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Prison Inspection and the Protection of Prisoners' Rights

Anne Owers*

In the United Kingdom, the juridical protection of prisoners' rights, through the courts, has played a lesser role than it has in the United States—though it has been an important vehicle for providing individual redress and promoting systemic change. The UK lacks a written and justiciable constitution, which can override legislation and underpin fundamental rights. However, the UK has from the beginning been a signatory to the European Convention on Human Rights (ECHR), signed and ratified by European states in the aftermath of the Second World War to provide a non-negotiable floor of rights across Europe.¹ The ECHR is overseen by the European Court of Human Rights (ECtHR), and until 2001 this was the only way to test domestic law against a human rights framework.² It is certainly true that cases involving prisoners' rights have been the most numerous of the UK cases coming before the ECtHR. This has resulted in some significant changes—in relation to the privacy of

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1. See European Convention on Human Rights, Convention for the Protection of Human Rights and Fundamental Freedoms (ETS no.5) Rome 4.X1.1950 as amended by Protocol 2 (ETS no. 44) of 6/5/63, Protocol 3 (ETS no. 45) of 6/5/63, Protocol 5 (ETS no. 55) of 20/1/66 and Protocol 8 (ETS no. 118) of 19/3/85. European Convention on Human Rights, UK Law Online, <http://www.leeds.ac.uk/law/hamlyn/echr.htm> (last visited Mar. 27, 2010).

2. See European Convention on Human Rights, Sec. II, Art. 19, Convention for the Protection of Human Rights and Fundamental Freedoms (ETS no.5) Rome 4.X1.1950 as amended by Protocol 2 (ETS no. 44) of 6/5/63, Protocol 3 (ETS no. 45) of 6/5/63, Protocol 5 (ETS no. 55) of 20/1/66 and Protocol 8 (ETS no. 118) of 19/3/85, available at <http://www.hri.org/docs/ECHR50.html#P2>.

prisoners' correspondence, the need for proper investigation of deaths in custody, the oversight of segregation and other punishments, and most recently, prisoners' right to vote.

Since October 2001, the ECHR has been incorporated into UK law, through the Human Rights Act 2000, so that its provisions are also justiciable in the domestic courts.³ This is the most recent source of domestic judicial protection; but cases involving prisoners had already regularly come before the UK courts, on judicial review, challenging the rationality of administrative decision-making, or the compatibility of practice with the law and the Prison Rules. This is a relatively new development: at one time, it was held that 'the rule of law stopped at the prison gate', but for over twenty-five years, legal judgments have clearly established prisoners' rights of access to courts.

Courts, however, provide only limited redress for many of the approximately 86,000 prisoners⁴ held in prisons in England and Wales. Many will serve only short sentences, with the prospect of release before any case could be heard; few will have access to lawyers, except in relation to their criminal cases; and lawyers themselves, like the general public, do not penetrate beyond the visiting room to gauge for themselves what conditions are like. And courts intervene, by definition, when an abuse, or alleged abuse, has already happened: sometimes with irreversible consequences, as in the case of deaths in custody.

In England and Wales, we have developed an interlocking system of independent administrative protection of prisoners'

3. See *The Human Rights Act: Guidance, Crime Reduction*, <http://www.crimereduction.homeoffice.gov.uk/hra.htm> (last visited Mar. 27, 2010) ("The Human Rights Act incorporates provisions from the European Convention on Human Rights into UK law. When the Human Rights Act came into effect on 2 October 2000, the Convention rights are enforceable in the UK courts.").

4. The terms 'prisons' and 'prisoners' in this paper refer to all the places in which those remanded on, or convicted of, criminal offences can be held in England and Wales. They therefore include young-offender institutions (holding those between the ages of fifteen and twenty-one), maximum-security prisons, and those which in the United States would be termed 'jails'—i.e., small local facilities mainly holding pre-trial or unsentenced prisoners. There is no equivalent in the UK of federal and state incarceration systems—all prisons are nationally-run as part of the National Offender Management Service (NOMS).

rights, designed to be preventive and proactive, as well as to expose and deal with abuse or malpractice. This system relies upon three sets of bodies: the Prisons Inspectorate, the Prisons and Probation Ombudsman, and the system of Independent Monitoring Boards. This paper deals mainly with the first (of which I was Chief Inspector between 2001 and 2010); but the role of the other two bodies also needs to be explained.

The Prisons and Probation Ombudsman (PPO) deals with individual prisoners' complaints, after a prisoner has exhausted the various tiers of prisons' internal complaints procedure. He investigates the complaint, and makes a finding. Though he cannot enforce his findings, they are implemented in the great majority of cases. More recently, the PPO has acquired another important duty: that of investigating all deaths in prisons or probation hostels—whether they occur from natural causes, homicide or are self-inflicted. This is to meet the requirements of Article 2 of the ECHR—where case law has held that the State has a procedural duty to investigate deaths in circumstances where it has acquired a positive duty of care to protect life.⁵ The PPO's office therefore investigates all such deaths, and publishes reports with recommendations for changes in practice and policy—which, again, are non-binding, but which a prison would be extremely ill-advised not to implement, in light of the consequences, considering that those deaths will also be judicially investigated by a coroner's court, which will take into account whether lessons from past deaths have been learnt and implemented. As of 2010, prisons will also be liable under corporate manslaughter legislation.

All prisons also have Independent Monitoring Boards (IMBs). They are groups of volunteer local citizens, who are appointed by the Justice Secretary to monitor a particular prison. They have a statutory right of entry⁶ to the prison, can

5. See *R (Amin) v Secretary of State for the Home Department* [2003] UKHL 51; *R (Middleton) v West Somerset Coroner* [2007] UKHL 13. These cases also widened the remit of Coroners' inquests, to make findings as to the cause of death.

6. Prison Act, 1952 s.6 (3) (U.K.), available at http://www.legislation.gov.uk/RevisedStatutes/Acts/ukpga/1952/cukpga_19520052_en_1. ("Rules made as aforesaid shall prescribe the functions of . . . boards of visitors and shall among other things require members to pay frequent visits to the prison and hear any complaints which may be made by the prisoners

receive requests and complaints from individual prisoners, and have particular duties in relation to prisoners held in segregation. Boards carry out regular monitoring visits to all parts of the prison, usually meet regularly with the prison Governor, and publish an annual report of their activities and their assessment of the prison.

The Prisons Inspectorate, acting under the powers of the Chief Inspector of Prisons,⁷ is a key component of the protection of prisoners' rights. Unlike the PPO, there is no statutory authority to deal with individual prisoners' complaints or to investigate individual cases. Unlike the IMBs, there is a statutory responsibility to inspect every prison in England and Wales (and by invitation, prisons in Northern Ireland, the Channel Isles and the Isle of Man), by employing specialist, professional inspectors to carry out this role. More recently, the Prisons Inspectorate was given statutory responsibility for inspecting all places of immigration detention

and report to the Secretary of State any matter which they consider it expedient to report; and any member of a . . . board of visitors may at any time enter the prison and shall have free access to every part of it and to every prisoner.”).

7. Prison Act, 1952 s.5A (amended under the Criminal Justice Act 1982 (c. 48 51F 39:1, s.57(1) (1982)), *available at* http://www.England-legislation.hmso.gov.uk/RevisedStatutes/Acts/ukpga/1952/cukpga_19520052_en_1#pb1-11g6 (U.K.). According to the statute:

Appointment and functions of Her Majesty's Chief Inspector of Prisons:

- (1) Her Majesty may appoint a person to be Chief Inspector of Prisons.
- (2) It shall be the duty of the Chief Inspector to inspect or arrange for the inspection of prisons in England and Wales and to report to the Secretary of State on them.
- (3) The Chief Inspector shall in particular report to the Secretary of State on the treatment of prisoners and conditions in prisons.
- (4) The Secretary of State may refer specific matters connected with prisons in England and Wales and prisoners in them to the Chief Inspector and direct him to report on them.
- (5) The Chief Inspector shall in each year submit to the Secretary of State a report in such form as the Secretary of State may direct, and the Secretary of State shall lay a copy of that report before Parliament). . . .

in the UK,⁸ and, together with the police inspectorate (HM Inspectorate of Constabulary) also now has a programme of regular inspection of all police custody suites. Finally, it has for some time, by invitation, inspected the military's central detention facility in the UK, the 'corrective and training centre', and consideration is now being given to extending this to all garrison detention facilities in the UK.

These extensions of powers and responsibility are in part due to the requirements of one of the most recent international instruments for the protection of prisoners' rights. In 2005, the UK was one of the first states to ratify the Optional Protocol to the UN Convention against Torture or Inhuman and Degrading Treatment or Punishment (Opcat).⁹ This Protocol is designed to provide effective protection at a national level for all those held in any form of detention. It requires states' parties to have in place what is called a 'national preventive mechanism' (NPM): a body with the power and the right to carry out regular inspection visits to all places of detention and to report on the treatment and conditions of detained persons.¹⁰ In the UK, the role of NPM is carried out by a number of existing organisations in the four nations of England, Scotland, Wales and Northern Ireland. Some are geographically-based (for example the Scottish Prisons Inspectorate) and some are functionally-based (for example the Care Quality Commission with the duty to monitor the treatment of those held in detention under mental health powers). The Prisons Inspectorate of England and Wales is the coordinating body for the UK's NPM, which was formally set up in 2009. This is an extremely important development, which both ensures regular inspection of all places of detention, however small, and also underlines the important role of inspection in preventing, rather than chronicling or prosecuting, torture and mistreatment.

This has been key to the work of the Prisons Inspectorate

8. See Immigration and Asylum Act 1989; Asylum, Immigration and Nationality Act 2006 (U.K.).

9. Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 57/199, U.N. Doc. A/RES/57/199 (Dec. 18, 2002), available at <http://www2.ohchr.org/english/law/cat-one.htm>.

10. *Id.*

over many years. The Chief Inspector of Prisons has the statutory duty to inspect prisons in England and Wales and to report on them to the Home Secretary, “in particular . . . on the treatment of prisoners and conditions in prisons.”¹¹ Implicit in this duty is the power to enter any prison at any time, and to have access within the prison to every prisoner, member of staff and document. Inspectors can, and do, inspect without any warning, and when they do so, they will draw their own keys, giving them independent access to all parts of the prison, including cells.

Under a Protocol agreed to by the Justice Secretary, every adult prison is inspected at least twice every five years: once for a full inspection, and once for a follow-up. Juvenile prisons (holding those under 18) will have at least two inspections in a three-year period. Full inspections last for a week. Most full inspections are announced in advance, but some are not.

Before the inspection takes place (or at the beginning of an unannounced inspection), researchers visit the prison and carry out a confidential survey with a randomly selected number of prisoners: sufficient to provide a statistically significant sample. The survey asks over 100 questions, about all aspects of prison life. There is now an extensive database of such surveys, so that prisoners’ answers can be compared with those from prisoners in prisons of the same type, and also with the answers that were received from the same prison at its last inspection. The survey results can also be split out, for example, to compare the responses of white prisoners with those of prisoners of black or minority ethnic (BME) origin, or those of prisoners with disabilities with those without. It is of some concern that BME and disabled prisoners routinely report worse treatment than white or able-bodied prisoners, over a whole range of areas of prison life.¹²

11. Prison Act, 1952 s. 5A (3), *available at* http://www.England-legislation.hmso.gov.uk/RevisedStatutes/Acts/ukpga/1952/cukpga_19520052_en_1#pb1-11g6 (U.K.) (“The Chief Inspector shall in particular report to the Secretary of State on the treatment of prisoners and conditions in prisons.”).

12. Survey results are appended to each inspection report. *See also* HER MAJESTY’S INSPECTORATE OF PRISONS, *PARALLEL WORLDS: A THEMATIC REVIEW OF RACE RELATIONS IN PRISON* (2005) (U.K.), *available at* <http://www.justice.gov.uk/inspectorates/hmi-prisons/docs/parallelworlds-rps.pdf>. All reports, including those referred to in this paper, can be found on the Inspectorate’s website, <http://inspectorates.homeoffice.gov.uk/>.

During the inspection itself, a core inspection team of a team leader and four inspectors spends long days in the prison, examining every aspect of prison life from reception to resettlement, segregation to activities. The inspectors have their own keys to every part of the establishment and are able to go about unaccompanied by prison staff. They carry out confidential meetings with prisoners, in groups and individually, and with staff and managers; and pore over all of the prison's records. They are assisted by specialist healthcare and substance-use inspectors, and a team of colleagues from the education inspectorates will examine education and training, using the same standards as they would if they were inspecting a school or college in the community.

Inspectors make judgments according to the Inspectorate's own published criteria, called *Expectations*.¹³ They are not the same as the standards that the Prison Service sets itself, or the contracts that are negotiated with private sector providers. They derive from, and are referenced against, international human rights standards. They look for outcomes, not processes, and best practice, rather than minimum auditable standards. They set out, in considerable detail, what a well-run prison should provide. Sometimes, they will demand something which an overcrowded prison system cannot deliver.

For example, at present in our local prisons (where remanded, unsentenced and short-sentenced prisoners are held) it is common to find two men sharing a cramped cell meant for one, with an unscreened toilet, sometimes spending twenty or more hours there, including time spent eating their meals. In other prisons, there is no in-cell sanitation, and

13. HER MAJESTY'S INSPECTORATE OF PRISONS, EXPECTATIONS: CRITERIA FOR ASSESSING THE CONDITIONS IN PRISONS AND THE TREATMENT OF PRISONERS (2006), (U.K.) available at http://www.justice.gov.uk/inspectorates/hmi-prisons/docs/expectations_2009.pdf. There are separate *Expectations* published for juveniles and immigration removal centres. HER MAJESTY'S INSPECTORATE OF PRISONS, EXPECTATIONS: CRITERIA FOR ASSESSING THE TREATMENT AND CONDITIONS FOR CHILDREN AND YOUNG PEOPLE HELD IN PRISON CUSTODY (2009) (U.K.), available at http://www.justice.gov.uk/inspectorates/hmi-prisons/docs/children_and_young_people_e1.pdf; HER MAJESTY'S INSPECTORATE OF PRISONS, EXPECTATIONS: CRITERIA FOR ASSESSING THE CONDITIONS FOR AND TREATMENT OF IMMIGRATION DETAINEES (2007) (U.K.), available at <http://www.justice.gov.uk/inspectorates/hmi-prisons/docs/immigration-expectations-2007.pdf>.

prisoners have to resort to using buckets, or throwing feces out of cell windows.¹⁴ That may be unavoidable in practice, given current population pressures and a shortage of resources. However, it is not right, and it is an important function of the Inspectorate to continue to say so, or else what is normal may become normative.

Having amassed all this detailed information, inspectors make judgments about the 'health' of the prison, using four tests: whether prisoners are held in safety, whether they are treated with respect for their human dignity, whether they are able to engage in purposeful activity, and whether they are prepared for resettlement back into the community. Inspectors assess whether each prison is performing well, reasonably well, not sufficiently well, or poorly, under each of those tests. Then they make recommendations for improvement: sometimes over a hundred of them, ranging from relatively minor details, such as clothing, to major and fundamental issues, such as suicide prevention or the protection of segregated prisoners.

Following the inspection, the prison must draw up an action plan, stating whether or not each recommendation is accepted, and, if so, when and how it will be implemented. Even though the Inspectorate's criteria and the Prison Service's standards are not identical, and some of the former are aspirational, in practice around 95% of the Inspectorate's recommendations are accepted.

The Inspectorate returns for another inspection, usually within 1½ and 2½ years, and always without warning, to check whether recommendations have in fact been implemented. The timing and scale of the follow-up inspection is dependent on the level of concern about the prison: as evidenced by the judgments made during the inspection and any other intelligence received in the interim. Some follow-up inspections will be full inspections, lasting a week and with a full team. Others will be shorter and less resource-intensive.

14. See HER MAJESTY'S CHIEF INSPECTOR OF PRISONS, REPORT ON AN ANNOUNCED INSPECTION OF HMP /YOI BULLWOOD HALL (2003) (U.K.), *available at*

<http://www.justice.gov.uk/inspectors/hmi-prisons/docs/hmpyoibullwoodhall031-rps.pdf>; HER MAJESTY'S CHIEF INSPECTOR OF PRISONS, REPORT ON AN UNANNOUNCED FULL FOLLOW-UP INSPECTION OF HMP LONG LARTIN (U.K.), *available at* <http://www.justice.gov.uk/inspectors/hmi-prisons/docs/longlartin-rps.pdf>.

Again, it is encouraging that, even in a pressurised system such as the Inspectorate's, around 70% of our recommendations have been implemented, wholly or in part.

All inspection reports, on full and follow-up inspections, are published, and the timing and content of the publications are matters for the Chief Inspector alone. In my nine years in office, I was never under any political pressure to amend the content of reports, even when they raised potentially politically-embarrassing concerns—such as, for example, the safety of one privately-run prison.

In addition to inspections of individual prisons, the Inspectorate carries out 'thematic reviews' into systemic issues across the prison system as a whole. There have been reviews into the treatment of women and children, and into suicide, healthcare and resettlement. Most recently, reviews were published into older prisoners, race relations in prisons,¹⁵ national prisoners, those held in extreme custody (segregation and 'close supervision centres'), and into the mental health needs of prisoners. Those reviews take longer to have an effect, as they ask fundamental questions of the whole system. But recent marked improvements in prison healthcare, the management of suicide and self-harm, resettlement, and the treatment of children in prison can, at least in part, be attributed to the Inspectorate's ground-breaking work.

What then is the specific role of inspection in protecting prisoners' rights? First, and most obviously, it can and does improve outcomes for prisoners in individual prisons. One example is Portland prison, a forbidding granite building on the edge of a peninsula, holding young offenders, aged eighteen to twenty-one, most of them far away from their London homes. Inspections around 2000 established that there was a punitive, over-controlled and potentially abusive and racist regime in the prison, with little positive efforts being made to change the attitudes or the life chances of the young men in it. By the time of its most recent inspection, it was a transformed institution, with some good relationships between staff and young men, some excellent training opportunities (including a football academy using the skills of one of England's most

15. HER MAJESTY'S INSPECTORATE OF PRISONS, PARALLEL WORLDS: A THEMATIC REVIEW OF RACE RELATIONS IN PRISON, *supra* note 12.

famous black ex-professional footballers) and strong and constructive links with outside organisations that could assist in the resettlement of the imprisoned young men.

Inspections do not always produce such transformative results—some prisons are already good, others slip back and need re-energising—but they are part of a gradual process of performance improvement. Because the Inspectorate sees all prisons, it can encourage exporting good practice, as well as highlight bad practice. Because it is independent of the system, it can monitor what is actually happening, as opposed to what Ministers and managers would like to happen, or think is happening. A classic example of that is the recording of the number of hours prisoners spend in purposeful activity, which is often a reflection of what ought to be the case, rather than what is, and is sometimes a work of imaginative fiction. This disguises the real extent of the problem prisons face in providing enough useful work for their growing populations.

Inspection can also promote and support system-wide changes. One example of this is the treatment of female prisoners. Women are a small minority of those in prison—around 5%—but they have specific vulnerabilities and needs. Their vulnerability is evident from the fact that they account for 55% of all self-harm incidents in prison; and a few years ago, the suicide rate among women was two and a half times that of men in prison.¹⁶ Their needs include childcare responsibilities; over half are primary caregivers of children under sixteen, and many will lose their homes (and therefore often their children and possessions) while in prison.¹⁷ Those needs were not recognised in a system designed for adult men.

In 1997, the Inspectorate produced its first thematic report on women in prison.¹⁸ That led to a ‘re-think’ throughout the system and the setting up of a separate management system for women, which developed women-specific policies and

16. Anne Owers, *The Protection of Prisoners Rights in England and Wales*, 12 EUR. J. CRIM. POLICY & RES. 85 (2006).

17. *Id.* These statistics, and others relating to the women’s prison population, can be referenced in WOMEN IN PRISON: A LITERATURE REVIEW, published by the inspectorate’s research team in 2006.

18. HER MAJESTY’S CHIEF INSPECTOR OF PRISONS, WOMEN IN PRISON: A THEMATIC REVIEW (1997) (U.K.), available at http://www.justice.gov.uk/inspectorates/hmi-prisons/docs/woman_in_prison-1996-rps.pdf.

practices. The number of women in prison, and the suicide rate, has at least for the present dropped. Women's prisons are no longer separately managed, which has caused some concern, but the Inspectorate's dedicated women's inspection team continues to press for appropriate policies for those women who are in prison, and alternatives to prison for those who should not be there.

The Inspectorate regards *Expectations* as a text-book for those seeking to run good, 'healthy' prisons. Because it derives from international human rights principles, it can be, and has been, used outside the UK. It has been used to inspect women's prisons in Canada (on the invitation of the Canadian Correctional Services) and it has been shared with officials and penal reformers from many other countries.

Importantly, especially in light of Opcat, inspection is also preventative. The law—both litigation and legislation—tends to be activated when abuses or failures have taken place. One of the tasks of inspection is to alert organisations to problems that could turn into abuses or failures. For example, inspectors found prisons where prisoners' emergency call bells go unanswered, where those on suicide watch are not properly monitored or supported, or where staff on night duty are unaware of emergency procedures. Correcting those problems can save lives. Governors of prisons are, of course, responsible for what happens, or does not happen, in their prisons—and many are good and conscientious managers. But I was never on an inspection where we were not able to point out to the Governor something that he or she did not know about the way the prison was actually running. Sometimes those are small things, but at other times, they are very important, and are corrected before we leave the prison.

In order to secure changes, inspection has to work with the system, while remaining separate from it. It is important, therefore, that the Inspectorate understands the workings of prisons, and the pressures on those who work in them. Half of the inspectors are drawn from a prison background (though all are chosen by the Inspectorate, not the prison service); the other half bring a variety of skills and experience—e.g., social work, probation, psychology, civil service, and healthcare or drug treatment work. No Chief Inspector has ever worked for the Prison Service, and the post-holder is a Crown

appointment, not a civil servant. That independence from government, and the balance between understanding the system from the inside and examining it from the outside, is crucial.

Finally, inspection is a key part of the public accountability for prisons. Prisons operate out of sight of the general public. Inspection is the eyes and ears of the public, even when it does not want to see or hear. Published reports alert Parliament and the public to what is actually happening in their prisons. Prison reform is not a popular issue, but the sense of outrage and concern provoked by some of the worst inspection reports creates a political space in which Ministers can, and sometimes must, improve prison conditions.

Moreover, by bringing into the public domain some of the hidden aspects of imprisonment, inspection can also assist litigation. Inspections of juvenile prisons brought to light practices that were not compatible with international or domestic law on the protection and safeguarding of children; indeed, in some cases they specifically said that the involved establishments would have been closed down had they operated outside the prison system, or that some individual children within them were at risk of significant harm.¹⁹ Those reports, and others, were put before the court when a case was taken to determine whether children in prison came within the ambit of the Children Act,²⁰ an act which imports into UK law the principles of the UN Convention on the Rights of the Child. The court held that the Act did apply to children in prison, even though it did not bind the Prison Service itself.²¹ That moved forward a process of change and reform that had

19. See HER MAJESTY'S CHIEF INSPECTOR OF PRISONS, A FULL ANNOUNCED INSPECTION OF HM YOI WERRINGTON (2002) (U.K.), *available at* <http://www.justice.gov.uk/inspectors/hmi-prisons/docs/werrington-ann1-rps.pdf>; HER MAJESTY'S CHIEF INSPECTOR OF PRISONS, HM YOI STOKE HEATH REPORT OF AN ANNOUNCED INSPECTION (2000) (U.K.), *available at* <http://www.justice.gov.uk/inspectors/hmi-prisons/docs/stokeh001-rps.pdf>; HER MAJESTY'S CHIEF INSPECTOR OF PRISONS, REPORT ON A FULL ANNOUNCED INSPECTION OF HM YOI/RC ONLEY (2001) (U.K.), *available at* http://www.justice.gov.uk/inspectors/hmi-prisons/docs/onley_report-rps.pdf.

20. See Children Act, 1989 ch. 41, *available at* http://www.opsi.gov.uk/acts/acts1989/ukpga_19890041_en_1.

21. See Administrative Court (part of the Queen's Bench Division of the High Court) ref CO/1806/2002 (29 November 2002).

already begun to happen—though there is still some way to go.

The UK system of prison inspections (there are also Chief Inspectors for Scotland and Northern Ireland) is therefore an important part of the protection of prisoners' rights. It is now also, as stated above, a key part of the UK's compliance with Opcat, as a central part of the required NPM. This is an exciting new development, both domestically and internationally. Within the UK, it provides a platform for examining and reporting on systemic issues and problems—for example, the use of force to secure compliance or maintain discipline; the treatment of mentally disordered individuals; and the appropriate way to sanction and care for disturbed or delinquent children. Outside the UK, it is already leading to information exchange, seminars and potential cooperation with NPMs in other countries.

Having said that, it is important to stress that models for protecting prisoners' rights cannot simply be packaged up and exported wholesale to another country. Protecting prisoners' rights requires a multi-layered approach, and any mechanisms for doing so need to be effective within the political, social and legal cultures of each jurisdiction. In the UK, Prisons Inspectorates are a key part of that mechanism. Together with the involvement of citizens (in Independent Monitoring Boards) and the resolution of independent complaints (through the Ombudsman), this does provide a basis of independent, accountable and robust scrutiny to protect the rights of those that the state detains.