

# Training of national controllers of places of deprivation of liberty

- State of play and perspectives –

Consultation of NPMs of Council of Europe member states  
and international stakeholders of the prevention of torture

(June-July 2021)

Report submitted by the Association  
for the Creation of an International Training Centre  
for Visits to Places of Deprivation of Liberty

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**English translation – Editing pending**

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# 1 The consultation process and its context

## 1.1 Origin and objectives of the consultation

The Association for the Creation of an International Training Centre for Visits to Places of Deprivation of Liberty<sup>1</sup> (hereinafter the Association) has taken the initiative to organize a global consultation of national and international actors of prevention of torture to obtain their opinion on the advisability of such a prospect, fifteen years after the entry into force of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

After obtaining, on 22 April 2021, the financial support of the Council of Europe, the Association carried out the first phase of this consultation<sup>2</sup> which focused on the national mechanisms for the prevention of torture (NPMs) established pursuant to the OPCAT in the member states of the Council of Europe and in Kosovo, as well as on the international stakeholders of torture prevention.

Initiated on 1 June 2021 by a launching conference which brought together nearly 80 persons, the consultation made it possible to collect from representatives of the participating European NPMs the information that was needed to draw up an inventory of the theoretical and practical training that they had actually received. It also provided an opportunity to learn about the analyses and points of view of the main stakeholders of the prevention of torture at international level, be they intergovernmental bodies (SPT, CPT, OSCE / ODIHR) or international non-governmental organizations (APT, NPM Obs). This consultation ended on 21 July 2021.

The present report outlines the results and conclusions of this collective thinking exercise. It also takes into account the diagnosis offered by Sir Malcolm Evans and Ms Lora Vidovič in their “Project Evaluation Report of the Proposed Institute for the Prevention of Torture” submitted in November 2020 to the Council of the Europe which had commissioned it.

The present report will be presented on 22 September 2021 to the participants of the annual conference of European NPMs that is organized by the Council of Europe in the framework of the European NPM Forum.

On this occasion, the Association will propose to the NPMs a co-construction process for the creation of the international training centre.

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<sup>1</sup> The project to create an international training center for visits to places of deprivation of liberty was initially presented (18 June 2020) to Mr Christos Giakoumopoulos, Director General of the Directorate General of Human Rights and Rule of Law of the Council of Europe by (alphabetical order) Mr Jean-Marie Delarue (France), former Controller General of Places of Deprivation of Liberty (CGLPL); Mr Vincent Delbos (France), retired magistrate, former inspector general at the General Inspectorate of Justice, member of the European Committee for the Prevention of Torture (CPT) elected in respect of France; Mr Markus Jaeger, formerly in charge of cooperation programs with NPMs at the Council of Europe; Mr Patrick Marest, former director of the French section of the International Prison Observatory (OIP). The project is now part of the corporate purpose of the eponymous Association, a not for profit association under French law founded on 21 February 2021: “To carry out any activity and support any initiative that aims at the setting-up and the operation, on the methodological and financial levels, of an international training center for visits to places of deprivation of liberty”.

<sup>2</sup> For the presentation of the entire process cf. <https://www.itc-tortureprevention.org/approach>

## 1.2 The launch conference of 1 June 2021

Organized by the Association and opened by the Director General of Human Rights and Rule of Law of the Council of Europe, the online conference to launch the consultation was held on 1 June 2021. All NPMs established in the member states of the Council of Europe and in Kosovo had been invited, as well as the main stakeholders in the prevention of torture at international level.

The program and recording of the launching conference can be found at <https://www.itc-tortureprevention.org/inaugural>.

NPMs invited	
Participants (number of representatives)	Not participating
Albania (3), Armenia (1), Bulgaria (1), Croatia (3), Cyprus (1), Czech Republic (4), Estonia (1), France (1), Georgia (1), Germany (1), Greece (9), Hungary (1), Italy (2), Kosovo (1), Luxembourg (1), Malta (1), Montenegro (1), North Macedonia (2), Poland (1), Romania (1), Serbia (2), Slovenia (1), Turkey (3), United Kingdom (2), Ukraine (2)	Excused (6): Austria, Denmark, Norway, Portugal, Sweden, Switzerland No reply (9): Azerbaijan, Finland, Iceland, Latvia, Liechtenstein, Lithuania, Moldova, Netherlands, Spain
Total of participating NPMs: 25 Number of NPM representatives: 47	Total of absent NPMs: 15

International stakeholders invited	
Participating (number of representatives)	Not participating
Organisations: CPT (1), OSCE-ODIHR (1), SPT (8) Associations: APT (1), NPM Obs (1)	No reply: IOI No reply: Dignity
Total of participating stakeholders: 5 Number of representatives: 12	Total of absent stakeholders: 2

## 1.3 The first phase of the consultation

The dedicated website

In order to allow participants but also any interested public to follow the process, the Association has put a dedicated site online at <https://www.itc-tortureprevention.org/>.

A particularity of the site is that it was designed and developed by inmates of the detention centre in Melun (France) who are employees of an association called Code Phénix (<https://codephenix.fr>).

## Registration for the consultation

Each NPM was invited to designate up to two representatives to participate in the consultation. Each of them had to fill out a form with a questionnaire to collect information on the internal and external training they had received.

31 representatives of 20 NPMs participated in the consultation.

	NPMs participating in the consultation	Total
1 representative	Croatia, Cyprus, Greece, Luxembourg, Montenegro, North Macedonia, Poland, Portugal, United Kingdom	9
2 representatives	Albania, Armenia, Czech Republic, Georgia, Hungary, Italy, Kosovo, Latvia, Romania, Serbia, Ukraine	11

The NPMs from Bulgaria, Estonia, France, Germany, Malta, Slovenia and Turkey, who had been present on June 1, did not participate in the subsequent consultation. The NPMs of Latvia and Portugal, who had been absent on June 1, took part.

## The questionnaire

The questionnaire (see appendix 3) consisted of 21 questions comprising 36 items. 23 items were closed questions (in 9 cases, a yes / no box had to be ticked; in 14 cases, the appropriate box(es) had to be ticked in a pre-established list). 13 items were open questions offering a free text area.

The questionnaire called on each respondent to provide information both on the training they had received - whether initial (12 items) or continued (12 items) - and on the assessment they made of these training actions (7 items) or the lessons they drew today from the way they had been initiated into the job (5 items).

24 of the 31 NPM representatives who participated in the consultation submitted their questionnaires, representing 16 NPMs.

The answers to the questionnaires are presented in a summary (see appendix 4).

## The hearings

20 NPMs participated in group (17) or individual (3) consultations. The individual consultations had not been scheduled before hand but were added due to the unavailability of interested NPMs on the proposed dates for the group hearings.

	Participating NPMs	Total
Session of 17 June (morning)	Luxembourg, Montenegro, United Kingdom	3
Session of 17 June (afternoon)	Croatia, Italy	2
Session of 21 June	Czech Republic, Kosovo, Latvia, North Macedonia, Poland,	5

Session 25 June (morning)	Armenia, Cyprus, Greece, Hungary, Romania, Serbia, Ukraine	7
Session of 19 July	Georgia	1
Session of 20 July	Portugal	1
Session of 21 July	Albania	1

Five international stakeholders of torture prevention participated in group (3) or individual (2) consultations. Again, individual consultations had not been scheduled but were added due to the unavailability of interested stakeholders on the proposed dates for group hearings.

Sessions	Participating intl. stakeholders	Total
25 June (afternoon)	NPM Obs	1
8 July	SPT, CPT et OSCE-ODIHR	3
23 July	APT	1

### The participants

NPMs were free to choose their representatives. Their choice was undoubtedly also guided by linguistic considerations as the consultations were held in English or French.

### The internal status of representatives of NPMs

NPM represented by	NPMs concerned	Total
Head of NPM	Georgia, Greece, Latvia, Luxembourg, Montenegro, Portugal, United Kingdom	7
Staff member	Croatia, Cyprus, Czech Republic, Hungary, Italy, Kosovo, North Macedonia, Poland, Romania, Serbia, Ukraine	11
Both Ombudsman and Head of NPM	Albania, Armenia	2

### Year of establishment of represented NPMs and other European NPMs

In the field of torture prevention, the European situation is unique, considering the high rates of ratification of the OPCAT and designation of NPMs. Indeed, 39 of the 47 member states of the Council of Europe are Parties to the Optional Protocol (83%) and all of them (except Bosnia and Herzegovina) have established their NPM.

Constituting the majority of torture prevention mechanisms in place around the world, the 38 European NPMs also have the particularity of being among the oldest. Established for most of them (35) in the decade following the entry into force of the OPCAT in 2006, half of them have between five and ten years of experience, the other half having more than ten years.



Established	Participating NPMs	Other European NPMs
2006	Czech Republic	
2007		Estonia, Liechtenstein, Malta
2008	Albania, Armenia	Denmark, France, Germany
2009	Georgia, United Kingdom	Switzerland
2010	Cyprus, Luxembourg, Poland	Moldova, Spain
2011	North Macedonia, Serbia	Netherlands, Sweden
2012	Croatia	Austria, Bulgaria
2013	Montenegro, Ukraine	Norway
2014	Greece, Portugal, Romania	Finland, Lithuania
2015	Kosovo, Hungary	
2016	Italy	
2018	Latvia	Turkey
2019		Iceland

With regard to their year of creation, the participating NPMs appear to be representative of all European NPMs and may look upon some experience concerning the trainings provided.

#### The seniority of the participants

Among the 31 NPM representatives who participated in the consultation, a very large majority (87%) are members with less than 5 years of experience (27).

Seniority of participants	Total
more than 10 years	1
5 to 10 years	3
3 to 5 years	10
1 to 3 years	15
less than 1 year	2

While the NPMs represented were for the most part long-established, their representatives were members of the “young generation”.

#### Types of NPM represented

18 of the 20 NPMs (90%) who participated in the consultation have, like the vast majority of European NPMs, been established under the so-called “Ombudsman plus” model, which is the term used to describe situations in which the mandate of the Ombudsman has been broadened to include the mandate of the NPM.

Type of NPM	Participants	Total
Separate institution	Italy, United Kingdom	2
Ombudsman plus	Albania, Armenia, Croatia, Cyprus, Georgia, Greece, Hungary, Kosovo, Latvia, Luxembourg, North Macedonia, Montenegro, Poland, Portugal, Romania, Czech Republic, Serbia, Ukraine	18

#### 1.4 Follow-up to the first consultation phase

The first phase of consultation will be followed by a second phase open to all the non-European NPMs.

## 2 The key elements of the Evans / Vidovic report

### 2.1 Inventory of existing trainings

Among the functions given to it by the OPCAT, the SPT plays a training role. It should provide NPMs with training and technical assistance to build their capacities. Due to insufficient material and financial resources, it cannot fully assume this role. It issues general advice (guidelines, analytical self-assessment tool, etc.) and provides individual advice (reports of visits dedicated to the functioning of the NPM, monitoring of self-assessment procedures, ad hoc consultations, training exercises for NPMs on a bilateral basis...). But NPMs are neither "inducted nor trained in preventive visits by the SPT" and "it is wildly unrealistic to expect that the SPT could, in practice undertake such 'on site' practical training visits on a systemic basis".

"Existing learning opportunities" for NPMs "are mostly connected to networking meetings in the context of international and regional cooperation". The trainings offered "are mostly ad hoc, planned at most several months in advance, and on topics that reflect current and burning issues". They "are mostly 'opportunistic' and/or project based, depending on the availability, readiness and priorities of the organisers and/or potential donors". NPMs "rarely participate in their planning". They "are more often merely in the position of having to decide whether to accepting an invitation to attend an event, or to participate in a specific project". "As a result, it is often the case that the NPMs are really contributing to the achievement of a third party's 'agenda' (even if this is of benefit to the NPM), rather than receiving something which is tailored to the specific needs of an NPM as such".

In contrast, the possibilities for NPMs to "learn from each other" are increasing. "For example, since 2013 NPMs who participate in the South-East European (SEE) Network have had several meetings hosted and co-organized every year by institutions in Slovenia, Austria, Serbia, Montenegro, North Macedonia, Croatia and others. They were financially supported by Council of Europe, OSCE, UNHCR. Topics included: NPM Reports; detention in the context of migration; Prevention of suicide in detention and status of NPM in member states; NPM Reprisals; Children in Detention; Monitoring safeguards in the first hours of police custody".

"Some NPMs (Tunisia, Kosovo, Austria/Germany) organize regional and/or international trainings on topics such as Overcrowding in prisons; Mental disability, deprivation of liberty and human dignity; Classification of detainees between norms and reality; Monitoring Homes for Elderly. These are organized within different projects, and all mentioned were co-organized and financially supported by Council of Europe".

"Unlike large multilateral workshops and conferences, exchanges like this are excellent as they allow on-site visits, being the most useful and practical way of learning. A key element of this is their 'peer to peer' nature, whilst drawing upon external expert input".

But “few, if any, of these are focused on ‘training’ the NPMs in any direct or formal fashion. They are primarily educative and/or discursive in nature“. "There are not that many formal and systemic learning opportunities for NPMs in Europe available".

As a result of the above, the training of NPM members relies heavily on operational trainings ("learning by doing") and internal trainings provided for both staff and heads of departments.

In addition, NPMs increasingly rely on the many training resources available online that are free and easily accessible to all members and experts, including in times of pandemic.

## 2.2 Potential added value of an additional training offer

"The need to provide NPMs with training is uncontroversial". There is "no example where NPMs have been resistant to the principle of training to better fulfil their functions".

"What is lacking is any recognised centre of excellence which provides structured training opportunities by recognised or accredited experts". It would "introduce a more rigorous and systemic approach to the training of NPMs".

"A robust, credible, high-quality and respected training centre could play an additional role in offering a ‘bespoke’ form of ‘training’ for Heads of Institutions which would better enable to create an operational ‘space’ for the effective functioning of the NPM within the bodies for which they are responsible. This would be a form of training ‘about’ the NPM and its work – rather than training for the NPM – but this could contribute significantly to raising of the capacities of NPMs (and their leadership) by fostering a better informed and supportive framework for them to function within. To be successful, this would need to be seen as a ‘prestige’ activity”.

A training centre could be useful for “external partners and counterparts working in government and/or institutions of deprivation of liberty, including civil servants as well as other decision-makers. Their sensitivity to, and even basic awareness of, the OPCAT, NPMs, standards and methodology, is very often lacking. If established, the training centre could potentially fill this gap in providing opportunities for specific and/or collective training in preventive methodologies of all such cohorts: if these are the groups with whom the NPM must work to achieve results, there is much to be said for ensuring that they too are effectively trained in order to be able to better assist and engage with the NPM”.

If it were to be considered as a "centre of excellence" with a global reach and an international approach, while taking into account the SPT's mandate, which is quite specific and different from e.g. the CPT's mandate, the training centre could meet the training ambitions of the SPT and constitute an 'added value', e.g. by inviting them “from time to time to make presentations to the relevant Committees to help inform their understanding of discrete issues concerning preventive visiting”.

In the European context where the dominant model is that the NPM function is assigned to an office of the Ombudsman “we take it for granted that those bodies will be routinely training their staff”. The role of a training centre would “not be to replace, but to both *inform* that work, and to *supplement* it with specialised training”. “Preventive visiting is a specialism in its own right, and it is key to the success of an

NPM that this is understood and reflected in its work. This underlines the need for training of NPMs to be conducted by those experienced and skilled in preventive visiting as a distinct methodology”.

“Practical training needs to be sensitive to the realities of the context in which an NPM is functioning rather than setting out idealised approaches which are not achievable”. “What is important is that training does not seek to ‘benchmark’ the unachievable as a global expectation”. “This speaks in favour of an ‘on site’ methodology, rather than an abstract and over-theorised approach”. Field visits are “the most useful and practical way of learning”.

Each NPM has “distinct training needs based on its organisation, structure, and experience”. For training to be useful and “both practical and relevant”, it must take into account that “there is no one ‘model’ or structure for an NPM”. “This is not only important as regards training concerning new and emerging topics and issues of interest, but also concerning the methodology of visiting, report writing, engagement with authorities concerning implementation of recommendations, etc.”.

The training centre's approach must “cohere with that which is advanced by the SPT”, especially with regard to “the exercise of the NPM mandate”. NPMs “are not subject to any form of ‘accreditation’”. It is sufficient that they be designated as an NPM by the State party for them to become the NPM, although in practice the SPT routinely speaks of NPMs being, or not being, ‘OPCAT compliant’ as regards their structure, organisation or, less frequently, operation”. However, “the SPT exercises a form of ongoing general oversight of the integrity of the OPCAT system of NPMs, including intervention in the interests of NPMs when necessary”.

Initial training might include, among other

- Overview of international legal framework and existing standards,
- Examples of national arrangements in setting up an NPM,
- Methodology, particularly as regards different sectoral visits,
- Training for incoming or new heads of NPMs,
- Training for certain number of new staff members,
- Training of other stakeholders working with NPMs in national context.”

“Ongoing training could be established addressing a long and constantly evolving list of specific issues/topics.” “The most important factors to take into account when determining such issues/topics are threefold.”

- “First, that NPMs themselves are involved in their prioritization and planning”.
- “Second, that the courses offered are needed, relevant and timely”.
- “Third, their development needs to involve highest available expertise, to assure its top quality.”

## 2.3 Potential audiences

“What is widely acknowledged by the NPMS themselves, is that they do have trainings needs regarding in what is required of them *as* NPMs”.

Beyond NPM members, "potential users" of a training centre "could include external experts and members of civil society organizations participating in visits".

"In many national contexts, those who work alongside and support the work of NPM – their partners and counterparts - are rarely able to participate in the forms of existing training opportunities". "Some external national experts and civil society organizations that work alongside and support the work of NPMs may well have a history and experience of operating in the context of deprivation of liberty – which is why they may have been chosen as collaborators or partners. Others, however, may not and they could also benefit from further training in both standards and methodology specifically connected to NPM, its contextualisation and activities".

Potential users could include "external partners", "civil servants" and other "officers working in settings NPM monitor" and "perhaps even other stakeholders such as selected journalists and similar".

"When the NPM function is fulfilled by an Ombuds or NHRI-type of institution which undertake a broad range of functions and may exercise of variety of different forms of mandate in addition to that of the NPM, there may be little expertise concerning preventive approaches in general, and/or expertise related to torture. Indeed, it may well be that the Ombudsman/Chair/ is not only not a subject-matter expert on torture: they may even be largely unaware of the particular features of an NPM mandate or the importance of torture prevention as a strand of work. It is also not very likely that the overall head of an Ombudsman's Office or the Chair of an NHRI would invest in attending NPM network meetings, or related events which are mostly designed for experts, and are not pitched at a strategic or 'high level'".

Compared to the CPT, there is "a heightened need for training" of the SPT. While CPT experts may have successive terms of up to 12 years, SPT experts rarely reach the maximum of 8 years (two terms of 4 years). The CPT has a secretariat whose size and experience are incomparable to that of the SPT, which is further affected by a high turnover of its staff". "As a result, there is considerably less knowledge of established practice and 'institutional' memory within the SPT (both membership and secretariat) than is the case the CPT ". In addition, "there is a well-developed system of induction and support" in the CPT.

The SPT has no prospect of a budget "to support the systematic training of members (or secretariat)" by a training centre. On the other hand, there is "within the United Nations" a "cultural bias against the very idea of independent experts being in need of 'training' as such".

In any event, "the very nature of the CPT and the SPT may make it difficult to be seen as principal beneficiaries of a training centre". Rather, the training centre should see international mechanisms as "peers in prevention" and seek to establish "collaborative relationships" with them. As a result, it should not offer "an 'on site' or 'shadowing' training methodology in relation to them specifically". On the other hand, as part of its work with NPMs, the training centre should provide members and staff of international mechanisms with practical training and discussions on good practices.

## 2.4 Providers

The training of NPMs needs to be conducted by people who are "experienced and skilled" in the work of NPMs but above all who have experience of "preventive visiting as a distinct methodology".

“Those involved” in the delivery of such training “would benefit from knowledge of NPM work outside of Europe, in order to ensure that the work of the centre can be of global, rather than regional, relevance in time”.

"Regarding the question of who will carry out the training, “teachers, lecturers and educators at the Centre should include (not exhausting) the following, and in no particular order”:

- experienced current and former NPM staff, bringing added value in sharing best practices and experience in operational matters, methodology, examples and similar ;
- current and former heads of institutions (Ombuds, NHRI/NPM Chairs) on specific issues and challenges faced when fulfilling the role ;
- academics, bringing theoretical knowledge on issues at stake ;
- former and current members of SPT, CPT ;
- experienced representatives of both international and national civil society organizations and non-profits ;
- experts working in the law enforcement, health, police and other structures that NPMs monitor;
- experts in other cross-cutting issues, such as awareness raising, human rights education and promotion, communications on torture prevention, report writing, formulation of recommendations, policy formation, etc.

## 2.5 Constraints to be taken into account

### Consistency with the vision of the SPT

While taking into account that the visits of NPMs and those of the SPT are very different "in many respects" and that " NPM experience does not necessarily map easily onto SPT visiting methodologies", the training centre "would require careful liaison with the SPT in the first instance, in order to secure the necessary degree of ‘coherence’ with its vision of the OPCAT system (of which the NPMs form a part) and, of course, with the NPMs themselves".

### Limited financial resources of NPMs

“Many NPMs complain that they lack the funding to be able to carry out their mandates adequately. Against that background, it is unreasonable to think they can devote significant resource to training by external agencies. They would end up trained – but unable to apply that training in practice”.

Most NPMs “will be reluctant to financially contribute towards the costs of the Centre, or to pay for training, due to their small budgets and limited capacities and resources”. They do not have "training budgets of a size to allow them to ‘buy in’ external training on an extensive basis. Indeed, numerous NPMs struggle to find the resources to maintain their day to day front-line work – and these are likely to be among those most in need to training”.

“It is unrealistic to build a business model which is reliant on the ability of NPMs to finance it. Whilst it is reasonable to expect a stream of income from NPMs in respect of the training and capacity building they receive” from such a training centre, “this is unlikely to provide a route to financial sustainability”.

In summary, it should not be expected that NPMs "can devote significant resource to training by external agencies ". Moreover, "there is little likelihood that the international visiting mechanisms (the CPT or SPT) will consider it appropriate to pay" this centre "for member training."

"While it is plausible to imagine NPMs agreeing to pay a relatively small annual fee for membership" of a training centre, " it is difficult to imagine fee income being sufficient to cover the overall management and operational costs" of the centre.

The "economic model" of the training centre should therefore provide for "a percentage of core costs" (covered by the annual contributions of its members) and a "participation in training" "paid for separately, either directly by those NPMS which could afford to, or by donors on behalf of NPMS which could not". "This would require a financial model which sought donor funding for a percentage of core costs and a separate donor fund to support participation in training activities". "The business model should foresee continued reliance on donor support and financing from those, including the Council of Europe, who have a commitment to, and interest in, the continued success of the work of NPMs. This would also ensure that the centre was a channel of 'added value' to the NPMs and enhance the likelihood of their investing their time (which is a valuable commodity)".

#### Geographic scope and linguistic constraints

The training centre could "commence its work in English and French, then expand to Spanish and Arabic".

"This does not mean that the scope of the initial phase needs to be limited to the Council of Europe Area.". "Most current African NPMs work in French and English, as do most of those in the Asia-Pacific Region. It is also the case that it is quite possible to engage with NPMs in the Americas in English and French, though to a limited degree in some instances".

#### Access to places of deprivation of liberty

A central element of the training centre's proposed approach to training is the "field" visit. NPMS "need to be invited to participate in 'training' exercises in particular institutions in third countries which have agreed to this, and with the approval of the national authorities".

"This is certainly a feasible methodology, and was indeed used by the Council of Europe in its NPM Project some years ago. However, it has limitations as a method of training". "For example, one of the key difficulties faced in practice can be how to secure access to a place of detention when there is resistance from those in charge of it, and training on how to practically 'navigate' this very important. However, securing access will not be an issue in the context of a visit to a place which has agreed in advance to be used as a training site. It is also the case that, inevitably, these are likely to be places which are frequently visited and in which the situations may be well known. Most countries have – for the want of a better term – 'show' facilities which are frequently visited by national or international bodies. Frankly, it is quite difficult to 'simulate' a realistic visit to such places and under such circumstances. Whilst not without value, the value of conducting such exercises in relatively artificial circumstances can be overstated. Another issue concerns information which may be received during such a visit: what is its status? Can the 'training team' respond to this? Can it raise issues with the authorities? If so, by whom? Is it confidential?". " « In



the context of NPMs, where reciprocal co-visiting already occurs, the value of such training is attested, despite its limitations”.

“A very practical risk” nevertheless arises: « The potential complexity » for the centre « to organise such training visits in third countries. There is a question of the relationship with the NPM in the country in which the training is to occur to take into account. Indeed, it might be wondered if it would be preferable for the centre to act more as a ‘broker’ as regards on-site visit training, linking NPM members to be trained with centre accredited ‘trainers’ in other countries. The training centre itself could then focus on the provision of thematic issues based training which might be more practical (and economical) for it to deliver on a more systemic basis”.

## 2.6 Recommended management methods

An “active role” of NPMs “in the design of programs” of the training centre is essential. To ensure that the training is useful (taking into account that there is no single "model" or structure for an NPM) and to ensure that it is both practical and relevant. “This is not only important as regards training concerning new and emerging topics and issues of interest, but also concerning the methodology of visiting, report writing, engagement with authorities concerning implementation of recommendations, etc.”.

## 2.7 Recommended methodology for the setting up of an international training centre

“If NPMs are to be the main beneficiaries/users of the Institute, it is essential that they are informed at an early stage, and as many as possible are actively involved and/or consulted in its development and design. This could be entirely pluralistic and open, or, perhaps more practically, through an Advisory Board consisting of several regionally diverse NPMs. Their participation in this process will, we feel, be a major factor in the success of the initiative and significantly contribute towards their ‘ownership’ of the process. Those NPMs which become involved at this early, design stage may reasonably be expected to become ‘ambassadors’ for the Centre (formally or informally), as regards its usefulness and potential impact, and leading by example can encourage more NPMs to work with the Centre, helping to secure its growth and stability over time.”

It is necessary to adopt a “cautious, incremental approach” (to be careful not to be overly ambitious during the initial phase) to obtain / guarantee “the buy-in” and the support of the NPMs “from the earliest”: the Centre must start with a small group of « interested and forward-looking key and respected NPM stakeholders » on the basis of a pilot project / model (“a small hub of expertise, comprising of several selected modules concerning both methodological and substantive issues”) that are designed with them (design and construction in a collaborative manner).

The establishment of the Centre during a "pilot period" could allow a “more realistic assessment of actual needs and potential number of users in the near future”. “Given the number and nature of the construction of NPMs in Europe, the number of direct potential beneficiaries may run into thousands”. “It

might be wise not to base an assessment of the proposed initiative on the basis of the potential overall number of beneficiaries, but on a realistic assessment of its long term sustainability and quality".

As the Council of Europe has been the only one to "support systematic training opportunities" of NPMs, it "it has not only experience, but also a reputation as a leader in this field with NPMs". It can therefore act "as a catalyst for training work in a way which others might find more difficult to achieve". As the training centre should appeal to "this range of actors", the Council of Europe is "also well-placed to foster and contribute to strengthening and synergies between NPMs, the CPT and the SPT and other stakeholders through its existing institutional arrangements and networks. It would appear natural that the Council of Europe should be a key supporter of it".

A "a considerable amount of support" is now directed by the Council of Europe "towards achieving similar outcomes through other mechanisms" than the training centre. "There may be opportunities" for the Council of Europe "to channel some existing NPM-related support towards this more systemic enterprise, rather than dispersing it through smaller and more disparate events or projects which lack connection and cohesion." "Channeling existing support for pure training activities in and through" such a training centre, however, "is not to suggest that other beneficial initiatives by the Council of Europe should not continue to be supported in addition to the centre – such as, for example the work of sub-regional and other peer to peer networks which achieve other valuable goals".

"To maximise its impact and build on current synergies, as broad range of stakeholders currently operating in torture prevention should be invited to participate in the work of the centre, either as donors, of as experts/educators and/or participants".

Governance of the training centre: "a tripartite system comprising a Board of Management" (several major donors, selected NPM members, academics and others with relevant experience in NPM-related work) "at a strategic level", a secretariat (management team and staff) for day-to-day management and operation, and a group of expert advisers for substantive matters.

"One of the first tasks of the Strategic Board tasked with the establishment of the Centre would be to undertake a mapping exercise to identify those whose current work was most closely training related and then seek to forge appropriate relationships with them in order to (a) gather support for the Centre and (b) to seek to minimise overlap with their existing and future programmes".

"We assume that it is in fact the intention to focus in the first instance on NPMs within the European space. Given that there is where the majority of NPMs are currently to be found, this is not without merit." But it is important that "the people designing the project come from across the NPM world to ensure the feasibility of its further deployment".

## 3 The salient elements of the first phase of consultation

### 3.1 Inventory of existing training

The composition of NPMs calls for a preliminary observation. Their members turn out to be overwhelmingly lawyers (especially barristers), graduates in human sciences (especially psychologists, sometimes sociologists) or doctors (often psychiatrists). They are rarely professionals from the supervised institutions (police, prison staff) or persons who have themselves been deprived of their liberty (prisoners, mentally ill or refugees). Consequently, the missions devolved to NPMs are generally carried out by people who, before becoming members, have never entered a place of deprivation of liberty (or only through a marginal procedure, e.g. visit as someone's lawyer). Whereas this may be considered as a deficiency, some of the representatives of NPMs underline the advantage of not being "preformatted" by any previous experience.

Very few NPMs did not receive any training before taking up their service.

Initial training is mainly provided internally by the NPMs themselves.

Initial internal training is geared towards new members but also, often, to the staff of NPMs. Usually provided by the most experienced members, or even by the head of the NPM, it often begins with more or less structured modules, just a few days long, which cover theoretical (national and international regulations) and practical aspects (in particular on how to conduct interviews, including techniques specific to interviews with special populations such as the mentally ill). Many NPMs prepare a series of documents (welcome booklet, guides, instructions, etc., even checkpoint lists or standard interview questionnaires. ) that is made available to "newcomers" (but also to staff and associated experts). The careful preparation of a preventive visit by the NPM team is presented as a good training framework for a new member.

The internal training of the new member of an NPM generally continues through participation in field visits: the newcomer is initially confined to the role of observer of the work of more experienced colleagues, before being called upon to gradually contribute to the preparation of these visits and then to fully assume their place in the team. In addition to this on-the-job training, the learning methods mentioned as examples of good practice include the possibility for the new member to be guided personally by a more experienced colleague who is appointed as the recruit's mentor. Or the possibility of doing an "internship" (which consists of visiting a place of deprivation of liberty considered by the NPM as "functioning well" and which will be identified by the intern as "a good example for later comparison"). Such internships may be reproduced for each type of place of deprivation of liberty.

These introductory trainings provided by existing members of an NPM for those who join them are usually complemented by the personal investment expected of the newcomer. To do this, the new colleague has access to all kinds of support: previous reports from the NPM, reports from the SPT and the CPT (in particular on the country concerned), guides from the APT, etc. The HELP program of the Council of Europe has been mentioned, just as a distance learning program which is about to be launched by the APT.

Recourse to external contributors as part of initial training carried out internally is rare. Whether it is a question of focusing on the specificities of the different types of places of deprivation of liberty (a specialized nurse invited to explain the functioning of a psychiatric hospital) or on the singularity of the visited institutions' customers, meetings with professionals managing or intervening in places of deprivation of liberty can be arranged (e.g. to prepare new members for interviews with people suffering from mental illness). Role-plays with professional actors were also mentioned.

NPMs whose members do not benefit from any continued training appear to be a very small minority.

Continued training is mainly based on international cooperation.

In fact, for members of NPMs, continued training generally means participation in multilateral meetings (conferences, seminars, workshops and other expert meetings) offered by international organizations - in particular the Council of Europe (which, with the support of the European Union, has set up the European NPM Forum), the OSCE / ODIHR and the United Nations, the competent international monitoring bodies (the SPT, with possible joint visits; the CPT with regular sessions during its plenary meetings). The contribution of universities to the specific training of members and experts of NPMs was not mentioned.

Although, these multilateral meetings cover a wide variety of subjects, they do not seem to meet the needs and expectations of NPMs perfectly. In fact, apart from the fact that there is no preview allowing those concerned to have an overview of the "training" offer made to them, the NPMs are in a way faced with an overflow of potential activities, which lack a minimum of coordination between the different providers and often focus on the same type of service. In addition, the topics proposed are not always considered to be the most relevant, the calendar and frequency of these meetings are imposed and not always compatible with the requirements of the work programs of NPMs, especially since invitations are sometimes sent shortly before the events.

Some NPMs may be offered bilateral cooperation programs by international organizations. Paradoxically, the definition of these programs by the potential participants themselves is not recognized as an intangible basic principle although they are mostly aimed at "capacity development".

International organizations disseminate a certain amount of information for NPMs (such as the European NPM Newsletter of the Directorate General of Human Rights and Rule of Law of the Council of Europe or thematic reports of the SPT and the CPT). These publications can be of great value in keeping NPMs informed of developments in relevant case law and normative work.

In addition, the offer of international associations in terms of multilateral activities and individualized training has changed in recent years. The APT has had to drastically reduce its activities geared towards NPMs, and Dignity operates primarily outside Europe.

In this context, the continued training of members of NPMs is mainly provided through exchanges between NPMs, either on a regular basis (with the flagship example of the South-East European Network, which brings together thirteen countries, with a rotating presidency and relatively frequent exchanges or joint visits) or occasionally (with multilateral exchanges or joint visits).

Peer-to-peer training receives general approval; the opportunities it ensures in terms of comparison and enrichment of respective practices are considered by NPMs as the most effective way of training.

However, the enthusiasm about international activities for NPMs is subdued by the fact that it is “always the same people” who participate, in particular because of their linguistic skills, sometimes also because of their function as heads of international relations: "We have been talking among ourselves for ten years".

Some NPMs overcome this pitfall by regularly inviting external or foreign experts to participate in periodic internal meetings.

The fact remains that the transmission between those of the members of NPMs who benefit from external training and those who do not participate, poses problems. On the one hand, most of the former have not received the pedagogical training that would enable them to effectively fulfill the role of trainers of their colleagues. On the other hand, real "internal capitalization" sessions are hardly ever planned.

In addition, the existing training is aimed at "in-field controllers" of NPMs. There is no specific training for staff who provide middle management within NPMs (if there is one) or who have responsibility for the institution. A lack of understanding on their part and especially on the part of the Ombudsmen (in the case of institutions structured according to the so-called “Ombudsman plus” model) for the specificities of the work of the team that performs the NPM function can be detrimental, in particular with regard to the effective implementation of the preventive mandate resulting from the OPCAT.

Likewise, while everyone agrees that the activity of an NPM is fundamentally teamwork, external trainings are rarely designed for entire teams (with the exception of bilateral programs set up by international organizations and specialized NGOs). In addition, determining which NPMs will benefit from this type of training and support program results less from taking their needs into account than from the “political” criteria specific to those who fund them.

Finally, many NPMs regret that the training provided by external stakeholders more often emphasizes the capacity of NPMs to accurately observe places of deprivation of liberty and to write quality reports than on the way in which the work of NPM can improve the observed situations, in particular by formulating relevant recommendations addressed to the right recipients or by developing an effective follow-up mechanism for these recommendations. The trainings as designed so far have not sufficiently focused on how to achieve concrete effective results on the ground.

### 3.2 Added values expected from an international training centre

Most of the NPMs participating in the consultation believe that the initiative to create an international training centre for the job of controller of places of deprivation of liberty is promising. In addition to the initial and continuing training possibilities the international training centre will eventually offer, the participation of NPMs in the very design and setting up of such an international training centre is likely to "bring together and improve the profession".

Defining the controllers’ job as a specific profession would presuppose that any NPM staff has a hard core of knowledge, know-how and interpersonal skills for the purposes of a specific objective (the prevention of torture). It would also reinforce the sense of belonging to the overall OPCAT system.

### 3.3 Audiences targeted by the international training centre

In line with the intended objective, the international training centre is expected to be primarily geared towards members and staff of NPMs, as well as towards external experts associated with their work.

Nevertheless, the international training centre should be able to offer training adapted to more specific audiences, whether they be a network of territorial correspondents or a branch of non-professional "citizen visitors" (in the case of NPMs which integrate them into their structure) or NPM leaders or even ombudsmen themselves (in the case of NPMs which are an integral part of such an institution).

The opening of training courses to members of NGOs associated with the work of the NPM should be possible, while it is not considered appropriate for other audiences such as lawyers, judges and prosecutors or even parliamentarians and journalists.

International stakeholders considered that it was unrealistic to include among potential users of the international training centre members of international oversight bodies and staff from their secretariats.

### 3.4 Content, modalities and methods of the training requested

Arguing from the experience acquired through their seniority, most European NPMs believe that their needs cannot now be met through ex cathedra courses, but in a concrete and pragmatic way through training that is resolutely oriented towards practice. This expectation is summed up by the representative of an NPM in these terms: "At the beginning I needed trainers, today I need exchanges with my peers".

Appreciated as much in its bilateral as in multilateral dimension, the exchange between peers is acclaimed for the perspectives of professional and personal interactions between members of NPM it offers. Particularly when it takes the form of joint visits to either observe how colleagues work and to draw inspiration from it where appropriate, or to invite colleagues to observe you at work and give you advice.

"Joint visits with other NPMs, in one's own country or in another, are the best way to learn; it has nothing to do with exchanges between NPMs around a meeting table or in webinars "; "The best way to learn is to do the job, to be in the field, to put the methodology into real practice"; "Practice is the best way to move forward," NPM representatives say with one voice.

However, the participants in the consultation underline that the exchanges between NPMs are not the most appropriate for a systematic initial training for the new staff member of an NPM or for a newly created NPM. In addition, they do not in any way underestimate their own needs in terms of capacity building such as the need to periodically take stock of their strengths and weaknesses.

From this dual perspective, the NPMs consulted consider it essential that the international training centre be able to offer practical training in preventive visits, "accompanied" visits being considered as the appropriate mode of learning and development, as their implementation is proven and their virtues are identified and recognized.

To create added value by reacting in a relevant and effective way to the needs and expectations of NPMs, the "field training" offered by the international training centre should be based on a number of principles. First, training for visits should include their planning and preparation, their conduct (including interviews with persons deprived of their liberty and staff in the checked places) and the drafting of precise reports and relevant recommendations. Second, this visit training should cover the whole range of types of places of deprivation of liberty, including by targeting some of them - psychiatric establishments and establishments for the elderly - in front of which NPMs may feel helpless or insufficiently prepared to conduct interviews with the concerned persons or to know the standards that govern their treatment.

In addition, the international training centre should be able to offer specific training, e.g. a module focused on the detection of ill-treatment, addressing the various forms it can take in the different types of places of deprivation of liberty as well as the adequate reaction in the event of discovery of serious facts. Or a training course dedicated to the follow-up of recommendations of all kinds (recommendations following a visit to an establishment, general recommendations for a category of establishments or groups of persons deprived of liberty, assessment of existing legislation or draft laws, etc.) set up by the NPMs with the objective of convincing the administrations concerned and the political authorities to initiate the requested changes.

Finally, the international training centre should include modules on the internal organization of the NPM, its functioning as a team or the setting up, the management and the full use of databases.

The consultation gave rise to specific wishes regarding the content of the training courses. Expressed with conviction and insistence, they testify to the will of NPMs to break with the past and current training offer and, even more, to foster innovative perspectives that the international training centre must take into account in order to become a tool for the greatest number of NPMs.

In particular, a series of requirements concerning the modalities of future training and the methods to be adopted, should be mentioned.

Thus, the NPMs believe that in order to constitute an added value, the international training centre should offer bilateral training courses taking truly into account the particular situation of the NPM for whom they are intended. These courses are expected to be adapted to its structure, organization and composition as well as to its stage of development and level of experience. Consideration of the specific needs of an NPM should also encompass the exact nature of the mandate it has and the context in which it performs its missions. These trainings should concern the entire NPM team (and no longer just one or several of its members), take the form of a continuous process (which should not be limited to the availability of funding) and be a long-term process (ideally over a period of one to two years). Bilateral trainings should have permanent recourse to "mentoring" (by a person or a group of people) and provide for the occasional participation of foreign colleagues (whose external perspective is considered particularly beneficial) in internal NPM meetings. These trainings should not be limited to the promotion of a single national experience (be it considered excellent) but should allow the concerned NPM to understand and be able to choose between a variety of approaches and ways of working.

As for multilateral trainings, the international training centre is expected to become the privileged framework for addressing numerous transversal topics. The following are cited as examples: Treatment of addictions; conducting interviews with people with particular difficulties; the practical means of ensuring compliance with the "do no harm" principle; being effective in formulating and monitoring the

implementation of recommendations; improving dialogue with the staff and authorities in charge of deprivation of liberty; ensuring access to rights for persons deprived of liberty and their families; building, maintaining and using to the full extent a database; the specific critical points to be checked during a visit to the various types of places of deprivation of liberty; the means to detect inhuman and degrading treatment; the behavior to adopt in the event of detection of acts of torture or serious ill-treatment and reporting them; the use of force against a person deprived of liberty; psychological support to members and experts of the NPM and supervision of their attitude ...

The international training centre will be particularly useful if it provides a framework for identifying pragmatic solutions to recurring issues facing NPMs. Such as the handling of complaints which remains a daily subject of concern for many NPMs, whatever their structure, and despite the doctrine formulated by the SPT of a strict separation of the preventive mandate from other possible mandates attributed to the NPM or to the institution to which it is attached. The ways of collecting information and the setting up and operation of “referral centres” might be yet another topic.

The international training centre should also become a “resource centre”, in particular by allowing NPMs to be informed of the latest normative developments and in particular of the case-law of the ECtHR and of the positions taken by the SPT and the CPT on questions of principle.

The value of online training- due to its low cost of use and the training opportunity it represents in times of COVID - is underlined.

Many of the consulted NPMs are in favor of role-plays and situation simulations, even if “this type of experience based on the modeling of reality through professional actors cannot entirely be compared to reality ”.

### 3.5 Trainer profile

The changing role of NPMs in their own training is one of the direct consequences of the reversals of perspective mentioned above. In this regard, the international training centre is expected to clearly and absolutely enshrine two principles.

In the first place, training should be provided by qualified experts, who dispose of a significant practical experience in relevant fields.

Second, the training of members of NPMs should be provided as much as possible by "peers", that is to say by other present or former members of NPMs or of international monitoring bodies (such as the SPT and the CPT) or their secretariats.

This choice does not, however, rule out the possibility of exchanges with professionals from the controlled institutions, which would allow both sides to better perceive their respective roles and their possible interactions and, ultimately, to promote the constructive dialogue provided for by the OPCAT.

Obviously, the international training centre will have to ensure, if necessary, the training of potential trainers by developing the required didactic skills.



### 3.6 Constraints to be taken into account

It is important that the international training centre be able to provide initial training in good time in the case of a new NPM (before its establishment or shortly after its installation) or when an entire team is changed within an already operational NPM. Ideally, an initial training program for new members or individual NPM experts should be available "at any time", bearing in mind that staff turnover can be frequent in some NPMs.

NPMs point to significant constraints in terms of time available for continued training. As their teams are often small, they cannot do without one or more members over long periods of time. The international training centre will therefore have to organize the possibility to receive such training over several successive periods and not all at once, knowing that absences of more than one week seem unrealistic for most NPMs. In the case of associate experts and "citizen controllers", the international training centre is expected to arrange training hours compatible with the professional obligations of those concerned.

Certain new or exceptional situations (the COVID pandemic provides the best example) call for think tanks which the international training centre should be able to organize at short notice, while taking care to disseminate their conclusions in the NPM community.

Many NPMs face severe budgetary problems. In addition, very few have a specific budget for training activities, and this budget is usually low. Therefore, many NPMs are pessimistic about their ability to contribute more than symbolically to the cost of training their members and experts. They rely on international organizations and NGOs.

Some NPMs advocate annual or monthly contributions to the operation of the international training centre, others would prefer to pay for what they get.

All the participating NPMs stress that a solution of the financial issues will be crucial for the establishment of the international training centre and that a structure funded by NPMs alone is not feasible.

NPMs also highlight an important linguistic constraint. In fact, most NPM staff members do not have sufficient English and a fortiori French proficiency allowing them to follow training in one or the other of these languages. The international training centre should therefore be able to offer training in national languages or train trainers who do have the required language skills.

Another constraint concerns the possibilities of access for foreign trainers to places of deprivation of liberty in certain countries, which requires authorizations by the various national authorities in charge. While it appears that in a majority of countries such authorization should be easy to obtain, there are still contexts in which this is not possible. In any case, the prior authorization need excludes the participation of foreign visitors or trainers in unannounced visits.

The consulted European NPMs believe that useful and effective training should bring together NPMs whose work in terms of context, problems encountered and working conditions are, if not identical, at least comparable. Without being opposed to exchanges with counterparts from highly different backgrounds, European NPMs are hesitant about expanding the geographical scope of the international training centre beyond Council of Europe member states. All the more so as linguistic and cultural problems risk rendering any dialogue with the trainers and participants difficult.

The consulted NPMs are of the opinion that the international training centre should be designed first for use at the strict European level and that a universal extension should be envisaged only later, after a first opening to the Mediterranean NPMs.

Most international stakeholders are more positive about the prospect of providing a common training framework for NPMs from different continents. They highlight the potential mutual benefit for NPMs and the desire to see the working methods of NPMs around the world become more coherent. But they too recommend a gradual approach.

### 3.7 Possible management models for a future international training centre

NPMs wish to be closely involved in determining the content of the training courses so that those meet their needs and expectations. They also want to be able to participate in the management of the international training centre. "Of course, NPMs cannot come together to manage such an international training centre, but they must at least be integrated into its governance"; "They must be involved in all the steps of the training process" are among the aspirations which have been formulated during the consultation.

This perspective is widely encouraged by international stakeholders, who advocate more widely that NPMs should no longer be seen only as the "beneficiaries" of training but also and above all as full "actors" in the OPCAT system, an approach promoted by the APT.

The governance models of the European Network of National Human Rights Institutions (ENNHRI), of the International Ombudsmen Institute (IOI) and of the Association of Mediterranean Ombudsmen (AOM), which are associations headed by boards of directors made up of elected members who entrust management to a secretariat, could serve as examples or sources of inspiration.

In the case of the international training centre, the role of NPMs in the governance mechanism remains to be determined with the interested parties. It was suggested that representatives of the SPT and CPT as well as international partner organizations sit on the board.

The need for the international training centre to have a professional secretariat for day-to-day management, fundraising and organization of activities is explicitly expressed by NPMs.

### 3.8 Desired methodology for setting up the international training centre

The demand of an NPM saying "nothing for us without us: I don't just want to be listened to, I want to be involved in decisions on the future international training centre " had a direct echo among its counterparts, some of whom have expressed their will to be closely associated with the procedures aimed at setting up the international training centre.

The consulted European NPMs suggest that the establishment of the international training centre be done "step by step", starting with one or more pilot projects with a limited number of voluntary NPMs.

While supporting in principle the creation of an international training centre for NPMs and their members, the international stakeholders expressed the wish to be called upon again as soon as the project becomes more concrete.

## 4 The orientations proposed by the Association

In the light of the findings and recommendations of the report by Sir Malcolm Evans and Ms Lora Vidovič on the one hand, and the needs and expectations formulated in the course of the consultation of European NPMs and international stakeholders on the other, the Association has identified a number of major orientations.

These orientations will not bias the needs and expectations to be formulated within the framework of the second phase of the consultation, which will concern the NPMs of other continents.

The “first orientations” gathered below will be submitted for discussion to the participants of the annual meeting of European NPMs organized within the framework of the European NPM Project, on 22 September 2021.

### 4.1 Added value of the international training centre

The international training centre should be part of a holistic approach that puts its users in a position

- To master all aspects of the preventive mandate;
- To understand the specificities of the different types of places of deprivation of liberty and of the persons whom they are in charge of;
- To develop the skills and knowledge required to combine individual versatility and team work;
- To develop the capacity to refer adequately to the applicable standards and to control their effective implementation;
- To have a space for meetings and exchanges with other relevant stakeholders with a view to the appropriation of "good practices" that are conducive to obtaining results on the ground.

### 4.2 Audiences of the international training centre

The international training centre should be limited - at least initially - to the following audiences: members of NPMs and their managers, staff who assist them and any members of NGOs, territorial representatives, "visiting citizens" and external experts who work on behalf of the NPM.

The international training centre will ambition a global reach. However, a realistic approach may dictate a gradual geographic extension from Europe to other continents. The working group (see 4.6), in which non-European NPMs will be represented, will consider this issue.

### 4.3 The training curriculum

The initial training offered by the international training centre should focus on the basics of the profession of controller of places of deprivation of liberty. They can be delivered in several modules split over time, following the needs and availability of NPMs.

The continued training offered by the international training centre will aim to update the knowledge of controllers and improve technical and practical skills. Ongoing training will echo the SPT principle that NPMs, their members and staff should review their working methods and undergo regular training in order to strengthen their capacity to fulfill their responsibilities under the Optional Protocol.

The training offered by the international training centre will be based on a systematic and systemic approach. The methodology will include all aspects of the job of a controller with the objective of enabling members and managers of NPMs to understand their role in the OPCAT system and to implement the necessary interactions with regional bodies and other national actors.

Considering the versatility required by the diversity of types of places of deprivation of liberty and the variety of aspects of work within them, the training provided by the international training centre should strengthen the capacity of controllers to work both independently and as a team.

The international training centre will meet the diverse needs and expectations of NPMs by offering training on demand. These trainings will be designed and organized in close collaboration with the NPMs concerned. This could be training on specific topics, or on organizational or more general issues.

Acknowledging the preference of NPMs for "on-the-job" training, the international training centre will focus on practical learning and development methods, including through joint visits to places of deprivation of liberty. These training visits will take place either in the country of the interested NPM, or in one or more other countries in which agreements will have been concluded with the authorities to allow members of foreign NPMs access to places of deprivation of liberty for the purpose of training. These agreements on "internship sites" must in no way jeopardize the work of the local NPM. Other techniques (filmed visits, role plays, etc.) may be used.

Multilateral thematic exchanges and other "classroom work" will most often take place at the headquarters of the international training centre. If the thematic work concerns only one NPM, it may take place in the country in question.

The international training centre will offer bilateral training. Delivered upon request, these training sessions will be tailor-made with the interested NPM. It will also offer training courses dedicated to cross-cutting subjects as soon as NPMs point out needs in this regard. Finally, it will offer training modules dedicated to the development of the case-law of the ECtHR and the positions of the SPT and the CPT on questions of principle or method, highlighting their concrete consequences for their work.

The training offered by the international training centre may be intended for the entire team or only for certain members of an NPM. They will be delivered in the languages most frequently used by members of NPMs (English or French) with, if necessary, appropriate interpretation. In cases where neither of these

two languages is operational, training of national trainers will be provided by the international training centre.

The international training centre will establish an annual training program that takes into account the need to offer training that is accessible and available at the right time and allows NPMs to anticipate their training periods with sufficient notice. The programs will be made widely available.

#### 4.4 Trainer profiles

The training offered by the international training centre will be based on the principle of "peer to peer" exchanges. The heads of institutions (Ombudsmen / heads of NPMs), national and international controllers, associated experts, "citizen controllers" and staff of national and international bodies will therefore be the main players of the trainings provided for their counterparts.

Beyond "peers" in the strict sense of the term, professionals who bear responsibility for various types of places of deprivation of liberty and others with the required qualifications and recognized practical experience may be invited to contribute to the trainings.

#### 4.5 Proposed international training centre management model

The international training centre will be managed on a daily basis by a secretariat made up of a team of professionals placed under the responsibility of a board of directors that comprises representatives of NPMs, international stakeholders and the legal or natural persons who finance the international training centre.

A scientific council will determine the annual training program and the criteria for recruiting qualified trainers. It will be mainly composed of representatives of NPM.

Questions relating to the legal form and location of the international training centre remain open at this stage. The same is true of the financing of the international training centre and of training which will require considerable resources, well beyond what NPMs can contribute themselves. The Association will endeavor to identify and mobilize such funding.

#### 4.6 Methodology proposed for the setting up of the international training centre

Several European NPMs have expressed their wish to be closely associated with the steps taken for the establishment of the international training centre.

The Association proposes the creation of a working group that brings together European NPMs (including those who were unable or unwilling to participate in the consultation) and interested international stakeholders. This composition of the working group will be widened following the consultation of NPMs

from other continents. This working group will be responsible for making proposals on all aspects relating to the financing and operation of the international training centre as well as on all questions left open during the consultations.

A draft roadmap for further work for the establishment of an international training centre for the profession of controller of places of deprivation of liberty will be discussed on 22 September 2021 with the participants of the annual meeting of NPMs organized within the framework of the European NPM Project.

## Appendices



## Appendix 1: List of participants at the launch conference on June 1, 2021

Association for the Creation of an  
International Training Center for Visits to Places of Deprivation of Liberty

### **Consultation of NPMs of Council of Europe Member States and International Stakeholders**

#### **Launching conference**

**Tuesday 1 June 2021, 15h00 – 17h00 CEST**

#### **List of participants**

##### **1. NPMs of Council of Europe Member States**

###### **Albania**

**(Office of the People's Advocate)**

Ms Erinda BALLANCA, Ombudsman

Ms Gloria ÇARKAXHIU, Assistant Commissioner for NPM

Ms Ermonela XHAFA, Commissioner of NPM

###### **Armenia**

**(Office of the Human Rights Defender)**

Ms Laura GASPARYAN, Head of the NPM

###### **Austria**

**(Ombudsman Board)**

*(Excused)*

###### **Azerbaijan**

**(Office of the Commissioner for Human Rights)**

*(No reply)*

## **Bulgaria**

**(Office of the Ombudsman)**

Ms Silviya SLAVEVA, Expert, NPM

## **Croatia**

**(Office of the People's Ombudsman)**

Ms Maja KEVIC, Deputy Ombudswoman

Ms Tena SOMONOVIC EINWALTER, Ombudswoman

Ms Anica TOMSIC-STOJKOVSKA, Counsellor

## **Cyprus**

**(Office of the Commissioner for Administration)**

Ms Antonia KYRIAKIDOU, Member, NPM

## **Czech Republic**

**(Office of the Public Defender of Rights)**

Ms Teresa CIUPKOVA, Lawyer, NPM

Ms Anna MAKARENKO, Lawyer, NPM

Ms Barbora MATEJKOVA Lawyer, NPM

Mr Ondrej VALA, Head of the NPM

## **Denmark**

**(Office of the Parliamentary Ombudsman)**

*(Excused)*

## **Estonia**

**(Office of the Chancellor of Justice)**

Mr Indrek-Ivar MÄÄRITS, Head of Inspection Visits Department

## **Finland**

**(Office of the Parliamentary Ombudsman)**

*(No Reply)*

## **France**

**(General Controller of Places of Deprivation of Liberty)**

Ms Anne-Sophie BONNET, Controller / in charge of International Relations

## **Georgia**

**(Office of the Public Defender)**

Mr Nika KVARATSKHELIA, Head of the NPM

## **Germany**

**(National Agency for the Prevention of Torture)**

Mr Christian ILLGNER, Head of Operations

## **Greece**

**(Office of the Ombudsman)**

Ms Chrysoula ANTONIOU, Investigator

Ms Olga LYSANDROPOULOU, Investigator

Ms Alexandra MOSCHOPOULOU, Investigator

Mr George NIKOLOPOULOS, Head of the NPM

Ms Aimilia PANAGOY, Investigator

Ms Maria PAPADIMITRAKI, Senior Investigator

Mr Andreas POTTAKIS, Ombudsman

Ms Ifigeneia SAGI, Investigator

Ms Agelina SORA, Senior Investigator

Ms Maria VOUTSINOV, Investigator

## **Hungary**

**(Office of the Commissioner for Fundamental Rights)**

Mr Istvan SARKÖZY, Advisor

## **Iceland**

**(Office of the Parliamentary Ombudsman)**

*(No reply)*

## **Italy**

**(National Guarantor of the Rights of Persons Deprived of Their Liberty)**

Ms Antonella DIONISI, Monitor

Mr Massimiliano BAGAGLINI, Head of the Migrant Protection Unit

### **Kosovo<sup>3</sup>**

(Ombudsperson Institution)

Mr. Niman HAJDARI, Senior Legal Advisor for the Prevention of Torture

### **Latvia**

(Ombudsman's Office)

*(No reply)*

### **Liechtenstein**

(Inspection Commission)

*(No contact address)*

### **Lithuania**

(Office of the Seimas Ombudsman)

*(No reply)*

### **Luxembourg**

(Office of the Ombudsman)

Ms Claudia MONTI, Ombudsman and Head of the NPM

### **Malta**

(Board of Visitors for Detained Persons & Board of Visitors of the Prisons]

Mr Michael BUTTIGIEG, Secretary MBDP

### **Moldova**

(Office of the People's Advocate)

*(No reply)*

### **Montenegro**

(Office of the Protector of Human Rights and Freedoms)

Ms Mirjana RADOVIC, Advisor

### **Netherlands**

(Inspectorate for Implementation of Sanctions)

*(No reply)*

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<sup>3</sup> All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

## **North Macedonia**

**(Office of the Ombudsman)**

Ms Vjolica RUSHAJ, State advisor

Ms Bardhyl LIMANI, Associate

## **Norway**

**(Office of the Parliamentary Ombudsman)**

*(Excused)*

## **Poland**

**(Office of the Commissioner for Human Rights)**

Mr Przemislav KAZIMIRSKI, Head of NPM

## **Portugal**

**(Office of the Protector of Justice)**

*(Excused)*

## **Romania**

**(Office of the People's Advocate)**

Ms Maria LEPADATU, Counsellor

## **Serbia**

**(Office of the Protector of Citizens)**

Mr Marko ANOJCIC, Independent Advisor

Ms Natasa TANJEVIC, Deputy Ombudsman

## **Slovenia**

**(Office of the Human Rights Ombudsman)**

Mr Ivan SELIH, Deputy Ombudsman, Head of the NPM

## **Spain**

**(Office of the Defendor of the People)**

*(No reply)*

## **Sweden**

**(Office of the Parliamentary Ombudsmen)**

*(Excused)*

## **Switzerland**

(National Commission for the Prevention of Torture)

*(Excused)*

## **Turkey**

(Office of the Human Rights and Equality Institution)

Mr. Yildirim FEYZANUR, NPM member

Mr Nesrin ÖZTURK, NPM member

Mr Abdulmuttalip ZARAZIZ, NPM Member

## **Ukraine**

(Office of the Parliamentary Commissioner for Human Rights)

Mr Maksym MALYSHEV, Deputy Director, NPM Implementation Department

Ms Katerina POHORSKA, Director, NPM Implementation Department

## **United Kingdom**

(Her Majesty's Inspectorate of Prisons, England & Wales coordinating the NPM)

Ms Lucy GREGG, Head of Secretariat

Mr John WADHAM, Chairperson

## **2. International Stakeholders**

### **APT**

Ms. Audrey OLIVIER MURALT, Deputy Secretary General

### **CPT**

Mr Sebastian RIETZ, Member of the Secretariat

### **Dignity**

*(No Reply)*

### **IOI**

*(No reply)*

### **NPM Obs**

Mr Marco Mona, Member

## **OSCE-ODIHR**

Ms Jennifer ROBERTS, Project Officer

## **SPT**

Mr Armen AVETISYAN, Member of the Secretariat

Ms Carmen COMAS MATA, Vice Chair

Mr Jakub CZEPEK, Member (Poland)

Ms Marija DEFINIS, Member (Croatia)

Ms Marina LANGFELDT (Germany)

Mr Joao NATAF, Secretary

Ms Catherine PAULET, Member (France)

Ms Zdenka PEROVIC, Member (Montenegro)

### **3. Individual experts**

Mr Abdallah DOUNNIR, Professor, Morocco

Ms Hamida DRIDI, Medical Doctor, Tunisia

Sir Malcolm EVANS, Co-author of the Project Evaluation Report

Ms Sarah GRANDFILS, Permanent Member, Central Council for Penitentiary Oversight (CCSP-CTRG), Belgium

Mr Pieter HOUBEY, Permanent Member, Central Council for Penitentiary Oversight (CCSP-CTRG), Belgium

Mr Fethi JARRAY, President of the NPM of Tunisia

Mr Marc NÈVE, President, Central Council for Penitentiary Oversight (CCSP-CTRG), Belgium

Ms Lora VIDOVIČ, Co-author of the Project Evaluation Report

### **4. Guests**

Ms Clémentine CHIRON, Trainee, Council of Europe

Ms Sarah CURRISTAN, Researcher, Trinity College Dublin, Ireland

Ms Pauline MALLEJAC, PhD Student, University of Aix-Marseille, France

Ms Mariam Camilla RECHCHAD, Trainee, Council of Europe

Ms Mary ROGAN, Associate Professor, Trinity College Dublin, Ireland

Ms Marie STEINBRECHER, Research Fellow, Trinity College, Dublin, Ireland

Ms Sophie VAN DER VALK, Researcher, Trinity College Dublin, Ireland

#### 5. **Council of Europe**

Ms Anouchka GALHARDO, Project Manager, Program in support of the independent bodies in Tunisia (PAII-T), Independent Human Rights Bodies Division, Directorate General Human Rights and Rule of Law

Mr Christos GIAKOUMOPOULOS, Director General Human Rights and Rule of Law

Mr Sebastian RIETZ, Project Manager European NPM Forum, Directorate General Human Rights and Rule of Law

Ms Jennifer SCHUETZE-REYMANN, Head of Torture Prevention Unit, Independent Human Rights Bodies Division, Directorate General Human Rights and Rule of Law

#### 6. **Organizers** (Association for the Creation of an International Training Center for Visits to Places of Deprivation of Liberty)

Ms Marie CRÉTENOT, Member

Mr Jean-Marie DELARUE, Member

Mr Vincent DELBOS, Member

Mr Patick MAREST, Director

Mr Vincent THEIS, Secretary

Mr Philippe POTTIER, President

Mr André VALLOTTON, Treasurer

Ms Elisabetta ZAMPARUTTI, Member

#### 7. **Assistance**

Mr Markus JAEGER, Jaeger & Associates

Ms Ekaterina KIRILENKO, BAP Tech



## **8. Interpreters**

Ms Claude JEANALEXIS

Ms Maura POLLIN

## Appendix 2: List of participants in the hearings (consultation June / July 2021)

Hearing of June 17, 2021 (morning)

**- NPM of Luxembourg**

Ms Claudia MONTI, Ombudsman and Head of the NPM

**- NPM of Montenegro**

Ms Mirjana RADOVIC, Advisor

**- UK NPM**

Mr John WADHAM, Chairperson

Hearing of June 17, 2021 (afternoon)

**- NPM of Croatia**

Ms Anica TOMSIC-STOJKOVSKA, Counselor

**- NPM from Italy**

Ms Antonella DIONISI, Monitor

Ms Elena ADAMOLI, Monitor

Hearing of June 21, 2021

**- Kosovo NPM**

M. Niman HAJDARI, Senior Legal Advisor for the Prevention of Torture

Ms Hasime TERZIQI, consulting physician

**- NPM of Latvia**

Ms Zanda RUSINA (head)

Ms Veronika SPROGE-SAKSONE (consultant for social affairs)

**- NPM of North Macedonia**

Ms Vjollca RUSHAJ (State advisor)

**- NPM of Poland**

Ms Magdalena DZIEDZIC (controller)

**- NPM of Czech Republic**

Ms Tereza CIUPKOVA (lawyer)

Ms Barbora MATEJKOVA (lawyer)

Hearing of June 25, 2021 (morning)

**- NPM of Armenia**

Ms Laura GASPARYAN (head of the NPM)

Mr Arman TATOYAN (Defender)

**- NPM of Cyprus**

Ms Antonia KYRIAKIDOU (officer)

**- NPM of Greece**

Mr George NIKOLOPOULOS (responsible for the execution of the NPM mandate)

**- NPM of Hungary**

Ms Eszter GILANYI (senior legal adviser, psychologist)

Mr Istvan SARKOZY (senior legal adviser)

**- NPM of Romania**

Ms Izabela CERNAVODEANU (counselor)

Ms Maria LEPADATU (counselor)

**- NPM of Serbia**

Ms Maja JOVIC (Senior advisor),

Ms Natasa TANJEVIC (Deputy Protector of Citizens and Head of NPM)

**- NPM of Ukraine**

Mr Maksym MALYSHEV (deputy head of the NPM)

Ms Kateryna POHORSKA (head of the NPM)

Hearing of June 25, 2021 (afternoon)

**- NPM Obs**

Ms Sylvia Casale, President of NPM Obs

Hearing of July 8, 2021

**- SPT**

Mr Daniel FINK, Vice-President of the SPT

Ms Shujune MUHAMMAD, Vice-President of the SPT

**- CPT**

Ms Thérèse RYTTER, 2nd Vice-President of the CPT

Mr Régis BRILLAT, Executive Secretary of the CPT

**- Council of Europe**

Mr Sebastian RIETZ, Directorate General Human Rights and Rule of Law

**- OSCE / ODIHR**

Ms Jennifer ROBERTS, Assistant Project Manager, ODIHR

Hearing of July 19, 2021

**- NPM of Georgia**

Mr Nika KVARATSKHELIA, Head of NPM Department

Mr Akaki KUKHALEISHVILI, Deputy Head of NPM Dept.

Hearing of July 20, 2021

**- NPM of Portugal**

Mr Joao COSTA, Head of NPM

Hearing of July 21, 2021

**- NPM of Albania**

Ms Erinda BALLANCA, Ombudsperson

Ms Ermonela XHAFA, Head of NPM

Hearing of July 23, 2021

**- APT**

Ms Barbara Bernath, General Secretary of the APT

## Appendix 3: Participation form (with questionnaire) for NPMs

Association for the Creation of an International Training Centre  
for Visits to Places of Deprivation of Liberty

**Consultation of NPMs of Council of Europe member states  
and international stakeholders in the prevention of torture  
concerning the creation of an international training centre  
for visits to places of deprivation of liberty**

### **Registration form**

Please mail this form and questionnaire no later than 11 June via the "contact" page of [www.itc-tortureprevention.org](http://www.itc-tortureprevention.org) or by email to [contact@itc-preventiontorture.org](mailto:contact@itc-preventiontorture.org).

#### **PRESENTATION OF YOUR NPM :**

Country :Cliquez ou appuyez ici pour entrer du texte.

Exact denomination :Cliquez ou appuyez ici pour entrer du texte.

Your website address :Cliquez ou appuyez ici pour entrer du texte.

#### **YOUR PERSONAL INFORMATION :**

First name, NAME:Cliquez ou appuyez ici pour entrer du texte.

Your email address :Cliquez ou appuyez ici pour entrer du texte.

Phone :Cliquez ou appuyez ici pour entrer du texte.

Your specific function within the NPM:Cliquez ou appuyez ici pour entrer du texte.

Your date of entering into service within the NPM :Cliquez ou appuyez ici pour entrer du texte.

#### **REGISTRATION FOR THE CONSULTATION**

As specified during the inaugural conference on 1 June, the consultation sessions of European NPMs will take place on 17, 21 and 25 June, each of these days comprising a morning session (10 AM, CEST) and an afternoon session (3 PM, CEST).

The two representatives of each NPM are expected to register for the same session chosen among the six possibilities available to you.

We will take care to organize balanced groups of participants and thus we suggest that you indicate (by means of a cross in the table below) the session that has your preference (first choice), but also an alternative session (second choice).

NB / Regarding the date and time of the session, the "first come, first served" principle will be applied. Registrations lacking responses to the questionnaire will not be taken into account.

Date and time (CEST)	First choice	Second choice
Wednesday 17 June, 10 AM	<input type="checkbox"/>	<input type="checkbox"/>
Wednesday 17 June, 15 AM	<input type="checkbox"/>	<input type="checkbox"/>
Wednesday 21 June, 10 AM	<input type="checkbox"/>	<input type="checkbox"/>
Wednesday 21 June, 15 AM	<input type="checkbox"/>	<input type="checkbox"/>
Wednesday 25 June, 10 AM	<input type="checkbox"/>	<input type="checkbox"/>
Wednesday 25 June, 15 AM	<input type="checkbox"/>	<input type="checkbox"/>

## QUESTIONNAIRE

As specified during the inaugural conference on 1 June, we would like to collect a certain amount of information from you.

NB / The questions can be "closed" - answer by ticking yes or no in the appropriate box(es) - or "open" (free text box): in the latter case we ask you to be as concise and precise as possible. Only answers in English or French can be taken into account. Your answers are expected to reflect the situation as you have experienced it personally (the general situation within your NPM may be discussed during the consultation).

### I – Your personal training experience

#### Initial training

1. Did you have initial training when entering the NPM ?

Yes       No

2. If yes, where did the initial training take place ?

within the NPM     outside the NPM     both

**3. In case of an in-service initial training :**

3.1. Who provided the training ?

Cliquez ou appuyez ici pour entrer du texte.

3.2. What were the subjects / the curriculum ?

Cliquez ou appuyez ici pour entrer du texte.

3.3. What was its duration ?

Cliquez ou appuyez ici pour entrer du texte.

3.4. The training included :

theory courses     internships     both

**4. If the initial training was provided outside the NPM,**

4.1. was it

- of an academic / university level ?
- a general training provided to civil servants or public officials?
- a training provided to staff of places of deprivation of liberty?
- a training provided to staff of the ombudsman's institution?
- other?

4.2. What were the subjects or the curriculum ?

- the NPM's general role
- international conventions and treaties
- national legislation or rules governing the institutions to be visited (penal, health, public order, ...)
- organization of the NPM, planification of visits, drafting of reports, etc...
- rights and duties of NPM staff
- practical operation of places of deprivation of liberty (prisons, police, psychiatry, ...) and their staff

methodology of visits : personal attitude, interviewing, places and persons of special interest, exchanging information with third parties, collecting documents of special interest, ....

post-visit work : analysis and summary of observations, drafting and disseminating reports

other

4.3. The initial training included :

theory courses

internships

both

4.4. Duration of the training ?

Cliquez ou appuyez ici pour entrer du texte.

4.5. Who provided the outside training ?

a public institution

a private organization

both

other

**5. Do you consider the initial training provided helpful to familiarize yourself with**

the planning of visits

the way to carry out visits

interviewing persons who re deprived of liberty

the drafting of the visit reports

the drafting of recommendations

other

none of the above

### **Continued training**

**6. Is continued training available ?**

within the NPM

outside the NPM

both

**7. In case of an inside continued training :**



7.1. Who provides it ?

Cliquez ou appuyez ici pour entrer du texte.

7.2. What are the subjects / curriculum ?

Cliquez ou appuyez ici pour entrer du texte.

7.3. What duration ?

Cliquez ou appuyez ici pour entrer du texte.

7.4. What is the frequency ?

Cliquez ou appuyez ici pour entrer du texte.

7.5. The continued training provides :

theory courses                       internships                       both

**8. If the continued training is provided outside the NPM,**

8.1. is it

- of an academic / university level ?
- a general training provided to civil servants and public officials?
- a training provided to staff of places of deprivation of liberty?
- a training provided to the staff of the ombudsman's institution?
- other?

8.2. What are the subjects or the curriculum ?

- the NPM's general role
- international conventions and treaties
- national legislation or rules governing the institutions to be visited (penal, health, public order, ...)
- organization of the NPM, planification of visits, drafting of reports, etc...
- rights and duties of NPM staff
- practical operation of places of deprivation of liberty (prisons, police, psychiatry, ...) and their staff
- methodology of visits : personal attitude, interviewing, places and persons of special interest, exchanging information with third parties, collecting documents of special interest, ....

- post-visit work : analysis and summary of observations, drafting and disseminating reports
- other

8.3. The training includes :

- theory courses
- internships
- both

8.4. Duration on the continued training ?

Cliquez ou appuyez ici pour entrer du texte.

8.5. Who provides the continued training ?

- a public institution
- a private organization
- both
- other

**9. Do you consider the continued training provided helpful to familiarize yourself with**

- the planning of visits
- the way to carry out visits
- interviewing persons who are deprived of liberty
- the drafting of visit reports
- the drafting of recommendations
- other
- none of the above

## **II- Assessment of training programs**

**10. Do you consider that initial trainings are helpful and necessary ?**

- Yes
- No

**11. Do you consider that the required visit skills can be acquired on the spot, without any specific training?**

Yes       No

**12. If you have taken an initial training, has it been helpful to you during visits ?**

Yes       No

**13. If you have taken continued training, has it been helpful to you during visits ?**

Yes       No

**14. With a view to your personal experience, please indicate those elements of your training which have been most helpful and those which have been unnecessary.**

Cliquez ou appuyez ici pour entrer du texte.

**15. Do you consider that continued or repeated training is necessary ?**

Yes       No

**16. Have you had opportunities to exchange your practical experience with other NPMs?**

Yes       No

**III – Lessons to learn from your personal experience encountered while entering your NPM job**

**17. If you have taken training courses, were they imposed or were you able to choose the ones you have taken? Or both ?**

Cliquez ou appuyez ici pour entrer du texte.

**18. With regard to the facilities or difficulties encountered in carrying out your missions, what would have been the information or training, discussions or supervision that could have enabled you to develop the former and avoid the latter?**

Cliquez ou appuyez ici pour entrer du texte.

**19. Do you consider that a member of the NPM should be recruited today under the same conditions which you have experienced yourself ?**

Yes       No

**20. If not, what would you change ?**

Cliquez ou appuyez ici pour entrer du texte.

**21. After years of experience, would you still like to have additional training or exchanges with peers in order to be able to broaden your work prospects and improve your practice?**

Yes       No

## Appendix 4: Analysis of responses to the questionnaire by NPMs

### Consultation of NPMs of Council of Europe member states and international stakeholders in the prevention of torture on the creation of an international training centre for visits to places of deprivation of liberty

### Analysis of the questionnaire results

#### Initial training received

#### 1. Did you have initial training when entering the NPM ?

##### *Closed question*

17 out of the 24 people who responded to the questionnaire had received initial training when they took up their duties. 2 had previous experience in other types of control bodies (ICRC, CPT).

Year of entry into service	Initial training received	No initial training
2011	1	0
2014	1	0
2015	2	0
2016	6	0
2017	3	1
2018	1	2
2019	1	3
2020	2	1
	<b>17</b>	<b>7</b>

It should be noted on the one hand that all those who took up service between 2011 and 2016 were able to receive initial training. And on the other hand that, among the people who took up service since 2017, the respective numbers of persons who have been able to benefit from such training and those who have not had this possibility are equivalent (7 people in both cases) . In any case, it should be emphasized that the 7 people who could not benefit from any initial training (6 NPMs) have the particularity of being recent members: 2017 (1 case) , 2018 (2 cases), 2019 (3 cases) and 2020 (1 case).

## **2. The initial training has been organized: within the NPM / outside the NPM / both?**

### *Closed question*

Among the 17 people (belonging to 9 NPM) who were able to benefit from initial training when they took up their duties, it turns out that the training was mainly provided internally (12 cases, 6 NPM), secondarily externally ( 4 cases, 3 NPM). Only one person mentions the fact that his initial training was both internal and external.

### Initial training received internally

## **3. In the case of an in-service initial training**

### **3.1. Who provided this training?**

#### *Open question*

In the context of this open question, the respondents report an initial internal training undertaken either by a representative of the hierarchy of the structure (6 NPM), or by other members of the team (6 NPM) . A significant proportion among these 12 NPM combines these two types of trainers (5 NPM). Recurrently, working in pairs (an experienced member and a new member) is mentioned as the best way to ensure the transmission of knowledge and know-how within an NPM, especially with regard to visits.

### **3.2. What were the subjects / the curriculum?**

#### *Open question*

In the context of this open question, the responses highlight initial internal training, the content of which varies significantly from one NPM to another. Among the most cited themes are the role of NPMs in general (for half of NPMs), the methodology of visits (for one third of NPMs) and, to a lesser extent, the functioning of the NPM, international conventions and treaties or still the national rules in force (for a quarter of NPMs). It should be noted that certain topics are only mentioned very marginally: rights and duties of controllers (3 NPMs), international documentation (2 NPMs), restraint techniques (2 NPMs), drafting of reports (1 NPM), follow-up of visits (1 NPM); certain topics, such as the functioning of places of deprivation of liberty or the development and follow-up of recommendations, were not even mentioned.

### **3.3. What was its duration?**

#### *Open question*

When the initial training was provided in-house, its average duration was 11 days.

### 3.4. Did the training include theory courses / internships / both?

*Closed question*

When it is provided internally, the initial training mainly combines theoretical courses and practical internships (5 NPM). But this training can also take the form of only theoretical courses (4 NPM) or only practical training (2 NPM).

Initial training received externally

Only the three NPMs whose initial training is exclusively external were quite logically called upon to answer items 7 to 11. However, three other NPMs also provided information on some of these items.

### 4. If the initial training was provided outside the NPM:

#### 4.1. What was the nature of this training?

*Closed question*

While among the 6 responding NPMs 5 fall within the framework of the Ombudsman model, only 3 of them refer to the title of the initial training received to that provided for all the agents entering their home institution. The training organized for the personnel of places of deprivation of liberty is an integral part of the initial training of 3 NPMs

<i>Kind of training provided</i>	<i>NPM n°1</i>	<i>NPM n°2</i>	<i>NPM n°3</i>	<i>NPM n°4</i>	<i>NPM n°5</i>	<i>NPM n°6</i>	<b>Total</b>
Training for Ombudsman staff	x	x		x			<b>3</b>
Training for staff of institutions of deprivation of liberty		x	x			x	<b>3</b>
Academic curriculum						x	<b>1</b>
Other					x (1)		<b>1</b>
General training for civil servants							<b>0</b>
<b>Total</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	

(1): This is a person who has received training during a previous function

#### 4.2. What were the subjects / the curriculum?

*Closed question*

In the context of this closed question which included a list of possible answers, the 6 NPMs concerned report an initial external training which only covers by exception all (1 NPM) or most (1 NPM) of the themes mentioned. The methodology of the visits (4 NPMs), the functioning of the NPM (4 NPMs) and international conventions and treaties (4 NPMs) and, to a lesser extent, the role of NPMs in general (3 NPMs), the national rules in force in the areas of visit (3 NPMs) and subsequent visits (3 NPMs) appear to be the most common themes within the framework of an external initial training. It should be noted that the concrete functioning of places of deprivation of liberty to be visited (2 NPMs) as well as the rights and duties of controllers (1 NPM) appear only exceptionally among the topics dealt with in the framework of the external initial training.

<i>Subjects</i>	<i>NPM n°1</i>	<i>NPM n°2</i>	<i>NPM n°3</i>	<i>NPM n°4</i>	<i>NPM n°5</i>	<i>NPM n°6</i>	<b>Total</b>
Methodology of visits (personal attitude, interviewing, prioritization, sharing of information, relevant documents ...)	x	x		x		x	<b>4</b>
Daily functioning of an NPM (organisation, planification, reporting ...)	x	x	x		x		<b>4</b>
Convention et international treaties	x	x	x	x			<b>4</b>
General role of NPMs	x		x	x			<b>3</b>
National regulations of places of deprivation of liberty	x	x			x		<b>3</b>
Follow-up of visits (analysis and synthesis of observations, drafting reports, publication)	x	x	x				<b>3</b>
Functioning of places to be visited and of their staff	x	x					<b>2</b>
Rights and duties of visitors	x						<b>1</b>
<b>Total</b>	<b>8</b>	<b>6</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>	

#### **4.3. Did the training include theory courses / internships / both?**

##### *Closed question*

In the light of the responses provided by the 6 responding NPMs, it appears that the initial training provided externally mainly takes the form of only theoretical courses (4 NPMs). In a few cases, it combines theoretical courses and practical internships (2 NPMs).



#### **4.4. Duration of the training?**

*Open question*

When the initial training is provided externally, its average annual duration varies between 4 and 14 days.

#### **4.5. Who provided the outside training?**

*Closed question*

According to the responses provided by the 6 responding NPMs, it appears that the initial external training was provided to them either by a public institution (2 NPMs) or by a public institution and a private body (2 NPMs).

Initial training received on preventive visits

#### **5. Was the initial training considered helpful?**

*Closed question*

This closed question (with a list of possible answers) was filled in by representatives of 11 of the 16 NPMs who responded to the questionnaire. It emerges that 8 NPMs were able, within the framework of a dedicated initial training, to tackle preventive visits in all their dimensions, that is to say by treating both their preparation, their conduct (including interviews ) and their follow-up (drafting of reports and recommendations). It should be noted that 5 of the 16 NPMs who answered the questionnaire made no reference to any training in preventive visits.

Continued training

#### **6. Continued training available within the NPM / outside the NPM / both?**

*Closed question*

This closed question (with a list of possible answers) was filled in by representatives of 14 of the 16 NPMs who responded to the questionnaire. It appears that continuing training is provided exclusively internally only in very exceptional circumstances (one of the two representatives of an NPM). In an equivalent number of cases, it is provided within and outside the NPM (7 NPMs) or fully external (7 NPMs). It should be noted that 3 people (representatives of 2 NPMs) make no reference to any continuing training organized and available within their structure.

Continued training received internally

## **7. In the case of an inside continued training**

### **7.1. Who provides it?**

*Open question*

In the context of this open question, the respondents report on-going internal training, the responsibility of which is the responsibility of very diverse trainers: these are mainly internal managers of the NPM concerned (6 cases, 4 NPMs), national experts (5 cases, 3 NPMs) or even international structures (bodies or associations) (3 cases, 2 NPMs).

### **7.2. What are the subjects / curriculum?**

*Open question*

In the context of this open question, respondents report on-going internal training, the content of which varies greatly from one NPM to another. Certain themes nevertheless seem a little more frequent, such as the drafting of visit reports (3 NPMs) and recommendations (2 NPMs).

### **7.3. What duration ?**

*Open question*

When continuing training is provided internally, its duration ranges between 2 and 5 days per year.

### **7.4. What is its frequency?**

*Open question*

Respondents clearly experienced difficulty in establishing how often continuing training was provided within their NPM: the responses generally refer to an annual day (4 NPM), the frequency of 4 days per year being exceptional (1 NPM). ).

### **7.5. The continued training includes theory courses / internships / both?**

*Closed question*

When it is provided internally, continuing training combines theoretical courses and practical training (5 NPM) or takes the form of only theoretical courses (4 NPM). It should be noted that in-house continuing training is never limited to only practical training (0 NPM).

Continued training received externally

## **8. In the case of continuing training received outside the NPM:**

### **8.1. What was its nature?**

*Closed question*

Representatives of 12 (out of 16) NPMs responded to this closed question which included a list of possible answers. As many of the participating NPMs fall under the Ombudsman model, the continuing training received outside the NPM turns out to be mainly (8 NPMs) that provided for all the agents of their home institution. The training organized for the personnel of places of deprivation of liberty appears to be one of the main frameworks of continuing training received outside the NPM (6 NPMs) as well as, to a lesser extent, university training (2 NPM) and training. general given to civil servants or public officials (2 NPMs). For 5 NPM, this may be specific training acquired individually to perform specific functions in the visits.

### **8.2. What were the subjects / curriculum?**

*Closed question*

Representatives of 12 (out of 16) NPM responded to this closed question which included a list of possible answers. Certain themes appear to be particularly recurrent, such as the methodology of visits (10 NPM), the operation of the NPM (9 NPM), the operation of places of deprivation of liberty (9 NPM), monitoring of visits (9 NPM) or international conventions and treaties (8 NPMs). All the other themes are mentioned, but to a lesser extent: role of NPMs (5 NPMs), rights and duties of controllers (5 NPMs) and national rules in force (3 NPMs).

### **8.3. Did it include theory courses / internships / both?**

*Closed question*

In the light of the responses provided by 12 (out of 16) NPMs, it appears that the continuing training provided internally takes the form of only theoretical courses (6 NPMs) and a combination of theoretical courses and internships. practices (6 NPMs).

### **8.4. Duration ?**

*Open question*

According to the responses provided by 9 (out of 16) NPMs, it appears that for 7 of them continuing training is provided externally, its average annual duration varies between 1 and 5 days. More exceptional are the cases of the two NPMs who, having been able to benefit from an external internship, evoke a duration of 20 days.

## **8.5. Who provides it?**

*Closed question*

According to the responses provided by 13 (out of 16) NPMs, it appears that external continuing training was provided overwhelmingly through the mobilization of a public institution and a private organization (7 NPMs). More exceptionally, this training is carried out exclusively by a private organization (2 NPMs) or a public institution (1 NPM). 3 NPMs mention other types of providers, without precision.

## **9. Was the continued training helpful?**

*Closed question*

This closed question (with a list of possible answers) was filled in by representatives of 14 of the 16 NPMs who responded to the questionnaire. It emerges that 8 NPMs were able, within the framework of dedicated continuing training, to tackle preventive visits in all their dimensions, that is to say by treating both their preparation and their conduct (including interviews ) and their follow-up (drafting of reports and recommendations). It should be emphasized that 2 NPMs do not make any reference to any continuing training devoted to preventive visits.

Assessment of training programs

## **10. Do you consider that initial training is helpful and necessary?**

*Closed question*

Not surprisingly, respondents find initial training not only useful but necessary.

## **11. Do you consider that the required skills can be acquired on the spot without any specific training?**

*Closed question*

Three quarters (18 from 12 NPMs) of respondents believe that the job of controller of places of deprivation of liberty requires special training because it is not learned exclusively through visits. A quarter (6 from 4 NPMs) of them think, on the contrary, that learning over the course of the visits is sufficient in itself, without the need for specific prior training.

## **12. If you were given initial training, was this training useful during the visits?**

*Closed question*

Respondents are unanimous in considering that the initial training received was useful to them in their subsequent visits.

**13. If you have taken continued training, was this training useful during the visits?**

*Closed question*

Respondents are unanimous in considering that the continued training received was useful to them in their subsequent visits.

**14. Elements of training which have been most helpful vs. those which have been unnecessary.**

*Open question*

<i>Subject</i>	<i>Helpful</i>	<i>Unnecessary</i>
Methodology of visits	7	
International law	5	
Joint visits or shadowing during visits	4	
Interviewing techniques	4	
Definition of torture and ill-treatment	4	
Sharing of experience with peers	4	
Document analysis and confrontation with observations	3	
Functioning of visited institutions	3	
Investigation techniques	3	
Systematic training	2	
Analysis of administrative documents	2	
Human rights	2	
Role of the visitor/controller	2	
Drafting of reports	2	
Functioning of an NPM	1	
Local and international legal context	1	
Institutional context	1	
Health care in institutions	1	
Role play	1	
Legislation		1
Social work		1

**15. Do you consider that continued training or repeated training is necessary?**

*Closed question*

All respondents (except two from the same NPM) are unanimous in considering that periodic training is necessary.

**16. Have you had opportunities to exchange your experience with other NPMs?**

*Closed question*

Most respondents (22 out of 24) had the opportunity to participate in practical exchanges of experience with other NPMs

The lessons to be learned today from the way you had been introduced into your job

**17. If you have taken training courses, were they imposed or were you able to choose the ones you have taken? Or both ?**

*Open question*

19 of 24 NPM representatives answered this open question. A majority report compulsory training, whether this is the only possibility (7 cases, 5 NPMs) or a possibility that does not exclude volunteering (5 cases, 3 NPMs). The possibility of training at the sole initiative of members of an NPM is nevertheless a frequent situation (7 cases, 6 NPMs).

**18. With regard to the facilities or difficulties encountered in carrying out your missions, what information or training, discussions or supervision would have enabled you to develop the former and avoid the latter?**

*Open question*

15 of 24 NPM representatives answered this open question. The training courses dedicated to the methodology (to conduct the visits, to conduct the interviews and to make the best use of the visits) and to dialogue with the authorities are most often cited among those likely to facilitate the work of the controllers.

**19. Do you consider that an NPM member should be recruited today under the same conditions which you have experienced yourself?**

*Closed question*

23 of 24 NPM representatives answered this closed question. It appears that a small majority of them believe that the training of new members should be improved (12 cases, 8 NPMs), while a strong minority considers that this training was appropriate (9 cases, 7 NPMs). In only one case, the two representatives of the same NPM expressed a different opinion.

**20. If not, what would you change?**

*Open question*

As part of this open question, the representatives of NPMs were called upon to outline avenues that they believe could improve the recruitment and work of controllers. The establishment of systematic training for new members appears to be the most frequently mentioned track (10 cases, 7 NPMs), followed by a diversified recruitment associating generalists and specialists (5 cases, 3 NPMs) and the possibility of benefiting from comprehensive initial training (4 cases, 3 NPMs).

**21. After years of experience, would you still like to have additional training or exchanges with peers in order to be able to broaden your work prospects and improve your practice?**

*Closed question*

23 of 24 NPM representatives answered this closed question. The respondents unanimously wish to have additional training or exchanges with peers in order to be able to broaden their work perspectives and improve their practice.