



**Irish Penal Reform Trust submission to the Office of the High
Commissioner of Human Rights on the fourth Universal Periodic
Review of Ireland**

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Irish Penal Reform Trust

Established in 1994, the Irish Penal Reform Trust (IPRT) is Ireland's principal independent non-governmental organisation working for systemic penal reform and change. Our vision is a just, humane Ireland where prison is used as a last resort. We advocate for a progressive criminal justice system that prioritises alternatives to prison, upholds human rights, and champions reintegration. We do this through conducting research, campaigning, and changing attitudes.

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Introduction

1. IPRT welcomes the opportunity to make this submission to the fourth Universal Periodic Review ('UPR') of Ireland.¹ This submission addresses issues relating to oversight, prison conditions, mental healthcare and pre-trial detention.
2. It is important to note that despite state agencies publishing some data annually, there are significant data gaps relating to mental health in prisons, ethnic minorities and procedural issues relating to logging out-of-cell time, complaints, and incidents in prisons. IPRT is calling on the Irish Government and its agencies to improve data collection and dissemination.

Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ('OPCAT')

3. During Ireland's third UPR examination, the State supported recommendations to ratify OPCAT and establish a national preventative mechanism (NPM). Ireland signed OPCAT in 2007 and remains the only European Union and Council of Europe member state that has not completed the ratification process.
4. Due to a restrictive interpretation of the Irish constitution's provision that international law does not have domestic effect without national legislation transposing it, the Government operates a policy that an international treaty will not be ratified until that domestic legislation to comply with a treaty has been enacted. According to this policy, OPCAT ratification requires the passage of the Inspection of Places of Detention Bill 2022 ('the Bill'). While the Oireachtas Justice Committee undertook pre-legislative scrutiny of the Bill and published its recommendations in 2023, and it remains a Programme for Government commitment, the Bill has not been prioritised for publication and enactment.
5. Both IPRT and the Irish Human Rights and Equality Commission have recommended that the Government should not wait for the enactment of the Bill to

¹ Wordcount: 2,706 excluding footnotes and cover page.

ratify OPCAT.² Article 24 of OPCAT clearly provides that a state, upon ratification, may make a declaration postponing the implementation of their obligations under Part III or Part IV for a maximum of three years (extendable by a further two years). This provision allows states time to implement the treaty with support from the UN Subcommittee on Prevention of Torture (SPT), which provides advice and technical assistance to states for the establishment and functioning of OPCAT mechanisms.

Recommendations:

Ratify OPCAT without delay.

Establish a fully independent, properly resourced NPM with the power to publish its own reports and recommendations.

Prison conditions and overcrowding

6. Ireland is experiencing a prison overcrowding crisis and is operating at unsafe levels with record numbers being broken regularly.³ Prisons that operate above their designated capacity present significant issues for both people in custody and for prison staff. On 9 April 2026 5,850 people were in custody, with a total bed capacity of 4,736. The rate of prison population being 110 per 100,000 marks a significant escalation since Ireland's third UPR cycle took place in 2021, when the rate was approximately 74 per 100,000 with an average daily prison population of 3,972.⁴
7. Overcrowding impacts all aspects of prison conditions. The European Committee for the Prevention of Torture (CPT) noted that in every facility it visited in 2024, three or four people were held in cramped, squalid cells with insufficient ventilation.⁵ Many people, including vulnerable and mentally ill individuals, are forced to sleep on thin foam mattresses on the floor wedged next to unpartitioned toilets.

² IHREC, Ireland and the International Covenant on Civil and Political Rights: Submission to the Human Rights Committee on Ireland's fifth periodic report (2022), at p.63, available at: <https://www.ihrec.ie/app/uploads/2022/06/Ireland-and-the-International-Covenant-on-Civil-and-Political-Rights.pdf>; and IHREC, Ireland and the Convention against Torture: Submission to the United Nations Committee against Torture on Ireland's second periodic report (2017), at p.4, available at: <https://www.ihrec.ie/app/uploads/2017/07/Ireland-and-the-Convention-against-Torture.pdf>.

³ Irish Prison Service, *Prisoner Population on Thursday 9th April 2026* available at: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/09-April-2026.pdf.

⁴ Irish Prison Service, *Annual Report 2021* available at: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/IPS-Annual-Report-21_Final.pdf.

⁵ Council of Europe Committee on the Prevention of Torture, *Report to the Irish Government on the visit to Ireland* (2025): <https://rm.coe.int/1680b6c60a>.

8. Cell overcrowding also significantly affects people’s privacy and hygiene. While the practice of ‘slopping out’ has almost been eradicated in Irish prisons, toileting in the presence of others has significantly increased. In April 2025, 3,532 (65 per cent of prison population) had to toilet in the presence of others versus April 2022 where the number was 1,908 (47 per cent of the prison population).⁶ This is a significant violation of an individual’s privacy and dignity and the European Court of Human Rights has found it to be a contributing factor to inhuman or degrading treatment, in violation of Article 3 (the prohibition of torture and ill-treatment) of the Convention.⁷ The lack of private toileting also contravenes the Mandela Rules.⁸
9. Between 2022 and 2024, assaults between people in custody significantly increased with an increase in the number of people requesting to be placed on voluntary separation.⁹ This is indicative of a worsening safety situation in Irish prisons, which must be addressed through an easing of overcrowding and investing in violence reduction and conflict mediation and resolution programmes in Irish prisons. The Mandela Rules oblige States to protect prisoners and their right to be free from violence, abuse and degrading treatment. The State also has an obligation to protect the safety of staff and visitors.
10. Overcrowding has significantly impacted out-of-cell time. In particular, prisoners on restricted regimes for protection reasons often spend up to 22 or 23 hours a day locked in their cell without meaningful activities, which raises concerns of inhuman and degrading treatment.¹⁰
11. Prison overoccupancy impacts the ability of staff to meet the basic needs of people in their care, including adequate access to showers and clean clothes.¹¹ Negative outcomes also include longer waiting times for healthcare and reduced time out of cell. Reduced staff capacity to accompany people in prison to attend recreational

⁶ Irish Prison Service, *Census Prison Population April 2025 – Cell occupancy – In-Cell Sanitation 15 April 2025* (2025) available at: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/APRIL-2025-In-Cell.pdf

⁷ *Peers v. Greece* (2001) ECHR 2001-III 28524/95.

⁸ The UN Standard Minimum Rules for the Treatment of Prisoners (also known as the Mandela Rules) https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf

⁹ IPS ‘Census of Restricted Regime Prisoners’ reports, available: <https://www.irishprisons.ie/informationcentre/statistics-information/census-reports>. See also IPRT *Progress in the Penal System 2024* (2025) https://www.iprt.ie/site/assets/files/7726/iprt_pips_2024_report_final_digital.pdf

¹⁰ *Ibid*, n. 4 p. 5.

¹¹ Office of the Inspector of Prisons, *Follow-up Inspection: Cloverhill Prison 9 – 11 December 2024*, p. 5, available at: <https://www.oip.ie/wp-content/uploads/2026/02/OIP-Follow-up-inspection-Cloverhill-Prison.pdf>.

spaces, school and workshops can reduce education and training opportunities, and engagement in rehabilitative programmes.

12. In 2024, roughly 77-78 per cent of all sentenced committals were for 12 months or less. These high rates of short sentences contribute to overcrowding and are ineffective in providing proper rehabilitation. While it is welcome that proposed legislation to increase the limit for community service hours from 240 to 480 hours, is in train,¹² there has been no reported progress on the Government's 2022 commitment to consider legislating for the principle of 'prison as a last resort' as a priority action.¹³

Recommendations:

The Government must set maximum occupancy limits on each prison to ensure the safe operation of each prison that ensures adequate prison conditions and access to rehabilitative services.

Legislate for 'prison as a last resort'.

Ensure that all people in prison have access to a private, fully partitioned toilet and basic hygiene facilities.

Mental healthcare in prisons

13. No detailed data on the exact prevalence of mental illness in Irish prisons currently exists but there is evidence of high rates of serious mental illness.¹⁴ IPRT therefore welcomes the intention to conduct a mental health and disability needs analysis in Irish prisons.¹⁵ At the start of 2025, approximately 2,078 people in prison were waiting to be seen by a psychologist (46 per cent of the prison population).¹⁶ Both national and international human rights bodies have repeatedly raised concerns

¹² Criminal Law and Civil Law (Miscellaneous Provisions) Bill 2026.

¹³ *The Review of Policy Options for Prison and Penal Reform 2022-2024* was approved by the Government in 2022. Its first priority action is incorporating 'prison as a last resort' into statute.

¹⁴ Office of the Inspector of Prisons, *Thematic Inspection: An Evaluation of the Provision of Psychiatric Care in the Irish Prison System* (2023), https://www.oip.ie/wp-content/uploads/2024/02/OIP-Thematic-Inspection-Report-on-Provision-of-Psychiatric-Care-in-Prisons_Feb-2024-Publish.pdf.

¹⁵ Dáil Éireann Debate, Tuesday 13 January 2026 Written Answer 74550/25. Available at: <https://www.oireachtas.ie/en/debates/question/2026-01-13/1653/>.

¹⁶ This is both for mental health needs and for offence-related needs. See Irish Prison Service, 'Prisoner Population on Friday 3rd January 2025' (2025); and Minister for Justice, *Written answer to PQ No. 954*, Dáil Éireann Deb, Wednesday 22 January 2025.

about the high incidence of mental illness and the lack of adequate mental healthcare in Irish prisons. In 2023, the UN Human Rights Committee noted the lack of mental health services in Irish detention facilities.¹⁷ Following its 2024 visit, the CPT highlighted the treatment of mentally ill people in Irish prisons and the lack of change in that area as a recurrent concern.¹⁸

14. The treatment of mentally ill people who have committed criminal offences must be considered in the context of the State's obligation under the Mandela Rules to provide care. A 2006 Government report on mental healthcare recommended that every person with serious mental health problems in contact with the forensic system should be afforded the right to mental health care in the non-forensic mental health services unless there are cogent and legal reasons why this should not be done.¹⁹
15. An updated strategy, '*Sharing the Vision*' was published in 2020 and commits that all persons with mental health difficulties encountering the forensic system should have access to tiered mental health supports with a focus on recovery.²⁰ The implementation of recommendations from the 2006 and 2020 reports have been slow and the inadequacy of psychiatric and mental health care remains a systemic issue in Irish prisons.²¹
16. A new national forensic mental health facility, the Central Mental Hospital ('CMH'), opened in November 2022 to replace the former facility which was no longer fit for purpose. The new modern, purpose-built facility has a maximum occupancy of 130 but is currently operating at 114 beds, despite long waiting lists and overcrowding in prisons.²²

¹⁷ UN Human Rights Committee, Concluding observations on the fifth periodic report of Ireland (CCPR/C/IRL/CO/5, 2023), 9.

¹⁸ European Committee for the Prevention of Torture, Report to the Irish Government (CPT/Inf (2025) 22, 2025), para 230.

¹⁹ The Expert Group on Mental Health Policy, *A Vision for Change* (2006) p 136. An updated strategy, *Sharing the Vision* was published in 2020.

²⁰ Government of Ireland, *Sharing the Vision: A Mental Health Policy for Everyone* (2020) <https://assets.gov.ie/static/documents/sharing-the-vision-a-mental-health-policy-for-everyone.pdf>

²¹ European Committee for the Prevention of Torture, Report to the Irish Government (CPT/Inf (2025) 22, 2025), para 230.

²² Mental Health Commission, *Central Mental Hospital, Portrane Annual Inspection Report 2024*, p. 6. Available at: <https://www.mhcirl.ie/sites/default/files/2025-05/AC0292%20Central%20Mental%20Hospital%2C%20Portrane%202024%20Inspection%20Report.pdf>.

17. A 2023 report by the Office of the Inspector of Prisons raised serious concerns around the welfare and degradation of mentally ill people in Irish prisons.²³ Individuals whose condition is severe enough to warrant hospital transfer face long delays, with others not referred at all due to lengthy waiting times making it impossible for them to be admitted.²⁴
18. The CPT found that mentally ill people in Ireland were often being held in unsuitable environments, in ‘close supervision cells’ (CSCs) in prison.²⁵ Together with the insufficient care, the restrictive regime they experience in CSCs raises serious concerns of inhuman or degrading treatment.²⁶ Prisoners in CSCs are also systemically stripped naked and put in thin, small ponchos, described by the CPT as degrading treatment.²⁷
19. A government-appointed High Level Task Force to consider the mental health and addiction challenges of those who come into contact with the criminal justice sector published its recommendations in 2022 but implementation is not yet complete.

Recommendations:

Divert people with serious mental health needs away from prison and into timely, appropriate care.

Implement the recommendations of the High Level Task Force focusing on a health-led and rights-based approach to mental health and addiction for individuals in prison.

Adequately monitor and reduce the use of close supervision cells in the management of people with mental illness in prison.

Cease the systemic stripping of people with mental illness leaving them in thin ponchos except where strictly necessary for safety reasons.

²³ Office of the Inspector of Prisons, *Thematic Inspection: An Evaluation of the Provision of Psychiatric Care in the Irish Prison System* (2023), available at: https://www.oip.ie/wp-content/uploads/2024/02/OIP-Thematic-Inspection-Report-on-Provision-of-Psychiatric-Care-in-Prisons_Feb-2024-Publish.pdf

²⁴ Ibid p. 7.

²⁵ European Committee for the Prevention of Torture, Report to the Irish Government (CPT/Inf (2025) 22, 2025), p. 49.

²⁶ Ibid p. 52.

²⁷ Ibid (n. 19) p. 5.

Homelessness and community supports

20. The Irish housing crisis is having an impact on people entering and leaving Irish prisons. A 2019 report found significantly higher rates of mental illness, substance misuse, and homelessness among people in prison compared with the general population, with 17 per cent experienced homelessness on committal.²⁸ Data from 2023 shows women are disproportionately affected, with 29 percent of the female prison population reporting ‘no fixed abode’ on committal.²⁹
21. The Prison Overcrowding Response Group report noted instances of people who are in prison that would otherwise have been released from prison if they were not homeless.³⁰ While it is important that someone is not released from prison into homelessness, the available options should not be between an overcrowded prison cell or homelessness.
22. A 2026 IPRT study found that there is a link between housing loss due to imprisonment and release from prison back into homelessness.³¹ Given the importance of having an address for accessing services such as primary medical care, and social welfare supports, people leaving prison without housing can be locked out of these supports.

Recommendations:

Adopt a multi-agency approach to ensure that no one is leaving prison into homelessness.

Rates of pre-trial detention

23. The numbers of people in pre-trial detention have increased at a faster rate than the overall prison population and are significantly impacting prison overcrowding.

²⁸ Gautam Gulati et al., “The Prevalence of Major Mental Illness, Substance Misuse and Homelessness in Irish Prisoners: Systematic Review and Meta-Analyses,” *Irish Journal of Psychological Medicine* 36, no. 1 (2019): 35–45, <https://researchrepository.ul.ie/server/api/core/bitstreams/0c9c4da6-46e4-4de6-a60c-9fc9c2d6d63e/content>.

²⁹ Irish Prison Service, *Annual Report 2023* https://www.irishprisons.ie/wp-content/uploads/documents_pdf/IPS-Annual-Report-2023-2.pdf.

³⁰ Prison Overcrowding Response Group, Submission DJE 01212-23 (2024), p.28. Available at: https://www.iprt.ie/site/assets/files/7498/prison_overcrowding_response_group_report_web.pdf.

³¹ Irish Penal Reform Trust, *From Punishment to Prevention* (2026) https://www.iprt.ie/site/assets/files/7788/iprt_from_punishment_to_prevention-final_report.pdf

Between 2019 and 2024, the number of individuals in pre-trial detention has steadily increased, rising by 29 per cent during that period.³² In April 2026, approximately one in five people in Irish prisons are in pre-trial detention.³³

24. A practical measure to reduce the high rate of pre-trial detention already exists in the Irish context. In the youth justice system, the Bail Supervision Scheme (BSS) established in Dublin in 2016, demonstrated a 72 per cent reduction in reoffending (six months post-scheme versus six months pre-scheme).³⁴ Of the young people who successfully completed the programme, 85 per cent were given a non-custodial sentence. The scheme was rolled out to greater Dublin, Cork and Limerick in 2021. The 2019 project evaluation found that the BSS enabled young people at high risk of bail denial to adhere to bail conditions and reduce reoffending by effectively supporting their caregivers.

25. There is currently no adult bail supervision scheme in operation. The Department of Justice *Review of Policy Options for Prison and Penal Reform 2022-2024* recommended developing a pilot Bail Supervision Scheme for women and other vulnerable members of the prison population, including those with mental health needs.³⁵ While the Government has committed to establishing the pilot scheme and funding has been allocated to provide initial staffing, no timeline has been given for this and progress is unclear.³⁶

Recommendations:

Expand non-custodial pre-trial options for judges, including an adult Bail Supervision Scheme.

Establish and adequately fund an adult Bail Supervision Scheme.

Include availability of beds in prison as a mandatory factor for judges to consider when dealing with bail applications.

³² Future Prison Capacity Working Group, Report to the Minister for Justice (2024).

³³ Irish Prison Service, *Prisoner Population on Wednesday 1st April 2026* (2026) available at: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/01-April-2026.pdf.

³⁴ Department of Children and Youth Affairs, *Evaluation of the Bail Supervision Scheme for Children* (2019).

³⁵ Department of Justice, *Review of Policy Options for Prison and Penal Reform 2022-2024* (2022).

³⁶ Dáil Éireann, Written Answer to Parliamentary Question [55664/25] available at: <https://www.oireachtas.ie/en/debates/question/2025-10-15/236/>.