**National Preventive Mechanisms Against Torture**

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**What are National Preventive Mechanisms (NPMs)?**

NPMs are independent organs for the prevention of torture and ill-treatment at a national level. Under the Optional Protocol to the Convention against Torture and other cruel, inhuman or degrading treatment (OPCAT), each State Party must establish, maintain or designate one NPM or more, no later than one year after the entry into force of the Protocol in that State.

**The importance of NPMs**

Torture and other cruel, inhuman or degrading treatment or punishment are prohibited and constitute serious violations of human rights. Articles 2 and 16 of the Convention against Torture oblige each State Party to take effective measures to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction.

The OPCAT was adopted by the United Nations General Assembly in 2002 and entered into force after being ratified by 20 States on 22 June, 2006. The Protocol establishes the creation of a system of regular visits to centers for the deprivation of liberty by two mechanisms:

* National Preventive Mechanisms (**NPMs**), which undertake visits and formulate recommendations to improving the treatment and detention conditions at the country level, and
* The United Nations Subcommittee on Prevention of Torture (**SPT**), which is composed of 25 international experts who regularly visit various places where people are deprived of their liberty, around the world.

**Functions**

With an end to preventing torture and ill-treatment, NPMs **periodically visit** police stations, prisons (military and civilian), detention centres (e.g. pre-trial detention centres, immigration detention centres, juvenile justice establishments, etc.), mental health and social care institutions and any other places where people are or may be deprived of their liberty and detained under the order of a public authority.

NPMs **make recommendations** to relevant authorities aimed at improving the conditions of detention and the treatment of these people. They also formulate proposals regarding existing bills and legislation on this matter.

**Requirements**

The requirements for NPMs are defined in the OPCAT and the Guidelines for NPMs (CAT/OP/12/5). Moreover, the *Paris Principles* provide the framework for the establishment of NPMs. Approved by the General Assembly of the United Nations on December 20, 1993, the Paris Principles are a source of international standards for the creation and functions of National Human Rights Institutions as well as NPMs. They detail their reach, responsibilities, composition, guarantee of independence and methods of operation.

**Autonomy and Independence:**

NPMs are not under the authority of the executive, legislative or judicial power. In an impartial manner, they oversee the State to ensure that it complies with its obligations to prevent torture. States must ensure the functional independence of NPMs, their staff and the resources necessary for their operation. They also have to grant them the privileges and immunities needed to execute their mandate independently. The State should refrain from nominating members who occupy positions that may give rise to conflicts of interest.

**Professionalism:**

Members of the NPM must possess the knowledge and professional skills required to collectively ensure the effectiveness of its operation. To this end, it is important to consider, among other things, relevant expertise in legal matters and healthcare.

**Diversity:**

It is important to take into account gender balance and an adequate representation of the country´s ethnic and minority groups.

**Legality:**

It is desirable that the mandate and powers of the NPM be clearly stated in a constitutional or legislative text.

**Complementary:**

The NPM should complement and not replace existing monitoring systems. Its creation should not prevent the creation or operation of other complementary systems.

**Transparency and representativity:**

NPMs must be created through public, transparent and inclusive procedures involving a broadly representative group of stakeholders, including civil society in particular. This same process should be used in the selection and appointment of members of the NPM, whose criteria should also be public.

**The State´s Responsibilities**

States must consider the recommendations made by NPMs and engage with these mechanisms to identify the possible measures to be applied. They must also publish and disseminate the NPM´s annual reports.

To ensure the proper exercise of the functions of NPMs, States have the obligation to ensure their access to places of detention, and to information concerning the number of detainees and their treatment.

States must allow these mechanisms to select the places they want to visit, to interview persons deprived of their liberty in private, and to maintain contacts with the SPT.

States also have a responsibility to ensure that they do not punish or penalize individuals or organizations for having communicated with the NPM.

The information collected by these mechanisms is confidential. Upon receiving reports of the NPM, the State must also protect their privacy and cannot share personal or confidential information.

**NPMs in South America**

Most countries in the region are at different stages in the establishment of an NPM, in order to effectively implement the OPCAT. OHCHR´s Regional Office for South America supports and promotes the creation of these mechanisms in all of the countries it covers.

**State Parties to the OPCAT**

**As of March 2012, the OPCAT has been signed by 71 countries and ratified by 62.** **In South America, Argentina, Bolivia, Brazil, Chile, Ecuador, Paraguay, Peru and Uruguay are Party to the treaty. Venezuela signed in 2011.**



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