

Inspector of Prisons
Standards for the Inspection of Prisons
in Ireland

Judge Michael Reilly
Inspector of Prisons

Published 24th July 2009

© **Inspector of Prisons 2009**

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

Tel: (+353) 67 42210
E-mail: info@inspectorofprisons.gov.ie
Web: www.inspectorofprisons.gov.ie

Contents

<u>Chapter 1</u>	
Foreword	4
<u>Chapter 2</u>	
Introduction	5
<u>Chapter 3</u>	
Format of the Standards	13
<u>Chapter 4</u>	
Standards	
Section 1: The General Management of the Prison	14
Section 2: The Conditions, General Health and Welfare of the Prisoners	16
Section 3: The General Conduct and Effectiveness of Persons Working in the Prison	31
Section 4: Compliance with International and National Standards	34
Section 5: Programmes and other Facilities available and the Extent to which Prisoners participate in them	35
Section 6: Security	39
Section 7: Discipline	42
<u>Appendix</u>	
Abbreviations	43

Chapter 1

Foreword

This document is a first step in a process that I intend engaging in to set standards for Irish prisons. It is also a reminder that this country has obligations to prisoners that are imposed by domestic laws and international instruments to which this State has committed itself.

The standards contained in this document are informed not only by our obligations as referred to in the preceding paragraph but also by relevant decisions of the Irish Courts and the European Court of Human Rights, non binding International Instruments emanating from the United Nations and the Council of Europe, the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and my own observations of prisons.

I am publishing these standards in order that the Irish Prison Service, prison management, prison officers, prisoners, the many who provide services to prisoners, prison visitors and the general public will be aware of the standards that I will expect to see implemented in Irish prisons. These standards do not constitute public policy or public policy proposals but are those against which I will benchmark all prisons.

I will keep these standards under review in light of my inspection experiences and developments both domestically and internationally. In this connection I will welcome any constructive comments. I will elaborate on and/or update these standards as appropriate.

Judge Michael Reilly
Inspector of Prisons

24th July 2009

Chapter 2

Introduction

- 2.1 Article 10 of the International Covenant on Civil and Political Rights confers an obligation on Ireland to treat all persons deprived of their liberty with humanity and with respect for the inherent dignity of the human person. In this context, I should point out that the deprivation of liberty is a punishment in itself and should not deprive prisoners of human rights that are not lawfully taken from them as a consequence of imprisonment.
- 2.2 Dame Anne Owers, DBE, recently retired HM Inspector of Prisons for England and Wales, made the important observation that, “just because something has become normal, it does not become normative”¹. I endorse this statement.
- 2.3 International best practice, under Principle 29 of the Body of Principles for the Protection of all Persons under any form of Detention or Imprisonment and Rule 55 of the United Nations Standard Minimum Rules for the Treatment of Prisoners, requires that a system of independent monitoring be established so that transparency and accountability of the prison system can be achieved. Therefore, an independent inspectorate is vital in ensuring that prisoners’ rights are not violated.
- 2.4 The Office of Inspector of Prisons was established in 2002 and was placed on a statutory footing in May 2007 by virtue of the Prisons Act 2007.
- 2.5 Section 30(5) states that the Inspector of Prisons is independent in the performance of his or her functions.
- 2.6 The functions of the Inspector contained in Section 31 are as follows:-

¹ HM Inspectorate of Prisons, “Expectations: Criteria for assessing the conditions in prisons and the treatment of prisoners”, April 2008, at p.1 (Introduction)

“31(1) The Inspector of Prisons shall carry out regular inspections of prisons and for that purpose may-

- (a) At any time enter any prison or any part of a prison.*
- (b) Request and obtain from the governor a copy of any books, records, other documents (including documents stored in non-legible form) or extracts therefrom kept there, and*
- (c) In the course of an inspection or arising out of an inspection bring any issues of concern to him or her to the notice of the governor of the prison concerned, the Director General of the Irish Prison Service, or the Minister or of each one of them, as the Inspector considers appropriate.*

(2) The Inspector may, and shall if so requested by the Minister, investigate any matter arising out of the management or operation of a prison and shall submit to the Minister a report on any such investigation”.

2.7 Section 32 of the Prisons Act 2007 obliges the Inspector of Prisons to submit an annual report and reports on individual prisons to the Minister for Justice, Equality and Law Reform. In addition, it sets out the issues to be addressed when carrying out inspections on individual prisons.

2.8 I decided that I should place in the public domain not alone the standards as set out in this document but also the inspection process.

2.9 Briefly my inspection process consists of announced and unannounced visits to all prisons. The majority of visits are unannounced and take place not alone during business hours but also during off peak hours. By this I mean during the night and at week ends. These visits are not for the purpose of wrong-footing anyone but simply because, in my view, inspection systems which are entirely predictable as to timing no longer carry any measure of public credibility. I also carry out detailed inspections of a number of prisons each year. A separate report of such inspections is submitted to the Minister for Justice, Equality and Law Reform. These detailed inspections which are both announced and unannounced are carried out over a number of months. My

reports on individual prisons do not reflect one particular point in time; instead they are reflective of an ongoing inspection and consultative process over a number of months. During all visits I talk to prisoners and members of staff. I examine records as I deem appropriate. The purpose of all visits is to ensure that standards in all prisons are maintained and are not dependent on the arrival or non arrival of the Inspector. My inspection process is fully explained in my Annual Report 2008.

- 2.10 The standards in this document are informed by international and national obligations, relevant decisions of the Irish Courts and the European Court of Human Rights, best practice and the CPT Report's. They also take account of situations that I have encountered during the course of inspections carried out since my appointment.

International Obligations and Best Practice

- 2.11 There are numerous International Instruments regulating the treatment of persons deprived of their liberty.

- 2.12 Ireland has ratified, *inter alia*, the following United Nations Conventions:-

- The International Covenant on Civil and Political Rights
- The International Covenant on Economic, Social and Cultural Rights
- The Convention on the Elimination of All Forms of Racial Discrimination
- The International Convention on the Elimination of All Forms of Discrimination against Women
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- The Convention on the Rights of the Child

I must point out that although Ireland is a state party to the above Conventions they are not binding on Irish Courts as they have yet to be incorporated into Irish law. Ireland nevertheless has obligations by virtue of its ratification of

these Conventions. The Irish Courts have been willing, on a number of occasions, to interpret Irish Law in light of the international obligations as contained in the Conventions.

2.13 The principles in the above Conventions are reinforced by non-binding United Nations Instruments of which the following are relevant to my remit: -

- The Standard Minimum Rules for the Treatment of Prisoners
- The Code of Conduct for Law Enforcement Officials
- The 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
- The Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)
- The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
- The Basic Principles for the Treatment of Prisoners
- The Rules for the Protection of Juveniles Deprived of their Liberty
- The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
- Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care

2.14 Although these instruments do not have the force of law they possess great persuasive authority as they were approved by the General Assembly of the United Nations and are internationally accepted as being best practice in the treatment of prisoners and the management of prisons.

2.15 Ireland has ratified, *inter alia*, the following Council of Europe Conventions: -

- The European Convention on Human Rights (ECHR)

- The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

The ECHR has been incorporated into Irish Law by virtue of the European Convention on Human Rights Act 2003.

- 2.16 Although the ECHR does not contain any specific provisions relating to prisoners' rights it does protect some of their fundamental rights as human beings such as the right to life as guaranteed by Article 2, the prohibition on inhuman and degrading treatment as guaranteed by Article 3, the right to a fair trial/access to the courts as guaranteed by Article 6 and the right to privacy as guaranteed by Article 8. The jurisprudence of the European Court of Human Rights (ECt.HR), which determines whether a violation of an Article in the Convention has occurred, has been of particular importance in the advancement of the rights of prisoners. The jurisprudence is continually evolving, determining new obligations and acceptable minimum standards regarding the treatment of persons deprived of their liberty.
- 2.17 The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment established the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). This Committee inspects places of detention in the member countries of the Council of Europe and is fundamental in the prevention of torture. Furthermore, the Committee has published standards comprised in the main of substantive sections of the CPT's General Reports. The ECt.HR has frequently looked to the Committee's standards and reports for factual guidance.
- 2.18 The Council of Europe has adopted non-binding instruments which are in the form of Recommendations. These Recommendations, while not having the force of law, possess great persuasive authority as they were approved by the Committee of Ministers of the Council of Europe and are accepted as best practice in the treatment of prisoners and the management of prisons. The main Recommendation (Recommendation R (2006) 2 on the European Prison

Rules) regarding the treatment of prisoners and conditions in prisons is the ‘Revised European Prison Rules’, which contain fundamental standards that provide for a humane prison system. The following Recommendations are also of relevance to my remit:-

- Recommendation (82) 17- concerning the custody and treatment of dangerous prisoners
- Recommendation (89) 12 – education in prison
- Recommendation (97) 12 - staff concerned with the implementation of sanctions and measures
- Recommendation (98) 7 - concerning the ethical and organisational aspects of healthcare in prisons
- Recommendation (99) 22 - concerning prison overcrowding and prison population inflation
- Recommendation (1469) 2000 - concerning mothers and babies in prison
- Recommendation (2003) 22 - concerning conditional release (parole)
- Recommendation (2003) 23 - management by prison administration of life sentence and other long-term prisoners
- Recommendation (2004) 10- concerning the protection of the human rights and dignity of persons with mental disorder
- Recommendation (2006) - the (revised) European Prison Rules
- Recommendation (2008)- European Rules for juvenile offenders subject to sanctions or measures

National Obligations and Standards

Bunreacht na hÉireann (Constitution of Ireland) 1937

2.19 I do not intend setting out the relevant provisions of the Constitution which pertain to prisoners. It is sufficient to state that these provisions take precedence over all other domestic laws.

Primary Legislation

- 2.20 There is copious primary legislation governing the use of prisons in Ireland. The most recent Statute in this regard is the Prisons Act 2007 which, *inter alia*, placed the Inspector of Prisons on a statutory footing in Ireland.
- 2.21 As I have already stated at paragraph 2.15 the European Convention on Human Rights has been incorporated into national legislation by the European Convention on Human Rights Act 2003. The Convention does not explicitly make reference to prisoner's rights but a number of articles are of significant relevance to the protection of prisoners' rights as outlined in paragraph 2.16. Section 3 of the European Convention on Human Rights Act 2003 places an obligation on all organs of this State to perform their functions in compatibility with the Convention and Section 4 of the Act requires Irish Courts to interpret the law in a manner that is compatible with the provisions of the Convention. Individuals can, therefore, petition Irish Courts in the case of a breach of a Convention Article. This procedure has the potential to be the most useful and important instrument in the advancement of prisoners' rights, in an Irish context.

Secondary Legislation

- 2.22 The Irish Prison Rules 2007 were enacted by virtue of Section 35 of the Prisons Act 2007 with effect from 1st October 2007. These Rules are important as they are based largely on international best practice and have brought about changes to many aspects of life in prison in Ireland.

Other relevant national standards

- 2.23 The Irish Prison Service Healthcare Standards were developed in 2006. These Standards provide prison management and the medical profession with guidance.

Concluding

- 2.24 In these standards reference is made to specific standards that relate to female prisoners. The inclusion of standards to take account of the specific needs of female prisoners is not to be regarded as discriminatory towards male prisoners.
- 2.25 Male juveniles, aged 16 and 17 years, comprise part of the population of St. Patrick's Institution. They are detained in St. Patrick's Institution pending the opening of a new unit in Lusk, Co. Dublin in 2012. Additional standards to those in this document apply to juveniles. I am at present, formulating such standards which I will publish as a supplement to these standards.
- 2.26 In compiling the standards I took account of the standards that apply in countries such as England, Scotland and the Province of Western Australia. I was mindful of the guidance available from the publications of such reputable bodies as the United Nations and the Council of Europe (including its committee the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment- CPT). I obtained advice from Professor Andrew Coyle of the International Centre for Prison Studies, Kings College, London, Dr. Andrew McLellan, recently retired H.M. Chief Inspector of Prisons for Scotland, members of the CPT and from the International Penal and Penitentiary Foundation. I also took account of the relevant decisions of the European Court of Human Rights (ECt.HR) when formulating these standards.
- 2.27 I would like to thank all those who are not mentioned elsewhere in this document for their assistance in formulating these standards.
- 2.28 I am indebted to my small staff and in particular to Ms. Aoife Watters who is responsible for researching standards in other jurisdictions, researching relevant international and domestic obligations, conventions and rules, assisting me in the drafting of these standards and the painstaking work of referencing each standard to its appropriate source(s).

Chapter 3

The Format of the Standards

3.1 Section 32 (2) of the Prisons Act 2007 states

“A report under this section shall, in respect of each prison inspected during the year in question, deal with, in particular—

(a) its general management, including the level of its effectiveness and efficiency,

(b) the conditions and general health and welfare of prisoners detained there,

(c) the general conduct and effectiveness of persons working there,

(d) compliance with national and international standards,

including in particular the prison rules,

(e) programmes and other facilities available and the extent to which prisoners participate in them,

(f) security, and

(g) discipline.”

3.2 For ease of understanding and to follow the format of Section 32 (2) of the Prisons Act 2007 the standards are presented in seven separate sections in Chapter 4. The standards are numbered 1 to 196, for ease of reference in later reports.

3.3 The sections are not watertight and many issues dealt with in one particular section may be of relevance to other sections. To prevent repetition, standards are included in the section in which they are most relevant.

3.4 The source of each standard is referenced beneath the standard in abbreviated form.

3.5 The Appendix contains the long form of the abbreviations referred to at paragraph 3.3 above.

Chapter 4

Standards

Section 1

The General Management of the Prison, including its Effectiveness and Efficiency

- 1 At all times prison management shall ensure that prisoners are treated in a humane and ethical manner and with respect for the inherent dignity of the person.**

ICCPR 10(1), UDHR 1, BOP 1, BPTP 1, EPR 1 & 72.1, CoI 40.3.1

- 2 Prison management shall ensure that prisoners are treated in accordance with international, regional, domestic human rights standards, the Irish Prison Rules 2007 and these standards.**

EPR 83.a, IPR 75(5), *Brennan v Governor of Portlaoise Prison (1999)*

- 3 As soon as practicable, after the committal of such prisoner a sentence management plan shall be prepared for each prisoner serving a sentence of 12 months or over. It should provide for, *inter alia*, the welfare and health needs of the prisoner, training, employment or education needs he/she may have, and include a release plan for the prisoner. This plan shall be reviewed at regular intervals to take into account the changing circumstances of the prisoner.**

SMR 65, 66 & 69, R (2003) 23: 3 & 9, EPR 6, 103 & 104.2, IPR 75(6)

- 4 A prisoner's release and re-integration back into society should constitute a central part of the sentence management plan.**

ICCPR 10(3), SMR 80, EPR 6, 103.2 & 103.4, IPR 75(6)

- 5 Prisoner information shall be relayed between prisons on each transfer of a prisoner within the prison estate.**

EPR 83.b, IPR 60(1)

- 6 Prison management shall facilitate communication among management and all members of staff, including support service staff, in the prisons.**

EPR 83.b & 87.1, IPR 75(6)

- 7 Prison management shall encourage staff to communicate in a constructive manner with prisoners.**

SMR 48, EPR 74, 75, IPR 85(c)

- 8 Monthly multi-disciplinary meetings should take place between all the heads of services in the prison.**

EPR 83.b & 87.1

- 9 When a prisoner dies in custody, whether in prison, in transit or in hospital, the Inspector of Prisons shall be notified and a full report shall be furnished.**

IPR 47(7)(g)

- 10 Co-ordination of information and services throughout the prison shall be efficient.**

EPR 83.b & 87.1, IPR 75(6), 87 & 88

- 11 Prisoner disciplinary forms shall be completed in detail.**

SMR 30(2), EPR 58, IPR 66(2) & 67

- 12 Individual prisoners' files shall be maintained in an orderly manner.**

IPR 4

Section 2

The Conditions, General Health and Welfare of Prisoners

Conditions of Prison

- 13 The physical conditions under which prisoners are held shall respect their human dignity.**

ICCPR 10(1), UDHR 25, BOP 1, BPTP 1, EPR 1 & 18.1

- 14 All areas of all prisons should be kept clean.**

SMR 14, EPR 19.1

Treatment of Prisoners on Admission to Prison

- 15 The procedures outlined in standards 58 – 66, 109, 176 and 182 - 185, shall apply to all newly admitted prisoners.**

- 16 Upon admission, each prisoner shall be given a booklet outlining his/her rights, duties, obligations and privileges and the rules and regulations governing the prison which apply to the individual prisoner, in a language that he/she can understand.**

CERD 7, SMR 35, BOP 13, EPR 30, IPR 13(1), (4) & (5)

- 17 Upon admission a list shall be compiled, a copy of which shall be handed to the prisoner, of each prisoner's personal belongings. All such belongings shall be kept secure and in an orderly manner.**

SMR 43, EPR 15.1.d, 31.1, 31.2 & 31.3, IPR 8(1) & (4)

Accommodation

- 18 The size of a cell must be suitable for its purpose. The suitability of the cell size is dependant on the number of hours spent in the cell, the number of prisoners accommodated in the cell and the availability of in cell-sanitation facilities that ensure privacy.**

SMR 9, 10, 11 & 12, EPR 18 & 19.3, IPR 18, 19(1) & 24(1)

- 19 Cells should not be used to accommodate more prisoners than the intended design capacity, unless justified in exceptional circumstances.**
SMR 9(1) & 10, EPR 18.1, 18.3, 18.4 & 18.6, IPR 18
- 20 Where possible prisoners should have individual cells to sleep in.**
SMR 9(1), EPR 18.5, IPR 18
- 21 Prisoners who are required to share cells shall be carefully selected and assessed as suitable for sharing accommodation.**
ICCPR 6(1), UDHR 3, SMR 9(2), ECHR 2, EPR 18.6 & 18.7, *Edwards v UK (2001)* ECt.HR
- 22 Where possible, prisoners on remand shall be accommodated in single cells and be separated from sentenced prisoners.**
ICCPR 10(2), SMR 8(b), 85 & 86, BOP 8, EPR 10.2 & 96, IPR 71
- 23 Juveniles shall be detained separate to adult offenders.**
ICCPR 10(3), CRC 37(c), BR 26.3, RPJDL 29, EPR 11.1, ERJO 59.1
- 24 Cells shall be suitable for accommodating prisoners in respect of size, lighting, heating, ventilation and fittings.**
SMR 9, 10, 11, 12 & 13, EPR 18, IPR 18(1), (2) & 24(1)
- 25 Windows in all cells shall permit sufficient natural light to facilitate prisoners to read and write.**
SMR 11, EPR 18.2.a, IPR 18(2)(b)
- 26 Windows in all cells shall allow adequate fresh air even if there is an air-conditioning system in place.**
SMR 11(a), EPR 18.2.a, IPR 18(1)
- 27 All prisoners shall have in-cell access to a working alarm bell that attracts the attention of staff at all times.**
ICCPR 6(1), UDHR 3, ECHR 2, EPR 18.2.c & 52.4, IPR 18(4), *Edwards v UK (2002)* ECt.HR
- 28 Where prisoners are permitted to retain personal belongings in their cells adequate storage facilities shall be provided.**
EPR 31.7, IPR 8(5)

- 29 Adequate and appropriate observation facilities shall be provided for all cells in closed prisons.**

SMR 9(2)

- 30 Landings and all communal areas which prisoners have access to shall be clean at all times.**

SMR 14, EPR 19.1

Hygiene/Sanitary Facilities

- 31 Prisoners shall have access to adequate and appropriate sanitary and washing facilities that respect their privacy.**

SMR 12 & 13, EPR 19.3, 19.4 & 19.7, IPR 24

- 32 In-cell sanitation facilities must be adequately screened.**

ICCPR 10(1), SMR 12, BOP 1, BPTP 1, ECHR 3, EPR 19.3, *Peers v Greece (2001)* ECt.HR

- 33 Adequate and appropriate facilities must be provided for the disposal of waste accumulated in cells, in a hygienic manner.**

BOP 1, BPTP 1, SMR 12, EPR 19.3, IPR 24(2)

- 34 Provision shall be made for the sanitary needs of women prisoners that respect their privacy.**

CEDAW 12, BOP 1, BPTP 1, SMR 15, EPR 19.7

- 35 Prisoners shall be required to keep their persons, accommodation and clothing clean and tidy.**

SMR 15, EPR 19.5, IPR 20, 21(a) & (d), & 25(1)

- 36 Toiletries and cleaning materials shall be provided to enable prisoners keep their persons clean and their cells clean and tidy.**

SMR 15, EPR 19.6, IPR 25(3)

Clothing and Bedding

- 37 Where possible prisoners should be permitted to wear their own clothing.**

IPR 21(1)

38 Where prisoners are not allowed to wear their own clothing, or where prisoners do not have adequate clothing, they shall be provided with clothing that is suitable for the climate, is not degrading or humiliating and is age appropriate.

SMR 17(1), EPR 20.1 & 20.2, IPR 21(3)

39 If prisoners are permitted to wear their own clothing appropriate arrangements shall be in place for laundering same.

SMR 17(2) & 18, EPR 19.5, 19.6 & 20.3, IPR 21(2)

40 A prisoner shall not be required to sleep without a mattress. Mattresses shall be clean and in good condition.

SMR 19, EPR 21, IPR 22(2)

41 Each prisoner shall be provided with a bed and appropriate bedding.

SMR 19, EPR 21, IPR 22(1)

42 Bedding shall be in good condition, changed regularly and laundered.

SMR 19, EPR 21, IPR 22(1)

Food and Drink

43 Prisoners shall be provided with 3 meals per day with reasonable intervals between them.

SMR 20(1), EPR 22.4, IPR 23(1)

44 Food shall be prepared and served in accordance with national hygiene standards.

SMR 14, 20(1) & 26(1) (a), EPR 22.3 & 44.a, IPR 23(1)

45 All persons working in prison kitchens shall be suitably selected and trained/instructed as appropriate.

SMR 20(1), EPR 22.3, IPR 23(1)

- 46 Prisoners shall be provided with a sufficient quantity of nutritious food taking into account their health, physical condition, special dietary requirements, religion and culture.**

SMR 20(1), EPR 22.1 & 22.6, IPR 23(1), (2) & (3)

- 47 Prisoners shall have access to clean drinking water.**

SMR 20(2), EPR 22.5, IPR 23(4)

Access to legal advisers

- 48 Prisoners shall be allowed adequate time and facilities to receive professional visits from their legal advisers.**

BOP 18(2), EPR 23.1, IPR 38(1)

- 49 Prisoners shall be entitled to communicate with their legal advisers by telephone and by letter.**

BOP 18(1), EPR 23.1, IPR 44(1)(a) & 46(5)

- 50 Subject to restrictions under law or imposed by a judicial or other authority, communications between a prisoner and his/her legal adviser are confidential and shall not be restricted.**

ICCPR 17, BOP 18(3) & (4), ECHR 8, EPR 23.4 & 23.5, IPR 38(1), (2), 44(3), (4) & 46(7), *Campbell v UK (1992)*
ECt.HR

- 51 Relevant facilities must be provided to enable prisoners on remand prepare their defence and meet with their legal representatives.**

SMR 93, EPR 98.2, IPR 38 & 46(5)

Tuck Shop facilities

- 52 Prisoners shall be able to purchase, in prison, a reasonable range of food, drink and other goods for their personal use at reasonable times.**

EPR 31.5, IPR 25(4)

- 53 The prices charged for foodstuffs and goods as set out in Standard 52 shall be approximately the same as the prices charged outside the prison.**

EPR 31.5

General health of prisoners

- 54 Primary healthcare services shall be provided in each prison to a standard equivalent to that available to the community in general.**
ICESCR 12(1), SMR 22(1), PME 1, R (98) 7: 10, 11, 12 & 19, EPR 40, IPR 33(1) & (2), HCS 2
- 55 The provision of healthcare to prisoners shall be private and confidential.**
R (98) 7: 13, EPR 42.3.a, IPR 100(1) (d), HCS 1
- 56 Medical records shall be created and accurately maintained on all prisoners and such records shall be treated as confidential.**
BOP 26, R (98) 7: 13, EPR 42.3.a, IPR 100(1)(d) & 107(1) & (2), HCS 1 & 2
- 57 Every prisoner shall have access to appropriately qualified medical personnel in the prison at all times.**
SMR 24, BOP 24, R (98) 7:1, 2 & 4, EPR 41.2 & 41.4, IPR 102, HCS 2
- 58 Every prisoner shall undergo a medical examination either by a nurse reporting to a doctor or by a doctor on committal.**
SMR 24, BOP 24, R (98) 7: 1, EPR 42.1, IPR 11(1), (2) & (3), HCS 1
- 59 During the initial examination specified in Standard 58, the doctor/nurse shall pay particular attention to the detection of injuries, mental illnesses, of withdrawal symptoms resulting from the use of drugs, medication or alcohol, of contagious and chronic conditions, and assess the prisoner's suicide/self- harm risk.**
SMR 24, R (98) 7: 1, EPR 42.3, IPR 11(1), HCS 1
- 60 If, during the course of an examination referred to in Standard 58, injuries are detected, these shall be noted and an opinion shall be expressed as to whether such injuries are consistent with allegations/ complaints made by the individual prisoner.**
EPR 15.1.e & 42.3.c, IPR 11(1)(e)

- 61 Subject to the provision of safe and secure custody, the examination referred to in Standard 58 shall be conducted in private and shall respect medical confidentiality and the prisoner’s privacy.**
R (98) 7: 13 & 19, EPR 42.3.a, IPR 11(7) & 100(1)(d), HCS 1
- 62 Following the examination at Standard 58 the doctor/nurse shall advise as to the appropriate accommodation for such prisoner.**
ICCPR 6, UDHR 3, SMR 9(2), ECHR 2, EPR 16.b & 16.c, HCS 1
- 63 Upon admission, each prisoner shall be assessed to determine whether he/she pose a safety risk to other prisoners or staff, or whether they pose a threat to themselves.**
ICCPR 6, UDHR 3, ECHR 2, R (2003) 23: 12, EPR 52.1, CoI 40.3.2, *Mc Gee v AG (1974)*, *X v FRG (1985)*, *Keenan v UK (2001) ECt.HR*, *Edwards v UK (2002) ECt.HR*, HCS 1
- 64 If a prisoner is assessed as being at risk, such risk shall be managed for the duration of such prisoner’s sentence.**
ICCPR 6, UDHR 3, ECHR 2, EPR 52.2, CoI 40.3.2, *Mc Gee v AG (1974)*, *Osman v UK (2000) ECt.HR*, *Edwards v UK (2002) ECt.HR*
- 65 Risk assessments and the categorising of female prisoners shall take into account the particular risks and needs associated with female prisoners.**
SMR 63, EPR 25.4, 34.1, 51.3, 51.4, & 52.1
- 66 The doctor/nurse shall determine the fitness of each prisoner to work or to take part in physical training.**
SMR 24, EPR 42.3.i, IPR 11(1)(c), 30(5) & 32(3), HCS 1
- 67 All prisoners shall have access to the services of a dentist and an optician.**
SMR 22(3), R (98) 7: 6, EPR 41.5, IPR 33(1), HCS 8
- 68 The necessary facilities and services required for women’s healthcare shall be available in women’s prisons. Where appropriate, women prisoners shall have access to a female doctor.**
CEDAW 12, SMR 23, BOP 5(2), R (98) 7: 8, HCS 2

69 Appropriate care must be afforded to all pregnant prisoners and nursing mothers.

CEDAW 12(2), SMR 23, R (98) 7: 8 & 69, EPR 34.3, IPR 17(5) & 33(2)

70 Appropriate healthcare services shall be available to meet the needs of all individuals and groups of prisoners.

SMR 62, BOP 5, R (98) 7: 7 & 10, HCS 2

71 A prisoner detained in a special cell shall be visited daily, and as frequently as is necessary by a doctor who shall, *inter alia*, monitor his/her physical and mental health.

SMR 25(1) & 32(3), R (98) 7: 66, EPR 43.2, IPR 64(11)

72 Information on appropriate health education shall be available in all prisons.

R (98) 7: 27, 28 & 29, HCS 5

73 If a healthcare professional considers that an aspect of the prison regime or environment is posing a serious risk to a prisoner's physical or mental health this shall be reported to the Governor.

SMR 25(2), EPR 43.3, IPR 100(1) (h) & 104

74 Where a sick prisoner requires treatment that cannot be provided by the medical staff in the prison he/she shall be transferred to an appropriate hospital without undue delay.

SMR 22(2), BPTP 9, R (98) 7: 3, EPR 46.1, IPR 102(3), HCS 2

75 When a prisoner is being transferred to another prison his/her medical records must be transferred with him/her.

R (98) 7: 18, HCS 4

76 If a prisoner on release requires further medical treatment the prison medical personnel shall inform the relevant health service agencies in the community.

R (98) 7: 7, 18, EPR 42.3.j, HCS 4

- 77 Subject to the maintenance of good order and safe and secure custody, prisoners with addiction problems shall have access to appropriate treatment and support services, including those from external agencies.**

SMR 62, R (98) 7: 7, 43, 44, 45, 46 & 47, EPR 42.3.d, HCS 9

Mental Health

- 78 Prisoners with mental health difficulties shall be entitled to care appropriate to their circumstances, commensurate to the type of care available for people with similar mental health difficulties in the community.**

SMR 22(1), PPPMI 1 & 20, R (98) 7: 10, 11 & 52, R (2004) 10: 35(1) & (2), EPR 40, IPR 33(1) & 99(5), HCS 2

- 79 Prisoners who require the services of a psychiatrist shall have access to such services.**

SMR 22(1), R (98) 7: 5 & 52, EPR 40.5, 47.2 & 89.1, HCS 3

- 80 Where appropriate a prisoner shall be referred to the prison's psychiatrist for assessment and/or treatment.**

SMR 22(1), R (98) 7: 10, HCS 1 & 3

- 81 Prisoners who require psychiatric in-patient care should be transferred to a suitable hospital facility of an appropriate security level without undue delay.**

SMR 22(2), PPPMI 9(1) & 20, R (98) 7: 3 & 55, R (2004) 10: 8, 9(1) & 35(1), EPR 12(1) & 46(1)

- 82 A multi-disciplinary service shall be available to prisoners with mental health difficulties and where appropriate such services shall be integrated with services in the community.**

R (98) 7: 7 & 53, R (2004) 10: 10(iii), IPR 100(1)(b) & (m), HCS 3

- 83 A prisoner assessed as being at risk of suicide/self-harm shall be continuously monitored by both medical and prison staff throughout such prisoner's time in custody and a record kept of such monitoring.**

R (98) 7: 58, EPR 47(2), HCS 3

Welfare of Prisoners

- 84 Management and prison staff should be aware of the special difficulties experienced by prisoners in their first days in custody and must respond as appropriate.**

R (98) 7: 58, EPR 16, 42.3 & 72.3, IPR 4

- 85 The services of a probation officer, a psychologist, a counsellor and other such professionals shall be available to prisoners as appropriate.**

SMR 49(1), EPR 89.1, IPR 49, 108 & 112

Religious Facilities

- 86 Prisoners shall have the opportunity to practice their religion and to follow their beliefs whilst in custody.**

ICCPR 18(1), CERD 5 (d) (vii), UDHR 18, SMR 42, BPTP 3, EPR 29.1 & 29.2, CoI 44.1, IPR 34(1)

- 87 In so far as is practicable, and subject to the maintenance of good order and security within the prison, a prisoner may not be refused access to a chaplain or other representative of a religious denomination of his/her choice.**

SMR 41(3), EPR 29.2, IPR 34(6) & (10)

- 88 A request from a prisoner to meet a chaplain shall be acceded to as soon as possible after the request has been communicated, subject to Standard 87.**

IPR 34(7)

- 89 A prisoner shall not be compelled to meet a chaplain.**

SMR 41(3), EPR 29.3, IPR 34(8)

- 90 Where a prison chaplain becomes aware that a prisoner is suffering either mentally or physically as a result of his/her continued imprisonment, the chaplain shall inform the Governor.**

IPR 118

Contact with the outside world

- 91 Prisoners shall be encouraged to maintain contact with family/friends whilst in custody.**

ICCPR 23(1), UDHR 16(3), SMR 37, 79 & 80, BOP 19, EPR 24.1, CoI 41.1, IPR 35, 43, 46 & 75(3)(ii)

- 92 Contact between female prisoners and their families, especially their children, shall be fostered, encouraged and facilitated.**

ICCPR 23(1), UDHR 16(3), SMR 37, 79 & 80, BOP 19, EPR 24.1 & 24.5, IPR 35, 43, 46 & 75(3)(ii)

- 93 In order to maintain such relationships efforts should be made, subject to the maintenance of good order and security, to assign prisoners to a prison as near to their home area as possible.**

BOP 20, EPR 17.1

- 94 Prisoners shall be allowed to communicate with their family and friends by correspondence and by receiving visits, subject to reasonable conditions/restrictions imposed by law or other authority.**

ICCPR 23(1), UDHR 16(3), SMR 37, BOP 15 & 19, EPR 24.1 & 24.2, IPR 35, 43, 45 & 46

- 95 Subject to reasonable conditions and restrictions, sentenced prisoners shall be entitled to receive a minimum of 1 weekly visit of at least thirty minutes duration.**

BOP 19, EPR 24.4, IPR 35(1)

- 96 Subject to reasonable conditions and restrictions, a sentenced prisoner under the age of 18 shall be entitled to receive a minimum of two weekly visits. All visits should be for a minimum duration of 30 minutes.**

CRC 37(c), SMR 37, BOP 19, RPJDL 60, ERJO 83, 84, 85.1 & 85.2, IPR 35(2)

- 97 Subject to reasonable conditions and restrictions, remand prisoners shall be entitled to receive a minimum of 3 visits a week but should in normal course receive 6 visits a week. All visits should be of at least 15 minutes duration.**

SMR 37 & 92, BOP 19, EPR 99.a & 99.b, IPR 35(3)

- 98 The period of time spent by the visitors with prisoners shall not be reduced by administrative procedures prior to such visits.**
SMR 79, EPR 24.4
- 99 Subject to the maintenance of good order and security in the prison, visits shall take place in an environment that enables prisoners to maintain and develop family and other relationships in as normal a manner as is possible.**
SMR 79, EPR 24.4
- 100 Prison visits involving children to female prisons shall, in so far as is practicable and subject to the maintenance of good order and safe and secure custody, allow physical contact between mother and child in appropriate surroundings.**
SMR 79, EPR 24.4
- 101 Appropriate facilities shall be provided for visitors in the visitors' waiting area that respect human dignity.**
UDHR 1
- 102 The searching procedures for visitors shall be undertaken in a manner that respects a person's dignity.**
SMR 27, BOP 19, EPR 54.1.c, 54.3, 54.4, & 54.9, IPR 36(13)
- 103 Prison officers may only search visitors of the same gender.**
EPR 54.5, IPR 36(14)
- 104 Where closed visits are imposed the circumstances leading to such restrictions shall be explained to the appropriate party(s) and reviewed on a regular basis.**
SMR 27, 79 & 80, EPR 60.4
- 105 Except in exceptional circumstances, and having due regard to the best interests of children, contact for female prisoners, especially with their children, shall not be withdrawn as a disciplinary action.**
SMR 27, 79 & 80, EPR 24.2 & 60.4

106 Prison authorities shall assist prisoners in maintaining contact with their families.

SMR 79 & 80, EPR 24.5

107 Prisoners shall be informed of the death/serious illness of a close relative/friend without delay.

SMR 44(2), EPR 24.6, IPR 47(5)

108 Where practicable and consistent with the promotion of safe and secure custody, a prisoner may be permitted to leave the prison to visit a sick relative/friend, attend a funeral or for other humanitarian reasons, either under escort or alone.

SMR 44(2), EPR 24.7

109 Prisoners shall be allowed to inform their families or other nominated persons without delay of their imprisonment, transfer to another institution or of any serious illness that they may suffer from.

SMR 44(1) & (3), BOP 16(1), EPR 24.8, IPR 5

110 If a prisoner dies in custody, is removed to a hospital or suffers a serious injury/illness, the prison authorities shall immediately inform the spouse or the nearest relative to the prisoner or any other person previously nominated by the prisoner.

SMR 44(1), EPR 24.9, IPR 47(1), (2) & (3)

111 The number of telephones available in prisons shall be adequate to cater for the number of prisoners who are permitted to use them.

SMR 37, 79, BOP 19, EPR 24.1 & 24.5, IPR 46

112 Subject to any lawful authority to the contrary, telephone calls may not be monitored/censored unless the prisoner or the recipient of the call is informed of the possibility of such monitoring.

ICCPR 17, UDHR 12, SMR 37, BOP 19, ECHR 8, EPR 24.2, IPR 46(7)

113 Prisoners shall be able to talk on the telephone without being overheard by other prisoners or prison staff, subject to Standard 112.

ICCPR 17, UDHR 12, ECHR 8

114 Prisoners shall be permitted to send a minimum of 7 letters a week free of charge and more if he/she can afford, and to receive as many letters as are sent to him/her.

SMR 37, BOP 19, EPR 24.1, IPR 43(1)

115 Subject to the maintenance of good order and safe and secure custody in the prison, prisoners' private correspondence may not be opened by the prison authorities.

ICCPR 17, UDHR 12, ECHR 8, EPR 24.2, IPR 45

116 Prisoners may correspond with the persons/bodies identified in Rule 44 of the Irish Prison Rules 2007. Correspondence sent to such persons/ bodies shall not be opened by the prison authorities except in circumstances where it is necessary to verify the identification of the person or body being corresponded with.

BOP 18(3) & 29(2), EPR 23.4, 23.5 & 24.3, IPR 44, *Campbell v UK (1992)* ECt.HR

117 If it is necessary to open correspondence in accordance with Standard 116 this shall only be done in the presence of the relevant prisoner.

ICCPR 17, UDHR 12, ECHR 8, IPR 44(4), *Campbell v UK (1992)* ECt.HR

118 Subject to the maintenance of good order and safe and secure custody, prisoners shall be entitled to be kept informed of current affairs and other developments outside the prison by reading newspapers and periodicals and by listening to radio or television broadcasts.

SMR 39, BOP 28, EPR 24.10, IPR 48

Complaints/Grievance Procedures

119 A prisoners' complaints book shall be maintained in each prison.

Para 37, CPT/ Inf (2007) 40

120 Prisoners' complaints files must be properly maintained and available at all times for inspection by appropriate authorities.

Para 37, CPT/ Inf (2007) 40, PA 31(1)(b) & (7), IPR 79(1)

121 Prisoners shall have sufficient opportunity to make requests or complaints to the Governor of the prison or to any other competent authority.

SMR 36(1) & (3), BOP 33(1), EPR 70.1, IPR 55(1) & (2), 56, 57(1) & (2)

122 Where a request under Standard 121 is denied or a complaint is rejected the prisoner shall be informed promptly as to the reason(s) for such denial or rejection.

SMR 36(4), BOP 33(4), EPR 70.3, IPR 55(2)

123 A prisoner's legal advisor or a family member shall be entitled to make a request or a complaint regarding that prisoner's treatment to the prison authorities, or other relevant authorities.

BOP 33 (1) & (2), EPR 70.5

124 Prisoners should not be disadvantaged for exercising their rights as expressed in Standard 121.

BOP 33(4), EPR 70.4

125 Full and adequate details of complaints made in accordance with Standards 121 and 123 shall be recorded and maintained by the prison authorities.

Para 37, CPT/ Inf (2007) 40, IPR 55(3)

126 All complaints must be promptly investigated in accordance with law.

SMR 36(4), BOP 33(4), Para 37, CPT/ Inf (2007) 40

Section 3

The general conduct and effectiveness of people working in the prison

General Conduct of Staff

- 127 All prison staff shall treat prisoners with humanity and respect.**
ICCPR 10(1), CCLEO 2, BOP 1, BPTP 1, EPR 1 & 72.1, IPR 85(3)(c)(iii)
- 128 All staff must be readily identifiable by reference to some form of identification displayed on their clothing.**
SMR 48, EPR 74 & 75, IPR 85(3)(c)
- 129 Prison staff shall conduct themselves in a manner that sets a good example to prisoners and that earns their respect.**
SMR 48, EPR 75, IPR 85(3)(c)
- 130 Prison staff shall interact positively with prisoners in their care.**
EPR 72.3, 74 & 75, IPR 85(3)(c)
- 131 Complaints made by members of staff against other members of staff shall be properly recorded and investigated in accordance with law.**
EPR 88 & 87.1

Effectiveness of Staff

- 132 Prison staff shall maintain good order and safe security in prisons at all times while also interacting positively with prisoners.**
SMR 27, EPR 49, IPR 85(3)(a), 86(1)(a) & (b)
- 133 Prison staff shall promote a safe environment for prisoners.**
EPR 51.2, 52.2 & 52.3, IPR 85(3)(a), 86(1)(a) & (c)
- 134 All prison staff shall receive instruction on the Irish Prison Rules 2007 or any amendments thereto, these standards and on the various**

international and regional human rights instruments that pertain to the treatment of prisoners and prisoner's rights.

SMR 47(3), EPR 8 & 81.4, IPR 85(2)

135 All prison staff shall receive appropriate training at regular intervals throughout their career.

SMR 47(3), EPR 8, 76 & 81.2

136 Members of staff, who work with particular groups of prisoners, such as foreign nationals, women, juveniles or mentally ill prisoners, shall receive training particular to their individual work.

R (82) 17: 10, R (2004) 10: 12(1), EPR 81.3, ERJO 129

137 All staff working in female prisons shall receive training which takes into account the gender needs of female prisoners.

CCLEO 2, R (2000) 1469: 5 (vi), EPR 76, 81.3, IPR 85(3)(c)

138 All incidents of bullying/violence/threatening behaviour between prisoners, and any breach of discipline shall be reported to an officer of a higher rank and shall be duly recorded and properly investigated.

EPR 52.2 & 58, IPR 88(1) & 91

139 Members of staff shall use force only when absolutely necessary and any force used shall be proportionate to the situation.

SMR 54(1), CCLEO 3, BPUF 4, EPR 64 & 65, IPR 93

140 All staff members shall ensure the full protection of the health of prisoners in their care. Where a prisoner requires emergency medical care staff shall take immediate and appropriate action.

CCLEO 6, EPR 39, IPR 86(1)(c)

141 Staff charged with monitoring prisoners with special requirements shall, subject to the issue of medical confidentiality, be briefed as to the requirements of such prisoners.

ICCPR 6, UDHR 3, CCLEO 6, ECHR 2, EPR 39, IPR 86(1)(c)

142 All prison staff shall assist in the rehabilitation of prisoners and their re-integration into the community on the termination of their sentences.

SMR 48, EPR 72.3, IPR 85(3)(c)(iv) & 86(1)(b)

143 Subject to the maintenance of good order and safe and secure custody, prisoners shall be entitled to discuss any issues relating to the conditions of the prison with staff.

EPR 50

144 No prison officer shall impose a punishment/penalty/deprivation on a prisoner without due process and in accordance with law and/or relevant rules or instruments.

EPR 57.2.d, IPR 92

145 Prison staff shall report any defect in a building and/or the malfunctioning of equipment that could compromise the provision of safe and secure custody in the prison, to the appropriate authority without delay.

IPR 87

146 Subject to the maintenance of good order and safe and secure custody, all service providers in the prison shall be afforded all necessary facilities, equipment and materials to facilitate them in performing their functions effectively.

R (89)12: 17, EPR 4

Section 4

Compliance with National and International Standards and in particular the Prison Rules

147 Prison management shall ensure, as far as is practicable, that the prison is operated having regard to international, regional and national human rights standards and these standards.

EPR 72.1, IPR 75(2) & (5)

148 Prisoners shall not be subject to treatment that could constitute torture or inhumane or degrading treatment or punishment.

ICCPR 7, UDHR 5, BOP 6, ECHR 3, *Kalashnikov v Russia (2003) ECt.HR*

149 Any request for information made by the Inspector of Prisons to any member of prison staff, in the course of the performance of his or her functions, shall be complied with.

PA 31(1)(b) & (7), IPR 79(1) & 85(8)

Section 5

Programmes and other facilities available for prisoners and the extent to which prisoners participate in them

Programmes

Prison Regime

- 150 Subject to the constraints of the particular prison and the maintenance of good order and security, prisoners shall be entitled to spend as much time out of their cells as is possible.**

EPR 25(2), IPR 27(1)

- 151 Prisoners shall have access to a wide range of constructive activities, including, *inter alia*, educational, recreational, work/training and welfare programmes.**

SMR 77 & 78, BOP 28, BPTP 6 & 8, EPR 25, IPR 27(2)

- 152 Sentenced prisoners shall be occupied in a structured activity for a reasonable proportion of each week day.**

SMR 60(1) & 71(3), EPR 4, 5, 25 & 26.2, IPR 27(3)

Prison Work

- 153 Prison work shall be incorporated as a positive aspect of prison regimes. It shall never be used as a form of punishment.**

SMR 71(1), EPR 26.1

- 154 Prisoners shall carry out work concerned with the maintenance and operation of the prison as appropriate.**

SMR 71(2), IPR 28

- 155 The work provided shall, in so far as is possible, prepare prisoners for worthwhile work on their release and facilitate their reintegration into the workforce.**

SMR 71(3) & (4), BPTP 8, EPR 26.3 & 26.7

156 Prisoners shall be entitled to be remunerated in respect of prison work carried out. Such remuneration may be fixed by the Minister for Justice, Equality and Law Reform, with the consent of the Minister for Finance.

ICESCR 7(a), UDHR 23, SMR 76(1), BPTP 8, EPR 26.1), IPR 29(1)

157 Prisoners who are on remand shall not be required to work but shall be offered the opportunity to work. If he/she choose to work they shall be remunerated in accordance with standard 156.

SMR 89, EPR 100.1 & 100.2

Vocational Facilities/Training

158 Vocational training shall be available for those prisoners who are able to benefit from it, particularly young prisoners.

SMR 71(5), BPTP 8, R (89)12: 9, EPR 26.5

159 Subject to the maintenance of good order and discipline and within the parameters of the work available to prisoners, prisoners may choose the type of work that they wish to engage in.

SMR 71(6), EPR 26.6

160 Prisoners shall be trained in the health and safety procedures relevant to the work/training in which they participate and such training should be taught to the same standard that applies to workers in the community.

ICESCR 7(b), SMR 74(1), EPR 26.13 & 105.3

Educational Facilities

161 As far as practicable, prisoners should have access to educational programmes that can meet their individual needs.

ICESCR 13, UDHR 26, SMR 77(1), BPTP 6, R (89)12: 1, EPR 28.1, IPR 110

162 Education provided to prisoners shall aim to develop the whole person and should include social education that assists the prisoner in managing daily life within the prison, with the intention of facilitating the prisoner's reintegration into the community upon release.

ICESCR 13(1), UDHR 26(2), BPTP 6, R (89)12: 3 & 13, IPR 110(1)

163 Subject to the maintenance of good order and secure custody, no prisoner shall be denied educational programmes in prison.

IPR 110(3)

164 Emphasis shall be placed on providing basic literacy and numeracy assistance to prisoners who require it.

ICESCR 13(2)(d), SMR 77(1), R (89) 12: 8, EPR 28.2, IPR 110(2)(b)

165 Education shall be an essential element in prison regimes and prisoners who take part in educational programmes shall be at no financial disadvantage compared to prisoners who work within the prison regime.

R (89)12: 5, EPR 28.4, 105.4 & 106.1

166 Subject to the maintenance of good order and safe and secure custody, prisoners shall have access to a well-stocked library at least once a week.

R (89)12: 10, EPR 28.5, IPR 110(6) & (7)

167 In so far as is practicable, prisoners shall not be transferred to another prison immediately before they are scheduled to sit examinations.

IPR 110(1)(b)

168 If a prisoner wishes to complete a programme in the community that was commenced whilst in prison efforts shall be made to assist such prisoner.

SMR 77(2), R (89)12: 16, EPR 28.7.a, IPR 110(8) (d)

169 Prisoners shall be encouraged to take part in physical education and sporting activities.

SMR 21(2), R (89) 12: 11, EPR 27.3, IPR 32(2)

170 In so far as is practicable, and subject to the maintenance of good order, safe and secure custody, prisoners should be able to participate in educational programmes outside prison.

R (89) 12: 14

171 Education provided in prisons shall be integrated, in so far as is practicable, with national educational systems/programmes enabling prisoners to continue their education following their release.

SMR 77(2), R (89)12: 16, EPR 28.7.a

Exercise/Recreation

172 Weather permitting, prison management shall ensure that all prisoners receive at least one hours exercise each day in the open air.

SMR 21, EPR 27.1, IPR 32(1)

173 Indoor physical recreational facilities shall be available for prisoners' use. Appropriate instruction shall be provided.

SMR 21(2) & 78, EPR 27.2, 27.3 & 27.4, IPR 32(2)

174 In so far as is practicable, and subject to the maintenance of good order and safe and secure custody, prisoners shall be permitted to participate in organised recreational activities including sporting pursuits, games, cultural activities, hobbies and other leisure pursuits.

SMR 78, EPR 27.6

Extent of prisoner participation

175 Prisoners shall be encouraged to take part in structured activities each day that will facilitate their re-integration into the community following their release.

R (89)12: 6, EPR 72.3, IPR 75(3)(ii), 85(3) (c)(iv), 86(1)(b) & 110(4)

Section 6 Security

Admission

- 176 All prisoner details shall be recorded at the time of committal including, *inter alia*, details of any visible injuries, scars, tattoos or distinctive marks on the prisoner.**

SMR 7(1), EPR 15.1, IPR 4

- 177 Regular reviews shall be undertaken by prison management regarding the level of security required for each prisoner throughout that prisoner's time in custody.**

R (82) 17: 8, EPR 51.5

Protection Prisoners

- 178 Regular reviews of the placement of prisoners on protection are to take place and prisoners shall only be subject to protection status for as long as either they pose a threat to another prisoner or whilst their life or safety is under threat.**

EPR 51.5, 53.1 & 53.2

- 179 Prison management are to have due regard to issues affecting prisoners placed on protection in light of the remarks made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment which include, *inter alia*, the right to exercise in the open air, to medical and welfare treatment, access to educational and vocational training, appropriate hygiene facilities and contact by telephone and visits with the outside world.**

Paras. 62-66, CPT/Inf (2007) 40

Vulnerable Prisoners

- 180 Prisoners assessed as vulnerable shall be accommodated in such area(s) of the prison as is most convenient and appropriate for the monitoring and treatment of such prisoners by the medical personnel and other relevant agencies.**

SMR 22(2) & 62, EPR 12.2, 39, 43.1, 46.2, 47.1 & 47.2, HCS 3

- 181 The risk associated with vulnerable prisoners, which may be an ongoing risk, must be continually kept under review and managed for the duration of the prisoner's sentence.**

ICCPR 6(1), UDHR 3, ECHR 2, EPR 51.3, 51.4 & 51.5

Searching procedures

- 182 Searches conducted on prisoners shall be carried out having due regard to the prisoner's dignity.**

ICCPR 10(1), BPTP 1, EPR 54.3 & 54.4, IPR 6(4)

- 183 Prisoners may only be searched by a staff member of the same gender.**

ICCPR 10(1), BPTP 1, EPR 54.5, IPR 6(5)

- 184 A prisoner may only be subjected to a strip search in exceptional circumstances and for good reason and then, only in the presence of two officers conducting same in an appropriate place which ensures privacy.**

ICCPR 10(1), BPTP 1, EPR 54.3, 54.4 & 54.6, IPR 6(3)(b), (4), (6), (7) & (9), *Van der Van v The Netherlands (2004) ECtHR*

- 185 When female prisoners are being searched their dignity must be respected and protected. Only female officers, appropriately trained in such search techniques, should carry out such searches.**

ICCPR 10(1), BPTP 1, EPR 54.3, 54.5, 81.3, IPR 6(4), (5)

- 186 Prisoners are to be present when their personal property or cells are being searched, subject to the maintenance of good order and safe and secure custody in the prison or unless investigating techniques prohibit this.**

EPR 54.8

Use of special cells

- 187** When a prisoner is detained in any type of special cell (special observation/ cladded/ strip) he/she shall be regularly monitored by a prison officer.
- ICCPR 6(1), UDHR 3, ECHR 2, IPR 64(5)
- 188** A detailed record must be maintained of, *inter alia*, the monitoring of such prisoners, their expressed requirements, actions taken in response to such requests and details of visits by officers or others to such prisoners.
- ICCPR 6(1), UDHR 3, ECHR 2, IPR 64(12)
- 189** Prisoners detained in special cells shall be visited by the Governor, or such person lawfully delegated in accordance with Rule 76 of the Irish Prison Rules 2007, at least once a day.
- IPR 64(10)
- 190** Prisoners in a special cell must be able to contact a member of staff at all times, including during the night. A staff member shall respond without delay.
- ICCPR 6(1), UDHR 3, EPR 18.2.c & 52.4, IPR 18(4), *Edwards v UK (2002)* ECt.HR

Section 7 Discipline

191 When a prisoner has been charged with a disciplinary offence he/she shall be promptly informed of the allegation made against him/her in a language that he/she understands.

ICCPR 14(3)(a), CERD 5(a), SMR 30(2), ECHR 6(3)(a), EPR 59.a, PA 12(2), IPR 67(1) & (12)

192 In any disciplinary proceedings prisoners must understand the proceedings and if necessary, appropriate interpretation facilities shall be provided.

ICCPR 14(3)(f), SMR 30(3), ECHR 6(3)(e), EPR 59.e, IPR 67(12)

193 All inquiries into breach of prison discipline or rules shall be conducted in an independent and impartial manner.

ICCPR 14(1), UDHR 10, ECHR 6(1), CoI 38.1, *Ezeh & Connors v. UK [2004]* ECt.HR

194 If an inquiry is being conducted into a breach of prison discipline or rules the prisoner shall have adequate time to prepare his/her defence and/or to receive legal assistance.

ICCPR 14(3)(b) & (d), SMR 30(2), ECHR 6(3)(b) & (c), EPR 59.b & 59.c, *Ezeh & Connors v. UK [2004]* ECt.HR

195 If a prisoner is found guilty of a disciplinary offence, he/she shall be entitled to exercise his/her right of appeal to an independent and impartial tribunal established by law.

ICCPR 14(5), BOP 30(2), EPR 61, PA 14 & 15

196 Any punishment imposed for breach of prison discipline or rules shall be proportionate to the severity of the offence.

SMR 27, EPR 60.2

Appendix

Abbreviations

• International Human Rights Instruments

- CEDAW** Convention on the Elimination of All Forms of Discrimination against Women, G.A. res. 34/180, 34 UN GAOR Supp. (No. 46) at 193, Doc.A/34/46 (entered into force 3 September 1981)
- CERD** Convention on the Elimination of all Forms of Racial Discrimination, 660 U.N.T.S. 195 (entered into force January 4, 1969)
- CPT** European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as amended by Protocol No.1 (Strasbourg, 26. XI. 1987)
- 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)
- ICESCR** International Covenant on Economic, Social and Cultural Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3 (entered into force January 3, 1976)
- UNCAT** Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 39/46, [annex, 39 UN GAOR Supp. (No. 51) at 197, UN Doc. A/39/51 (1984)] (entered into force 26 June 1987)

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 952nd 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 (82) 17** Recommendation No. R (82) 17 of the Committee of Ministers to Member States Concerning Custody and Treatment of Dangerous Prisoners (adopted by the Committee of Ministers on 24 September 1982 at the 350th meeting of the Ministers' Deputies)
- 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 429th 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 627th meeting of the Ministers' Deputies)

- R (2000) 1469** Recommendation (2000) 1469 on Mothers and Babies in Prison (adopted by the Council of Europe Parliamentary Assembly on 30 June 2000 at the 24th sitting)
- 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 855th 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 896th 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

- **CPT Report**

- CPT/Inf (2007) 40** Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

- **National Law**

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

Primary Legislation

- HRA** European Convention on Human Rights Act 2003
- PA** Prisons Act 2007

Secondary Legislation

- IPR** Irish Prison Rules 2007

- **National Authority Standards**

HCS Irish Prison Service Healthcare Standards, September 2006

- **Relevant cases decided by the Irish Courts**

Brennan v Governor of Portlaoise Prison (1999) 1 I.L.R.M. 190

McGee v Attorney General (1974) I.R. 284

- **Relevant cases decided by the European Court of Human Rights**

Campbell v UK (1992) 15 E.H.R.R. 137

Edwards v UK (2002) 35 E.H.R.R. 19

Ezeh & Connors v UK (2002) 35 E.H.R.R. 28; [2004] 39 E.H.R.R. 1
(Grand Chamber)

Kalashnikov v Russia (2003) 36 E.H.R.R. 34

Keenan v UK (2001) 33 E.H.R.R. 38

Osman v UK (2000) 29 E.H.R.R. 245

Peers v Greece (2001) 33 E.H.R.R. 51

Van der Van v the Netherlands (2004) 38 E.H.R.R. 46

X v FRG (1985) 7 E.H.R.R. 152