



Seirbhís Phríosúin
na hÉireann
Irish Prison Service

7th Annual Irish Criminal Justice Agencies Conference

THEMATIC SESSION - Prison
Vulnerable Prisoners, including IPS Perspectives
on Accommodating Transgender Prisoners

Seamus Beirne, Equality, Inclusion & Diversity Lead, Irish Prison Service





Committal risk assessment process



Coimisiún na hÉireann um Chearta an Duine agus Comhionannas

Irish Human Rights and
Equality Commission

Public Sector Equality and Human Rights Duty

('the Duty')

is a statutory obligation for public bodies in Section 42 of the *Irish Human Rights and Equality Commission Act 2014*.

Section 42(1) requires public bodies, in the performance of their functions, to have regard to the need to

- eliminate discrimination,
- promote equality and
- protect human rights of staff and people availing of their services.



United Nations Standard Minimum Rules for the Treatment of Prisoners (known as 'Mandela Rules')



European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

The CPT considers that the Irish Prison Service (IPS) policy on the abolition of solitary confinement is laudable.

On 29 June 2017, the Minister of Justice and Equality signed into law an amendment to Rule 27 (1) of the Prison Rules, the purpose of which was to abolish solitary confinement. In line with Rules 44 and 45 of the UN Mandela Rules, all prisoners wishing to do so, will receive a minimum of two hours out-of-cell time with the facility for meaningful human contact.



In addition, under Rule 62 of the Prison Rules 2007 a Governor may decide, for the maintenance of good order in the prison, to remove a prisoner from general association or structured activity to reduce the negative effect that a prisoner or prisoners may have on the general population. In addition a smaller number of prisoners may have their regimes restricted for medical (Rule 64) or discipline reasons (Rule 67).



Where a court makes an order committing a person to a prison, the Irish Prison Service must accept that person into custody in whichever prison is specified by the court.

All prisoners committed to prison are accommodated in accordance with their legal gender.



On arrival in prison, all prisoners are brought to the reception area of the prison, where there is an opportunity to provide details as part of the committal interview process.



Considerations:

- **biological gender**
- **legal gender**
- **gender identity**
- **transgender**
- **gender expression**
- **sexual orientation or**
- **gender recognition legislation.**



Risk assessment

- **the risks posed including any risk to the prisoner themselves and**
- **any level of risk to other prisoners.**

This risk assessment will determine the regime necessary to ensure the safety of all prisoners and may include the accommodation of the prisoner on a restricted regime under Rule 63 of the Prison Rules 2007.



Placement

Governor may make a recommendation on the appropriate placement within the prison system, taking into consideration:

- **good order**
- **security and operational issues**
- **protection issues**
- **available accommodation**
- **healthcare needs of the prisoner**
- **safety and security of other prisoners and staff.**



On occasion, it is necessary for vulnerable prisoners and others to be separated from the general prison population. This is provided for under Rule 63 of the Prison Rules 2007.

Rule 63: A prisoner may, either at his/her own request or when the Governor considers it necessary, in so far as is practicable and subject to the maintenance and good order and safe and secure custody, be kept separate from other prisoners who are reasonably likely to cause significant harm to him/her.



IPRT

Irish Penal Reform Trust





IPRT Submission to the NWCI CEDAW Shadow Report September 2016

Specific vulnerable groups:

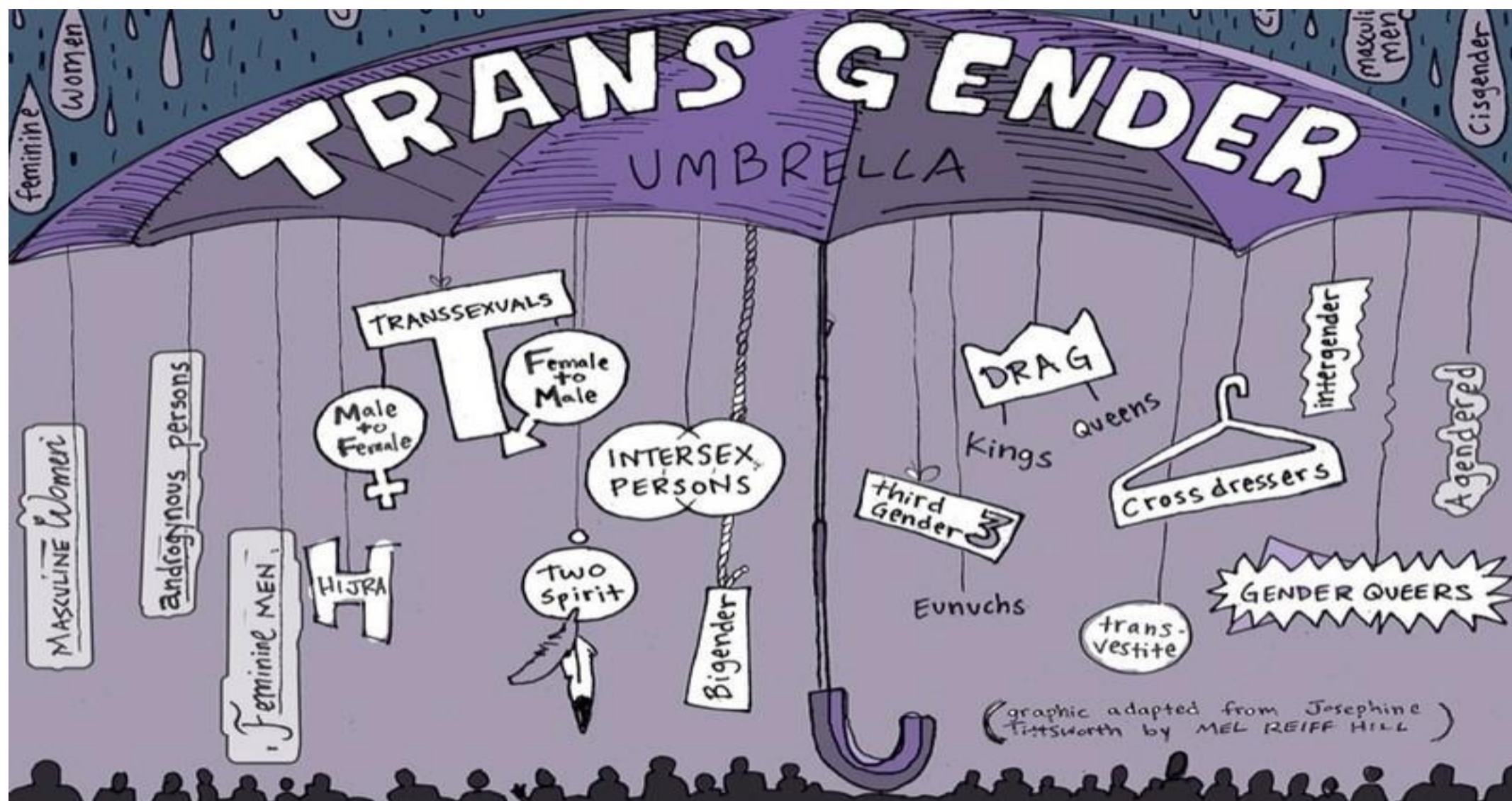
- a. Traveller women in prison**
- b. Transgender women in prison**
- c. Pregnant women in prison**
- d. Mothers in prison**
- e. Sex workers in prison**







Transgender
Equality
Network
Ireland



Encompasses any individual who crosses over or challenges their society's traditional gender roles and/or expressions.

Gender Recognition

- As of September 2015 trans people may apply for a Gender Recognition Certificate which allows them to change the gender marker on their birth cert.
- Ireland's legislation is based on self-determination.
- For a GRC to be issued with your new name, you need to have two years of use and repute, or a deed poll.
- While based on self-determination, it is not an easy process.



Other voices

Debbie Hayton, transgender woman who argues against accommodating transgender women in female prisons



Propose further consultation

