

# **Prevention of ill treatment in places where people are deprived of their liberty**

**Suggestions for leaders and managers  
in NPM organisations**



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# Contents

1. Introduction	2
2. Understanding ill treatment prevention	3
2.1 Why is ill treatment an issue?	3
2.2 What does preventing ill treatment mean?	3
3. The role of leadership in taking a preventive approach to monitoring	4
3.1 Embracing the framework of prevention as an overarching strategic objective	4
3.2 Skills needed for an effective preventive approach: recruitment, induction and training	5
3.3 Methodologies of visits	7
3.4 Data and information flow within and across NPMs	10
4. Communication and awareness raising as a form of prevention	13
5. Further resources	14
Annex: The NPM	15

# 1. Introduction

This guidance develops thinking about how leadership and management at all levels within national prevention mechanism (NPM) organisations can strengthen the prevention of torture and other cruel, inhuman or degrading treatment or punishment (for ease of reference, 'ill treatment') in detention settings (for ease of reference, 'detention' or 'detained').

Some NPM organisations will focus solely on places of detention. For others, it will be part of a larger remit. This guidance explains the specific issues and approaches in a detention setting. It makes suggestions to support and complement the pre-existing statutory remits of organisations mandated to monitor or inspect places of detention. It seeks to emphasise and strengthen the actual and perceived independence of NPM organisations and to guard against overfamiliarity with detention environments, which can normalise poor practice on the part of those who regularly visit them.

For prevention of ill treatment to become a reality, it is a focus that needs to inform all aspects of how an NPM organisation operates. This includes:

- influencing an NPM organisation's overall purpose, strategic direction, processes and visit methodology,
- shaping how information flows and is managed within the organisation
- informing engagement and communication with external stakeholders, including on its recommendations and their implementation.

## 2. Understanding ill treatment prevention

### 2.1 Why is ill treatment an issue?

People who are deprived of their liberty are at risk of human rights violations just by virtue of being detained. There is an imbalance of power between those who are detained and those who look after them, as the former are reliant on the latter for their basic needs and to ensure their rights are respected. There is also limited external scrutiny of how closed environments operate, which independent monitoring and inspection aims to mitigate.

### 2.2 What does preventing ill treatment mean?

The prevention of ill treatment is forward-looking. It is primarily about making interventions and encouraging continuous improvement to create an environment where ill treatment is less likely to happen. It looks beyond the stated purpose of, or the terminology associated with, certain practices and examines what happens in practice to people who are detained. Its focus is on preserving human dignity in places of detention in the broadest possible sense. It requires the monitoring or inspecting organisation to take a holistic approach that is rooted in principles of fairness, respect, equality, dignity and autonomy. This involves several aspects, such as:

- identifying systemic root causes of ill treatment including in laws, policies, practices and culture
- considering the impact of organisational culture in places of detention on those who are detained – the behaviours, attitudes, values, beliefs, assumptions, and formal and informal systems that influence the behaviour of those within it
- identifying and addressing the highest areas of risk – moments of high risk, people at high risk and practices of high risk
- fostering dialogue and co-operation among a wide range of stakeholders who have a part to play in creating a safe, respectful environment for those who are detained
- engaging with detained people, as well as others who work in and visit the detention facility, and seeking their experiences and concerns
- ensuring there are independent and effective oversight mechanisms – providing an external check to help identify areas of risk
- understanding the prevalence and effects of trauma and discrimination and adjusting practice to recognise this

### 3. The role of leadership in taking a preventive approach to monitoring

#### 3.1 Embracing the framework of prevention as an overarching strategic objective

##### **Prevention as integral to the NPM mission**

In order for the prevention of ill treatment to inform the work of NPM organisations in practice, the leadership and management within NPM organisations at all levels needs to be committed to a human rights-based approach to their work. As designated NPM organisations – and therefore implementing part of the UK's treaty obligations under the UN Convention Against Torture – this means putting respect for human dignity and the rights of all people at the heart of their statutory mission.

An important aspect of this is ensuring that all processes, standards, expectations, visit forms, policies and methodologies reflect a focus on prevention of ill treatment. Connections between this and other statutory responsibilities, such as safeguarding, must be understood throughout the organisation.

##### **Dialogue with authorities can prevent ill treatment**

Dialogue with authorities at all levels is integral to a preventive approach. Developing relationships with the authorities over time through verbal, written, formal and informal means, while maintaining independence, enables the NPM organisation to build mutual respect and trust and ultimately influence change.

### **Strategic relationships with other stakeholders are crucial to the prevention of ill treatment**

Many professionals and organisations have an important role to fulfil in detention facilities which is relevant to prevention of ill treatment. These include social workers, health providers, drug and alcohol services, lawyers, advocates, civil society organisations (including those reflecting the lived experience of people who have been detained) and faith organisations, as well as other oversight bodies such as Ombudspersons and complaints bodies. They are also important sources of information about practice that may lead to or evidence ill treatment.

An NPM organisation will need to develop working relationships with such stakeholders, as well as with other NPM organisations, built on trust, credibility and mutual respect. Everyone should have a clear understanding of the individual NPM organisation's overarching objectives – to help develop a bulwark against ill treatment. One NPM organisation has described this as a 'network of safety'.

### **3.2 Skills needed for an effective preventive approach: recruitment, induction and training**

#### **Recruitment of monitors and inspectors with a wide range of skills, abilities and aptitudes**

A critical aspect of a preventive approach is the skill, ability and aptitude of all those working within the NPM organisation, in particular monitors or inspectors. They should apply a human rights lens in their work and take a holistic, independent-minded and comprehensive approach to visiting places of detention.

It is the combination of important skills, abilities and aptitudes in a diverse team that enables an NPM organisation to be independent.

NPM organisations therefore need to be mindful in all aspects of their recruitment and training that the following skills, abilities and aptitudes are reflected, supported and strengthened across the team:



### **Curiosity**

Exploring and proactively trying to understand what is happening, including when the environments are familiar due to regular visiting. This involves looking, listening, smelling, asking direct questions, following up and reflecting on information received.



### **Courage**

Voicing opinions even when going against the majority or established view, challenging decisions and actions, standing your ground when appropriate even in the face of challenge and defensiveness, not being afraid to ask questions that might be perceived by some to be obvious and learning from mistakes.



### **Taking the initiative**

Doing things without always having to be told, finding out what you need to know, being resourceful and resilient, and spotting and using opportunities to discover further evidence and data.



### **Interpersonal skills**

Listening actively, understanding and empathising with others, exercising appropriate sensitivity, managing conflict, building relationships, working well with others, taking people with you, problem solving and assertiveness.



### **Critical thinking**

Analysing facts objectively and forming a judgement. This involves open-mindedness, taking an inquisitive approach, appreciating potential power dynamics, different perspectives and points of view, clarity and precision, making a solid argument based on evidence, good reasoning skills, and discerning fact from fiction by applying evidential criteria, self-reflection and evaluation.



### **Tenacity**

Handling challenges, being self-motivated, building confidence, not dismissing things that may at first appear minor or irrelevant and escalating matters of concern.



### **Attention to detail**

Looking closely at all the data and evidence, identifying patterns, spotting evidential weaknesses and gaps, following those up appropriately, and being thorough and accurate.



### **Clear communication**

Exchanging ideas, thoughts, opinions, knowledge and data with people at all levels of authority so that messages are received and understood with clarity and purpose.



### **Self-awareness**

Understanding your own biases and assumptions, managing emotions, aligning behaviour with internal values, and understanding issues from multiple perspectives.



### **Knowing when to seek help**

Being aware of your own limitations.



## Induction, training and support

On induction into their roles within an NPM organisation, everyone needs to be given information about the holistic nature of prevention-based monitoring and inspection and the support available to them in carrying out their role.

This should include information about what a human rights-based approach to monitoring and inspection means in practice, how it is relevant to the detention setting that will be the focus of their work, and the support available to cope with what they may encounter – for example:

- human rights standards and principles
- how to remain independent and objective
- understanding discrimination and how it manifests in detention settings
- visit methodology, including interview skills and triangulation of data
- how to navigate the policies, culture and workings of the detention setting to be visited
- trauma-informed practice
- dealing with safeguarding concerns
- guidance, support and resources for dealing with trauma or exposure to violence in the course of monitoring or inspection

These skills will need to be developed and further embedded over time by ongoing training and reflective learning practice. Regular opportunities should be given to those working within an NPM organisation (and across different NPM organisations) to examine their own and their colleagues' experiences, strengths and areas for improvement.

## 3.3 Methodologies of visits

### Characteristics of a visit that is preventive

All visits should embed the principles as set out in the Optional Protocol to the UN Convention Against Torture (Articles 17 to 23). It is crucial that no action should be taken by an NPM organisation that could endanger an individual or group in the detention facility.

Some of the key characteristics of visits aimed at prevention of ill treatment include:

- proactive regular visiting, including unannounced visits, which can take place at any time, even when there is no apparent problem
- visits which are informed by intelligence and consider existing information about a facility, concerns that have been raised or are ongoing, the inherent risks of ill treatment due to the specific needs of the detained population, and any other factors of relevance
- monitors or inspectors being able to access all information on the number of those detained, their location, their treatment and the conditions in which they are held
- monitors or inspectors having unrestricted access to the place of detention and can visit all its facilities
- monitors or inspectors being able to meet and interview in private those who are detained, pose open questions, show sensitivity in interviewing, adopt different methods of interviewing, and take into consideration how those interviewed are protected against reprisals

- monitors or inspectors making recommendations and other communications based on their visit

### **Human rights standards and principles are central to the methodology and operational practice of the NPM**

Human rights standards and principles provide a firm foundation for what acceptable treatment of people who are detained looks like. They can help NPM organisations identify issues of concern about ill treatment which arise in the context of visits. They impart concepts and principles such as safety, dignity, respect, equality and non-discrimination which help to identify cultural risk factors for ill treatment of those who are detained.

Identifying issues of bad practice and institutional cultures that heighten the risk of ill treatment can be a challenge for monitors and inspectors who are regularly visiting the same detention environment. Human rights standards and principles can help them identify such issues and avoid the normalisation of bad practice or concerning organisational cultures.

### **Ensuring methodology captures those at heightened risk of ill treatment and moments and practices in the detention process that heighten risk of ill treatment**

While detention poses an inherent increased risk of human rights violations, some people are more at risk due to factors such as their (or perceptions of their) age, race and ethnicity, religion or belief, sex, gender identity, sexual orientation, pregnancy, migration status, nationality, language skills, economic status, mental or physical disability,

health issues, drug use, or a combination of these. Some will be vulnerable because they have already experienced torture, ill treatment or trauma. Some people may also be vulnerable because of the nature of the allegations they face or their criminal convictions (for example, relating to terrorism or sexual offences). How these factors intersect for each individual needs to be carefully considered. All processes and methodologies need to reflect and focus on people at enhanced risk of rights violations.

A preventive approach needs to also focus on:

- the moments during the detention process when the risk of ill treatment is heightened – for example, when people are apprehended, when they first arrive at a detention facility, when they are on remand, when they are being transferred, and when they are being forcibly removed or deported
- the practices used within detention environments when the risk of ill treatment is heightened – for example, use of force, restraint (physical, mechanical, environmental and chemical), isolation or segregation, disciplinary sanctions and withdrawal of privileges, and body or room searches

Processes and methodologies need to ensure they assess how these moments and practices with an increased risk of rights violations are managed, whether they are coherent, and how they play out in practice within the detention facility.

## **Methodologies and processes need to be adaptable and flexible to be fit for purpose**

Standards, expectations and visit forms for individual NPM organisations can be an important aid to preventing ill treatment, but on their own are unlikely to be sufficient. The nature of closed environments means that monitors and inspectors will come across issues that are relevant to the risk of ill treatment but which may not be picked up by repeat application of a pre-determined process.

Processes need to build in flexibility and adaptability so that those monitoring or inspecting places of detention are actively encouraged to raise issues of concern whenever and however they arise. Space must be provided in any process for monitors and inspectors to be able to raise something that does not feel right for further exploration and discussion. The NPM organisation itself needs to have a culture that facilitates this and staff should ensure they are aware of and contribute to creating mechanisms for improvement of processes and flagging concerns.

This helps ensure that any process stays aligned with the overarching purpose of preventing ill treatment. Some approaches taken by NPM organisations are included here.

**A review of expectations and visit forms to ensure that issues relating to dignity and respect can be more easily raised, recorded and acted on.**

**Providing space for narrative in any reporting template to enable concerns to be noted.**

**Encouraging monitors and inspectors to follow up on areas of concern while on the visit – for example, to check additional sources of information.**

Processes and methodologies may also need to be adapted to deal with the different nature and purpose of the facility, which may raise different types of issues relevant to the risk of ill treatment.

For example, some facilities may be used for very short periods of hours or days, some for months and some for a matter of years. The number of people passing through a facility, which may change (sometimes suddenly), may also call for a different approach on the part of monitors and inspectors in order to be alert to risk factors for ill treatment. The nature of those detained in a particular facility may also change, raising different possible risk factors and a need for a different approach in monitoring and inspection.

Illustrative examples are included here.

**Different challenges are raised by court holding cells – some people are only held for a period of hours but for others in a bigger court, a trial might mean they are held during the days the trial takes place over a period of some months.**

**A different focus may need to be brought to a ‘place of safety’ used to detain for a limited period those whose mental health requires urgent assessment, compared to a medium secure mental health facility where people may be detained for several years.**

**Different risk factors may arise when the category of detained people in an immigration removal centre changes from those who have lived for some time in the UK to those detained on arrival or subject to fast-track procedures.**

**Visits may focus on certain groups of people who are more likely to be at risk of ill treatment – for example, those in isolation or seclusion, those placed at a significant distance from their home area, and those who are vulnerable due to particular characteristics such as their age, gender identity, sexual orientation or ethnicity.**

### **3.4 Data and information flow within and across NPMs**

#### **Introduction**

A two-way flow of information between those monitoring and inspecting the facility and those responsible for policy, strategy and leadership in the NPM organisation is important for preventing ill treatment.

Data flow and information exchange across NPM organisations is also important. Given visits take place over a length of time, these exchanges can help to capture changes, including in policy, practice, law and culture.

#### **Identifying emerging trends and patterns**

An organisational approach based on prevention of ill treatment needs to be informed by trends and patterns emerging from each detention facility, as well as across detention facilities. Processes need to be in place to enable monitors and inspectors to communicate these trends and patterns to those with responsibility for policy, management and leadership in the NPM organisation. This may be particularly relevant in areas such as keeping track of the organisational culture, the use of force and occurrence of suicide attempts within a facility.

Examples of how this has been done by NPM organisations are included here:

- In induction and training, monitors and inspectors are regularly encouraged and reminded to inform managers of any issues, concerns and emerging trends, and the ways they can do so.
- 
- One NPM organisation has a forum for those with oversight of visits to discuss relevant issues. The forum is monitored by senior management and can be a useful source of information about emerging issues, as well as examples of good practice. This is then shared back with monitors and staff through a weekly newsletter.
- 
- An NPM organisation described using a 'risk-based model' to guide their monitoring. This determines the frequency and intensity of visits and includes the history of previous visits, factors which may heighten vulnerability, the intensity of the restrictions on liberty, and lack of family visiting.
- 
- An NPM organisation ensures that inspectors are given a datapack of evidence collected before the visit which contains data on incidents of self-harm and suicides, incidents of violence in that facility, surveys from prisoners and staff, and issues raised in past visits.
- 
- An NPM organisation described how pre-visit questionnaires of those who are detained and staff working in the detention facility are an important aspect of establishing lines of inquiry to pursue during an inspection.
- 
- A peer-review system for reports on visits in one NPM organisation helped to identify emerging issues and concerns.
- 
- Managers in one NPM organisation routinely asks monitors what they did to follow up on any issues they found. This also helps to identify examples of good practice.
- 
- In one NPM organisation, a senior director leads the visit, which provides a mechanism for intelligence from the visiting process to be shared across the executive team.
-

Those working on policy and strategy in NPM organisations can use information on emerging trends, for example:

- to identify thematic areas or particular lines of inquiry for visits – for example, they could use equality monitoring data to inform themes and trends for those most vulnerable to ill treatment
- if there was a particularly serious concern arising in one facility (or notable good practice), this may then prompt requests for monitors and inspectors to look at or prioritise that concern (or practice) in other facilities

### **The relevance of wider environmental factors**

The wider political, economic, social and cultural factors at play in society will also have an impact on risks within detention environments, as will changes in legislation, policy and practice. This information can be gathered by horizon scanning, data collection from equality monitoring, engaging with policy and legal developments, and engaging with a wide range of external stakeholders on an ongoing basis. These include other inspectorates and monitoring bodies, civil society organisations and people with lived experience of detention.

It is important that NPM organisations are aware of how these factors may have an impact on those who are detained and translate these as necessary into their priorities, processes and methodologies.

There should therefore be mechanisms in place that capture these factors and a clearly defined process of how such issues are brought to the attention of monitors and inspectors within the NPM organisation and how this information then informs future visits.

Ways to achieve this include:

- using these factors to inform changes to guidance for the monitors and inspectors
- developing data-sharing agreements between an NPM and others who have sources of information on particular establishments, wider risk factors (such as the number of restraints), or trends that can help to identify factors to prevent ill treatment

## 4. Communication and awareness raising as a form of prevention

Reports, recommendations and concerns regarding conditions of detention play an important role in the prevention of ill treatment. These may be addressed to those with responsibility for acting on the concerns raised including government, those with responsibility for oversight and management of the detaining institution, and those within the detaining institution itself. Recommendations should be 'SMART': specific, measurable, achievable, relevant and time-bound. There should be a process to track progress on the response to recommendations and concerns, and to follow up and escalate if they are not addressed.

The public nature of reports produced by NPM organisations is important, with appropriate measures to protect confidentiality. Greater overall transparency introduces a balancing influence over otherwise closed institutions and can act as a deterrent for potential abuse. Findings should be communicated in an accessible way to the general public, as well as to those who are detained. Reports on visits which are based on robust evidence provide a regular flow of information on the state of detention facilities. These can then be used by other organisations, the media and the families of those who are detained in raising awareness and advocacy. Some NPM organisations develop a communications strategy aimed at bringing greater transparency and public awareness to the situation of those who are detained.

Some approaches taken by NPM organisations are included here.

**An NPM organisation publishes a public blog after visits with quotes from those who are detained to underline the systemic issues.**

**Some NPM organisations have introduced a media strategy where they seek media hooks or other opportunities to highlight concerns, as well as examples of good practice, relating to detention facilities they inspect or monitor.**



## 5. Further resources

Approach of the Subcommittee on Prevention of Torture to the concept of prevention of torture and other cruel, inhuman or degrading treatment or punishment, December 2010, CAT/OP/12/6. Available at:

**[www.ohchr.org/en/treaty-bodies/spt/approaches-prevention](http://www.ohchr.org/en/treaty-bodies/spt/approaches-prevention)**

Preventing torture: An operational guide for national human rights institutions, Asia Pacific Forum and Association for the Prevention of Torture, June 2022.

Available at:

**[www.apft.ch/sites/default/files/publications/PreventingTortureNHRI.pdf](http://www.apft.ch/sites/default/files/publications/PreventingTortureNHRI.pdf)**

Institutional culture in detention:

A framework for preventive monitoring, Association for the Prevention of Torture and Penal Reform International, second edition, 2015. Available at:

**<https://cdn.penalreform.org/wp-content/uploads/2016/01/culture-in-detention-2nd-ed-v6.pdf>**

How the CQC identifies and responds to closed cultures, Care Quality Commission.

Available at:

**[www.cqc.org.uk/publications/themes-care/our-work-closed-cultures](http://www.cqc.org.uk/publications/themes-care/our-work-closed-cultures)**



# Annex: The NPM

The UK's National Preventive Mechanism (NPM) was established in March 2009 after the UK ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in December 2003. It is made up of 21 statutory bodies that independently monitor places of detention.

The 21 bodies of the NPM are organisations that have all been officially designated by the UK government to be part of the UK's NPM. The key criteria for NPM bodies is the power to enter places of detention without notice (Article 20).

States must guarantee the functional independence of NPMs and their personnel, and take necessary measures to ensure that NPM experts have required capabilities and professional knowledge. States parties must undertake to make available to NPMs the resources necessary for their functioning.

Further information about the UK's NPM is available at:  
**[www.nationalpreventivemechanism.org.uk/about/](http://www.nationalpreventivemechanism.org.uk/about/)**

One of the features of the UK NPM is that it provides a structure of 'layered' monitoring.

Lay monitoring bodies perform visiting functions, and have a more continuous presence in places of detention. Inspectorates perform their functions periodically. Drawing effective linkages between different monitoring layers with the joint objective of preventing ill treatment is essential.

As of May 2024, UK NPM bodies are:

**Care Inspectorate**  
**Care Quality Commission**  
**Care Inspectorate Wales**  
**The Children's Commissioner for England**  
**Criminal Justice Inspection Northern Ireland**  
**Healthcare Inspectorate Wales**  
**His Majesty's Inspectorate of Constabulary and Fire & Rescue Services**  
**His Majesty's Inspectorate of Constabulary in Scotland**  
**His Majesty's Inspectorate of Prisons**  
**His Majesty's Inspectorate of Prisons for Scotland**  
**Independent Custody Visiting Association**  
**Independent Custody Visitors Scotland**  
**Independent Monitoring Board**  
**Independent Monitoring Boards (Northern Ireland)**  
**Independent Reviewer of Terrorism Legislation**  
**Lay Observers**  
**Mental Welfare Commission for Scotland**  
**Northern Ireland Policing Board**  
**Independent Custody Visiting Scheme**  
**Ofsted (Office for Standards in Education, Children's Services and Skills)**  
**The Regulation and Quality Improvement Agency**  
**Scottish Human Rights Commission**

