**NPM[[1]](#footnote-1) Assessment matrix for States**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Introduction** | | | | | | |
|  | | **ASSESSSMENT TOOL PARAGRAPH** | **NO** | **Partial** | **YES** | **Comments** |
| 1. Is education and information regarding the prohibition against torture fully included in the training of any personnel who might be involved in depriving persons of their liberty? | | 1 and 9.5 |  |  |  |  | |
| 1. Is the prohibition of torture, cruel, inhuman and degrading treatment and punishment included in the working regulations of such personnel? | | 1 |  |  |  |  | |
| 1. Are all methods and processes of taking the liberty and freedom of a person systematically reviewed? | | 1 |  |  |  |  | |
| 1. Does the State Party guarantee the organisational and functional independence of the NPM? | | 3 |  |  |  |  | |
| 1. Has the State Party provided the NPM with the necessary, sufficient and appropriate resources to enable it to carry out its functions in accordance with the requirements of the OPCAT? | | 3 |  |  |  |  | |
| 1. Has resourcing been done in cooperation with the NPM, hearing its actual needs and estimations? | |  |  |  |  |  | |
| 1. Does the State Party refrain from supervising the NPM? | | 3 |  |  |  |  | |
| 1. Does the NPM have the capacity to operate in conformity with the principles relevant to the status of national institutions for the promotion and protection of human rights (Paris Principles)[[2]](#footnote-2)? | | 4 |  |  |  |  | |
| 1. Is the SP maintaining direct, contact with the SPT? | | 5 |  |  |  |  | |
| 1. Does the State Party systematically and periodically carry out self-evaluation of its obligations with respect to the NPM? | | 6 |  |  |  |  | |
| 1. Does the SP engage in a meaningful process of dialogue with the NPM concerning the implementation of any recommendations made by the latter? | | 9.1 |  |  |  |  | |
| 1. Does the SP seek the NPM’s contribution to the reports which States Parties are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations? | | 9.8 |  |  |  |  | |
|  | |  |  |  |  |  | |
|  | **Organisation of the NPM** | | | | | | |
| **Factors to evaluate** | |  | **NO** | **Partial** | **YES** | **Comments** | |
| 1. Are the mandate and powers of the NPM clearly set forth in a constitutional or new or existing legislative text, specifying its composition and its sphere of competence? | | 10 |  |  |  |  | |
| 1. Does this same constitutional text or legislation specify that the visiting mandate of the NPM extends to all places where people are or may be deprived of their liberty, as set out in Article 4 of the OPCAT? | | 10 |  |  |  |  | |
| 1. Does the relevant legislation specify the period of office of the members of the NPM (for either a determined or undetermined period)? | | 11 |  |  |  |  | |
| 1. Does the relevant legislation specify any grounds for their dismissal? | | 11 |  |  |  |  | |
| 1. Does the legislation guarantee that both the members of the NPM and its staff enjoy such privileges and immunities as are necessary for the independent exercise of their functions? | | 11 |  |  |  |  | |
| 1. Does the legislation address the issue of reprisals and other actions of such a nature against NPM members, their partners or any person who has communicated with the NPM? | | 11 |  |  |  |  | |
| 1. Does the NPM have the power to freely select the places of deprivation of liberty in which visits are to be carried out? | | 12.1 |  |  |  |  | |
| 1. Does the NPM have the power to undertake the regular examination of the treatment of persons deprived of their liberty in those places? | | 12.1 |  |  |  |  | |
| 1. Does the NPM have the power to determine the timing of such visits? | | 12.1 |  |  |  |  | |
| 1. Does the NPM have the power to determine whether the visits are to be announced or unannounced? | | 12.1 |  |  |  |  | |
| 1. Does the NPM have the power to select the persons to be interviewed | | 12.1 |  |  |  |  | |
| 1. Does the NPM have access to all personal and sensitive information necessary for pursuing its mandate? | | 12.2 |  |  |  |  | |
| 1. Does it have access to all premises? | | 12.2 |  |  |  |  | |
| 1. Does it have access to all persons necessary for pursuing its mandate? | | 12.2 |  |  |  |  | |
| 1. Does it have the power to make recommendations to the relevant authorities? | | 12.3 |  |  |  |  | |
| 1. Does it have the right to have contact with the SPT? | | 12.5 |  |  |  |  | |
| 1. Are all these powers set out in the legislation? | | 12 |  |  |  |  | |
| 1. Are members of the NPM selected through an open, transparent and inclusive process? | | 13 |  |  |  |  | |
| 1. Is the selection process prescribed in the governing NPM legislation? | | 13 |  |  |  |  | |
| 1. If the NPM performs other functions in addition to those under the OPCAT, are the NPM functions located within a separate unit or department, with its own staff and a separate budget? | | 14 |  |  |  |  | |
| 1. Has the State made available the necessary resources for the effective functioning of the national preventive mechanisms? | | 15 |  |  |  |  | |
| ***Follow-up on SPT’s and own recommendations for changes*** | |  |  |  |  |  | |
| 1. Does the SP maintain a constructive dialogue with the NPM regarding the implementation of recommendations? | | 34 |  |  |  |  | |
| 1. Does the dialogue involve both written and oral exchanges? | | 34 |  |  |  |  | |
| 1. Are addressees of the recommendations required, on request from the NPM, to develop a concrete policy or plan of action to commence reform where needed? | | 34 |  |  |  |  | |
| 1. Are there instances where the NPM recommends that authorities immediately put an end to certain practices and initiate a criminal investigation? | | 34 |  |  |  |  | |
| 1. Are visit reports, including recommendations, published? | | 35 |  |  |  |  | |
| 1. Are annual reports published? | | 35, 47 |  |  |  |  | |
| **Issues related to the legislative framework** | |  |  |  |  |  | |
| 1. Is place of detention defined by the national law? | | 38 |  |  |  |  | |
| 1. Does this definition keep in mind the OPCAT principles and protection of human rights? | | 38 |  |  |  |  | |
| 1. Is the NPM mandated to assess draft and existing legislation against the State Party’s international obligations and against other international standards? | | 40 |  |  |  |  | |
| 1. Does the legislation establishing the NPM clearly state the obligation for competent authorities to examine the recommendations of the NPM and to enter into a dialogue with it regarding the implementation of its recommendations? | | 41 |  |  |  |  | |

1. Following the criteria established by OPCAT, the SPT Guidelines on NPMs, and the Self-assessment tool for NPMs. [↑](#footnote-ref-1)
2. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx> [↑](#footnote-ref-2)