



# Position Statement

## Nurses' role in the care of detainees and prisoners

### ICN Position:

The International Council of Nurses (ICN) endorses the United Nations *Universal Declaration of Human Rights 1948*, the Geneva Convention of 1949 and the additional protocols and the United Nations Basic Principles for the Treatment of Prisoners<sup>1</sup> and therefore asserts that:

- Prisoners and detainees have the right to health care and humane treatment regardless of their legal status.
- Interrogation procedures and any act or behaviour harmful to mental and physical health, including denial of treatment and care during detention must be condemned.
- Prisoners and detainees, including those on hunger strike have a right to clear and sufficient information; to consent for or refusal of treatment or diagnostic procedures; and to a dignified and peaceful death.
- Nurses have a role in making sure informed consent and capacity to consent is established, particularly for vulnerable groups and those with mental health problems or learning disabilities.

Nurses' primary responsibility is to those people who require nursing care.<sup>2</sup> In caring for detainees and prisoners nurses are expected to adhere to human rights and ethical principles and to the following:

- Nurses who are aware of abuse and maltreatment take appropriate action to safeguard the rights of detainees and prisoners.
- Nurses employed in prison health services do not assume functions of prison security personnel, such as restraint or body searches for the purpose of prison security.
- Nursing/health research should be based on ethical standards and respect for human subjects and protection of their health and rights. Nurses participate in clinical research on prisoners and detainees only with the prisoner or detainee's informed consent.
- Nurses collaborate with other health professionals and prison authorities to reduce the impact of crowded and unhealthy prison environments on transmission of infectious diseases such as HIV, hepatitis and tuberculosis and improve their care and management.
- Nurses abstain from using their nursing knowledge and skills or health information specific to individuals in any manner that violates the rights of detainees and prisoners.

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<sup>1</sup> United Nations Basic Principles for the Treatment of Prisoners, General Assembly, 68<sup>th</sup> Session, 14 December 1990. United Nations

<sup>2</sup> International Council of Nurses, *ICN Code of Ethics for Nurses*, Geneva, ICN, 2006.

- Nurses advocate for safe humane treatment of detainees and prisoners including dignity, respect, the provision of clean water, adequate food and other basic necessities of life.

ICN believes national nurses' associations (NNAs) and individual nurses should be protected from reprisals related to advocacy for or providing care to detainees and prisoners or those who refuse to participate in torture, cruel, inhumane or degrading treatment.

Furthermore, NNAs should ensure nurses working with detainees and prisoners have access to confidential advice, counsel and support.

### **Background:**

The United Nations *Universal Declaration of Human Rights, 1948*, states that everyone is entitled to all the rights and freedoms without distinction of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and no one shall be subjected to cruel, inhumane or degrading treatment.

The ethical obligations of health professionals are addressed in the *Principles of Medical Ethics Relevant to the Role of Health Personnel, in the Protection of Prisoners and Detainees Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*.<sup>3</sup> These and other instruments such as the Istanbul Protocol<sup>4</sup> make clear that health professionals have a moral duty to protect the physical and mental health of prisoners and detainees.

The *ICN Code of Ethics for Nurses* affirms that nurses have a fundamental responsibility to promote health, to prevent illness, to restore health and to alleviate suffering to all people, including detainees and prisoners. Nurses working in prison systems must observe the *Standard Minimum Rules for the Treatment of Prisoners*,<sup>5</sup> which require that health services must be available to prisoners without discrimination.

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<sup>3</sup> Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. ([www2.ohchr.org/english/law/medicaethics.htm](http://www2.ohchr.org/english/law/medicaethics.htm))

<sup>4</sup> Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (The Istanbul Protocol) Submitted to the: United Nations High Commissioner for Human Rights 9 September 1999.

<sup>5</sup> United Nations (1955), Standard Minimum Rules for the Treatment of Prisoners and Procedures for the Effective Implementation of the Standard Minimum Rules, adopted by the UN 1955.

**Adopted in 1998, reviewed and revised in 2006 and 2011**

*(Replaces previous ICN Position: "The Nurse's Role in the Care of Detainees and Prisoners", adopted 1975).*

**Related ICN Positions:**

- Nurses and Human Rights
- Rights of Children
- Towards elimination of weapons of war and conflict
- Torture, Death Penalty and participation by Nurses in Executions

The International Council of Nurses is a federation of more than 130 national nurses associations representing the millions of nurses worldwide. Operated by nurses and leading nursing internationally, ICN works to ensure quality nursing care for all and sound health policies globally.