Module 6. National Preventive Mechanism

6.1 Mechanism for monitoring prison conditions

These materials will help participants to understand the role of the The National Preventive Mechanism (NPM) in preventing torture and the relationship between National Preventive Mechanisms (NPM) and Civil Society Organizations.

Each country that is a party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (OPCAT) is required to establish its own National Preventive Mechanism (NPM).

There is no single, centralized NPM that applies universally to all countries. Instead, each country sets up its own independent body or mechanism to fulfill the obligations outlined in OPCAT. The specific structure and functions of NPMs may vary from one country to another, but the overarching goal is to safeguard human rights within places of detention.

NPM is a framework established to prevent and monitor the ill-treatment and abuse of individuals who are deprived of their liberty, particularly those in detention or under the control of the state. The NPM is often associated with efforts to prevent torture, cruel, inhuman, or degrading treatment or punishment, and it is based on the principles outlined in the OPCAT.

The NPM typically consists of a network of independent bodies, such as national human rights institutions, ombudsman offices, and other organizations, responsible for conducting regular and unannounced visits to places where people are deprived of their liberty. These visits aim to assess the conditions of detention, the treatment of detainees, and whether human rights standards are being upheld. By monitoring places of detention and raising awareness about the rights of detainees, the NPM seeks to prevent instances of abuse or torture.

NPMs make recommendations to the relevant authorities (such as ministries, police headquarters, prison headquarters, and management in places of deprivation of liberty) on improving the treatment and condition of persons deprived of their liberty, and submit proposals and observations on existing or draft legislation.

NPMs also held an educational function which includes participation in training and development of educational and awareness-raising programmes in schools, universities and professional circles; and examination of the curricula of educational institutions to ensure that education and information on the prohibition of torture is included in the training of law enforcement personnel, civil or military personnel,

medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subject to any form of detention.

The establishment of NPMs is a crucial step in implementing international obligations to prevent torture and protect the human rights of detainees. It is an important mechanism for promoting transparency, accountability, and the protection of the rights and dignity of individuals deprived of their liberty.

This is UNHR practical guide about preventing torture

6.2 National Preventive Mechanism and civil society organisations

Civil Society Organizations (CSOs) play an important role in the prevention, monitoring and combating of torture, and assisting victims in many countries. CSOs comprise different actors, including non-governmental and professional organizations (medical or bar associations, etc.), and communication and collaboration between NPMs and CSOs has been crucial in torture prevention.

Civil society organizations can conduct a study or inventory of existing national monitoring bodies and detention facilities in the country. This information helps assess the strengths and weaknesses of existing bodies in meeting OPCAT's minimum requirements, identify gaps in detention facility coverage, and estimate the necessary human and financial resources for a future NPM.

In addition to organizing national seminars, round-tables, and participating in OPCAT working groups, regional events have proven valuable in implementing OPCAT. These events allow states facing common challenges to share strategies and experiences in the process of ratifying and implementing OPCAT. Civil society plays a crucial role in convening relevant stakeholders to exchange information about national efforts to establish visiting mechanisms. Regional exchanges encourage discussions on best practices, and the pressure created among participating states can jump-start national processes. However, regional events may have less in-depth analysis due to their broader geographic scope, and they are most effective when national processes are already underway.

Learn more about civil society and National Preventive Mechanisms

Civil Society's Role Beyond the NPM

Civil society organizations can play various crucial roles in relation to the National Preventive Mechanism (NPM), even if they are not formal NPM members. Their functions include:

- **Participation in NPM appointments**

Practical experience shows that transparent appointment processes involving genuine consultation with civil society are essential. Transparency and independence in member selection are critical. The degree of civil society involvement varies. For example, in Honduras, draft NPM legislation suggests a role for civil society in the appointment process, with a representative selected by relevant non-governmental organizations.

- **Collaboration with NPMs**

Civil society organizations are valuable sources of information for NPMs and the UN Subcommittee on Prevention of Torture (SPT). Organizations with access to detention facilities or specific expertise can exchange valuable information. Civil society's experience in detention facility monitoring can help improve NPM working methods. Civil society can also distribute and discuss NPM findings and recommendations and monitor their implementation, actively supporting NPM work. Moreover, civil society can enhance NPM members' qualifications through professional training and capacity building.

- **Civil society as watchdogs**

Civil society has a dual role as watchdogs, ensuring NPMs meet OPCAT criteria and monitoring state responses to NPM recommendations. Civil society should scrutinize NPM members' suitability, working methods, program, regularity, findings, and recommendations. Furthermore, it is crucial for civil society to monitor the state's constructive engagement with the NPM, as ratifying OPCAT implies an obligation to enter into a dialogue. Civil society should also safeguard the NPM's integrity, independence, authority, and effectiveness, preventing any actions that undermine these crucial aspects or hinder civil society organizations from monitoring detention facilities.

Country example: Kazakhstan NMP

Kazakhstan follows "the Human Rights Commissioner PLUS" model, incorporating a national preventive mechanism against torture (NPM) for safeguarding human rights. The NPM conducts independent monitoring through planned and special visits to prison facilities (Penal Reform International, 2013). Since 2014, the NPM has been established in all regions, with its members visiting prisons to monitor independently and propose improvements in prisoner care and uphold their basic social rights. Each regional NPM branch includes a head and two to three employees who can visit penitentiary institutions upon request from relatives or based on prisoners' appeals.

References

Penal Reform International, 2013