

Philippe Boillat

Director General
Directorate General, Human Rights and Rule of Law,
Council of Europe

Tiina Astola

Director-General
Justice,
European Commission

Michael Georg Link

Director
OSCE Office for Democratic Institutions and Human Rights

Dear Sirs/Madam,

Re: Networking National Preventive Mechanisms

We write to you as representatives of National Preventive Mechanisms (NPMs) from the European region. As you know, the bodies that we represent were established under the Optional Protocol to the UN Convention against Torture (OPCAT), and aim to prevent torture and ill treatment through independent monitoring of detention.

Almost 11 years have passed since OPCAT entered into force in 2006 and NPMs first came into being. Most countries in Council of Europe, OSCE and EU member states now have NPMs, which is extremely positive.

Early on in the development of NPMs, the Council of Europe played a leading role in bringing these new bodies together to help them understand their role and mandate and to share early experiences and methodologies. These 'peer-to-peer' spaces played an important part in helping new NPMs develop in what was, for many, a new area of work.

Most recently, your organisations have helped to create spaces for NPMs to share and develop expertise. These included the October 2016 meeting that OSCE chaired in Vienna and the April 2017 meeting in Strasbourg co-hosted by the Council of Europe and the EU. Such meeting spaces have been very important for NPMs.

As a result of your contributions it is clear that the most effective way of strengthening our future work as NPMs and building a strong and effective community of NPMs, is for NPMs themselves to play a leading role in organising themselves. An NPM-led network would enable us to identify topics of most relevance to us for discussion and to organise ourselves in ways that complement our work most effectively.

A decade has passed since OPCAT entered into force and our NPMs have now evolved and grown in confidence and standing. We are ready and keen for a shift in the approach to NPMs by inter-governmental bodies, which initially took the role of organising us and determining meeting agendas. This approach made sense at a time when all NPMs were new and deep understanding of our roles yet to be developed, but we would now like to move from a situation where, at best, we are asked to fill in a questionnaire to gather input to inform agendas, to one where we are active agents in developing and planning activities for peer-to-peer exchange.

We have concerns about meetings and projects being planned without prior consultation or the active involvement of NPMs. When these activities are used to take forward specific interests of inter-governmental bodies that do not correspond with our OPCAT mandate to prevent ill treatment this can conflict with our institutional independence.

At this point in development of NPMs, we think that the technical advice and support of inter-governmental bodies would be much more effective if it came through an NPM-led network. SPT advice and reports and NPM self-assessments, as well as the day-to-day conduct of our work, give us good insights into the areas in which we need to improve as NPMs. We would like to make sure that the challenges we face on a daily basis, and the issues that have been raised with us by the SPT, are the issues on any agenda for peer-to-peer discussion. An NPM-led network, in which we can work through common challenges and share good practice, would be the most effective way of doing this.

All of our NPMs work with a wide range of stakeholders, including inter-governmental bodies and their executive agencies, non-governmental bodies and others. OPCAT gives the SPT the mandate to advise NPMs. For this reason, we would expect that the SPT would play a central role in any endeavor of the NPMs to strengthen our effectiveness. In future we would hope to be able to invite all of these stakeholders to support and advise us in enhancing our fulfillment of OPCAT obligations and to share best practice and learning.

We would very much like to discuss these ideas and the possibility of your organisations supporting NPMs, with a view to developing a roadmap for the development of an NPM-led network in the next two years. We would also need to discuss how the funding of different activities would be carried out, given the importance of NPMs maintaining an independent standing.

Yours faithfully,



Jørgen Steen Sørensen

Parliamentary Ombudsman, Denmark

FOLKETINGETS
OMBUDSMAND



Contrôleure générale
des lieux de privation de liberté, France



Ucha Nanuashvili
Public Defender of Georgia



საპარლამენტო სახელმწიფო
უზენაესი
PUBLIC DEFENDER
(OMBUDSMAN)
OF GEORGIA

Commissioner for fundamental rights of Hungary



THE COMMISSIONER FOR FUNDAMENTAL RIGHTS
THE UN'S NATIONAL HUMAN RIGHTS INSTITUTION

Franziska Goop-Monauni
Chairwoman of the Liechtenstein NPM



Monitoring Board for Detained Persons
MALTA

Aage Thor Falkanger
Norwegian Ombudsman



SIVILOMBUDSMANNEN
Norwegian Parliamentary Ombudsman



Adam Bodnar
Commissioner for Human Rights of Poland

COMMISSIONER FOR HUMAN RIGHTS

Elisabeth Rynning
Chief Ombudsman of Sweden

JO **RIKSDAGENS**
 OMBUDSMÄN
THE SWEDISH PARLIAMENTARY OMBUDSMEN

Chairman of the NCPT

Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

National Commission for the Prevention of Torture NCPT

Ukraine NPM



Ukrainian Parliament
Commissioner
for Human Rights

John Wadham
Chair, United Kingdom NPM



- cc Malcolm Evans, Chair, UN Subcommittee on Prevention of Torture
Mykola Gnatovskyy, President, European Committee for the Prevention of Torture
Markus Jaeger, Council of Europe
Jesca Bener, European Commission
Stephanie Selg, ODIHR