

THE EUROPEAN NPM PROJECT

Council of Europe
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A COUNCIL OF EUROPE/ EUROPEAN COMMISSION JOINT PROGRAMME:
“Setting up an active network of national preventive mechanisms against torture,
an activity of the Peer-to-Peer Network”

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The European NPM Newsletter

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1. INTRODUCTION

The “European NPM Newsletter” is a review of information deemed relevant for National Preventive Mechanisms against torture (NPMs)¹ in the Council of Europe region.

The European NPM Newsletter has been prepared by the Interdepartmental Centre for Human Rights and the Rights of People of the University of Padua, under the supervision of the National Human Rights Structures (NHRS) Unit of the Directorate General of Human Rights and Legal Affairs of the Council of Europe. However, the preparation of the European NPM Newsletter, from August 2010 onwards, will be undertaken by Silvia Casale Consultants, London, under the aegis of the NHRS Unit.

The publication of the “European NPM Newsletter” is part of the “European NPM Project”, which is funded by a Joint European Union-Council of Europe Project called “Peer-to-Peer II Project”, with co-funding from the Human Rights Trust Fund².

The purpose of the Newsletter is to keep the NPMs permanently aware of developments regarding their community and, thus, to nurture an active network of European NPMs.

Each issue covers retrospective news and information, but also contains information on forthcoming activities and events, including those under the European NPM Project, and provides updates regarding the setting-up, the legislative bases and the functioning of NPMs in Europe.

NPMs are cordially invited to contribute to the “European NPM Newsletter” by sending information they wish to see circulated to: francesca.gordon@googlemail.com.

Observations and proposals as to the format of the Newsletter are also welcome.

The newsletter is sent to subscribers electronically.

We hope you will find this newsletter worth having a glance at.



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¹ As foreseen by the Optional Protocol of the UN Convention Against Torture (OPCAT). OPCAT obliges state Parties to set up an NPM within one year of ratification.

² The Human Rights Trust Fund (HRTF) was established in March 2008 as an agreement between the Ministry of Foreign Affairs of Norway as founding contributor, the Council of Europe and the Council of Europe Development Bank. Germany and the Netherlands have joined in as contributors.

2. European NPM Project

2.1. Objectives of the project

The National Human Rights Structures (NHRS) Unit of the Directorate General of Human Rights and Legal Affairs (DG-HL) of the Council of Europe has developed the European NPM Project with the aim to create an active network of the NPMs in Europe to foster peer exchange and provide a forum for cooperation between this network and international actors, such as the United Nations Sub-Committee on the Prevention of Torture (SPT) and the European Committee for the Prevention of Torture (CPT). The ultimate guiding principle is to strengthen the prevention of torture at national level in all Council of Europe member States.

The project focuses on four main areas of activities:

- Creating an active network of NPMs in Europe to foster peer exchange, critical reflection and creative thinking on NPM work;
- Promoting awareness of CPT and SPT standards and working methods within the European NPM network;
- Promoting the cooperation between the SPT, the CPT and the NPMs;
- Promoting the ratification of the OPCAT and the establishment of OPCAT compliant NPMs where they do not exist.

The European NPM Project is managed by the NHRS Unit of DG-HL of the Council of Europe. The Association for the Prevention of Torture (APT), a non-governmental organisation with longstanding, universal experience in torture prevention is the Implementing Partner for the Project. Ms. Silvia Casale from the UK, who combines personal experience as former President of both the CPT and the SPT serves as the Project Adviser.

2.2. Second NPM Thematic Workshop in Albania

“The role of National Preventive Mechanisms against torture (NPMs) in protecting individuals’ key rights upon deprivation of liberty by the police”, 9-10 June 2010, Tirana, Albania.

This second NPM Thematic Workshop was co-organised with the Office of the People’s Advocate for the Republic of Albania (the NPM of Albania), and saw the participation of representatives from 18 of the 21 operating European NPMs. In addition, representatives of the Sub-Committee on Prevention (the SPT), former members of the CPT, as well as experts from the Association for the Prevention of Torture, Geneva (the APT), UNDP and Council of Europe staff contributed to this meeting. The Workshop was divided into two Working Sessions that explored the key rights of individuals deprived of their liberty by the police from a substantive perspective as well as from a methodological perspective.

Working Session One’s substantive focus included presentations and discussions on the overall framework of the international standards established to protect these key rights. The Session approached main areas of concern in practice that international, regional and national/NPM experts have encountered when monitoring police facilities. This

Working Session also explored core substantive medical issues. Presentations and discussions by medical professionals and other participants, from both a national and international perspective, explored and highlighted key problematic areas of substance. Working Session Two focused on various methodological issues and explored how an NPM can most effectively monitor the respect for key rights for individuals upon deprivation of liberty by the police. This session was geared at an exchange of best practices from the national and international perspectives on challenges faced when monitoring police detention facilities. This Session also saw the participation of various police professionals who contributed their valuable perspective on the effective safeguarding of the rights of those deprived of their liberty in police detention during the discussions.

Lastly, special rights for certain vulnerable groups, such as juveniles, women and the rights of those with mental and physical disabilities, were explored and discussed within the context of places of deprivation by liberty by the police. A debriefing paper is currently being drafted, which summarises the core outputs of the meeting.

2.3. Second NPM on-site visit and exchange of experiences in Georgia

2nd NPM On-site Visit and Exchange of Experiences: *“Organising, carrying out and reporting on preventive visits to various types of places of deprivation of liberty: an exchange of experiences between the National Preventive Mechanism against torture (NPM) of Georgia and experts from the SPT, former members of the CPT and the APT”*, Tbilisi, Georgia, 29 June – 2 July 2010

This On-site Exchange of Experiences was organised by the NHRS Unit, European NPM Project team and the NPM of Georgia – the Office of the Public Defender – as part of the so-called “European NPM Project” and funded by a joint European Commission – Council of Europe project: “the Peer-to-Peer II Project” and by the Human Rights Trust Fund. The Association for the Prevention of Torture (APT, Geneva) helped as the Council of Europe’s implementing partner.

The overall aim of the four-day On-site Exchange was to foster an exchange of experiences and cooperation between members and former members of the SPT, CPT and NPM in order to build and enhance capacity to carry out detention monitoring for the prevention of torture. The specific objectives were: Analyze the strengths, weaknesses, opportunities and challenges of the NPM, as regards its mandate and functioning; Exchange on the practice of preventive monitoring, particularly with regards the methodology of conducting visits and following-up on monitoring visits; Prepare a preventive monitoring visiting exercise to a place of deprivation of liberty in Georgia; Jointly carry out the visiting exercise; Debrief jointly on the findings and methodology of the visiting exercise.

The exchange of experiences in Tbilisi involved 26 participants from the NPM of Georgia, including the Public Defender of Georgia, on the one side, and on the other side members or former members of the SPT, the CPT and the APT. Two members of the NHRS Unit served as facilitators. On the first day of the meeting the designation, composition, functioning and general working methods of the Georgian NPM in the light of the OPCAT prescriptions were examined, as well as preparation undertaken for a

common on-site visiting exercise on the second day to a place of deprivation of liberty for which the participants split in small groups. On the third and fourth days the international experts presented their observations on the working methods of the national experts and these observations were discussed in plenary. A confidential debriefing paper for the benefit of all participants is under preparation.

1.4. Future European NPM Project activities

NPM	NPM Heads and Contact Persons' meetings	Thematic Workshop	On-site Visit & Exchange of Experiences
Armenia		13/14 October 2010	
Azerbaijan		October 2011	
Estonia		June 2011	
Germany			
France		Early 2011	
Spain			November 2010
Other			
Council of Europe, Strasbourg	1-2 December 2010		

3. NPM network

3.1. A forum for discussion

In the last Issue we proposed all members of the NPM network to express in this part of the newsletter their opinions and/or explain their practices on matter of common interest. Those interested in a specific subject for discussion should send their proposals to francesca.gordon@googlemail.com. We will then publish all of them in the next Newsletter's issue.

3.2. NPM staff

Mari Amos, from the Estonian Ombudsman's office has joined the European NPM Project team as an NPM Project Visitor in August 2010 for two months to assist with, amongst other tasks, the preparation of the third NPM Thematic Workshop to be held in Armenia in October 2010.

3.3. Events involving the European NPM Network

Albania

On 26th June 2010 the Albanian NPM has reported in the Plenary Session to the SPT, at Palace Wilson in Geneva, on its activities for 2008-2009. The Albanian NPM was the second NPM ever to have done this in fulfillment of Article 11 of OPCAT. The report received an in-depth evaluation by the SPT, and much information and many experiences were exchanged during the approximately three hours of discussions. At the end, the President of SPT gave an overall positive opinion and assured the Albanian NPM of positive future concrete cooperation.

On the same date, the Albanian NPM also visited the offices of Association for the Prevention of Torture, Geneva (APT) where they discussed future activities and some APT publications, which the Albanian NPM has found to be of great use for their work.

Germany

The Ministers of Justice of the States convened in Hamburg on 23 and 24 June 2010 and officially nominated the four members of the "Länder Commission for the Prevention of Torture":

- Prof. Dr. Hansjörg Geiger, former State Secretary (chairman)
- The Honourable Albrecht Rieß, Chief Judge at the Higher Regional Court of Stuttgart
- Prof. Dr. Dieter Rössner, Professor for Penal Law and Criminology
- Ms. Elsava Schöner, Psychologist and former prison governor.

In Germany, places of detention fall under the jurisdiction of the Federal Government (Federal Police, Armed Forces and Customs Offices) as well as of the Federal States (e.g. police stations, psychiatric hospitals and prisons). The implementation of OPCAT thus required the mandatory involvement of all 16 states, since the majority of places of detention fall under their jurisdiction. The Federation and the Länder found a compromise by laying the basis for a two-fold national preventive mechanism: a federal component for all places of detention under federal jurisdiction and a Länder component for all places under the jurisdiction of the states. In order to establish the Länder Commission, a state treaty among all 16 Länder was necessary, which delayed the implementation process considerably. The federal component, the Federal Agency for the Prevention of Torture, however, began its work on 1 May 2009. It is based in Wiesbaden and is an annex to the Centre for Criminology (abbreviated as KrimZ), a joint institution for criminological research and documentation. The Agency is headed by former judge and public prosecutor the Honourable Klaus Lange-Lehngut, who directed the Berlin-Tegel prison for more than 25 years. Meanwhile, the State treaty has been ratified by all Federal States and is expected to officially enter into force on 1 September 2010. The Länder Commission will also be annexed to the Krimz in Wiesbaden. Both components of the German NPM will then merge to become the "National Agency for the Prevention of Torture".

Spain

Errata corrige: in the previous Issue we reported that the NPM of Spain was presented officially on 10 May in a ceremony which was attended, among others, by Angel Juanes, who is the President of the National Court and not the President of the Parliament, as mistakenly reported.

4. Council of Europe

Updates on CoE work on the prevention of torture

CPT delegation interrupts visit in Transnistrian Region. A delegation of the Council of Europe (CoE) began a visit to the Transnistrian region, a region of Moldova which unilaterally declared itself an independent republic in the early 1990s. The intention of the delegation was to review the situation of persons deprived of their liberty in police and prison establishments. The CPT's delegation commenced a visit to the remand section (SIZO) of Colony No. 3 in Tiraspol on 22 July 2010. However, the delegation was informed that, unlike the Committee's previous visits, it would not be allowed to interview remand prisoners in private. Such a restriction contradicts one of the fundamental characteristics of the preventive mechanism embodied by the CPT, namely the power to interview in private any person deprived of his or her liberty. Consequently, the Committee's delegation decided to interrupt its visit to places of deprivation of liberty in the region until such time as the enjoyment of this power could be guaranteed.

Italy A delegation of the CPT carried out an ad hoc visit to Italy from 14 to 18 June 2010. It was the Committee's ninth visit to this country. During the visit, the delegation examined three issues: the provision of health care in prisons, further to the transfer of responsibility from the Prison Administration to the National Health Service; the policies adopted and measures taken to reduce the incidences of suicides and acts of self-harm in prison; and the system in place to investigate cases of alleged ill-treatment of arrested and/or detained persons. Among others, the delegation met Angiolo MARRONI, the Garante dei detenuti (detained persons' Ombudsman) for the Lazio region.

More information about recent activities of the CPT can be found at [HYPERLINK "http://www.cpt.coe.int/en/"](http://www.cpt.coe.int/en/)

5. United Nations

SPT 3rd annual report

The SPT published its third annual report in May and now it is on the SPT website, in English and Spanish. It covers the period February 2009 - March 2010. The report refers to the SPT's efforts to build relations with the NPMs, in accordance with the OPCAT. During the reporting year there has been no budget allocation for the Subcommittee to work directly with States or with the NPMs, or for the promotion of ratification and implementation of the OPCAT. The SPT has tried to find creative options for maintaining its critical work in this area, and members have made what are to all intents and purposes personal undertakings to take part in workshops and academic activities in countries in every part of the world. The SPT is interested to receive the annual reports of the NPMs to further strengthen cooperation between NPMs and SPT.

6. NGOs / Academia

The Association for Prevention of Torture (APT) has recently re-designed its website <http://www.apr.ch/> making it even more readable and attractive: congratulations!

In June, the Human Centre of the University of Padua added an English version to its website <http://unipd-centrodirittiumani.it/en/>. Information and updates on the European NPM Project can be found in this website as well.

7. OTHER NEWS

The CPT and the APT have jointly published the proceedings of the “Conference on new partnerships for torture prevention in Europe” which was held on 6 November 2009 in Strasbourg in the Council of Europe premises. The aim of this conference was to examine how existing national, European and universal monitoring bodies can best complement each other in the fight against torture and other forms of ill-treatment in places of detention in Europe today. The proceedings are available in PDF format at: <http://www.cpt.coe.int/en/documents/cpt-apt-proceedings.pdf>