



> Return address Postbus 20301 2500 EH The Hague

OHCHR-UNOG
8-14 Avenue de la Paix
1211 Geneve 10, Switzerland

**Directorate-General for
Sanctions and Protection**
Directorate for Sanctions and
Victims Policy

Turfmarkt 147
2511 DP The Hague
Postbus 20301
2500 EH The Hague
www.rijksoverheid.nl/jenv

Contact

Elze Aalbers

T 06 500 370 45

e.t.aalbers@minjenv.nl

Date The 8th of May 2024
Concerning Reorganization Dutch National Preventive Mechanism

Our reference

5380614

*Please quote date of letter
and our ref. when replying. Do
not raise more than one
subject per letter.*

Dear sir or madam,

The Netherlands regards the prevention of torture and other cruel or degrading treatment of persons who are deprived of their liberty¹ a very important topic. The National Preventive Mechanism (NPM) is an important instrument in that prevention. Since the ratification of the OPCAT the Dutch NPM has operated as a network, coordinated by the Inspectorate of Justice and Security.

With this letter I would like to inform you that I have decided to reform the structure of the Dutch NPM. To this end, I have requested the Netherlands Institute for Human Rights (hereafter: the Institute) to perform the duties of the NPM in its entirety. The Institute has indicated its willingness to do so. In this letter I will elaborate on my decision and the implementation of this decision.

Restructuring of the Dutch NPM

In the past, the Subcommittee on Prevention (SPT), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), as well as (current) parties of the NPM, have criticised the NPM's functioning and its network-structure. Following this critique I have commissioned an independent study among multiple stakeholders to analyse the NPM-duties and which resources the Institute would require to fulfil these duties. This study supports the expectation that by placing the NPM task with one party, the Dutch NPM is expected to become more effective and targeted, as the Institute will have the full mandate, instead of a shared mandate-network with multiple parties.

After careful deliberation with a number of stakeholders I have decided that the Institute would be the best party to perform the NPM-duties, for multiple reasons. First of all, the duties and responsibilities of a NPM are very similar to the legal duties and responsibilities of the Institute. Secondly, the Institute has an abundance of relevant experience, including carrying out visits to places of deprivation of liberty, making recommendations to the relevant authorities and submitting observations concerning draft and current legislation. Furthermore, the Institute already has the required legal mandate to perform the duties of the

¹ Either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence.

NPM. Finally, the Institute is accredited the A-status, confirming its full compliance with the Paris Principles.

Implementation decision

The Institute has formally started the execution of its new duties on 1 April 2024. The inquiry has been completed and the institute will receive the necessary (financial) resources based on the outcomes of the independent report. Furthermore the Dutch government is preparing an amendment to the Netherlands Institute for Human Rights Act, to strengthen the legal basis for its NPM work. Even though its legal mandate already allows the Institute to carry out the NPM-duties, including conducting announced and unannounced visits to places of deprivation of liberty, this amendment aims to anchor the NPM-mandate of the Institute when performing those duties.

In conclusion

The NPM is a valuable instrument in the prevention of torture and other cruel, inhuman or degrading treatment of persons deprived of their liberty. I am therefore grateful for the Institute's willingness to take on this new role as the Dutch NPM and confident that it will further improve the effectiveness of the Dutch NPM. If appreciated I would be more than willing to further explain my decision.

Yours faithfully,

Minister for Legal Protection



F.M. Weerwind

**Directorate-General for
Sanctions and Protection**
Directorate for Sanctions and
Victims Policy

Date

8th May 2024

Our reference

5380614