

**NPM response to Ministry of Justice consultation: Strengthening the Independent Scrutiny  
Bodies through legislation**

Introduction

1. The UK National Preventive Mechanism (NPM) was established in 2009 to comply with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), ratified by the UK in 2003.<sup>1</sup> The fundamental objective of the NPM is to prevent torture and ill-treatment of those deprived of their liberty by independently monitoring every place of detention.<sup>2</sup>
2. Dedicated unpaid volunteers from the UK's NPM make nearly seventy thousand monitoring visits every year to prisons, young offender institutions, immigration detention facilities, police custody, court custody and to observe escorts; and expert inspectors carried out at least fifteen hundred inspections across the UK. There is no NPM anywhere in the world that has reported anything like this number of visits to the places of detention in its country. This is an incredible achievement and a strength of the UK's NPM.<sup>3</sup>
3. The UK's NPM is made up of two distinct components which comprise: 1) 21 member bodies who undertake visits to monitor or inspect places of detention in the UK; and 2) a central coordination function, comprised of the NPM Chair and Secretariat. Both parts contribute to the protections against torture and ill-treatment for people in detention and persons deprived of their liberty provided by the NPM.
4. The NPM welcomes the Ministry of Justice (MOJ) consultation [\*Strengthening the Independent Scrutiny Bodies through Legislation\*](#), which proposes to strengthen a number of organisations who have a role to protect those in detention by improving their legislative basis. The consultation asks for 'views on giving the NPM a possible statutory basis and how this might be done in light of the particular nature of the NPM'.
5. In its response to this consultation, the NPM has not provided a model of the legislation the Government should enact to provide the NPM a statutory basis. The NPM is aware of a number of possible different legislative options that could be used to provide a legal basis for the NPM. These options will be

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<sup>1</sup> The UK was one of the first states to ratify the treaty and ratified the Convention on 10<sup>th</sup> December, international human rights day. The UK deposited no reservations or declarations that restricted its acceptance of the treaty. Key extracts of OPCAT are attached as an annex to this submission and more information is available on the UN's website dedicated to OPCAT:

<https://www.ohchr.org/en/hrbodies/opcat/pages/opcatindex.aspx>

<sup>2</sup> OPCAT, Article 17.

<sup>3</sup> See UK NPM Ninth Annual Report, 2017 – 2018, [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)

considered in more detail by NPM members and we welcome the opportunity to discuss these with the MOJ in due course.<sup>4</sup> However, the NPM response to this consultation does provide considerable detail on the aspects that must be covered by any type of legislation enacted to place the NPM on a statutory footing in order to comply with OPCAT.

6. The NPM's consultation response covers:

- The need for NPM legislation, which has been recognised by two United Nations committees and the Council of Europe's anti-torture body.
- The key features that need to be included in legislation (the role of the NPM in the prevention of ill-treatment, including that of its 21 members and, the role of the NPM's Chair and Secretariat).
- The need for the MOJ to work with other UK Government departments and the devolved administrations around the UK, all of whom have responsibility for the work of NPM members.
- Support for stronger statutory footings for other Arms-Length Bodies that are discussed in this MOJ consultation.

### The need for NPM legislation

7. Recommendations to place the NPM on a statutory footing have been made by the Council of Europe's Committee for the Prevention of Torture and by the UN's Committee Against Torture.<sup>5</sup> In addition, the UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), set up by OPCAT to ensure that those states that have ratified comply with its provisions, visited the UK in September last year. The aim of this visit was for the SPT to consider the work and role of the UK NPM. In their closing remarks from this visit, the SPT stated that 'a more robust legislative framework is needed to achieve full compliance with the Optional Protocol.'<sup>6</sup> More detailed recommendations from the SPT are included in the report produced as a result of their visit, key extracts of which have been provided to the MOJ. This report remains confidential at present but will be published in due course. See the annexes to this response for more information on the criticisms made by various international human rights bodies regarding the NPM's lack of statutory footing.
8. Currently the Chair and Secretariat of the NPM provide coordination for the 21 members which are geographically spread across the four nations. However, this UK-wide coordination role has no formal legal basis and does not even have the status that most Non-Government Organisations enjoy (a company limited by guarantee, charity, etc). The NPM's role is not enshrined in statute (or any other formal document) and the 21 members have only informal processes to work together as an NPM which are driven by the personal commitment of those involved and the need to work together to protect those detained.<sup>7</sup> The absence of legislation cementing these important working relationships reduces the

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<sup>4</sup> We understand that more information on possible different legislative options will be contained in a response to this consultation by Professor Rachel Murray from the University of Bristol.

<sup>5</sup> CPT, May 2020, Report to the United Kingdom Government on the visit to the United Kingdom carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 23 May 2019, <https://rm.coe.int/16809e4404> [accessed 02/09/2020]; CAT, June 2019, Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland, CAT/C/GBR/CO/6

<sup>6</sup> SPT, September 2019, Press Release: UN torture prevention body concludes visit to the United Kingdom of Great Britain and Northern Ireland, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25023&LangID=E> [accessed 02/09/2020]

<sup>7</sup> Articles 17 to 23 of OPCAT set out the powers a State Party must provide to an NPM, including guaranteeing the functional independence of the NPM. OPCAT Article 19 defines the role of an NPM. The NPM's mandate is to: regularly examine the treatment of persons deprived of their liberty in places of detention, with a view to strengthening the protection against torture and ill-treatment; make recommendations to relevant authorities with the aims of improving the treatment and conditions of persons deprived of their liberty and preventing torture and ill-treatment; and submit proposals and observations concerning existing or draft legislation.

NPM's ability to exercise fully the OPCAT mandate – to strengthen the protections against torture and ill-treatment for persons deprived of their liberty through independent monitoring of places of detention.<sup>8</sup>

9. Only two of the NPM's members have a reference to OPCAT in their legislation – HM Inspectorate of Prisons in Scotland and Independent Custody Visitors Scotland.<sup>9</sup> While these references are helpful symbolically, they are inadequate as they do not set out the fundamental objective of an NPM as agreed by the UK government by virtue of its ratification of OPCAT and its designation of each of the members as part of the NPM. The only formal recognition by the UK State Party of the 21 members' role as an NPM member is a series of letters from the UK government to the United Nations, and the acknowledgement of these designations by a minister in the UK Parliament.
10. In the 'case for change' section of this consultation, the MOJ outline the intention to ensure independent scrutiny bodies have the ability to 'make long-term meaningful change', to 'provide sharper scrutiny' as well as 'drive performance and improve outcomes'.<sup>10</sup> Many NPM members have functions that are much wider than their specific NPM role but have no formal recognition of their NPM duties. Providing a statutory basis for the NPM helps achieve these policy intentions because formally recognising the NPM duties among members will serve to strengthen protections against torture and ill-treatment for people in detention. In particular, reflecting the role of an NPM and the provisions of OPCAT will help members clearly define their responsibilities, powers and functions as part of the NPM and will help to improve the delivery of the OPCAT mandate throughout the UK.
11. The NPM central coordination function and 21 members should all have some kind of formal basis that provides the equivalent of a statutory guarantee of functional independence from the institutions that they inspect and monitor (or this should be provided by this proposed legislation).<sup>11</sup> Without this guarantee, any NPM remains vulnerable to political and other pressures. The fact that the roles of the NPM Chair and Secretariat are not recognised in statute means that they are not formally accountable either to the devolved administrations or the UK Parliament (or in fact even formally accountable to the 21 members of the NPM). The absence of legislation for the NPM as a whole means that a future Government could, in theory, decide to alter or remove the designation of any of the current members without the authority of the relevant Parliament or Assembly. Legislation is needed to ensure that any proposed designation (or removal) of any of the 21 NPM members is subject to Parliamentary accountability and/or has to be confirmed by legislation (perhaps in a statutory instrument to enable some flexibility), creating transparency.

#### Key features requiring inclusion in legislation for the NPM:

##### *Recognition of the prevention of ill-treatment and the NPM role for the 21 NPM members*

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<sup>8</sup> The UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, set up by OPCAT, has produced "Guidelines on National Preventive Mechanisms". Guideline 7 States: "The mandate and powers of the NPM should be clearly set out in a constitutional or legislative text." See also the detailed commentary on Article 18 in the definitive textbook on the subject "The United Nations Convention Against Torture and Its Optional Protocol", 2<sup>nd</sup> ed. Manfred Nowak, Moritz Birk and Giuliana Monina, OUP, 2019, page 890.

<sup>9</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.

<sup>10</sup> MOJ, August 2020, Strengthening the Independent Scrutiny Bodies through Legislation consultation, page 7,

<https://consult.justice.gov.uk/digital-communications/strengthening-the-independent-scrutiny-bodies/consultation/>, [accessed 29/09/2020]

<sup>11</sup> The UN Sub-Committee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment states in its "Preliminary Guidelines for the Ongoing Development of National Preventive Mechanisms": "(a) The mandate and powers of the national preventive mechanism should be clearly and specifically established in national legislation as a constitutional or legislative text."

12. It is important that the Government mirrors its own international duties which result from the ratification of OPCAT in the relevant national laws setting out the NPM members essential role. The functions and powers that should be granted to the NPM are listed in OPCAT Articles 17 to 23.<sup>12</sup> In particular, the UK Government should ensure the duty to examine the treatment of persons deprived of their liberty with a 'view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment' (Art. 19) is included in each of the members' statutes (or is achieved by an equivalent of the approach taken in New Zealand).<sup>13</sup> Such changes will of course require further discussion and consultation with each of the NPM members.
13. The NPM believes that the legislative framework of the NPM in New Zealand, which is also a multi-body organisation, is a possible example that could be followed.<sup>14</sup> The New Zealand Crimes of Torture Act 1989 (as amended in 2006) sets out the bodies designated to be NPM members (the designation of these bodies is also set out via the New Zealand Gazette). The Act sets out the key functions and powers of the NPM, mirroring the essential provisions of OPCAT, that each designated NPM member needs to have. This option would require further exploration with lawyers in the UK context, but it does provide a useful example of enshrining a multi-body NPM in legislation.

#### *A collaboration and joint-action provision*

14. Given the overlapping and complex mandates of the 21 members, a power and duty to collaborate with each other and to take joint action should also be included to ensure members work together for the effective discharge of the overall NPM mandate.<sup>15</sup> A joint-action provision should reflect current NPM member practice, including joint inspections and other actions designed to protect those in detention.<sup>16</sup> A joint-action provision would also enable and encourage thematic work and business planning across the NPM Chair and Secretariat, the 21 members and the four nations. Any legal provisions should be drafted to ensure that this cooperation relates only to the promotion of the prevention of ill-treatment/strengthening the protection of those detained against ill-treatment role (i.e. the collective exercise of Article 19 of OPCAT).

#### *Recognition of the UK wide coordination function*

15. Given the complexity of the UK's NPM – 21 members in four nations – any legislation for the NPM must recognise the need for UK-wide coordination (currently carried out by the NPM Chair and Secretariat).
16. The current functions of the NPM Chair and Secretariat include:
  - drawing together the work of NPM members to assist them with the exercise of their Article 19 mandate, reporting to, and engaging with, governments on themes across detention settings or which cut across government departments or national boundaries;

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<sup>12</sup> See Annex I

<sup>13</sup> Article 19 allows the NPM to regularly examine the treatment of persons deprived of their liberty; to make recommendations about treatment and conditions, including with a view to strengthening protections against ill-treatment; and to submit proposals and comments on legislation. For some members, it may be necessary to ensure that this reference only relates to the exercise of their NPM functions and not their wider functions.

<sup>14</sup> Crimes of Torture Act 1989, <http://legislation.govt.nz/act/public/1989/0106/latest/DLM192818.html>

<sup>15</sup> See S.28, 39, 30 and 31 of amending legislation, the Police and Justice Act 2006. The Act enables joint working between Her Majesty's Chief Inspector of Prisons, Her Majesty's Chief Inspector of Constabulary, Her Majesty's Chief Inspector of the Crown Prosecution Service, Her Majesty's Chief Inspector of the National Probation Service for England and Wales, and Her Majesty's Chief Inspector of Court Administration.

<sup>16</sup> Joint work between NPM members already occurs in many cases, but there is not always a legislative framework in place for this collaboration.

- promoting an understanding of OPCAT among NPM members and their staff and supporting NPM members to carry out their OPCAT mandate, including in discussions with detention authorities;
- promoting good practice and providing human rights expertise to members in the prevention of ill-treatment;
- encouraging collaboration on issues of common concern;
- cooperating with other persons and bodies interested in the prevention of ill-treatment within the UK and internationally;
- promoting UK NPM methodology and practices with other NPMs, international bodies like the UN and Council of Europe and governments around the world;
- advising NPM members on new approaches to monitoring places of detention from other NPMs in other countries;
- representing the NPM with authorities and Parliaments in the UK;
- representing the NPM internationally, including to the various UN treaty bodies; and
- preparing the annual report and other publications.

All these functions should be recognised in legislation to strengthen the UK's multi-body, four-nation NPM and allow all the Parliaments and the Assembly in the UK to hold it to account.<sup>17</sup>

17. At present the Chair has only a very informal job description and only internally facing systems of accountability. The NPM Chair is currently appointed by the 21 members from outside of the NPM membership but was recruited by a public and transparent recruitment process. This process was designed so that the Chair is independent of the 21 NPM members to ensure no one approach to monitoring is given preference. Any appointment process for the NPM Chair would need to be guided by the principles of integrity, openness and fairness akin to Cabinet Office principles for public appointments.<sup>18</sup>
18. The NPM Secretariat are employed and line-managed directly by HMI Prisons and funded by a specific budget provided for the purpose by the MOJ. In addition, the Scottish Government funds a part time post, seconded from HMIPS, to assist the NPM's work in Scotland and as a general contribution to the UK-wide work.

#### *Laying the NPM annual report in Parliament*

19. Legislative recognition should include a duty on the NPM to produce an annual report for Parliament. At present, the MOJ checks the accuracy of the draft annual report and itself lays the report in Parliament.<sup>19</sup> While it is appropriate that authorities check for factual accuracy, legislation should provide for a more independent process whereby the NPM presents the report to Parliament directly. The current arrangement makes it more difficult for Parliament to properly consider the findings of the NPM and the lack of formal accountability to Parliament makes it more challenging for the public, stakeholders or civil society organisations to engage with the NPM or to hold it to account.<sup>20</sup>

#### *Functional independence*

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<sup>17</sup> The UN Sub-Committee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, "Guidelines on National Preventive Mechanisms" states: "8. The operational independence of the NPM should be guaranteed." And at: "26. The State should ensure that both members of the NPM and its staff enjoy such privileges and immunities as are necessary for the independent exercise of their functions." These provisions need to apply both to the NPM coordination role and to each of the 21 members.

<sup>18</sup> See section 2 of the Cabinet Office Governance Code for Public Appointments

<sup>19</sup> In practice, the draft Annual Report goes to the MOJ for factual accuracy checks and "sign-off" by ministers to lay in Parliament, an obvious conflict of interest.

<sup>20</sup> It is understood that the overall work of the NPM itself has never been debated by the UK parliament or been considered by the Joint Committee for Human Rights.

20. Article 18 of OPCAT states that the State Party guarantee the functional independence of the NPM. Legislation should ensure that the UK wide coordination function has a statutory guarantee of independence. At present, the NPM Secretariat is sponsored by the MOJ (via HMI Prisons). However, whether this is the best option for the NPM Secretariat in the long-term will require further discussion, despite the importance of the help that MOJ officials provide to the NPM in practice.<sup>21</sup>

#### Role of wider UK Government departments and the devolved administrations in the UK

21. Legislation for the NPM as a whole needs to extend to England, Northern Ireland, Scotland and Wales. As the NPM is made up of bodies who work across the UK and/or only in one or two nations – some of whom operate under devolved legislation – any legislation for the NPM would need to be supported by consent motions from the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly or by separate and parallel provisions.
22. The MOJ must also work cross-departmentally in its consideration of how the NPM should be placed on a statutory footing. The NPM is responsible not just for those in detention in prisons and court custody (MOJ responsibilities), but also immigration and police custody (Home Office responsibilities) and detentions in hospitals, care homes and secure children's homes (Department of Health and Social Care, Department for Education and local authority responsibilities).

#### Support for stronger statutory footings for other Arms-Length Bodies.

23. The NPM supports plans to put the Prisons and Probation Ombudsman, HMI Prisons, the Independent Monitoring Boards and the Lay Observers on a stronger statutory footing to ensure their independence and effectiveness as detention scrutiny bodies.

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<sup>21</sup> See the difficulties confronting bodies sponsored by the MOJ: (i) the Criminal Cases Review Commission (CCRC), "The relationship between the CCRC and MoJ... was very poor during this period, even dysfunctional. The poverty of this relationship undoubtedly tested the CCRC's ability to remain independent of MoJ, and to be seen to be so. It is no surprise that a judicial review was issued in 2018, seeking the Court's view of these and related matters." Paragraph 81, R (Gary Warner) v Secretary of State for Justice, Divisional Court, 15 July 2020. (2) The Parole Board, "We consider, however, that the intervention of the sponsoring Minister and his Department in relation to the exercise of the functions of the Parole Board has gone beyond those necessary or appropriate to the sponsoring relationship and that the sponsoring arrangements have contributed to the perception that the Board is not independent." Paragraph 92, R (Brooke and others) v The Parole Board and the Lord Chancellor and Secretary of State for Justice, Court of Appeal, 1 February 2008.

## Annex I

### EXTRACT, THE OPTIONAL PROTOCOL FOR THE PREVENTION OF TORTURE

#### PART IV: National preventive mechanisms

##### Article 17

Each State Party shall maintain, designate or establish, at the latest one year after the entry into force of the present Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. Mechanisms established by decentralized units may be designated as national preventive mechanisms for the purposes of the present Protocol if they are in conformity with its provisions.

##### Article 18

1. The States Parties shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel.
2. The States Parties shall take the necessary measures to ensure that the experts of the national preventive mechanism have the required capabilities and professional knowledge. They shall strive for a gender balance and the adequate representation of ethnic and minority groups in the country.
3. The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms.
4. When establishing national preventive mechanisms, States Parties shall give due consideration to the Principles relating to the status of national institutions for the promotion and protection of human rights.

##### Article 19

The national preventive mechanisms shall be granted at a minimum the power:

- (a) To regularly examine the treatment of the persons deprived of their liberty in places of detention as defined in article 4, with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment;
- (b) To make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations;
- (c) To submit proposals and observations concerning existing or draft legislation.

##### Article 20

In order to enable the national preventive mechanisms to fulfil their mandate, the States Parties to the present Protocol undertake to grant them:

- (a) Access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;
- (b) Access to all information referring to the treatment of those persons as well as their conditions of detention;
- (c) Access to all places of detention and their installations and facilities;

(d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the national preventive mechanism believes may supply relevant information;

(e) The liberty to choose the places they want to visit and the persons they want to interview;

(f) The right to have contacts with the Subcommittee on Prevention, to send it information and to meet with it.

#### Article 21

1. No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the national preventive mechanism any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

2. Confidential information collected by the national preventive mechanism shall be privileged. No personal data shall be published without the express consent of the person concerned.

#### Article 22

The competent authorities of the State Party concerned shall examine the recommendations of the national preventive mechanism and enter into a dialogue with it on possible implementation measures.

#### Article 23

The States Parties to the present Protocol undertake to publish and disseminate the annual reports of the national preventive mechanisms.

## Annex II

### EXTRACT, COMMITTEE AGAINST TORTURE CONCLUDING OBSERVATIONS ON THE SIXTH PERIODIC REPORT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, JUNE 2019

#### National preventive mechanism

16. The Committee is concerned that while each of the 21 bodies that are members of the United Kingdom National Preventive Mechanism operate under their own statutory provisions, the Mechanism itself is not provided for in legislation and the legislation creating many of the member bodies does not refer to their mandate under the Mechanism. The Committee also remains concerned that the absence of legislation impedes the Mechanism's independence, notwithstanding action taken by the Mechanism to reduce its members' reliance on staff seconded from places of deprivation of liberty. Although the State party indicates that it will provide additional funds for the operation of the Mechanism, the Committee remains seriously concerned that the resources provided to it, particularly for its secretariat, are clearly inadequate, principally in view of the Mechanism's complex institutional arrangements (art. 2).

17. The State party should clearly set out in legislation the mandate and powers of the secretariat and members of the National Preventive Mechanism and guarantee their operational independence. It should ensure effective follow-up to and implementation of the Mechanism's recommendations, in accordance with the guidelines on national preventive mechanisms of the Subcommittee on Prevention of Torture and Other, Cruel, Inhuman or Degrading Treatment or Punishment (CAT/OP/12/5, paras. 6–8). The State party should also guarantee that the Mechanism's secretariat and member bodies receive sufficient resources to discharge their prevention mandate independently and effectively.

## Annex III

### EXTRACT, REPORT TO THE UNITED KINGDOM GOVERNMENT ON THE VISIT TO THE UNITED KINGDOM CARRIED OUT BY THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT) MAY 2020: Recommendations related to the UK NPM's legal status

#### The National Preventive Mechanism

7. The United Kingdom ratified the Optional Protocol to the United Nations Convention against Torture (OPCAT) in December 2003 and designated its National Preventive Mechanism (NPM) in March 2009. At the time of the delegation's visit, the NPM comprised 21 bodies, which together cover all places where persons are deprived of their liberty in the United Kingdom, and the majority of which have a wealth of monitoring experience dating back many years. The Chief Inspector of Prisons for England and Wales (HMIP) is tasked with co-ordinating the work of the NPM.

In England and Wales, these bodies include, inter alia, HMIP, which regularly inspects all prisons and young offender institutions across the country and the Independent Monitoring Boards (IMBs), which are present in every prison in England and Wales and which have a statutory duty to examine their administration and the treatment of prisoners. The Secure Training Centres are inspected jointly by HMIP and the Office for Standards in Education, Children's Services and Skills (Ofsted).

8. The CPT has long enjoyed very good co-operation with HMIP and other United Kingdom inspection bodies and, during the visit, the delegation met with several organisations that form part of the NPM. The CPT continues to pay close attention to wider discussions currently underway in the United Kingdom about the NPM's statutory basis, guarantees of independence and the need for sufficient resourcing of the NPM to ensure adequate compliance with the OPCAT. **It recommends that the authorities of the United Kingdom take such steps as may be necessary to ensure that the NPM is fully in compliance with OPCAT requirements, notably the requirement for statutory recognition of the NPM.**

The CPT notes, in this regard, that 2019 has also seen a visit to the United Kingdom by its global counterpart prevention body, the United Nations Sub-Committee on the Prevention of Torture (SPT). In order to avoid any duplication, ensure coherence and enhance the effectiveness of the CPT and OPCAT mechanisms in the United Kingdom, the CPT strongly encourages the United Kingdom authorities to make arrangements to ensure that the SPT, the CPT and the NPM are able to consult each other's visit reports, including reports to the State, even before their publication.

In doing so, the United Kingdom authorities should also ensure that the present and all future CPT reports on visits to the United Kingdom following their transmission to the authorities, and the corresponding government responses, following their transmission to the CPT, are made available to the Sub-Committee and to the NPM, on the condition that these reports and responses are treated as confidential until publication.<sup>3</sup>

9. The CPT wishes to place on record its appreciation of the initiative taken by the United Kingdom authorities to invite members of the NPM to be present when the delegation delivered its preliminary observations at the end of the visit.

Annex IV

EXTRACT, UN SUBCOMMITTEE ON PREVENTION OF TORTURE'S REPORT TO THE UK NPM

**This is at present confidential and will be published in due course.**