

OPCAT and torture prevention: the role of CSOs

Ireland 01.26



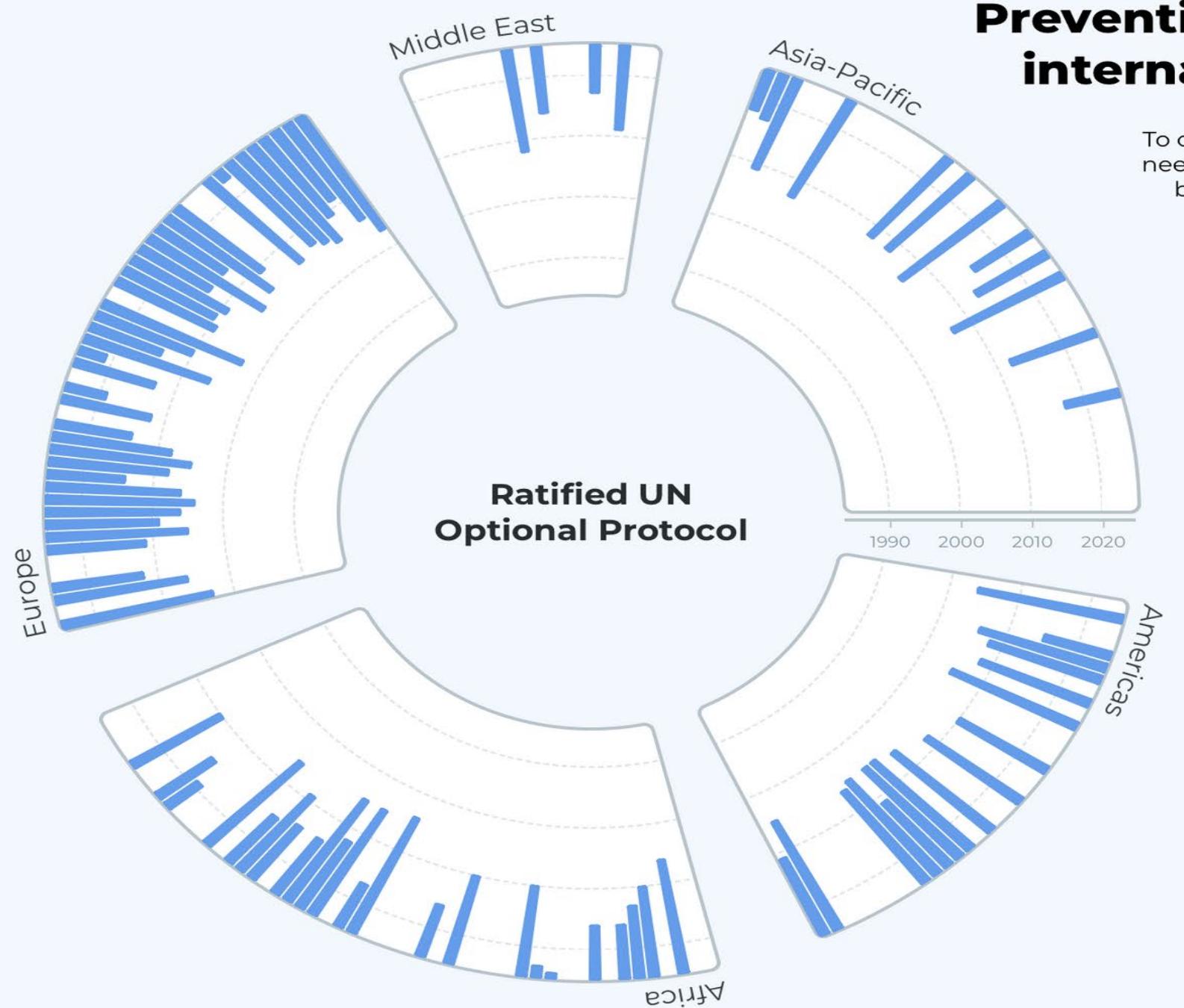


See the states that have committed to each legal measure:

Ratified UN Optional Protocol

Preventing torture through international cooperation

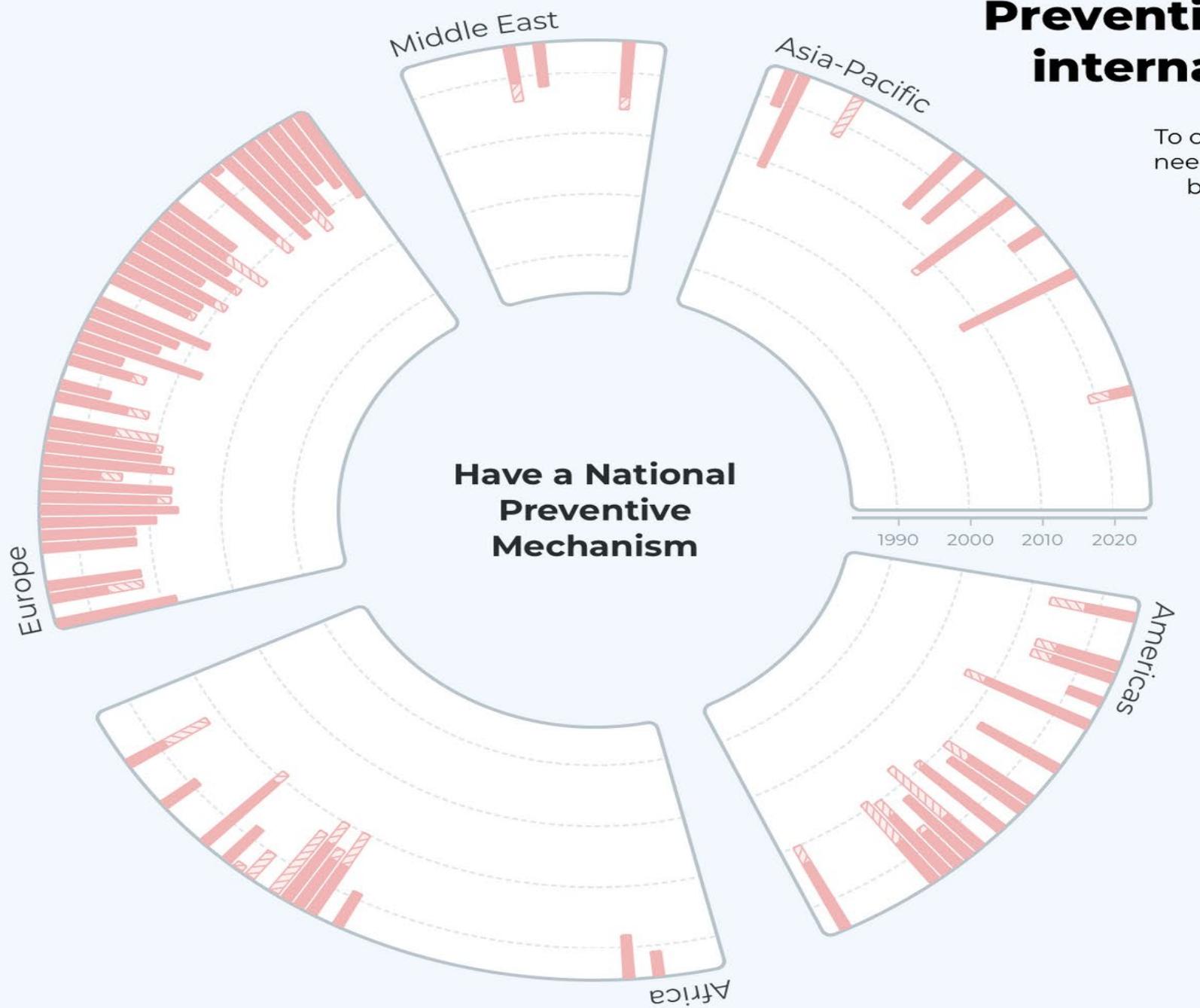
To create a world without torture, every state needs to commit to preventing torture. Each bar shows when a state implemented this torture prevention measure, with stripes indicating partial implementations. Our goal is to close this ring by having every state implement the measure.





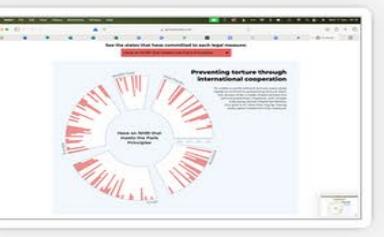
See the states that have committed to each legal measure:

Have a National Preventive Mechanism



Preventing torture through international cooperation

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association for
the prevention
of torture



OPCAT:
A way for states to implement their existing
obligations to prevent torture.
A treaty based on dialogue and cooperation,
not denunciation.

Creates an international body: The
SPT
And national monitoring bodies:
NPMs





About the SPT:

- 25 members elected by and from states parties
- Powerful visiting mandate (around 10 visits per year)
- To advise and assist states and NPMs on OPCAT implementation
- Can conduct visits to detention but SPT reports remain confidential
- Triangular relationship



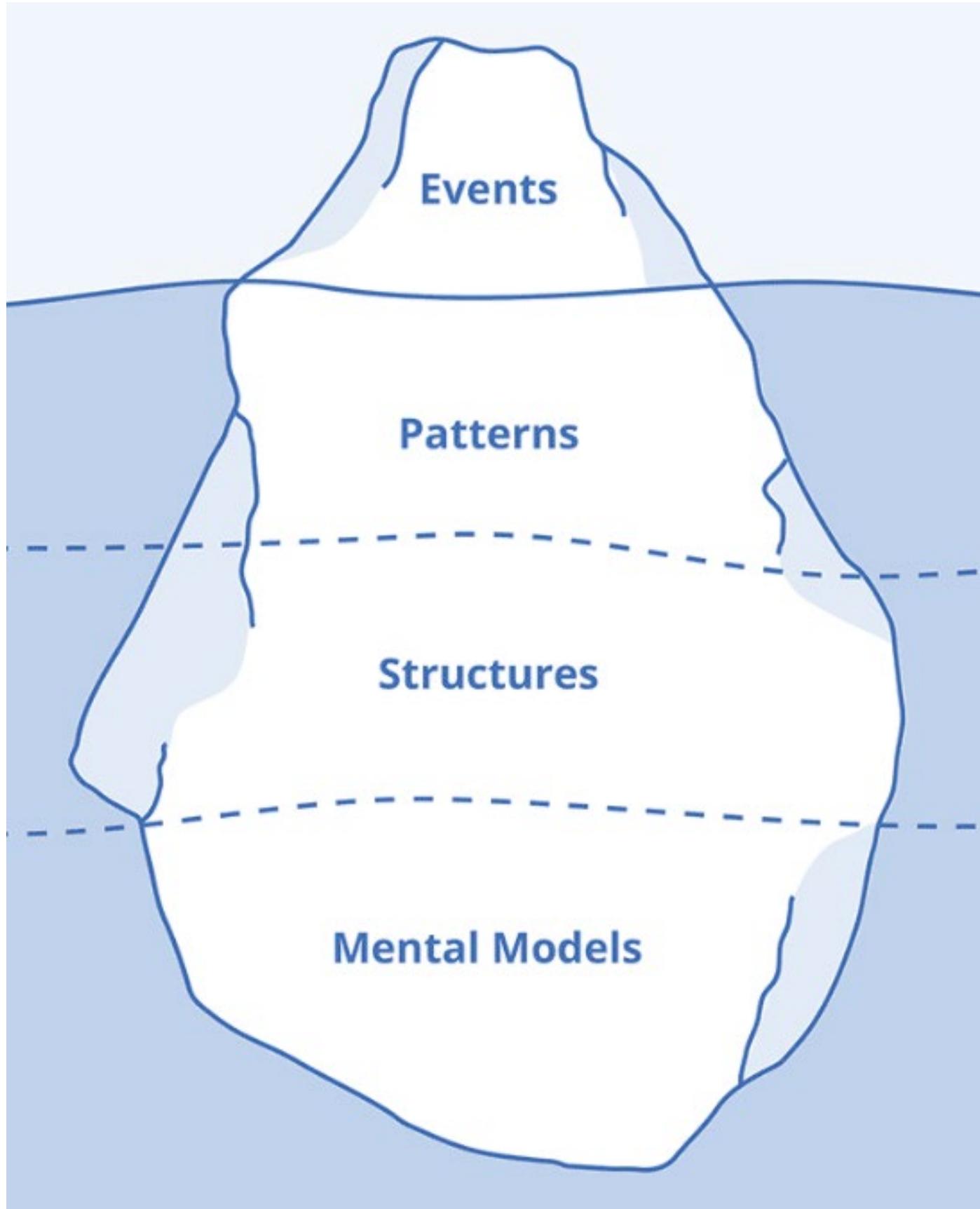
About NPMs:

- Different forms but all are independent and have the power to visit all places of deprivation of liberty, including unannounced
- Publish reports and recommendations
- Make comments on legislation
- Enter into dialogue with the authorities

Understanding prevention using a metaphor from ecology



Individual	→	One person
Population	→	Several people who maybe have some things in common
Community	→	Everyone in a particular place of deprivation of liberty
Ecosystem	→	All the places and institutions that are linked to that place
Biosphere	→	The detention system in one country / region / globally



What happened?

- Restraints are used without documentation

What trends do we see over time and across places?

- This is common across mental health establishments
- This happens repeatedly in the same place

What influences those trends?

- Lack of staff training
- Inadequate processes
- Lack of clear regulations

What mental models allow this to continue?

- “These practices are not harmful”
- “We are doing good for patients”
- “We are just following the rules”



Learning from other CSOs and NPMs

- Information exchange
- Advice on priorities
- Alignment with international system
- Specific expertise
- Visiting?

- Ensure an independent, prompt and impartial review of all deaths in custody
- Take urgent measures to protect minority ethnic groups from ill-treatment and disproportionate restraint
- Review the overall Fatal Accident Inquiry system to find ways to speed up the process
- Review behaviour management policies
- Reduce the number of deaths by suicide
 - Consider measures to ensure body cameras for all control and restraint operations
 - Compile data to assess the effectiveness of suicide prevention strategies
 - Stop using segregation for those with mental health needs
 - Tackle overcrowding and reduce the remand population
 - Ensure appropriate use of segregation, adequate regimes and reintegration
 - Improve prison conditions – “dog boxes”, cell sizes, access to purposeful activity
 - Address staffing issues
 - Ensure prompt and systematic investigation of all injuries and allegations of ill-treatment
 - Improve record sharing
 - Address substance use
 - Collect, analyse and publish data
 - Establish accessible complaints mechanisms
 - Improve mental healthcare in all prisons
 - Ensure ongoing, up-to-date training
 - Transfer prisoners with acute mental health problems to appropriate psychiatric facilities
 - Ensure human rights standards are included in training
 - Develop a methodology to assess the effectiveness of training
 - Provide training for prison personnel on recognising symptoms of mental health problems and appropriate referral
 - Explicitly prohibit the use of harmful devices, disciplinary restraint and any technique designed to inflict pain on children
 - Establish a high-secure psychiatric unit for women
 - Improve admission screenings for women
 - Develop statutory guidance on the use of restraint on children
 - Upgrade the female prison estate
 - Collect, analyse and publish data on restraint on children

Recommendations assessed by the UK NPM 2014-24

Thank you!

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