

Do You Meet The Criteria?

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26 November 2007

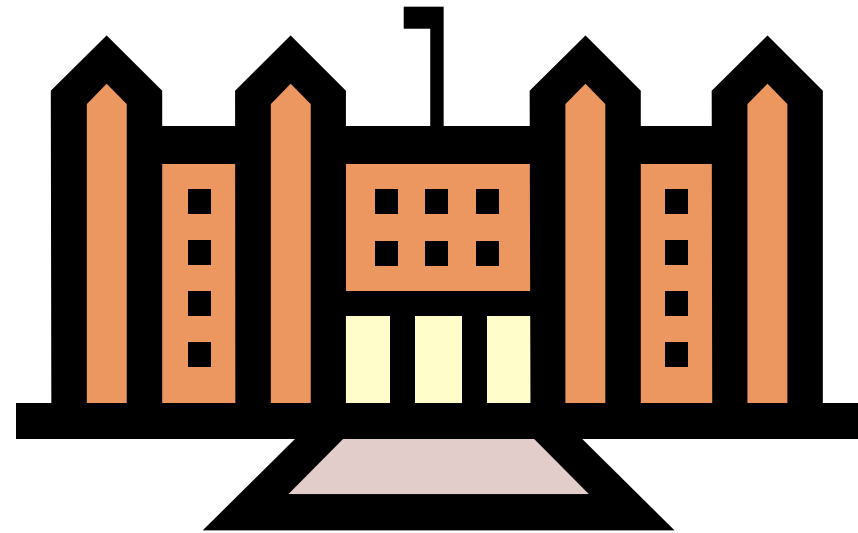


Where I would like to have been at
3 pm on 26 November 2007



Why Prague, Copenhagen and not Bristol?

- Countries implementing the OPCAT by designating one existing mechanism include Czech Republic, Denmark, Estonia and Poland



Uniqueness of the UK approach

- Only other example = New Zealand;
- 5 existing bodies namely Human Rights Commission, Office of the Ombudsman, Police Complaints Authority, Office of the Children's Commissioner and Office of the Judge Advocate General of the Armed Forces



DCA/MOJ letters to various UK monitoring bodies in 2006/2007

- Articles 17 – 23 of the OPCAT text concerning independence, composition, authority, right of access to people and information and issuing reports etc



Fully Compliant?

- 4 questions/issues:
- Reporting;
- Independence;
- Composition;
- Powers.



Question 1: Reporting

- Article 23: “The States Parties to the present Protocol undertake to publish and disseminate the annual reports of the national preventive mechanisms.”





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WHAT'S NEW TO THIS SITE

[Channings Wood \(2-6 July 2007\)](#)

21 Nov 07

Report on the announced inspection of HMP Channings Wood (2-6 July 2007) by HM Chief Inspector of Prisons

[Glen Parva \(25-27 June 2007\)](#)

20 Nov 07

Report on an unannounced short follow-up inspection of HMYOI Glen Parva (25-27 June 2007) by HM Chief Inspector of Prisons

[Ashwell \(18-21 June 2007\)](#)

13 Nov 07

Report on an unannounced short follow-up inspection of HMP Ashwell (18-21 June 2007) by HM Chief Inspector of Prisons

[North Sea Camp \(21-24 May 07\)](#)

09 Nov 07

Report on the unannounced short follow-up inspection of HMP North Sea Camp (21 - 24 May) by HM Chief Inspector of Prisons



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Annual Reports

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Existing IMB Members

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Useful Links

IMBs in the News

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IMB Annual Reports

The table below displays a list of published reports for 2007. The reports can be sorted by title, date or National Council area by clicking on the column heading. To navigate to the next page of results, use the numbered buttons underneath the table.

FOUND 38 REPORTS		SHOWING 1-20
Title	Area	Published Date
Askham Grange 2006-2007	North East, Yorkshire, Humberside	08/Nov/2007
Brinsford 2006-2007	Wales & West Midlands	08/Nov/2007
Ford 2007	Kent, Surrey and Sussex	02/Aug/2007
Leicester 2007	East Midlands (North) and East Midlands (South)	03/Aug/2007
Lincoln 2007	East Midlands (North) and East Midlands (South)	03/Aug/2007
Lindholme 2007	North East, Yorkshire and Humberside	03/Aug/2007
Littlehey 2007	Eastern	03/Aug/2007
Liverpool 2007	North West	03/Aug/2007
Long Lartin 2007	Wales and West Midlands	03/Aug/2007
Morton Hall 2007	East Midlands (North) and East Midlands (South)	03/Aug/2007
Mount (The) 2007	Eastern	05/Nov/2007
New Hall 2007	North East, Yorkshire and Humberside	03/Aug/2007
North Sea Camp 2007	East Midlands (North) and East Midlands (South)	03/Aug/2007
Northallerton 2007	North East, Yorkshire	03/Aug/2007

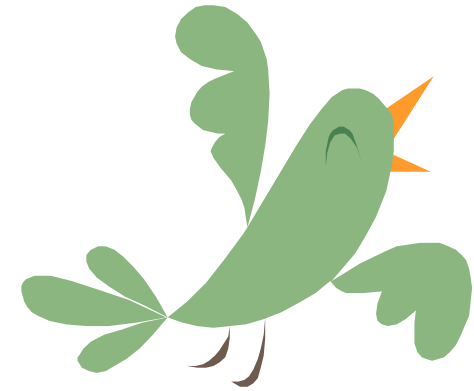
Production of an Annual Report

- Who?
- June 2007 meeting at the MOJ no volunteers for this task;
- Compelling argument for some form of NPM co-ordinating structure?



Question 2: Completely Independent?

Article 18: “The States Parties shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel.”



Independence?

- Legislative or constitutional basis;
- Executive should have no right to dissolve or replace the NPM, or alter its mandate, composition or powers at will;
- Staff should be personally and institutionally independent;
- NPM has authority to choose and employ its own staff based on its own criteria (see p.48 of APT NPM Guide for more details).

Scottish Prisons Complaints Commissioner

The screenshot shows the top navigation bar of the Scottish Government website. The header includes the Scottish Government logo and the text 'The Scottish Government Justice'. The date 'Friday, November 23, 2007' is displayed on the right. A navigation menu contains links for Home, About, Topics, News, Publications, and Consultations. A search box is located on the right side of the menu. Below the navigation bar, a breadcrumb trail reads: 'You are here: Topics > Justice > Prisons > Scottish Prisons Complaints Commission > Proposal for Statutory Footing'. On the right side of the page, there are links for 'Text size: | A | A | A | A' and 'Contacts | Site Map |'. The main content area features a red sidebar on the left with a menu of links: Justice, Prisons, Scottish Prisons Complaints Commission, Proposal for Statutory Footing (highlighted), Role, Background, Staff, Complaints System, FAQ's, and Annual Reports. The main content area has a red header 'Proposal for Statutory Footing' and a sub-header 'PROPOSAL FOR STATUTORY BASIS FOR THE SCOTTISH PRISONS COMPLAINTS COMMISSION'. Below this is a link: '***** This document is also available to view as an Adobe Acrobat PDF file *****'. The main text begins with: 'In January, 2005 the Scottish Prisons Complaints Commissioner met with the Minister for Justice for Scotland and submitted a proposal that the Scottish Prisons Complaints Commission be given a statutory footing. The following is a revised and updated version of the proposal.' A sub-section titled 'Proposal' follows, containing the text: 'It is recommended that the Scottish Prisons Complaints Commission (hereafter referred to as the Commission or the SPCC) be granted legal status either through primary or secondary legislation. Such a footing would enhance the effectiveness of the Commission's operations, foster awareness amongst members of the public, the Executive and the Scottish Prison Service (SPS) of the Commission's remit and reflect the Scottish Executive's commitment to the Commission's operations.'

The Scottish Government
Justice

Friday, November 23, 2007

Home About Topics News Publications Consultations Search site

You are here: Topics > Justice > Prisons > Scottish Prisons Complaints Commission > Proposal for Statutory Footing

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Justice
Prisons
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Proposal for Statutory Footing

PROPOSAL FOR STATUTORY BASIS FOR THE SCOTTISH PRISONS COMPLAINTS COMMISSION

***** This document is also available to view as an Adobe Acrobat PDF file *****

In January, 2005 the Scottish Prisons Complaints Commissioner met with the Minister for Justice for Scotland and submitted a proposal that the Scottish Prisons Complaints Commission be given a statutory footing. The following is a revised and updated version of the proposal.

Proposal

It is recommended that the Scottish Prisons Complaints Commission (hereafter referred to as the Commission or the SPCC) be granted legal status either through primary or secondary legislation. Such a footing would enhance the effectiveness of the Commission's operations, foster awareness amongst members of the public, the Executive and the Scottish Prison Service (SPS) of the Commission's remit and reflect the Scottish Executive's commitment to the Commission's operations.

Scottish Prisons Complaints Commissioner

3.A statutory footing will help to clarify and secure the Commissioner's tenure. At present the Commissioner can be dismissed at will by the First Minister. Although the reasons for termination include those determined for all Executive employees there are no safeguards in place to ensure that the very body whose decisions and policies the Commission is charged with investigating (the SPS) would play no role in a decision to terminate the Commissioner's appointment. Schedule 1 to the British and Irish Ombudsman Association (BIOA) Rules notes that the grounds on which an ombudsman's dismissal can be made should always be stated and that those subject to investigation by the Ombudsman should not be allowed to exercise any authority on the termination of an Ombudsman's appointment. The Schedule also states that the jurisdiction, the powers and the method of appointment of the Ombudsman should be matters of public knowledge. This Schedule is accepted as authoritative on Ombudsman's schemes and is included as an Annex to the Ombudsman Schemes: Guidance for Departments issued by the Cabinet Office and the Department for Constitutional Affairs.

Independence

- Do all UK visiting bodies have a clear statutory basis?
- How is the processes of dismissal and recruitment regulated?
- Are there any restrictions to their functioning in practice?
- Are they perceived as being independent?

Question 3: Composition

Article 18 (2): “The States Parties shall take the necessary measures to ensure that the experts of the national preventive mechanism have the required capabilities and professional knowledge. They shall strive for gender balance and the adequate representation of ethnic and minority groups in the country.”

Expertise

- UN Special Rapporteur on Torture has stated it is “of the utmost importance that States Parties ...ensure membership from different professions” in the NPM;
- Including lawyers, doctors, psychologists, psychiatrists, penal experts, persons with experience working with vulnerable groups, anthropologists and social workers;
- However, in practice we have found...

Criminal Justice Inspection Northern Ireland

- Highly qualified persons with experience in criminal justice sector;
- Lawyers, psychologists (2), political scientist, auditor, management consultant etc.



Youth Justice Board

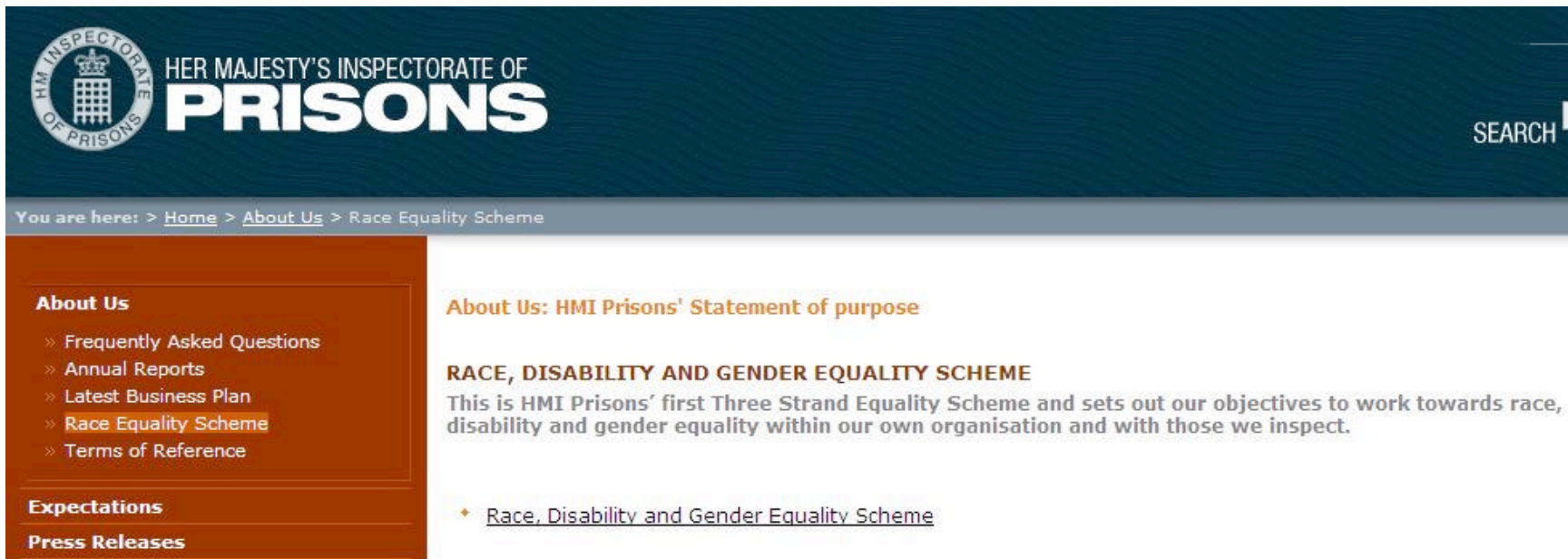
- Educationalists, doctor, journalist, mental health expert, lawyers, former police officer and various non-profit sector activists.



Composition of other bodies?



Gender balance and adequate ethnic and minority group representation?



The screenshot shows the website for Her Majesty's Inspectorate of Prisons. The header features the HMIP logo and the text 'HER MAJESTY'S INSPECTORATE OF PRISONS'. A search bar is located in the top right corner. Below the header, a breadcrumb trail reads 'You are here: > Home > About Us > Race Equality Scheme'. The main content area is divided into a left sidebar and a main body. The sidebar, under the heading 'About Us', lists several links: 'Frequently Asked Questions', 'Annual Reports', 'Latest Business Plan', 'Race Equality Scheme' (which is highlighted), and 'Terms of Reference'. Below this, there are sections for 'Expectations' and 'Press Releases'. The main body of the page has a heading 'About Us: HMI Prisons' Statement of purpose' and a sub-heading 'RACE, DISABILITY AND GENDER EQUALITY SCHEME'. The text below states: 'This is HMI Prisons' first Three Strand Equality Scheme and sets out our objectives to work towards race, disability and gender equality within our own organisation and with those we inspect.' At the bottom of the main body, there is a link: '♦ [Race, Disability and Gender Equality Scheme](#)'.

HER MAJESTY'S INSPECTORATE OF PRISONS

SEARCH

You are here: > [Home](#) > [About Us](#) > Race Equality Scheme

About Us

- » [Frequently Asked Questions](#)
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Expectations

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About Us: HMI Prisons' Statement of purpose

RACE, DISABILITY AND GENDER EQUALITY SCHEME

This is HMI Prisons' first Three Strand Equality Scheme and sets out our objectives to work towards race, disability and gender equality within our own organisation and with those we inspect.

♦ [Race, Disability and Gender Equality Scheme](#)

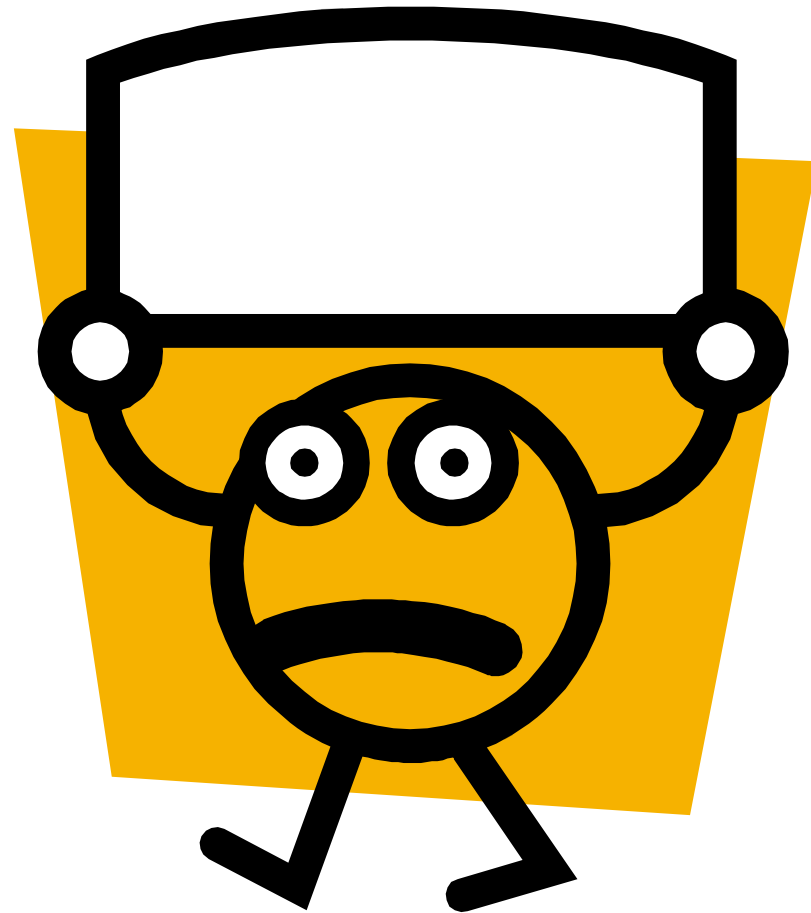
Question 4: Powers

According to Article 19 NPMs shall be granted at a minimum the power:

- To regularly examine the treatment of persons deprived of their liberty;
- To make recommendations to the relevant authorities...
- To submit proposals and observations concerning existing or draft legislation.

The much neglected Article 19 (c)

- Are all UK visiting bodies formally granted the power to submit proposals and observations concerning existing or draft legislation?



Compliance with Article 19 (c)?

- Youth Justice Board - advises “on the operation of, and standards for, the youth justice system”;
- Mental Health Act Commission – “encouraged to advise on policy issues”.



Other issues for examination:

- Access to places, people and information (Article 20);
- Sanctions and immunities (Article 21);
- Examination of recommendations and dialogue on possible implementation (Article 22).



Conclusion:

- The APT happy to be of any assistance;
- Information available at: www.apt.ch
- Or by email: mpringle@apt.ch
- Thank you!

