



**Alternative Report to the UN Human Rights Committee on Ireland's Fifth
Review under the International Covenant on Civil and Political Rights (ICCPR)
135th Session of the Human Rights Committee (27 June – 29 July 2022)
Submitted 30 May 2022**

About IPRT

Established in 1994, the Irish Penal Reform Trust (IPRT) is Ireland's leading civil society organisation campaigning for rights in the penal system and the progressive reform of Irish penal policy. Our vision is one of respect for human rights in the penal system, with imprisonment used only as a sanction of last resort. We work towards progressive reform of the penal system based on evidence-led policies and a commitment to combating social injustice. IPRT publishes a wide range of policy positions and research documents; we campaign across a wide range of penal policy issues; we work constructively with all stakeholders; and we have established IPRT as the leading independent voice in public debate on the Irish penal system.

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Introduction

1. IPRT welcomes the opportunity to provide this alternative report to the United Nations Human Rights Committee ('the Committee') to supplement Ireland's ('the State') Reply to the List of Issues provided by the Committee following the fifth periodic review under the International Covenant on Civil and Political Rights (ICCPR). This report highlights key concerns relating to persons deprived of their liberty and prison conditions in the State. This report should be read alongside the State Report as well as the State Reply to the List of Issues. This report does not solely focus on omissions or deficiencies with the State's reports but also on issues that are of key priority to the work of IPRT.

Equality for men and women (Article 3)

Lack of Open Prison for Women in Ireland

2. It is widely recognised that women in prison are an at-risk group substantially different from men in both the likelihood of committing offences and typology of offences.¹ Thus, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ('the Bangkok Rules') recognise women in prison as a cohort with distinctive needs from men.²
3. The Bangkok Rules also explicitly state that women should be afforded options such as home leave, open prisons and halfway houses.³ While Ireland does provide a stepdown facility for women leaving prison,⁴ there is currently no open prison in Ireland available to women⁵ and there do not appear to be plans to introduce any.⁶ The development of a new medium security unit for women in Limerick Prison, is due for completion in at the end of 2022 after several delays.⁷

¹ United Nations Office on Drugs and Crime (UNODC), (2014). *Handbook on Women and Imprisonment. Criminal Justice Handbook Series*. Available from: <https://bit.ly/3LXeL1p>. [10 May 2022].

² See Rule 1 of the Bangkok Rules. Available from: <https://bit.ly/3ISYMHp>. [27 May 2022]. P.12.

³ See Rule 45 of the Bangkok Rules. Available from: <https://bit.ly/3LXF3p1>. [27 May 2022]. P.22.

⁴ The Outlook Programme, which opened in May 2019, see Department of Justice, *PQ 110 - 29 March 2022*, available from: <https://www.justice.ie/en/JELR/Pages/PQ-29-03-2022-110>. [27 May 2022].

⁵ See Irish Prison Service, (2022). *Prisons*. Available from: <https://www.irishprisons.ie/prisons/>. [15 May 2022].

⁶ See Houses of the Oireachtas, (2020). *Prison Building Programme – Dáil Éireann Debate, Thursday – 22 October 2020*. Available from: <https://www.oireachtas.ie/en/debates/question/2020-10-22/20/>. [25 May 2022].

⁷ Department of Justice (DoJ), (2022). *PQ 363 – 4 May 2022*. Available from: <https://bit.ly/3avF7uC>. [10 May 2022].

Recommendation 1. The State should scope the potential for providing an open prison for women in Ireland, in compliance with the Bangkok Rules.

Derogations (Article 4)

Response of Detention System to COVID-19

4. This alternative report details the devastating impact COVID-19 has had on people in prison in Ireland, particularly in regards the monitoring of prisons during this period (paragraphs 14-21) and the ability of detainees to have visitors (paragraphs 76-78) and spend time out-of-cell (see paragraphs 39-44). Furthermore, COVID-related restrictions have seriously impacted on prisoners' access to rehabilitative activities, for example, prison schools were closed for lengthy periods of time in 2020 and 2021 due to the pandemic⁸ as well as for reasons of staff shortages across the prison estate.⁹ IPRT also notes a regression in participation rates in education in Irish prisons between 2017 and 2021, from 42% in March 2017¹⁰ to 31.2% in November 2021.¹¹
5. Throughout the pandemic, IPRT has raised concerns about the lack of transparency around the ways in which restrictions (including in individual prisons) were imposed and lifted.¹² For example, the Irish Prison Service (IPS) *COVID-19 Contingency Plan*, which provides for the suspension of visits following an outbreak of COVID-19 in a prison,¹³ was never published or apparently subject to any independent scrutiny, for "security and operational" reasons.¹⁴
6. Similarly, while the Minister for Justice highlighted in 2021 that the IPS had developed a *Framework for Restrictive Measures for Living with COVID-19* and *Framework for the Unwinding of Prison Restrictions*,¹⁵ these frameworks were never published (despite a

⁸ Schools were closed in prison from approx. mid-March to early June 2020 and again from January to mid-April 2021. This is based on information received by the Irish Prison Service on 14 January 2022, see Irish Penal Reform Trust (IPRT), (2021). *Progress in the Penal System: The Need for Transparency*. Available from: <https://bit.ly/3t4VtRg>. [02 March 2022]. P.77.

⁹ For example, schools were closed in Limerick and Mountjoy prisons due to staff shortages, see information received by the Irish Prison Service on 14 January 2022, Irish Penal Reform Trust (IPRT), (2021). *Progress in the Penal System: The Need for Transparency*. Available from: https://www.iprt.ie/site/assets/files/7052/progress_in_the_penal_system_2021_-_final.pdf. [02 March 2022]. P.19.

¹⁰ Kildare Street, (2017). *Written answers Tuesday, 11 July 2017 - Educational Services for Prisoners*. Available from: <https://www.kildarestreet.com/wrans/?id=2017-07-11a.731>. [02 March 2022].

¹¹ Information received by the Irish Prison Service on 18 November 2021.

¹² See Irish Penal Reform Trust, (IPRT). (2021). *Irish Prisons and COVID-19: One Year On*. Available from: <https://bit.ly/3LTb2Ch>. P.9-10.

¹³ Department of Justice (DoJ), (2022). *PQ 769 - 22 March 2022*. Available from: <https://bit.ly/3ISYX5x>. [04 May 2022].

¹⁴ Ibid.

¹⁵ Department of Justice (DoJ), (2021). *PQ 718 - 10 March 2021*. Available from: <https://bit.ly/3wYQQL1>. [12 May 2022].

commitment to publish the latter by the end of June 2021).¹⁶ The OiP recommended in her COVID-19 Thematic Inspection Reports that prisoners should be provided with a written copy of the *Framework for Unwinding of Prison Restrictions* and that prisoners be consulted and updated on future plans relating to family visits, regimes, and sentence progression as COVID-19 restrictions unfold.¹⁷

7. IPRT has repeatedly raised concerns about the Prison (Amendment) Rules 2020, passed in July 2020. These Rules give a Governor or the IPS Director General the power to suspend, restrict or modify entitlements to visits, physical recreation, exercise or training, in order to prevent or limit the spread of an infectious disease and upon having regard to “*advice or guidelines issued by the Department of Health or the Health Service Executive*” or “*a recommendation by the Director of Prison Healthcare Services or a prison doctor*”.¹⁸ IPRT has significant concerns about the breadth of these amendments, and the fact that they are not specifically linked to COVID-19, have no sunset clause and can apparently be utilised upon the advice of a person at the level of prison doctor. The Rules further appear to have received very little scrutiny before they were brought into force. This lack of consultation or parliamentary oversight is extremely regrettable, and IPRT recommends that the State repeal these amendments as soon as possible.

Recommendation 2. The State should publish the Irish Prison Service *COVID-19 Contingency Plan* and/or *Framework for the Unwinding of Prison Restrictions* as soon as possible, and – at a minimum – make these documents available to people in prison.

Recommendation 3. The State should repeal in full the Prison (Amendment) Rules 2020 without further delay. At a minimum, the Rules should be strengthened so that relevant restrictions can only be imposed by senior management and upon the advice of senior healthcare advisors.

¹⁶ Department of Justice, (DoJ). (2021). *PQ 1097 - 15 June 2021*. Available from: <https://bit.ly/3l5Ikgr>.

¹⁷ See e.g. OiP COVID-19 Thematic Inspection Reports on Midlands Prison, Castlereagh Prison and Loughan House, available at OiP website: <https://www.oip.ie/publications/inspection-reports/thematic-and-functional-reports/>.

¹⁸ Irish Statute Book, *Prison (Amendment) Rules 2020*. Available from: <https://www.irishstatutebook.ie/eli/2020/si/250/made/en/print>.

Right to Life (Article 6)

Investigations into Deaths in Custody in Irish Prisons

8. The Office of the Inspector of Prisons (OiP) investigates deaths in custody in Ireland and their reports are then reviewed and published by the Minister for Justice. There are often significant delays in submission to, and publication by, the Minister of deaths in custody reports. For example, one of the most recent OiP death in custody reports was published approximately three years after the death occurred.¹⁹
9. There are significant delays in conducting inquests in Ireland,²⁰ including in respect of deaths that have occurred in custody. According to 2020 data provided by the Minister for Justice, of the 100 deaths that occurred in custody between 2010 and 1 October 2020, 35 had inquests pending (with some relating to deaths that occurred as far back as 2013).²¹ Of those deaths for which there was an identified cause, it appears death by suicide was relatively common (a reported 17 out of the 100 deaths during this period).²²
10. The Committee has previously noted that all States have a duty of care to take any necessary measures to protect the lives of those deprived of their liberty. This duty includes regular “*monitoring of their health*” and “*preventing suicides*”.²³

Recommendation 4. The State should amend sections 31(3)-(4) of the Prisons Act 2007 to empower the OiP to publish reports directly, and adequately resource the OiP to fulfil its remit.

Recommendation 5. The State should ensure that the OiP’s recommendations following an investigation into a death in custody are implemented without delay, and that progress on implementation of recommendations is reported regularly and publicly.

¹⁹ See *Report into the Death of Mr A 2019*. Available from: <https://bit.ly/38u10ts>. [27 May 2022].

²⁰ Irish Council for Civil Liberties (ICCL), (2021). *Death Investigation, Coroners’ Inquests and the Rights of the Bereaved*. Available from: <https://www.iccl.ie/iccl-death-investigations-coroners-inquests-the-rights-of-the-bereaved/>. [25 May 2022].

²¹ Houses of the Oireachtas, (2020). *Prison Deaths Dáil Éireann Debate, Tuesday - 6 October 2020*. Available from: <https://www.oireachtas.ie/en/debates/question/2020-10-06/607/>. [10 May 2022].

²² Ibid.

²³ UN Human Rights Committee, 3 September 2019, [General Comment No. 36, Para. 25](#).

Freedom from Torture, Cruel, Inhuman or Degrading Treatment or Punishment (Article 7)

Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)

11. The State signed the OPCAT in 2007 and 15 years on, Ireland is still the only EU country yet to ratify the treaty.²⁴ In its List of Issues, the Committee requested an update on the status of the Inspection of Places of Detention Bill and any progress towards the ratification of OPCAT.²⁵
12. In its Reply, the State reported that the relevant draft scheme of the Inspection of Places of Detention Bill was due to be brought to Government for approval in 2021 and that the Government committed to ratifying OPCAT by the end of 2021.²⁶ Subsequently, Action 113 of the *Justice Plan 2022*²⁷ commits to publish the General Scheme of the Inspection of Places of Detention Bill in the first quarter and the Bill itself by Q3.²⁸ At the time of submission, these timelines have not been met.²⁹
13. These delays in ratifying OPCAT and drafting the relevant legislation are consistent, with previous deadlines and commitments repeatedly missed.³⁰ For the State to properly protect the human rights of people in places of detention and meet its obligations under international law, the establishment of a system of independent monitoring and inspection under OPCAT is needed without any further delay.

²⁴ Irish Council for Civil Liberties (ICCL), (2018). *Ratify OPCAT and allow inspection of direct provision centres: ICCL*. Available from: <https://www.iccl.ie/news/ratify-opcat/>. [10 May 2022].

²⁵ See List of Issues CCPR/C/IRL/Q/5, (2021). Available from: <https://bit.ly/3lVmjH3>. [10 May 2022]. Para. 17(d).

²⁶ See Ireland's Replies to List of Issues CCPR/C/IRL/Q/5, (2022). Available from: <https://bit.ly/38v7yrZ>. [10 May 2022]. Paras.141-142. See similar commitments made in Ireland's parliament, Houses of the Oireachtas, (2022). *International Agreements - Dáil Éireann Debate, Wednesday - 19 January 2022*. Available from: <https://bit.ly/3NHRoKB>. [13 May 2022].

²⁷ Irish Penal Reform Trust (IPRT), (2022). *News and Press Releases: Minister for Justice publishes Justice Plan 2022. (26th March 2022)*. Available from: <https://www.iprt.ie/latest-news/minister-for-justice-publishes-justice-plan-2022/>. [10 May 2022].

²⁸ See Action 113.1 and 113.3 in Department of Justice (DoJ). (2022). *Justice Plan 2022*. Available from: <https://bit.ly/3MW0vHE>. P.37.

²⁹ Department of Justice, PQ 332 - 19 May 2022. Available from: <https://www.justice.ie/en/JELR/Pages/PQ-19-05-2022-332>.

³⁰ For example, in 2018 it was stated that the Draft Scheme of the Inspection of Places of Detention Bill was to be finalised in Autumn 2018 and brought to Government by end of 2018 see, Houses of the Oireachtas, (2018). *UN Conventions Dáil Éireann Debate, Thursday - 5 July 2018*. Available from: <https://bit.ly/3wYSagX> and in 2020, it was stated that "it is expected that the General Scheme will be transmitted to the Office of the Parliamentary Counsel for formal drafting before the end of 2020". See, Kildare Street, (2020). *Written answers Wednesday, 13 May 2020 - Department of Justice and Equality: UN Conventions*. Available from: <https://bit.ly/3lUTafD>. [10 May 2022]. In June 2020, the Programme for Government committed to ratifying OPCAT within 18 months of its formation (i.e. by end of 2021) which has not yet happened, see Government of Ireland, (2020). *Programme for Government: Our Shared Future*. Available from: <https://www.gov.ie/en/publication/7e05d-programme-for-government-our-shared-future/>. [10 May 2022].

Recommendation 6. The State should as a matter of urgency (i) complete and publish the Inspection of Places of Detention Bill and (ii) ratify OPCAT by the end of 2022.

Monitoring, Oversight and Complaints in Prisons

14. In its List of Issues for Ireland, the Committee requested information on how effective monitoring and oversight facilities had been maintained during COVID-19.³¹ The State's reply only briefly touched on this, noting that the OiP visited all 12 prisons during the first month of COVID-19 restrictions.³² It does not appear that these initial visits resulted in any published inspection reports (albeit the OiP did publish a report co-authored with Maynooth University on the experiences of prisoners who were cocooning in the early days of the pandemic).³³
15. In 2021, the OiP embarked on a programme of COVID-19 Thematic Inspections of all prisons in the State, with the reports submitted and published in stages. All of the reports have now been published, albeit some of the reports were published approximately 10 months after the visit actually took place.³⁴ These reports were among the few insights the State provided into life in prison during the pandemic, but it must be emphasised that they were based on visits that took place between March 2021 and September 2021 and therefore provided no insight into the conditions experienced in prisons during the earlier or later stages of the pandemic.
16. It is important to emphasise the significant delays in publication of these reports, with half of the reports not published until December 2021 and the remaining reports not published until April 2022.³⁵ As with all oversight and accountability reports, the value of these thematic inspection reports is undermined if not published within a timely manner so that the issues cited within them can be reviewed and responded to effectively.

³¹ See List of Issues CCPR/C/IRL/Q/5, (2021). Available from: [10 May 2022]. Para.13.

³² See Ireland's Replies to List of Issues CCPR/C/IRL/Q/5, (2022). Available from: <https://bit.ly/3NIJ3GF>. [10 May 2022]. Para.104.

³³ Office of the Inspector of Prisons (OiP). (2020). *Ameliorating the impact of cocooning on people in custody – a briefing*. Available from: <https://www.oip.ie/ameliorating-the-impact-of-cocooning-on-people-in-custody-a-briefing/>. [25 May 2022].

³⁴ See COVID-19 Thematic Inspection Reports, Available from: <https://bit.ly/3NGdMUL>. [19 May 2022]. In regards the time delays, see e.g. the Midlands Prison report, where the inspection took place between 16-18 June 2021 but the report was only published on 28 April 2022.

³⁵ See COVID-19 Thematic Inspection Reports. Available from: <https://bit.ly/3t3g5cs>. [19 May 2022].

17. Aside from these COVID-19 thematic reports, there has been no general inspection report of an operational prison published in the State since 2014,³⁶ which undermines public scrutiny and accountability.
18. The Minister for Justice publishes the OiP's Inspection Reports and also holds the power to redact information or withhold them entirely.³⁷ This has occurred most recently when the Minister for Justice announced that a long-awaited section 31(2) special investigation report into specific issues arising in the Dóchas Women's Prison will not be published at this time, based on "legal advice".³⁸ Refusal to publish this report, and failure to communicate in detail the reasons for not publishing it, ties into bigger issues with accountability, transparency and trust in our penal system.
19. To ensure a robust inspection framework, the OiP must be resourced to carry out its function adequately and laws must be put in place that allows it to publish reports independently of the Minister for Justice.
20. People in prison in Ireland do not have access to an effective complaints system, with the current system having been described as "unfit for purpose".³⁹ The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment ('the CPT') has also noted many issues with the current IPS complaint system.⁴⁰ Most recently, a study of over 500 people in prison in Ireland found that people in prison lack confidence in the current complaints system,⁴¹ with almost half of respondents (45.5%) agreeing that there would be reprisals by staff for making a complaint.⁴²
21. During the pandemic, it was more crucial than ever for people in prison in Ireland to have access to an accessible, efficient, and effective system of complaints. Action on the prison

³⁶ Department of Justice (DoJ), (2014). *Overview of Mountjoy Prison Campus with particular emphasis on the Separation Unit by the Inspector of Prisons Judge Michael Reilly*. Available from: <http://www.justice.ie/en/JELR/Pages/PB14000234>. [16 May 2022]. There was an inspection report of the Mountjoy Training Unit in 2017, which was a 'semi-open' low security prison in the prison estate but has since closed, see Office of the Inspector of Prisons, (OiP). (2017). *Report on an Inspection of the Training Unit, Mountjoy Campus, carried out in accordance with Section 31(1) of the Prisons Act 2007*. Available from: <https://bit.ly/38vPAW9>.

³⁷ See, Section 31(4) of Prisons Act 2007. Available from: <https://bit.ly/3MZ0P8L>. [16 May 2022].

³⁸ Department of Justice, (DoJ). (2022). *PQ 165-166 – 25 May 2022*. Available from: <https://bit.ly/3IT9YDK>. [27 May 2022].

³⁹ Office of the Inspector of Prisons (OiP), (2020). *Annual Report 2020*. Available from: <https://bit.ly/3wP9cfW>. [12 May 2022]. P.3.

⁴⁰ Council of Europe (CoE), (2020). *Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 4 October 2019*. Available from: <https://rm.coe.int/1680a078cf>. [12 May 2022].

⁴¹ Van Der Valk, S. (2022). *Prison Law: Prisoner Experience of Accountability Mechanism in Ireland*. Trinity College Dublin School of Law.

⁴² Baker, N. (2022). *Prisoners fear 'reprisals' if they make complaints, study finds* (20 January 2022). Available from: <https://www.irishexaminer.com/news/arid-40789419.html>. [12 May 2022].

complaints system has been promised since 2016,⁴³ and most recently was due for implementation in 2020. This apparently was delayed as a result of COVID-19⁴⁴ but, as of the date of submission, it has yet to be commenced.

Recommendation 7. The State should amend sections 31(3)-(4) of the Prisons Act 2007 to empower the OIP to publish reports independently of the Minister for Justice.

Recommendation 8. The State should make publicly available the section 31(2) special investigation report into the Dóchas Women’s Prison.

Recommendation 9. The State should ensure there are no further delays to the rollout of the new complaints system for people in prison in Ireland and introduce it by the end of 2022.

The Right to Liberty and Security of the Person and Imprisonment for Non-Payment of Fines (Articles 9 & 11)

22. In its List of Issues, the Committee requested further information from the State on the circumstances under which a person can be imprisoned for their failure to pay a fine and the compatibility of the existence of such penalties with the provisions of ICCPR.⁴⁵ Irish legislation continues to allow for a person to be imprisoned for failure to pay a fine, although IPRT acknowledges that the Fines (Payment and Recovery) Act 2014 took significant steps in encouraging courts to consider alternative ways of enforcement aside from imprisonment.⁴⁶

23. While the commencement of the 2014 Act brought about a 79.8% decrease in committals to prison in Ireland for non-payment of fines between 2017 and 2018,⁴⁷ committals for non-payment of fines has begun to fluctuate since then.⁴⁸ Concerningly, research has suggested

⁴³ Department of Justice (DoJ), (2016). *Tánaiste accepts recommendation to give Ombudsman a role in prison complaints*. Available from: <https://www.justice.ie/en/JELR/Pages/PR16000125>.

⁴⁴ Kildare Street, (2021). *Department of Justice and Equality - Prisoner Complaints Procedures*. Available from: <https://www.kildarestreet.com/wrants/?id=2021-02-03a.1676&s=prison+complaints>. [12 May 2022].

⁴⁵ See List of Issues CCPR/C/IRL/Q/5, (2021). Available from: <https://bit.ly/3LU9EPz>. [10 May 2022]. Para.18.

⁴⁶ The Act e.g. requires the court to consider a person’s financial circumstances when imposing fines and encourages the use of community service orders over periods of imprisonments in circumstances where fines imposed are not paid, see Fines (Payment and Recovery) Act 2014. Available from: <https://www.irishstatutebook.ie/eli/2014/act/7/enacted/en/html>. [10 May 2022].

⁴⁷ Department of Justice (DoJ), (2019). *Minister Flanagan publishes Irish Prison Service Annual Report 2018*. Available from: <https://www.justice.ie/en/JELR/Pages/PR19000162>. [10 May 2022].

⁴⁸ “After some years of decline following the introduction of the Fines (Payment and Recovery) Act 2014, which commenced in January 2016, there had been an almost doubling of the number of committals for the non-payment of court ordered fines, from 455 in 2018 to 861 in 2019. This has reduced to 285 in 2020. Of this, 76.8% were male and 23.2% were female.”, See, Irish Prison Service (IPS), (2020). *Annual Report 2020*. Available from: <https://bit.ly/3wUuzxL>. [10 May 2022]. P.31.

imprisonment for non-payment of fines may disproportionately affect people from foreign national backgrounds: specifically, foreign national individuals appear to be overrepresented in committals to prison for the offence of driving without vehicle insurance.⁴⁹ This offence is punishable by a €5,000 fine and, at the discretion of the court, imprisonment. The overrepresentation of foreign nationals among prison committals may suggest that, for some, imprisonment was caused by the inability to pay the fine, rather than the original offence itself.⁵⁰

24. In IPRT's view the Fines (Payment and Recovery) Act 2014 may not be working as effectively as intended, and it accordingly should be reviewed. In particular, by continuing to impose any penalty of imprisonment for a failure to pay debt, the State is not meeting its obligations under the European Convention on Human Rights⁵¹ or ICCPR.⁵²

Recommendation 10. The State should carry out an urgent review of the Fines (Payment and Recovery) Act 2014 and amend this legislation to ensure that community sanctions are used in the place of imprisonment as penalty for non-payment of fines.

The Rights of Prisoners (Article 10)

The Use of Imprisonment as a Sanction of Last Resort

25. In its List of Issues, the Committee asked the State for further information about measures taken to improve the conditions of detention within the reporting period, particularly conditions of overcrowding in Irish prisons.⁵³ At the time of writing of their Reply to the Committee's List of Issues, the State outlined the reduction in the number of people in custody from 4,043 (in January 2020) to 3,716 (in January 2021).⁵⁴

26. IPRT welcomed the sharp reduction in prison numbers between 2020 and 2021 which largely came about as a response to COVID-19 public health measures.⁵⁵ However, it is important to

⁴⁹ Brandon, A. & O'Connell, M. (2018). Same Crime: Different Punishment? Investigating Sentencing Disparities Between Irish and Non-Irish Nationals in the Irish Criminal Justice System. *British Journal of Criminology*, 58 (5): 1127-1146.

⁵⁰ Ibid.

⁵¹ See Article 1, Protocol No 4 to the European Convention on Human Rights. Available from: <https://bit.ly/3a6JcoE>. [10 May 2022].

⁵² See Article 11 of the International Covenant on Civil and Political Rights. Available from <https://bit.ly/3wYUumK>. [10 May 2022].

⁵³ See List of Issues CCPR/C/IRL/Q/5, (2021). Available from: <https://bit.ly/3t6E36V>. [10 May 2022]. Para.17.

⁵⁴ See Ireland's Replies to List of Issues CCPR/C/IRL/Q/5, (2022). Available from: <https://bit.ly/3x0it68>. [25 May 2022]. Para.131.

⁵⁵ Irish Penal Reform Trust (IPRT), (2021). *Irish Prisons and COVID-19: One Year On*. Available from: <https://bit.ly/3LTdcBT>. [18 May 2022].

note that the numbers of people in custody in Ireland has started to gradually increase again with 3,958 people in custody as of 30 April 2022.⁵⁶

27. During the period 2017-2020, IPRT analysis of short-term sentences demonstrated that more custodial sentences of less than 12 months are handed down by the courts every year than community services orders.⁵⁷ This is despite the Criminal Justice (Community Service) (Amendment) Act 2011, which encourages the use of community service as an alternative to imprisonment and raises questions around the trust that courts have in community sanctions.
28. In its Reply to the List of Issues, the State noted that an 'Action Plan' incorporating prison and penal reform initiatives for the period 2022-2024 would be published in Q3 2021.⁵⁸ At the time of submission, no such Action Plan has been published despite a further commitment in the *Justice Plan 2022* to publish it in Q1 2022.⁵⁹
29. At the beginning of 2021, the Department of Justice stated that the impact of the Criminal Justice (Community Service) (Amendment) Act 2011 was being reviewed.⁶⁰ This review has yet to be completed and published.⁶¹
30. Similarly, the *Justice Plan 2022* refers to a policy review of the Criminal Justice (Community Sanctions) Bill 2014 being published by Q2 of 2022, with a view to publishing the revised Bill by Q4.⁶² The purpose of this Bill is to update the Probation of Offenders Act 1907 and provide a modern statement of the law governing community sanctions, and the role of the Probation Service in the criminal justice system. This review is also yet to be published.⁶³
31. The State has confirmed that it is considering introducing a statutory basis for the principle of imprisonment as a last resort.⁶⁴ This is welcome.

⁵⁶ Irish Prison Service (IPS), (2022). *Irish Prison Service Monthly Information Note – April 2022*. Available from: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/APRIL-2022-Website.pdf. [12 May 2022].

⁵⁷ See *Standard 2 – imprisonment as a Last Resort* in Progress in the Penal System 2021. Available from: https://www.iprt.ie/site/assets/files/7052/progress_in_the_penal_system_2021_final.pdf. [10 May 2022]. Pp.27-29.

⁵⁸ See Ireland's Replies to List of Issues CCPR/C/IRL/Q/5, (2022). Available from: <https://bit.ly/3a67hfg>. [25 May 2022]. Para.132.

⁵⁹ See Action 119 in, Department of Justice (DoJ), (2022). *Justice Plan 2022*. Available from: <https://bit.ly/3wUQ4yy>. [10 May 2022].

⁶⁰ Department of Justice (DoJ), (2020). *Keynote address by Secretary General Oonagh McPhillips at the launch of "Progress in the Penal System 2020"*. Available from: <https://bit.ly/3wVgMaj>. [16 May 2022]

⁶¹ Houses of the Oireachtas, (2022). *Legislative Reviews - Dáil Éireann Debate, Tuesday - 15 February 2022*. Available from: <https://www.oireachtas.ie/en/debates/question/2022-02-15/588/>. [12 May 2022].

⁶² Department of Justice, (DoJ). (2022). *Justice Plan 2022*. Available from: <https://bit.ly/3wUQ4yy>. [26 May 2022]. Action 118.

⁶³ Department of Justice, (DoJ). (2022). *PQ 67 - 24 May 2022*. Available from: <https://www.justice.ie/en/JELR/Pages/PQ-24-05-2022-67>.

⁶⁴ See Action 118 in, Department of Justice (DoJ), (2022). *Justice Plan 2022*. Available from: <https://bit.ly/3wUQ4yy>. [10 May 2022].

32. Reducing prison populations through measures such as early release has been identified as a particularly effect measure for addressing overcrowding in prisons.⁶⁵ IPRT accordingly welcomed the temporary release (TR) of prisoners during the period 2020-2021⁶⁶ as also outlined by the State.⁶⁷ During this period, the State expanded the use of TR for people in prison considered “*low risk*” who were serving sentences of less than 12 months for non-violent offences and those with less than six months remaining on their sentence.⁶⁸
33. In the initial months of the pandemic, TR peaked with an approximate 74% increase from February 2020 (316 people on TR)⁶⁹ to April 2020 (551 people on TR)⁷⁰. However, since then, the number of people on TR has gradually reduced with a yearly average of 321 people on TR in 2021 compared to an average of 341 people in 2020.⁷¹ In April 2022, the average number of people on TR was 328.⁷²
34. IPRT considers that TR is being underused. This is of particular concern when only 55 of the 852 (approximately 6%) people released on TR between early March and late June 2020 were recommitted, with 18 of these cases relating to a breach of TR conditions rather than criminal offences. Of the remaining 37 people who were re-arrested, most offences were non-violent relating to burglary, theft, public order, social code offences, and damage to property and the environment.⁷³
35. Another issue of concern is the automatic prohibition of TR for prisoners convicted of certain offences e.g. drugs offences *per* the Misuse of Drugs Act 1977.⁷⁴ People in prison should be considered for TR according to their risk to the community rather than the offence they

⁶⁵ Reinhart, E. & Chen, D.L., (2021). Association of Jail Decarceration and Anticontagion Policies with COVID-19 Case Growth Rates in US Counties. *JAMA Network – Open*: 4(9). Available from: <https://bit.ly/38ue9CS>. [12 March 2022].

⁶⁶ Irish Penal Reform Trust (IPRT), (2021). *Irish Prisons and COVID-19: One Year On*. Available from: <https://bit.ly/3LYgCmW>. [18 May 2022].

⁶⁷ See Ireland’s Replies to List of Issues CCPR/C/IRL/Q/5, (2022). Available from: <https://bit.ly/3zc9As1>. [10 May 2022].

⁶⁸ Houses of the Oireachtas, (2020). *Prisoner Releases Dáil Éireann Debate, Tuesday - 23 June 2020*. Available from: <https://www.oireachtas.ie/en/debates/question/2020-06-23/317/>. [12 May 2022].

⁶⁹ Irish Prison Service (IPS), (2020). *Irish Prison Service Monthly Information Note – February 2020*. Available from: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/February-2020.pdf. [12 May 2022].

⁷⁰ Irish Prison Service (IPS), (2020). *Irish Prison Service Monthly Information Note – April 2020*. Available from: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/APRIL-2020.pdf. [12 May 2022].

⁷¹ Figures derived from calculating 12 month average of monthly numbers of people on TR from monthly information notes in 2020 and 2021. See, Irish Prison Service (IPS). (2020,2021,2022). *Monthly Information Note*. Available from: <https://bit.ly/3a9Bn1K>. [12 May 2022].

⁷² Irish Prison Service (IPS), (2022). *Irish Prison Service Monthly Information Note – April 2022*. Available from: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/APRIL-2022-Website.pdf. [12 May 2022].

⁷³ Houses of the Oireachtas, (2020). *Prisoner Releases Dáil Éireann Debate, Tuesday - 23 June 2020*. Available from: <https://www.oireachtas.ie/en/debates/question/2020-06-23/317/>. [12 May 2022].

⁷⁴ Misuse of Drugs Act 1977 (as amended), section 15A.

committed⁷⁵ and IPRT calls for the prohibition on TR for certain classes of offenders to be removed.⁷⁶

Recommendation 11. The State should incorporate the principle of imprisonment as a last resort into legislation.

Recommendation 12. The State should complete and publish the promised review of the Community Service (Amendment) Act 2011 and the Criminal Justice (Community Sanctions) Bill 2014 without any further delay.

Recommendation 13. The State should publish the promised ‘Action Plan for Penal Reform 2022-2024’ without further delay.

Recommendation 14. The State should review restrictions around temporary release to ensure that it is available to all prisoners on an equal basis and on the basis of current risk, rather than the nature of their offence, and to ensure all measures are being used to reduce the prison population.

The Use of Pre-Trial Detention and the Separation of Remand from Sentenced Prisoners

36. Pre-trial detention has implications on “*presumption of innocence, the right to liberty, the right of access to a lawyer, as well as family rights*”.⁷⁷

37. IPRT has campaigned against the increasing use of pre-trial detention for many years and is clear that remanding people in custody should only be used as a measure of last resort.⁷⁸ As of April 2022, there were 885 people being held on remand in Irish prisons⁷⁹ (a 23% increase on 2021⁸⁰ and an 11% increase since the beginning of the pandemic in 2020⁸¹). This is despite

⁷⁵ Office of the Inspector of Prisons (OIP) and Maynooth University (MU), (2020). *Ameliorating the impact of cocooning on people in custody – a briefing*. Available from: <https://bit.ly/3IUUwad>. [12 May 2022]. P.7.

⁷⁶ See also Recommendation 29 of the PPRG states: “*The Review Group recommends a new focus on the management of temporary release with equity and monitoring of the application of temporary release. In particular, the Review Group recommends that the prohibition on temporary release for those offenders who receive the presumptive mandatory sentence for a drugs or firearms offence should be removed.*” See, Department of Justice (DoJ), (2014). Strategic Review of Penal Policy. Available from: <https://bit.ly/38UT8kU>. [12 May 2022].

⁷⁷ Eustace, A., Hamill, S. & Mulligan, A. (2021). *Public Health Law During the COVID-19 Pandemic in Ireland*. Available from: <https://www.tcd.ie/law/2020.21/COVID-19%20Public%20Health%20Law%20Report.pdf>. [12 May 2022]. P.60.

⁷⁸ Irish Penal Reform Trust (IPRT). (2015). *IPRT Position Paper 11: Bail and Remand*. Available from: https://www.iprt.ie/site/assets/files/6363/iprt_position_paper_11_on_bail_and_remand_sml.pdf. [12 May 2022].

⁷⁹ Irish Prison Service (IPS), (2022). *Irish Prison Service Monthly Information Note – April 2022*. Available from: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/APRIL-2022-Website.pdf. [10 May 2022].

⁸⁰ There were 682 people in prison held on remand in April 2021. See, Irish Prison Service (IPS), (2022). *Irish Prison Service Monthly Information Note – April 2021*. Available from: <https://bit.ly/3MUim5X>. [26 May 2022].

⁸¹ There were 791 people in prison held on remand in March 2021, See Irish Prison Service (IPS). (2022). *Irish Prison Service Monthly Information Note – March 2020*. Available from: <https://bit.ly/3LZuihe>. [25 May 2022].

the clear need to continue to keep the number of people in custody low for reasons of infection control.

38. The OiP has identified the number of people held on remand during the pandemic as a matter of concern, along with the length of time some people were remanded in prison despite the risks of COVID-19.⁸² In its Reply to the List of Issues, the State has acknowledged that, despite the requirements of ICCPR and the Irish Prison Rules 2007, it is not always possible to ensure the accommodation of remand and sentenced prisoners apart.⁸³ Cloverhill Prison is the only dedicated remand facility in Ireland.⁸⁴

Recommendation 15. The State should work together with relevant agencies such as An Garda Síochána, the Courts Service, the Director of Public Prosecutions, the Irish Prison Service and the Central Statistics Office, to compile comprehensive data on the use of pre-trial detention, with a view to enhancing knowledge and understanding of trends and the reasons why pre-trial detention continues to be used at such apparently high rates.

Recommendation 16. The State, as part of its ongoing review of the Irish Prison Rules 2007,⁸⁵ should insert language into Rule 71 that guarantees, without exception, the separation of remand from sentenced prisoners in Irish prisons.

Out-Of-Cell Time

39. While the Committee, in its List of Issues, requested further information on the impact of COVID-19 on time out-of-cell,⁸⁶ the State did not provide this in its response.⁸⁷

40. People in prison have a right to adequate out-of-cell time under the Irish Prison Rules,⁸⁸ European Prison Rules ('the EPR')⁸⁹ and the United Nations Standard Minimum Rules for the Treatment of Prisoners ('the Mandela Rules').⁹⁰ However, as with many of the Irish Prison

⁸² Office of the Inspector of Prisons (OiP), (2021). *COVID-19 Thematic Inspection of Cloverhill Prison – 18 – 19 March 2021*. Available from: <https://www.oip.ie/wp-content/uploads/2021/08/Cloverhill-Prison-COVID19-Thematic-Inspection-Report-2021.pdf>. [12 May 2022]. P.8.

⁸³ See Ireland's Replies to List of Issues CCPR/C/IRL/Q/5, (2022). Available from: <https://bit.ly/3tZuiOg>. [10 May 2022]. Para.136.

⁸⁴ Ibid.

⁸⁵ Department of Justice, (DoJ). (2021). *Publication Consultation on the Review of Prison Rules*. Available from: <https://bit.ly/3GtPMBY>.

⁸⁶ See List of Issues CCPR/C/IRL/Q/5, (2021). Available from: <https://bit.ly/3z8zVHq>. [10 May 2022]. Para.13.

⁸⁷ See Ireland's Replies to List of Issues CCPR/C/IRL/Q/5, (2022). Available from: <https://bit.ly/3GzJNf0>. [10 May 2022].

⁸⁸ See Rule 27(1) of the Irish Prison Rules 2007, as amended by the Prison (Amendment) Rules 2017. Available from: <https://www.irishstatutebook.ie/eli/2017/si/276/made/en/print> [27 May 2022].

⁸⁹ See Rule 25 of the EPR. Available from: <https://bit.ly/3PlTz2m>. [10 May 2022].

⁹⁰ See Rule 5 and 23 of the Mandela Rules. Available from: <https://bit.ly/3LUaADz>. [10 May 2022].

Rules, the inclusion of language such as “*as is practicable*” and “*at the discretion of the Governor*” inherently limits this right.⁹¹

41. IPRT and others have repeatedly recommended that the standard number of hours out-of-cell for prisoners is a minimum of 12 hours per day (including five hours of structured and meaningful activity) over five days per week.⁹² Between 2018-2021 the number of hours out-of-cell time afforded to prisoners reduced from eight to six hours.⁹³ This is only one hour more than prisoners placed on a restricted regime (restricted regimes involving a person being held in a cell for 19+ hours or more).⁹⁴
42. Notably, there is currently no publicly available information in Ireland on the number of hours out-of-cell time that people in the general prison population receive. Any data available is obtained through direct requests for information to the Department of Justice or IPS. The same is the case for information regarding the impact of COVID-19 on out-of-cell time and access to structured activities. To promote good practice and monitor the ability of the IPS to meet its mission, such information should be published on a regular basis and not only on request.
43. Additionally, there was a 79% increase in the number of people held on a restricted regime between 2017 and 2021.⁹⁵ This figure increased further in January 2022.⁹⁶ It is widely accepted that spending such a significant portion of the day locked in a cell is damaging to the health and wellbeing of the restricted individual.
44. While most people were on restricted regime for reasons of protection, at various stages in 2021, between 166 and 298 of the people on restricted regime were held under Rule 103 (i.e. for COVID-19 isolation and quarantine reasons).⁹⁷ IPS *Census of Restricted Regime Reports* pertaining to January 2022 show that 471 people in prison (approximately 48% of those on

⁹¹ See Rule 27(1) of the Irish Prison Rules 2007 (as amended). Available from: <https://bit.ly/3t4ap23>. [27 May 2022].

⁹² See, Committee of Inquiry into the Penal System. (1985). Report of the Committee of Inquiry into the Penal System. Dublin: Stationery Office. Also see, Department of Justice (DoJ), (2014). *Strategic Review of Penal Policy*. Available from: <https://bit.ly/3wYWGMI>. [02 May 2022]. P.59.

⁹³ Kildare Street, (2020) *Written Answers, Tuesday 14th July 2020*. Available from: <https://bit.ly/3NjzEi1>. [02 May 2022].

⁹⁴ Prisoners on restricted regime are locked in their cell for 19 hours or more per day under various Prison Rules.

⁹⁵ Irish Penal Reform Trust (IPRT), (2021). *Progress in the Penal System (PIPS): The Need for Transparency*. Available from: https://www.iprt.ie/site/assets/files/7052/progress_in_the_penal_system_2021_-_final.pdf. [02 May 2022]. P.56.

⁹⁶ 25.6% (982) of the prison population (3,835) in January 2022 were held on restricted regime. See, Irish Prison Service (IPS). *Census of Restricted Regime Prisoners January 2022*. Available from: <https://bit.ly/3lWAXOO>. [02 March 2022].

⁹⁷ Irish Prison Service (IPS), (2021). *Census of Restricted Regimes Report (January to October 2021)*. Available from:

<https://www.irishprisons.ie/information-centre/statistics-information/census-reports/>. [14 January 2022]. January 2021: 289 people under Rule 103; April 2021: 167 people under Rule 103; July 2021: 166 people under Rule 103; October 2021: 196 people under Rule 103.

restricted regimes) were so held under Rule 103.⁹⁸ IPRT is concerned that the number of people being held on restricted regime under Rule 103 remained so high in early 2022.

Recommendation 17. The State should invest in the systematic collection and publication of data on out-of-cell time in Irish prisons, including the number of hours and type of structured activities available to people in prison.

Recommendation 18. The State should make all necessary investments in supporting the Irish Prison Service to reduce the number of people on restricted regimes.

Solitary Confinement

45. The use of solitary confinement (i.e. 22+ hours in cell a day)⁹⁹ in prisons is damaging to the individual and should only be imposed in exceptional cases, as a measure of last resort and for as short a time as possible.¹⁰⁰ Furthermore, prolonged solitary confinement (i.e. isolation lasting 15 or more consecutive days) should be entirely prohibited.¹⁰¹ Rule 27 of the Irish Prison Rules 2007 makes clear that prisoners have a right to two hours out-of-cell time per day at an absolute minimum.¹⁰²

46. Despite a 2017 commitment to abolishing solitary confinement in Ireland,¹⁰³ an increasing number of people continued to be held on 22 and 23 hour lock-up between 2017 and 2021.¹⁰⁴ In January 2022, there was an increase again in the number of people being held in solitary confinement in Irish prisons.¹⁰⁵

⁹⁸ Irish Prison Service (IPS), (2022). *Census of Restricted Regime Prisoners January 2022*. Available from: <https://bit.ly/38Yugsv>. [12 March 2022].

⁹⁹ Irish Penal Reform Trust, (IPRT). (2018). *Behind the Door: Solitary Confinement in the Irish Penal System*. Available from: https://www.iprt.ie/site/assets/files/6439/solitary_confinement_web.pdf. P.6.

¹⁰⁰ Rule 60.6 of the EPR states “Solitary confinement shall not be imposed as a disciplinary punishment, other than in exceptional cases and then for a specified period, which shall be as short as possible and shall never amount to torture or inhuman or degrading treatment or punishment.” Available from: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809ee581. [10 May 2022].

¹⁰¹ Rule 44 of the Mandela Rules states, “Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days.” Available from: <https://bit.ly/3NHsSOB>. [10 May 2022].

¹⁰² Rule 27(1) of the Prison Rules 2007, as amended by the Prison (Amendment) Rules 2017. Available from: <https://www.irishstatutebook.ie/eli/2017/si/276/made/en/print>. [27 May 2022].

¹⁰³ Irish Prison Service (IPS), (2017). *Elimination of Solitary Confinement – Policy Document*. Available from: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Elimination-of-solitary-confinement-Policy.pdf. [16 May 2022]. P.1.

¹⁰⁴ See, *Standard 26 – Solitary Confinement in Progress in the Penal System 2021*. Available from: <https://bit.ly/3ITR5R1>. [10 May 2022]. p.63

¹⁰⁵ Irish Prison Service (IPS), (2022). *Census of Restricted Regime - January 2022*. Available from: <https://bit.ly/3Gwbxky>. [18 May 2022].

47. The OiP has raised concerns about the use of solitary confinement as a measure for managing the spread of COVID-19,¹⁰⁶ and highlighted incidents of prolonged and repeated solitary confinement in the form of COVID-19 quarantine/isolation.¹⁰⁷ The use of solitary confinement as a measure to prevent the transmission of COVID-19 has reportedly led to a reluctance amongst prisoners to report symptoms.¹⁰⁸
48. The CPT upholds that people in isolation due to COVID-19 should be provided with meaningful human contact every day.¹⁰⁹ However, it is clear from the OiP COVID-19 Thematic Inspection Reports that people subjected to medical isolation in some prisons were held in “*de facto solitary confinement*” for 23 hours or more each day and received significantly less than two hours meaningful human contact.¹¹⁰
49. While the IPS *Census of Restricted Regimes* reports provide information on the number of people being held in solitary confinement in each quarter, they do not provide detailed information on the reasons why people have been detained in such conditions nor do they provide any information on the lengths of time people are subject to such conditions. This information is imperative to ensure that solitary confinement is used only in exceptional circumstances and that no person is subject to prolonged solitary confinement.

Recommendation 19. The State should, by the end of 2022, ensure that the practice of solitary confinement is abolished in Irish prisons and that all prisoners receive a minimum of two hours out of cell with an opportunity for meaningful human contact.

Recommendation 20. The State should devise effective systems for collecting and publishing regular data on the lengths of time people are spending in solitary confinement, and impose in legislation and in line with the Mandela Rules a maximum period (of no more than 15 days) for which a person may be held in consecutive solitary confinement.

¹⁰⁶ Office of the Inspector of Prisons (OiP), (2021). *COVID-19 Thematic Inspection of Mountjoy Men's Prison 1 - 4 March 2021*. Available from: <https://bit.ly/3t3ozQW>. [12 May 2022]. P.24.

¹⁰⁷ Office of the Inspector of Prisons (OiP), (2021). *COVID-19 Thematic Inspection of Cloverhill Prison 18 - 19 March 2021*. Available from: <https://www.gov.ie/en/publication/2be87-covid-19-thematic-inspections-of-prisons-2021/>. [12 May 2022]. P.26.

¹⁰⁸ Office of the Inspector of Prisons (OiP), (2021). *COVID-19 Thematic Inspection of Mountjoy Men's Prison 1 - 4 March 2021*. Available from: <https://bit.ly/3t3ozQW>. [12 May 2022]. P.29.

¹⁰⁹ See Principle 6 in Council of Europe (CoE) - European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), (2020). *Statement of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic*. Available from: <https://rm.coe.int/16809cfa4b>. [12 May 2022].

¹¹⁰ Office of the Inspector of Prisons (OiP), (2021). *COVID-19 Thematic Inspection of Cork Prison – 31 May – 1 June*. Available from: <https://bit.ly/3Gxxsl7>. [12 May 2022]. P.45.

Single-Cell Accommodation

50. Both the Mandela Rules and the EPR recommend that people in prison should have access to single-cell accommodation.¹¹¹ Where people in prison choose to share a cell, cell-mate allocation should be carried out carefully and regularly monitored through ongoing wellbeing and risk-assessment.¹¹²
51. Single-cell accommodation is considered best practice because it facilitates privacy and dignity and reduces tensions, by avoiding prisoners spending long hours locked-up together in cramped conditions.¹¹³ Furthermore, single-cell accommodation has been recommended insofar as it supports the prevention of infectious diseases such as COVID-19 and helps ensure compliance with public health guidelines.¹¹⁴
52. The IPS reported prisoners being forced to quarantine during the pandemic because they were close contacts of people with whom they were sharing a cell.¹¹⁵ Moreover, the OiP highlighted concerns from prisoners sharing cells throughout quarantine due to both their health conditions and “*the stress of the unknown*” i.e. that the person with whom they are sharing a cell could have COVID-19.¹¹⁶
53. Despite the consensus around, and importance of, single-cell accommodation and commitments to this goal in the *Irish Prison Capital Strategy 2016-2021*,¹¹⁷ as of January 2022, only 54% of people in prison were accommodated in single cells.¹¹⁸ The IPS do not publish information on the number of usable single cells across the estate and have reported having no designated policy on cell-sharing.¹¹⁹

¹¹¹ Rule 12.1 of the Mandela Rules. Available from: <https://bit.ly/3N2su8v>. [12 May 2022]. Rules 18.6 & 18.7 of the EPR. Available from: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809ee581. [12 May 2022].

¹¹² See Rule 12.1 of the Mandela Rules. Available from: <https://bit.ly/3N2su8v>. [12 May 2022].

¹¹³ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), (2015). *Living Space Per Prisoner in Prison Establishments: CPT Standards*. Available from: <https://rm.coe.int/16806cc449>. [12 May 2022].

¹¹⁴ Office of Inspector of Prisons (OiP), (2021) *Annual Report 2020*. Available from: <https://bit.ly/3t3OxEa>. [12 May 2022]. P. 8.

¹¹⁵ Irish Prison Service response to requests for PIPS 2020, 07.08.2020 in Irish Penal Reform Trust, (2020). *Progress in the Penal System: Assessing Progress in a Pandemic*. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2020.pdf>. [20 May 2022]. P.57.

¹¹⁶ Office of the Inspector of Prisons (OiP), (2021). *COVID-19 Thematic Inspection of Limerick Prison*. Available from: <https://www.OiP.ie/wp-content/uploads/2021/08/Limerick-Prison-COVID-19-Thematic-Inspection-Report-2021.pdf>. [13 May 2022]. P.31.

¹¹⁷ Single-cell occupancy as an estate-wide norm is cited as one of the 8 core and concurrent strategic objectives of the IPS. See, Irish Prison Service (IPS), (2020). *Capital Strategy 2016-2021*. Available from: <https://bit.ly/3a3Nm0D>. [06 May 2022].

¹¹⁸ Irish Prison Service (IPS), (2022). *Census Prison Population January 2022 – Cell occupancy – In-Cell Sanitation*. Available from: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/January-2022-In-Cell.pdf. [02 May 2022].

¹¹⁹ Information provided by the Irish Prison Service on 18 November 2021 following a data request by IPRT.

Recommendation 21. The State should conduct a review of single-cell accommodation across the Irish prison estate to align with international standards and best practice, and develop and implement a designated policy on cell-sharing.

In-Cell Sanitation

54. IPRT upholds that every prisoner should have 24-hour access to toilet facilities that respect the dignity and privacy of individual.¹²⁰ This principle is stated in both the EPR¹²¹ and the Mandela Rules.¹²² The CPT has further stressed that, where people are placed in multiple occupancy cells, they must be “*equipped with fully partitioned toilet facilities*” and that the practice of slopping out should be completely eradicated from Irish prisons.

55. Information about in-cell sanitation in Irish prisons can be found in the IPS *Census of Cell Occupancy and In-Cell Sanitation* reports.¹²³ According to these reports, in January 2022, 45% (1,694 out of 3,775) of people in custody were required to use the toilet in the presence of another prisoner and 1% (36) were required to slop out.¹²⁴ The practice of slopping out is ongoing in both Limerick and Portlaoise Prisons with a near completed development in Limerick Prison aimed at eliminating this practice.¹²⁵

56. While IPRT welcomes an almost elimination in the practice of slopping out, it is concerning that – since 2019 – there has been only a 2% reduction in the percentage of people in prison having to use the toilet in the presence of others.¹²⁶

Recommendation 22. The State should take all necessary measures to ensure that people in prison have access to private toilet facilities through refurbishing cells to provide for fully partitioned toilets.

¹²⁰ See, Standard 8 – In Cell Sanitation in *Progress in the Penal System 2017-2019*, available from: <https://pips.iprt.ie/>

¹²¹ See Rule 19.3 of the EPR. Available from: <https://bit.ly/3PITz2m>. [10 May 2022].

¹²² Rule 15 of the Mandela Rules. Available from: <https://bit.ly/3ITRLWz>. [10 May 2022].

¹²³ Irish Prison Service (IPS), (2022). *Census Prison Population– Cell occupancy – In-Cell Sanitation*. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/census-reports/>. [02 May 2022].

¹²⁴ Irish Prison Service (IPS), (2022). *Census Prison Population January 2022 – Cell occupancy – In-Cell Sanitation*. Available from: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/January-2022-In-Cell.pdf. [02 May 2022].

¹²⁵ Gallagher, C. (2022). ‘Slopping out’ settlements for prisoners set to cost half of what was expected. *Almost three-quarters of 2,272 legal claims have been completed, committee told*. (Thu, Apr 28, 2022). Available from: <https://bit.ly/3wYD8HU>. [12 May 2022]. See also Gallagher, C. (2022). *Portlaoise Prison to lose cells in refurbishment programme. Requirement for in-cell sanitation will mean less room for prisoners in E Block*. (Mon, May 2, 2022). Available from: <https://bit.ly/3lWBMHo>. [12 May 2022].

¹²⁶ 47% were required to use the toilet in the presence of others in July 2019. See, Irish Prison Service (IPS), (2019). *Census Prison Population July 2019 – Cell occupancy – In-Cell Sanitation*. Available from: <https://bit.ly/3z6FJRp>. [02 May 2022].

Recommendation 23. The State should expedite developments in both Portlaoise and Limerick Prisons and take all necessary measures to completely abolish the practice of slopping out in Irish prisons.

Violence in Prisons

57. In its List of Issues for Ireland, the Committee requested more information about the establishment of a violence reduction unit in Portlaoise Prison, as well as data on its effectiveness in reducing violence among people in prison. The Committee also requested information on any other similar units/initiatives across the prison estate.¹²⁷
58. In its Reply, the State reported on the establishment of the National Violence Reduction Unit (NVRU) in November 2018.¹²⁸ The NVRU is designed to manage, through a psychologically informed service, people who regularly engage in violence in prison.
59. It is important to note that in the year the NVRU was established, there were 110 recorded assaults on staff by prisoners¹²⁹ and 418 recorded prisoner-on-prisoner assaults.¹³⁰ Since 2018, there has been a significant reduction in the number of assaults, with 249 prisoner on prisoner assaults¹³¹ and 91 prisoner on staff assaults recorded in 2021.¹³² It is also important to note that, in 2021, there were no assaults recorded in Portlaoise Prison where the NVRU is located.¹³³
60. While there has been some progress in reducing the levels of violence across the Irish prison estate since 2018, IPRT remains concerned that the levels of violence are still high and that the reductions have come at the price of keeping prisoners in their cells on long lock-up and without access to structured activities / regimes during the pandemic.
61. The Prison Officers' Association ('the POA') has called for the establishment of additional NVRUs in other closed prisons, however, in 2020 there were no plans to develop further units as the number of prisoners displaying the levels of violence to qualify for admission to a unit

¹²⁷ See List of Issues CCPR/C/IRL/Q/5, (2021). Available from: <https://bit.ly/3wZIUJx>. [10 May 2022]. Para.17(c).

¹²⁸ See Ireland's Replies to List of Issues CCPR/C/IRL/Q/5, (2022). Available from: <https://bit.ly/3wVxDbU>. [10 May 2022]. Paras.137-140.

¹²⁹ Irish Prison Service, (IPS), (2022). *Assault Figures*. Available from: <https://bit.ly/3PNhePf>. [12 May 2022].

¹³⁰ Ibid.

¹³¹ Ibid.

¹³² Ibid.

¹³³ Ibid.

is “very, very small”.¹³⁴ In 2022, the POA once again expressed concerns that violence is becoming an increasing issue in both Cork Prison and the Dóchas Women’s Prison in Dublin.¹³⁵ Media reports from April 2022 indicate escalating violence across the prison estate with serious incidents of prisoner on staff assaults in Mountjoy Prison,¹³⁶ although it must be noted that issues around the monitoring and recording of violent incidents (identified by the CPT in its 2020 report) may impact on the exact number of known violent incidents.¹³⁷

62. IPRT is clear that responses to violence in prison must not resort to simply increasing prison spaces and/or keeping prisoners on longer lock-up in cell. Instead the State must examine alternative ways of addressing violence in prison including, for example, the potential for new violence units to be established across the estate, improved prison environments through access to single-cell accommodation and adequate out-of-cell time, and improved staff training around conflict de-escalation.¹³⁸

Recommendation 24. The State should review and enhance the system of recording incidents of violence in prisons, introducing a standardised approach to recording across the system.

Recommendation 25. The State should consider developing further units/initiatives for addressing violence across the estate, drawing on lessons learned from the National Violence Reduction Unit in Portlaoise Prison.

Mental Health in the Prison System

63. Recent data suggests that the prevalence of people in prison with severe mental illness is four times that of the general population.¹³⁹ This is further evidenced by the consistently high

¹³⁴ Gallagher, C, (2020). *High-security unit at half capacity since opening in 2018 - ‘Tiny number’ of inmates reach violence threshold for admission to NVRU in Portlaoise.* (Fri, Feb 14 2020). Available from: <https://bit.ly/3wXg78c>. [18 May 2022].

¹³⁵ Reynolds, P. (2022). *Over 220 new prison spaces to open by end of year, says McEntee.* (Wed, 27 Apr 2022). Available from: <https://www.rte.ie/news/2022/0427/1294516-prison-officers-conference/>. [18 May 2022].

¹³⁶ Hyland, P. (2022). *Woman prison officer stabbed with ‘shiv’ in Mountjoy while breaking up fight, colleague injured.* (20 April 2022). Available from: <https://bit.ly/3LTfp09>. [18 May 2022].

¹³⁷ Council of Europe (CoE), (2020). *Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 4 October 2019.* Available from: <https://rm.coe.int/1680a078cf>. [18 May 2022]. P.5

¹³⁸ Irish Penal Reform Trust, (IPRT). (2019). *Progress in the Penal System: A framework for penal reform (2019).* Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2019.pdf>. P.96.

¹³⁹ Gulati, G., Cusack, A., Kelly, BD., Murphy, VE., Kilcommins, S., & Dunne, CP. (2021). *Trans-institutionalisation in Ireland: New and Emerging Congregated Settings for People with Disabilities.* [Online]. *Health and Human Rights Journal.* Available from: <https://bit.ly/3t3p9OC>. [02 May 2022].

numbers of people in prison on the waiting list for the Central Mental Hospital (CMH),¹⁴⁰ and lengthy waiting times for in-prison psychology services (e.g. as of 13th July 2021 nearly a third of the prison population were on a waiting list for psychology assessment or intervention).¹⁴¹

64. IPRT is clear that people with severe mental illness should be diverted away from prison.¹⁴²

However, when they do end up in prison, there needs to be sufficient mental health supports provided to them.

65. There are several issues in Irish prisons in respect of both the quantity and quality of mental health supports. For example, in addition to the lengthy waiting lists mentioned above, there are only two High Support Units (HSUs) available to people in prison in Ireland, one in Cloverhill and one in Mountjoy, with an additional ‘Vulnerable Prisoners Unit’ in Cork Prison.¹⁴³ The CPT had concerns about the quality of the existing HSUs in their 2014¹⁴⁴ and 2019¹⁴⁵ visits to Ireland. Ireland is nowhere near the recommended standard of one psychologist per 150 prisoners,¹⁴⁶ with only one psychologist per 257 prison beds reported in November 2021.¹⁴⁷

¹⁴⁰ From 2017 to 2020, there was a constant waiting list of between 18 and 34 people awaiting transfer to the CMH see, Irish Prison Service response to requests for PIPS 2020, 7 August 2020. See, Irish Penal Reform Trust (IPRT), (2020). *Progress in the Penal System: Assessing Progress in a Pandemic*. Available from: <https://bit.ly/3LViZWS>. [03 May 2022]. P.83

¹⁴¹ Department of Justice, (DoJ). (2021). *PQ 579 - 13 July 2021*. Available from: <https://www.justice.ie/en/JELR/Pages/PQ-13-07-2021-579>. In IPRT’s most recent *PIPS 2021* report, it was noted that as of 23 November 2021, the range of wait times for assessment/intervention by the IPS Psychology Service was between 0 (for psychological first aid) and 1,732 days (4 years) (for the *Pathways to Change Group*), see information obtained by the Irish Prison Service on 18th November 2021, Irish Penal Reform Trust (IPRT), (2021). *Progress in the Penal System: The need for transparency*. Available from: <https://bit.ly/3t5zOs3>. P.15.

¹⁴² This also appears to be a goal of the recently established High Level Task Force on the mental health and addiction challenges of persons interacting with the criminal justice system. The current remit of the Task Force is to consult with a variety of stakeholders, reports, proposals and recommendations to identify actions relating to people with mental health and drug/alcohol challenges, or dual diagnosis, who come into contact with the criminal justice system, see, Department of Justice (DoJ), (2021). Available from: <https://www.justice.ie/en/JELR/Pages/PR21000071>. [02 May 2022].

¹⁴³ There are only two operational HSUs in the estate, see, Irish Penal Reform Trust (IPRT), (2021). *Progress in the Penal System: Transparency in the Penal System*. Available from: <https://bit.ly/3t5zOs3>. [02 May 2022]. P.34.

¹⁴⁴ CPT found that High Support Units were not resourced properly and observed a lack of meaningful engagement and structured activities for mentally ill prisoners housed in HSUs. See, Council of Europe (CoE), (2015). *Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 26 September 2014*. Available from: <https://rm.coe.int/pdf%20/1680727e23>. [02 May 2022].

¹⁴⁵ CPT noted that in Cloverhill, vulnerable prisoners in the “overflowing” HSU were, on occasion, sleeping on mattresses. See, Council of Europe (CoE), (2020). *Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 4 October 2019*. Available from: <https://rm.coe.int/1680a078cf>. [02 May 2022].

¹⁴⁶ Porporino, F. (2015), “New Connections” *Embedding Psychology Services and Practice in the Irish Prison Service*. Available from: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/porporino_report.pdf. [02 May 2022]. P.28.

¹⁴⁷ Information Received by the IPS on 18th November 2021, see Irish Penal Reform Trust (IPRT), (2021). *Progress in the Penal System: Transparency in the Penal System*. Available from: <https://bit.ly/3t5zOs3>. [02 May 2022]. P.15.

66. Furthermore, there is a lack of critical data on the lengths of time people are spending in Safety Observation Cells,¹⁴⁸ despite commitments made in 2017 to the UN Committee Against Torture to publish these figures.¹⁴⁹
67. In its Reply to the Committee’s List of Issues, the State outlined that the IPS is reviewing the operation of Special Observation Cells (SOCs) in prisons during the Prison Rules review. This review was expected to be completed by the end of 2021 with new Standard Operating Procedures for SOCs to be drafted.¹⁵⁰ However, no review or operating procedure has been made publicly available to date.
68. As noted previously, mental health supports in prison in Ireland are already insufficient and stretched and IPRT is concerned that the mental health difficulties of prisoners is likely to have been further exacerbated during the COVID-19 period as a result of the very restrictive measures imposed. Many people in prison have reported experiencing: anxiety and loneliness¹⁵¹ as a result of isolation and reduced family contact; reduced time out-of-cell;¹⁵² and prolonged and sometimes repeated periods of isolation where there was very little meaningful human contact¹⁵³ and often no access to basic routines such as showering¹⁵⁴ and time outside.¹⁵⁵ Some people in prison reported to the OiP that their experience of isolation was “hell”¹⁵⁶ and “the worst two weeks of [their] 12 years in prison”.¹⁵⁷ The State must be proactive in addressing the mental health impact of the past two years by now providing robust and meaningful supports to those in prison.

¹⁴⁸ Safety Observation Cells are ‘special cells’ designed to accommodate prisoners who pose “an immediate threat of serious harm to him/herself and/or others arising from a health care condition (i.e. as a medical measure)”. See, Council of Europe (CoE), (2020). *Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 4 October 2019*. Available from: <https://rm.coe.int/1680a078cf>. [02 May 2022]. Para.57.

¹⁴⁹ See UN Web TV, Consideration of Ireland (Cont’d)-1551st Meeting 61st Session Committee Against Torture at 12.29-12.38, available at: <https://media.un.org/en/asset/k1x/k1xjag18m>.

¹⁵⁰ See Ireland’s Replies to List of Issues CCPR/C/IRL/Q/5, (2022). Available from: <https://bit.ly/3wVxDbU>. [10 May 2022]. Para.101.

¹⁵¹ Office of the Inspector of Prisons (OiP), (2021). *COVID-19 Thematic Inspection of Wheatfield Prison - 6-7 April 2021*. Available from: <https://bit.ly/3M6Mfe8>. [12 May 2022]. P.34.

¹⁵² In 2021, people in prison received an average of only 6 hours out-of-cell time (1 hour more than those on a restricted regime and 6 hours less than the PIPS standard and standard accepted by the PPRG and Whitaker Report), see Irish Penal Reform Trust (IPRT), (2022). *Progress in the Penal System: The Need for Transparency*. Available from: <https://bit.ly/3t5zOs3>. [12 May 2022]. P.17. This is further evidenced in Office of the Inspector of Prisons (OiP), (2021). *COVID-19 Thematic Inspection of Cloverhill Prison 18 - 19 March 2021*. Available from: <https://bit.ly/3wX6GV5>. [12 May 2022]. P.23.

¹⁵³ Office of the Inspector of Prisons (OiP), (2021). *COVID-19 Thematic Inspection of Wheatfield Prison - 6-7 April 2021*. Available from: <https://bit.ly/3M6Mfe8>. [12 May 2022]. P.3.

¹⁵⁴ Office of the Inspector of Prisons (OiP), (2021). *COVID-19 Thematic Inspection of Mountjoy Men's Prison 1 - 4 March 2021*. Available from: <https://bit.ly/3lWMqxW>. [12 May 2022]. P.3.

¹⁵⁵ Office of the Inspector of Prisons (OiP), (2021). *COVID-19 Thematic Inspection of Cork Prison – 31 May – 1 June 2021*. Available from: <https://bit.ly/3wYE5js>. [12 May 2022]. P.44.

¹⁵⁶ Office of the Inspector of Prisons (OiP), (2021). *COVID-19 Thematic Inspection of Limerick Prison – 6 -7 April 2021*. Available from: <https://www.oip.ie/wp-content/uploads/2021/08/Limerick-Prison-COVID-19-Thematic-Inspection-Report-2021.pdf>. [12 May 2022]. P.31.

¹⁵⁷ Office of the Inspector of Prisons (OiP), (2021). *COVID-19 Thematic Inspection of Wheatfield Prison - 6-7 April 2021*. Available from: <https://bit.ly/3M6Mfe8>. [12 May 2022]. P.34.

69. While it is clear that mental health supports in prisons in Ireland need urgent investment, it is imperative that people with severe mental health issues are, in the first instance, diverted away from the criminal justice system and that an investment is made in community services to which to divert them to. In Ireland, there is limited public information provided on the number of people diverted from prison to supports in the community.¹⁵⁸

70. In 2021, the State established a High-Level Task Force (HLTF) to consider the mental health and addiction challenges of persons interacting with the criminal justice system.¹⁵⁹ The HLTF committed to publishing, by the end of 2021, a high-level implementation plan outlining the actions to be taken by the relevant stakeholders.¹⁶⁰ However, at the time of submitting this report, the implementation plan has yet to be published.

Recommendation 26. The State should make urgent investments in mental health supports in the community and develop a robust system for diverting people with severe mental health issues away from prison.

Recommendation 27. The State should make urgent investment in improving the quantity and quality of mental health supports in Irish prisons.

Recommendation 28. The State should publish its review of Special Observation Cells as well as the newly drafted operating procedure for such cells.

Recommendation 29. The State should urgently investigate the impact of COVID-19 on the mental health of people in prison, and identify measures which might mitigate these impacts (including e.g. through increased mental health supports in prison).

Recommendation 30. The State should ensure that the high-level implementation plan of the High-Level Task Force is completed, published and implemented without delay.

¹⁵⁸ The information that is available regarding diversions from prisons comes from the Prison In-Reach and Court Liaison Service (PICLS).

¹⁵⁹ The current remit of the Task Force is to consult with a variety of stakeholders, reports, proposals and recommendations to identify actions relating to people with mental health and drug/alcohol challenges, or dual diagnosis, who come into contact with the criminal justice system, see, Department of Justice (DoJ), (2021). *Establishment of a High-Level Taskforce to consider the mental health and addiction challenges of persons interacting with the criminal justice system*. Available from: <https://bit.ly/3PREI5K>. [19 May 2022].

¹⁶⁰ Ibid.

Non-Discrimination and the Rights of Minority Groups (Articles 2, 27)

Travellers in the Criminal Justice System

71. Irish Travellers are over-represented in the criminal justice system. Latest Census data from Ireland indicates that Travellers represent 0.7% of the population of Ireland and yet represent 6% of those in prison.¹⁶¹
72. Research in Ireland has indicated that Traveller males are five to 11 times more likely to be imprisoned than their counterparts in the Irish-settled community, with Traveller females being 18-22 times more likely to be imprisoned than females in the Irish-settled community.¹⁶²
73. A recent report published by IPRT on the rights and experiences of foreign national persons and minority ethnic groups in the penal system outlined significant gaps in data relating to ethnicity, with almost a quarter of all cases in the dataset from the study having no ethnicity recorded.¹⁶³ Consequently, it cannot be ascertained if the prevalence figures for Travellers in the penal system are accurate. This, along with significant gaps in sentencing data in Ireland, impedes the examination of any potential sentencing disparities between members of the Travelling community and the settled population (although the data available did suggest that non-white individuals and non-Irish nationals may receive harsher sentences in respect of certain offences).¹⁶⁴
74. IPRT's research also highlighted incidents of racism and anti-Traveller sentiment in the IPS,¹⁶⁵ along with broader findings around gaps in data on ethnicity and religion which could have a potential impact on the rights and needs of minority groups in the penal system.¹⁶⁶
75. Young Travellers are significantly over-represented in youth detention making up 26% of Oberstown Children's Detention Campus in 2020 while representing only 1.2% of the general

¹⁶¹ Central Statistics Office (CSO), (2017). *Press statement census 2016 results profile 8 – Irish Travellers, Ethnicity, and Religion*. Available from: <https://bit.ly/3NOjZuV>. [10 May 2022].

¹⁶² All-Ireland Traveller Health Study (AITHS), (2010). *All Ireland Traveller Health Study: Our Geels*. Available from: <https://assets.gov.ie/18859/d5237d611916463189ecc1f9ea83279d.pdf>. [10 May 2022].

¹⁶³ Irish Penal Reform Trust & Maynooth University, (2022). *"Sometimes I'm Missing the Words": The rights, needs and experiences of foreign national and minority ethnic groups in the Irish penal system*. Available from: <https://bit.ly/3NM3K4D>. [27 May 2022]. P.30.

¹⁶⁴ Ibid. P.25-27.

¹⁶⁵ Ibid. P.43.

¹⁶⁶ Ibid. P.30.

population.¹⁶⁷ Despite this over-representation, there is only brief mention of the specific needs of Traveller youths in the State's *Youth Justice Strategy 2021-2027*.¹⁶⁸

Recommendation 31. The State should make significant improvements in data recording and ethnic equality monitoring across all penal data collection systems and include a wider range of ethnicity categories, such as those employed by the Central Statistics Office.

Recommendation 32. The State should take further action to ensure that all statutory agencies meet their obligation to eliminate discrimination under section 42 of the Irish Human Rights and Equality Commission Act 2014.

Recommendation 33. The State should, working alongside Traveller representative groups, review and address the gaps identified in the *Youth Justice Strategy 2021-2027* by including specific actions and initiatives for young Travellers.

The Rights of the Family (Article 23)

The Impact of COVID-19 on Family Visits to Prison

76. Since our 2020 submission on the List of Issues,¹⁶⁹ IPRT has continued to advocate for the rights of families to maintain physical contact with a family member detained in prison in Ireland during the pandemic and has identified an approximately 80% reduction in the number of children who had physically visited an adult in prison between 2020 and 2021 (with 11,079 children visiting a prison in 2020 and only 2,238 children visiting a prison between January and November 2021).¹⁷⁰

77. While video phone calls have been implemented widely across the prison estate,¹⁷¹ and are welcomed, the suspension of physical visits for long periods of time since March 2020 (which

¹⁶⁷ Findings from the Oberstown Children's Detention Campus Annual Reported, cited in: <https://bit.ly/3wYEp1E>. [10 May 2022].

¹⁶⁸ For example, the Youth Justice Strategy 2021 – 2027 only appear to briefly refer to Travellers under Action 2.9.6 – “Ensure that GYDPs reach all relevant young people in the community, including those from minority and hard-to-reach groups (such as young people of migrant background, Traveller and Roma communities).” Available from: <https://bit.ly/3z3cjng>. [10 May 2022]. P.26.

¹⁶⁹ Irish Penal Reform Trust (IPRT), (2020). *IPRT Submission to the Human Rights Committee on Ireland's Fifth Periodic Examination under the International Covenant on Civil and Political Rights. Suggested List of Issues for Ireland 130th Session of the Human Rights Committee (12 October to 6 November 2020)*. Available from: <https://bit.ly/3lTT5sv>. [10 May 2022].

¹⁷⁰ Department of Justice, (DoJ). (2021). *PQ 150 - 24 November 2021*. Available from: <https://bit.ly/3LYk1Ce>.

¹⁷¹ See e.g. Irish Penal Reform Trust, (IPRT). (2021). *Remarks by Caron McCaffrey at the Launch of the IPRT Progress in the Penal System Report 2020*. Available from: https://www.iprt.ie/site/assets/files/6836/caron_mccaffrey_iprt_pips_2020_launch.pdf. [27 May 2022].

has included at times restrictions on the number of children allowed per visit, forcing parents to choose which children to bring¹⁷²) has been devastating for families. It has also had a detrimental impact on the mental health of prisoners¹⁷³ and children with a parent in prison.¹⁷⁴

78. Since 9 May 2022, IPRT has welcomed the reintroduction of physical contact during visits between prisoners and their families as well as the removal of infection control screen and reopening of visitor play areas for children.¹⁷⁵ However, prisoners are still only entitled to a fortnightly rather than weekly physical visits.¹⁷⁶

Recommendation 34. The State should ensure that physical visits to prison are reinstated to pre-pandemic levels (i.e. on a weekly basis *per* Rule 35 of the Irish Prison Rules 2007) without any further delay and while retaining prisoners' access to video phone calls as an alternative.

¹⁷² See e.g. Irish Prison Service (IPS), (2021). *The Resumption of Physical Visits - September 14th, 2021*. Available from: <https://www.irishprisons.ie/resumption-physical-visits/>. [10 May 2022]; and Irish Penal Reform Trust, (IPRT). (2020). *"I am worried about the lasting impact this will have": The experiences of people with a family member in prison during COVID-19*. Available from: https://www.iprt.ie/site/assets/files/6775/results_of_families_of_prisoners_survey_final_web-1.pdf.

¹⁷³ Department of Justice (DoJ), (2022). *Mountjoy Prison Visiting Committee Annual Report 2020*. Available from: <https://bit.ly/3awckWM>. [12 May 2022]. P.3.

¹⁷⁴ Minson, S. (2021). *The impact of COVID-19 prison lockdowns on children with a parent in prison*. Available from: <https://bit.ly/3lUXoUx>. [10 May 2022].

¹⁷⁵ Citizen's Information, (2022). *Visiting Someone in Prison*. Available from: <https://bit.ly/3aiE40P>. [10 May 2022].

¹⁷⁶ *Ibid.*