

Submission to the **Second Periodic Review of Ireland** under the **United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment**
Irish Penal Reform Trust

JUNE 2017



IPRT
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In May 2011, IPRT and the Irish Council for Civil Liberties submitted the *Joint Shadow Report to the First Periodic Review of Ireland under the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*. IPRT thanks the ICCL for permission to re-use the design in the present submission.





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.

Contact Details:

Address: Irish Penal Reform Trust [IPRT]
MACRO
1 Green Street
Dublin 7
IRELAND
Phone: 00353 1 874 1400
Website: www.iprt.ie
Twitter: @iprt

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Introduction

The Irish Penal Reform Trust (IPRT) welcomes the opportunity to provide this submission to the United Nations Committee against Torture in advance of the Second Periodic Review of Ireland under the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which takes place on 27th and 28th July 2017. We are grateful to the Committee for its consideration. In this submission, IPRT outlines the progress made on the 2011 Concluding Observations and further highlights a number of matters that might merit scrutiny during the current reporting cycle.

Before moving to discussion of the above, IPRT wishes to highlight three overarching matters focusing on State accountability for the treatment of people in prisons, namely the ratification of the Optional Protocol to the Convention against Torture (OPCAT) and the establishment of the National Preventive Mechanism (NPM) in Ireland; the current inspection regime for prisons, and issues related to investigations of deaths in custody.¹

This submission is informed by a consultation held by IPRT with key stakeholders, including non-governmental organisations working directly with people in prison and on release.

¹ We deal with issues relating to the internal Prison Service complaints process in the discussion of the progress on the 2011 Concluding Observations later in this submission.

1. Overarching matters

Ratification of OPCAT and the establishment of a National Preventive Mechanism (NPM) (Concluding Observations, para. 11, recommendation (c))

In its Concluding Observations in 2011, the Committee urged the Irish Government to expedite the ratification of OPCAT (following signature in 2007) and the establishment of an NPM. In 2011, the Irish government stated that it approved the preparation of legislation that would enable ratification.² However, work on the *Inspection of Places of Detention Bill* has not progressed, and the Heads of the Bill remain “under preparation” as of June 2017.³ In its 2016 submission to the Human Rights Council,⁴ the Government stated that it had begun public consultations on the establishment of a Criminal Justice Inspectorate as a possible mechanism to implement OPCAT in Ireland. Following the Universal Periodic Review of Ireland at the 25th Session of the UPR Working Group April/May 2016, the current Government restated its commitment to the ratification of OPCAT.⁵ However, progress towards ratification continues to be slow.

There has already been a significant delay of almost 10 years in the ratification of OPCAT by Ireland. We are concerned that ratification will be further delayed, as it appears that the Government prefers an option where the shape of the NPM is agreed upon and the necessary legislation is in place before ratification. However, there is enough flexibility in the OPCAT to allow for the designation and/or establishment of an NPM before or after ratification. Article 24 of the OPCAT explicitly provides for the possibility of State parties making a declaration to postpone its implementation, including in establishing an NPM, for up to three years. Additionally, the Subcommittee on Prevention of Torture is clear that the development of an NPM is an on-going obligation, “with formal aspects reinforced and working methods refined and improved incrementally”.⁶

It is IPRT's view that there are very few reasons to further delay the ratification of OPCAT. Immediate ratification would affirm and strengthen the message that the Irish Government is committed to the implementation of OPCAT and the creation of an NPM. It would also provide for a clear timeline (of up to three years) to put in place the necessary legislation and to consider the designation and/or creation of an NPM in Ireland which would speed up the process of its establishment.

The Committee may wish to enquire whether the Irish Government has a clear timetable for the ratification of OPCAT. Should the Government not have such a timetable, IPRT would urge the Committee to recommend that a clear timetable is set. This timetable should take into consideration the fact that the establishment of an NPM is not a prerequisite to ratification.

² Opening Statement by Sean Aylward, Head of the Irish Delegation to the UN Committee against Torture, 23 May 2011.

³ Department of An Taoiseach (2017) Legislation Programme: Spring/Summer Session 2017 (available at: http://www.taoiseach.gov.ie/eng/Publications/Publications_2017/Legislative_Programme_Spring_Summer_2017.docx)

⁴ General Assembly (2016) *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21: Ireland*, Geneva: GA.

⁵ See: *IPRT Welcomes Government Acceptance of Recommendations on Prisons and Places of Detention Received at the UN* (at: <http://www.iprt.ie/contents/2911>)

⁶ Subcommittee on Prevention of Torture (2016) *Analytical assessment tool for national preventive mechanisms*, p. 2 (available at: http://www.ohchr.org/Documents/HRBodies/OPCAT/AnalyticalToolsNPM_en.pdf)

Monitoring and inspection of prisons in Ireland

In its submission to the Committee, the Government states that "Independent bodies already inspect places where persons are deprived of their liberty",⁷ one of those bodies being the Inspector of Prisons. While this is correct, IPRT would like to express its concern about the frequency of publication of inspection reports on individual prisons. Currently, the Inspector of Prisons submits inspection reports to the Minister for Justice who has the authority to publish these reports. The most recent published inspection report on an individual prison was published in 2014.⁸ Since 2008, full inspection reports have been published on only 7 out of the 14 prison establishments in Ireland.⁹ Similarly, the most recent *Annual Report* published was in 2014.¹⁰ It must be acknowledged that reports on investigations into deaths in custody have been published regularly,¹¹ and that the Inspector has also published a number of other important thematic reports.¹²

A system of inspections of prisons and other places of detention can only be effective if the inspecting mechanism is provided with sufficient resources to engage in regular oversight of those places. IPRT wishes to note its ongoing concern regarding the resources available to the Office of the Inspector of Prisons and its ability to provide a regime of regular inspections at a time when the Office performs a number of other functions, including investigations into all deaths occurring in prison custody and on temporary release. IPRT is also concerned that the remit of the Office of the Inspector (or any other body) does not currently extend to inspection of prisoner escort services or court custody cells.

The Committee may wish to enquire what steps the Government has taken in recent years to ensure that the Office of the Inspector of Prisons has sufficient resources to conduct regular visits to prisons, and to present reports for publication. The Committee

may also wish to enquire whether there are currently any reports on individual prisons with the Minister for Justice and Equality that are awaiting publication, and if yes, enquire as to the reasons for any delay in publication.

IPRT would also ask the Committee to consider recommending that an independent review of the effectiveness of prison inspections in Ireland is undertaken with a view to strengthening both the resourcing and the legislation underpinning the independence of the prisons inspection regime.

Investigation of deaths in custody

Connected to the broader issues of accountability are investigations into deaths in the custody of the Irish Prison Service. Over the last decade, there have been 129 deaths in prison custody in Ireland; of these deaths one third occurred on temporary release.¹³ In 2012, the remit of the Office of the Inspector of Prisons was extended to investigations of all deaths, whether in prison or on temporary release. In December 2016, *The Irish Times* reported that of the 76 deaths recorded since 2012: 22 were suspected suicides; 19 were drug related deaths; 5 were homicides; 28 prisoners died from natural causes, 1 died in a road collision and one died in a house fire while on temporary release.¹⁴

While, as stated above, Inspector's reports into deaths in custody have been published regularly, issues have been identified regarding internal reviews (or lack thereof) undertaken by the Irish Prison Service following such incidents. The most recent CPT report on their visit to Ireland noted shortcomings in the internal investigation of deaths in prison, and in particular the lack of any internal review mechanism.¹⁵ Furthermore, some of the Inspector's deaths in custody reports in recent years have identified deficiencies in internal review mechanisms

⁷ Committee against Torture (2016) *Consideration of reports submitted by States parties under Article 19 of the Convention pursuant to the optional reporting procedure. Second periodic report of States parties due in 2015: Ireland*, at para 123, p.18

⁸ See: http://www.inspectorofprisons.gov.ie/en/iop/pages/inspection_of_prisons_reports

⁹ Ibid. Note: the prison estate has been reduced from 14 to 12 prisons in 2017 following the re-designation of St. Patrick's Institution as Mountjoy West and the closure of the Training Unit semi-open facility.

¹⁰ See: http://www.inspectorofprisons.gov.ie/en/iop/pages/annual_reports

¹¹ See: http://www.inspectorofprisons.gov.ie/en/iop/pages/deaths_in_custody_reports

¹² See: http://www.inspectorofprisons.gov.ie/en/iop/pages/other_reports

¹³ The Irish Times, *Spike in Prison inmate deaths with 22 fatalities last year*, (at: <http://www.irishtimes.com/news/crime-and-law/spike-in-prison-inmate-deaths-last-year-with-22-fatalities-1.2910359>)

¹⁴ The Irish Times, December 19, 2016, *Spike in prison inmate deaths last year with 22 fatalities* (at: <http://www.irishtimes.com/news/crime-and-law/spike-in-prison-inmate-deaths-last-year-with-22-fatalities-1.2910359>)

¹⁵ Council of Europe (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 of Punishment (CPT) from 16 to 26 September 2014*, Strasbourg: CPT (available at: <http://www.cpt.coe.int/documents/irl/2015-38-inf-eng.pdf>).

of the Irish Prison Service into serious incidents, and insufficient record-keeping.^{16 17} In his most recently published *Annual Report*, the Inspector stated: "When reports of incidents or operational reports are generated it appears that only the minimum is included. In certain cases such reports are incomplete, inaccurate and at times misleading."¹⁸

IPRT notes that in response to the CPT's concerns the Government stated that new structures and processes will be introduced by the Director General of the Irish Prison Service at service and individual prison level to ensure that lessons are learned from serious incidents.

In light of the above, the Committee may wish to enquire about the procedures the Irish Prison Service has in place for the implementation of recommendations arising from investigations into deaths occurring in custody, including measures to improve record keeping, and how lessons learned from the Inspector investigations and internal reviews are embedded in staff practice.



¹⁶ See Office of the Inspector of Prisons (2015) *A report by the Inspector of Prisons Judge Michael Reilly into the circumstances surrounding the death of Prisoner F in the Mater Hospital on 26 July 2014 while in the custody of Mountjoy Prison* (at: <http://www.inspectorofprisons.ie/en/IOP/20140726PrisonerF.pdf/Files/20140726PrisonerF.pdf>) and *A Report by the Inspector of Prisons Judge Michael Reilly into the circumstances surrounding the death of Prisoner B in the Midlands Prison on 12th February 2013* (at: <http://www.inspectorofprisons.gov.ie/en/IOP/Death%20in%20Custody%20Prisoner%20B%202013.pdf/Files/Death%20in%20Custody%20Prisoner%20B%202013.pdf>)

¹⁷ Office of Inspector of Prisons (2014) *A Report by Judge Michael Reilly Inspector of Prisons into the Deaths of Prisoners in custody or on Temporary Release for the Period of 1st January 2012-11th June 2014* (at: <http://www.justice.ie/en/JELR/Pages/PB14000235>)

¹⁸ Office of the Inspector of Prisons (2014) *Annual Report 2013/2014*, p. 15 (at: <http://www.justice.ie/en/JELR/Pages/PB14000274>).

2. Progress on Concluding Observations 2011

Prison conditions – overcrowding (Art. 11 and 16, Concluding Observations para.11; LoIPR, para. 11)

The number of males held in Irish prisons has declined in recent years; more recently, the number of people committed to prisons annually has also declined.¹⁹ The daily average population in 2016 stood at 3,718 (as compared to 3,722 in 2015,²⁰ and 4,318 in 2012²¹); the number of committals fell to 15,099 (a 12.2% decrease on the previous year's figure of 17,206).²² However, the number of females held in Irish prisons has continued to rise. In 2016, the daily average population of women prisoners was 140, compared to 131 the year before (a nearly 7% increase).²³ Additionally, overcrowding remains an issue in some parts of the prison estate. On 22nd June 2017, a number of prisons were operating above the Inspector of Prisons' recommended capacity: Dochás Centre (Mountjoy female) at 113%; Limerick (male) at 123%; Limerick (female) at 138%.²⁴ Additionally, 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.²⁵

In addition to some prisons operating above capacity, 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.²⁶ The new Cork Prison, opened in February 2016, was designed for double occupancy despite single cell occupancy being recognised as best practice in other prisons within the estate, and Cork Prison has operated at or above capacity in 2016 and 2017. Following the death in 2013 of a prisoner²⁷ who was sharing a cell, the Inspector of Prisons recommended that prisoners should not share cells unless a comprehensive risk assessment has taken place. Concerns have previously been highlighted to the Committee Against Torture that low risk female prisoners are being accommodated in cells with high risk female prisoners.²⁸

In light of this, the Committee may wish to enquire what further steps the Government is planning to take to reduce overcrowding in prisons without further expanding the capacity of the prison estate. IPRT would also ask the Committee to consider recommending that the Irish Prison Service should aim to ensure single occupancy cells as the estate standard.

The Committee may also wish to enquire about the Irish Prison Service's risk assessment policy for cell occupancy, as well as the length of time prisoners are accommodated in cells holding two or more individuals.

¹⁹ Irish Prison Service (2017) *Annual Report 2016* (at: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/12631-IPS-annualreport-2016_Web.pdf).

²⁰ *Ibid*, p.5.

²¹ Irish Prison Service (2016) *Strategic Plan 2016 – 2018* (at: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/strategic_plan_2016.pdf), p.10.

²² Irish Prison Service (2017) *Annual Report 2016*, p.5.

²³ *Ibid*, p.5.

²⁴ Irish Prison Service (2017) *Prisoner population on Thursday 22nd June 2017* (at: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/22-June-2017.pdf).

²⁵ 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).

²⁶ Irish Prison Service (2017) *Census prison population April 2017 – Cell occupancy – In-cell sanitation* (at: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/April-2017-In-Cell.pdf).

²⁷ *A Report by the Inspector of Prisons Judge Michael Reilly into the circumstances surrounding the death of Prisoner B in the Midlands Prison on 12th February 2013*, p. 27 (available at: <http://www.inspectorofprisons.gov.ie/en/IOP/Death%20in%20Custody%20Prisoner%20B%202013.pdf/Files/Death%20in%20Custody%20Prisoner%20B%202013.pdf>).

²⁸ See *Joint Shadow Report to the First Periodic Review of Ireland under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, p.31 (at: <http://www.iprt.ie/files/ICCL-IPRT-report-web.pdf>).

Slopping out (Art. 11 and 16; Concluding Observations para. 12; LoIPR, para. 12)

The Government has made strong progress towards elimination of 'slopping out' in Irish prisons and should be commended on this achievement. As of April 2017, there were 56 prisoners remaining in the prison estate who were required to slop out.²⁹ 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.³⁰ These toilet facilities are provided in cells where prisoners also eat their meals. The Irish Prison Service's *Strategic Plan 2016–2018*³¹ promises the elimination of 'slopping out', with the modernisation of Limerick Prison and 'Block E' of Portlaoise Prison.

The Committee may wish to enquire whether refurbishment of those two prisons is progressing as planned and whether it can still be expected that the practice of 'slopping out' will be eliminated by the end of 2018. The Committee may also wish to enquire whether the Irish Prison Service plans to ensure all prisoners have access to private toilet facilities.

Use of Special Observation Cells (Art. 11 and 16; Concluding Observations para. 13; LoIPR, para. 14)

Quarterly statistics on the use of Safety Observations Cells (SOCs) and Close Supervision Cells (CSCs)³² have been publicly available since July 2016. Earlier statistics (for July 2016,³³ October 2016,³⁴ and January 2017³⁵) show that the number of prisoners held in these cells are low. In April 2017, 4 prisoners were accommodated in SOCs and 11 in CSCs.³⁶

The Committee may wish to enquire about the length of time individual prisoners spend in SOCs and CSCs and whether any of the placements are continuous or repeated placements of the same prisoners. The Committee may consider recommending that published statistics make clear the length of detention of individuals in those cells to provide a fuller picture of their use.

Following its periodic visit to Ireland in 2014, the CPT recommended that all prisoners accommodated in those cells should be offered at least one hour's outdoor exercise each day and that rip-proof clothing should not be used as a standard measure on placement in those cells but based on individual risk assessment.³⁷

The Committee may wish to enquire whether and how these recommendations have been implemented.

²⁹ Irish Prison Service (2017) *Census prison population April 2017 – Cell occupancy – In-cell sanitation* (at: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/April-2017-In-Cell.pdf)

³⁰ Ibid.

³¹ Irish Prison Service (2016) *Strategic Plan 2016 – 2018*, p. 10 (at: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/strategic_plan_2016.pdf).

³² Safety Observation Cells are used to accommodate prisoners for medical reasons who may be at risk of harm to themselves, while Close Supervision Cells accommodate prisoners who are assessed as posing a risk to other prisoners and staff. See Inspector Prisons, *Report of an Investigation on the use of special cells in Irish Prisons*, p. 10 (at: <http://www.justice.ie/en/JELR/Report%20of%20an%20investigation%20on%20the%20use%20of%20special%20cells%20in%20Irish%20Prisons.pdf/Files/Report%20of%20an%20investigation%20on%20the%20use%20of%20special%20cells%20in%20Irish%20Prisons.pdf>)

³³ Irish Prison Service (2016) *Census prison population July 2016 – Cell occupancy – In-cell sanitation* (at: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/July2016_incell-1.pdf).

³⁴ Irish Prison Service (2016) *Census prison population October 2016 – Cell occupancy – In-cell sanitation* (at: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/October2016_incell.pdf).

³⁵ Irish Prison Service (2017) *Census prison population January 2017 – Cell occupancy – In-cell sanitation* (at: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/January-2017-In-Cell.pdf).

³⁶ Irish Prison Service (2017) *Census prison population April 2017 – Cell occupancy – In-cell sanitation*.

³⁷ Council of Europe (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*, Strasbourg: CoE, p. 8 (at: <https://rm.coe.int/1680696c9a>)



Healthcare in prisons (Art. 11 and 16; Concluding Observations para. 14; LoIPR, para. 14)

In its Concluding Observations in 2011, the Committee expressed its concern regarding deficiencies in the standards of healthcare in Irish prisons, and urged the Government to improve provision. Following its periodic visit to Ireland in 2014, the CPT expressed a similar concern. While acknowledging that the standard of healthcare improved in some prisons, the CPT noted that it deteriorated in others.³⁸ In fact, in their preliminary remarks to the Irish Government, the CPT observed that “health-care service in some prisons was in a state of crisis”³⁹ and highlighted poor management of services and disjointed throughcare; poor management support; understaffing; and gaps in escort provision to ensure that prisoners attend medical appointments in the community. As is evident from the investigation into the death of ‘Prisoner F’ in the custody of Mountjoy Prison in 2014, such gaps (in this case, the lack of escort and poor coordination of response following referral to Accident and Emergency) can and do contribute to deaths in custody.⁴⁰ The Inspector of Prisons stated that the provision of healthcare to prisoners should be the sole responsibility of medical professionals, and must not be dependent on operational considerations.⁴¹

The CPT urged the Government to undertake a fundamental review of health care in prisons. In 2016, the Inspector of Prisons published a report into the provision of health care services.⁴² In the report, he noted that it was difficult to assess the adequacy of those services in prisons as no health needs analysis of the prison population has been undertaken, nor has there been a staffing needs analysis. Inadequacies in healthcare provision have also been reported by Prison Visiting Committees.⁴³ The Health Information and Quality

Authority, an independent authority established to inspect health and social care services in Ireland, does not have oversight of healthcare provision in Irish prisons.

The CPT noted that “Irish prisons continued to detain persons with psychiatric disorders too severe to be properly cared for in a prison setting”.⁴⁴ In this connection, the CPT observed that High Support Units in Castlereagh, Midlands and Mountjoy prisons were under-resourced; did not meet the needs of prisoners; lacked structured activities and provided for no occupational or recreational therapy. Prison staff working in the Units were ill-prepared for dealing with prisoners with seriously mental illnesses. It is also important to mention here that the report into the death of Gary Douch in Mountjoy Prison in 2006,⁴⁵ which was finally published in May 2014, identified serious shortcomings in the treatment and throughcare of Stephen Egan that contributed to his killing of Gary Douch.

In 2015, a review of psychology services (commissioned by the Irish Prison Service) noted that the Service employs one psychologist for every 220 prisoners.⁴⁶ The report also noted that psychology service in the IPS was disjointed from other services available to prisoners (including physical and mental health services); had very stringent referral criteria (with required length of sentence left of 18 months or more for access); and waiting lists of 12 months or more. Cloverhill Prison Visiting Committee has said that a chronic lack of psychology services means prisoners can be remanded for “up to two years or even longer, and not be seen by a psychologist”.⁴⁷ Currently, an average of 20-30 prisoners are awaiting transfer to the Central Mental Hospital (CMH).⁴⁸ A new 120-bed hospital to replace the CMH is being built.⁴⁹ It is unclear whether a sufficient number of forensic mental health beds will be available to the Irish

³⁸ Ibid, p.34.

³⁹ Ibid.

⁴⁰ Office of the Inspector of Prisons (2015) *A report by the Inspector of Prisons Judge Michael Reilly into the circumstances surrounding the death of Prisoner F in the Mater Hospital on 26 July 2014 while in the custody of Mountjoy Prison* (at: <http://inspectorofprisons.ie/en/IOP/20140726PrisonerF.pdf/Files/20140726PrisonerF.pdf>).

⁴¹ Ibid, p. 33

⁴² Office of the Inspector of Prisons (2016) *Healthcare in Irish prisons. Report by Judge Michael Reilly, Inspector of Prisons, November 2016* (at: <http://www.inspectorofprisons.gov.ie/en/IOP/Healthcare%20in%20Irish%20Prisons,%20Report%20by%20Judge%20Michael%20Reilly.pdf/Files/Healthcare%20in%20Irish%20Prisons,%20Report%20by%20Judge%20Michael%20Reilly.pdf>).

⁴³ See, for example, *Midlands Prison Visiting Committee Annual Report 2015*, p. 5 and *Cloverhill Prison Visiting Committee Annual Report 2015*, p. 8 (at: <http://www.justice.ie/en/JELR/Pages/Prison-Visiting-Committee-Annual-Reports-2015>)

⁴⁴ Council of Europe (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*, Strasbourg: CoE, p. 34 (available at: <https://rm.coe.int/1680696c9a>)

⁴⁵ Commission of Investigation (2012) *Report of the Commission of Investigation into the Death of Gary Douch, Vol. 1* (at: <http://www.justice.ie/en/JELR/Pages/PB14000112>)

⁴⁶ This ratio was calculated based on a population number of 3,500, i.e. around 200 fewer prisoners than are in prisons currently. Porporino, F.J. (2015) *'New Connections'. Embedding Psychology Services and Practice in the Irish Prison Service*, Ottawa: T3 Associates Inc. (at: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/porporino_report.pdf).

⁴⁷ *Cloverhill Prison Visiting Committee Annual Report 2015*, p. 8. See also Dóchas Centre Visiting Committee Report 2015 (at: <http://www.justice.ie/en/JELR/Pages/Prison-Visiting-Committee-Annual-Reports-2015>)

⁴⁸ See statement made by the Director General of the Irish Prison Service to the Oireachtas Joint and Select Committee, Public Accounts Committee, Thursday 2nd February 2017 <https://www.kildarestreet.com/committees/?id=2017-02-02a.112&s=offend%23g126>

⁴⁹ Seanad debates Tuesday, 9 May 2017 (contribution by Denis O'Donovan TD, Fianna Fáil) (at: <https://www.kildarestreet.com/sendebates/?gid=2017-05-09a.191>)

Prison Service to facilitate the removal of all prisoners with serious mental health issues requiring secure care from the prison system.

A 2016 review of drugs and alcohol treatment in Irish prisons identified a lack of services dealing with co-morbidity (addiction and mental health issues).⁵⁰ An estimated 70%⁵¹ of the prison population have addiction issues, with rates of addiction among the female population at 85%.⁵²

In light of all of the above issues, the Committee may wish to enquire for an update on Government plans to commission a fundamental, independent review of health care services in Irish prisons in line with the recommendations of the CPT and the Inspector of Prisons.

The Committee may also wish to enquire, following the CPTs recommendation,⁵³ for an update on plans to develop an annual reporting cycle on the state of medical services in Irish prisons.

The Committee may wish to ask the Irish Government for an update on the implementation of recommendations made in the Report of the Commission of the Investigation into the death of Gary Douch in 2006.⁵⁴

The Committee may also wish to enquire on the availability of drug-free units and measures to address addictions including co-morbidities in the prison environment.

IPRT would urge the Committee to recommend that prisoners with serious mental health issues are removed from the prison estate in Ireland, and instead provided with services in appropriately resourced mental health facilities and/or in the community. This would require a whole of government approach, with leadership from the Department of Health.

Violence in prisons (Art. 11 and 16; Concluding Observations para. 15; LoIPR, para. 15)

Following its periodic visit to Ireland in 2014, the CPT stated that efforts by the Irish Prison Service to reduce levels of violence have produced considerable results.⁵⁵ However, the Committee noted that the number of recorded incidents remained high at 530 in 2013 and that in some prisons the recording of incidents was poor. Additionally, incidents directed at certain groups of prisoners may be hidden from staff view, for example assaults on LGBT prisoners.⁵⁶ The Irish Prison Service stated in 2016 that improved prison conditions reduced violence.⁵⁷ Between January 2014 and September 2016, 73 prisoners were hospitalised as a result of actual or suspected assaults, with 34 (47%) of incidents coming from Mountjoy prison.⁵⁸ Mountjoy Prison also had the highest number of self-harm incidents at 21.⁵⁹ Increasing levels of violence among the female prisoner population have also been reported.⁶⁰ The number of recorded direct physical assaults on staff increased from 84 in 2011, to a peak of 122 in 2013, and to 93 in 2015; nearly 78% of staff report having been assaulted over the course of their duties.⁶¹ The review found that assaults are carried

⁵⁰ Clarke, A. and Eustace, A. (2016) *Review of Drug and Alcohol Treatment Services for Adult Offenders in Prison and in the Community*, Dublin: Irish Prison Service/Irish Probation Service (at: http://www.justice.ie/en/JELR/PS_IPS_Probation_Review_of_treatment_for_offenders.pdf/Files/PS_IPS_Probation_Review_of_treatment_for_offenders.pdf)

⁵¹ The Irish Times, *More than 70% of prisoners have addiction issues* (available at: <http://www.irishtimes.com/news/crime-and-law/more-than-70-of-prisoners-have-addiction-issues-1.29611>)

⁵² The Probation Service and the Irish Prison Service (2016) *Review of Drug and Alcohol Treatment Services for Adult Offenders in the Community*, p.74 (available at: http://www.justice.ie/en/JELR/PS_IPS_Probation_Review_of_treatment_for_offenders.pdf/Files/PS_IPS_Probation_Review_of_treatment_for_offenders.pdf)

⁵³ Council of Europe (2011) *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 25 January to 05 February 2010*, Strasbourg: CoE (at: <https://rm.coe.int/1680696c98>)

⁵⁴ *Reports of the Commission of the Investigation into the death of Gary Douch* (at: <http://www.justice.ie/en/JELR/Pages/PB14000112>)

⁵⁵ Council of Europe (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*, Strasbourg: CoE, p. 22 (at: <https://rm.coe.int/1680696c9a>)

⁵⁶ Carr, N., McAlister, S. and Serisier, T. (2016) *Out on the Inside: The Rights, Experiences and Needs of LGBT People in Prison*, Dublin: IPRT (at: http://www.iprt.ie/files/IPRT_Out_on_the_Inside_2016_EMBARGO_TO_1030_Feb_02_2016.pdf)

⁵⁷ RTÉ On-line (2016) *Improved inmate conditions have reduced prison violence* (at: <https://www.rte.ie/news/2016/0124/762601-prison-service-improvements/>).

⁵⁸ The Irish Times, *Prisoners swallowed batteries and blades records show* (available at: <https://www.irishtimes.com/news/crime-and-law/prisoners-swallowed-batteries-and-blades-records-show-1.2929375>)

⁵⁹ Ibid.

⁶⁰ Assaults in the Dóchas Centre rose from 5 in 2015 to 26 in 2016. See The Irish Examiner, *Special Units to be established for most violent inmates* (at: <http://www.irishexaminer.com/ireland/special-unit-to-be-established-for-most-violent-inmates-448798.html>)

⁶¹ State Claims Agency (2016) *Review of Assaults on Operational Prison Staff by Prisoners*, Dublin: State Claims Agency, p. 29 (at: <http://stateclaims.ie/wp-content/uploads/2016/11/Review-of-Assaults-on-Operational-Prison-Staff-by-Prisoners-November-2016.pdf>)

out by a relatively small number of prisoners with "an established pattern of challenging behaviours and/or mental health problems".⁶²

The Committee may wish to ask the Government to provide current statistics on the levels of violence, including the prevalence of sexual violence, in Irish prisons and measures, including the details around the use of restorative practices, taken across the prison estate to address this.

The Committee may also wish to enquire what steps, if any, have been taken by the Government to improve the recording of intimidation and violent incidents across the prison estate.

Separation of remand prisoners (Art. 11 and 16; Concluding Observations para. 16; LoIPR, para. 16)

In its current report to the Committee, the Government states that "every effort is made to utilise" Cloverhill [remand] Prison in Dublin in order to meet the requirements of the *Prison Rules 2007* relating to the separation of remand and sentenced prisoners.⁶³ IPRT notes, however, that separation 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."⁶⁴

The Committee may wish to enquire how many remand detainees (adults and children) in the State are currently held in mixed accommodation, including in Cloverhill [remand] Prison. The Committee may also consider recommending that Ireland withdraws its reservation to Article 10(2) ICCPR as soon as possible.

Persons detained in prisons for immigration-related reasons (Art. 11 and 16; Concluding Observations, para. 17; LoIPR, para.17):

At the time of the 2011 examination of Ireland's compliance with UN CAT, the Committee was concerned about the placement of immigration detainees in ordinary prisons together with remanded and convicted prisoners.⁶⁵ In its current submission, the Government states that a dedicated remand prison (Cloverhill in Dublin) is used for the purposes of immigration detention and that every effort is made to place non-sentenced "immigrant prisoners"⁶⁶ in that prison. The most recent *Annual Report* of the Irish Prison Service published on 15th May 2017⁶⁷ states that in 2016, there were 421 committals to Irish prisons under immigration law, involving 408 detainees.⁶⁸ This is an increase on the numbers in 2015 with 342 committals (involving 335 detainees).⁶⁹ In response to the CPT's comments and recommendations, the Government stated on January 2015 that an appropriate site had been identified for a discrete immigration holding/detention facility. It appears from the response that the facility was to be situated at Dublin Airport and was to be ready in 2016.⁷⁰

The Committee may wish to enquire what measures are in place to monitor the exact number of immigration detainees (i.e. detention unrelated to criminal charges) in Irish prisons and other holding facilities.

The Committee may also wish to enquire as to the progress regarding a discrete facility for immigration detainees and what arrangements have been made to ensure that conditions and treatment of detainees in the new facility are subject to appropriate independent oversight.

⁶² See *State Claims Agency publishes major review of assaults on prison staff* (at: <http://stateclaims.ie/2016/11/state-claims-agency-publishes-major-review-of-assaults-on-prison-staff>)

⁶³ Committee against Torture (2016) *Consideration of reports submitted by States parties under Article 19 of the Convention pursuant to the optional reporting procedure. Second periodic report of States parties due in 2015: Ireland*, at para. 78, p.13.

⁶⁴ See: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-4&chapter=4&clang=_en#EndDec.

⁶⁵ Concluding Observations 2011, p.4, para.17.

⁶⁶ Committee against Torture (2016) *Consideration of reports submitted by States parties under Article 19 of the Convention pursuant to the optional reporting procedure. Second periodic report of States parties due in 2015: Ireland*, at para. 79, p.13.

⁶⁷ Irish Prison Service (2017) *Annual Report 2016* (at: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/12631-IPS-annualreport-2016_Web.pdf)

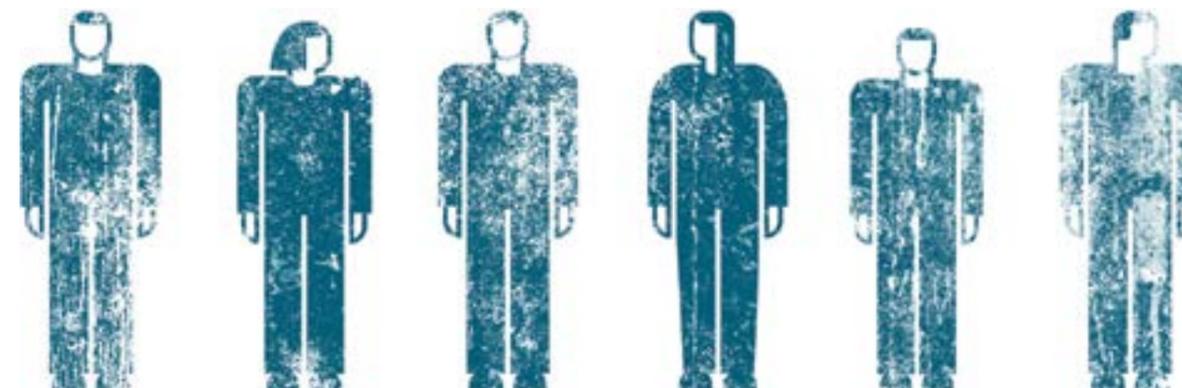
⁶⁸ *Ibid*, p.25. The average daily population of immigration detainees is 4-5.

⁶⁹ *Ibid*.

⁷⁰ Council of Europe (2015) *Response of the Government of Ireland to the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its Visit to Ireland from 16 to 26 September 2014*, Strasbourg: CoE, p. 10 (at: <https://rm.coe.int/1680696c9b>)

Complaints and investigations mechanisms (Art. 2, 12, 13 and 16; Concluding Observations, para. 18; LoIPR, para.18)

IPRT notes the comments by the CPT regarding the investigation of complaints about ill-treatment under the new Irish Prison Service *Complaints Policy*, introduced in 2014.⁷¹ We were particularly concerned at remarks about the inadequacies uncovered in the investigations of the most serious complaints (Category A), i.e. delays in investigations by external investigators, and inadequacies in collecting and assessing evidence.⁷² In 2016, the Inspector of Prisons published his report assessing effectiveness of the complaints process.⁷³ In it, the Inspector noted the following deficiencies: lack of or incomplete documentation of complaints selected for his review; timelines for resolution of complaints not followed; delays in the appointment of external investigators (Category A complaints), sometimes of up to three months; gaps in referrals to the police in appropriate cases; lack of communication with complainants; mis-categorisation of some serious allegations; deficiencies in evidence gathering; issues with decision-making in prisons; inadequate training of prison staff and of external investigators in the handling of complaints; apparent disputes between investigators and trade union representatives; confusion about the complaints categorisation. Most importantly, prisoners expressed no confidence in the complaints system; they feared they would not be protected should they make a complaint; and were being either actively or by implication 'discouraged' from making complaints.



IPRT has long advocated the establishment of a completely independent mechanism for the consideration of prisoner complaints. The current system clearly does not provide for an effective remedy, while also still not providing for an independent appeal outside of the prison system. In its Strategic Plan for 2016-2018, the Irish Prison Service committed to a review of the complaints procedure "with a view to introducing a greater involvement and oversight by an independent body".⁷⁴ More recently, the Minister for Justice stated that the Government has engaged with the Ombudsman with reference to potential role in the prisoner complaints system. The Minister also stated that a new complaints procedure is being drafted to take account of the findings of the Inspector of Prisons' 2016 report.⁷⁵

The Committee may wish to request information about the number of complaints made by prisoners, the number of complaints upheld, and the outcomes when a complaint has been successfully upheld.

The Committee may also wish to enquire about the progress made in the drafting of the new individual complaints policy.

IPRT would ask the Committee to consider requesting the current status and timeframe on proposals that the Ombudsman be given a role in consideration of prisoner complaints.

⁷¹ For full details of the policy see: Office of the Inspector of Prisons (2016) *Review, Evaluation and Analysis of the Operation of the IPS Prisoner Complaints Procedure* (at: http://www.inspectorofprisons.gov.ie/en/iop/pages/other_reports).

⁷² Council of Europe (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*, Strasbourg: CPT (available at: <http://www.cpt.coe.int/documents/irl/2015-38-inf-eng.pdf>), pp.49-52.

⁷³ Office of the Inspector of Prisons (2016) *Review, Evaluation and Analysis of the Operation of the IPS Prisoner Complaints Procedure* (at: http://www.inspectorofprisons.gov.ie/en/iop/pages/other_reports).

⁷⁴ Irish Prison Service (2016) *Strategic Plan 2016 – 2018* (at: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/strategic_plan_2016.pdf), p.35.

⁷⁵ *Speech by Ms Frances Fitzgerald, T.D., Tánaiste and Minister for Justice and Equality at the Prison Officers' Association Conference (27th April 2017)* (at: <http://www.irishprisons.ie/index.php/speech-ms-frances-fitzgerald-t-d-tanaiste-minister-justice-equality-prison-officers-association-conference/>)

Children in detention (Art. 2, 11 and 16; Concluding Observations, para. 22; LoIPR, para. 22)

IPRT notes the significant progress achieved by Government resulting in the closure of St. Patrick's Institution in Dublin on 7th April 2017. This followed the signing on 30th March 2017 of a Ministerial Order ending the sentencing of children to adult prisons in Ireland.⁷⁶ From 31st March 2017, children under the age of 18 are only committed to Oberstown Children Detention Campus. As of 17th May 2017, five children were still held in Wheatfield Place of Detention⁷⁷. However, IPRT understands that no children will remain in the adult prison system by October 2017.

IPRT would like to draw the Committee's attention to the last published inspection report of the Oberstown Detention School by the Health Information and Quality Authority (HIQA), published in June 2016.⁷⁸ Among the most serious concerns identified in the report were: the excessive use of single separation (solitary confinement) as a response to challenging behaviour;⁷⁹ failure to conduct fire safety training and drills with the young people; very low provision of offending behaviour programmes; and inconsistencies in care planning and medication management. While the report identified considerable efforts by management to address issues raised in previous HIQA inspection reports, progress in effecting improvements at the facility continued to be very slow. Before and since the report, Oberstown Children Detention Campus experienced major changes, as well as some considerable difficulties.⁸⁰ Four independent reviews were commissioned by Oberstown Board of Management in 2016/17⁸¹ including reviews of: operations, security, behaviour management, and health and safety. To date, the reviews have not been published.

The Committee may wish to enquire as to the steps taken by the Government and the Irish Youth Justice Service to address the issues identified by HIQA in 2015, in particular, the overuse of single separation and managing challenging behaviour. IPRT would urge the Committee to recommend that single separation of children is not used as a behaviour management tool.



⁷⁶ See: *Statement by the Minister for Children and Youth Affairs, Dr Katherine Zappone* (at: <https://www.dcy.gov.ie/viewdoc.asp?DocID=4165>)

⁷⁷ Irish Prison Service (2017) Prisoner population on Wednesday 17th May 2017 (at: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/17-May-2017.pdf).

⁷⁸ HIQA (2016) *Monitoring Inspection Report – Detention School Services under the Children Act 2001* (at: <https://www.hiqa.ie/system/files?file=inspectionreports/CDS746-16.November.2015.pdf>)

⁷⁹ In 2016, four children who were detained in Oberstown took a case against the State relating to their separation from their peers following a disturbance at Oberstown. The applicants challenged the Campus authorities' decision to separate them for around three weeks late in August 2016 in what they submit amounted to solitary confinement (at: <http://www.irishtimes.com/news/crime-and-law/courts/high-court/oberstown-youths-kept-in-de-facto-solitary-confinement-court-told-1.2940447>). The outcome of the case should be known in the second half of 2017.

⁸⁰ Oberstown Children Detention Campus (2016) *Annual Reports 2012 – 2016* (at: <https://www.oberstown.com/wp-content/uploads/2017/04/Oberstown-Annual-Report-2012-2016.pdf>).

⁸¹ Dáil debates, Priority Questions – Child Detention Centres, Thursday 11th May 2017, Answer by Minister for Children and Youth Affairs Katherine Zappone T.D. (at: <https://www.kildarestreet.com/debate/?id=2017-05-11a.177>)

3. Other issues for consideration by the Committee

Solitary confinement and restricted regimes⁸²

In its *Strategic Plan* for 2016-2018,⁸³ the Irish Prison Service committed to the reduction of the use of solitary confinement and restricted regimes. The Plan promises that where restricted regimes are necessary, the prisons will ensure this is done for a period no longer than required and that this is implemented in a way that "upholds the prisoner's right to access, where possible, prison services including education, training and healthcare".⁸⁴ Solitary confinement is only to be used in "extreme cases and where absolutely necessary for security, safety or good order reasons and for the shortest possible time".⁸⁵ Prisoners in solitary confinement are to be provided with an individual management plan; be able to access services where possible; and be subject to a regular review of the prisoner's mental health. The Plan contains a commitment to putting forward proposals for the amendment of the Prison Rules 2007 in line with international human rights standards (including the Mandela Rules, which prohibit solitary confinement in certain circumstances and limit its use to 15 consecutive days), to reviewing the "complex area of prisoners on protection",⁸⁶ and reducing the length of time prisoners spent on restricted regimes.

While in the last year the number of prisoners subject to restricted regimes, including 22/23 hour lock-up, fluctuated, the most recent figures for April 2017 are still of concern with 430 prisoners on restricted regimes (a minimum of 19 hours locked up in cells). In the same

month, there was a decrease in the number of prisoners on 22/23-hour lock-up to 44 (down from 68 in January 2017).⁸⁷ Recent court cases clearly demonstrate⁸⁸ that at least some prisoners subject to restrictions experience lack of access to exercise, education and training.⁸⁹ Young adults aged 17-24 represent 24% of prisoners locked up 19 or more hours a day, including 12 of the 17 prisoners locked up for 23 or more hours a day.⁹⁰ On 1 January 2016, 51 prisoners were being held in their cell for at least 22 hours a day in five of Ireland's 14 prisons; half (24) had been so held for over 100 days, and at least 9 prisoners had spent over a year in such conditions.⁹¹ IPRT is particularly concerned that prisoners with serious mental health issues are being held in isolation, including prolonged isolation.

In 2014 the Inspector of Prisons found prisoners in the Separation Unit existing in a state of "bored inactivity" and a "general air of neglect and decrepitude". Prisoners expressed feelings of being "forgotten about".⁹² Although this unit was subsequently closed, IPRT is concerned at the ability of prisoners held in the "protection" wing of Midlands Prison to access meaningful regimes.

The Committee may wish to ask the Government about the proposed timeline of the amendments necessary to bring the 2007 Prison Rules in line with the Mandela Rules relating to the use of solitary confinement.

We would ask the Committee to recommend that the Irish Prison Service strengthen its efforts to limit the use of solitary confinement as a way of dealing with violence in prisons, and that the practice of holding prisoners with mental health issues in isolation ends.

⁸² Solitary confinement is defined as being held in isolation more than 22 hours a day. 'Restricted regimes' refers to prisoners who spend more than 19 hours a day on lock-up.

⁸³ Irish Prison Service (2016) *Strategic Plan 2016 – 2018* (at: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/strategic_plan_2016.pdf).

⁸⁴ *Ibid.*, p.6.

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*, p.29.

⁸⁷ Irish Prison Service (2017) *Census of restricted regime prisoners April 2017* (at: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/April-2017-Restriction.pdf).

⁸⁸ *McDonnell v The Governor of Wheatfield Prison* [2015] IEHC 112 (See: <http://www.ihrec.ie/news/2015/07/31/commission-notes-court-of-appeal-decision-in-case/>)

⁸⁹ See judgment in *Governor of Mountjoy Prison v McDonagh*, unreported. Here the effects of a restricted regime coupled with staffing issues meant that a prisoner was spending 24 hours a day in his cell. This led him to protest his conditions with a hunger strike.

⁹⁰ Irish Prison Service (2017) *Census of restricted regime prisoners April 2017*.

⁹¹ The Irish Times, *Dozens of Irish prisoners held in solitary confinement*, 24 October 2016 (at: <https://www.irishtimes.com/news/crime-and-law/dozens-of-irish-prisoners-held-in-solitary-confinement-1.2840394>)

⁹² See: *IPRT Position on Closure of the Training Unit, Glengarriff Parade, Dublin 7* (April 2017) (at: http://www.iprt.ie/files/IPRT_Position_on_Closure_of_the_Training_Unit_2017_3.pdf)

The closure of the Training Unit; a semi-open facility for male prisoners in Dublin

IPRT is concerned at the recent closure (May 2017) of the Training Unit, a semi-open facility (part of Mountjoy Campus) and pre-release centre for male prisoners in the Dublin area.⁹³ The closure of the Training Unit reduces the proportion of semi-open or open prison places in Ireland from 9% to 6.5% of the prison estate. Closure of the Training Unit appears to run contrary to recommendations in the *Strategic Review of Penal Policy*.⁹⁴ IPRT is particularly concerned at the impact the closure of the Training Unit has had on long-term prisoners approaching release who have been transferred back to a closed prison environment (albeit on 'enhanced' regimes). In particular, the accommodation of prisoners who have access to day release programmes with the general prison population puts this cohort at increased risk, vulnerability and pressure to bring contraband into prisons.⁹⁵

The Committee may wish to enquire what specific measures the Irish Prison Service has introduced to address safety concerns and other issues faced by prisoners transferred from the Training Unit back into the general prison population.

The Committee may wish to enquire the Government's plans to secure open prison provision for the Dublin area (male and female). The Committee may also consider recommending that, in line with the principle of normalisation, open prison provision should constitute at least 30% of the overall prison capacity in the State.⁹⁶

Training of prison staff

IPRT notes that in its current report, the Government included only very general detail relating to the training of prison staff in human rights standards.⁹⁷ In particular we note that there is no reference to UNCAT in this section. It is also not clear from the Government's statement as to whether the authorities evaluate in any way the effectiveness of the training provided to staff.

In light of this, the IPRT wishes to repeat the recommendation submitted by the civil society in its 2011 submission to the Committee⁹⁸ that the State should ensure that law enforcement, judicial, medical and other personnel who are involved in custody, interrogation or treatment or who otherwise come into contact with prisoners are provided with the necessary training with regard to the prohibition of torture. Additionally, the Committee may wish to recommend that the State introduce an evaluation of any such training to ensure its effectiveness.

⁹³ Recommendation 18 in Department of Justice and Equality (2014), *Strategic Review of Penal Policy: Final Report* (at: <http://www.justice.ie/en/JELR/Pages/PB14000244>), p.60.

⁹⁴ *IPRT Position on Closure of the Training Unit, Glengarriff Parade, Dublin 7* (April 2017) (at: http://www.iprt.ie/files/IPRT_Position_on_Closure_of_the_Training_Unit_2017_3.pdf)

⁹⁴ Ibid.

⁹⁴ Committee against Torture (2016) *Consideration of reports submitted by States parties under Article 19 of the Convention pursuant to the optional reporting procedure. Second periodic report of States parties due in 2015: Ireland*, at paras. 81 - 86.

⁹⁴ *Joint Shadow Report to the First Periodic Review of Ireland under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, April 2011* (at: <http://www.iprt.ie/files/ICCL-IPRT-report-web.pdf>), p.38.



