
Background


The Prison Rules set out the rules and regulations with regard to the various conditions in prisons in Ireland, including: admission, registration, accommodation, visiting rights, health, discipline, education, etc. They include specific rules on the role of the Prison Governor, the role of Prison Officers and the operation of regimes and services within prisons on a daily basis.

The drafting of the 2007 Prison Rules was influenced by the publication of the European Prison Rules which were published the preceding year (in 2006). In July 2020 an updated version of the European Prison Rules was published by the Council of Europe.2

The updated rules, which contain the key legal standards and principles related to prison management, staff and treatment of detainees and are a global reference in this field, guide the 47 Council of Europe member states in their legislation, policies and practices.

The revision concerns the rules on the record keeping of information about inmates and the management of their files, the treatment of women prisoners, foreign nationals, as well as the use of special high security or safety measures such as the separation of prisoners from other inmates, solitary confinement, instruments of restraint, the need to ensure adequate levels in prison staff, inspection and independent monitoring.

The updated rules also regulates in greater detail the use of solitary confinement.

Review of Prison Rules 2007

Following the publication of the updated version of the European Prison Rules, and given the time period since the publication of the current Prison Rules, the Irish Prison Service has commenced a full review of the existing Prison Rules. The Review will inform the development of an updated version of the Prison Rules which will take account of changes to the European Prison rules, changes within the Irish Prison Service the prison system and also changes that have occurred within the wider criminal justice system over the past 14 years.

These include organisational developments in the prison system including security and operational developments; societal and prison demographical changes; technological advancements and changes to processes and procedures.

The review of Prison Rules 2007 aims to ensure that the revised Prison Rules reflect the changing nature of European penology law and recommendations by taking account of the European Prison Rules and Council of Europe recommendations introduces since the introduction of Prison Rules 2007.

Methodology of Review

The Irish Prison Service has engaged a retired prison Governor (Mr John McGuckin) who has expertise in the area of prison rules and law to assist with the review of Prison Rules. Mr. McGuckin has completed an initial review of the existing rules and provided a report to the Irish Prison Service on suggested amendments.

These suggestions are being considered by the specific areas of the Irish Prison Service, who are also considering additional amendments which may be required.

It is proposed to consider additional suggestions which may arise as a result of stakeholder consultation.

It is proposed to provide a Report to the Department of Justice via the Criminal Policy division which would set out the proposed changes and the rationale for same. The Director General is proposing to establish a working group, including officials from the Irish Prison Service and the Department of Justice, to evaluate the draft changes and complete the proposals to be submitted for acceptance and approval.

A revised set of rules will be submitted to the Secretary General and the Minister for approval.

Consultation and Stakeholder Engagement

As part of the review process the Irish Prison Service wishes to seek the views of critical stakeholders with regard to the Prison Rules thorough an open public consultation process.

It is proposed to commence a public consultation phase in August/September 2021. It is proposed to invite interested parties to send their submissions by email to prisonrulesreview@irishprisons.ie or by post to:

Prison Rules Review
Irish Prison Service
Ballinalee road
Longford Town
Co. Longford
N39 A308

Subject to the Department of Justice consultation schedule, it would be hoped that submissions could be received no later than Thursday 30th September 2021.

Ciaron McCauley
26th July 2021