



**United Nations Subcommittee on Prevention of Torture's
report to the UK Government:**

UK National Preventive Mechanism (NPM) response

June 2021

Introduction

The UK's National Preventive Mechanism (NPM) is a network of [21 independent monitoring and inspection bodies](#) in England, Wales, Scotland and Northern Ireland whose role is to prevent ill-treatment in detention. The NPM was established in 2009 in accordance with the UK's obligations under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

In September 2019, the NPM worked with OPCAT's treaty body – the United Nations Subcommittee on the Prevention of Torture (SPT) – on their first ever visit to the United Kingdom. This was a historic moment, as the visit provided unprecedented scrutiny on both the NPM and the government in our roles to strengthen vital human rights protections for people in detention.

The NPM welcomes the SPT's report to the government on their 2019 visit, [published today](#). The report contains important observations and recommendations on several types of detention, mostly in England. These include prisons, police custody, immigration removal centres and court custody. The SPT also visited Bracton Centre, a forensic mental health unit in England, although they do not provide observations or recommendations on the centre in this report.

The COVID-19 pandemic has altered, and in many ways exacerbated, the issues facing people in detention from the SPT's visit in 2019. However, the SPT's expert insight from this time is a valuable reiteration of some continuing areas of concern in detention settings.

We are calling on the government to take swift action in response to the SPT's findings and recommendations. In particular, the NPM would like to echo the following SPT recommendations:

- Detainees in police custody should be made routinely aware and proactively offered access to all their rights and entitlements
- A national strategy should be implemented to increase the number of beds in psychiatric hospitals
- Segregation in prisons should only be used as a last resort and for the shortest possible period
- Serious consideration should be given to establishing a statutory time-limit for immigration detention

The UK NPM

The SPT has a unique role to advise and assist both State Parties and National Preventive Mechanisms on the exercise of their OPCAT duty to prevent torture and ill-treatment for people in detention or otherwise deprived of their liberty.

During their 2019 visit, the SPT noted concerns regarding the NPM's lack of legislation and made other comments and suggestions about the NPM and our 21 members. These were set out in its report to the NPM and are not dealt with again here. For more information, read the SPT's [report to the UK NPM](#) and [our response](#).

SPT findings on detention settings

The SPT's report to the government outlines their overall findings on the UK's detention system, bringing together evidence collected during their visits to places of detention as well as through consultation with NPM members, government agencies and civil society organisations.

Their overall findings include detail on the treatment of remanded prisoners, the need for a time-limit in immigration detention, concerns over the age of criminal responsibility in England and Wales and the impact of austerity on detention settings. The SPT also paid attention to the conditions in police custody, prisons, Young Offender Institutions (YOIs), Immigration Removal Centres (IRCs) and court custody.

A particularly troubling issue noted by the SPT is the over-representation of BAME people in the criminal justice system. As reported in the NPM's latest annual report, racial disproportionality is also an issue in mental health and social care detention. NHS data shows that in 2019-20 there were more than 50,893 new detentions under the Mental Health Act, with an estimated overall increase of 0.8% from the previous year. Among the five ethnic groups, known rates of detention for the 'Black or Black British' group were over four times those of the 'White' group.¹ NPM members continue to examine and report on equality and diversity in detention in their inspection and monitoring work.

Police custody

The SPT visited eight police stations during their visit to the UK.² While the SPT found the material conditions in police stations to be generally good, the NPM has concerns over the request culture identified by the SPT. The SPT found that access to showers, phone calls and other rights were provided only after a request was made by a detainee, rather than as a right. The enjoyment of these rights tended to be dependent on staff availability.

These findings confirm NPM concerns that too often detainees need to ask for elements of their care, such as showers, exercise and fresh air, rather than being proactively offered them by custody officers. For example, ICVA has received reports indicating a prevalent request culture in some police custody suites in England and Wales, particularly in regard to access to showers and handwashing facilities (where not available in cell) which are of critical importance during the COVID-19 pandemic. ICVA has also received some reports of detainees not being offered the opportunity to speak in private with a female member of staff on arrival in custody, as per PACE Code C 9.3a.³

In Scotland, HMICS and ICVS have found a similarly persistent request culture with variations across custody suites in the region.⁴ HMICS has however, noted evidence of some progress in this regard.

¹ UK NPM, February 2021, Monitoring Places of Detention, Eleventh Annual Report of the UK's National Preventive Mechanism, 1 April 2019 – 31 March 2020, https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0naq2nk8xk/uploads/2021/02/6.6949_NPM_AnnualReport_2019_20_WEB.pdf (see page 46)

² These were Livingston, Dalkeith, Bishopsgate, Merseyside, Greater Manchester and St. Anne's police stations. The SPT also visited Charing Cross police station with ICVA and St. Leonards police station with HMICS and ICVS.

³ Home Office, August 2019, Police and Criminal Evidence Act 1984 (PACE) CODE C Revised, Code of Practice for the detention, treatment and questioning of persons by Police Officers, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/903473/pace-code-c-2019.pdf (see paragraph 9.3a)

⁴ HMICS, October 2018, Inspection of custody centres across Scotland, <https://www.hmics.scot/sites/default/files/publications/HMICS20181019PUB.pdf>

In Northern Ireland, CJINI found that in 2020 custody records showed that only a quarter of all detainees had been offered a shower while there was no evidence of outdoor exercise being offered to any detainees and only limited evidence of reading materials being offered.⁵ These findings suggest a combination of detainees not being offered some elements of care as well as a lack of recording of detainee care.

Access to these rights, therefore, relies on detainees being aware of their entitlements and feel able to request them. HMICS in particular has expressed the need for an easier to read Letter of Rights in Scotland and has contributed to a recent consultation on this matter.

The NPM therefore echoes the SPT's recommendation that detainees be made routinely aware of all their rights and entitlements while in custody. Police forces should ensure that rights and entitlements are proactively and consistently offered throughout the detention period.

Prisons

The SPT delegation conducted visits to three prisons in England.⁶ A matter of serious concern to both the SPT and the NPM is the treatment of people with mental ill health in prisons. The SPT report on the high rates of "*chronic and acute*" mental ill health among the UK prison population given the high rates of self-harm and self-inflicted deaths in prisons. The SPT is also concerned that prisons are being used as a "*safe environment*" for individuals to prevent self-harm or harm to others while they await placement in a specialised psychiatric facility. The SPT recommends the government prioritise increasing the numbers of beds in psychiatric hospitals to prevent the use of prisons as a place of safety.

These are issues of continued concern for the NPM⁷ with members reporting on the cumulative impact on prisoners' mental health as a result of long periods of isolation due to COVID-19.⁸ The NPM welcomes the SPT recommendation that prisoners with severe mental-health conditions should not be placed in segregation units as an alternative to normal accommodation. We also support the recommendation that the government develop a comprehensive national policy and strategy to ensure appropriate access to health care and mental health-care services across the criminal justice system.

⁵CJINI, September 2020, Police Custody: The detention of persons in police custody in Northern Ireland, [Police Custody: The detention of persons in police custody in Northern Ireland \(cjini.org\)](#) [accessed 08/04/2021]

⁶ These were HMP Risley, Manchester and Altcourse.

⁷ In our Eleventh Annual Report we reported on concerns that too many prisoners with serious mental ill health issues were being segregated in prisons in England and Wales, often in extreme conditions for lengthy periods. IMB reported that four prisoners at HMP Woodhill were segregated for over 200 days, awaiting transfer either to the close supervision centres or to a mental health setting, while at HMP Lowdham Grange stays in segregation of over 100 days were recorded, with one prisoner still awaiting a mental health placement after 191 days. For more information see UK NPM, February 2021, Monitoring Places of Detention, Eleventh Annual Report of the UK's National Preventive Mechanism, 1 April 2019 – 31 March 2020, https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2021/02/6.6949_NPM_AnnualReport_2019_20_WEB.pdf

⁸ UK NPM, July 2020, UK NPM Submission to the Joint Committee on Human Rights Inquiry on the Government's Response to COVID-19: human rights implications, <https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2020/07/UK-NPM-Submission-JCHR-re-C19-website.pdf>

While we note the recent announcement in the Mental Health Act White Paper that prisons should not be used as a place of safety in England and Wales,⁹ we urge all governments and assemblies across the UK to give high priority to increasing the number of beds in psychiatric hospitals, alongside evidence-based, robust alternatives to inpatient care. It is the NPM's view that this will go some way to addressing the levels of unmet mental health need identified by the SPT.

Further, the SPT highlight their alarm over the long-term segregation of prisoners, including those with mental ill health. The SPT met with prisoners on segregation who in some cases had been segregated for periods of up to two months and were permitted just 30 minutes out of their cell per day. According to prisoners interviewed by the SPT, the safeguards needed to prevent such long-term segregation was “insufficient”. The NPM supports the SPT's recommendations that segregation should only be used as a last resort and for the shortest possible period.¹⁰

Young Offender Institutions (YOIs)

The SPT visited HMYOI Cookham Wood with HMI Prisons on their visit to the UK. On this visit the SPT were concerned to find that some children in Cookham Wood were kept in their cells for 23 and a half hours a day. They also found instances whereby complaints were not fully addressed or appropriately inclusive of children.

The SPT call on the government to fully implement past HMI Prisons' recommendations on Cookham Wood, which at the time of the SPT's visit included recommendations that the segregation unit should not routinely be used for constant supervision and that alternatives to segregation should be identified to reintegrate children who have been segregated for extensive periods.¹¹ NPM members are also keen highlight the need to improve standards more broadly across the youth custody estate.¹²

Immigration Removal Centres (IRCs)

The SPT is concerned at the government's lack of progress in establishing a time-limit for immigration detention. As a result, the SPT is concerned that migrants are being held in *de facto* indefinite detention with possible implications on their mental health. The SPT also state that migrants should only be detained as a last resort and for the shortest possible time.

Previous recommendations urging the government to consider establishing a statutory time-limit on immigration detention have been made by the UN Committee Against Torture (CAT)¹³ and many civil

⁹ UK Government, January 2021, Reforming the Mental Health Act, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951398/mental-health-act-white-paper-web-accessible.pdf

¹⁰ For more information, see UK NPM, January 2017, *Guidance: Isolation in Detention*, <https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2017/02/NPM-Isolation-Guidance-FINAL.pdf>

¹¹ HMI Prisons, April 2019, Report on an unannounced inspection of HMYOI Cookham Wood (10-20 December 2018), https://www.justiceinspectorates.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2019/04/Cookham-Wood-Web-2018_v2.pdf

¹² HMI Prisons Children in Custody 2019–20 An analysis of 12–18-year-olds' perceptions of their experiences in secure training centres and young offender institutions <https://www.justiceinspectorates.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2021/02/CYP-report-2019-20-web.pdf>

¹³ UNCAT, June 2019, Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland, page 12.

society organisations.¹⁴ The NPM stated in its 2019 submission to CAT that a time-limit for immigration detention should be implemented.¹⁵ NPM members such as the IMB continue to report on this absence. Their latest annual report on the immigration detention estate shows that, positively, periods in detention have reduced, with 74% of detainees leaving within 28 days. However, the IMBs still found migrants spending lengthy periods in detention, in some cases even after a claim to be a victim of torture has been accepted.¹⁶ We call on the government to give serious consideration to the SPT's recommendation to establish a statutory time-limit in immigration detention.

During their 2019 visit, the SPT visited Dungavel House Removal Centre in Scotland and Heathrow Removal Centre with the IMB. They found the short notice given to detainees regarding their removal dates had a real impact on their mental health. While the overall number of migrants detained in IRCs has fallen¹⁷, the IMB continue to report on the mental health impact of the Home Office's removal process. In evidence to the Home Affairs Select Committee, the IMB at Brook House and the IMB Charter Flight Monitoring Team stated the process of removals was having extreme effects on migrant's mental health and contributed to a rise in self-harm in some IRCs. The IMBs stated that the cumulative effect of this resulted in inhuman treatment.¹⁸

The SPT's report also discusses concerns around the provision of healthcare in IRCs. The IMBs have, in recent months, found improvement to healthcare provision in some centres. However, the concern about migrant's mental health remains, as do concerns around the operation of the Home Office's Adults at Risk policy¹⁹, with high proportions of detainees being put under self-harm and suicide prevention plans and other vulnerable people being placed in detention.²⁰

¹⁴ Redress, March 2019, The UK's Implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment, Civil society alternative report, https://redress.org/wp-content/uploads/2019/05/UK-Implementation-of-UNCAT_REDRRESS_March2019_Web.pdf

¹⁵ UK NPM, United Kingdom National Preventive Mechanism submission to the 66th session of the Committee against Torture, https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2019/03/UK-NPM_Submission-to-CAT-66.pdf

¹⁶ IMB, Independent Monitoring Boards in the immigration detention estate: Annual Report for 2019 <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2020/10/IDE-National-Annual-Report-for-publication.pdf>

¹⁷ IMB, Independent Monitoring Boards in the immigration detention estate: Annual Report for 2019 <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2020/10/IDE-National-Annual-Report-for-publication.pdf> (see paragraph 6). There was also a significant decrease in the numbers of people detained in IRCs as a result of the COVID-19 pandemic in 2020. According to Home Office statistics, at the start of May 2020 there were 313 people detained in the detention estate. This compares to 1,278 at the end of December 2019 and 555 at the end of March 2020. See Home Office, Official Statistics: Statistics relating to COVID-19 and the immigration system, May 2020, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/887808/statistics-relating-to-covid-19-and-the-immigration-system-may-2020.pdf

¹⁸ Letter from Mary Molyneux, Chair, Brook House Independent Monitoring Board and Lou Lockhart-Mummery, Chair, IMB Charter Flight Monitoring Team to Chris Philp MP regarding the Impact of Dublin Convention Charter Flights On Detainees, <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2020/12/Letter-to-Minister-Charter-Flights-EU-Impact.pdf>

¹⁹ The Adults at Risk aims to assess whether a person being considered for immigration detention is particularly vulnerable to harm and strengthen their presumption against detention. The latest Adults at Risk policy guidance is available here https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/919791/adults-at-risk-policy-v5.0ext.pdf

²⁰ IMB, Independent Monitoring Boards in the immigration detention estate: Annual Report for 2019 <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2020/10/IDE-National-Annual-Report-for-publication.pdf>

Court custody

The SPT joined the Lay Observers on a visit to Westminster Magistrates Court. In their report, the SPT highlight concerns which have been previously reported by the Lay Observers.²¹

For example, the SPT found that escort records were often not completed accurately or consistently to include information about a detainee's vulnerabilities, such as their risk of self-harm. The SPT also identified a lack of interface between police, prison and court computer systems. Due to their concerns, the Lay Observers will focus on this issue in their next round of remote monitoring. According to the SPT, such poor documentation often prevents appropriate risk-assessments being carried out and can lead to all detainees being treated as a possible risk to staff or themselves. In some cases, the result has been an unnecessary use of restraint. The SPT witnessed one case in which a child was handcuffed and escorted by three officers.

The SPT recommend that the government implement past Lay Observer recommendations on Westminster Magistrates Court. Positively, the Lay Observers report on better, more respectful treatment of detainees at Westminster since the SPT's visit.

Conclusion

The NPM sincerely hopes the government considers the SPT's many recommendations and we trust that both the government and UK detention authorities will take swift action in response to this report.

We look forward to working with the SPT and the government to continue reporting on the situation for people in detention and deprived of their liberty with a view to strengthening protections against torture and ill-treatment.

²¹ Lay Observers, August 2020, Lay Observers Annual Report 2019-20, <https://s3-eu-west-2.amazonaws.com/layobservers-prod-storage-nu2yj19yczbd/uploads/2020/08/LO-2019-2020-Annual-Report-Final-2.pdf>