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**Irish Penal Reform Trust/ Prison Litigation Network**

**Workshop – outline of content**

**1. Workshop aim:** to provide participants with the outline of the current jurisprudence of the European Court of Human Rights in the areas of healthcare; segregation/solitary confinement; the use of disciplinary measures and the systems of complaints. Additionally, the workshop will also address the use of CPT reports in ECHR and domestic cases as a source of evidential material.

**2. Rationale:** In the most recent report on Ireland by the European Committee for the Prevention of Torture (CPT) in November 2015[[1]](#footnote-1), the CPT identified a number of areas of concern, relating to the situation in prisons in Ireland. While the Committee acknowledged the considerable steps taken by the Irish authorities to improve conditions in prisons, including the reduction in overcrowding, it noted in particular:

1.     the continuing use of slopping out by over 300 prisoners in the State at the time of the visit;

2.     the use of excessive physical force and verbal abuse by a small number of prison staff;

3.     the still-high levels of inter-prisoner violence;

4.     shortcomings in the investigations of deaths in prison, and in particular the lack of any internal review mechanism;

5.     shortcomings in the provision of healthcare in some of the prisons, with a recommendation that the Irish authorities should commission an independent body to review such provision;

6.     the continuing detention in prisons of persons with severe mental health problems, for whom care cannot be appropriately provided in the prison environment;

7.     issues regarding the separation of prisoners deemed a risk to others, with a recommendation from the CPT that clear rules and procedures are established to govern such segregation;

8.     the continued use in disciplinary proceedings of the sanction of a “loss of all privileges”, placing prisoners in conditions akin to solitary confinement for up to 56 days;

9.     the shortcomings in the implementation of the new *Prisoner Complaints Policy*, in particular with respect to prompt investigation and evidence collection relating to the most serious of complaints.

Four of the areas of concern for the CPT converged with the findings of IPRT’s research on prison litigation, where the practitioners interviewed in the course of the research pointed to some of the main areas of prison cases:

a)    access to healthcare;

b)   issues surrounding the use of segregation (for punishment or protection of prisoners);

c)    difficulties faced by prisoners in relation to disciplinary proceedings and

d)   the reluctance to use/mistrust in complaints procedures.

Considering the convergence of the issues raised by the practitioners and the CPT, it seemed timely to suggest that the workshops are used to provide information about the CPT report and developments in ECHR law regarding those four areas of concern.

**3. Format of the workshop:**

The workshop (one content x 4 locations) will be delivered as an interactive learning session, utilising short presentations by the trainer and case study exercises to be undertaken by the participants. The time for the workshop is 3 hours (4.30pm to 7.30pm in each location).

The outline format of the workshop:

4.30pm – Welcome and introductions

4.40pm  - Presentation of findings of the latest CPT report and IPRT’s PLN report in relation to: main issues identified by the CPT in relation to prison conditions; main issues subject to litigation in Ireland, identified through IPRT’s research.

4.50pm - Case study I: provision of healthcare (this is the active part of the workshop). Case studies for all sections will be based on Irish cases, where the relevant or similar issues arose in the context of prisons here. Participants are going to be given two or three questions to consider under each of the case studies (see content section below).

5.10pm - Discussion and presentation of ECtHR standards/thinking in relation to provision of healthcare in prisons.

5.20pm – Break.

5.40pm – Case study II: segregation and solitary confinement.

6pm - Discussion and presentation of ECtHR standards/thinking on segregation.

6.10pm – Case study III: disciplinary processes/sanctions.

6.30pm – Discussion and presentation of ECtHR standards/thinking on disciplinary processes/sanctions.

6.40pm – Summary of the workshop and presentation of the standards relating to complaint systems and domestic remedies as per ECtHR standards. This discussion will also include a short presentation on the value of using CPT reports as evidential material in domestic litigation.

7.15pm – Final Q&A and good byes.

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1. 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 and Degrading Treatment or Punishment (CPT) from 16 to 26 September 2014*, Strasbourg: CPT. [↑](#footnote-ref-1)