

EXECUTIVE SUMMARY

The CPT's sixth periodic visit to Ireland provided an opportunity to assess the progress made since the Committee's 2010 visit. To this end, the CPT's delegation examined the conditions of detention and treatment of persons in prisons, including women prisoners. It also focused on the provision of health care, the application of good order measures and the recently introduced complaints system in prisons. The situation of juveniles in prison and in the Oberstown Children's Detention Schools was also examined. Further, the delegation visited a number of police stations to look into the conditions of detention and the safeguards in place. It also looked at immigration detention. The cooperation received from the Irish authorities was very good, both at the central and local levels.

Law enforcement agencies

The CPT's delegation heard from persons with past experience of police detention that the treatment by the Gardaí has progressively improved. Nevertheless, in the course of the visit, the delegation received several allegations of *physical ill-treatment and verbal disrespect* by Gardaí; the majority of the allegations concerned the time of arrest or during transport to a Garda station. An Garda Síochána officers should be reminded that any form of ill-treatment (physical or verbal) is not acceptable and will be punished accordingly.

As regards *safeguards against ill-treatment*, the CPT welcomes the recent development whereby solicitors are now permitted to participate in police interviews as well as the announcement made by the Irish authorities that this right will be placed on a legislative footing by way of regulations adopted by the Minister of Justice and Equality. On the other hand, the CPT remains concerned about the provision of health-care services within police custody; the current system is not serving as an effective safeguard against ill-treatment and should be thoroughly reviewed.

The CPT welcomes the plans to confer additional powers on the Garda Síochána Ombudsman Commission in the area of criminal investigations. In this respect, it recalls that any police action which may fall within Article 3 of the European Convention on Human Rights, notably allegations of excessive use of force at the time of apprehension, should be investigated by an independent body.

As regards *immigration* detention, the CPT's delegation found that immigration detainees at Cloverhill Prison were held with remand and convicted prisoners and, in some cases, subjected to bullying. The CPT reiterates that, in its opinion, a prison is by definition not a suitable place in which to detain someone who is neither suspected nor convicted of a criminal offence. The Irish authorities should pursue their plans to establish a specifically designed centre for immigration detainees in accordance with the Committee's requirements. Further, as long as immigration detainees are kept in prisons, all appropriate steps should be taken to ensure that their exposure to remand and sentenced prisoners is limited, that they are offered as much time out of cell as possible and that they are afforded open visits.

Adult male and female prison establishments

The CPT acknowledges the considerable steps taken by the Irish authorities to reform the prison system, notably as concerns reducing overcrowding and improving the conditions of detention. Nevertheless, at the time of the visit, there were still 330 prisoners slopping-out and the Irish authorities are called upon to eradicate “slopping out” from the prison system. Until such time as all cells possess in-cell sanitation, the authorities should ensure that prisoners who need to use a toilet facility are released from their cells without undue delay at all times.

Prisoners met by the delegation stated that the vast majority of prison officers treated them correctly; however, a small number of prison officers are inclined to use more physical force than is necessary and to verbally abuse prisoners. The authorities should reiterate to prison officers that no more force than is strictly necessary should be used in bringing an agitated/aggressive prisoner under control.

In respect of *inter-prisoner violence*, the Committee recognises the progress made to reduce the level of violence in prisons. Nevertheless, it remains far too high and continues to be fuelled by a number of factors; notably, the existence of feuding gangs and a high prevalence of illicit drug use. The Irish authorities should pursue their efforts to address the phenomenon of inter-prisoner violence, including through strengthening the implementation of the drug strategy programme. Further, the Committee reiterates the importance of diligently recording all incidents of inter-prisoner violence and the proper reporting of any injuries indicative of such violence to An Garda Síochána.

In the course of the 2014 visit, the CPT’s delegation examined in detail four recent cases of *deaths in custody* – two self-inflicted and two preceded by assaults on the prisoners who later died. The delegation was concerned that the Irish Prison Service may have failed in its duty of care to these prisoners and that there had been no internal review by the prison management into the circumstances surrounding the deaths of these four prisoners. The CPT considers that every death of a prisoner should be the subject of a thorough investigation to ascertain, *inter alia*, the cause of death, the facts leading up to the death, including any contributing factors, and whether the death might have been prevented. The CPT welcomes the steps taken by the Irish Prison Service following the visit to improve the structures and methods of dealing with all deaths in custody and looks forward to receiving information on the outcome of the investigations into the four cases.

As regards the provision of *health care*, the findings of the 2014 visit illustrate that while it has improved in some prisons it has further deteriorated in others. For example, at Midlands Prison, the delegation found a total lack of organisation and management of health-care services and, at Limerick Prison, access to health care seemed to be inadequate. Further, the CPT makes a number of recommendations regarding the necessity to respect the principle of medical confidentiality, to ensure proper and timely assessments of newly-admitted prisoners and to diligently record and report any injuries. More generally, the Irish authorities should pursue their efforts to identify an appropriate independent body to undertake a fundamental review of health-care services in Irish prisons.

In relation to prisoners suffering from a *mental illness*, the delegation again observed that Irish prisons continued to detain persons with psychiatric disorders too severe to be properly cared for in a prison setting. The CPT recognises that a multi-pronged approach is needed which include the recently established High Support Units in several prisons. However, the units visited at Castlerea, Midlands and Mountjoy Prisons were not properly resourced and did not address the needs of mentally-ill prisoners; there was a complete lack of structured activities and no occupational or recreational therapy, only pharmacotherapy. Moreover, the prison officers in the units were not properly trained to work with prisoners suffering from serious mental disorders.

The CPT's delegation reviewed the implementation of the November 2013 standard operating procedures for the placement of prisoners in *close supervision or safety observation cells*. It found a degree of confusion among prison staff and management as to the specific purpose of each category of cell which, in some cases, led to prisoners not being able to benefit from necessary safeguards. Further, all prisoners placed in close supervision or safety observation cells should be offered at least one hour of outdoor exercise every day. Steps should also be taken to ensure that an inmate's clothes are only removed and replaced with rip-proof clothing following an individual risk assessment and not as a routine measure accompanying placement in one of these cells.

The CPT acknowledges the efforts of the Irish Prison Service to drastically reduce the number of *prisoners on protection* in male prison establishments, notably those under 23-hour lock-up. However, in the light of the Committee's findings and the recent High Court McDonnell judgment of 17 February 2015, the Irish authorities should pursue their efforts to provide prisoners on protection with a range of purposeful activities. As regards the segregation of prisoners who are deemed to pose a danger to other inmates, notably at Midlands Prison, there appeared to be no clear legal basis for regulating their segregation. The CPT recommends that clear rules and procedures be adopted to govern the segregation of those prisoners who present a high security risk, including the right to be informed of the reasons of the measure, to contest the measure, and to have the case reviewed on a regular basis.

As regards *disciplinary matters*, the sanction of "loss of all privileges" still results in prisoners being held in conditions akin to solitary confinement for up to 56 days, which is unacceptable. Moreover, the Irish authorities should clarify the legal basis for placing a prisoner in the equivalent of cellular confinement as a disciplinary punishment for more than three days. Further, the Irish authorities should end the practice of prisoners being transferred to other establishments solely to serve a disciplinary punishment. The establishment of a new *complaints mechanism* within the Irish prison system is welcomed; however, prisoners' trust in the new system should be enhanced, inter alia, by ensuring that all complaints are investigated within the established timelines.

The report also highlights certain problems specific to *female prisoners*, notably the overcrowding in the Dóchas Centre and female section of Limerick Prison and the need to establish an open prison for women. Further, it considers that more might be done to facilitate female prisoners maintaining contact with their dependent children, including through the provision of financial assistance.

Juvenile detention

The CPT is pleased to note that the detention of all juveniles is now placed under the responsibility of the Ministry of Children and Youth Affairs and that the much criticised St. Patrick's Institution is being closed down. It also notes positively that the number of juveniles in detention has declined since 2010.

The visit to the Children's Detention Schools at Oberstown occurred during a time of transition with the three schools merging into one and the new detention units under construction. Importantly, no allegations of ill-treatment by staff were received; on the contrary, many children spoke positively about staff. Material conditions in the various units were of a varied standard, although they all attempted to offer a personalised environment. Nevertheless, steps should be taken in the Trinity House School to render the bedrooms less austere. All juveniles were offered a wide range of structured activities; the intensive nature of the school classes and the emphasis on physical education were positive. Efforts should be made to increase the number of vocational places on offer.

The CPT is critical of the application of the measure of separation on young persons which, at times, appeared to be used as an informal disciplinary measure instead of a measure of protection. The CPT trusts that the use of separation in the Children's Detention Schools conforms strictly to the criteria laid out in the Irish Youth Justice Service policy and that every measure of separation is properly recorded, including the reasons for any extension, and that any rooms used for separation purposes are adequately equipped. A number of recommendations and comments are also made in relation to improving the medical assessment of each juvenile upon arrival in the establishment, the provision of psychological support, the staffing situation and contacts with the outside world.