



Statement – UK NPM response:

- **Report to the UK Government on the visit carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 27 March-6 April 2023¹**
 - **Response of the UK Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment²**
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The UK NPM and the UK have enjoyed a long and constructive relationship with the CPT.

We take their findings seriously and respect their expertise and international perspective.

The UK NPM was happy to read the CPT's findings of good practice and that the CPT received no indications of deliberate physical ill-treatment by custodial staff in any of the sites visited.

We are concerned to see in the UK Government response that they contest much of the content of the CPT's report.

Our own findings broadly corroborate the work of the CPT, in particular in areas of lengthy and uncertain time-periods of detention, detention of vulnerable people, and mental health transfers.

The CPT found that good practice in the immigration estate is undermined by uncertainty of length of detention, and the use of prison-like centres in some cases. The NPM has also found broader concerns about the pace of the Home Office to make decisions in many cases, with some detainees with very complex needs detained for far too long (not least because of the challenge of finding suitable provision in the community). Indefinite detention can cause high levels of mental and physical ill-health, and the lack of a time limit is cited by detainees as affecting their wellbeing. Monitoring visits find that indefinite periods of detention, alongside a lack of information on the progress of individual cases, has significant negative impacts on health and wellbeing of those effected.³ NPM findings show that detainees are being held for too long, particularly detainees for whom there do not appear to be realistic chances of deportation taking place.⁴

The UK responds that the introduction of a time limit would “seriously constrain [their] ability to maintain the right balance and uphold the integrity of the immigration system”. In addition, it states qualifies reforms made to immigration detention to keep detention to a minimum and in dignified conditions against the aim of “tackling abuse of the asylum system”. The NPM notes that the prohibition on torture, cruel or degrading treatment and punishment is absolute; if conditions amount to ill-treatment, there is no available justification.

¹ 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 27 March to 6 April 2023 ([coe.int](https://www.coe.int/t/k/eng/legat/uk/visits/visits_2023/visits_2023_en.asp))

² Response of the United Kingdom Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to the United Kingdom from 27 March to 6 April 2023 ([coe.int](https://www.coe.int/t/k/eng/legat/uk/visits/visits_2023/visits_2023_en.asp))

³ Immigration Detention Estate National Annual Report 2022, IMB ([imb.org.uk](https://www.imb.org.uk))

⁴ HMI Chief Inspector of Prisons for England and Wales Annual Report 2022–23 – HMIP ([justiceinspectorates.gov.uk](https://www.justiceinspectorates.gov.uk))

In addition, the Illegal Migration Act and the Agreement with Rwanda, which posed multiple concerns to the Committee, have now become law. The impacts of Illegal Migration Act are yet to be assessed in future scrutiny visits.

NPM members' findings from the last year align with the CPT's recommendations concerning delays and poor communication regarding provision of bail accommodation in the community, leaving people in detention for weeks or months while waiting for accommodation decisions.⁵ The CPT expressed concern about the application of Detention Centre Rule 35 concerning identification of vulnerable detainees, and the NPM has also observed poor implementation of the Detention Centre Rules.⁶

The CPT recommends a 14-day deadline to complete mental health transfers from IRCs to a secure mental health facility. While the UK response refers to the Draft Mental Health Bill, the NPM is concerned that action on this Bill has been suspended. Across detention settings, the 28-day deadline recommended by NHS guidance is missed and detainees spend too long waiting for transfer.⁷

Identifying concerns is the first step to fixing them. It is worrying to see the UK response has not grasped this opportunity.

We will release a substantive statement in due course.

⁵ Annual Report of the Independent Monitoring Board at Heathrow Immigration Removal Centre for reporting year 1 January 2022- 31 December 2022, IMB (imb.org.uk)

⁶ Annual Report of the Independent Monitoring Board at Heathrow Immigration Removal Centre for reporting year 1 January 2022- 31 December 2022, IMB (imb.org.uk)

⁷ The long wait: A thematic review of delays in the transfer of mentally unwell prisoners by HM Chief Inspector of Prisons February 2024 (justiceinspectorates.gov.uk)