

# What is a new specialised institution?

1

New specialised institutions are NPMs that have been established with the sole aim of fulfilling a state's obligations under the OPCAT. In contrast with most other NPMs, new specialised institutions are not part of other oversight or monitoring bodies and do not have other major roles or powers beyond those set out in the OPCAT.

In common with other independent oversight bodies, such as [national human rights institutions](#), new specialised institutions often have one or more members who are elected or appointed by the legislative or executive branch of government for a fixed term or terms (see question 2 below).

In accordance with [Article 18 of the OPCAT](#), which includes a reference to the [Paris Principles](#) on the Status of Independent Institutions, new specialised institutions are institutionally, operationally, and personally independent of those institutions they are mandated to oversee.

In common with other independent oversight bodies, however, new specialised institutions are also accountable to the public, usually through parliament. The founding legislation for such institutions should thus include provisions on issues such as when and how members can be removed from office, including in cases of serious misconduct or wrongdoing.

# What are the different types of new specialised institutions?

2

A new specialised institution can take many different forms, although they usually conform to one of two models. Because of the specificities of federal states, new specialized institutions established in such jurisdictions are dealt with in the tool on multiple bodies.

- Single member. Some new specialised institutions are established under the leadership of a single individual (often elected or otherwise appointed by parliament or the executive). This type of new specialized institution will usually also include a professional and multidisciplinary staff, who then conduct visits and carry out the other main tasks of the NPM.
- Collegial. Other new specialized institutions are collegial bodies, under the leadership of a number of members (elected or appointed by parliament or the executive), who usually represent a variety of disciplines and backgrounds. The work of these institutions – including detention visits and making recommendations – is usually carried out by the members themselves, although, depending on their number and availability, they may also be supported in this work by professional staff.
- Implications for staff. Whether single leader or collegial in structure, such institutions usually include a secretariat with responsibility for administration, communications and other related matters.

Beyond the secretariat, the size of the institution and the number of elected members also has an impact on the number of professional staff or experts that will be required. While there is no “one size fits all” rule, it is important that, collectively, the institution fulfils the criteria of multidisciplinary. In addition, coverage and effectiveness must be paramount and the number of staff will need to be adapted to the programme of visits – an institution that cannot conduct sufficient preventive visits because of the unavailability of part-time members, for example, is unlikely to be successful in the fulfilment of its mandate. See the tool on profile and skills for more details.

# What are the advantages and disadvantages of a new specialised institution as an NPM?

3

As with all NPM models there are a number of challenges and opportunities that relate to the establishment of a new specialised institution as NPM.

- Institutions that precisely conform to the requirements of the OPCAT. In many states, the creation of a new specialised institution as NPM follows a process which concludes that existing oversight bodies are not suitable or are unwilling to take on a new NPM mandate. This may be for a variety of reasons, including lack of independence or poor reputation, or the fact that the NPM mandate is not seen as sufficiently compatible with the powers, working methods or priorities of an existing body. In such cases, an opportunity exists to create an institution with a mandate, independence, visiting and advisory powers, and other guarantees, that precisely to match OPCAT requirements. By starting from scratch, such institutions have an opportunity to build multidisciplinary teams, define working methods, and create relationships with the authorities that are wholly oriented towards prevention.
- Risk of duplication. Nevertheless, when creating a new institution there is a clear risk that it will duplicate at least some of the functions of existing bodies – some of which may have detention-related mandates or powers. Care thus needs to be taken to map the existing institutional landscape, and develop good working relationships (possibly including: cooperation mechanisms, information sharing agreements, or other systems) that ensure the most efficient working conditions for the NPM as well as the best possible level of protection for persons deprived of their liberty.
- Starting from scratch. A further challenge for new specialised institutions is the logistical and technical difficulty of starting from scratch. The challenge of establishing basic processes and prerequisites – including just finding office space – can seriously delay an NPM's ability to start work.

# What are the first steps for a new specialised institution?

4

The first steps for new specialised institutions should happen in parallel and help the institution advance towards achieving its overall vision. While a fully realised strategy may need to wait until some of the other steps have been completed, a new institution should nevertheless be thinking strategically from the beginning, including about what it wants to achieve and how the different building blocks below can contribute to achieving this objective.

- **Staff.** In order to conduct their work, NPM teams need to be multidisciplinary in their profiles and skills (see Article 20 of the SPT Guidelines). New specialised institutions can fulfil this criteria across their membership and staff, depending on the model chosen. The NPM's own expertise can also be supplemented by the use of experts. In addition, and again depending on the size of the institution, staff are also likely to be needed for the NPM secretariat.
- **Training.** Alongside the recruitment of staff, training should be viewed both in terms of short and longer-term needs. Ensuring everyone understands the basics of the OPCAT and the preventive mandate is an obvious first priority. The basics of how to conduct visits, how to write reports and recommendations and how to plan operationally and strategically are then logical next steps. Some training sessions should involve all staff and members of a NPM to foster an inclusive work environment, as well as to ensure that everyone has a shared basic understanding. Some NPMs have chosen to develop a manual or manuals on NPM roles. Others provide in-house training where staff themselves develop and deliver training based on their areas of expertise to other staff. New institutions may also choose to reach out to other bodies such as the SPT or APT or other NPMs to learn from their expertise.
- **Budget.** Article 18(3) requires NPMs to be given adequate funding. In establishing a new specialised institution the state needs to allocate a sufficient budget for basic costs (including offices and transport), staff, and operations. In common with other independent oversight bodies, it is good practice for new specialised institutions themselves to present a budget to parliament for consideration, based on their own identified priorities. Once allocated, NPMs should be given the operational autonomy to decide how their funds are spent. Financial accountability should be through regular public financial reporting and an annual independent audit.
- **Office and equipment.** A NPM will need basic infrastructure such as offices, computers, and other office supplies. NPM offices should not be located in government buildings. However, they should be centrally located, close to public transport, and easily accessible, including to persons with disabilities. A NPM will need to travel to places of detention. Transport, or other arrangements should be discussed – particularly as this may have significant budgetary implications. An office needs assessment may be helpful in understanding IT and other requirements. This should consider both immediate needs and longer-term growth of the NPM. At a minimum, NPMs will need basic office equipment such as desks and chairs, laptop computers with basic software, access to the internet through a secure connection, a system for electronic and paper storage of documents, including secure storage for confidential information, and a website and email domain that are separate from government. NPMs may also need equipment for monitoring such as notebooks and cameras.

- Internal organisation. In its early stages, new specialized institutions will need to develop internal rules and procedures covering aspects such as: hierarchy and decision-making, working with experts, planning and visits, reports and recommendations, and other aspects of their work.
- Activities. When to conduct the first visit is an important question. Some NPMs may wish to conduct a pilot visit very quickly, while others may wish to wait until other elements are in place.

# How can new institutions work as a team and build a collective identity?

5

The term institutional culture describes the ideas, customs, and social behaviours of a particular organisational group. A good institutional culture does not mean everyone agrees all the time, instead, it means that interactions are respectful and are carried out in pursuit of a shared objective. Institutional culture and institutional effectiveness are closely linked. For new institutions, building a team, defining an institutional culture and coming up with clear decision-making processes are crucial to their success. This is particularly so for collegial bodies, with a number of members who may have different views and visions about what they would like the institution to be and how they would like it to work.

There is no easy or fast way to establish a good institutional culture, although beginning with an open discussion around the institution's vision and mission is a good place to start. On this basis a new specialised institution may then define its core values and principles as a representation of what it would like its culture to be. Later steps might include basing hiring, performance assessment and promotion criteria on adherence to these core values and principles.

A large part of creating a good institutional culture is through leadership. Leaders set the tone for what is acceptable and desirable in an institution. Leaders should model the values they want to see in the institution. They should provide support, guidance, and feedback and be open to discussing and learning from staff. In collegial bodies, where a number of members hold leadership positions, selecting a "president" or other institutional leader is thus crucial, as are open and frank discussions among members about the kind of institutional culture they would like to foster. Because processes for selecting a leader among members may not be set out in the institution's founding legislation, members should consider developing a process for this as a priority.

For new institutions, the task is complicated by the fact that they are immediately confronted with a huge list of tasks and competing priorities. "Soft" topics like institutional culture and decision-making processes might seem like lower priorities than finding offices and conducting first visits. Not considering them a priority, however, would be a mistake – they provide the foundations on which so much else is built.

# Communication and making the NPM known.

---

6

A new institution has the opportunity to build their identity and their reputation. A new institution should discuss how it wants to be seen by those outside of the new institution.

Its preventive mandate gives NPMs a unique role, including through focusing on risk factors and root causes and engaging in dialogue with the authorities to resolve them. [Communicating](#) this mandate and how it is different from that of other institutions is important for new institutions.

The specific nature of the institution's mandate and the values that underpin its work should be reflected in its initial interactions with civil society, the authorities, and the media.

For this reason it is important that new institutions take decisions about who can speak to the media and other partners and what key messages they should transmit. The results of this process can later be codified in a more formal communications strategy.