



AL-HAQ

**National Preventive  
Mechanism against  
Torture and Ill-treatment**

**Draft Terms of Reference**

**By**

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## Introduction

These terms of reference (TOR) of the National Preventive Mechanism against Torture and Ill-treatment (NPM) outline the philosophy and vision of the NPM. The TOR are in full accordance with the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, to which the State of Palestine acceded, the Guidelines on National Preventive Mechanisms of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), and the Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights (The Paris Principles). It should be noted that best international practices should be taken into consideration to ensure the independence and effectiveness of the NPM.



## Vision

Institutions and agencies in the State of Palestine should comply with the absolute prohibition of the crime of torture and ill-treatment and should hold those responsible accountable, in addition to providing protection and redress for victims.

## NPM Objectives

1. Improve the treatment of persons deprived of their liberty and conditions of detention in all places of detention on a regular basis. In addition to ensuring their protection against torture and ill-treatment.
2. Prevent the crime of torture and ill-treatment, hold perpetrators accountable, and ensure redress for victims, while ensuring adherence to relevant international conventions and standards, submitting recommendations to stakeholders, and notifying them through available publishing means.

3. Ensure that the existing legislations or the projects related to the NPM's tasks and mandate are in line with International Law.

## **Tasks and Mandate**

The State of Palestine will adhere to empowering the NPM through:

1. Maintaining free access to all detention places and facilities as well as to persons deprived of their liberty through regular and unannounced visits.
2. Ensuring free access to all related information, documents, and medical reports on the number and names of persons deprived of their liberty in all places of detention and their conditions as well as the number and locations of detention places.
3. Conducting interviews with persons deprived of their liberty, either personally or with a translator if necessary, without



the direct or indirect presence of law enforcement officials or any other bodies, which the NPM does not wish to interview.

4. Conducting observations and recommendations to improve the treatment and conditions of persons deprived of their liberty and protect them from torture and ill-treatment. The recommendations are to be discussed with relevant authorities and published in available publishing means.
5. Ensuring that the NPM has unrestricted freedom to choose the places of detention it wants to visit and the persons it wants to interview.
6. Holding hearing sessions and inviting concerned parties on the violation subject as well as any person who can add value.
7. Maintaining the right to communicate freely, submitting information and networking with the SPT.



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## Deprivation of Liberty and Places of Detention

1. Deprivation of liberty: any form of detention or arrest or imprisonment ordered by judicial, administrative or other authorities or by their direction, consent or silence.
2. Places of detention: places that are or can be under the jurisdiction or control of the State of Palestine or that have been established with the State's consent or direction or silence and where persons deprived of their liberty are, or can be, present.



## Conditions of Membership

1. Functional independence of the NPM and its staff.
2. Competence, experience, specialisation, and professional knowledge of the NPM vision, tasks, and mandate.
3. Equal gender and fair geographical representation.
4. Compliance with the Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights (The Paris Principles).
5. Full compliance with the NPM TOR.

## NPM Members

The law will determine the selection criteria for the NPM members, ensuring its proper and independent function in a manner consistent with the TOR. The chair of the NPM will be selected through a secret ballot from the members.





## **Immunity of NPM Members**

1. To safeguard their independence, NPM members will enjoy full immunity for all the acts they perform in relation to their tasks. Their immunity is determined for the sake of public interest and pertains to public order.
2. Unlawful intervention in the work of NPM members, by anybody whosoever and in any manner whatsoever, will be a criminal offence that is not subject to the statute of limitations. It necessitates that perpetrators be prosecuted and held accountable in accordance with the law.
3. Both ordinary or juridical persons, who communicate with the NPM, will benefit from the protection prescribed for the NPM members in relation to any information they communicate.



## **Member Meetings**

The NPM will hold at least one regular meeting a week as well as special meetings at the request of a third of its members, serving the Mechanism's vision, tasks, and mandate.

## **Voting for Decisions**

The NPM will issue its decision by a unanimous vote. If consensus is untenable, decisions will be taken by an absolute majority of votes of the number of members (half + 1). In case votes are equal, the chair will have the casting vote.

## **Advisory Committee**

In coordination with the NPM, government bodies and civil society organisations will establish an advisory committee(s) to support functions of the NPM in legal, psychological and social aspects.

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## **Annual Report and Periodic Reports**

The NPM will issue an annual report and periodic reports on its respective functions and recommendations. These will be sent to relevant authorities and published in the Official Gazette and in available publishing means.

## **Working Relationship with the SPT**

The working relationship between NPM and SPT will be based on close cooperation, consultation, and mutual assistance with a view to achieving the NPM's vision, tasks, and mandate.

## **NPM Fund**

1. A separate fund will be established for the NPM in line with the best international practices and standards in order to finance its programmes and activities, implement SPT recommendations, and launch awareness programmes.



2. The NPM fund will be supported by the General Budget. It may receive unconditional financial grants and aid.
3. The fund will be overseen by relevant control bodies and subjected to internal and external audits.

## **NPM Law**

Without prejudice to this TOR, the Law will govern functions of the NPM.

## **Adoption of the TOR**

This TOR has been adopted at the Palestinian national consultation meetings of the NPM and entered into force on \_\_\_\_\_.