



IPRT

Irish Penal Reform Trust

IPRT Submission to the Joint Committee on Key Issues affecting the Traveller Community

6th August 2019

About IPRT

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 human rights in the penal system, with prison as a sanction of last resort. We are committed to respecting the rights of everyone in the penal system and to reducing imprisonment. We are working towards progressive reform of the penal system based on evidence-led policies and on a commitment to combating social injustice.

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

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1. Introduction

IPRT welcomes the establishment of the Joint Committee on Key Issues affecting the Traveller Community in 2019. This short submission primarily focuses on mental health issues affecting Travellers in the prison system, broadly relating to the scope of topics outlined by the Clerk to the Committee. Much of the relevant information contained in this submission is extracted from IPRT's (2014) report, *Travellers in the Irish Prison System: A qualitative study*¹, which provides a more detailed account of these issues.

Since the publication of the IPRT report, a number of important developments have occurred for Travellers in the prison system including the establishment of the Travellers in Prison Initiative (TPI)². TPI was set up in 2014 as a response to the particular rights, needs and experiences of Travellers in prisons in Ireland.

In its Annual Report 2018³, the Irish Prison Service highlighted a number of relevant developments, including: ongoing research on the issues experienced by Traveller women in prison; recruit prison officer training on understanding specific issues impacting on Travellers; and a review of in-reach service provision to Travellers in prison. Furthermore, the Irish Prison Service has made progress on implementing the Public Sector Human Rights and Equality Duty with women in prison.

2. Figures

There is documented evidence that Travellers are over-represented in the prison population in Ireland. The All-Ireland Traveller Health Study demonstrated that while Travellers comprise 0.6% of the population in the Republic of Ireland, Traveller men are between 5 and 11 times more likely to be imprisoned than non-Traveller men, while Traveller women are between 18-22 times more likely to be imprisoned than non-Traveller women.⁴

¹ IPRT (2014) *Travellers in the Irish Prison System: A qualitative study*, http://www.iprt.ie/files/IPRT_Travellers_Report_web.pdf

² The overall aim of TPI is to embed change in policy and practice in five areas:

- Building a knowledge base about Travellers in prison
- Increasing and improving access to prison-based services in prisons
- Strengthening supports for families of Travellers in prison, and after prison, using a multi-agency approach.
- Strengthening self-identity and self-advocacy for Travellers in prison by mainstreaming a peer-support model
- Increasing awareness and capacity through training and learning programmes to prison service and probation service staff.

For more information see Travellers in Prison Initiative: *Towards Developing a Strategy for Travellers in Prison 2016*, <https://www.ssgt.ie/wp-content/uploads/2017/11/Developing-a-Strategy-2016.pdf>

³ Irish Prison Service, *Annual Report 2018*, <https://www.irishprisons.ie/information-centre/publications/annual-reports/>

⁴All-Ireland Traveller Health Study Team (2010) *All Ireland Traveller Health Study – Our Geels, Summary of Findings*, https://www.ucd.ie/t4cms/AITHS_SUMMARY.pdf

In 2017, while Travellers made up 0.6% of the population in Ireland, it was estimated by the Irish Prison Service and the Probation Service that Traveller males comprise 10% of the male prison population while female Travellers account for 22% of the female prison population.⁵

Other reports demonstrate the prevalence of mental health issues among the Traveller population in prison. For example, in a report on Irish Travellers in prison in Britain, 26.1% were identified as having mental health problems, however this was much higher for female Irish Travellers at 64.7%.⁶ An Irish study found that among transfers from prisons to psychiatric admissions, Travellers accounted for 3.4% of psychiatric admissions compared to 0.38% of the adult population.⁷

Some contributory factors to poor mental health among Travellers in prison cited in the research are: a sense of hopelessness; depression; unemployment; repeated criminalisation; enforced separation from family; prejudice and discrimination; a loss of self-respect resulting from imprisonment; and a deeply pessimistic attitude perceived among Traveller prisoners.⁸

3. Factors that affect the mental health of the Travellers in Prison

3.1 Discrimination and stigma

3.1.1 In IPRT's (2014) report, based on a small number of in-depth interviews with Travellers with previous experience of imprisonment, discrimination appeared to manifest itself in a number of ways including: exclusion, verbal abuse, and nonverbal communication. Travellers commonly experienced name calling by other prisoners, as well as reported name calling by a minority of prison staff. The report also highlighted that some Travellers may hide their ethnic status as a result of fear of discrimination. This in some cases prevented Travellers from attending education and training courses.

3.1.2 The over-representation of Travellers in the prison system may be an overall reflection of discrimination against Travellers in society. Socio-economic factors have been cited as one key contributing factor in the over-representation of ethnic minorities in the prison system.⁹

⁵ Department of Justice & Equality (2017) *Speech by Mr. David Stanton, T.D., Minister for State at the Department of Justice and Equality, with special responsibility for Equality, Immigration & Integration St Stephen's Green Trust Travellers in Prison Initiative - National Conference*, <http://www.justice.ie/en/JELR/Pages/SP17000355>

⁶ MacGabhann, C. (2011) *Voices unheard. A study of Irish Travellers in prison*. London: Irish Chaplaincy in Britain, https://www.drugsandalcohol.ie/15534/1/Voices_unheard.pdf

⁷ Linehan, Sally A and Duffy, Dearbhla M and O'Neill, Helen and O'Neill, Conor and Kennedy, Harry G (2002) Irish Travellers and forensic mental health. *Irish Journal of Psychological Medicine*, 19, (3), pp. 76-79. https://www.drugsandalcohol.ie/6984/1/4304_Irish_travellers.pdf

⁸ See Cemlyn, S, Greenfields, M, Burnett, S, Matthews, Z and Whitwell, C (2009) *Inequalities experienced by Gypsy and Traveller Communities: A Review. Research Report 12*, Equality and Human Rights Commission, Manchester & MacGabhann, C. (2011) *Voices unheard. A study of Irish Travellers in prison*. London: Irish Chaplaincy in Britain, https://www.drugsandalcohol.ie/15534/1/Voices_unheard.pdf

⁹ For more on socio-economic factors, see p.9 of IPRT (2014) *Travellers in the Irish Prison System: A qualitative study*, http://www.iprt.ie/files/IPRT_Travellers_Report_web.pdf

According to the CERD (Committee on the Elimination of Racial Discrimination) Committee's General Recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system (2005), a possible indicator of racial discrimination is *'The number and percentage of persons belonging to those groups who are held in prison'*.¹⁰ The over-representation of Travellers in the prison system is reflected in the estimated figures provided above. IPRT welcomed the introduction of an ethnic identifier by the Irish Prison Service, which collects data in an anonymised manner in order to identify the number of Travellers in the prison system with the overall objective of identifying and addressing the particular needs of Travellers.

Recommendations

- 1. A dedicated strategy should be developed for Travellers in the criminal justice system. It should aim to address how discrimination can impact Travellers' experience of the criminal justice system, be it through disproportionate arrest and conviction rates, or unfair treatment within the Courts and penal system.**
- 2. IPRT welcomes the introduction of an ethnic identifier by the Irish Prison Service. However ethnic monitoring alone will not result in positive changes for Travellers in prison. It must comprise the following:**
 - analysing and publishing the data on a regular basis, to monitor trends;
 - addressing any unjustifiable disproportional outcomes between Travellers and other prisoners.
- 3. The Irish Prison Service should maintain awareness-raising training on specific issues of Traveller culture in both recruit prison officer training and continuous professional development for all staff.**
- 4. The Irish Prison Service should work towards the full implementation of the Public Sector Equality and Human Rights Duty in order to make rights real and eliminate discrimination for Travellers in the prison system.**

3.2 Lower Levels of Educational Attainment

There is no data publicly available of the literacy needs of Travellers in the prison population in Ireland. However, IPRT's (2014) report documented evidence of literacy issues among the Traveller prison population, which often acted as a barrier to accessing information. Cultural sensitivity meant that any printed information in prison might not be engaged with by Travellers who could read, as well as by those who could not. Not being able to write meant being reliant on other prisoners when writing letters home, or filling in forms, such as an application for temporary release or making a complaint. Some interviewees described how literacy problems can lead to low self-confidence. This could lead to reluctance to attend education courses, even basic literacy courses.

¹⁰ General Recommendation XXXI on the Prevention of Racial Discrimination in the Administration and Functioning of the Criminal Justice System, 2005, UN Committee for the Elimination of all Forms of Racial Discrimination's (cerd) available at <https://www.refworld.org/docid/48abd56dd.html>

The TPI has reported on the importance of gathering information in order to support the development of long-term structured interventions:

“Specifically, detailed information that can be cross-referenced along the lines of gender, age range, education/literacy levels, employment, health and offences will provide the foundations for long-term structured interventions. Statistical analysis may, for example, illustrate literacy interventions are most necessary for female Traveller prisoners or that action on health should be primarily directed at older Traveller males.”¹¹

Recommendations

- 5. The collation of statistical data by the Irish Prison Service is required to inform the development of long-term structured interventions tailored to the needs of different cohorts within the Traveller population.**
- 6. A dedicated strategy aimed at Travellers in the criminal justice system should identify proactive steps to ensure that Travellers have equal and culturally appropriate access to education while in prison, including literacy education.**

4 Domestic Violence

In IPRT’s (2014) report, Traveller women highlighted their experiences of domestic violence and their fear of being in and returning to a violent relationship upon leaving prison. Another report¹² also documented domestic violence among Traveller women in prison and recommended the incorporation of a Traveller and intercultural perspective in training on domestic violence for prison staff. The same report also recommended training in cultural competency linked to gender equality and the human rights concerns of Traveller women for prison staff and those providing services in the prison system.

Recommendation

- 7. The Irish Prison Service should ensure that all prison staff receive training on responding to gender-based violence.**

¹¹ Travellers in Prison Initiative: *Towards Developing a Strategy for Travellers in Prison 2016*, p.2 <https://www.ssgt.ie/wp-content/uploads/2017/11/Developing-a-Strategy-2016.pdf>

¹² Travellers in Prison Initiative (2017) *‘Hearing their Voices’ Traveller Women in Prison*, <https://www.ssgt.ie/wp-content/uploads/2017/11/Hearing-their-Voices-Traveller-Women-in-Prison.pdf>

5 Access to mental health services and adequacy of funding for services

‘Cultural resistance’ can act as a barrier to accessing relevant supports and services for Travellers in prison. This resistance may be related to discrimination and literacy problems, as well as a reluctance and embarrassment to engage with service providers.

Interviewees in IPRT’s (2014) report generally felt that healthcare in prison for mental health problems was scarce. While some said they were offered counselling, others were not. Among male interviewees particularly, there was a sense that seeking mental health support would only create further problems, by drawing attention to an issue that was felt to be surrounded by stigma.

More generally among the prison population, recent information¹³ from a parliamentary question shows that 614 prisoners were on a waiting list to access psychology services. It also showed poor prisoner: psychologist ratios across the prison estate. For example, in Castlerea prison (where Travellers are over-represented¹⁴) the psychologist: prisoner ratio is one of the lowest across the prison estate at 0.5 to 340. Furthermore, in a Joint Oireachtas Committee on Future of Mental Healthcare discussion on mental health services in prisons and detention centres in 2018, the former Director General of the Irish Prison Service highlighted significant service provision problems for Castlerea prison:

“Significant problems have been experienced in Castlerea Prison specifically as the national forensic mental health service in-reach to that prison was discontinued in April. Regrettably, that has resulted in the necessity to transfer very ill prisoners from Castlerea to a Dublin prison for assessment, which is not only problematic from a logistical perspective but it is less than ideal for those suffering from a major mental illness.”¹⁵

Recommendations

- 8. Initiatives such as the Travellers in Prison Initiative¹⁶ and peer-led services should be continued in order to break down barriers to accessing mental health services.**
- 9. The Irish Prison Psychology Service should be adequately resourced in order to meet the psychology needs of the prison population. Targets should be made to reduce the number of people on current waiting lists for psychology services.**

¹³Kildare Street, Written Answers, Thursday 13th June 2019, Department of Justice and Equality, Prison Medical Services, <https://www.kildarestreet.com/wrans/?id=2019-06-13a.296>

¹⁴ Disproportionate number of Travellers in prison population, *The Irish Times*, <https://www.irishtimes.com/news/social-affairs/disproportionate-number-of-travellers-in-prison-population-1.3263524>

¹⁵ KildareStreet, Oireachtas Joint and Select Committees, Wednesday, 23 May 2018, Joint Oireachtas Committee on Future of Mental Health Care, Mental Health Services in Prisons and Detention Centres: Discussion, <https://www.kildarestreet.com/committees/?id=2018-05-23a.80&s=speaker%3A478>

¹⁶See Travellers in Prison Initiative: Towards Developing a Strategy for Travellers in Prison 2016, <https://www.ssgt.ie/wp-content/uploads/2017/11/Developing-a-Strategy-2016.pdf>

6 Restricted Regimes

Census figures published in April 2019 show there are approximately 577 prisoners on a restricted regime¹⁷ meaning these prisoners have less than five hours' daily out-of-cell time. Spending long periods in isolation or on cell lock up in prison is demonstrated to have a detrimental impact on a person's mental health; the UN Special Rapporteur on Torture¹⁸ has stated that the negative psychological impact of more than 15 consecutive days in solitary confinement (cell lock up for 22-24 hours a day) can be irreversible. The UN Standard Minimum Rules for the Treatment of Prisoners (UN Mandela Rules)¹⁹ defines 'prolonged solitary confinement' as for a time period in excess of 15 days. The Council of Europe²⁰ has also highlighted the damaging effects of solitary confinement.

The percentage of Travellers on a restricted regime or in solitary confinement is not recorded. However, a review of international research by IPRT²¹ on the practice of solitary confinement highlighted that prisoners from ethnic minorities are likely to be over-represented on this type of regime.

One contributing factor identified as affecting an individual's mental health while in prison in IPRT's (2014) report, *Travellers in the Irish Prison System: A qualitative study*²², was having a lot of time to think which led people to worry about life outside prison. Interviewees emphasised the importance of establishing a routine in prison. Engaging in various activities, as well as having the opportunity to work was valued by interviewees. These activities provided a degree of structure to daily life.

Recommendations

- 10. All prisoners should be encouraged to access purposeful activity and the Irish Prison Service should increase out-of-cell time for the prison population.**
- 11. The Irish Prison Service should include in their Census data the number of Travellers held on a restricted regime/solitary confinement.**
- 12. The Irish Prison Service needs to take proactive steps to reduce the number of prisoners on a restricted regime in order to create a healthier prison environment.**

¹⁷ See Irish Prison Service, *Census of Restricted Regimes April 2019-Report*, <https://www.irishprisons.ie/information-centre/statistics-information/census-reports/>

¹⁸ See United Nations, *Special Rapporteur on Torture Tells Third Committee Use of Prolonged Solitary Confinement on Rise, Calls for Global Ban on Practice*, 18th October 2011, <https://www.un.org/press/en/2011/gashc4014.doc.htm>

¹⁹ See Rule 44 of the *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules)*, http://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_24/resolutions/L6_Rev1/ECN152015_L6Rev1_e_V150358_5.pdf

²⁰ Council of Europe, CPT/Inf.(2011) 28-part2, *Solitary confinement of prisoners*, <https://rm.coe.int/16806cccc6>

²¹ Irish Penal Reform Trust (2018) *'Behind the Door' : Solitary Confinement in the Irish Penal System*, https://www.iprt.ie/files/Solitary_Confinement_web.pdf

²² IPRT (2014) *Travellers in the Irish Prison System: A qualitative study*, http://www.iprt.ie/files/IPRT_Travellers_Report_web.pdf

For a more detailed account of the issues outlined above, please read IPRT (2014) *Travellers in the Irish Prison System: A qualitative study*:

http://www.iprt.ie/files/IPRT_Travellers_Report_web.pdf

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Summary of Recommendations

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4. The Irish Prison Service should work towards the full implementation of the Public Sector Equality and Human Rights Duty in order to make rights real and eliminate discrimination for Travellers in the prison system.
5. The collation of statistical data by the Irish Prison Service is required to inform the development of long-term structured interventions tailored to the needs of different cohorts within the Traveller population.
6. A dedicated strategy aimed at Travellers in the criminal justice system should identify proactive steps to ensure that Travellers have equal and culturally appropriate access to education while in prison, including literacy education.
7. The Irish Prison Service should ensure that all prison staff receive training on responding to gender-based violence.

- 8. Initiatives such as the Travellers in Prison Initiative²³ and peer-led services should be continued in order to break down barriers to accessing mental health services.**
- 9. The Irish Prison Psychology Service should be adequately resourced in order to meet the psychology needs of the prison population. Targets should be made to reduce the number of people on current waiting lists for psychology services.**
- 10. All prisoners should be encouraged to access purposeful activity and the Irish Prison Service should increase out-of-cell time for the prison population.**
- 11. The Irish Prison Service should include in their Census data the number of Travellers held on a restricted regime/solitary confinement.**
- 12. The Irish Prison Service needs to take proactive steps to reduce the number of prisoners on a restricted regime in order to create a healthier prison environment.**

²³ See Travellers in Prison Initiative: *Towards Developing a Strategy for Travellers in Prison 2016*, <https://www.ssgt.ie/wp-content/uploads/2017/11/Developing-a-Strategy-2016.pdf>