



Shadow Report to the State's Third Follow-Up Report to Ireland's 2014 examination under the International Covenant on Civil and Political Rights (ICCPR)

Irish Penal Reform Trust

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Submitting Stakeholder: Irish Penal Reform Trust

Established in 1994, the Irish Penal Reform Trust (IPRT) is Ireland's leading non-governmental organisation campaigning for rights in the penal system and the progressive reform of Irish penal policy. Our vision is one of respect for rights in the penal system with prison as a last resort. We are committed to respecting the rights of everyone in the penal system and to reducing imprisonment. We are working towards progressive reform of the penal system based on evidence-led policies and on a commitment to combating social injustice.

IPRT publishes a wide range of policy positions and research documents; we campaign vigorously across a wide range of penal policy issues; and we have established IPRT as the leading independent voice in public debate on the Irish penal system.

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The Irish Penal Reform Trust (IPRT) welcomes the opportunity to provide this shadow report to Ireland's third follow-up report to the Human Rights Committee on the recommendations selected for the follow-up procedure under the International Covenant on Civil and Political Rights.

In this submission, IPRT recognises progress made on detention-related Concluding Observations and highlights a number of matters that might merit further scrutiny.

Paragraph 15 — Conditions of Detention

(a)[B] Overcrowding in Prisons

32, 33. IPRT strongly welcomes the State's action towards addressing chronic overcrowding through reducing the numbers of people in prison. IPRT notes the finding of the *Thornton Hall Review Group*¹ (2011) that the Group '*did not accept that the only, or appropriate response to increasing prisoner numbers is to build more prisons.*'²

34. The new Cork prison capacity is based on double-occupancy, despite single cell occupancy being recognised as best practice in other prisons within the estate. Additionally, the stated capacity of 296 includes Close Supervision Cells and Safety Observations cells, which the Inspector of Prisons has stated cannot be included in operational capacity.³ Therefore, it is IPRT's position that Cork Prison is regular operating at or above capacity.

IPRT is further concerned that published prison capacity figures do not always reflect the actual situation, as capacities are not reduced to reflect, for example, the impact of closure of prison wings for long periods for refurbishment, or the frequent closure of workshops, schools and libraries due to staff shortages.⁴

Of a total 3,750 prisoners in April 2017, 74 prisoners were accommodated in cells or rooms holding four or more; 240 prisoners were accommodated in cells holding three individuals; and 1,396 prisoners were accommodated in a double cell.⁵ In line with the UN Mandela Rules (Art. 12) and the European Prison Rules (18), IPRT has called on the Irish Prison Service to commit to single occupancy cells as the prison estate standard.⁶

Overcrowding persists in the two women's (medium-security) prisons. A number of broader issues need to be addressed within this context including: the disproportionately high number of female committals; the overuse of remand for women; the lack of gender-specific alternatives to custody; and the lack of supports for women, including the low provision of step-down supported

¹ Report of the Thornton Hall Project Review Group (2011) at:

<http://www.justice.ie/en/JELR/Pages/ThorntonHallReviewRpt>

² Cited in Strategic Review Group on Penal Policy (2014) *Final Report*, p.17

³ See 6.3 in Inspector of Prisons (2010) *Report of an Investigation on the use of 'Special Cells' in Irish Prisons*, p. 25

⁴ See for example the *Dóchas Centre Visiting Committee Report 2015*, at:

http://www.justice.ie/en/JELR/D%C3%B3chas_VC_Annual_Report_2015.pdf/Files/D%C3%B3chas_VC_Annual_Report_2015.pdf

⁵ Irish Prison Service (2017) *Census Prison Population April 2017 – Cell occupancy – In-Cell Sanitation*, available at: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/April-2017-In-Cell.pdf

⁶ IPRT (2017) *UNCAT and Places of Detention in Ireland: Recommendations & Additional Information*, at: http://www.iprt.ie/files/IPRT_61st_Session_Recommendations1.pdf

accommodation available upon release.⁷ The majority of the female prison population serve short sentences for non-violent offences. A concluding observation of Ireland's combined 6th and 7th periodic reports under CEDAW (2017) recommended 'improving women's conditions in all places of deprivation by liberty by addressing overcrowding in line with international standards.'⁸

35. IPRT welcomes the commitment by the state to provide a step-down facility for women by early 2018. IPRT notes this represents a delay, as the facility was to be operational by quarter four of 2017.⁹ It is IPRT's position that this does not address the need for an open prison for women serving long sentences. Additionally, accommodation for women is concentrated in Dublin. There is a need for provision of smaller regional units, to facilitate and maintain relationships with families.

36. IPRT welcomes the replacement of unfit prison facilities in Limerick Prison. However, plans to double the capacity from 24 to 50, plus 8 transition units, are not in line with policy recommendations or the UN Bangkok Rules, which emphasise the need to reduce the unnecessary imprisonment of women. The *Joint Probation Service – Irish Prison Service Strategy on Women who Offend*¹⁰ and the *Strategic Review on Penal Policy*¹¹ both recommend that the majority of offending by women could be better dealt with in the community. As stated above, the *Thornton Hall Review Group (2011)*¹² also recommended the need to reduce reliance on imprisonment, stating that the Group 'did not accept that the only, or appropriate response to increasing prisoner numbers is to build more prisons.'¹³ Taking all of these policy commitments into consideration, increasing female prison capacity instead of increasing provision of community-based services and community sanctions is contrary to stated policy, and even regressive.

(b)[B] In Cell Sanitation

37, 38. IPRT strongly welcomes the progress achieved by the Irish State towards eliminating slopping out. As of April 2017, there were 56 prisoners remaining in the prison estate who were required to slop out. However, it should be noted that on the same date a further 1,539 prisoners across the estate were required to use toilet facilities in the presence of another prisoner. These toilet facilities are provided in cells where prisoners also eat their meals.

⁷ For further information, please refer to IPRT (2017) *Submission in Advance of the Examination of Ireland's combined sixth and seventh periodic reports under CEDAW*, at: <http://www.iprt.ie/contents/3065>

⁸ CEDAW (2017) *Concluding Observations on the combined sixth and seventh periodic reports of Ireland*, p.14, at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fIRL%2fC0%2f6-7&Lang=en

⁹ Third Report of the Implementation Oversight Group to the Minister for Justice & Equality (2017) *Implementation of Penal Policy Recommendations*, p. 17, at:

http://www.justice.ie/en/JELR/3rd_Report_of_Implementation_Oversight_Group_to_the_Minister_for_Justice_and_Equality.pdf/Files/3rd_Report_of_Implementation_Oversight_Group_to_the_Minister_for_Justice_and_Equality.pdf

¹⁰ *Joint Probation Service – Irish Prison Service Strategy 2014 - 2016: An Effective Response to Women who Offend*, at: http://www.irishprisons.ie/images/pdf/women_strat_2014.pdf

¹¹ Strategic Review Group on Penal Policy (2014) *Final Report* <http://www.justice.ie/en/JELR/Strategic%20Review%20of%20Penal%20Policy.pdf/Files/Strategic%20Review%20of%20Penal%20Policy.pdf>

¹² Report of the Thornton Hall Project Review Group (2011)

¹³ Cited in Strategic Review Group on Penal Policy (2014) *Final Report*, p.17

(c)[C] Segregation of Prisoners

39, 40. IPRT notes that separation of remand from sentenced prisoners is not always achieved, and that Ireland continues its reservation to Article 10(2) of the ICCPR meaning that it is obliged to separate remand and sentenced prisoners only “as far as practically possible.”

In 2017, there were 24 sentenced prisoners in custody in Cloverhill Remand Prison. Six of those were in single occupancy cells while 18 were sharing a cell with remand prisoners.¹⁴ A total of 92 remand prisoners across the prison estate were required to share cells with sentenced prisoners.¹⁵ While there are no publicly available data on the lengths of time people are placed on remand, the Irish Prison Service made a commitment in July 2017 to publish this data on a quarterly basis.¹⁶ There is currently no separation of remand prisoners from sentenced prisoners for the female prison population. This issue was highlighted by the UN Committee Against Torture in 2017.

41, 42, 43. IPRT welcomes the progress achieved on ending the imprisonment of children in Ireland. On 25 August 2017, just one boy remained in Wheatfield Place of Detention.¹⁷ The Inspector of Prisons previously stated, with reference to the small number of boys then detained in St Patrick’s Institution, that:

*It is wrong that this small cohort of children, sometimes as small a number as 1 or 2 should be accommodated in a wing of this Institution. It is, at times, tantamount to holding them in isolation and it is certainly inhumane.*¹⁸

44. There were 421 committals to prisons under immigration law involving 408 detainees in 2016.¹⁹ Male immigration detainees are held in Cloverhill [remand] Prison. However, female immigration detainees are accommodated alongside both sentenced and remand females in the Dóchas Centre.

(d)[B] Prisoner Complaints Mechanisms

45, 46. IPRT welcomes commitments by the Minister for Justice & Equality to with the Ombudsman’s office to establish an effective complaints system for prisoners, and the timeline for a new complaints procedure of end 2017.²⁰

¹⁴ Written Answers, *Prison Accommodation*, 11 July 2017: <https://www.kildarestreet.com/wrans/?id=2017-07-11a.710>.

¹⁵ Ibid.

¹⁶ UN Web TV, *Consideration of Ireland, 1551st Meeting 61st Session Committee Against Torture*: <http://webtv.un.org/search/consideration-of-ireland-contd-1551st-meeting-61st-session-committee-against-torture/5526421662001/?term=Ireland&sort=date>

¹⁷ Irish Prison Service, *Prisoner Population on Wednesday 30th of August 2017*. <http://www.irishprisons.ie/index.php/information-centre/statistics-information/2015-daily-prisoner-population/2017-prison-populations/>

¹⁸ Inspector of Prisons (2014) *An overview of Mountjoy Prison Campus with particular emphasis on the Separation Unit by the Inspector of Prisons Judge Michael Reilly 23rd July 2014*, p. 6, available at: <http://www.justice.ie/en/JELR/An%20overview%20of%20Mountjoy%20Prison%20Campus%20with%20particular%20emphasis%20on%20the%20Separation%20Unit.pdf/Files/An%20overview%20of%20Mountjoy%20Prison%20Campus%20with%20particular%20emphasis%20on%20the%20Separation%20Unit.pdf>

¹⁹ Irish Prison Service, *Annual Report 2016*, p.25: <https://www.irishprisons.ie/index.php/information-centre/publications/annual-reports/>

²⁰ Irish Prison Service, *Speech by Francis Fitzgerald, TD, Tánaiste and Minister for Justice and Equality at the Prison Officers’ Association Conference*, 27 April 2017: <http://www.irishprisons.ie/index.php/speech-ms-frances-fitzgerald-t-d-tanaiste-minister-justice-equality-prison-officers-association-conference/>