I will be clear with the UN that there are some excellent examples of how well we treat people in state custody and I believe we have some of the best inspection, monitoring and visiting bodies in the world - each year our members conduct 66,000 independent monitoring visits and 1600 inspections. But there is more to do.

Unfortunately, the reality of ill-treatment for some of those detained in the UK has, if anything, increased over the last few years. According to just two NPM members – HMI Prisons and Care Quality Commission – in 2018/19 it was reported that over 10,500 people were detained or deprived of liberty in places deemed inadequate or poor for safety. NPM members report very serious concerns about safety and conditions in some prisons and young offender institutions in England, Wales and Northern Ireland, and overcrowding in Scotland. We have discovered excessive or improper use of restraints on some of the most vulnerable detainees, including children and young people. The situation of people detained because of their immigration status, or those deprived of liberty because their mental health, learning disability and/or autism is deemed to warrant treatment in a closed institution is frequently below the standard that our very rich country should accept.

Four very human aspects are particularly disturbing.

- *Suicide and self-harm in men's prisons in England, Wales and Northern Ireland.* Self-harm incidents are running at a horrifying rate of more than 5,000 a month in England and Wales; in Scotland, women with highly complex needs who should be receiving specialist support are held in prison due to limited secure mental health provision. There are many other vulnerable prisoners, often with drug and mental health problems, whose self-harming can lead to them taking their own lives. Tragically, there were 83 self-inflicted deaths in male prisons in England and Wales in 2018–19, an increase of 15% from 72 the previous year.
- *Children in Young Offender Institutions.* There are now fewer than 900 children under 18 – some of the most challenging but also most vulnerable - in five Young Offending Institutions (YOIs) in England and Wales. Violence and long in-cell lock-ups to contain it are a feature of life for too many.
- *Immigration detention.* The numbers of detainees in immigration detention centres (IRCs) across the UK have fallen. But reports consistently reflect the

corrosive impact on mental wellbeing of a system with no time limit on periods spent in detention. Last year, in three centres alone, 25 detainees were sectioned under mental health legislation.

- *Mental health detention.* The Care Quality Commission's figures from 2018/19 indicate that over 2000 vulnerable people in England were detained in places where safety is rated inadequate. Across the UK, the lack of available community services means that people with mental health conditions, learning disabilities and/or autism are detained in hospitals, where they become stuck in a system, and too often subjected to restraint and segregation. Undercover reporting and CCTV footage have exposed unacceptable physical and psychological abuse – including allegations of neglect and assault of vulnerable adults at a hospital in Northern Ireland - that must lead to robust investigation and sanctions for those responsible.

It is more important than ever now that the Government acts to meet its obligations under international law to tackle the ill-treatment and poor conditions found by its own NPM.

#### *Explanatory notes*

1. The 21 bodies who make up the NPM are:

#### **England and Wales**

Care Inspectorate Wales; Care Quality Commission; The Children's Commissioner for England; Her Majesty's Inspectorate of Prisons; Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services; Healthcare Inspectorate Wales; Independent Monitoring Boards; Independent Custody Visiting Association; Lay Observers; Ofsted (Office for Standards in Education, Children's Service and Skills)

#### **Northern Ireland**

Criminal Justice Inspection Northern Ireland; Independent Monitoring Boards (Northern Ireland); Northern Ireland Policing Board Independent Custody Visiting Scheme; The Regulation and Quality Improvement Authority

#### **Scotland**

Care Inspectorate; Her Majesty's Inspectorate of Constabulary in Scotland; Her Majesty's Inspectorate of Prisons for Scotland; Independent Custody Visiting Scotland; Mental Welfare Commission for Scotland; Scottish Human Rights Commission; United Kingdom; Independent Reviewer of Terrorism Legislation

2. The SPT is a committee set up under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), an international human rights treaty designed to strengthen the protection

of people deprived of their liberty. OPCAT is mandated to carry out preventive visits to places of detention, and to advise and assist the establishment of NPMs in accordance with Articles 11, 12 and 13 of OPCAT. All members of the SPT serve in their individual capacity and are expected to act with independence and impartiality. The members come from all over the world and some work with NPMs in their own countries.

3. During their visit, the SPT will meet with government ministers and officials, members of the NPM, NGOs, academics and parliamentarians. They will make unannounced visits to places of detention and conduct some visits with NPM members.

4. Last year, CQC rated 5% of mental health organisations that can detain patients under the Mental Health Act inadequate in relation to safety. There are in excess of 40,000 such detentions a year, so CQC estimate that perhaps 2,000 such detentions could be to hospitals rated to be unsafe. In 2018/19 there were a further 2,131 notifications to CQC of a Deprivation of Liberty Safeguards application outcome at locations that are currently (as of 22/08/2019) rated inadequate for safety. In HMIP figures show that in reports published in 2018/19 6,003 out of 29,361 prisoners in prisons that were inspected were living in establishments judged to be poor in safety. CQC and HMIP use different methodologies and assessment standards in their inspection reports. While CQC's lowest rating is 'inadequate', HMIP rate establishments from 1 – 4, 1 being a 'poor' in outcomes of their four healthy prison tests.

5. The NPM mapped detention population data from 2016-17 to identify how many people are detained across different settings in the United Kingdom. While a range of population data is published for specific detention settings, there was no collated data that provides an overview of detention across every setting in the four jurisdictions of the UK until the NPM conducted this work, which can be found 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)