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Statement on access of NGO's to places of detention

The Civic Solidarity Platform¹ is launching an international advocacy campaign to ensure the development of international standards for independent NGO monitoring of places of detention. While in past years we have been pleased to observe the establishment of National Preventive Mechanisms (NPM) in a growing number of countries in the OSCE area, an alarming number of NPM are either not truly independent or their establishment helped close the space for independent NGO monitoring. At the same time torture and ill-treatment remains a major problem in most countries of the region despite ongoing efforts by civil society, national governments and international organizations to combat it.

NGO monitoring of places of detention is an important safeguard against torture. Article 6 of the UN Declaration on Human Rights Defenders provides for the right to know, seek, obtain and hold information about all human rights and fundamental freedoms. NGOs can only fulfil their mandate to monitor human rights in places of detention if they are given access to them and the possibility to conduct meaningful research. In most countries of the region, it is impossible or very problematic to obtain reliable data from governmental sources on the extent of torture and ill-treatment, as well as on other human rights violations, in places of detention and NGOs continue to be an important source of information for the public and the media on violations of conditions of detention or ill-treatment of detainees. However, the extent of independent civil society access is left to individual governments' discretion and often restricted by legal provisions or in practice, while in some countries detention monitors and detainees have to face retribution for their activities in combatting torture and ill-treatment. Despite the impressive body of international norms related to the prevention of torture, prison conditions and pre-trial detention, there are no binding international standards for access of NGOs to places of detention.

¹ The Civic Solidarity Platform unites over 50 civil society organizations committed to improving the human rights situation in Europe, Eurasia and the US. It provides a common space for these groups to share their experience in conducting research, advocacy, and public organizing and to find new channels of communication and improved methods for working cooperatively. Its aim is to serve as a conduit through which civic activists can build alliances, strengthen mutual support and solidarity, and improve their influence on national and international human rights policy. The Civic Solidarity Platform was born out of recognition that nongovernment groups need to work in a more effective and coordinated way in order to counteract negative trends in the field of state protection for human rights and defense of democratic principles.

NGO monitoring work in places of detention is indispensable for the proper work of all international human rights monitoring bodies. No meaningful review of states' human rights record is possible without NGO input. Despite the fact that some international organisations, such as the UN Committee against Torture, the Organisation for Security and Cooperation in Europe and the African Commission on Human and People's Rights have encouraged states to allow access to NGOs to their places of detention for the purposes of human rights monitoring, many have failed to do so.

In the course of their monitoring work, human rights NGOs offer indispensable services to detainees, including legal aid to victims of human rights violations. Many indigent detainees have no other way to access these services if NGOs are not given access to places of detention. Experience over the past years shows that governmental resistance to NGO access to these institutions goes hand in hand with unwillingness to base the governance of closed institutions on the principles of transparency and the rule of law.

The Civic Solidarity Platform's members and partners will work to reform the international legal framework to address this gap and to simultaneously promote the development of standards and guidelines on NGO monitoring within the framework of national and international monitoring mechanisms. In particular, we will work with the Council of Europe, the UN, the OSCE and other international organisations to encourage additional commitments in standard-setting. We expect these bodies to play a more active role in further encouraging states parties to create regulations governing human rights NGOs' access to places of detention.