



## **Consultation on the State Report for the UN Universal Periodic Review (UPR)**

**Submission by the Irish Penal Reform Trust**

**7<sup>th</sup> May 2021**

### **Irish Penal Reform Trust**

Established in 1994, the Irish Penal Reform Trust (IPRT) is Ireland's leading civil society 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 imprisonment used only as a sanction of last resort.

We work 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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## Introduction

1. IPRT welcomes the present Consultation on the State Report for the UN Universal Periodic Review being undertaken by the Department of Children, Equality, Disability, Integration and Youth, and the opportunity to make a submission.
2. This submission follows up on recommendations from Ireland's second Universal Periodic Review in 2016 (paras 9 to 41) and identifies other issues which have emerged since (see paras 42 to 53). Where relevant, the submission refers to the most recent National Interim Report submitted by Ireland in 2020.<sup>1</sup>
3. Since Ireland's last review under the UPR in 2016, there has been progress on the recommendations as they relate to Ireland's penal system. For example, there has been full implementation of the recommendation to end imprisonment of children in adult prisons, and significant progress on the recommendation to end 'slopping out' in prisons.
4. There has been partial or no implementation of recommendations in other areas, however, such as ratification of the OPCAT. There has been regress in areas including solitary confinement and prison overcrowding.
5. The treatment of mentally ill prisoners is one of the "*most pressing issues within Irish prisons*" according to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).<sup>2</sup> This area is addressed in paras 42 to 46 below.

## Impact of Covid-19 on Ireland's prison system

6. Ireland's Covid-19 response included a reduction in prison crowding by 10% and the introduction of technologies such as video visits and in-cell telephony. However, the impacts of restrictions have been harsh: significantly reduced out-of-cell time, with some prisoners reporting spending 30+ consecutive hours in their cells;<sup>3</sup> vastly reduced access to exercise, education, and workshops; and the near total suspension of in-person family visits since March 2020.<sup>4</sup>
7. In July 2020, the Prison Rules were amended to allow the prison service to suspend prisoners' minimum entitlements to (i) visits and (ii) recreation, exercise or training for reasons of infectious diseases.<sup>5</sup> There is no sunset cause included in the amendments nor is the State obligated to mitigate the effects of these amendments on individuals' rights.
8. No prison inspection reports covering the pandemic period since March 2020 have been published, and there has been no human rights impact assessment of measures introduced.<sup>6</sup> Therefore, the current situation of human rights in prisons in Ireland is not known.

**Recommendation 1: A human rights impact assessment should be carried out by the Oireachtas with urgency, and on an ongoing basis, to evaluate whether measures taken in response to Covid-19 in prisons are proportionate and necessary.**

## Ratification of the OPCAT and establishment of a national preventive mechanism

Recs 135.8 – 135.25

9. **Ireland has not yet ratified OPCAT or established a National Preventive Mechanism (NPM).** In June 2020, the Government committed to ratifying OPCAT within 18 months of its formation.<sup>7</sup> In July 2020, Ireland committed in its National Interim Report to ratify OPCAT and stated that a Bill was being prepared “to introduce these changes with a view to enabling the ratification of OP-CAT as soon as possible.”<sup>8</sup> Despite these promises, timelines for drafting the *Inspection of Places of Detention Bill* have not been met<sup>9</sup> and the proposed Bill remains unpublished.
10. **Prisoners in Ireland further do not have access to a fully independent complaints mechanism.** The CPT has said the current prisoner complaints system “cannot be considered as fit for purpose”.<sup>10</sup> Concerns relate to: recording and investigation of complaints; timeliness of responses to complaints; and reported instances of prisoners being bullied by officers after making a complaint. Major issues with the prisoner complaints system identified by the Office of the Inspector of Prisons (OIP) include failure by the Irish Prison Service (IPS) to observe its legal obligations, and provision of “inaccurate data” to the OIP.<sup>11</sup> The timeline of 2019 for implementation of a new prisoner complaints system<sup>12</sup> was not met. Proposals accepted by Government in 2016 to extend the remit of the Ombudsman to include prisoner complaints have not yet been implemented, 5 years on.<sup>13</sup>
11. There has been **no inspection report of a closed prison in Ireland published since 2014**, and there are long delays in the submission and publication of reports on investigations into deaths in prison custody.<sup>14</sup> Resourcing of the OIP has been significantly increased in 2021. However, under Irish law, the Minister for Justice retains the power to publish and redact inspection reports.<sup>15</sup> IPRT has called for legislative amendments to empower the OIP to publish its reports directly.<sup>16</sup>

**Recommendation 2: Ratify OPCAT and create an effective and independent National Preventive Mechanism; implement a fully independent prisoner complaints mechanism, including access to the Ombudsman; and strengthen the powers of the Office of the Inspector of Prisons.**

#### Human rights training for prisons guards

##### Rec 135.79

12. Prison officer CPD training includes a ‘Human Rights in the Custodial Environment’ module, which covers the UN Treaty Framework, the ECHR, and accessing rights within a custodial environment.<sup>17</sup> Frequency of this training is not known.
13. In the 2020 National Interim Review, Ireland stated that disciplinary guidelines were issued to IPS staff in 2019 in regards the “standards expected of prison service personnel” and that a new Code of Ethics for the IPS is being developed.<sup>18</sup> While the 2019 IPS Annual Report indicated that this new Code of Ethics was to be rolled out in Q3 of 2020,<sup>19</sup> it is unclear to IPRT whether this happened. If it has not, IPRT would urge that this action is taken without any further delay.

**Recommendation 3: Roll out new Code of Ethics for all prison staff without further delay.**

#### Investigate all cases of abuse and ill-treatment by prison officials

##### Recs 135.79, 135.120

#### Implement recommendations arising from Office of the Inspector of Prisons review

##### Rec. 136.50

14. The CPT found examples of a small number of officers using excessive physical force and/or verbally abusing prisoners, including racial abuse – most notably directed towards members of the Traveller community and persons of African descent.<sup>20</sup>
15. Recent media reports about a prison officer Facebook group, on which it is alleged inappropriate, offensive and racist material was posted, have raised serious concerns about the attitudes of a small minority of people working in the Irish Prison Service.<sup>21</sup>
16. The OIP has consistently raised concerns about incomplete, misleading or inaccurate prison records,<sup>22</sup> and failure to conduct 15-minute checks of prisoners under special observation.<sup>23</sup>

**Recommendation 4: Investigate all allegations of direct physical or verbal abuse as well as offensive or racist comments made by serving prison staff on social media platforms, and take disciplinary action where warranted; improve staff performance in record-keeping and special observation checks through increased training and monitoring.**

### Conditions of detention

#### Recs 135.121, 135.122, 135.123

17. Staff shortages and their impact on education closures are a regular feature of the Irish prison system.<sup>24</sup> External organisations coming into prisons have been turned away due to these shortages, and Prison Visiting Committees have described how the shortages *“have also resulted in the postponement of medical appointments or the cancellation of long awaited visits to children/family at special times, a particularly harrowing experience for those concerned.”*<sup>25</sup>
18. Violence in prisons is a concern. In 2019, there were 452 prisoner-on-prisoner assaults and 123 prisoner-on-staff assaults recorded.<sup>26</sup> However, the CPT has noted its concerns about the integrity of the data, which means it is not possible to analyse the extent of violence.<sup>27</sup> A review of prisoner-on-staff assaults highlighted that most of these assaults relate to a small number of prisoners with challenging behaviours and/or mental health problems.<sup>28</sup>
19. While IPRT welcomed the overall decrease in the number of recorded cases of self-harm in Ireland in 2019, the rates of self-harm among female prisoners and prisoners held on remand continued to rise.<sup>29</sup> IPRT is particularly concerned by the fact that self-harm rates for female prisoners were 8.2 times higher than for male prisoners during this period. This data underscores the need for alternative interventions and adequately resourced mental health services, both in prison and the community.
20. There has been no published data on rates of self-harm since the imposition of Covid-19 related restrictions in prisons. In these circumstances, IPRT calls for the urgent publication of the 2020 report on self-harm, so that a fully informed decision can be made in respect of the ongoing pandemic restrictions.
21. A high percentage (14%) of prisoners are held on restricted regimes, locked up for 19 or more hours per day<sup>30</sup> (this does not include medical isolation for Covid-19 reasons). Two-thirds of these, or 9% of the total prison population, are locked in their cells for more than 21 hours per day.<sup>31</sup> In January 2020, 75 people were in solitary confinement. Most 'protection' prisoners on restricted regimes have no access to education and workshops.<sup>32</sup>

22. There is no data available on the number of days individuals are held on restricted regimes, including solitary confinement. Limited figures obtained in 2016 showed that 24 prisoners had been held in their cell for 22+ hours for over 100 days, and at least nine prisoners had spent over a year in such conditions.<sup>33</sup>

**Recommendation 5: Examine and consider expanding alternatives to prison, such as community-based sanctions and integrated community sentences. Consideration of such alternative measures should be particularly considered for female and remand prisoners.**

**Recommendation 6: Record and publish data on the length of time persons are held on restricted regimes; notify the OIP when an individual is held in prolonged solitary confinement (i.e. more than 14 days *per* the UN Mandela Rules); set out in legislation the maximum number of days for which a person can be held in solitary confinement; and prohibit solitary confinement for children, young adults, women, and persons with disabilities.**

### Prison overcrowding

#### Recs 135.124, 135.123

23. Overcrowding has been reduced in response to the Covid-19 pandemic. However, this is a temporary situation that is likely to end when the Courts re-open. There was an 11% reduction in prison numbers from 4,235 on 11 March 2020 to 3,748 on 6 August 2020,<sup>34</sup> achieved mainly through the release of prisoners serving sentences of less than 12 months.
24. Ireland is over-reliant on prison as a response to social issues and less serious offending. 76% of sentenced committals to prison in 2019 were for sentences of less than 12 months. In 2019, more people served short sentences of <12 months than community service orders (3,453 compared with 2,791)<sup>35</sup>. Up to 35% of sentenced female prisoners are serving short sentences of <12 months.
25. Prior to March 2020, the overcrowding situation in Irish prisons had deteriorated. The daily average number of people in custody in 2019 was 3,971,<sup>36</sup> an increase on 2017 and 2018. People throughout the prison estate were sleeping on mattresses in 2019<sup>37</sup> and early 2020, including 75 people on 2<sup>nd</sup> March 2020.<sup>38</sup>
26. Contrary to international standards, single-occupancy is not the norm. In January 2020, 53% of the prison population had access to single-cell accommodation, 36% were sharing a cell with one other person, 9% were sharing triple cells, and 2% were in quadruple cells (including dormitories in an open prison).<sup>39</sup>
27. In Cloverhill remand prison, which has the largest unit holding mentally ill prisoners, the CPT observed that the unit was “*overflowing with seven prisoners having to sleep on mattresses on the floor*”.<sup>40</sup> The CPT was further concerned that most cells in Cloverhill are designated as triple occupancy, despite being only 11m<sup>2</sup> in size (including the semi-partitioned toilet).
28. The two women’s prisons are chronically overcrowded. Up to a third of female prisoners are serving short sentences and a quarter are on remand. There are plans to increase closed prison capacity for women, despite policy consensus that community-based responses are more effective<sup>41</sup> and the UN Bangkok Rules.<sup>42</sup> There are no plans to establish an open prison for women. A step-down (post-release) unit for women was opened in June 2019.

29. In Ireland's National Interim Report, the State noted in response to the recommendations on prison overcrowding that the IPS has introduced a net increase of 188 beds across the prison estate since 2016.<sup>43</sup> For the avoidance of doubt, IPRT is clear that the answer to prison overcrowding is not to expand prison space or create bigger prisons, but rather to reduce the prison population. The measures taken in response to Covid-19 makes clear that this approach is a viable and sensible way of addressing overcrowding.

**Recommendation 7: Use measures introduced to successfully reduce the prison population during Covid-19 (e.g. access to temporary release and early release) to maintain low prison numbers and end overcrowding in Irish prisons. Embed in legislation the principle of "prison as a last resort" and a presumption against short sentences.**

### **In-cell sanitation**

#### **Recs. 135.121**

30. There has been significant progress towards the elimination of 'slopping out' in prisons through provision of in-cell sanitation. However, the practice has not ceased. In October 2020, 47 prisoners were slopping out in Portlaoise prison and Limerick prison.<sup>44</sup> Construction of new facilities at Limerick prison is underway<sup>45</sup> but timelines have not been met due to Covid-19.
31. In October 2020, 45% (1,716) of prisoners were required to toilet in the presence of others.<sup>46</sup> The CPT has said all in-cell toilet facilities should be fully partitioned up to the ceiling to provide privacy and dignity for prisoners sharing a cell.<sup>47</sup>
32. Women prisoners have reported difficulties accessing sanitary products.<sup>48</sup>

**Recommendation 8: Ensure all people in prison have access to toilets in private; refurbish cells to provide for fully partitioned toilets; and ensure decent access to gender-specific products.**

### **Separation of remand (pre-trial) and sentenced prisoners**

#### **Rec. 135.125**

33. There has been a 21% increase in the average number of people held on remand in Irish prisons since 2017.<sup>49</sup> While the State has suggested that a recent feature of remand prisoners is the increasing serious charges they face,<sup>50</sup> there is limited published data available to interrogate this. It is also worth noting that some of the figures available suggest that people are increasingly being remanded for less serious offences e.g. between 2016 and 2019, there was a 56% increase in the number of committals on remand for 'Public Order and Social Code Offences'.<sup>51</sup>
34. The proportion of female committals on remand has increased steadily and comprised 71% of all female committals in 2017.<sup>52</sup> In 2019, 27% of remand prisoners were sharing a cell with sentenced prisoners.<sup>53</sup>
35. Homelessness is a factor behind the increasing number of people on remand in prison. In 2019, 7.8% of committals to prison declared they were of 'no fixed abode'.<sup>54</sup> One Irish study found that 17.4% people were homeless on committal.<sup>55</sup> Homelessness is a particular issue for men in Cloverhill prison, with as much as one third of prisoners affected.<sup>56</sup>

36. Remand prisoners and immigration detainees are held in the same facilities. For female prisoners, there is no separation of detainees awaiting trial, immigration detainees, and sentenced prisoners.

**Recommendation 9: Use pre-trial detention as an exceptional measure; invest in access to bail supports particularly for those who are homeless; ensure remand prisoners held separately from sentenced prisoners; end the accommodation of immigration detainees in prison without further delay.**

#### **Detention of children**

**Recs 135.87, 135.121, 135.125**

37. The practice of sending children to adult prisons in Ireland ended in 2017<sup>57</sup> and St Patrick's Institution has been closed. A Bail Supervision Scheme<sup>58</sup> was introduced in 2017 to reduce the number of children detained on remand.
38. In August 2020, there were 36 children in Oberstown Child Detention Campus.<sup>59</sup> Of these, 39% were on remand (pre-trial).<sup>60</sup> Children have reported that remand units have poorer conditions than other units and fewer opportunities to engage in activities. More generally, reports of insufficient access to school hours on Campus have been shared with IPRT.
39. In 2016, there were 3,027 single separation incidents recorded at Oberstown,<sup>61</sup> which has a maximum capacity of 48 boys and 6 girls. In 2017, inspectors raised concerns about children spending prolonged periods of time in single separation.<sup>62</sup> An inspection report in 2019 noted a reduction in single separation incidents but still a significant use of restrictive procedures on the campus.<sup>63</sup>
40. The children detained have disproportionate experience of adversities and trauma. In 2019, 41% of the children were either in State care or had significant involvement with child protection and welfare services prior to detention. Traveller children comprise 19% of children in Oberstown, 23% of children had a diagnosed learning disability, and 31% had experienced the loss of a parent.<sup>64</sup>

**Recommendation 10: Reduce the number of children held on remand and address the systemic reasons for the over-representation of certain cohorts of children in detention.**

#### **Raise of age of criminal responsibility**

**Recs 136.27, 136.28**

41. The age of criminal responsibility in Ireland has not been changed. It remains 12 years, with provision for 10- and 11-year-old children charged with serious offences including murder, manslaughter, rape or aggravated sexual assault.

**Recommendation 11: Raise the age of criminal responsibility to 14 at minimum, in line with the UN Committee on the Rights of the Child recommendation.**

#### **Detention of people with mental illness in prison**

42. People with severe mental illness are detained in Irish prisons, sometimes for long periods.<sup>65</sup> Vulnerable prisoners accommodated in Cloverhill prison are sleeping on floors.<sup>66</sup> Prison

chaplains have described mentally-ill prisoners as being “*doubly punished*” and that officers are at risk of injury as a result.<sup>67</sup>

43. In May 2018, 323 people (out of a prison population of 4,000) on the caseload of the National Forensic Mental Health Service (NFMHS) team were deemed to be suffering from a severe mental illness; there were “*another several hundred prisoners*” not on the caseload.<sup>68</sup>
44. There are consistently 20-30 prisoners on the waiting list for transfer to the Central Mental Hospital (CMH). The average waiting time for transfer from prison to the CMH in 2019 was 120.86 days. The shortest waiting time was seven days and the longest was 504 days.<sup>69</sup> Plans to increase capacity of the NFMHS facility to 130 secure beds<sup>70</sup> will not meet current or future demand. Recent media reports have described the experience of one mentally ill man who was held in prison on remand for 14 months, with much of that time spent in solitary confinement.<sup>71</sup>
45. Following its 2019 visit to Ireland, the CPT requested a wholesale review of the use of Safety Observation Cells in prisons and recorded its concerns about: the routine removal of prisoner’s clothing when they are placed in an observation cell; prisoners’ lack of access to showers and outdoor exercise when placed in observation cells; and the recording of data on the use of such cells.<sup>72</sup> In 2017, the IPS committed to publishing the lengths of time prisoners were held in Safety Observation Cells; to date this information has not been made available.<sup>73</sup>
46. In the High Support Unit in Mountjoy prison, the CPT found a “*complete lack of structured activities*” for prisoners, nearly all of whom had long-term and severe mental illness. No occupational therapy, individual or group psychotherapy or recreational therapy was available; only pharmacotherapy. The CPT recorded: “*In sum, the prisoners wandered idly around the unit or the yard and watched television.*” The CPT also met one prisoner who was “*completely neglected*” and living in a dirty and squalid cell.<sup>74</sup>

**Recommendation 12: Increase access to therapeutic psychiatric beds in community facilities and in the Central Mental Hospital so that prisoners with mental illness can be quickly diverted from the criminal justice system and receive the care needed.**

### Healthcare

47. The Department of Health does not currently govern prison healthcare in Ireland, and the national health inspectorate does not inspect prison healthcare.
48. Prison mental health and addictions services are under-resourced. In June 2019, there were 614 prisoners on a waiting list for psychology services.<sup>75</sup> In March 2021, there were 1,200 prisoners (30%) on the waiting list.<sup>76</sup> Over 500 prisoners are on a waiting list for addiction services. The lack of addiction counselling services has been highlighted by Prison Visiting Committees.<sup>77</sup>
49. Prison Visiting Committee reports document poor healthcare services across the prison estate, including delays and cancellations of medical appointments outside the prison.<sup>78</sup> Healthcare issues for older people in prison include living with dementia and other serious conditions, with some confined to their cell or bedbound.<sup>79</sup> Prisoners with disabilities also struggle, with some relying on other prisoners to support them with daily tasks.<sup>80</sup>



50. A number of reports from the OIP<sup>81</sup> and CPT<sup>82</sup> have identified incidents where prison operational issues, such as custodial staff shortages, have taken precedence over the decisions of medical staff. In one case, this contributed to the death of a man.<sup>83</sup> In response, the OIP stated that the provision of healthcare to prisoners should be the sole responsibility of medical professionals and must not be dependent on operational considerations.<sup>84</sup>

**Recommendation 13: Governance of prison healthcare should be transferred to the national health service, the Health Service Executive.**

### Spent Convictions

51. While IPRT welcomed the *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016*, the legislation is very limited and fails to fulfil its rehabilitative purpose. Limitations include (i) only one conviction (other than certain motoring or low-level public order offences) can become spent and (ii) only those convictions which resulted in a custodial sentence of less than 12 months, or a non-custodial sentence of less than 24 months, may become spent.
52. For this reason, IPRT welcomes the recent Department of Justice consultation on spent convictions and proposals to expand the current legislative regime.<sup>85</sup> IPRT's position is that any proposed legislation should draw upon Senator Lynn Ruane's *Criminal Justice (Rehabilitative Periods) Bill 2018* as amended.<sup>86</sup>
53. IPRT also welcomes Minister Roderic O'Gorman's recent commitment to examine Ireland's equality legislation within the next year and hold a public consultation on the possibility of introducing a new ground of discrimination related to socio-economic status,<sup>87</sup> as *per* the Irish Human Rights and Equality Commission recommendation.<sup>88</sup> IPRT calls for any such ground of discrimination to explicitly include reference to convictions history.

**Recommendation 14: Publish proposals for new spent convictions legislation, drawing upon the *Criminal Justice (Rehabilitative Periods) Bill 2018* as amended; consider including in any amended employment legislation a new prohibited ground of discrimination related to convictions history.**

### Conclusion

54. IPRT welcomes the opportunity to contribute to the State's Report for the UPR and hopes that the above observations and recommendations will feed into the final Report produced. IPRT can be contacted through the contact details on this submission if further information on any of the above is required.

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<sup>1</sup> Ireland Universal Periodic Review, Second Cycle Mid-term Report Part II, [https://lib.ohchr.org/HRBodies/UPR/Documents/session25/IE/UPR\\_Interim\\_Report2020\\_PartII.pdf](https://lib.ohchr.org/HRBodies/UPR/Documents/session25/IE/UPR_Interim_Report2020_PartII.pdf).

<sup>2</sup> Council of Europe, *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*, 2020, at para.63, <https://rm.coe.int/1680a078cf>.

<sup>3</sup> Office of the Inspector of Prisons & Maynooth University, *Ameliorating the impact of cocooning on people in custody – a briefing*, 2020, at p.3, <https://www.oip.ie/wp-content/uploads/2020/07/Ameliorating-the-impact-of-cocooning-on-people-in-custody-a-briefing.pdf>

<sup>4</sup> For further detail, see IPRT, *Irish Prisons and Covid-19: One Year On*, 2021, [https://www.iprt.ie/site/assets/files/6901/covid-19\\_in\\_prisons\\_one\\_year\\_on.pdf](https://www.iprt.ie/site/assets/files/6901/covid-19_in_prisons_one_year_on.pdf).

<sup>5</sup> See SI No 250/2020, Prison (Amendment) Rules 2020, <http://www.irishstatutebook.ie/eli/2020/si/250/made/en/print>.

<sup>6</sup> Irish Human Rights & Equality Commission & Trinity College Dublin, *Ireland's Emergency Powers During the Covid-19 Pandemic*, 2021, <https://www.ihrec.ie/app/uploads/2021/02/Irelands-Emergency-Powers-During-the-Covid-19-Pandemic->

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[25022021.pdf](#); ICCL, *Organisations call for Human Rights Impact Assessment to inform state review of COVID19 response*, 2020, <https://www.iccl.ie/news/organisations-call-for-human-rights-impact-assessment-to-inform-state-review-of-covid19-response/>.

<sup>7</sup> Programme for Government, *Our Shared Future*, 2020, <https://www.gov.ie/en/publication/7e05d-programme-for-government-our-shared-future/>.

<sup>8</sup> See Ireland Universal Periodic Review, Second Cycle Mid-term Report Part II, at p.2, [https://lib.ohchr.org/HRBodies/UPR/Documents/session25/IE/UPR\\_Interim\\_Report2020\\_PartII.pdf](https://lib.ohchr.org/HRBodies/UPR/Documents/session25/IE/UPR_Interim_Report2020_PartII.pdf)

<sup>9</sup> Houses of the Oireachtas, *Dáil Éireann Debate - UN Conventions*, 5 July 2018, <https://www.oireachtas.ie/en/debates/question/2018-07-05/1/>.

<sup>10</sup> Council of Europe, *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*, 2020, at paras.34-35, <https://rm.coe.int/1680a078cf>.

<sup>11</sup> Office of the Inspector of Prisons, *Annual Report 2019*, 2020, <https://www.oip.ie/wp-content/uploads/2021/03/OIP-Annual-Report-2019.pdf>.

<sup>12</sup> Department of Justice, *Parliamentary Questions*, 30 January 2019, <http://www.justice.ie/en/JELR/Pages/PQ-30-01-2019-148>.

<sup>13</sup> Department of Justice, *Tánaiste accepts recommendation to give Ombudsman a role in prison complaints*, 8 June 2016, <http://justice.ie/en/JELR/Pages/PR16000125>.

<sup>14</sup> Office of the Inspector of Prisons, *Death in Custody – Report by Year of Death*, <https://www.oip.ie/death-in-custody/death-in-custody-report-by-year-of-death/>.

<sup>15</sup> Per Section 31(3) of the Prisons Act 2007, <http://www.irishstatutebook.ie/eli/2007/act/10/section/31/enacted/en/html>.

<sup>16</sup> See IPRT, *Progress in the Penal System (PIPS): A Framework for Penal Reform*, 2017, Action 24.3, <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2017.pdf>.

<sup>17</sup> IPRT, *Progress in the Penal System (PIPS)*, 2019, Standard 29: <https://pips.iprt.ie/progress-in-the-penal-system-pips/part-2-measuring-progress-against-the-standards/e-safety-and-protection-in-irish-prisons/29-staff-training/>.

<sup>18</sup> Ireland Universal Periodic Review, Second Cycle Mid-term Report Part II, at pp.33-34, [https://lib.ohchr.org/HRBodies/UPR/Documents/session25/IE/UPR\\_Interim\\_Report2020\\_PartII.pdf](https://lib.ohchr.org/HRBodies/UPR/Documents/session25/IE/UPR_Interim_Report2020_PartII.pdf)

<sup>19</sup> IPS, *Annual Report 2019*, at p.36, [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/IPS-Annual-Report-2019-Web.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/IPS-Annual-Report-2019-Web.pdf).

<sup>20</sup> Council of Europe, *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*, 2020, at para.33, <https://rm.coe.int/1680a078cf>.

<sup>21</sup> Conor Gallagher, “Prison Service attempts to get staff Facebook group removed over racist posts: Recent posts by prison officers mocked black people and Travellers”, *The Irish Times*, 24 February 2021, <https://www.irishtimes.com/news/crime-and-law/prison-service-attempts-to-get-staff-facebook-group-removed-over-racist-posts-1.4493095>

<sup>22</sup> Office of the Inspector of Prisons, *Investigation Report into the Circumstances Surrounding the Death of Mr D*, 2021, <https://www.oip.ie/wp-content/uploads/2021/03/Office-of-the-Inspector-of-Prisons-Death-in-Custody-Investigation-Report-Mr-D-2018.pdf>.

<sup>23</sup> Office of the Inspector of Prisons, *A report by the Office of the Inspector of Prisons into the circumstances surrounding the death of Mr G*, 2019, <https://www.oip.ie/wp-content/uploads/2020/04/Report-into-the-death-of-Mr-G-2017.pdf>.

<sup>24</sup> See e.g. Department of Justice, *Parliamentary Questions*, 17 April 2018, <http://www.inis.gov.ie/en/JELR/Pages/PQ-17-04-2018%E2%80%9393579>.

<sup>25</sup> Department of Justice, *Dóchas Centre Visiting Committee Annual Report 2017*, [http://www.justice.ie/en/JELR/Pages/Prison\\_Visiting\\_Committee\\_Annual\\_Reports\\_2017](http://www.justice.ie/en/JELR/Pages/Prison_Visiting_Committee_Annual_Reports_2017).

<sup>26</sup> Irish Prison Service, *Assault Figures*, 2019, [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/2019-final-figures-Website.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/2019-final-figures-Website.pdf).

<sup>27</sup> Council of Europe, *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*, 2020, at para.37, <https://rm.coe.int/1680a078cf>.

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