



Ministry of JUSTICE

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Mr Patrice Gillibert
Secretary, Subcommittee on Prevention of Torture
Office of the High Commissioner for Human Rights
United Nations Office
1211 Geneva 10
Switzerland

17 June 2009

Dear Mr Gillibert,

I am writing to notify the Subcommittee on Prevention of Torture that the United Kingdom has now established a national preventative mechanism in accordance with Article 17 of the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

On 31 March 2009, the Minister for Human Rights, Michael Wills, made an announcement via a Written Ministerial Statement of the establishment of the United Kingdom's national preventative mechanism, and designated the bodies which would form the national preventative mechanism. At the same time it was announced that the co-ordination and communication function of the national preventative mechanism would be carried out by Her Majesty's Inspectorate of Prisons.

The United Kingdom Government did not believe that in order to establish the national preventative mechanism there was a need to create any new bodies, as the United Kingdom's existing monitoring infrastructure is well established, comprehensive, and provides inspections in depth. As the Optional Protocol to the Convention Against Torture allows a national preventative mechanism to consist of one or several bodies, the United Kingdom's domestic requirements of the Optional Protocol to the Convention Against Torture are fulfilled by the collective action of existing statutory bodies that are able to carry out unrestricted visits to places of detention, without needing to give prior notice.

In determining which bodies should be included in the United Kingdom's national preventative mechanism, our over-riding criteria was that bodies should possess the independence, capability and professional knowledge to carry out the requirements set out in Article 18 of the Optional Protocol to the Convention Against Torture.

Furthermore, it was required that the statutory basis on which these bodies operate either gives them unrestricted access to places of detention and to people deprived of their liberty, including the power to make unannounced visits, and unrestricted access to information about such persons and their conditions of detention; or, at the least, contains nothing to prevent such access and such visits, which is in accordance with Articles 19 and 20 of the Optional Protocol to the Convention Against Torture. The bodies designated to constitute the United Kingdom's national preventative mechanism are aware that they now operate within a new context – i.e. to fulfil the requirements of the Optional Protocol to the Convention Against Torture.

I have attached a full list of the bodies comprising the United Kingdom's national preventative mechanism. If I can be of any further assistance then please do let me know.

Yours sincerely,

Jiwan Raheja
Human Rights Division

United Kingdom National Preventative Mechanism Constituent Bodies

England and Wales

Her Majesty's Inspectorate of Prisons (HMIP)
Independent Monitoring Boards (IMB)
Independent Custody Visiting Association (ICVA)
Her Majesty's Inspectorate of Constabulary (HMIC)
Care Quality Commission (CQC)
Healthcare Inspectorate of Wales (HIW)
Children's Commissioner for England (CCE)
Care and Social Services Inspectorate Wales (CSSIW)
Office for Standards in Education (OFSTED)

Scotland

Her Majesty's Inspectorate of Prisons for Scotland (HMIPS)
Her Majesty's Inspectorate of Constabulary for Scotland (HMICS)
Scottish Human Rights Commission (SHRC)
Mental Welfare Commission for Scotland (MWCS)
The Care Commission (CC)

Northern Ireland

Independent Monitoring Boards (IMB)
Criminal Justice Inspection Northern Ireland (CJINI)
Regulation and Quality Improvement Authority (RQIA)
Northern Ireland Policing Board Independent Custody Visiting Scheme (NIPBICVS)