

Submission to the UN Subcommittee on Prevention of Torture (SPT) on Draft general comment No.1 on places of deprivation of liberty (article 4)

1. The Helena Kennedy Centre for International Justice is a human rights centre based at Sheffield Hallam University in the UK.¹ The interdisciplinary centre works on projects in a variety of human rights and social justice areas.
2. We welcome the opportunity to provide this submission to the SPT draft general comment No.1 on places of deprivation of liberty (article 4).

Comprehensive approach to defining places of deprivation of liberty

3. We support the breadth of the SPT's interpretation of OPCAT article 4 to include any and all places where persons may be deprived of their liberty, as the only interpretation that is consistent with the object and purpose of the treaty.²
4. Regarding draft paragraphs 10, 12 and 36, we also welcome the Subcommittee's interpretation of article 4 to take account of *forms* of detention not otherwise captured by article 4(1), thus taking account of the alternative ways in which a person may be deprived of their liberty.
5. We support the interpretation that persons may be deprived of their liberty in various *forms*, both inside and outside formal places of detention, and that the SPT and NPMs should be granted full access to all of these settings.

Practical challenges and obstructions to monitoring visits

6. We welcome the SPT's acknowledgement that monitoring mechanisms regularly experience difficulties and restrictions in conducting visits to places of deprivation of liberty in paragraph 5 of the draft general comment. This acknowledgement recognises the close relationship between OPCAT articles 4, 14 and 20 and we therefore **recommend the addition of reference to OPCAT articles 14 and 20(c) in this paragraph** to make this relationship explicit.

¹ See <https://www.shu.ac.uk/helena-kennedy-centre-international-justice>

² As required per article 31 of the Vienna Convention on the Law of Treaties (1969)

7. Taking account of OPCAT article 14(2), it is our view that any attempt to place unreasonable restrictions or limitations on how monitoring visits are conducted to any place of deprivation of liberty is inconsistent with the spirit of the Optional Protocol to prevent torture or other ill-treatment.