



# Report of Various Size – Fieldwork research (FRANET)

## Criminal Detention in the EU – Conditions and Monitoring

### Country Report United Kingdom

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## 1. Cell space

- a) What is the national standard for cell space available to prisoners in m<sup>2</sup>? Is it regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?

### In England and Wales

The standard for cell space available to prisoners is regulated by the Prison Act (1952), section 14 (2) and (3)<sup>1</sup> and by the Prison Rules 1999 (Sleeping Accommodation - Rule 26) and the Young Offender Institution Rules 2000 (Sleeping Accommodation - Rule 22)<sup>2</sup>. However, these instruments do not set a minimum cell size expressed in m<sup>2</sup>.

Further instructions regarding acceptable standards for cell space available to prisoners are set out in Prison Service Instruction (hereinafter: PSI) 17/2012<sup>3</sup>. Deputy Directors of Custody must certify cells. Regarding the assessment of space available for prisoners, several parameters have been developed: (1) by defining the cell activities<sup>4</sup>; (2) by listing and dimensioning the furniture and fittings to be provided and (3) by providing an ergonomic study to determine the space needed for cell activities and use of furniture and fittings. Various detailed illustrations featuring the dimensions of standard furniture are supplied as annexes to PSI 17/2012, and should help Deputy Directors of Custody to determine the decency of a cell. According to these illustrations, typical single cells without crowding capacity measure 5.5m<sup>2</sup>. Typical single cells, which can be doubled, measure at least 6.5m<sup>2</sup><sup>5</sup>.

### In Scotland

No minimum cell size in m<sup>2</sup> is prescribed, however Prison Rule 29 of the Prison and Young Offenders Institutions (Scotland) Rules 2011 stipulates: *“Each cell or room used to accommodate prisoners must be of an adequate size and fitted with means of communication with an officer. Each cell or room used to accommodate prisoners [...] must be adequately lit by natural or artificial light; heated and ventilated; and*

<sup>1</sup> United Kingdom, HM Government (1952), *Prison Act (1952)*, section 14 (2) and (3): ‘No cell shall be used for the confinement of a prisoner unless it is certified by an inspector that its size, lighting, heating, ventilation and fittings are adequate for health and that it allows the prisoner to communicate at any time with a prison officer.’ (3) ‘A certificate given under this section in respect of any cell may limit the period for which a prisoner may be separately confined in the cell and the number of hours a day during which a prisoner may be employed therein.’ Available at:

[www.legislation.gov.uk/ukpga/Geo6and1Elizabeth2/15-16/52/section/14](http://www.legislation.gov.uk/ukpga/Geo6and1Elizabeth2/15-16/52/section/14)

<sup>2</sup> United Kingdom, Prison Rule 26, *The Prison Rules 1999 No. 728*, and Prison Rule 22, *The Young Offender Institution Rules 2000 No 3371*: ‘(i) No room or cell shall be used as sleeping accommodation for a prisoner unless it has been certified in the manner required by section 14 of the Prison Act 1952 in the case of a cell used for the confinement of a prisoner.’ ‘(ii)

A certificate given under that section or this rule shall specify the maximum number of prisoners who may sleep or be confined at one time in the room or cell to which it relates, and the number so specified shall not be exceeded without the leave of the Secretary of State.’ Available at: [www.legislation.gov.uk/uksi/1999/728/article/26/made](http://www.legislation.gov.uk/uksi/1999/728/article/26/made) and

[www.legislation.gov.uk/uksi/2000/3371/article/22/made](http://www.legislation.gov.uk/uksi/2000/3371/article/22/made)

<sup>3</sup> United Kingdom, National Offender Management Service (NOMS) Agency Board, *PSI 17/2012, Certified prisoners accommodation*, April 2012. Available at: [www.justice.gov.uk/search?collection=moj-matrix-dev-web&form=simple&profile=default&query=psi+17%2F2012](http://www.justice.gov.uk/search?collection=moj-matrix-dev-web&form=simple&profile=default&query=psi+17%2F2012)

<sup>4</sup> In-cell activities are defined according to the status of the cell: crowded or uncrowded. Crowded cells accommodate more prisoners than they were originally designed to (i.e. a single cell hosting two prisoners is crowded. A single cell hosting one prisoner is uncrowded). Activities are: sleep, dress and undress, take meals (unless dining in association is available), use WC (with some privacy from modesty screening in crowded conditions), use washbasin, circulation, movement and seating, storage (subject to space in crowded conditions) and personal pursuits such as reading, writing, TV/sound and music system, etc. (subject to space in crowded conditions).

<sup>5</sup> United Kingdom, National Offender Management Service (NOMS) Agency Board, *PSI 17/2012, Certified prisoners accommodation*, April 2012, p.39-40. Available at: [www.justice.gov.uk/search?collection=moj-matrix-dev-web&form=simple&profile=default&query=psi+17%2F2012](http://www.justice.gov.uk/search?collection=moj-matrix-dev-web&form=simple&profile=default&query=psi+17%2F2012)

*furnished as is necessary and appropriate for the type of accommodation or area of the prison, all as necessary for the health and safety of prisoners.”*

In an answer to one of our request, the Scottish Prison Service said that “*all cells are different meaning there is no set standard.*”

### **In Northern Ireland**

No minimum cell size in m<sup>2</sup> is prescribed, however Prison Rule 11 of the Prison and Young Offenders Centres Rules (Northern Ireland) 1995 stipulates: “*Accommodation for prisoners shall be in accordance with directions approved by the Department of Justice and shall be of such size and be lighted, warmed, ventilated and fitted in such a manner as is requisite for health and human dignity*”. When locked inside, prisoners must be able to communicate with an officer at any time. They shall have a separate room or cell “*but where necessary the governor, in accordance with any directions approved by the Department of Justice, may accommodate two or more prisoners in a room or cell.*”

In an answer to a Freedom of Information Request<sup>6</sup> made in 2013, the Northern Ireland Prison Service provided details regarding the size of cells in its three prisons:

- Hydebank Wood prison has single cells ranging from 6.3 m<sup>2</sup> to 6.7m<sup>2</sup>, including in-cell sanitation.
- Maghaberry prison has three kinds of single cells: (1) cells of 6.8m<sup>2</sup> cells including in-cell toilets, (2) cells of 7m<sup>2</sup> cells (measures exclude the in-cell toilets area), and cells of 7m<sup>2</sup> (measures exclude the in-cell toilets and showers area). Double cells are 13.6m<sup>2</sup> including in-cell toilets.
- Magilligan prison has single cells of 7m<sup>2</sup> (measures exclude the in-cell toilets area).

Magilligan's and Maghaberry's 7m<sup>2</sup> single cells can be doubled as the toilet facilities are in a fully enclosed cubicle.

- b) *Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).*

The size of cells does not depend on the prison regime.

- c) *Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>*

This information is not available in one source. It is spread in more than a hundred documents as the HM Inspectorate of Prisons for England and Wales and the HM Inspectorate of Prisons for Scotland tailor their recommendations to each establishment. Accordingly, the contractor has provided the most recent annual report from the inspectorates:

For England and Wales: [www.justiceinspectors.gov.uk/hmiprisonswp-content/uploads/sites/4/2017/07/HMIP-AR\\_2016-17\\_CONTENT\\_201017\\_WEB.pdf](http://www.justiceinspectors.gov.uk/hmiprisonswp-content/uploads/sites/4/2017/07/HMIP-AR_2016-17_CONTENT_201017_WEB.pdf)

For Scotland:

[www.prisoninspectorscotland.gov.uk/sites/default/files/publication\\_files/SCT06174847802.pdf](http://www.prisoninspectorscotland.gov.uk/sites/default/files/publication_files/SCT06174847802.pdf)

In Northern Ireland, inspections are conducted by the Criminal Justice Inspection in collaboration with the HM Inspectorate of Prisons for England and Wales. The HM Inspectorate of Prisons for England and Wales's

<sup>6</sup> United Kingdom, Northern Ireland Prison Service, Answer to Freedom of Information Request Case No. 13:341, August 2013

annual report refers to visits conducted in Northern Ireland during the previous year. For this reason, please, refer to the HM Inspectorate of Prisons for England and Wales's latest report for Northern Ireland.

Inspectorates set out clear expectations<sup>7</sup> and standards<sup>8</sup> against which they evaluate the detention conditions in UK prisons.

Regarding overcrowding, the HM Inspectorate of Prisons for Scotland simply states: "*Cells are occupied according to the capacity for which they are designed. Those sharing cells are accommodated in double occupancy cells [...]*".<sup>9</sup>

The HM Inspectorate of Prisons for England and Wales's expectations do not mention overcrowding *per se*, however, inspectors expect the following: "*Accommodation meets agreed minimum standards (size, heating, ventilation) and provides adequate space for the number of prisoners held in the cell.*"<sup>10</sup> And "[...] *in shared cells, washing facilities are screened.*"<sup>11</sup>

Further, in the report "Life in prison: living conditions"<sup>12</sup> issued in October 2017, inspectors recommended the HM Prison and Probation Service to assess the size of all the cells against the CPT's standards and provide a plan for reducing the number of prisoners in crowded cells. Cells built as part of the future prison programme must meet the CPT's standards for living space per prisoners, i.e.:

- " 6m<sup>2</sup> of living space for a single-occupancy cell plus sanitary facility;
- at least 2m between the walls of the cell;
- at least 2.5m between the floor and the ceiling of the cell.

Multi-occupancy cells should be built to the following standards:

- Two prisoners: at least 10m<sup>2</sup> of living space plus sanitary annexe;
- Three prisoners: at least 14m<sup>2</sup> of living space plus sanitary annexe;
- Four prisoners: at least 18m<sup>2</sup> of living space plus sanitary annexe."

**Please cite any relevant sources**

Please, see footnotes.

## 2. Sanitary Facilities

<sup>7</sup> United Kingdom, HM Inspectorate of Prisons for England and Wales, *Our expectations*, April 2017. Available at: [www.justiceinspectorates.gov.uk/hmiprison/our-expectations/prison-expectations/](http://www.justiceinspectorates.gov.uk/hmiprison/our-expectations/prison-expectations/)

<sup>8</sup> United Kingdom, HM Inspectorate of Prisons for Scotland, *Standards of inspection and monitoring*, April 2018. Available at: [www.prisoninspectoratescotland.gov.uk/publications?tid\\_1=31](http://www.prisoninspectoratescotland.gov.uk/publications?tid_1=31)

<sup>9</sup> United Kingdom, HM Inspectorate of Prisons for Scotland, *Standards of inspection and monitoring: Standard 2 (Decency)*, April 2018, p.3. Available at: [www.prisoninspectoratescotland.gov.uk/sites/default/files/publication\\_files/SCT12176046563.pdf](http://www.prisoninspectoratescotland.gov.uk/sites/default/files/publication_files/SCT12176046563.pdf)

<sup>10</sup> United Kingdom, HM Inspectorate of Prisons for England and Wales, *Our expectations*, April 2017, p.18, available at: [www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2018/02/Expectations-for-publication-FINAL.pdf](http://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2018/02/Expectations-for-publication-FINAL.pdf)

<sup>11</sup> United Kingdom, HM Inspectorate of Prisons for England and Wales *Our expectations*, April 2017, p.18, available at: [www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2018/02/Expectations-for-publication-FINAL.pdf](http://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2018/02/Expectations-for-publication-FINAL.pdf)

<sup>12</sup> United Kingdom, HM Prison Inspectorate for England and Wales, *Life in prison: living conditions*, Oct. 2017, p.28. Available at: [www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/10/Findings-paper-Living-conditions-FINAL-.pdf](http://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/10/Findings-paper-Living-conditions-FINAL-.pdf)

- a) What is the national standard with regard to access to toilets? Are these located in cells? If not, do prisoners have access to these facilities without undue delay, even during the night? Do these facilities offer privacy to prisoners who use them?

### In England and Wales

In-cell sanitation is the norm in England and Wales prisons. PSI 17/2012<sup>13</sup> provides guidance regarding access to toilets in crowded and uncrowded conditions: “For **uncrowded conditions** [...] the requirement is that prisoners must be able to use the WC “**in private**”. This is defined to mean full body visual screening from all points in the cell or room as would be provided at a minimum by a cubicle. The WC area must also be ventilated separately to the living area. [...]

For **crowded conditions** the requirement is that prisoners must be able to use the WC “**with some privacy**”. This is defined to mean body screening, when using the WC, from the fixed points of the cell i.e. the table(s) and beds. Thus, for example, suitable screening will be required when doubling up in a single cell with integral sanitation. For crowded conditions, the WC area need not be ventilated separately.”

However, several prisons from the Victorian era are still in use and do not provide in-cell sanitation. In this case, prisoners should have 24h access to sanitation<sup>14</sup> by either:

- Open access for prisoners in open conditions. They can leave their room to use central facilities.
- Electronic unlocking for prisoners in closed conditions. Doors open electronically and prisoners can be released one at a time to use central facilities.
- In exceptional circumstances, manual unlocking would be considered.

As of 20 October 2016, 1287 cells from 5 prisons (Albany, Bristol, Coldingley, Grendon and Long Lartin) did not have in-cell sanitation, for 1228 prisoners.<sup>15</sup>

“As of 1 December 2017 (the date of the last in cell sanitation survey) there were 26 prisons in England and Wales that had any cells that were without in cell sanitation”<sup>16</sup>, for a total of 6667 cells and 7626 prisoners. The prisons are the following: Askham, Grange, Bristol, Channings Wood, Coldingley, Drake Hall, East Sutton Park, Exeter, Ford, Grendon, Hatfield, Highpoint, Hollesley Bay, Isle of Wight, Kirkham, Kirklevington Grange, Leyhill, Long Lartin, Mount, North Sea Camp, Send, Spring Hill, Standford Hill, Styal, Sudbury, Whatton, Wymott.

### In Scotland

Toilet facilities must be accessible at all times either freely or upon request<sup>17</sup>. The Scottish prison estate is fairly recent and several prisons have single cells with in-cell toilets and/or showers<sup>18</sup>. When in-cell toilets are not provided, prisoners have access to shared toilets at all times when unlocked and through an electronic

<sup>13</sup> United Kingdom, National Offender Management Service (NOMS) Agency Board, *PSI 17/2012, Certified prisoners accommodation*, April 2012, Available at: [www.justice.gov.uk/search?collection=moj-matrix-dev-web&form=simple&profile=default&query=psi+17%2F2012](http://www.justice.gov.uk/search?collection=moj-matrix-dev-web&form=simple&profile=default&query=psi+17%2F2012)

<sup>14</sup> United Kingdom, Ministry of Justice, Answer to Freedom of Information Request FOI/108001, July 2017

<sup>15</sup> United Kingdom, Ministry of Justice, Answer to Freedom of Information Request FOI/108001, July 2017

<sup>16</sup> United Kingdom, Ministry of Justice, Answer to Freedom of Information Request FOI/180514003, June 2018

<sup>17</sup> United Kingdom, HM Inspectorate of Prisons for Scotland, *Inspecting and monitoring: Standards 2 – Decency*, p.2, p.6. Available at: [www.prisonsofscotland.gov.uk/sites/default/files/publication\\_files/SCT12176046563.pdf](http://www.prisonsofscotland.gov.uk/sites/default/files/publication_files/SCT12176046563.pdf)

<sup>18</sup> United Kingdom, HM Inspectorate of Prisons for Scotland, *Inspecting and monitoring - report on HMP Addiewell, Full inspection (29 June–10 July 2015)*, p.10. For prisons with in-cell toilets and showers, see also reports on HMP & YO1 Grampian, HMP Edinburgh, and HMP Low Moss. For prisons with in-cell toilets only, see also reports on HMP Kilmarnock and HMP Barlinnie. Available at: [www.prisonsofscotland.gov.uk/sites/default/files/publication\\_files/402905.pdf](http://www.prisonsofscotland.gov.uk/sites/default/files/publication_files/402905.pdf)

unlocking system at night<sup>19</sup>. HM Prison Inspectorate found generally that prisoners had good access to toilet facilities, even at night, except in one establishment. Following a visit at Cornton Vale<sup>20</sup> (women's prison), the Prison Inspectorate found that due to a failure in the electronic unlocking system, some women (including pregnant women) did not have access to toilets at night and had to wait between 6 minutes and 1 hour to be unlocked. Some of them were advised to pee in the sink.

### In Northern Ireland

Newest units have single cells with en-suite toilets and showers. Halward House (2009) is one of Magilligan prison's units and sets the standards for future accommodations<sup>21</sup>. Single cells have en-suite toilets and bathrooms. This unit has a capacity of 52. Northern Ireland Prison Service aims to provide in-cell toilet facilities in all prisons' units. Usually, most single cells have in-cell toilets with screening.

In a 2017 report on Magilligan prison, the Prison Inspectorate found that "a programme to provide toilets in all cells was near completion"<sup>22</sup>. It highlighted, however, that "the in-cell toilets installed in single cells could only be partially screened, and they were sited close to beds."<sup>23</sup> In fact, the Northern Ireland Prison Service estimated in 2016 that 198 cells did not have in-cell sanitation in Magilligan prison, as opposed to 296 in 2015<sup>24</sup>.

In units where in-cell toilets are not available, prisoners should have a 24h access to toilets. However, the Prison Inspectorate found that "some prisoners without in-cell toilets had courtesy keys to access toilets during the night, but approximately 70 prisoners were still subject to night sanitation procedures."<sup>25</sup>

The Northern Ireland Prison Service confirmed that the "night sanitation procedures" referred to a remote unlocking system for prisoners without in-cell toilets. Over the last few months there have been new developments: the night sanitation procedures are no longer in use after significant refurbishment work, there remains only 50 cells without in-cell sanitation. Older prisoners are detained in these cells. Although many of them "have mobility issues and some have orthopaedic beds in their cells", according to a recent survey, they "are satisfied with the current procedure and do not wish to have in-cell sanitations" as this would considerably reduce the floor space of the cell. They currently have the keys of their cells, which allow them to have access to communal toilets at night.

- b) What is the national standard with regard to access to regularly cleaned shower/bathing facilities? How often is this access provided? Do these facilities offer privacy to prisoners who use them?

<sup>19</sup> United Kingdom, HM Inspectorate of Prisons for Scotland, *Inspecting and monitoring, Report on HMP Dumfries, Full inspection (11-22 May 2015)*, p.12. See also reports on HMP Glenochil, HMYOI Polmont, and HMP Open Estate. Available at: [www.prisoninspectorscotland.gov.uk/sites/default/files/publication\\_files/j400945.pdf](http://www.prisoninspectorscotland.gov.uk/sites/default/files/publication_files/j400945.pdf)

<sup>20</sup> United Kingdom, HM Inspectorate of Prisons for Scotland, *Inspecting and monitoring, Report on HMP & YOI Cornton Vale, Full inspection (28 September – 7 October 2015)*, p.4. Available at:

[www.prisoninspectorscotland.gov.uk/sites/default/files/publication\\_files/j412736.pdf](http://www.prisoninspectorscotland.gov.uk/sites/default/files/publication_files/j412736.pdf)

<sup>21</sup> United Kingdom, National Preventive Mechanism, *Report on an unannounced inspection of MAGILLIGAN PRISON 12-22 June 2017*, December 2017, p.9. Available at: [www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/12/2017-Magilligan-Prison-final-version.pdf](http://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/12/2017-Magilligan-Prison-final-version.pdf)

<sup>22</sup> United Kingdom, National Preventive Mechanism, *Report on an unannounced inspection of MAGILLIGAN PRISON 12-22 June 2017*, December 2017, p.31. Available at: [www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/12/2017-Magilligan-Prison-final-version.pdf](http://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/12/2017-Magilligan-Prison-final-version.pdf)

<sup>23</sup> United Kingdom, National Preventive Mechanism, *Report on an unannounced inspection of MAGILLIGAN PRISON 12-22 June 2017*, December 2017, p.31. Available at: [www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/12/2017-Magilligan-Prison-final-version.pdf](http://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/12/2017-Magilligan-Prison-final-version.pdf)

<sup>24</sup> United Kingdom, Northern Ireland Prison Service, Answer to Freedom of Information Request Case No. 17:261, September 2017

<sup>25</sup> United Kingdom, National Preventive Mechanism, *Report on an unannounced inspection of MAGILLIGAN PRISON 12-22 June 2017*, December 2017, p.31. Available at: [www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/12/2017-Magilligan-Prison-final-version.pdf](http://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/12/2017-Magilligan-Prison-final-version.pdf)



## In England and Wales

Few prisons built recently have in-cell showers; and although some prisons offer both in-cell showers and communal showers depending on the blocks, communal showers remain the norm in England and Wales prisons. According to a recent report of the HM Prison Inspectorate<sup>26</sup>, 83% of 7,202 surveyed prisoners declared that they had access to showers daily. There are discrepancies between establishments: women's prisons and open prisons have the highest rates of accessibility, with respectively 94% and 99% of surveyed detainees having access to showers on a daily basis. By contrast, only 51% of detainees in young adult prisons declared so.

Many reports of Independent Monitoring Boards highlighted the appalling conditions of communal showers. With respect to privacy, standards vary across prisons. At best, communal showers are equipped with cubicle showers. At worst, they do not have any form of privacy screen or shower curtain.

## In Scotland

Three prisons have in-cell en-suite showers<sup>27</sup> and one has both communal and in-cell en-suite showers<sup>28</sup>. Other prisons have communal showers and prisoners usually have daily access to them.

## In Northern Ireland

As mentioned above, newest units such as Halward House in Magilligan prison have single cells with en-suite toilets and showers and set standards for future cells<sup>29</sup>. However, shared showers remain the norm in Northern Ireland.

Prison Inspectorate reports revealed discrepancies between prisons regarding effective access to shared showers. For example, in 2015, only 39% of prisoners declared that they had daily access to showers in Maghaberry prison<sup>30</sup>. On the contrary, Prison Inspectors found in 2017 that shared showers in Magilligan prison "were exceptionally clean"<sup>31</sup> and that 96%<sup>32</sup> of prisoners had access to showers daily.

- c) Is the provision of cleanly sanitary facilities regulated by any legal instrument such as a legislative act, internal prison regulations, manuals, policy papers etc.?

<sup>26</sup> United Kingdom, HM Prison Inspectorate for England and Wales, *Life in prison: living conditions*, Oct. 2017, p.20. Available at: [www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/10/Findings-paper-Living-conditions-FINAL-.pdf](http://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/10/Findings-paper-Living-conditions-FINAL-.pdf)

<sup>27</sup> United Kingdom, HM Inspectorate of Prisons for Scotland, *Inspecting and monitoring - report on HMP Addiewell, Full inspection (29 June–10 July 2015)*, p.10. For prisons with in-cell toilets and showers, see also reports on HMP & YOI Grampian and HMP Low Moss. Available at: [www.prisoninspectoratescotland.gov.uk/sites/default/files/publication\\_files/402905.pdf](http://www.prisoninspectoratescotland.gov.uk/sites/default/files/publication_files/402905.pdf)

<sup>28</sup> United Kingdom, HM Inspectorate of Prisons for Scotland, *Inspecting and monitoring - report on HMP Edinburgh, Full inspection (6-17 March 2017)*, p.14 (2.7). Available at:

[www.prisoninspectoratescotland.gov.uk/sites/default/files/publication\\_files/SCT05174383761\\_0.pdf](http://www.prisoninspectoratescotland.gov.uk/sites/default/files/publication_files/SCT05174383761_0.pdf)

<sup>29</sup> United Kingdom, National Preventive Mechanism, *Report on an unannounced inspection of MAGILLIGAN PRISON 12-22 June 2017*, December 2017, p.9. Available at: [www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/12/2017-Magilligan-Prison-final-version.pdf](http://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/12/2017-Magilligan-Prison-final-version.pdf)

<sup>30</sup> United Kingdom, National Preventive Mechanism, *Report on an unannounced inspection of MAGHABERRY PRISON 11–22 May 2015*, November 2015, Appendix "Survey Summary", Q 4.4. Available at: [www.cjini.org/CJNI/files/1d/1d77c1e6-8311-413e-ad9d-b9f9aa384506.pdf](http://www.cjini.org/CJNI/files/1d/1d77c1e6-8311-413e-ad9d-b9f9aa384506.pdf)

<sup>31</sup> United Kingdom, National Preventive Mechanism, *Report on an unannounced inspection of MAGILLIGAN PRISON 12-22 June 2017*, December 2017, p.31. Available at: [www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/12/2017-Magilligan-Prison-final-version.pdf](http://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/12/2017-Magilligan-Prison-final-version.pdf)

<sup>32</sup> United Kingdom, National Preventive Mechanism, *Report on an unannounced inspection of MAGILLIGAN PRISON 12-22 June 2017*, December 2017, Appendix "Survey Summary", Q 4.4. Available at: [www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/12/2017-Magilligan-Prison-final-version.pdf](http://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/12/2017-Magilligan-Prison-final-version.pdf)

### In England and Wales

Prison Rule 28<sup>33</sup> stipulates: “Every prisoner shall be required to wash at proper times, have a hot bath or shower on reception and thereafter at least once a week<sup>34</sup>.” This is the only legal provision with respect to access to cleanly sanitary facilities.

### In Scotland

Under Prison Rule 34<sup>35</sup> (“Personal hygiene”), prisoners must have “the opportunity to keep clean by providing access at reasonable times to such facilities for washing, bathing and showering as are necessary for health and hygiene in order that a prisoner can bathe or shower on a daily basis<sup>36</sup> where adequate arrangements can be made; or where adequate arrangements cannot be made [...] at least every other day<sup>37</sup>.”

It is the responsibility of the Governor to “provide suitable towels and toiletries as are necessary for the prisoner’s health and hygiene, including soap and shampoo; shaving materials if required; and in the case of female prisoners, sanitary protection”.

### In Northern Ireland

Prison Rule 81<sup>38</sup> stipulates: “(1) Every prisoner shall be allowed adequate access to sanitation facilities and water for health and cleanliness and will be provided with an appropriate range of toilet articles, which shall be replaced as necessary. (2) Every prisoner shall be required to keep himself clean by washing at proper times and by having a hot bath or shower at least once a week<sup>39</sup> unless excused by the governor or **a registered nurse or a health care officer**.” This is the only legal provision with respect to access to cleanly sanitary facilities.

- d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

Prisoners in open regime usually have free access to sanitary facilities.

- e) Please, provide a link to the National Preventive Mechanism’s reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

This information is not available in one source. It is spread in more than a hundred documents as the HM Inspectorate of Prisons for England and Wales and the HM Inspectorate of Prisons for Scotland tailor their recommendations to each establishment. Accordingly, the contractor has provided the most recent annual report from the inspectorates:

<sup>33</sup> United Kingdom, Prison Rule 28, *The Prison Rules 1999 No. 728*. Available at: [www.legislation.gov.uk/ukxi/1999/728/article/28/made](http://www.legislation.gov.uk/ukxi/1999/728/article/28/made)

<sup>34</sup> Emphasis added

<sup>35</sup> United Kingdom, Prison Rule 34, *The Prisons and Young Offenders Institutions (Scotland) Rules 2011, No. 331*. Available at: [www.sps.gov.uk/Corporate/Information/PrisonRulesandDirections.aspx](http://www.sps.gov.uk/Corporate/Information/PrisonRulesandDirections.aspx)

<sup>36</sup> Emphasis added

<sup>37</sup> Emphasis added

<sup>38</sup> United Kingdom, Prison Rule 81, *The Prison and Young Offenders Centres Rules (Northern Ireland) 1995*. Available at: [www.niprisonombudsman.gov.uk/publications/PrisonRules.PDF](http://www.niprisonombudsman.gov.uk/publications/PrisonRules.PDF)

<sup>39</sup> Emphasis added



For England and Wales: [www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2017/07/HMIP-AR\\_2016-17\\_CONTENT\\_201017\\_WEB.pdf](http://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2017/07/HMIP-AR_2016-17_CONTENT_201017_WEB.pdf)

For Scotland:

[www.prisoninspectoratescotland.gov.uk/sites/default/files/publication\\_files/SCT06174847802.pdf](http://www.prisoninspectoratescotland.gov.uk/sites/default/files/publication_files/SCT06174847802.pdf)

In Northern Ireland, inspections are conducted by the Criminal Justice Inspection in collaboration with the HM Inspectorate of Prisons for England and Wales. The HM Inspectorate of Prisons for England and Wales's annual report refers to visits conducted in Northern Ireland during the previous year. For this reason, please, refer to the HM Inspectorate of Prisons for England and Wales's latest report for Northern Ireland.

Inspectorates set out clear expectations<sup>40</sup> and standards<sup>41</sup> against which they evaluate the detention conditions in UK prisons.

The HM Inspectorate of Prisons for England and Wales expects prisoners to “have access to drinking water, a toilet and washing facilities at all times”<sup>42</sup> and to be allowed to “shower or bathe in private every day.” They must be “provided with basic hygiene items for their personal use.”

In the report “Life in prison: living conditions” issued in October 2017, inspectors recommended : “In-cell toilets should have lids and a floor-to-ceiling partition with a closable door to protect the privacy of prisoners sharing cells and also to reduce the transmission of bacteria within cells.”<sup>43</sup>

In Scotland, inspectors expect “access to toileting facilities [to be] freely available. Prisoners are able, and are encouraged, to bathe or shower on a daily basis. The establishment provides access at reasonable times for washing, showering and bathing (where this is available).”<sup>44</sup>

**Please cite any relevant sources**

Please, see footnotes.

### 3. Time out of cell

- a) What is the national standard set for time per day/week spent by prisoners outside of their cells:
- Outdoors (within the boundary of the prison)?
  - Indoors in the common area?

**In England and Wales**

<sup>40</sup> United Kingdom, HM Inspectorate of Prisons for England and Wales, *Our expectations*, April 2017. Available at: [www.justiceinspectorates.gov.uk/hmiprisons/our-expectations/prison-expectations/](http://www.justiceinspectorates.gov.uk/hmiprisons/our-expectations/prison-expectations/)

<sup>41</sup> United Kingdom, HM Inspectorate of Prisons for Scotland, *Standards of inspection and monitoring*, April 2018. Available at: [www.prisoninspectoratescotland.gov.uk/publications?tid\\_1=31](http://www.prisoninspectoratescotland.gov.uk/publications?tid_1=31)

<sup>42</sup> United Kingdom, HM Inspectorate of Prisons for England and Wales, *Our expectations*, April 2017, p.18. Available at: [www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2018/02/Expectations-for-publication-FINAL.pdf](http://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2018/02/Expectations-for-publication-FINAL.pdf)

<sup>43</sup> United Kingdom, HM Prison Inspectorate for England and Wales, *Life in prison: living conditions*, Oct. 2017, p.28. Available at: [www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2017/10/Findings-paper-Living-conditions-FINAL-.pdf](http://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2017/10/Findings-paper-Living-conditions-FINAL-.pdf)

<sup>44</sup> United Kingdom, HM Inspectorate of Prisons for Scotland, *Standards of inspection and monitoring: Standard 2 (Decency)*, April 2018, p.6. Available at: [www.prisoninspectoratescotland.gov.uk/sites/default/files/publication\\_files/SCT12176046563.pdf](http://www.prisoninspectoratescotland.gov.uk/sites/default/files/publication_files/SCT12176046563.pdf)

Time in the open air is regulated by Prison Rule 30<sup>45</sup>, which stipulates “if the weather permits” prisoners “shall be given the opportunity to spend time in the open air at least once every day<sup>46</sup>, for such period as may be reasonable in the circumstances”. However, this provision is subject to “the need to maintain good order and discipline”.

PSI 75/2011<sup>47</sup> further specifies that “prisoners are afforded a minimum of 30 minutes in the open air daily” and that “‘Time in the open air’ means time spent in a situation where the prisoner is able to benefit from fresh air and natural light”. This means that “time spent outdoors as part of a formal activity, for example outdoor work or watching or participating in sport, counts as meeting this requirement”. The 30 minutes of daily time in the open air cannot be split in more than two periods in a day.

Time spent indoor varies depending on the establishment, and on the availability of staff and constructive activities<sup>48</sup>. There is no minimum legal standard set regarding time spent outside of the cell. However, HM Inspectorate of Prisons<sup>49</sup> expects prisoners to benefit from at least 10 hours out of their cells on weekdays. They should also have one hour of association (i.e. time spent in association with other prisoners) in the evening.

### **In Scotland**

Under Prison Rule 87<sup>50</sup>, prisoners “must be given the opportunity to take exercise or, where the weather permits, to spend time in the open air for not less than one hour every day<sup>51</sup>”. Additionally, prisoners can spend time out of their cells indoor under Prison Rule 88<sup>52</sup> as “the Governor must provide reasonable facilities and opportunities to enable prisoners to participate in recreational activities outwith normal working hours.”

### **In Northern Ireland**

Under Prison Rule 55<sup>53</sup>, “every prisoner shall be given the opportunity of association for not less than one hour each day which may be taken as exercise in the open air, weather permitting.” This provision does not apply on any day when a prisoner participates in outside work or physical training indoors.

In fact, Prison Inspectorate reports show that within prisons, access to open air varies:

- In Maghaberry prison in 2015<sup>54</sup>, 26% of prisoners could go outside for exercise more than 5 times each week, 22% could go outside 3 to 5 times each week, 29% could go outside 1 to 2 times a week and 22% did not go outside at all.

<sup>45</sup> United Kingdom, Prison Rule 30, *The Prison Rules 1999 No. 728*. Available at: [www.legislation.gov.uk/ukxi/1999/728/article/30/made](http://www.legislation.gov.uk/ukxi/1999/728/article/30/made)

<sup>46</sup> Emphasis added

<sup>47</sup> United Kingdom, National Offender Management Service (NOMS) Agency Board, *PSI 75/2011 Residential Services*, November 2013. Available at: [www.justice.gov.uk/offenders/psis/prison-service-instructions-2011](http://www.justice.gov.uk/offenders/psis/prison-service-instructions-2011)

<sup>48</sup> United Kingdom, Mark Leech, *The Prison Handbook 2017*, prison.org.uk, p.806

<sup>49</sup> United Kingdom, HM Inspectorate of Prisons for England and Wales, *Our Expectations “Time out of cell”*, April 2017. Available online at: [www.justiceinspectorates.gov.uk/hmiprison/our-expectations/prison-expectations/purposeful-activity/time-out-of-cell/](http://www.justiceinspectorates.gov.uk/hmiprison/our-expectations/prison-expectations/purposeful-activity/time-out-of-cell/) [accessed 31 May 2018]

<sup>50</sup> United Kingdom, Prison Rule 87, *The Prisons and Young Offenders Institutions (Scotland) Rules 2011, No. 331*. Available at: [www.sps.gov.uk/Corporate/Information/PrisonRulesandDirections.aspx](http://www.sps.gov.uk/Corporate/Information/PrisonRulesandDirections.aspx)

<sup>51</sup> Emphasis added

<sup>52</sup> United Kingdom, Prison Rule 88, *The Prisons and Young Offenders Institutions (Scotland) Rules 2011, No. 331*. Available at: [www.sps.gov.uk/Corporate/Information/PrisonRulesandDirections.aspx](http://www.sps.gov.uk/Corporate/Information/PrisonRulesandDirections.aspx)

<sup>53</sup> United Kingdom, Prison Rule 55, *The Prison and Young Offenders Centres Rules (Northern Ireland) 1995*. Available at: [www.niprisonombudsman.gov.uk/publications/PrisonRules.PDF](http://www.niprisonombudsman.gov.uk/publications/PrisonRules.PDF)

<sup>54</sup> United Kingdom, National Preventive Mechanism, *Report on an unannounced inspection of MAGHABERRY PRISON 11–22 May 2015*, November 2015, Annexe “Survey Summary”, Q 11.7. Available at: [www.cjini.org/CJNI/files/1d/1d77c1e6-8311-413e-ad9d-b9f9aa384506.pdf](http://www.cjini.org/CJNI/files/1d/1d77c1e6-8311-413e-ad9d-b9f9aa384506.pdf)

- Similarly, in Magilligan in 2017<sup>55</sup>, 34% of prisoners could go outside for exercise more than 5 times each week, 25% could go outside 3 to 5 times each week, 15% could go outside 1 to 2 times a week, 26% did not go outside at all.

b) Are sports or other recreational and educational facilities available to prisoners? If so what types?

### **In England and Wales**

Both sports and educational facilities are available for prisoners. Under Prison Rule 29<sup>56</sup>, “prisoners aged 21 or over shall be given the opportunity to participate in physical education for at least one hour a week”. Prisoners under 21 years of age should participate in physical education activities “for two hours a week on average”.

Under Prison Rule 32<sup>57</sup>, “Every prisoner able to profit from the education facilities provided at a prison shall be encouraged to do so” and “educational classes shall be arranged at every prison.” Prisoners must also be given the opportunity to “improve their education by training by distance learning, private study and recreational classes, in their spare time.” Education, work and vocational training are available in all prisons and differ from a prison to another.

### **In Scotland**

Under Prison Rule 81<sup>58</sup>, “The Governor must obtain reports about a prisoner’s particular needs and wishes concerning work and education as soon as practicable after that prisoner is received into prison”. They must, “in consultation with the prisoner, determine a programme of work, educational activities and counselling for the prisoner”. The objectives are: improving the prospects for the prisoner’s successful resettlement in the community; and the prisoner’s morale, attitude and self-respect. Purposeful activities include a wide range of classes and work placements<sup>59</sup>: ‘Repair Work’, ‘Production/Assembly Work’, ‘Packaging Work’, ‘Establishment Services (passmen, kitchen, laundry, gardens, horticulture)’, ‘Physical Education’, ‘Literacy Classes’, ‘Numeracy Classes’, ‘English for Speakers of other Languages’, ‘Art Classes’, ‘Vocational and Employability Classes (painting and decorating, hairdressing and bricklaying)’. There are also a number of counselling and rehabilitative programs, including: ‘Alcohol Awareness’, ‘Drugs Action for Change’, ‘Relationship Skills’, ‘Parenting for women who have a substance misuse problem’ and ‘Anxiety & Sleep Management’. Work placements outside prison are also available through community placements.

### **In Northern Ireland**

Under Prison Rule 52<sup>60</sup>, educational facilities should be provided to every prisoner wishing to participate in education. Prisoners should also be allowed to follow correspondence courses or private studies. Additionally, Prison Rule 53<sup>61</sup> stipulates “As far as practical, reasonable facilities shall be allowed to prisoners who wish to practice handicrafts or other hobbies.”

<sup>55</sup> United Kingdom, National Preventive Mechanism, *Report on an unannounced inspection of MAGILLIGAN PRISON 12-22 June 2017*, December 2017, Appendix, Q 11.7. Available at: [www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/12/2017-Magilligan-Prison-final-version.pdf](http://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/12/2017-Magilligan-Prison-final-version.pdf)

<sup>56</sup> United Kingdom, Prison Rule 29, *The Prison Rules 1999 No. 728*. Available at: [www.legislation.gov.uk/ukSI/1999/728/article/29/made](http://www.legislation.gov.uk/ukSI/1999/728/article/29/made)

<sup>57</sup> United Kingdom, Prison Rule 32, *The Prison Rules 1999 No. 728*. Available at: [www.legislation.gov.uk/ukSI/1999/728/article/30/made](http://www.legislation.gov.uk/ukSI/1999/728/article/30/made)

<sup>58</sup> United Kingdom, Prison Rule 81, *The Prisons and Young Offenders Institutions (Scotland) Rules 2011, No. 331*. Available at: [www.sps.gov.uk/Corporate/Information/PrisonRulesandDirections.aspx](http://www.sps.gov.uk/Corporate/Information/PrisonRulesandDirections.aspx)

<sup>59</sup> United Kingdom, Scottish Prison Service, Answer to Freedom of Information Request HQ 16176, November 2016. Available at: [www.sps.gov.uk/FreedomofInformation/FOI-4633.aspx](http://www.sps.gov.uk/FreedomofInformation/FOI-4633.aspx)

<sup>60</sup> United Kingdom, Prison Rule 52, *The Prison and Young Offenders Centres Rules (Northern Ireland) 1995*. Available at: [www.niprisonombudsman.gov.uk/publications/PrisonRules.PDF](http://www.niprisonombudsman.gov.uk/publications/PrisonRules.PDF)

<sup>61</sup> United Kingdom, Prison Rule 53, *The Prison and Young Offenders Centres Rules (Northern Ireland) 1995*. Available at: [www.niprisonombudsman.gov.uk/publications/PrisonRules.PDF](http://www.niprisonombudsman.gov.uk/publications/PrisonRules.PDF)

In practice, Northern Ireland Prison Service provides a wide range of courses, from 'Introductory Award Hair & Beauty Services' to 'Using Sign Language', 'Business Administration' and 'Horticulture Skills'<sup>62</sup>. Courses differ from a prison to another. As of March 2018, there were 25 courses available in Magilligan prison, 35 courses in Maghaberry prison and 42 courses in Hydebank Wood prison. Note that in Hydebank Wood prison, which hosts both women and male young offenders, all classes are available to both male and female prisoners<sup>63</sup>. Northern Ireland prisons have well equipped indoor gym and fitness facilities. Maghaberry prison also has a badminton court.<sup>64</sup>

- c) Is time spent in cells regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?

### In England and Wales

Time spent in cells is not regulated by any legal instrument, however there are legal provisions with respect to time spent in the open air, physical education and education for prisoners of compulsory school age. In practice, the HM Prison Inspectorate found in 2017 that *"in local prisons 31% of prisoners report being locked in their cells for at least 22 hours a day, rising to 37% at young adult prisons (holding prisoners aged 18–21)."*<sup>65</sup>

### In Scotland

Time spent in cells is not regulated by any other instrument than above-mentioned Prison Rule 87.

### In Northern Ireland

Time spent in cells is not regulated by any legal instrument other than above-mentioned Prison Rule 55.

- d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

Prisoners in open prisons are unlocked during the day.

- e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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<sup>62</sup> United Kingdom, Northern Ireland Prison Service, Answer to Freedom of Information Request Case No. 18:72, April 2018

<sup>63</sup> United Kingdom, Northern Ireland Prison Service, Answer to Freedom of Information Request Case No. 18:72, April 2018

<sup>64</sup> United Kingdom, National Preventive Mechanism, *Report on an unannounced inspection of MAGHABERRY PRISON 11–22 May 2015*, November 2015, p.58. Available at: [www.cjini.org/CJINI/files/1d/1d77c1e6-8311-413e-ad9d-b9f9aa384506.pdf](http://www.cjini.org/CJINI/files/1d/1d77c1e6-8311-413e-ad9d-b9f9aa384506.pdf)

<sup>65</sup> United Kingdom, HM Inspectorate of Prisons for England and Wales, *Life in prison: Living conditions*, October 2017, p.3. Available at: [www.justiceinspectorates.gov.uk/hmiprisonswp/inspections/life-in-prison-living-conditions/](http://www.justiceinspectorates.gov.uk/hmiprisonswp/inspections/life-in-prison-living-conditions/)

For Scotland:

[www.prisonsofscotland.gov.uk/sites/default/files/publication\\_files/SCT06174847802.pdf](http://www.prisonsofscotland.gov.uk/sites/default/files/publication_files/SCT06174847802.pdf)

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Inspectorates set out clear expectations<sup>66</sup> and standards<sup>67</sup> against which they evaluate the detention conditions in UK prisons.

**Please cite any relevant sources**

Please, see footnotes.

#### 4. Solitary confinement

- a) What is the national standard set regarding solitary confinement? Is it regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?

##### England and Wales

In England and Wales, solitary confinement is known as "segregation". Segregated prisoners might be sent to segregation units or to Close Supervision Centres (CSC).

**Segregation units** in England and Wales serve the purpose of 'removal from association' under Prison Rule 45<sup>68</sup> (YOI Rule 49<sup>69</sup>) and may be used for the prisoner's own protection or as a means to manage detainees posing a threat to the good order and discipline of the wing.

**Close Supervision Centres (CSC)** in England and Wales serve the purpose of 'removal from association' under Prison Rule 46<sup>70</sup> "for the maintenance of good order or discipline or to ensure the safety of officers, prisoners or any other person".

PSO 1700 (2007) defines policy in the management of segregation units<sup>71</sup>, including placement in segregation, and procedures for reviewing continued segregation as follow: the Governor<sup>72</sup> can decide to segregate a prisoner for an initial period of 72 hours. The Segregation Review Board (SRB) must meet within 72 hours after the initial decision to authorise further segregation, and if it is authorized, gather at least every 14 days

<sup>66</sup> United Kingdom, HM Inspectorate of Prisons for England and Wales, *Our expectations*, April 2017. Available at:

[www.justiceinspectorates.gov.uk/hmiprisonsofenglandandwales/our-expectations/prison-expectations/](http://www.justiceinspectorates.gov.uk/hmiprisonsofenglandandwales/our-expectations/prison-expectations/)

<sup>67</sup> United Kingdom, HM Inspectorate of Prisons for Scotland, *Standards of inspection and monitoring*, April 2018. Available at: [www.prisonsofscotland.gov.uk/publications?tid\\_1=31](http://www.prisonsofscotland.gov.uk/publications?tid_1=31)

<sup>68</sup> United Kingdom, Prison Rule 45, *The Prison Rules 1999 No. 728*. Available at:

[www.legislation.gov.uk/ukksi/1999/728/article/45/made](http://www.legislation.gov.uk/ukksi/1999/728/article/45/made)

<sup>69</sup> United Kingdom, Prison Rule 49, *The Young Offender Institution Rules 2000 No. 3371*. Available at:

[www.legislation.gov.uk/ukksi/2000/3371/article/49/made](http://www.legislation.gov.uk/ukksi/2000/3371/article/49/made)

<sup>70</sup> United Kingdom, Prison Rule 46, *The Prison Rules 1999 No. 728*. Available at:

[www.legislation.gov.uk/ukksi/1999/728/article/46/made](http://www.legislation.gov.uk/ukksi/1999/728/article/46/made)

<sup>71</sup> United Kingdom, National Offender Management Service (NOMS) Agency Board, PSO 1700, *Implementing new legislation and policy arising from the supreme court judgment on segregation of prisoners*, September 2015. Available at:

[www.justice.gov.uk/offenders/psos](http://www.justice.gov.uk/offenders/psos)

<sup>72</sup> United Kingdom, National Offender Management Service (NOMS) Agency Board, PSO 1700, *Implementing new legislation and policy arising from the supreme court judgment on segregation of prisoners*, September 2015. Available at:

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thereafter. SRBs may authorise segregation through this process for a maximum of 42 days (6 weeks) for adults and for a maximum of 21 days for Young People from the point of initial segregation. To renew authorisation for continuous segregation beyond this maximum, SRBs need to have the approval of Deputy Directors of Custody.

PSI 42/2012, titled “Close Supervision Centre Referral Manual”, defines policy in the management of close supervision centres<sup>73</sup>, and details procedures for reviewing continued segregation. Prisoners referred to and located within CSC units often present with a range of complex and diverse behavioural, psychological, psychiatric, or security needs. The total number of prisoners in CSCs in July 2015 was 50. The total capacity of the CSC system is 54 at maximum occupancy and 52 at normal operating level.<sup>74</sup>

### **In Scotland**

In Scotland, prisoners can be removed ‘from association’ under Prison Rule 95 by the Governor for the purpose of maintaining good order or discipline; protecting the interests of any prisoner; or ensuring the safety of other persons<sup>75</sup>. Removal from association can either be ‘general’ or related to a ‘prescribed activity’. Removal from association orders cannot last beyond 72 hours, unless the Governor applies to the Scottish Ministers before the expiry of the order, to extend the order for a period of no more than one month or successive periods of no more than one month.

There are Separation and Re-integration Units (SRU) in establishments where prisoners have been removed from association for specified periods of time may be accommodated. Prisoners can also be held out of association in normal cells. This is the case for those establishments which do not have an SRU.<sup>76</sup>

In 2015 and 2016, seven prisoners had been removed from association for more than a year (and up to two years).<sup>77</sup>

### **In Northern Ireland**

Prisoners can be removed from association under Prison Rule 32 by the Director “*where it is necessary for the maintenance of good order or discipline, or to ensure the safety of officers, prisoners or any other person or in his own interests*”.<sup>78</sup> Association can be restricted either generally, or for particular purposes for a period of no more than 72 hours. The Director needs the agreement of the Department of Justice to extend the order for a period of up to one month, which can be renewed for further periods not exceeding one month. Segregated prisoners are in the Care and Supervision Unit. Some of them have been removed from association for several years under this rule. In 2015, inspectors found that one of HMP Maghaberry prisoners had spent more than three years in segregation<sup>79</sup>.

- b) *Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).*

Not applicable

<sup>73</sup> United Kingdom, National Offender Management Service (NOMS) Agency Board, *PSI 42/2012 Close Supervision Centre Referral Manual*, January 2013. Available at: [www.justice.gov.uk/offenders/psis/prison-service-instructions-2012](http://www.justice.gov.uk/offenders/psis/prison-service-instructions-2012)

<sup>74</sup> Dr Sharon Shalev and Kimmitt Edgar, *Segregation Units and Close Supervision Centres in England and Wales*, Prison Reform Trust, 2015, p. V

<sup>75</sup> United Kingdom, Prison Rule 95, *The Prisons and Young Offenders Institutions (Scotland) Rules 2011*, No. 331. Available at: [www.sps.gov.uk/Corporate/Information/PrisonRulesandDirections.aspx](http://www.sps.gov.uk/Corporate/Information/PrisonRulesandDirections.aspx)

<sup>76</sup> United Kingdom, Scottish Prison Service, Answer to Freedom of Information Request HQ16068, July 2016. Available at: <http://www.sps.gov.uk/FreedomofInformation/FOI-4249.aspx>

<sup>77</sup> United Kingdom, Scottish Prison Service, Answer to Freedom of Information Request HQ16068, Annex, July 2016. Available at: <http://www.sps.gov.uk/FreedomofInformation/FOI-4249.aspx>

<sup>78</sup> United Kingdom, Prison Rule 32, *The Prison and Young Offenders Centres Rules (Northern Ireland) 1995*. Available at: [www.niprisonerombudsman.gov.uk/publications/PrisonRules.PDF](http://www.niprisonerombudsman.gov.uk/publications/PrisonRules.PDF)

<sup>79</sup> United Kingdom, National Preventive Mechanism, *Report on an unannounced inspection of MAGHABERRY PRISON 11–22 May 2015*, November 2015, p.37. Available at: [www.cjini.org/CJINI/files/1d/1d77c1e6-8311-413e-ad9d-b9f9aa384506.pdf](http://www.cjini.org/CJINI/files/1d/1d77c1e6-8311-413e-ad9d-b9f9aa384506.pdf)

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For Scotland:

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Inspectorates set out clear expectations and standards against which they evaluate the detention conditions in UK prisons.

**Please cite any relevant sources**

Please, see footnotes.

**5. Access to healthcare**

- a) What is the national standard with regard to access to medical services in prisons? (E.g. do prisoners have prompt access to medical services within prisons or externally? Do prisoners have access to dentists and opticians?)

**In England and Wales**

Prisoners are entitled to have access to the same range and quality of services as the general public receives from the National Health Service (NHS).<sup>80</sup> Provided that it is approved by a member of the prison medical team, treatment is free<sup>81</sup>. According to the NHS England, services directly commissioned for prisons in England are primary care, secondary care services (hospital care), public health (drugs and substance misuse), mental health services, eye, and dental care.<sup>82</sup>

**In Scotland**

<sup>80</sup> United Kingdom, GOV.UK, "Healthcare in prison", available online at: [www.gov.uk/life-in-prison/healthcare-in-prison](http://www.gov.uk/life-in-prison/healthcare-in-prison) [accessed 30 May 2018]

<sup>81</sup> United Kingdom, GOV.UK, "Healthcare in prison", available online at: [www.gov.uk/life-in-prison/healthcare-in-prison](http://www.gov.uk/life-in-prison/healthcare-in-prison) [accessed 30 May 2018]

<sup>82</sup> United Kingdom, NHS England, "Health and Justice", available online at: [www.england.nhs.uk/commissioning/health-just/](http://www.england.nhs.uk/commissioning/health-just/) [accessed 30 May 2018]

Prison health services generally provide primary care, mental health care and treatments to addictions<sup>83</sup>. Most staff are nurses, general practitioners (GPs), clinical psychologists and pharmacists. External specialists visit occasionally and are generally consultant psychiatrists, dentists, opticians and allied health professions such as physiotherapists<sup>84</sup>.

### Northern Ireland

Prison health services are provided by the South Eastern Health and Social Care Trust<sup>85</sup>. Prisoners receive primary care. Most staff are nurses, GPs, dentists and pharmacy staff.<sup>86</sup>

- b) Are there any special provisions relating to the provision of specialist care? (E.g. for long-term diseases, for sick and elderly prisoners, the mentally ill, drug addicted prisoners etc.)

### In England and Wales

Specific care is provided to drug-addicted prisoners. In 2016/2017, 52,184 adult prisoners and 3,015 juveniles and young adults held in YOI were in contact with drug and alcohol treatment services<sup>87</sup>. The majority of adult prisoners received psychosocial treatment (63%), and 37% received pharmacological treatment.<sup>88</sup> Elderly prisoners who meet the threshold for care are entitled to receive care and support from local authorities under the Care Act.<sup>89</sup> However, inspectors found that so far too little has been done to set up these new arrangements. The Ministry of Justice said that it is trying to adapt prison regimes to suit elderly prisoners and some prisons now have dedicated wings or units.<sup>90</sup>

### In Scotland

Adequate alcohol and drug treatments are provided in a timely manner<sup>91</sup>. Palliative and end of life care have been provided in several prisons thanks to a partnership between the Scottish Prison Service (SPS) and the Macmillan Cancer Support, which highlighted that palliative care is however provided without any consistent

<sup>83</sup> United Kingdom, Scottish Parliament, Health and Sport Committee, *Healthcare in Prisons, 5th report (Session 5)*, May 2017, p.4. Available at: <https://sp-bpr-en-prod-cdneq.azureedge.net/published/HS/2017/5/10/Healthcare-in-Prisons/5th%20report.pdf>

<sup>84</sup> United Kingdom, Scottish Parliament, Health and Sport Committee, *Healthcare in Prisons, 5th report (Session 5)*, May 2017, p.4. Available at: <https://sp-bpr-en-prod-cdneq.azureedge.net/published/HS/2017/5/10/Healthcare-in-Prisons/5th%20report.pdf>

<sup>85</sup> United Kingdom, South Eastern Health and Social Care Trust, Prison Healthcare, available online: [www.setrust.hscni.net/3857.htm](http://www.setrust.hscni.net/3857.htm) [Accessed 1 June 2018]

<sup>86</sup> United Kingdom, National Preventive Mechanism, *Report on an unannounced inspection of MAGILLIGAN PRISON 12-22 June 2017*, December 2017 and <sup>86</sup> National Preventive Mechanism, *Report on an unannounced inspection of MAGHABERRY PRISON 11-22 May 2015*, November 2015

<sup>87</sup> United Kingdom, Public Health England, *Secure setting statistics from the National Drug Treatment Monitoring System (NDTMS) (1st April 2016 – 31 March 2017)*, January 2018, p.5. Available online: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/677500/OFFICIAL-SENSITIVE\\_secure\\_setting\\_annual\\_report\\_2016-17FINAL-v1.2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/677500/OFFICIAL-SENSITIVE_secure_setting_annual_report_2016-17FINAL-v1.2.pdf)

<sup>88</sup> United Kingdom, Public Health England, *Secure setting statistics from the National Drug Treatment Monitoring System (NDTMS) (1st April 2016 – 31 March 2017)*, January 2018, p.7. Available online: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/677500/OFFICIAL-SENSITIVE\\_secure\\_setting\\_annual\\_report\\_2016-17FINAL-v1.2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/677500/OFFICIAL-SENSITIVE_secure_setting_annual_report_2016-17FINAL-v1.2.pdf)

<sup>89</sup> United Kingdom, Mark Leech, *The Prison Handbook 2017*, prison.org.uk, p.813

<sup>90</sup> United Kingdom, Mark Leech, *The Prison Handbook 2017*, prison.org.uk, p.813

<sup>91</sup> United Kingdom, Scottish Parliament, Health and Sport Committee, *Healthcare in Prisons, 5th report (Session 5)*, May 2017, p.16, available online at: [www.sp-bpr-en-prod-cdneq.azureedge.net/published/HS/2017/5/10/Healthcare-in-Prisons/5th%20report.pdf](https://sp-bpr-en-prod-cdneq.azureedge.net/published/HS/2017/5/10/Healthcare-in-Prisons/5th%20report.pdf) [accessed 31 May 2018]

manner across the SPS<sup>92</sup>. Scottish Ministers have the power to release prisoners on licence on compassionate grounds. Reasons can include terminal illness, severe incapacitation and where continued imprisonment would endanger a prisoner or shorten their life expectancy.<sup>93</sup>

Mental health care is usually provided, though there are considerable variations in mental health care availability across prisons<sup>94</sup>.

### **In Northern Ireland**

The Northern Ireland Prison Service has operated a specific Drugs Policy and Strategy since 1996; the “Alcohol and Drugs: Empowering people through therapy” drug treatment service is available in all three prisons<sup>95</sup>.

- c) Is access to healthcare in prisons regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?

### **In England and Wales**

Access to healthcare is regulated under Prison Rules 20, 21 and 22.

### **In Scotland**

Under Prison Rule 37, it is the responsibility of Scottish Ministries to provide accommodation within every prison for the provision of healthcare services by healthcare professionals. If a healthcare professional recommends that a prisoner receives special care and must be referred to a medical practitioner outside the prison, or be treated in a medical facility outside the prison, it is the responsibility of the governor to “*make such arrangements as the Governor considers appropriate to give effect to that recommendation.*”<sup>96</sup>

### **In Northern Ireland**

Upon arrival, and under Prison Rule 21, “*a registered nurse or a health care officer shall separately examine every prisoner as early as practicable on the day of his reception and shall record the result. (2) Where possible an appropriate health care professional shall conduct a detailed health assessment of each prisoner within 72 hours of the examination [...].*” Following this first examination, if a prisoner requires medical attention, they should be referred to the governor and to a registered general practitioner (GP). Further, prisoners can be temporarily released to receive appropriate health care under Prison Rule 27(2).

- d) *Please indicate whether there are different standards applicable to different detention regimes.*

The provision of adequate healthcare does not depend on the prison regime.

- e) *Please, provide a link to the National Preventive Mechanism’s reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most*

<sup>92</sup> United Kingdom, Scottish Parliament, Health and Sport Committee, *Healthcare in Prisons, 5th report (Session 5)*, May 2017, p.20. Available at: <https://sp-bpr-en-prod-cdneq.azureedge.net/published/HS/2017/5/10/Healthcare-in-Prisons/5th%20report.pdf>

<sup>93</sup> United Kingdom, Scottish Government, “Prisoner compassionate release cases: 2018 to 2019”, available online at: [www.beta.gov.scot/publications/compassionate-release-cases-2018-2019/](http://www.beta.gov.scot/publications/compassionate-release-cases-2018-2019/) [accessed 31 May 2018]

<sup>94</sup> United Kingdom, Scottish Parliament, Health and Sport Committee, *Healthcare in Prisons, 5th report (Session 5)*, May 2017, p.14. Available at: <https://sp-bpr-en-prod-cdneq.azureedge.net/published/HS/2017/5/10/Healthcare-in-Prisons/5th%20report.pdf>

<sup>95</sup> United Kingdom, Northern Ireland Prison Service, “Substance misuse”, available online at: [www.justice-ni.gov.uk/articles/substance-misuse](http://www.justice-ni.gov.uk/articles/substance-misuse) [accessed 31 May 2018]

<sup>96</sup> United Kingdom, Prison Rule 37, *The Prisons and Young Offenders Institutions (Scotland) Rules 2011*, No. 331. Available at: [www.sps.gov.uk/Corporate/Information/PrisonRulesandDirections.aspx](http://www.sps.gov.uk/Corporate/Information/PrisonRulesandDirections.aspx)

recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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Inspectorates set out clear expectations<sup>97</sup> and standards<sup>98</sup> against which they evaluate the detention conditions in UK prisons.

**The HM Inspectorate of Prisons for England and Wales expects prisoners to have access to healthcare services “that accurately assess and meet their health, social care and substance use needs”<sup>99</sup>. There is a total of 11 specific recommendations on “Health, well-being and social care”, along with targeted indicators:**

- “53. Patients are cared for by services that accurately assess and meet their health, social care and substance use needs and which promote continuity of health and social care on release.
- 54. Patients receive treatment which is sensitive to their diverse needs from competent staff in an environment that promotes dignity and maintains privacy.
- 55. Prisoners are supported and encouraged to optimise their health and well-being.
- 56. Prisoners' immediate health, substance use and social care needs are recognised on reception and responded to promptly and effectively.
- 57. Patients' individual ongoing health care needs are addressed through an appropriate range of care services. Continuity of care is maintained on transfer or release.
- 58. Patients requiring 24-hour nursing care are supported by a regime, facilities, and health staff to meet their individual needs.
- 59. Prisoners with social care<sup>7</sup> and support needs are identified and receive assessment, care packages, adaptations and advocacy services that continue on release or transfer.
- 60. Prisoners with mental health problems are identified promptly and supported by community-equivalent services to optimise their mental well-being during their stay and on transfer or release.
- 61. An effective whole-prison strategic approach to drugs and alcohol ensures the demand for drugs and alcohol is reduced.
- 62. Prisoners can promptly access safe, effective and individualised clinical and psychosocial support.
- 63. Prisoners receive community-equivalent, person-centred medicines optimisation and pharmacy services.

<sup>97</sup> United Kingdom, HM Inspectorate of Prisons for England and Wales, *Our expectations*, April 2017. Available at: [www.justiceinspectorates.gov.uk/hmiprisons/our-expectations/prison-expectations/](http://www.justiceinspectorates.gov.uk/hmiprisons/our-expectations/prison-expectations/)

<sup>98</sup> United Kingdom, HM Inspectorate of Prisons for Scotland, *Standards of inspection and monitoring*, April 2018. Available at: [www.prisoninspectoratescotland.gov.uk/publications?tid\\_1=31](http://www.prisoninspectoratescotland.gov.uk/publications?tid_1=31)

<sup>99</sup> United Kingdom, HM Inspectorate of Prisons for England and Wales, *Our expectations*, April 2017, p.30-35. Available at: [www.justiceinspectorates.gov.uk/hmiprisons/our-expectations/prison-expectations/](http://www.justiceinspectorates.gov.uk/hmiprisons/our-expectations/prison-expectations/)



64. Prisoners receive timely, community-equivalent dental services, including oral health promotion.”

**The HM Inspectorate of Prisons for Scotland issued 17 standards regarding access to healthcare<sup>100</sup>:  
“All prisoners receive care and treatment which takes account of all relevant NHS standards, guidelines and evidence-based treatments. Healthcare professionals play an effective role in preventing harm associated with prison life and in promoting the health and wellbeing of all prisoners.**

9.1 An assessment of the individual’s immediate health and wellbeing is undertaken as part of the admission process to inform care planning.

9.2 The individual’s healthcare needs are assessed and addressed throughout the individual’s stay in prison.

9.3 Health improvement, health prevention and health promotion information and activities are available for everyone.

9.4 All stakeholders demonstrate commitment to addressing the health inequalities of prisoners.

9.5 Everyone with a mental health condition has access to treatment equitable to that available in the community, and is supported with their wellbeing throughout their stay in prison, on transfer and on release.

9.6 Everyone with a long-term health condition has access to treatment equitable to that available in the community, and is supported with their wellbeing throughout their stay in prison, on transfer and on release.

9.7 Everyone who is dependent on drugs and/or alcohol receives treatment equitable to that available in the community, and is supported with their wellbeing throughout their stay in prison, on transfer and on release.

9.8 There is a comprehensive medical and pharmacy service delivered by the service.

9.9 Support and advice is provided to maintain and maximise individuals’ oral health.

9.10 All pregnant women, and those caring for babies and young children, receive care and support equitable to that available in the community, and are supported with their wellbeing throughout their stay in prison, on transfer and on release.

9.11 Everyone with palliative care or end of life care needs can access treatment and support equitable to that in the community, and is supported throughout their stay in prison, on transfer and on release.

9.12 Everyone at risk of self-harm or suicide receives safe, effective and person-centred treatment, and support with their wellbeing throughout their stay in prison, on transfer and on release.

9.13 All feedback, comments and complaints are managed in line with the respective local NHS Board policy. All complaints are recorded and responded to in a timely manner.

9.14 All NHS staff demonstrate an understanding of the ethical, safety and procedural responsibilities involved in delivering healthcare in a prison setting.

9.15 The prison implements national standards and guidance, and local NHS Board policies for infection prevention and control.

9.16 The prison healthcare leadership team is proactive in workforce planning and management. Staff feel supported to deliver safe, effective, and person-centred care.

9.17 There is a commitment from the NHS Board to the delivery of safe, effective and person-centred care which ensures a culture of continuous improvement.”

**Please cite any relevant sources**

Please, see footnotes.

**6. Special measures in place to protect juvenile prisoners.**

- a) Are there any legal instruments, such as a legislative act, internal prison regulations, manuals, policy papers etc. regulating the separation of juvenile prisoners from adults? (e.g. a separate juvenile ward, or part of the building, canteen, common area etc.?)

<sup>100</sup> United Kingdom, HM Inspectorate of Prisons for Scotland, *Standards of inspection and monitoring, Standard 9, Health and Wellbeing*, April 2018. Available at: [www.prisonsofscotland.gov.uk/sites/default/files/publication\\_files/SCT121760465610.pdf](http://www.prisonsofscotland.gov.uk/sites/default/files/publication_files/SCT121760465610.pdf)

## In England and Wales

Depending on their profile, children under 18 ('juveniles') can be detained in several kinds of establishments, but only Young Offenders Institutions (YOI) can detain both boys and male adults. There are five YOI. Three are fully dedicated to juveniles (Cookham, Werrington, and Wetherby). Two are split between juveniles and young adults (Feltham), and between juveniles, young adults and adults (Parc).<sup>101</sup>

Although they can be held in the same establishments, juveniles are strictly separated from adults at all times as any interaction with the criminal justice system is governed by the youth justice system by virtue of the Crime and Disorder Act 1998<sup>102</sup>. The Youth Justice Board is in charge of the commissioning and purchasing of all secure accommodations for juveniles and the HM Prison Service is the largest provider of places (85%) for young people accommodation<sup>103</sup>.

## In Scotland

Juveniles are detained in Young Offenders Institutions. In Scotland, there are 3 establishments<sup>104</sup>:

- HMYOI Polmont is the main establishment for males and females
- HMP & YOI Cornton Vale for certain young females (including those within the Mother and Baby Unit or who present complex mental health needs)
- HMP & YOI Grampian for young females (limited availability)

Juveniles are generally held separately from adult prisoners in accordance with the United Nation Convention on the Rights of the Child, Article 37(c) unless mitigating circumstances dictate otherwise (such as a risk to the young person's safety).<sup>105</sup>

## In Northern Ireland

Juveniles are no longer detained within adults' prison since 2012<sup>106</sup>, following a report on the youth justice system published in 2011<sup>107</sup>. Juveniles are detained in separate Juvenile Justice Centres.<sup>108</sup>

- b) What age category falls under this specific juvenile prison regime?

<sup>101</sup> United Kingdom, HM Inspectorate of Prisons for England and Wales, *Children in Custody 2016–17, An analysis of 12–18-year-olds' perceptions of their experiences in secure training centres and young offender institutions*, 2017, p.15, available online at: [www.justiceinspectorates.gov.uk/hmiprison/inspections/?s&prison-inspection-type=children-and-young-people-in-custody-reports](http://www.justiceinspectorates.gov.uk/hmiprison/inspections/?s&prison-inspection-type=children-and-young-people-in-custody-reports) [Accessed 24 May 2018]

<sup>102</sup> United Kingdom, Mark Leech, *The Prison Handbook 2017*, prison.org.uk, p.770

<sup>103</sup> United Kingdom, Mark Leech, *The Prison Handbook 2017*, prison.org.uk, p.771

<sup>104</sup> United Kingdom, Iriss, *Young offenders institutions in Scotland*, available online at: [www.content.iriss.org.uk/youthjustice/yo-young-offenders.html](http://www.content.iriss.org.uk/youthjustice/yo-young-offenders.html) [Accessed 24 May 2018]

<sup>105</sup> United Kingdom, Iriss, *Young offenders institutions in Scotland*, available online at: [www.content.iriss.org.uk/youthjustice/yo-young-offenders.html](http://www.content.iriss.org.uk/youthjustice/yo-young-offenders.html) [Accessed 24 May 2018]

<sup>106</sup> United Kingdom, National Preventive Mechanism, *Report on an announced inspection of Hydebank Wood Young Offenders Centre 18 – 22 February 2013*, October 2013, p. vii. Available at: <http://static.rasset.ie/documents/news/hydebank-wood-young-offenders-centre-report.pdf>

<sup>107</sup> United Kingdom, Ministry of Justice, Youth Justice Review Team, *A Review of the Youth Justice System in Northern Ireland*, 2011, available online at: [www.restorativejustice.org.uk/sites/default/files/resources/files/Report%20of%20the%20Youth%20Justice%20System%20in%20Northern%20Ireland.pdf](http://www.restorativejustice.org.uk/sites/default/files/resources/files/Report%20of%20the%20Youth%20Justice%20System%20in%20Northern%20Ireland.pdf) [Accessed 24 May 2018]

<sup>108</sup> United Kingdom, Northern Ireland Direct – Government Services, "Custody for young people", available online at: [www.nidirect.gov.uk/articles/youth-justice](http://www.nidirect.gov.uk/articles/youth-justice) [Accessed 24 May 2018]

**In England and Wales** YOI are prisons (or units within prisons) for boys aged 15-18 and young adults aged 18-21.<sup>109</sup>

**In Scotland** YOI are prisons (or units within prisons) for boys and girls aged 16-21<sup>110</sup>.

- c) *Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).*

The separation of juveniles from adults prisoners does not depend on the prison regime.

- d) *Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>*

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Inspectorates set out clear expectations<sup>111</sup> and standards<sup>112</sup> against which they evaluate the detention conditions in UK prisons.

***Please cite any relevant sources***

Please, see footnotes.

<sup>109</sup> United Kingdom, HM Inspectorate of Prisons, *Children in Custody 2016–17, An analysis of 12–18-year-olds' perceptions of their experiences in secure training centres and young offender institutions*, 2017, p.14, available online at: [www.justiceinspectorates.gov.uk/hmiprison/inspections/?s&prison-inspection-type=children-and-young-people-in-custody-reports](http://www.justiceinspectorates.gov.uk/hmiprison/inspections/?s&prison-inspection-type=children-and-young-people-in-custody-reports) [Accessed 24 May 2018]

<sup>110</sup> United Kingdom, Iriss, *Young offenders institutions in Scotland*, available online at: [www.content.iriss.org.uk/youthjustice/yo-young-offenders.html](http://www.content.iriss.org.uk/youthjustice/yo-young-offenders.html) [Accessed 24 May 2018]

<sup>111</sup> United Kingdom, HM Inspectorate of Prisons for England and Wales, *Our expectations*, April 2017. Available at: [www.justiceinspectorates.gov.uk/hmiprison/our-expectations/prison-expectations/](http://www.justiceinspectorates.gov.uk/hmiprison/our-expectations/prison-expectations/)

<sup>112</sup> United Kingdom, HM Inspectorate of Prisons for Scotland, *Standards of inspection and monitoring*, April 2018. Available at: [www.prisoninspectoratescotland.gov.uk/publications?tid\\_1=31](http://www.prisoninspectoratescotland.gov.uk/publications?tid_1=31)

## 7. Special measures in place to protect prisoners from violence

- a) Are any special measures in place to protect prisoners against violence, including sexual violence? (E.g. are prisoners supervised by prison staff? Are there emergency call buttons? Do guards receive training in de-escalation? Do prisoners have access to a complaints mechanism?)

### In England and Wales

Vulnerable prisoners are identified upon arrival in detention. They are separated from the mainstream population and spend their first night in a specific accommodation.<sup>113</sup> Most establishments have units or wings dedicated for vulnerable prisoners. When such units are unavailable, another possibility is segregation under Prison Rule 45, in the prisoner's "own interest". Segregation must be envisaged when there are reasonable grounds for believing that the prisoner is subject or will be subject to assault from other prisoners. Prison staff must first envisage other means to solve the issue as segregation must be used only in last resort. Alternative methods such as change of unit/wing/transfer to another establishment should first be considered, provided that it would be a better option to cope with the situation<sup>114</sup>. A prisoner can be segregated upon reception or at any stage in custody.

The regime should be as close as possible to the regime offered on normal location.<sup>115</sup> When the segregated prisoner is awaiting a space in a vulnerable unit/wing, he/she should be given the opportunity to access the activities of the unit/wing in question on a daily basis.

Prisoners have access to a complaint mechanism, as set out in PSI 02/2012 "Prisoners Complaints".

As part of its two-year Violence Reduction Project, the UK Government invested in additional CCTVs and in body worn video cameras for prison staff. Prison staff also received specific training for interactions with prisoners.<sup>116</sup>

### In Scotland

Protected prisoners units are usually available in all prisons. The single prison without a unit for protected prisoners is HMP Low Moss,<sup>117</sup> where vulnerable prisoners can be temporarily protected with a very limited regime before being transferred to HMP Barlinnie. Protected prisoners are classified as either offence related protected prisoners or non-offence related protected prisoners. They are managed and moved separately from the mainstream prison population in order to reduce risks.<sup>118</sup>

Prisoners have access to a complaint mechanism under Scottish Prison Rule (Complaints) Direction 2013.<sup>119</sup>

### Northern Ireland

<sup>113</sup> United Kingdom, National Offender Management Service (NOMS) Agency Board, *PSI 07/2015 Early days in custody – reception in, first night in custody, and induction to custody*, p.9 (3.11). Available at:

[www.justice.gov.uk/offenders/psis/prison-service-instructions-2015](http://www.justice.gov.uk/offenders/psis/prison-service-instructions-2015)

<sup>114</sup> Mark Leech, *The Prison Handbook 2017*, prison.org.uk, p.828

<sup>115</sup> Mark Leech, *The Prison Handbook 2017*, prison.org.uk, p.828

<sup>116</sup> United Kingdom, Government of the United Kingdom, *Response of the Government of the United Kingdom to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to the United Kingdom from 30 March to 12 April 2016*, January 2018, p.17. Available at:

<https://rm.coe.int/pdf/168077fa13>

<sup>117</sup> United Kingdom, HM Inspectorate of Prisons for Scotland, *Inspecting and Monitoring, Report on HMP Low Moss – Full inspection (29 May – 9 June 2017)* p.20. Available at:

[www.prisoninspectorscotland.gov.uk/sites/default/files/publication\\_files/SCT09179827161.pdf](http://www.prisoninspectorscotland.gov.uk/sites/default/files/publication_files/SCT09179827161.pdf)

<sup>118</sup> United Kingdom, HM Inspectorate of Prisons for Scotland, *Inspecting and Monitoring, Report on HMP Barlinnie – Full inspection (16-27 May 2016)* – See also Reports on HMP Kilmarnock, HMP Inverness, HMP Shotts. Available at:

[www.prisoninspectorscotland.gov.uk/sites/default/files/publication\\_files/j446252.pdf](http://www.prisoninspectorscotland.gov.uk/sites/default/files/publication_files/j446252.pdf)

<sup>119</sup> United Kingdom, *Scottish Prison Rule (Complaints) Direction 2013*. Available at:

[www.sps.gov.uk/Corporate/Information/PrisonRulesandDirections.aspx](http://www.sps.gov.uk/Corporate/Information/PrisonRulesandDirections.aspx)

Offence-related vulnerable prisoners and other vulnerable prisoners are held in separate units. They have access to full regime<sup>120</sup> (i.e to activities, work and association time) and are moved separately from the mainstream prison population.

Prisoners have access to a complaint form which can be filled-in and returned to a complaint box before being investigated by the Northern Ireland Prison Service.<sup>121</sup>

- b) Are there any special measures in place to protect LGBTI prisoners, who are particularly vulnerable to violence/sexual violence?

### **In England and Wales**

In the UK, under the Gender Recognition Act 2004, transgender persons can obtain a Gender Recognition Certificate (GRC), which legally recognizes their legal acquired gender.<sup>122</sup>

In prison, the legal gender of all prisoners must be assessed at the first point of contact. Care and management of transgender prisoners is done on a case-by-case basis. Transgender prisoners with a GRC must be accommodated within the prison estate accordingly to their legally recognized acquired gender<sup>123</sup>. Transgender prisoners without a GRC must provide evidence of living in the gender with which they identify.<sup>124</sup> A Transgender Case Board will assess the strength of this evidence and decide where the person will be accommodated. They must produce a management care plan outlining how the individual will be managed safely and decently within the prison environment<sup>125</sup>. In particular, the plan must address the following questions: “*Is the offender considered to be vulnerable? Do they need to be in accommodation away from the main regime in a supportive environment? If not, how will participation in the main regime be supported?*”<sup>126</sup>

There are no specific guidelines with respect to the management and protection of LGBTI population. According to Mia Harris<sup>127</sup>, in women prisons, LGBTI prisoners live within the mainstream population and they don't usually experience issues with respect to their sexuality. In the male estate, identified LGBTI prisoners are usually sent to vulnerable prisoners' areas. Some reported that they did not want to live within these units and that they had to fight to remain in the mainstream population.

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<sup>120</sup> United Kingdom, National Preventive Mechanism, *Report on an unannounced inspection of MAGILLIGAN PRISON 12-22 June 2017*, December 2017, p.13. Available at: [www.justiceinspectors.gov.uk/hmi/prisons/wp-content/uploads/sites/4/2017/12/2017-Magilligan-Prison-final-version.pdf](http://www.justiceinspectors.gov.uk/hmi/prisons/wp-content/uploads/sites/4/2017/12/2017-Magilligan-Prison-final-version.pdf)

<sup>121</sup> United Kingdom, Northern Ireland Prison Service, “Make a complaint to prison service”, available at: [www.nidirect.gov.uk/articles/make-complaint-prison-service](http://www.nidirect.gov.uk/articles/make-complaint-prison-service), [accessed 4 June 2018]

<sup>122</sup> United Kingdom, Pat Strickland, Briefing paper No 07420, *Transgender prisoners*, House of Commons Library, November 2016, p.3. Available at: <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7420#fullreport>

<sup>123</sup> United Kingdom, National Offender Management Service (NOMS) Agency Board, *PSI 17/2016, 'The care and management of transgender prisoners'*, November 2016, p.10, (4.7). Available at: [www.justice.gov.uk/offenders/psis/prison-service-instructions-2016](http://www.justice.gov.uk/offenders/psis/prison-service-instructions-2016)

<sup>124</sup> United Kingdom, National Offender Management Service (NOMS) Agency Board, *PSI 17/2016, 'The care and management of transgender prisoners'*, November 2016, p.10 (4.8). Available at: [www.justice.gov.uk/offenders/psis/prison-service-instructions-2016](http://www.justice.gov.uk/offenders/psis/prison-service-instructions-2016)

<sup>125</sup> United Kingdom, Ministry of Justice, *Official Statistics - Prisoner Transgender Statistics, March/April 2016, England and Wales*, November 2016, p.3. Available at: [www.gov.uk/government/statistics/prisoner-transgender-statistics-march-to-april-2016](http://www.gov.uk/government/statistics/prisoner-transgender-statistics-march-to-april-2016)

<sup>126</sup> United Kingdom, National Offender Management Service (NOMS) Agency Board, *PSI 17/2016, 'The care and management of transgender prisoners'*, November 2016, p.34. Available at: [www.justice.gov.uk/offenders/psis/prison-service-instructions-2016](http://www.justice.gov.uk/offenders/psis/prison-service-instructions-2016)

<sup>127</sup> United Kingdom, Mia Harris, PhD Researcher, University of Oxford, Faculty of Law, Thesis yet to be published, phone interview on 1<sup>st</sup> June 2018



Some prisons have set up LGBTI support groups, which are peer-support groups, as well as Pride celebrations (essentially in women's prisons) with external LGBTI charities coming to the prison for the occasion. Prisons hosting sex-offenders serving long sentences usually offer the most secure environments, as there is less violence and intimidation than in local prisons, where prisoners serve short-term sentences.

LGBTI prisoners can make complaints through the Discrimination Report Form.

### **In Scotland**

The management of transgender prisoners is done on a case-by-case basis and they are accommodated according to the following criteria<sup>128</sup>: generally, transgender prisoners living predominantly in their gender assigned at birth are accommodated in prisons according to their gender assigned at birth.

Transgender prisoners living predominantly according to their new social gender are accommodated in prisons according to their new social gender, including when they did not have genital surgery. Transgender prisoners are usually allocated in single cells. They cannot share a cell unless it is clearly established that the other person sharing the cell does not represent a 'significant safety threat'.

When transgender prisoners have not had genital surgery, and if a male-to-female transgender prisoner is accommodated in a female prison and '*pose[s] a sexual offence risk, then this should be dealt with as for any other person in custody posing a risk.*' If a female-to-male transgender prisoner is held in a male prison and would like to be transferred in a female estate for safety reasons, then he should be removed from association until an urgent case conference answers to his request in details.

### **Northern Ireland**

As of 2015, Northern Ireland never had to deal with transgender prisoners. Should it be the case in the future, the Northern Ireland Prison Service would manage the care of transgender prisoner on a case-by-case basis. Specific arrangements could be made in terms of accommodation and access to services, with the aim that the person can engage fully in the regime.<sup>129</sup>

- c) Are these measures regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?

### **England and Wales**

PSI 17/2016 'The Care and Management of Transgender Offenders' is a 60 pages documents which sets out standards applicable to the management of transgender prisoners since 2016 in England and Wales prisons.

### **Scotland**

Regarding the management of transgender prisoners, a policy paper issued by the Scottish Prison Service and developed in collaboration with the NGO scottishtrans.org sets out standards applicable in detention since 2014.<sup>130</sup>

<sup>128</sup> United Kingdom, Scottish Prison Service, *Gender Identity and Gender Reassignment Policy for those in our Custody*, 2014, p.25. Available at:

[file:///C:/Users/Ilzma/Downloads/SPSGenderIdentityandGenderReassignmentPolicy20142562\\_1392%20\(1\).pdf](file:///C:/Users/Ilzma/Downloads/SPSGenderIdentityandGenderReassignmentPolicy20142562_1392%20(1).pdf)

<sup>129</sup> United Kingdom, Northern Ireland Prison Service, Answer to Freedom of Information Request Case 15:350, December 2015

<sup>130</sup> United Kingdom, Scottish Prison Service, *Gender Identity and Gender Reassignment Policy for those in our Custody*, 2014 Available at:

[file:///C:/Users/Ilzma/Downloads/SPSGenderIdentityandGenderReassignmentPolicy20142562\\_1392%20\(1\).pdf](file:///C:/Users/Ilzma/Downloads/SPSGenderIdentityandGenderReassignmentPolicy20142562_1392%20(1).pdf)

- d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.)

Not applicable

- e) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English) These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of--designated-npmby-regions-and-countries/>

This information is not available in one source. It is spread in more than a hundred documents as the HM Inspectorate of Prisons for England and Wales and the HM Inspectorate of Prisons for Scotland tailor their recommendations to each establishment. Accordingly, the contractor has provided the most recent annual report from the inspectorates:

For England and Wales: [www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2017/07/HMIP-AR\\_2016-17\\_CONTENT\\_201017\\_WEB.pdf](http://www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2017/07/HMIP-AR_2016-17_CONTENT_201017_WEB.pdf)

For Scotland:

[www.prisonsscotland.gov.uk/sites/default/files/publication\\_files/SCT06174847802.pdf](http://www.prisonsscotland.gov.uk/sites/default/files/publication_files/SCT06174847802.pdf)

In Northern Ireland, inspections are conducted by the Criminal Justice Inspection in collaboration with the HM Inspectorate of Prisons for England and Wales. The HM Inspectorate of Prisons for England and Wales's annual report refers to visits conducted in Northern Ireland during the previous year. For this reason, please, refer to the HM Inspectorate of Prisons for England and Wales's latest report for Northern Ireland.

Inspectorates set out clear expectations<sup>131</sup> and standards<sup>132</sup> against which they evaluate the detention conditions in UK prisons.

Note that the Annual Report of the Independent Monitoring Board at HMP Durham for reporting Year 1 November 2016 – 31 October 2017 stressed that "arrangements for transgender individuals have been exemplary" and that "one of the transgender prisoners commented that she had never before been able to walk about so openly and without fear"<sup>133</sup>.

**Please cite any relevant sources**

Please, see footnotes.

## 8. Responsible authorities

<sup>131</sup> United Kingdom, HM Inspectorate of Prisons for England and Wales, *Our expectations*, April 2017. Available at: [www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2017/07/HMIP-AR\\_2016-17\\_CONTENT\\_201017\\_WEB.pdf](http://www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2017/07/HMIP-AR_2016-17_CONTENT_201017_WEB.pdf)

<sup>132</sup> United Kingdom, HM Inspectorate of Prisons for Scotland, *Standards of inspection and monitoring*, April 2018. Available at: [www.prisonsscotland.gov.uk/publications?tid\\_1=31](http://www.prisonsscotland.gov.uk/publications?tid_1=31)

<sup>133</sup> United Kingdom, Independent Monitoring Board at HMP Durham, *Annual Report for reporting Year 1 November 2016 – 31 October 2017*, February 2018, p.5, p.11

- a) What authority is responsible for the provision of additional information requested under Article 15 of the EAW Framework Decision? *(Please specify whether there a central authority deals with these requests, if yes, please provide contact details, such as the name of the institution, a website, physical and email addresses, and a telephone number. In the absence of a central authority, who deals with those requests?)*

The Crown Prosecution Service provided with the following information:

- *“The central authority for EAWs is the National Crime Agency (NCA).*
- *Who actually provides additional information will depend on the nature of the information requested. Information on prison conditions in England and Wales would likely be provided by the Ministry of Justice/Her Majesty’s Prison and Probation Service (HMPPS).”*

- b) What authority is responsible for monitoring conditions of detention and putting forward recommendations?

In England and Wales

- HM Inspectorate of Prisons
- Independent Monitoring Boards
- Children’s Commissioner for England

Scotland

- HM Inspectorate of Prisons for Scotland
- Scottish Human Rights Commission

Northern Ireland

- Independent Monitoring Boards (Northern Ireland)
- Criminal Justice Inspection Northern Ireland

***Please cite any relevant sources***