

**Inspector of Prisons**  
**Standards for the Inspection**  
**of Prisons in Ireland**

Juvenile Supplement

Judge Michael Reilly  
Inspector of Prisons

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Inspector of Prisons  
24 Cecil Walk  
Kenyon Street  
Nenagh  
Co. Tipperary  
Ireland

Tel: (+353) 67 42210  
E-mail: [info@inspectorofprisons.gov.ie](mailto:info@inspectorofprisons.gov.ie)  
Web: [www.inspectorofprisons.gov.ie](http://www.inspectorofprisons.gov.ie)

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## Chapter 1

### Foreword

This document is a supplement to the Standards for the Inspection of Prisons in Ireland which I published on the 24th July 2009 and as such, shall form part of, and, be read in conjunction with such standards as one document entitled "**Standards for the Inspection of Prisons in Ireland**".

In accordance with international best practice a juvenile in detention requires treatment different to that afforded to adult offenders hence the reason for supplementary standards pertaining to juveniles. These standards emanate from existing obligations that this country has to juveniles. St. Patrick's Institution is the only prison in the State where 16 and 17 year old males are detained.

This State has many obligations to children. These are imposed by international obligations, domestic laws and best practice and apply to children generally. The standards contained in this document and in the "Standards for the Inspections of Prisons in Ireland" are those that are relevant to my particular remit when I inspect St. Patrick's Institution.

The purpose of this document is to further inform the Irish Prison Service, management and staff in St. Patrick's Institution, juveniles detained there, their visitors and the general public of the standards that I will expect to see implemented in St. Patrick's Institution.

I will keep these supplementary standards under review taking into consideration my inspection experiences in St. Patrick's Institution and developments both domestically and internationally. In this regard I will welcome any constructive comments. I will elaborate and/or update this document as appropriate.

Judge Michael Reilly  
Inspector of Prisons

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## Chapter 2

### Introduction

- 2.1 Detention of juveniles should only be used as a last resort<sup>1</sup> where there is a serious and/or immediate risk to others. According to international best practice a juvenile is "*a child or young person who, under the respective legal systems may be dealt with for an offence in a manner which is different from an adult*"<sup>2</sup>. For the purpose of Irish law a child is a person under the age of 18 years<sup>3</sup>. In cases where detention is considered the only option, it is imperative that "*the best interests of the child shall be a primary consideration*" in all decisions affecting the child<sup>4</sup>.
- 2.2 In criminal justice systems generally the potential for breaching juveniles' rights is greatest when juveniles are placed in detention. Therefore, standards 203-206, 219 and 226-229 are of particular importance in safeguarding juveniles' rights.
- 2.3 The Inspector of Prisons has a statutory function to inspect all prisons in the State, including St. Patrick's Institution. This Institution is the only prison that is legally required to accommodate male juveniles aged 16 and 17 years. All other juveniles are detained in Children Detention Schools which are the responsibility of the Irish Youth Justice Service - an executive office of the Department of Justice, Equality and Law Reform which has responsibility for leading and driving reform in the area of youth justice.
- 2.4 During my tenure as Inspector of Prisons I will carry out regular inspections of St. Patrick's Institution to monitor the State's compliance with it's obligations towards juveniles by benchmarking the conditions and treatment of juveniles against the Standards for the Inspection of Prisons in Ireland, which I have

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<sup>1</sup> Article 37(b), Convention on the Rights of the Child 1989, Section 143(1) Children Act 2001

<sup>2</sup> Rule 2(2)(a), UN Standard Minimum Rules for the Administration of Juvenile Justice 1985 (Beijing Rules)

<sup>3</sup> Section 3(1) Children Act 2001

<sup>4</sup> Article 3(1), Convention on the Rights of the Child 1989 & Rule 46, United Nations Guidelines for the Prevention of Juvenile Delinquency 1990 (The Riyadh Guidelines)

stated in the Foreword to this document incorporates the extra standards contained in this document.

- 2.5 The aim of detaining juveniles should be to address their offending behaviour and prepare them for re-integration into the community following their release. I should point out that the deprivation of liberty is a punishment in itself, and should not deprive juveniles of human rights that are not lawfully taken from them as a consequence of imprisonment. In this connection, these standards are listed under 9 headings, each of which are of fundamental importance to the realisation of the rights of juveniles in detention.

## **Chapter 3**

### **The Format of the Standards**

- 3.1 These supplementary standards do not follow the same format as the Standards for the Inspection of Prisons in Ireland (published 24th July 2009).
- 3.2 The standards are numbered 197 - 229 for ease of reference in later reports.
- 3.3 The source of each standard is referenced beneath the standard in abbreviated form.
- 3.4 The Appendix contains the long form of the abbreviations referred to at paragraph 3.3 above.

## Chapter 4

### Standards

#### Physical Environment and Accommodation

- 197 Juveniles shall be detained separately to adults.**  
ICCPR 10(3), CRC 37(c), BR 26.3, RPJDL 29, EPR 11.1, ERJO 59.1, IPR 69(1)
- 198 Accommodation for juveniles shall take account of their need for privacy, subject to security considerations in the prison.**  
RPJDL 32, ERJO 63.1
- 199 Juveniles shall be permitted to keep in their possession authorized personal belongings.**  
CRC 37(c), RPJDL 35, IPR 8(2)
- 200 Juveniles shall be permitted to wear appropriate personal clothing.**  
CRC 37(c), RPJDL 36, ERJO 66.1, IPR 21(1)
- 201 Juveniles shall be entitled to shower every day in a manner that respects their privacy.**  
CRC 37(c), RPJDL 34, ERJO 65.2 & 65.3

#### Sentence Management

- 202 A sentence plan shall be drawn up for each juvenile as soon as possible after his committal. The views of the juvenile concerned shall be given due consideration when formulating the sentence plan. The plan must be multi disciplinary in nature. The overall aim of the plan shall be to address the juvenile's offending behaviour and prepare the juvenile for his release into the community.**  
CRC 12 & 40.1, SMR 65, 66 & 69, BR 26.1, RPJDL 12 & 27, ERJO 15, 62.6 & 79, R (2003) 23: 3 & 9, EPR 6, 103 & 104.2, IPR 75(6)



## Safety

- 203 Physical restraint and use of force by staff shall only be used in exceptional circumstances as justified by law when dealing with juveniles.**

SMR 33 & 54(1), CCLEO 3, BPUF 4, RPJDL 64, EPR 64.1, 65, 68.2 & 68.4, ERJO 90.1, 90.4, 91.1, 91.2, & 91.3, IPR 65(2) & (3) & 93(1)

- 204 Physical restraint and use of force shall be the minimum necessary and for the shortest period of time required when dealing with juveniles.**

SMR 34 & 54(1), CCLEO 3, BPUF 5(a) & (b), RPJDL 64, EPR 64.2 & 68.3, ERJO 90.2 & 91.2, IPR 65(2)(b) & 93(1)

- 205 Such actions as referred to at Standards 203 and 204 shall never humiliate or degrade the juvenile.**

ICCPR 7, CRC 37(a), UDHR 5, BOP 6, RPJDL 64, ECHR 3, ERJO 7

- 206 If physical restraint or force is used as described in Standards 203 and 204 the Governor shall ensure, as soon as is reasonably practicable, that the juvenile concerned is examined by a healthcare professional. A record of such examination shall be maintained.**

BPUF 5(c), RPJDL 64, R (98) 7: 66, EPR 65(e), IPR 65(5) & 93(3)

- 207 Appropriate steps shall be taken to address bullying and inter-prisoner violence amongst juveniles.**

ICCPR 6(1), CRC 6, UDHR 3, ECHR 2, ERJO 88.2

## Health and Mental Health

- 208 Health information on issues of particular relevance to adolescents, such as drug abuse and transmittable diseases, shall be available to juveniles.**

CRC 33, R (98) 7: 27, 28 & 29, ERJO 71 & 75, HCS 5

- 209 Drug abuse prevention and rehabilitation programmes shall be available to those juveniles who wish to avail of them.**

CRC 24(1) & 33, SMR 62, RPJDL 51 & 54, R (98) 7: 7, 43, 44, 45, 46 & 47, EPR 42.3.d, ERJO 73.c, HCS 9

**210 Appropriately trained healthcare professionals shall provide health care services, equivalent to those available in the community, to juveniles.**

ICESCR 12(1), CRC 24(1) & (2)(b), SMR 22(1), PME 1, RPJDL 49, R (98) 7: 10, 11, 12 & 19, EPR 40 & 41.4, ERJO 69, IPR 33(1), HCS 2

**211 Particular attention shall be paid to the mental health of each juvenile throughout his time in custody.**

CRC 24(1), SMR 22(1) & 62, RPJDL 51 & 53, PPPMI 1 & 20, R (98) 7: 10, 11 & 52, R (2004) 10: 35(1) & (2), EPR 40.4, ERJO 52.1 & 73.d, IPR 33(1) & 99(5), HCS 3

**212 Policies shall be in place which seek to prevent juveniles from committing suicide or self-harm.**

R (98) 7: 58, EPR 47.2 & 52.2, ERJO 52.1 & 70.2, HCS 3

**213 Any juvenile who self-harms or attempts to commit suicide shall be examined by medical personnel and then treated and/ or counselled as appropriate. A record of such examinations shall be maintained.**

CRC 24(1), EPR 47.2, ERJO 73.h, HCS 3

### **Regime**

**214 Education and vocational training shall be given priority over work for juveniles.**

CRC 28(1), SMR 71(5), RPJDL 38, 39 & 42, R 1990/20: 1, 3(e) & (f), R (89)12: 1, 2 & 9, EPR 26.5 & 28.1 & 28.3, ERJO 78.1

**215 A reasonable period of time shall be afforded to juveniles, on a daily basis, to participate in recreational/sport/physical pursuits.**

CRC 31, SMR 21, RPJDL 32 & 47, R (89) 12: 11, EPR 27, ERJO 80.2 & 81, IPR 32

**216 Juveniles on protection should have guaranteed access to human contact and to reading material. They should be afforded a reasonable opportunity to participate in a constructive activity. Weather permitting, protection prisoners shall be afforded a minimum one hours daily exercise outdoors.**

CRC 3(1) & 27(1), SMR 21(1), RPJDL 41 & 47, R (89) 12: 10, EPR 27.1 & 28.5, ERJO 80.1 & 81

**Contact with family and community**

- 217 Juveniles must be encouraged and should be facilitated in maintaining contact with their families and community, providing it is in the juveniles' best interests.**

ICCPR 23(1), CRC 3(1), 8 & 37(c), UDHR 16(3), SMR 37, 79 & 80, BOP 19, RPJDL 59 & 60, EPR 24.1 & 24.5, CoI 41.1, IPR 35, 43, 46 & 75(3)(ii)

- 218 Except in exceptional circumstances, and having due regard to the best interests of the juvenile, contact between a juvenile and his family shall never be withdrawn as a disciplinary measure.**

CRC 3(1) & 37(c), SMR 27, 79 & 80, RPJDL 67, EPR 24.2 & 60.4, ERJO 8, 49.1 & 95.6

**Complaints and Disciplinary procedures**

- 219 Juveniles must be permitted, and facilitated if required, to make a complaint to an independent authority.**

CRC 37(d), SMR 36(3), BOP 33(1), RPJDL 76, EPR 70.1, ERJO 123

- 220 Mediation should be prioritised over the use of formal disciplinary measures for juveniles.**

CRC 37(c) & 40(1), RPJDL 66, EPR 70.2, ERJO 12 & 94.1

- 221 Solitary confinement shall never be imposed as a disciplinary measure for juveniles.**

CRC 3(1) & 37(c), SMR 37, RPJDL 67, EPR 60.5, ERJO 8, 49.1 & 95.3

**Reintegration**

- 222 Management shall foster an ethos that is conducive to normalising the environment for juveniles which counteracts the harmful effects of detention.**

ICCPR 10(3), CRC 37(c) & 40(1), RPJDL 3, 12, 32 & 79, EPR 5, ERJO 53.3

**223 During his time in custody a juvenile shall have access to programmes which can assist him in addressing his offending behaviour.**

ICCPR 10(3), CRC 40(1), SMR 58 & 59, RPJDL 27 & 79, EPR 6, ERJO 50.1, 50.2, 77 & 100.2

**224 Subject to security considerations, opportunities for social integration in the community shall be provided to juveniles while in custody to assist them with their re-integration efforts.**

CRC 40(1), SMR 60(2), RPJDL 59 & 79, EPR 24.7, ERJO 84, 86.1 & 101

**225 Support shall be available in the community for juveniles following their release. Services in the prison shall therefore be closely linked with corresponding services in the community.**

SMR 61, RPJDL 49 & 80, EPR 7, ERJO 15, 51, 53.5, 78.5, 100.1 & 102

**Staff selection and training**

**226 Staff shall be specifically selected and recruited to work with juveniles.**

SMR 47(2), RPJDL 82, EPR 76, ERJO 128.1 & 128.3

**227 Staff shall be specifically trained to work with juveniles in custody.**

RPJDL 85, EPR 81.1 & 81.3, ERJO 129.1

**228 Staff working with juveniles shall receive regular in-service training throughout their careers.**

SMR 47(3), RPJDL 85, EPR 8, 76 & 81.2, ERJO 129.2 & 129.3

**229 Staff shall be trained to intervene in altercations between juveniles without resorting to the use of force.**

RPJDL 64, EPR 66, ERJO 90.3 & 129.3(f)

## Appendix

### Abbreviations

#### • International Human Rights Instruments

- CRC** Convention on the Rights of the Child, G.A. res. 44/25, annex, 44 UN. GAOR Supp. (No. 49) at 167, UN Doc.A/44/49 (1989) (Entered into force 2 September 1990)
- ECHR** Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol No.11 (Rome, 4.XI.1950)
- ICCPR** International Covenant on Civil and Political Rights, G.A res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (entered into force March 23, 1976)

#### Normative

- BOP** Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, G.A. res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988)
- BPTP** Basic Principles for the Treatment of Prisoners, G.A. res. 45/111, annex, 45 U.N. GAOR Supp. (No.49A) at 200, U.N. Doc. A/45/49 (1990)
- BPUF** Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, UN Doc. A/CONF.144/28/Rev.1 at 112 (1990)
- BR** United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), G.A. res. 40/33, annex, 40 UN GAOR Supp. (No. 53) at 207, UN Doc.A/40/53 (1985)
- CCLEO** Code of Conduct for Law Enforcement Officials, Adopted by General Assembly resolution 34/169 of 17 December 1979
- EPR** Recommendation No. R (2006) 2 of the Committee of Ministers to Member States on the European Prison Rules (adopted by the Committee of Ministers on 11 January 2006 at the 952<sup>nd</sup> meeting of the Ministers' Deputies)
- ERJO** Recommendation No. R (2008) 11 of the Committee of Ministers to Member States on the European Rules for juvenile offenders subject to

sanctions or measures (adopted by the Committee of Ministers on 5 November 2008 at the 1040th meeting of the Ministers' Deputies)

- PME** Principles of Medical Ethics Relevant to the Role of Health Personnel, Particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 37/194, annex, 37 U.N. GAOR Supp. (No. 51) at 211, U.N. Doc. A/37/51 (1982)
- PPPMI** Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, adopted by General Assembly resolution 46/119 of 17 December 1991
- RPJDL** United Nations Rules for the Protection of Juveniles Deprived of their Liberty, G.A. res. 45/113, annex, 45 UN GAOR Supp. (No. 49A) at 205, UN Doc.A/45/49 (1990)
- R 1990/20** UN Economic and Social Council: Resolution 1990/20 on Prison Education
- R (89)12** Recommendation No. R (89) 12 of the Committee of Ministers to Member States on Education in prison (adopted by the Committee of Ministers on 13 October 1989 at the 429<sup>th</sup> meeting of the Ministers' Deputies)
- R (98)7** Recommendation No R (98) 7 of the Committee of Ministers to Member States Concerning the Ethical and Organisational Aspects of Health Care in Prison (adopted by the Committee of Ministers on 8 April 1998 at the 627<sup>th</sup> meeting of the Ministers' Deputies)
- R (2003) 23** Recommendation (2003) 23 of the Committee of Ministers to the Member States on the management by prison administrators of life sentence and other long-term prisoners (adopted by the Committee of Ministers on 9 October 2003 at the 855<sup>th</sup> meeting of the Ministers' Deputies)
- R (2004)10** Recommendation No. R (2004) 10 of the Committee of Ministers to the Member States concerning the Protection of the Human Rights and Dignity of Persons with Mental Disorder (adopted by the Committee of Ministers on 22 September 2004 at the 896<sup>th</sup> meeting of the Ministers' Deputies)
- SMR** Standard Minimum Rules for the Treatment of Prisoners, adopted Aug. 30, 1955 by the First United Nations Congress on the Prevention of Crime and Treatment of Offenders, U.N. Doc. A/CONF/611, annex I, E.S.C. res. 663C, 24 U.N. ESCOR Supp. (No.1) at 11, U.N. Doc. E/3048 (1957), amended E.S.C. res. 2076, 62 U.N. ESCOR Supp. (No. 1) at 35, U.N. Doc. E/5988 (1977)
- UDHR** Universal Declaration on Human Rights 1948

- **National Law**

**CoI**      Bunreacht na hÉireann (Constitution of Ireland) 1937

**Secondary Legislation**

**IPR**      Irish Prison Rules 2007

- **National Authority Standards**

**HCS**      Irish Prison Service Healthcare Standards, September 2006