

LW5214
Imprisonment and Rights
2024-2025

Course Outline

Module Convenor

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Room 1003, 9 Distillery Road
[Office hours by appointment]

Module Description

Imprisonment and Rights will provide postgraduate students interested in rights, punishment and imprisonment with insights into how international and regional law and policy govern the rights of prisoners. It will analyse the legal grounds for the improvement and reform of prison regimes as well as critical scholarship on the ability of rights law to contribute towards penal harm. Throughout the course, students will engage with substantive rights, judicial decisions, principles and recommendations from international and regional systems relevant to imprisonment and the protection of the rights of prisoners. Students will explore how standards have evolved over time and how independent oversight bodies fulfil their mandate to prevent torture, inhuman and degrading treatment and punishment within prisons. Students will critically examine how rights apply to particular types of prisoners (female, juvenile, transgender and foreign prisoners), can permit the use of intrusive, degrading means of control (body searches and solitary confinement) and regulate hunger-strikes. The course will examine particular themes (deaths in prisons) and looking towards the future to identify future or ignores risks (conflict, climate and pandemics). Students also have the opportunity of learning from practitioners during a visit to a male and female prison.

Where and When

To be confirmed

Learning Outcomes

On successful completion of this course, students will be able to

- Identify, understand (the legal value of) and apply regional and international law and policy relevant to the rights of prisoners
- Discuss and evaluate the evolution and impact of penal standards relevant to particular groups of prisoners
- Conduct independent research using scholarship, hard and soft law, policy and jurisprudence relevant to imprisonment and rights
- Critically examine how human rights law applies to core and controversial aspects of prison regimes
- Explain, apply and evaluate judicial interpretations of rights applicable to prisoners
- Analyse the role of preventative and reactive rights protection measures and mechanisms for prisoners
- Develop an awareness of contemporary and critical issues in the protection and development of prisoner rights
- Present and discuss their ideas

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Indicative Seminar Topics

<i>Seminar</i>	<i>Topic</i>
1	Introduction to the course Contemporary imprisonment and rights issues
2	International prison standards: Sources and Evolution
3	Conditions of detention and prison regime
4	Women Prisoners Juvenile Prisoners
5	Foreign National Prisoners Transgender Prisoners
6	The Right to Health and Deaths in Prison
7	Body Searches, Solitary Confinement and Hunger Strikes
8	Prison Oversight
9	Student Presentations
10	Emerging protection needs and challenges: climate change, conflict and pandemics
11	Critical approaches to Imprisonment and Rights
12	Visit to Limerick Prison

Assessment

The module will be assessed on the basis of a 5,000 word essay (excluding references) which should demonstrate significant research, familiarity with relevant literature, independent thought and critical analysis.

Students should choose their own topic and email the module convenor a draft research proposal containing key research questions, a structure (and indicative content for the various sections) and a well-researched sources list.

The essay title and a feasible, researched proposal must be emailed to the module convenor (roisin.mulgrew@universityofgalway.ie) for prior approval (and feedback). Students who fail to do this will be assigned an essay title.

Assessment Preparation Support

In addition to feedback from the module convenor on draft essay proposals, students have the opportunity to give a presentation on their topic. The purpose of the presentation is to help students prepare for their essay (by ensuring research has been undertaken in good time, a good structure for analysis is emerging and arguments can be substantiated). Students will receive feedback from the module convenor and peers. This element of the course will not be graded.

Assessment Submission

All essays must be submitted using the procedure outlined in the LLM Handbook.

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Expectations

Students are expected to read **all prescribed readings** in advance of each seminar (independent study of approximately 8 hours per week), undertake any requested exercises and consider issues highlighted on the seminar handout. Further, students are expected to engage actively in discussions and participate in seminar activities.

Sources

There is no recommended text for this course, though the following are useful for background reading...

Andrew Coyle, *Prisons of the World* (Bristol University Press, 2021)

Elizabeth Stanley, *Human Rights and Incarceration: Critical Explorations* (Palgrave Macmillan, 2018)

Dirk van Zyl Smit and Sonja Snacken, *Principles of European Prison Law and Policy: Penology and Human Rights* (OUP, 2009)

Some Helpful Resources

Office of the Human Commission on Human Rights and detention

<https://www.ohchr.org/EN/Issues/Detention/OHCHR/Pages/DetentionIndex.aspx>

UN Office of Drugs and Crime – Prison Reform

<https://www.unodc.org/unodc/en/justice-and-prison-reform/cpcj-prison-reform.html>

Subcommittee for the Prevention of Torture

<https://www.ohchr.org/en/treaty-bodies/spt>

African Commission – Special Rapporteur

<https://www.achpr.org/specialmechanisms/detail?id=3>

European Court of Human Rights Summaries of case-law on prisoners' rights

European Committee for the Prevention of Torture

<https://www.coe.int/en/web/cpt/database>

Council of Europe Council for Penological Cooperation's compendium on conventions, recommendations and resolutions relating to prisons

<https://rm.coe.int/compendium-e-2021/1680a4bdd9>

Penal Reform International Global Trends reports

<https://www.penalreform.org/global-prison-trends-2023/>