

Scotland National Preventive Mechanism Subgroup responds to Ministerial Statement on Prison Population

16 May 2024

The NPM Scotland Subgroup has been deeply concerned with the rising prison population and overcrowded prisons in Scotland for many years. Prison overpopulation puts stress on all systems within prisons, from rehabilitation to healthcare to mental health care, putting the safety of both staff and prisoners at ever-increasing risk.

The collective effects of overcrowded prison environments create a significant risk that the threshold for ill-treatment will be met. This is of utmost concern to the UK NPM, as it is our mandate to work to prevent torture and ill-treatment of people deprived of their liberty.

When prisons are overcrowded, human rights standards are at risk of being compromised. We know that many prisoners are being kept two to a cell in cells designed for only one person, which raises concerns of contravention of the Committee for the Prevention of Torture's standards on cell size, which require that cells be at least 8m² to be suitable to hold prisoners, not including a partitioned sanitary facility.¹

The steps announced by the Cabinet Secretary for Justice are to be welcomed but are overdue.

NPM Scotland Subgroup Chair Jim Farish said:

"Whilst we are encouraged to see that meaningful action is being proposed to reduce prison overcrowding, we are greatly concerned that prisons had to reach a crisis state before action was taken.

The Scottish Government have been repeatedly warned over a considerable period of time that they did not have a grip on Scotland's prison population. While we heard three actions proposed by the Cabinet Secretary aimed at reducing the prison population to a level that is manageable within the current prison estate, we note a continued lack of a clear plan by the Scottish Government to address the underlying causes of a growing prison population.

We would also express our concerns about the capacity for effective release planning for prisoners who will be released under these proposals. Without sufficient long-term planning and serious action, we fear this issue are simply being kicked down the road.

We are pleased to note that the Cabinet Secretary made comment that the potential impact on victims was a factor to be considered in the delivery of these proposals."

Please contact UKNPM@hmiprisons.gov.uk with any queries.

¹ [CPT Standards: Living space per prisoner in prison establishments](#)

Notes to Editors:

1. The Ministerial Statement can be viewed on the [Scottish Parliament YouTube channel](#).
2. The [NPM](#) was established in March 2009 under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). A UN treaty, OPCAT was ratified by the UK in 2003. OPCAT requires states to have in place a 'national preventive mechanism' to visit all places of detention and monitor the treatment of and conditions for people deprived of their liberty, as it is recognised that they are particularly vulnerable to ill-treatment.
3. The 21 bodies who make up the NPM are:

Scotland

Care Inspectorate

His Majesty's Inspectorate of Constabulary in Scotland

His Majesty's Inspectorate of Prisons for Scotland

Independent Custody Visiting Scotland

Mental Welfare Commission for Scotland

Scottish Human Rights Commission

England and Wales

Care Inspectorate Wales

Care Quality Commission

The Children's Commissioner for England

His Majesty's Inspectorate of Prisons

His Majesty's Inspectorate of Constabulary and Fire & Rescue Services

Healthcare Inspectorate Wales

Independent Monitoring Boards

Independent Custody Visiting Association

Lay Observers

Ofsted (Office for Standards in Education, Children's Service and Skills)

Northern Ireland

Criminal Justice Inspection Northern Ireland

Independent Monitoring Boards (Northern Ireland)

Northern Ireland Policing Board Independent Custody Visiting Scheme

The Regulation and Quality Improvement Authority

United Kingdom

Independent Reviewer of Terrorism Legislation

4. The NPM Scotland Subgroup, which coordinates joint work on issues relating to deprivation of liberty in Scotland, consists of all the NPM members in Scotland.