



The importance of independent monitoring to the situation of minorities in detention

Statement for the Minority Forum, November 2015

Louise Finer, HM Inspectorate of Prisons and UK National Preventive Mechanism

Please check against delivery

Mr President, I thank you for this opportunity to address the UN Minority Forum.

I represent HM Inspectorate of Prisons, an independent monitoring body with statutory duty to report on the treatment of prisoners and the conditions in prisons in England and Wales. HMIP's remit extends to the inspection of immigration detention facilities, some youth custody, court, police and customs custody..

HMI Prisons is one of the 20 members and the coordinator of the UK's NPM, set up in 2009 to fulfill the UK's obligations under the Optional Protocol to the UN Convention against Torture (OPCAT).

OPCAT sets out the importance of regular independent monitoring to prevent ill treatment of detainees. Monitoring also plays an important role in strengthening protection of the rights of minorities. Specifically, it:

- shines a light on out of sight places and practices
- generates recommendations aimed at improving the treatment and conditions of detainees
- builds understanding of what happens to people detention, providing data and description that may otherwise be hard to come by.

Monitoring must be independent of the government and detention authorities. Bodies that monitor must be credible and constructive. Their methodologies must ensure the views of detainees are considered, alongside other sources of evidence including observation, reviewing documentation and speaking to staff and other stakeholders. Monitoring bodies

should report publicly on their findings, identifying concerns and making recommendations to prevent further ill treatment.

In the UK, the 'culture' of inspecting places of detention pre-dated OPCAT and so we have well-established methodologies for doing this. Almost all of our inspections are unannounced; they are staffed by specialist inspectors with knowledge of prison management, health, human rights and other areas. We aim to provide even-handed attention to the rights of *all* detainees, as well as focus on specific areas or groups where concerns including discrimination – be it direct or indirect – occur.

I welcome the recognition of the importance of independent detention monitoring to minority rights in the draft recommendations at paragraphs 35 and 49, as well as the broader focus on minorities in detention. There are a number of ways in which HMI Prisons's work is relevant to the protection of minorities' rights and I will set out three main areas.

Firstly, our inspections examine the *outcomes* that detainees experience. This means we look at whether prisoners are held safely, treated with respect for their human dignity, able and expected to engage in activity that is likely to benefit them, prepared for their release back into the community, and effectively helped to reduce the likelihood of reoffending. Our inspection standards reference human rights standards.

Among the outcomes we look for are many that are of specific relevance and importance to different minority groups. These include whether:

- prisoners feel and are safe throughout their time in detention, and are safe from bullying and victimization from other prisoners and staff
- internal disciplinary and 'incentives' schemes are applied fairly, transparently and consistently
- relationships between prisoners and staff are positive and courteous
- restrictive practices such as use of force and segregation are not disproportionately applied
- the prison has strong leadership in delivering a coordinated approach to eliminating all forms of discrimination
- the distinct 'protected characteristics' (under the Equality Act 2010) of prisoners are recognized and addressed with respect and dignity, and prisoners play an active role in eliminating all forms of discrimination
- access to accredited translation and interpreting services
- dietary requirements for approved religions are fulfilled
- religious provision matches need in the prison and prisoners can practice their religion fully and in safety.

We publish our findings on all of these areas in our inspection reports, and request action plans from the establishments we inspect setting out their plans to implement our recommendations, which we follow up on during our subsequent inspection. We also

highlight our findings and recommendations through the media, in regular meetings with government, and present proposals for strengthening policy and legislation.

Secondly, through thematic research and reports, HMI Prisons has been able to focus on specific issues relating to minority groups, including Muslim prisoners. We examined the implementation of the recommendations of an independent inquiry into the racist murder in 2000 of a young prisoner called Zahid Mubarek, which aimed to prevent future racist incidents from occurring in future.

Recently, we published a paper that analyses our findings in relation to prisoners identifying as Gypsy, Romany, Traveller. We found that overall, prisons often underestimated their numbers and they are significantly overrepresented in the prison population (around 5%). Higher numbers reported feeling unsafe at some point or had been victimized than non-Gypsy, Romany and Traveller prisoners, as well as higher numbers who had reported victimization when they had experienced it. In general, prisoners who identified as Gypsy, Romany and Traveller were also more likely to report problems in areas of health, including mental health, and substance misuse. However, we found they consistently state they are less likely to receive support in these and other areas. We recommended the government conduct further research to understand their apparent overrepresentation in the criminal justice system, and to understand their needs in prison.

Thirdly and finally, monitoring bodies must promote minority rights in the way they conduct themselves. Monitoring bodies are themselves expected to be representative of ethnic and minority groups in the country they work in, and we are conducting work at the moment to strengthen our own workforce diversity in this regard. We have also recently implemented a protocol to ensure no prisoners come to any harm as a result of speaking to us, which is an important element of our own accountability and aims to protect vulnerable prisoners from any sanctions or reprisals.

Thank you.

Note

Official data shows that 26% of the England and Wales prison population was from a minority ethnic group, compared to about one in 10 of the general population. Black prisoners account for the largest number of minority ethnic prisoners (49%) and are 10% of the national prison population (compared to 2.8% of the general population). The number of Muslim prisoners has more than doubled over the past 12 years and figures for 2014 suggest there were over 12,000 Muslims in prison.

References and links

- Optional Protocol to the Convention against Torture, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx>
- Equality Act, 2010. <http://www.legislation.gov.uk/ukpga/2010/15/contents>
- UK National Preventive Mechanism, see: www.nationalpreventivemechanism.org.uk
- HM Inspectorate of Prisons, see: <http://www.justiceinspectorates.gov.uk/hmiprisons/>
- HM Inspectorate of Prisons, *People in Prison: Gypsies, Romany and Travellers, a findings paper by HMI Prisons* (February 2014). <http://www.justiceinspectorates.gov.uk/prisons/wp-content/uploads/sites/4/2014/04/gypsies-romany-travellers-findings.pdf>
- HM Inspectorate of Prisons, *Report of a review of the implementation of the Zahid Mubarek Inquiry recommendations* (June 2014) <https://www.justiceinspectorates.gov.uk/hmiprisons/inspections/report-of-a-review-of-the-implementation-of-the-zahid-mubarek-inquiry-recommendations/>
- HM Inspectorate of Prisons, *Expectations: Criteria for assessing the treatment of prisoners and conditions in prisons*. <https://www.justiceinspectorates.gov.uk/hmiprisons/about-our-inspections/inspection-criteria/>
- National Offender Management Service, *Offender Equalities Annual Report, 2013-14* at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/380129/noms-offender-equalities-annual-report-2013-14.pdf
- Prison Reform Trust, *Bromley Briefings Prison Factfile, Autumn 2014* at: www.prisonreformtrust.org.uk/Publications/Factfile