



OSCE Human Dimension Implementation Meeting 2011:

**Statement Issued by
Penal Reform International (PRI)**

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In response to torture and ill-treatment still being pervasive across the globe, in 2003 the international community adopted the Optional Protocol to the Convention Against Torture (OPCAT) in order to fill the gap of a preventive mechanism which would, by way of regular unannounced visits to places of detention, detect structural deficiencies resulting in torture and ill-treatment and overcome impunity for such human rights violations.

To this end, OPCAT for the first time introduced an innovative two-tier approach of a national and an international system of regular visits to all places where people are deprived of their liberty.

Until then, and in many countries until today, non-governmental organisations stepped into the breach in order to fulfil the crucial role of visits to places of detention.

On the occasion of the 2011 ODIHR Human Dimension Implementation Meeting, Penal Reform International (PRI) would therefore like to emphasize the importance of involving civil society in the designation of National Preventive Mechanisms (NPMs) and to preserve their crucial role in the prevention of torture once an NPM has been established.

PRI notes with concern that on occasion the creation of an NPM has resulted in the exclusion of non-governmental organisations from places of detention, which they had previously monitored. PRI would like to stress that OPCAT does not envision for NPMs to constitute the exclusive body/ies monitoring places of detention.

Rather, NGOs and other actors of civil society play an important role in supplementing national preventive mechanisms, providing valuable information and increasing the frequency of visits. Their information can guide the NPM's plan of visits and ensure its prompt intervention in cases of contingency which may otherwise escape the notice of a mechanism that is, primarily, set up to introduce a system of regular visits with a focus on prevention.

Furthermore, civil society has got a role to play in monitoring the functioning and independence of NPMs, thereby ensuring the mechanism's credibility, as well as in pursuing the implementation of its recommendations. In order to fulfil this crucial role, non-governmental organisations need to be granted access to places of detention.

In conclusion, PRI would like to emphasize that the co-existence of NGOs monitoring places of detention alongside an NPM does not jeopardize, but rather enhance the efficiency of the preventive mechanism at the very heart of OPCAT.

PRI would like to recommend to states parties:

- To consult with civil society prior to the establishment and designation of National Preventive Mechanisms and give due weight to their recommendations with regard to its design;
- To ensure institutional, personal and financial independence of the mechanism, in particular through appropriate procedures of appointment of its members in accordance with Paris Principles;
- To ensure sufficient resources in order for the NPM to be able to uphold the necessary frequency of visits to all places where people are deprived of their liberty across the country;
- To continue granting NGOs access to places of detention, beyond the establishment of an NPM;
- For the Russian Federation and Tajikistan to ratify the Optional Protocol to the Convention Against Torture and to establish an independent NPM, following genuine consultation with civil society. The following other OSCE member states have also not ratified yet: Andorra, Austria, Belarus, Belgium, Canada, Finland, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Norway, Portugal, San Marino, Slovakia, Turkey, Turkmenistan, USA, Uzbekistan.
- For Kazakhstan to reconsider the transfer of the penitentiary institutions to the authority of the Ministry of Internal affairs from the Ministry of Justice and grant full access to civil society to the places of deprivation of liberty, to finalise the draft law on NPM and to include all places of deprivation of liberty in the mandate of the NPM including orphanages, psychiatric hospitals and boarding schools.
- For Kyrgyzstan to adopt the law on NPM and envisage sufficient state funding for its independent and professional functioning.
- For Ukraine to renew the process of discussion of the draft law on NPM in the Parliament and undertake close consultations with civil society.

End

Penal Reform International (PRI) is an international non-governmental organisation working on penal and criminal justice reform worldwide. PRI has regional programmes in the Middle East and North Africa, Central and Eastern Europe, Central Asia and the South Caucasus. To receive our monthly newsletter, please sign up at <http://www.penalreform.org/keep-informed>.