

05 Protecting human rights in prisons

Mary Rogan

Prisons are places far from public view. Usually hidden behind walls, those who live in prisons can be the subject of some fascination, but little sympathy. People in prison often come from backgrounds characterised by exclusion and are wholly dependent on the state for their protection and for access to basic services. We do not have to look beyond Ireland's shores to understand that this combination can lead to violations of human rights.

The role of oversight in prisons – As Principal Investigator of the *Prisons: the rule of law, accountability, and rights* (PRILA) project, funded by a European Research Council Starting Grant, I lead a team of international researchers including post-doctoral researchers and PhD students based at the School of Law, Trinity College. We examine the role the oversight of prisons can play in promoting compliance with human rights standards. Through research in Ireland, Germany, Norway and Scotland, we examine three main oversight tools found in international human rights law on prisons: prison inspection and monitoring; complaints procedures for prisoners; and access to the courts.

Our research has found that people in prison value the concept of independent oversight of detention, but often feel removed from the actions of those bodies in practice. In Ireland, many people were not aware of the oversight

bodies which exist. People in prison also feel that oversight visits can be inauthentic and unable to see or grasp their day-to-day reality. Among prison staff, senior managers in both Germany and Ireland reported feeling that complaints mechanisms were legitimate and useful managerial tools, but they found the paperwork involved challenging in an already complex role.

International efforts to improve prisons

By conducting the first ever EU+UK survey of prison inspection and monitoring bodies, we found that most countries have created National Preventive Mechanisms (NPMs) – independent bodies established under the United Nations Optional Protocol to the Convention against Torture, with the mandate of visiting places where people are deprived of their liberty. An important exception is, however, Ireland, which has not ratified this Protocol. Our research suggests that, across Europe, there is a need to strengthen the financial independence of NPMs and to improve protections against reprisals for those who work for such bodies or speak to them.

We also undertook the first ever observation of a visit from an international prison monitoring body: the European Committee for the Prevention of Torture. Through spending weeks in prisons, conducting dozens of interviews, we are beginning to see ways to enhance such important international efforts to

improve prisons, including the increased visibility of prison monitors and more effective opportunities for prison staff and people in prison to speak to these bodies.

A central aim of my work is to have an impact on policy and practice. PRILA has contributed to the process for drafting new European Prison Rules by the Council of Europe in an effort to strengthen prison oversight. We have also produced briefing papers for prison staff and people in prison: www.tcd.ie/law/research/PRILA/. In recent months, our work has been published in international journals including the *European Journal of Criminology; Punishment and Society; Criminology and Criminal Justice; and Crime, Law and Social Change*. I feel a responsibility to support the policy-making process through the provision of high-quality evidence. In that spirit, I chair the Implementation and Oversight Group for reforms to penal policy, reporting to the Minister for Justice. www.justice.ie/en/JELR/Pages/Penal_Policy_Review

My research shows that improving legal standards concerning the treatment of people in prison is important, but legal standards are not enough. Through understanding the perspectives of those involved in and affected by oversight, we can help improve the protection of human rights in places where they are vulnerable.

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BELOW — Mountjoy Prison Dublin.
Credit: Irish Prison Service

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