



Council of Europe Project
"Support to the Implementation of the European Human Rights Standards
in Ukraine: Phase II"

PERFORMANCE ASSESSMENT
OF THE NATIONAL PREVENTIVE
MECHANISM OF UKRAINE

ASSESSMENT METHODOLOGY

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LIST OF ABBREVIATIONS

CAT — The United Nations Committee Against Torture

CPT — The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment

CSO — Civil society organization / non-governmental organization

NPM — National Preventive Mechanism

Ombudsperson — Ukrainian Parliament Commissioner for Human Rights

Ombudsperson's Institution — Institution of the Ukrainian Parliament Commissioner for Human Rights

OPCAT — Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

SPT — The United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

I. PRELIMINARY REMARKS

A performance assessment of the National Preventive Mechanism (NPM) of Ukraine was carried out in the framework of the Council of Europe project “Support to the Implementation of the European Human Rights Standards in Ukraine: Phase II”. An assessment report has been developed and supplemented by this methodology for future assessments. It contains a matrix specifying the performance areas to be addressed, detailed benchmarks for each performance item, procedural guidance on how assessments should be conducted, including indicators, data sources, timelines, responsible parties, and other relevant elements.

The requirements for an efficient NPM can be found in the OPCAT, while the SPT provides guidance on the key NPM elements. This methodology is tailored to the NPM Ukraine and the national context, and it is based on the SPT guidance¹, CPT working methods, NPM operation examples and best practices, with due consideration of the European Network of National Human Rights Institutions experience.

The methodology outlines the main assessment areas, assessment indicators and benchmarks, means of data collection, the expected deliverables following the assessment; procedural guidance; a matrix with performance areas to be addressed, indicators, benchmarks and data sources; frequency of the assessment and future use of the methodology; and appendixes to ease the use of the tools.

The performance assessment report shall further advance

- ▶ the NPM **internal decision-making process** for adopting and adapting strategic and operational decisions, and drafting development plans, and
- ▶ **external decision-making processes** in the interactions between the authorities and/or development partners in their efforts to build up capacity of the NPM Ukraine.

1 UN SPT, Analytical self-assessment tool for National Prevention Mechanisms (NPM), A preliminary guide by the Subcommittee on Prevention of Torture regarding the functioning of an NPM, CAT/OP/1, 6 February 2012; The Role of National Preventive Mechanisms — A Practical Guide, OHCHR, 2018, <https://www.ohchr.org/en/publications/training-and-education-publications/preventing-torture-role-national-preventive>

II. ASSESSMENT METHODOLOGY

II.1 KEY ASSESSMENT QUESTIONS

The key question for assessment: Is the NPM of Ukraine effective and compliant with the OPCAT requirements and best NPM practices?

several sub-questions can be derived from the main question: Which OPCAT criteria are met by the NPM of Ukraine?

- ▶ Which areas require adaptations and improvement?

II.2 ASSESSMENT INDICATORS AND BENCHMARKS

The indicators and benchmarks are taken from the OPCAT and the SPT guidance on NPMs effectiveness, comprising structural and functional elements, internal and external interactions (see the matrix below).

II.3 MEANS OF DATA COLLECTION

The assessment shall be based on a combination of qualitative and quantitative methods, as follows:

- ▶ **Legislative analysis**, in particular of the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights”, and the relevant by-laws and internal regulations;
- ▶ **Desk review** of the relevant documents such as strategies, methodologies, plans, procedures, internal organization documents, and samples of delivery such as visit reports;
- ▶ **Interviews** with:
 - ▶ the Ombudsperson/his or her representatives,
 - ▶ the Head of the NPM unit and the NPM staff,
 - ▶ independent monitors and CSO representatives involved in the NPM activity,
 - ▶ representatives of CSOs not involved directly in the NPM activities, and other external stakeholders such as organizations and institutions working in the same/similar areas as the NPM, guidance, see Appendix 1).

For some categories of interlocutors, e.g. the NPM staff, independent monitors, and administration of the places of deprivation of liberty, **focus groups** of 6–8 persons can be convened.

- ▶ **Questionnaires** for at least four categories of respondents:

- ▶ the Ombudsperson's Office staff interacting with NPM,
- ▶ the NPM staff,
- ▶ independent monitors and CSO representatives involved in the NPM activity, and
- ▶ NPM partners, including CSOs not involved in the NPM activities, and other stakeholders, such as development partners, and state authorities affected by the NPM work).

Depending on the available resources for assessment, the last category can be broken down into sub-categories:

- ▶ CSOs not involved in the NPM activities,
- ▶ development partners,
- ▶ administration and staff of the places of deprivation of liberty, by sectors, i.e. police, prisons, psychiatric hospitals, social care homes, etc.,
- ▶ persons deprived of their liberty, by sectors, i.e. police, prisons, psychiatric hospitals, social care homes, etc.

An important element in this assessment process is the opinion of the persons deprived of their liberty. For some benchmarks such as 'Specific target groups (administration and staff of places of deprivation of liberty, persons deprived of liberty) are aware of the importance of the NPM activities and its modus operandi', more **complex research and surveys** can be recommended. Alternatively, the opinions of persons deprived of their liberty can be partially deducted from the perceptions of the NPM staff and monitors, or during dedicated focus group sessions with these target sub-groups.

II. 4 Expected deliverables after the assessment

The performance assessment report should contain an analysis of findings and an assessment against defined benchmarks / criteria to identify the existing strengths, gaps, and areas for improvement in the NPM operational work, as well as conclusions and recommendations.

The report can be structured according to the assessment areas:

General remarks on the NPM of Ukraine

- ▶ Development of the NPM in Ukraine
- ▶ Structure and organizational aspects of the NPM in Ukraine

Functional independence

- ▶ Legislative mandate
- ▶ Operational independence
- ▶ Financial independence

Experts and independent members

- ▶ Diversity of expertise
- ▶ Independence of NPM staff
- ▶ NPM staff commitment

Effectiveness based on strategy and methodological work

- ▶ Strategies and methodologies of work

Fulfilment of key functions

- ▶ System of regular visits to places of deprivation of liberty / Visiting function
- ▶ Commenting on existing and draft legislation
- ▶ Contributing to training of the staff of places of deprivation of liberty and other categories of staff /Educational function
- ▶ Potential quantitative performance indicators

External interactions

- ▶ General public awareness on NPM, its role and functions
- ▶ Relationship between NPM and Civil Society Organizations (CSOs)
- ▶ Relationship between NPM and international stakeholders (treaty bodies, organizations with similar mandates)

Dialogue with the authorities

- ▶ Publication of the NPM visit reports, thematic and annual reports
- ▶ Meaningful process of dialogue and implementation of NPM recommendations

Frequency of the assessments and areas to be addressed

III. PROCEDURAL GUIDANCE

The assessment exercise shall contain several stages:

- ▶ **Analysis of credible sources** concerning the status, results, challenges, and achievements of the Ukrainian NPM over the past [three] years. In this sense, reports and other documents available publicly and provided by the NPM / Ombudsperson's Office shall be processed.
- ▶ **Adaptation of this proposed assessment methodology** and its pre-validation. Consultations with the NPM team and the Ombudsperson's Office shall be held to capture the lessons learned from the previous assessment exercises.
- ▶ **Collection of data** related to specific items/benchmarks from the methodology, using the suggested set of methods. Documents for the desk review are to be provided by the beneficiary (such as the annual visit plan, visit report samples etc. in line with the Matrix). Additional documents can be requested when related to the content/results of the interviews, focus groups and surveys of the target groups. The senior management and staff of the institution shall be interviewed to understand their practical experience and challenges. The beneficiary shall facilitate distribution and collection of the questionnaires, eventually in the online format. All data sources will be cross-checked and validated.
- ▶ **Drafting the assessment report and its validation.** The assessment report shall be discussed with the representatives of the beneficiary to ensure that all the included information is factually accurate.
- ▶ **Review**, as necessary, **of the methodology and matrix, for the use in future assessments.** The assessment exercise shall permit to learn relevant lessons for future assessments, and these shall be reflected in a dedicated chapter of the report.

IV. MATRIX

While the OPCAT requirements are not necessarily transposable in quantitative indicators, nevertheless the OPCAT leaves to the NPM the discretion of deciding on the frequency of visits, and the modality of balanced use of the entire spectrum of NPM functions which depend, inter alia, on the NPM strategy, the quality of its dialogue with the authorities, but also the available resources. The assessment exercise will seek to identify some quantitative performance indicators concerning the implementation of the NPM functions (visiting, commenting on legislation and educational function of the NPM).

Performance areas to be addressed	Indicators	Benchmarks	Data sources (methods)
Functional independence of the NPM (mandate, operational, financial independence)	Legislative mandate (mandate set out in a constitutional or legislative text)	Legislation reflects expressly and clearly the OPCAT requirements on the mandate and powers of the NPM	Based on the analysis of the applicable legal framework, see if the law stipulates expressly and clearly <ul style="list-style-type: none"> – the mandate of the NPM and its power to freely select the places of deprivation of liberty in which the visits are to be carried out; the power to regularly examine the treatment of persons deprived of their liberty in those places; the power to select the timing of such visits and decide whether they are to be announced or unannounced; the power to choose the persons to be interviewed; the right to have access to all information, including personal and sensitive information, premises and persons necessary for pursuing the mandate; the power to make recommendations to the relevant authorities and other addressees; the power to submit proposals and observations concerning existing or draft legislation; and the right to have contacts with the UN SPT. Interviews with the Ombudsperson/ his or her Representative and the NPM staff on practical implementation of the above provisions.
	Operational independence	No authority interferes with the mandate and operations of NPMs (e.g. no instructions to the NPM staff). It is a separate organizational unit, with its own Head exercising operational autonomy as regards the resources, work plans, findings, and recommendations	Based on the analysis of the applicable legal framework, determine if the legislation includes specific provisions (e.g. on obstruction of the NPM visits) Interviews with the Ombudsperson/ his or her Representative, Head of the NPM unit and the NPM staff on its practical implementation, including on the NPM decision-making process

Performance areas to be addressed	Indicators	Benchmarks	Data sources (methods)
	Financial independence	The NPM is provided with the necessary, sufficient and appropriate resources to enable it to carry out its functions in accordance with the requirements of the OPCAT; a dedicated budget line for NPM activities	Interviews with the Ombudsperson/ his or her Representative, Head of the NPM unit on the practical implementation (regulations and practice, development of the NPM annual budget proposal according to its work plan, submission of the total amount of funding under the draft budget to the relevant authority for approval, presentation of the budget for approval, autonomy of the NPM to determine its own spending priorities within the allocated budget)
Experts and independent members	Diversity of expertise	Diversity of professional backgrounds and experience (i.e. legal, medical, psychological, child-related, etc.); gender balance and representation of various groups	Legislative analysis concerning recruitment of the NPM staff (open, transparent and inclusive process); bans (e.g. for prosecutors, prison professionals, persons with political affiliations or close personal relations with governments, as well as judges or defence attorneys); term of office (including remuneration and adequate social package, if term of office is renewable, security of tenure, grounds for dismissal of members and appeal procedures); dealing with conflicts of interest; possibility to engage external expertise (establishing qualifications and terms of reference); existence of specific rules of procedure or policies on the above aspects. Special attention to privileges and immunities of NPM members and staff which are necessary for the independent exercise of their functions (immunity from personal arrest and detention; immunity from seizure of personal baggage; immunity from seizure or surveillance of papers and documents; no interference in communication; during and after the exercise of their mandates — immunity from legal action in respect of words spoken or written, or acts done, in the course of the performance of NPMs' duties); and protection against reprisals against members or staff, their families or any persons who have communicated with NPMs Interviews with the Ombudsperson/ his or her Representative, Head of the NPM unit on practical implementation of the above precepts (regulations and actual practice) Desk reviews of the NPM members and independent monitors' profiles, and of the relevant policies concerning human resources Questionnaires for the NPM members and staff, independent monitors and CSOs on the practical implementation (including on independence)
	Independence of NPM staff	Ability of the NPM members to do their work without threats or sanctions against them	
	NPM staff commitment	Relatively stable NPM team	Interviews with the Ombudsperson/ his or her Representative, Head of the NPM unit on human resource policy, motivational package and retention policy, response to the capacitation needs (on-going training on NPM activities and torture prevention, inter alia, methodological, strategic, and ethical issues) Questionnaires for the NPM members, staff, and independent monitors on motivational package and retention policy, response to the capacitation needs

Performance areas to be addressed	Indicators	Benchmarks	Data sources (methods)
<p>Effectiveness based on strategy and methodological work</p>	<p><i>Effective strategies and working methodologies</i></p>	<p>All NPM activities are based on specific working methodologies work and priorities; working methods are reviewed regularly</p>	<p>Interviews with the Ombudsperson/ his or her Representative,, Head of the NPM unit, NPM members and staff, CSOs on the process of assessment (regular self-assessments, independent assessment and research on the NPM's internal strategic decision-making processes and development/adaptation of performance indicators; regularity and periodicity, self-assessment of performance, strategic plans and development strategies; how NPM prioritises the most problematic issues and institutions) and availability of methodologies (e.g. for planning and performing preventive visits, follow up activities, data protection and confidentiality, the function of commenting on the current and draft legislation, the function of contributing to training of the staff of the detention places) and other guidance (e.g. guidelines for producing annual reports, on the information flow, and assessment of the level of implementation of the recommendations) Desk review of available documents Questionnaires for the NPM members and staff, independent monitors and CSOs on the practical implementation (including on use of methodologies)</p>
<p>Fulfilment of key functions</p>	<p><i>System of regular visits to places of deprivation of liberty / Visiting function</i></p>	<p>NPM performs regular visits to all categories of places of deprivation of liberty, produces visit reports and thematic reports, and formulates recommendations</p>	<p>Interviews with the Ombudsperson/ his or her Representative,, Head of the NPM unit, NPM members and staff, and independent monitors on practices of planning and performing preventive visits (including annual planning; choice of the sectors and institutions from a particular sector; criteria for deciding on thematic visits; announced or unannounced visits; composition of the visiting teams; visiting methodology; code of conduct for a visiting team; access to facilities, documents and persons; interviewing technique and methodology; confidentiality, prevention and protection from reprisals; guidelines for reporting individual cases of deliberate ill-treatment; policy concerning reports and recommendations, preventive focus, addressing systematic gaps and practices (root causes)). Special attention to the balanced performance of all NPM functions and development of quantitative performance indicators for the visiting, commenting on legislation, and educational function of the NPM. Questionnaires for the NPM members and staff, independent monitors and CSOs on the practical implementation (including on use of methodologies) Desk review of available documents (e.g. annual visits plan for the last 3 years; map of visited institutions for the last 3 years; anti-reprisal policy; selected visits and thematic reports)</p>

Performance areas to be addressed	Indicators	Benchmarks	Data sources (methods)
	Commenting on current and draft legislation	NPM comments on current and draft legislation which influences the treatment of persons deprived of liberty and impacts the risk of torture and ill-treatment	Interviews with the Ombudsperson/ his or her Representative,, Head of the NPM unit on practical realization of this function (methodology or approach to execution of the function; proactive informing of the NPM on draft legislation that may be under consideration; prioritizing legislation to be commented; formulation of proposals and recommendations concerning current and future legislation; feedback from the authorities) Desk review of available documents (e.g. recommendations/proposals/amendments or legal opinions formulated by the NPM)
	Contribution to training of the staff of places of deprivation of liberty and other categories of staff/ Educational function	NPM assesses and contributes in various forms to training the personnel of places of deprivation of liberty and other categories of staff involved in custody, interrogation or treatment of any persons subjected to any form of detention	Interviews with the Ombudsperson/ his or her Representative,, Head of the NPM unit on practical realization of this function (methodology or approach to the function; format of NPM inputs such as developing training programmes on the prohibition and prevention of torture and other cruel, inhuman or degrading treatment or punishment, carrying out research, and taking part in the delivery of educational programmes) Desk review of available documents (e.g. training agendas; review by NPM of training curricula of educational institutions for professionals who may be involved in the custody, interrogation or treatment of any persons subjected to any form of detention)
External interactions	General public awareness on NPM, its role and functions	General public is mostly aware of the NPM, its role and functions Specific target groups (administration and staff of places of deprivation of liberty, persons deprived of liberty) are aware of the importance of NPM activities and its modus operandi	Interviews with the Ombudsperson/ his or her Representative, Head of the NPM unit on PR policy and approach (including transparency, routine information dissemination, dedicated awareness campaigns) Desk review of available documents (e.g. PR plans and policy, samples of awareness materials and content, video, publications, articles etc.) If resources permit, complex research and surveys are recommended. Alternatively, the opinion of persons deprived of their liberty can be partially deducted from the perceptions of the NPM staff and monitors, or during dedicated focus groups with these target sub-groups.
	Relationship between NPM and Civil Society Organizations (CSOs)	NPM has established sustainable lines of communication with CSOs	Interviews with the Ombudsperson/ his or her Representative, Head of the NPM unit on the practical implementation (areas and modality of cooperation with CSOs; good practices and challenges; partnerships in order to encourage and facilitate change in legislation, policies of authorities, general attitudes, and conditions and practices in places of detention) Questionnaires for the NPM members, staff, and independent monitors and CSOs on the practical implementation (including on areas and modality of cooperation, information sharing and data protection policy, joint events) Desk review of available documents (e.g. cooperation agreements)

Performance areas to be addressed	Indicators	Benchmarks	Data sources (methods)
	Relationship between NPM and international stakeholders (treaty bodies, organizations with similar mandates)	NPM has established sustainable lines of communication with CPT, SPT, UNCAT, other treaty bodies and international organizations relevant to the NPM mandate (e.g. CRPD)	Interviews with the Ombudsperson/ his or her Representative, Head of the NPM unit on the practical implementation (including frequency of interactions, actual and potential partners). Special attention to interaction with SPT and SPT focal points. Desk review of available documents (e.g. samples of information submission)
Dialogue with the authorities	Publication of NPM visit reports, thematic and annual reports	All NPM reports are published and disseminated among the relevant target groups (including a separate annual report of the NPM)	Interviews with the Ombudsperson/ his or her Representative, Head of the NPM unit on the policy concerning report publication and dissemination Desk review of available documents (e.g. annual reports for the last 3 years; inventory of published reports)
	Meaningful process of dialogue and implementation of the NPM recommendations	NPM and authorities have a permanent meaningful dialogue concerning implementation of the NPM recommendations	Interviews with the Ombudsperson/ his or her Representative,, Head of the NPM unit on the practical implementation (including obligation for competent authorities to examine the NPM recommendations and to enter into a dialogue with it regarding the implementation of its recommendations; specific approaches concerning dialogue partners such as administration of places of deprivation of liberty, Government, Parliament, judiciary, and professional groups; format of the dialogue; regularity of dialogue; assessment of and tracking the level of implementation of the NPM recommendations; follow up strategy) Desk review of available documents (e.g. database of the NPM recommendations and tracking the level of implementation of recommendations) If resources permit, complex research and surveys are recommended. Alternatively, the opinions of administration and staff of places of deprivation of liberty can be found during dedicated focus group sessions with these target sub-groups.

V. FREQUENCY OF THE ASSESSMENT AND USE OF THE METHODOLOGY

As mentioned above, a performance assessment report shall contain an analysis of findings and assessment in the defined areas, indicators and benchmarks, a review of the existing strengths, gaps and areas for improvement in the NPM operational work, and conclusions and recommendations. It **shall facilitate the NPM internal decision-making process** for adopting and adapting strategic and operational decisions, and drafting its development plans, **and the external decision-making processes** in the interactions between the NPM and the authorities and/or development partners in their efforts to build up the institutional capacity of the NPM of Ukraine).

Bearing in mind the changing environment, such an assessment shall be performed **regularly**, in the format of **self-assessment** (annually or **once in two years**) and **independent external assessment (every four years)**.

At the level of the institution, the Ombudsperson can decide to appoint a person responsible for organising and facilitating the self-assessment and the independent assessment of the NPM.

While there is some SPT guidance on NPM self-assessment², it is highly advisable to use the above methodology as it is tailored to the peculiarities of operations of the NPM of Ukraine. In this sense:

- ▶ the system of indicators and benchmarks can be further developed. The NPM shall operate strategically, and some quality aspects of its work can be reflected/captured by quantitative indicators (see Appendix 3). At the same time, statistical targets shall not be detrimental to the quality of work.
- ▶ A list of potential quantitative indicators is attached, see Appendix 3.
- ▶ data collection process shall be planned and organised. Some data will be available (e.g. information on institutions visited, number of visits in a particular year); additional efforts might be required for some categories of information (e.g. collection of information on the level of implementation of NPM recommendations); while for some items, dedicated attention might be necessary (e.g. research on public perception of the NPM role and impact).

2 UN SPT, Analytical self-assessment tool for National Prevention Mechanisms (NPM), A preliminary guide by the Subcommittee on Prevention of Torture regarding the functioning of an NPM, CAT/OP/1, 6 February 2012.

VI. APPENDIXES

Appendix 1

Items to be addressed during Interviews with the Ombudsperson/ Representatives, the Head of the NPM unit and the NPM staff, independent monitors and representatives of CSOs

Legislative mandate, practical implementation of the legal provisions concerning powers of the NPM to freely select the places of deprivation of liberty in which the visits are to be carried out; the power to regularly examine the treatment of persons deprived of their liberty in those places; the power to select the timing of such visits and determine whether they are to be announced or unannounced; the power to choose the persons to be interviewed; access to all information, including personal and sensitive information, premises and persons necessary for pursuing the mandate; the power to make recommendations to the relevant authorities and other addressees; the power to submit proposals and observations concerning existing or draft legislation; and the right to have contact with the UN SPT;

Operational independence, dealing with obstruction of the NPM visits; autonomy in the decision-making process by the NPM;

Financial independence, regulations and actual practice; development of the NPM annual budget proposal according to its work plan, submission of the total amount of funding under the draft budget to the relevant authority for approval, presentation of the budget for approval, autonomy of the NPM to determine its own spending priorities within the overall allocated budget;

Diversity of expertise, recruitment of the NPM staff (open, transparent and inclusive process); bans (e.g. for prosecutors, prison professionals, persons with political affiliations or close personal relations with governments, as well as judges or defence attorneys); term of office (including remuneration and adequate social package, if term of office is renewable, security of tenure, grounds for dismissal of members and appeal procedures); dealing with conflicts of interest; possibility to engage external expertise (establishing qualifications and terms of reference); existence of specific rules of procedure or policies on the above aspects;

Independence of NPM staff, privileges and immunities of NPM members and staff, which are necessary for the independent exercise of their functions (immunity from personal arrest and detention; immunity from seizure of personal baggage; immunity from seizure or surveillance of papers and documents; absence of interference with communication; during and after the exercise of their mandates — immunity from legal action in respect of words spoken or written, or acts done, in the course of the performance of NPMs' duties); and protection against reprisals against members or staff, their families or any persons who have communicated with NPMs;

NPM staff commitment, human resources policy, motivational package and retention policy, response to the capacitation needs (on-going training on NPM activities and torture prevention, inter alia, methodological, strategic, and ethical issues);

Effective strategies and working methodologies, process of assessment (performing regular self-assessments, independent assessment and research on the NPM's internal strategic decision-making processes and development/adaptation of performance indicators; regularity and periodicity, self-assessment of performance, strategic plans and development strategies; how NPM prioritise the most problematic issues and institutions) and availability of methodologies (e.g. for planning and performing preventive visits, follow up activities, data protection and confidentiality, the function of commenting on the current and draft legislation, the function of contribution to training of the staff of the detention places) and other guidance (e.g. guidelines for producing annual report, on the information flow, and assessment of the level of implementation of the recommendations);

System of regular visits to places of deprivation of liberty / Visiting function, practices of planning and performing preventive visits (including annual planning; choice of the sectors and institutions from a particular sector; criteria for deciding on thematic visits; announced or unannounced visits; composition of the visiting teams; visiting methodology; code of conduct for a visiting team; access to facilities, documents and persons; interviewing technique and methodology; confidentiality, prevention and protection from reprisals; guidelines for reporting individual cases of deliberate ill-treatment; policy concerning reports and recommendations, preventive focus, addressing systematic gaps and practices (root causes)). Special attention to the balanced performance of all NPM functions and development of quantitative performance indicators for the visiting, commenting on legislation and educational functions of the NPM;

Commenting on actual and draft legislation, methodology or approach to execution of this function; proactive informing of the NPM on draft legislation that may be under consideration; prioritizing legislation to be commented; formulation of proposals and recommendations concerning current and draft legislation; feedback from the authorities;

Contribution to training of the staff of places of deprivation of liberty and other categories of staff/ Educational function, methodology or approach to the execution of this function; format of NPM inputs such as developing training programmes on the prohibition and prevention of torture and other cruel, inhuman or degrading treatment or punishment, carrying out research and taking part in the delivery of educational programmes;

General public awareness on NPM, its role and functions, including transparency, routine information dissemination, dedicated awareness campaigns;

Relationship between NPM and Civil Society Organizations (CSOs), areas and modality of cooperation with CSOs; good practices and challenges; partnerships in order to encourage and facilitate change in legislation, policies of authorities, general attitudes, and conditions and practices in places of detention;

Relationship between NPM and international stakeholders (treaty bodies, organizations with similar mandates), frequency of interactions, actual and potential partners. Special attention to interaction with UN SPT and UN SPT focal points;

Publication of the NPM visit reports, thematic and annual reports, policy concerning report publication and dissemination;

Meaningful process of dialogue and implementation of the NPM recommendations, obligation for competent authorities to examine the NPM recommendations and to enter into a dialogue with it regarding the implementation of its recommendations; specific approaches concerning dialogue partners such as administration of places of deprivation of liberty, Government, Parliament, judiciary, and professional groups; format of the dialogue; regularity of dialogue; assessment of and tracking the level of implementation of the NPM recommendations; follow up strategy.

Appendix 2

Tentative items to be included in the Questionnaires for the NPM staff; the Ombudsperson's Office staff interacting with the NPM; the independent monitors and CSOs representatives involved in the NPM activity, and the NPM partners and other stakeholders

Appendix 2.1 Questionnaire for the NPM staff

Please see:

<https://docs.google.com/forms/d/1onYb3CGYFfyXzPN5scwoJslx9BuevvAuamBv4aNeFk/preview>

Appendix 2.2 Questionnaire for the members of the staff of the Commissioner (not employed in the NPM Department)

Please see:

https://docs.google.com/forms/d/1XksvaRb3VHwOWW_9Y9LJQil9BHiDkXVqOURDbueFljE/edit

Appendix 2.3 Questionnaire for monitors and CSOs representatives involved in the NPM activity

Please see:

https://docs.google.com/forms/d/1HF5DNK2B2iGZ4iH3NkUPKp_4Frw77rQqegcQUzsPpBY/edit

Appendix 2.4 Questionnaire for the external stakeholders, including CSOs non-involved directly in the NPM activity

Please see:

<https://docs.google.com/forms/d/1Ripx9wJo7E3nqHPeGerVCN2aGdgS8rGGioZUA1Jsccl/edit>

Appendix 3

Tentative quantitative indicators for performance of the NPM functions

System of regular visits to places of deprivation of liberty / NPM visiting function:

- ▶ sectors visited out of the entire spectrum of categories of institutions to be visited by the NPM (e.g. only police, prisons and social care homes; not visited detention centers for migrants);
- ▶ number of institutions visited out of total number of institutions in a particular category (X prisons visited out of Y total number of prisons, which constitutes K %);
- ▶ total number of visits per year;
- ▶ % of unannounced visits;
- ▶ Nr. of reports produced out of the total number of visits (%; e.g. 98 reports produced based on 100 visits);
- ▶ % of published visit reports and thematic reports;
- ▶ Nr. of formulated recommendations;
- ▶ % of recommendations that are implemented, under way, non-implemented and rejected;

Not relevant:

- ▶ Nr. of interviews performed during the visits;
- ▶ Nr. of complaints examined by the NPM;
- ▶ Nr. of NPM members involved in preventive visits;

Commenting on current and draft legislation:

- ▶ Nr. of recommendations addressing **current** and draft legislation;
- ▶ Nr. of complex legal opinions addressing current and draft legislation;

Not relevant:

- ▶ Nr. of meetings, events in which legislation was discussed

Contribution to training of the staff of places of deprivation of liberty and other categories of staff/ Educative function

- ▶ Nr. of training events (not for NPM staff and monitors) in which NPM was involved as trainers, facilitators;
- ▶ Nr. of training events (not for NPM staff and monitors) organized and performed by the NPM; number and categories of trainees involved;
- ▶ Nr. of training programmes (not for NPM staff and monitors) examined by the NPM and recommendations formulated;
- ▶ Nr. of training programmes (not for NPM staff and monitors) developed by the NPM.

Not relevant:

- ▶ Nr. of trainings in which NPM staff participated as trainees.

Other potential areas: % of allocated funds from requested budget; nr. and % of NPM staff vacancies; nr. of monitors and experts involved in visits; nr. of specific methodologies approved and used; nr. of public awareness campaigns; nr. of leaflets distributed; nr. of cooperation agreements with CSOs; nr. of submissions to treaty bodies; annual reports published; nr. of follow up meetings with the authorities.

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