

OPCAT AND VULNERABLE GROUPS IN PLACES OF DETENTION

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Research Question: Do the Subcommittee on Prevention (SPT) and national preventive mechanisms (NPMs), as monitoring bodies established by the United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), contribute to improving the standards of treatment of people deprived of their liberty who belong to vulnerable groups?

Purpose: The purpose of the research is to determine whether monitoring bodies based on the OPCAT consider the risks of being tortured or treated in a cruel, inhuman or degrading manner specific to different vulnerable groups in detention and examine the implementation of international standards of treatment of these kinds of groups when exercising its mandate.

Method: The research is based on dogmatic and comparative methods of legal analysis. In the first phase, I have mapped the risks of ill-treatment, specific to different vulnerable groups in detention recognized by the UN agendas and other international organizations dedicated to preventing torture, such as the Association for the Prevention of Torture. I have also reviewed the most important documents of the international soft law ascertaining the standards of treatment of persons deprived of their liberty, who belong to vulnerable groups, such as the Bangkok Rules, the Beijing Rules, the Havana Rules and the Yogyakarta Principles. In the second phase of the research, I have examined the issue of responsiveness to the identified risks by the SPT and Polish National Preventive Mechanism, and its consideration of the standards for treatment of people with special needs in places of detention, by analysing its reports and recommendations made.

Results: I have found that the SPT and Polish National Preventive Mechanism consider the risks of torture or ill-treatment specific to different vulnerable groups in detention when exercising its mandate. Furthermore, these bodies are responsive to the special needs of detainees in a situation of vulnerability. For this reason, I claim that the SPT and national preventive mechanisms fulfil their mandate to examine the situation of detainees in the context of vulnerability and have the potential to improve the situation of these people in places of detention.

Organization: The outcomes of the research and presented good practices may inspire organizations and other stakeholders to further strengthen the standards of treatment of detainees in a situation of vulnerability in places of detention and improve the effectiveness of anti-torture monitoring bodies.

Society: The research findings have an awareness-raising value for society emphasising that people, who belong to vulnerable groups, deprived of their liberty in places of detention, such as prisons, police stations, psychiatric hospitals, correctional institutions and social welfare

facilities, deserve to be treated with respect to their dignity and with consideration of their special needs. This kind of research improves our responsivity to the special needs of vulnerable groups.

Originality: The results of the research are an added value in the discussion on standards of treatment of people with special needs in places of detention and enable the assessment of the SPT and NPMs' efficiency.

Limitations / further research: The research is limited to the current practice of the SPT and the case study of the Polish National Preventive Mechanism. Further research may include new SPT recommendations and other examples of national preventive mechanisms.

Keywords: vulnerability, torture, ill-treatment, UN, OPCAT, SPT, national preventive mechanisms.

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