

## **INCLC: Civil society response to COVID 19 in prisons and jails | 21<sup>st</sup> May 2020**

### **Presentation by IPRT Executive Director Fíona Ní Chinnéide**

*\*Check against delivery\**

Good afternoon everyone.

The Irish Penal Reform Trust is a national human rights organisation that campaigns for progressive penal policy reform in Ireland. Our work is informed by human rights, equality and social justice.

I'm delighted to speak to you today in the unusual – but very welcome – position of presenting some positive reflections on how the Irish prison system has responded to COVID 19.

First, it's important to set out where we were starting from.

At the outset of the crisis, early March 2020, Ireland's prisons were:

- overcrowded, with prisoners sleeping on floors in a number of closed prisons
- we had a rate of imprisonment of 86 per 100,000 – not high perhaps by international comparison but there had been a 15% increase over the previous 2 years
- 47% of men and women in prison were sharing cells
- 43% had to use toilets in presence of others
- 14% of the prison population was locked up for 19 or more hours per day, of these, most were locked up for 21 or more hours per day
- as with all prison populations, we had (and have) very high rates of people with mental health difficulties, including more severe and acute mental illness

So, this is the context in which the pandemic appeared.

## What actions were taken?

1. The Irish Prison Service established an Emergency Response Planning Team towards end February, weeks before the pandemic was formally declared, and significant preventative planning was undertaken and implemented.

It is important to reflect that the Prison Service had recent experience of the outbreak of infectious diseases, such as tuberculosis, in prisons – and had addressed a number of systemic issues, including staff training in infection controls.

In other words: the service was not caught unawares by COVID 19.

2. In mid-March, the Minister for Justice approved measures to reduce the prison population through increasing eligibility for temporary release, provided for longer periods between sign in and the use of video link with the Courts.

In all public communications it was emphasised that these releases would be subject to rigorous risk assessment and would exclude certain categories of offender.

3. These releases were supported by round-the-clock co-operation by prison service staff and community-based organisations to ensure planned structured releases from prison.

The role that the availability of housing in the community has played here has to be acknowledged – housing solutions that were somehow not available before the crisis.

4. The other key element has been good communications and co-operative working between prison staff and prisoners.

The Irish Red Cross prisoner volunteer programme, in particular, has played a critical role in the sharing of information about COVID 19. Peer to peer communication is more effective. The role of the Red Cross volunteers in keeping prisons safe from COVID 19 has been consistently highlighted, including by the Director General of the Irish Prison Service.

## So what are the results and the effects of these and other measures?

As of yesterday, there have been 0 confirmed cases of COVID 19 among the 3,763 prisoners in Ireland

Around 8% of the prison population are currently in different categories of medical isolation, cocooning or quarantine. 12 are in isolation.

Importantly:

- overcrowding has been reduced across the prison estate through the release of 10% of the prison population, along with a fall in prison committals
- the women's prison population has been reduced by over one third
- and our rate of imprisonment is now 76 per 100,000
- And of the 500 people released under specific COVID 19 measures, fewer than 10 have been returned to prison.

The obvious question is why was it necessary to hold these people in prison in the first place? But from a penal reform perspective, this is very positive - it shows what is possible.

Despite the successes in keeping COVID 19 out, the impact on day-to-day regimes for people in prisons is considerably harsh:

- All prison schools have been closed since 13 March
- Access to gyms and workshops has been maintained but is vastly reduced
- Family visits were gradually reduced and finally suspended on 27 March
- Access to psychology and addictions services is now by phone
- For those in quarantine or medical isolation, conditions vary – for example, some prisoners may not have access to a shower for a 14-day period and others in medical isolation may not have access to any exercise or fresh air

A range of measures – from video-calls with family, to education programmes on TVs in cells – have been introduced to minimise the impact of these restrictions.

However, the basic reality is that **more** people are spending **longer** hours in their prison cells. And we do not know the current situation of the 14% of prisoners who were *already* locked up for 19 or more hours a day before the pandemic. Similarly, we do not know about the current situation of prisoners with disabilities including mental health difficulties.

Importantly, independent prisons monitoring and inspection has continued, albeit with some adaptations in line with the “do not harm” principle.

So, it's a mixed picture.

**An important question for us now is how key reforms, particularly the safe release of 10% of the prison population over a 4-week period, could be brought about at relatively short notice?**

I would argue that civil society organisations – including IPRT and the ICCL – played a considerable role here in developing over many years a political and policy environment in which “penal reform” can take place. This work had resulted in the achievement of cross-party and cross-agency consensus on certain penal policy reforms – many of which had not been implemented. However, the pandemic certainly brought urgency and the political will to act across a number of key areas that affect prisons, including access to health and housing.

**In summary:**

- We strongly recognise the incredible work of the Irish Prison Service and the Department of Justice in keeping COVID 19 out of prisons.
- However, we remain concerned about the impact on the human rights of people in prisons.
- We are concerned that protection of physical health should not be at the expense of mental health.
- And we are concerned that current restrictions on prisoners’ rights and regimes risk becoming normalised – particularly as we move from short-term emergency towards longer-term realities of living with COVID 19.

But overall, the Irish experience shows us what is possible when there is political will for reform. And this is something that IPRT looks forward to building on in future.