



association for the prevention of torture
association pour la prévention de la torture
asociación para la prevención de la tortura

Germany

Updated 17.04.2019

OPCAT status

OPCAT Ratification : December 4, 2008

OPCAT Ratification comment :

Declaration under Article 24 of the OPCAT, Part IV

UNCAT Ratification : October 1, 1990

SPT Member : Ms. Margarete Osterfeld

NPM Designated :

[National Agency for the Prevention of Torture](#), comprising:

- Federal Agency for the Prevention of Torture (Bundesstelle zur Verhütung von Folter); and
- Joint Commission of the Länder (Länderkommission zur Verhütung von Folter)

NPM Type :

New Specialised Institution

NPM Legal Framework :



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[OPCAT Ratification Bill](#) (2 September 2008) and [Statutory Notice](#) (20 November 2008, Federal Bulletin, Nr 182, S. 4277), Ministry of Justice, establishing the Federal NPM.

[Inter-state treaty](#), 24 June 2009 establishing the federal states' component of the NPM.

i Information

🔗 Quick Links

CAT: [Concluding Observations](#) (November 2011)

SPT: NPM Advisory Visit (8-12 April 2013). [Report to the NPM](#) (October 2013). [Report to the State](#) (December 2013). [Response from the German NPM](#) (February 2014). [Response from the State](#) (February 2014)

Communication to the SPT: [Official Correspondence](#) from Germany (13 June 2009)

CPT: [Visit Report](#) (November-December 2015)

Documents relating to other UN human rights mechanisms are available [here](#)

OPCAT Situation



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Germany ratified the OPCAT in 2008 with a Declaration under Article 24 (Part III) of the OPCAT, delaying the establishment of its National Preventive Mechanism.

After consultations with the different Länders, Germany decided to create new institutions as National Preventive Mechanisms: a Federal Agency for the Prevention of Torture (operational in 2009) and a Joint Commission for the Länder (operational in September 2010). Both institutions were finally merged into one institution: the National Agency for the Prevention of Torture.

The SPT conducted a NPM advisory visit to Germany in April 2013. Both the reports to the NPM and the State have been made public.

The SPT member who is the SPT Focal Point for Germany is available [here](#).

NPM Structure

The National Agency for the Prevention of Torture is composed of two institutions: the Federal Agency for the Prevention of Torture and the Joint Commission of the Länder.

The Federal Agency monitors the facilities which fall under the jurisdiction of the Federal Republic of Germany, namely detention facilities of the Federal Police, those of the Federal Armed Forces and the Customs. It is also responsible for monitoring forced returns flights.

The Joint Commission monitors facilities which fall under the jurisdiction of the federal states (Länder), which mainly refer to judicial, police and psychiatric facilities. These are the vast majority of places of detention in Germany.

The National Agency developed its rules of procedure.

NPM Reports



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Annual Reports

Each year, the NPM submits an annual report to the Federal Government, the National Parliament, the Land governments and the Land parliaments. Annual reports are available on the NPM's [website](#).

Other Reports

Other reports, such as a summary of visit reports, may be available on the NPM's [website](#).