

What is a “preventive” visit?

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Police officers

As the name suggests, preventive visits aim at preventing torture and other forms of ill-treatment. The [OPCAT](#) clarifies that these visits shall be undertaken “with a view to strengthening, if necessary, the protection of persons [deprived of their liberty] against torture and other cruel, inhuman or degrading treatment or punishment” (Art.19.a) and “with the aim of improving the treatment and the conditions of the persons deprived of their liberty” (Art.19.b).

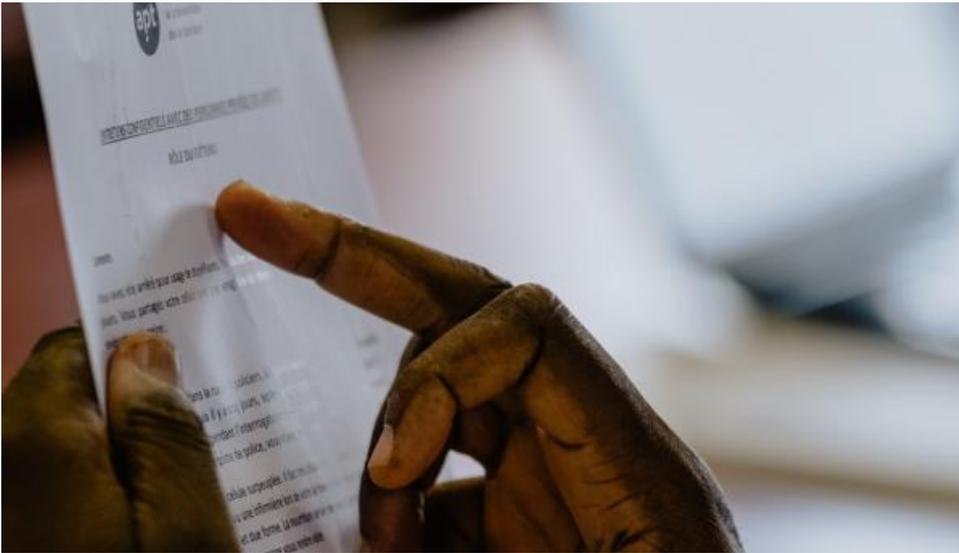
In more concrete terms, a preventive visit can be understood as any visit to a place of deprivation of liberty, with the objective of identifying root causes of ill-treatment and other human rights problems, understanding systemic issues and finding ways to address them. Preventive visits do not seek to react to specific incidents or allegations, but rather to ensure that the environment itself is less likely to give rise to such incidents and allegations. They are therefore proactive and can take place at any time, even when there is no apparent problem.

The emphasis of preventive visits is on the place of detention understood as a system rather than on the individual, while the ultimate goal is to improve the protection of all individuals against torture and other ill-treatment and, more generally, to ensure their rights and dignity are respected. Preventive visits are part of an ongoing and constructive dialogue with relevant authorities, to improve the detention system over the long term.

Preventive visits can be in-depth, thematic, ad hoc, or aim to follow-up on previous visits.

What are the different "types" of visits?

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*Training on visit types for
NPMs*

The purpose and type of each visit will govern how the team proceeds and should therefore be specifically defined beforehand. In broad outline, there are five generic types of visit:

1. **In-depth visits:** So-called in-depth visits are by nature preventive, as they aim at having an understanding as comprehensive as possible of the place visited (prisons, police stations, psychiatric institutions, or others). In large institutions, in-depth visits generally last several days and up to a few weeks, as they intend to cover all aspects of conditions and treatment in the facility. During such visits, a broad range of issues will be thoroughly analysed, from procedural safeguards and food to healthcare and staff working conditions. In-depth visits, particularly to large establishments, require a multidisciplinary team with a diversity of expertise and competences. All facilities across a given country should be at least once the object of an in-depth visit. In-depth visits can be either announced or unannounced, although announced visits have the advantage of easing the work of both the visiting team and the staff working in the facility, particularly in large establishments, such as prisons or psychiatric institutions.
2. **Thematic visits:** The objective of thematic visits is to look at specific issues only, often across a series of similar facilities, but not necessarily. For example, NPMs could look into how detainees are notified about their rights in police custody, the use of isolation and restraints in psychiatric institutions or how solitary confinement is applied across different types of detention settings. Specific themes are often chosen following recurring allegations over certain issues, whether identified by the NPM itself or by others, such as NGOs or the media. Thematic visits are often followed by thematic reports that highlight key issues of concern to a broader audience. They constitute a good opportunity for addressing the underlying systemic causes.

3. Follow-up visits: The most reliable way of ascertaining whether the NPMs' recommendations have been implemented is to conduct follow-up visits. Follow-up visits are therefore based on previous reports and recommendations. They are usually shorter than in-depth visits, although NPMs may conduct a second phase of in-depth that would include a follow-up of their recommendations previously made. It is essential that NPMs have an efficient internal system to easily track reports and therefore adequately follow-up on their recommendations. Follow-up visits can also refer to visits aimed at following up recommendations made by other bodies, in particular the SPT.
4. Ad hoc visits: They refer to visits which are not planned in the programme of visits. They can take place following a major event (such as fire or a strike) or can be required because the NPM has gathered information about possible patterns of abuse in a specific facility or in a series of facilities. Ad hoc visits therefore aim at further investigating issues of particular concern. Programmes of visits need to include some degree of flexibility and leave room for unplanned visits, which are important and feed into the preventive work.
5. Reactive visits: They refer to visits reacting to specific allegations. They usually take place following a complaint, received either from a detainee, a relative or an NGO. They are not part of the established programme of visits. Although reactive visits may be required, both for the credibility of the NPM and by the urgency of the situation, they should remain exceptional and not divert the NPM from its preventive mandate.

Why have a programme of visits?

According to the SPT, any NPM “should plan its work and its use of resources in such a way as to ensure that places of deprivation of liberty are visited in a manner and with sufficient frequency to make an effective contribution to the prevention torture and other cruel, inhuman or degrading treatment or punishment.¹” To this end, programmes of visits are a central planning tool, whereby NPMs schedule their visits to a series of places of deprivation of liberty (prisons, mental health institutions, but also – if relevant, deportation flights or other non-traditional “places” of detention) within a certain timeframe (usually annual, but it can be bi-annual or even trimestral). Programmes of visits should reflect the NPMs’ priorities and should include in-depth, but also thematic visits, as well as follow-up visits. It is important that programmes of visits also enable NPMs to retain some flexibility in order to be able to react to unplanned situations and to include ad hoc visits or reactive visits to their planning if necessary.

The SPT has further clarified that NPMs should “have criteria for selecting the places to be visited and for deciding on thematic visits that ensure that all places of detention are visited regularly, taking into account the type and size of institutions, their security level and the nature of known human rights problems².” It is also necessary that programmes of visits take into account the required time for the preparation, in particular when new areas or issues are to be monitored, as well as capacities, resources and expertise needed. During the planning stage already, NPMs should ensure that sufficient time will be allocated to each facility, based on the size of the institution and the type of visit.

Where and when should the NPM's first visit be conducted?

There is no one-size-fits-all solution regarding the choice and time of the first visit to be conducted by a newly created/designated NPM. However, it is essential that proper consideration and reflection is given by the NPM before embarking on its first visits. Prior to starting visiting places of detention, it is recommended that NPMs have a clear understanding of the legislative and policy framework and undertake a mapping of places of detention falling under their mandate. It is also advisable to have preliminary contacts with high-level authorities in order to present the NPM's mandate and its implication in practice. This may avoid misunderstandings about the mandate and problems in accessing facilities. In practice, some NPMs might prefer to start developing a methodology and rapport with the authorities before going on visits, and might therefore build knowledge, know-how and dialogue during the first few months after their establishment. Others might prefer to embark on visits rapidly and to develop their methodology and knowledge as they go along.

NPMs might prefer to start by visiting prisons, as opposed for example to mental health institutions, especially if there is a need within the institution to build knowledge on specific issues such mental health or specific needs of people with dementia. However, this is up to the NPM to decide and some may start by visiting "non-traditional" places of detention. Irrespectively of the approach chosen, is important that the first visits are part of an initial programme of visits, even rudimentary. If first visits may have different objectives (being known by the authorities and detainees, explaining the NPM's mandate, or mapping and understanding places of detention), what is essential is that visits are underpinned by a clear strategy and a vision.

How many visits should be conducted every year?

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There is no straightforward answer to this question. The objective of the OPCAT, spelled out in its first article is to “establish a system of regular visits [...] to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.” There is therefore a requirement of regularity stemming from the OPCAT. However, given the very broad range of places of deprivation of liberty falling under the mandate of the NPMs, it is impossible that all places are frequently monitored. Regularity should therefore be understood broadly, in the sense that places of detention have to remain under regular scrutiny over a long period of time.

NPM practices vary hugely: some of them conduct less than 10 visits every year, while others conduct several hundreds. However, these figures must be mirrored with the structure, resources available and specific context of each NPM, which also vary enormously from one country to another. Some NPMs do manage to couple quality with quantity, but this is not within the reach of all monitoring bodies, particularly small institutions with limited resources. Although NPMs might be pressured by others - such as the Parliament, government bodies or civil society organisations - to “do more”, they should resist the temptation of multiplying the number of visits only to show that they are active, and end up conducting superficial visits or not being able to properly follow-up on their visits and recommendations. The quality of visits is a precondition for qualitative analysis and recommendations, and, in turn, producing robust, high-quality and evidence-based reports and recommendations is the best way to demonstrate the NPM’s relevance.

Should NPMs conduct both announced and unannounced visits?

Unannounced visits are defined by the fact that they are not notified to the authorities. They are usually part of the programme of visits, and can be either in-depth, thematic, or follow-up visits, although they can also take place in the margin of the programme of visits, as ad hoc or reactive visits to specific allegations or incidents. The OPCAT does not expressly use the term “unannounced visits”, but this power is implied in Article 12(a), 14(c) and – in particular for NPMs – 20(c). The SPT has further clarified that the State should “ensure that the NPM is able to carry out visits in the manner and with the frequency that the NPM itself decides. This includes the ability to conduct private interviews with those deprived of liberty and the right to carry out unannounced visits at all times to all places of deprivation of liberty, in accordance with the provisions of the Optional Protocol³”.

NPMs may find that announcing their visits, especially in case of in-depth visits to large establishments, may facilitate the conduct and overall dialogue with the authorities. This would for example enable the NPM to gain specific information beforehand and agree on preliminary meetings, but also ensure that the director can make necessary arrangements for making the staff available and limit as much as possible the interference with everyday work. Visits are sometimes announced a few weeks - or only a few days - in advance without specifying the exact dates, in order to enable the authorities to prepare themselves while maintaining an element of surprise. Some visits, however, should usually be unannounced, in particular visits to police stations, where the risk of ill-treatment is usually greater than in other custodial settings. The “surprise effect” is also particularly relevant, as detainees may be at risk of being removed, hidden or transferred prior to the visit if it is announced.

How to conduct a preventive visit?

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The conduct of preventive visits requires a specific methodology, which includes the preparation, the conduct itself as well as the follow-up to the visit. Some considerations are specific for each type of place (for example police stations, immigration detention facilities or women prisons), although there is a common basis for all. In broad outline, the conduct usually includes an initial talk with the director, a tour of the facility, interviews in private with both detainees and members of staff, observations, analysis of registers and other relevant documentation and a final talk with the director. All sources of information have to be triangulated (cross-checked) in order to ensure that the findings are objective and robust.

What is the “average length” of a preventive visit?

The length of a preventive visit will largely depend on the type of visit (in-depth, thematic, ad hoc, follow-up), as well as the size of the institution visited and the number of persons deprived of liberty within the establishment. Other factors impacting on the duration include the size of the monitoring delegation, its degrees of experience and expertise, as well as the problems that will be identified in the facility. While it is impossible to give precise indication regarding what would be the appropriate duration for a visit, the following remarks can be useful:

- Even a visit to a small facility, such as a police station, requires time in order to identify possible patterns of abuse and dysfunction.
- All visits – and in particular in-depth visits – require following certain steps, from an initial talk with the director, a visit of the premises, interviews with detainees and staff, the analysis of documentation, to a final talk with the person in charge. In small facilities with few detainees, it is also recommended to conduct interviews with all, in order to mitigate the risk of reprisals. It is therefore not likely that any preventive visit, even to a small facility, could be conducted in less than one full day.
- Visits to large establishments, with over 100 detainees and more, particularly in-depth visits looking at all aspects of detention, should last at least a few days. Some NPMs spend up to two weeks or even longer in large places of deprivation of liberty, such as prisons, immigration detention centers, or psychiatric hospitals.
- Spending enough time in any given facility is the only way to have a real sense of the atmosphere of the place. Taking the time to observe interactions and processes provides a wealth of information and is an important component of any preventive visit.
- A good preparation and a well-structure team work are the best way to ensure that time is spent efficiently in the facility.
- The possibility of adding night visits as well as visits during weekends should also be taken into consideration when deciding on the duration of the visit