



**Information for List of Issues with regard to the examination of  
Ireland's Fourth Report under the  
International Covenant on Economic, Social and Cultural Rights**

**Submission by the Irish Penal Reform Trust to the 70th Pre-Sessional Working  
Group of the CESCR, March 2022**

**7<sup>th</sup> January 2022**

**Submitting Stakeholder: 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 across a wide range of penal policy issues; we work constructively with all stakeholders; and we have established IPRT as the leading independent voice in public debate on the Irish penal system.

**Contact Details:**

**Address:** Irish Penal Reform Trust [IPRT]

MACRO, 1 Green Street

Dublin 7, IRELAND

**Phone:** + 353 1 874 1400

**Website:** [www.iprt.ie](http://www.iprt.ie)

**Email:** [info@iprt.ie](mailto:info@iprt.ie)

## Introduction

1. This submission has been drafted by the Irish Penal Reform Trust (IPRT). It is our first submission to the Committee on Economic, Social and Cultural Rights.
2. IPRT engages regularly with UN reporting mechanisms through written submissions and oral presentations. We have informed periodic reviews of Ireland under UNCAT, CEDAW and ICCPR, among other conventions, along with all three cycles of the Universal Periodic Review.
3. The submission is presented in respect of Ireland's *Fourth periodic report submitted by Ireland under articles 16 and 17 of the Covenant* (E/C.12/IRL/4) published 25<sup>th</sup> August 2021.
4. As an overarching point, Ireland is over-reliant on imprisonment as a response to social issues and socio-economic disadvantage. The prison population is characterised by poverty, poor health, mental illness, addictions, disability, trauma and homelessness. 76% of sentenced committals to prison in 2019 were for sentences of less than 12 months<sup>1</sup> and for offences more commonly associated with socio-economic disadvantage. For example, 32% of sentenced female prisoners in 2020 were in prison for theft and related offences.<sup>2</sup>
5. Children in detention schools also have disproportionate experience of adversities. In 2019, 41% of young people in detention had a mental health need; Traveller children comprised 19% of children in detention; 23% of the children had a diagnosed learning disability; and 31% had experienced the loss of a parent.<sup>3</sup>
6. Ireland must meet its obligations under ICESCR, and particularly Articles 3, 6, 7, 10, 11, 12 and 13, in respect of this particularly vulnerable group. The Committee might accordingly consider addressing the rights and needs of people in prison when considering Ireland's report.

## Priority Issues

7. **Ireland is not meeting its obligations under Article 12 regarding the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including men and women in prison.** This situation has worsened during the pandemic.
8. **The treatment of mentally ill prisoners has been described as 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>4</sup> Ireland is currently “not meeting its obligations to ensure adequate healthcare provision for mentally ill prisoners” and this must be addressed “as a matter of extreme urgency”, according to the Chief Inspector of Prisons. Restrictions imposed on some mentally ill prisoners “amount to inhuman and degrading treatment”.<sup>5</sup> (See paras 27-30 below.)
9. These priority issues are outlined in more detail below under the relevant Covenant articles.

## Article 3 - Gender Equality

10. Commitments in the *National Strategy for Women and Girls 2017–2020* to improve the health, wellbeing and rehabilitation of women offenders have only been partially met.<sup>6</sup>

11. Women are disproportionately punished for less serious and non-violent offences, compared with men. Recent figures indicate that 25.2% of the female prison population are serving sentences of less than 12 months, as compared to 11.9% of the male prison population.<sup>7</sup>
12. Similarly, figures indicate that women are more likely than men to be remanded into custody for less serious offences, with data provided by the Irish Prison Service in 2020 showing that 26.6% of women remanded to custody on remand/trial had as their most serious charge 'theft and related offences', as compared to 13% of men.<sup>8</sup> Figures further indicate that as many as 10% of all female committals in 2020 were attributed to non-payment of fines.<sup>9</sup> This would suggest that women are disproportionately committed to prison for offences linked with poverty and disadvantage, such as theft and fines default.
13. There are plans to increase closed prison capacity for women,<sup>10</sup> despite policy consensus that community-based responses are more effective<sup>11</sup> and the broader aims and principles of the UN Bangkok Rules.<sup>12</sup>
14. A step-down facility for women leaving prison opened in 2019. However, there are no plans to establish an open prison for women.<sup>13</sup> (There are two open prisons for men.)

**Issue: The Committee might ask Ireland what measures it is taking to reduce the use of imprisonment as a response to offending by women and thereby improve its compliance with the UN Bangkok Rules.**

#### Article 6 - Right to Work

#### Article 7 - Right to Just and Favourable Conditions of Work

15. A criminal conviction history can act as a barrier for people in securing employment and achieving promotion within existing employment, which can in turn inhibit effective reintegration and desistance from offending.<sup>14</sup> An effective spent convictions regime, whereby a person with a conviction is no longer required to disclose that conviction once a specified period has elapsed, is an important tool in removing such obstacles to reintegration.
16. Ireland's current legislation, the *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016*, is limited insofar as it fails to fulfil its rehabilitative purpose and it fails to apply the principle of proportionality to rehabilitative periods.<sup>15</sup> New legislation to expand the scope of Ireland's spent convictions regime has been supported by the Government and is currently progressing through the Irish parliament.<sup>16</sup>

**Issue: The Committee might ask Ireland the timeline for implementing the *Criminal Justice (Rehabilitative Periods) Bill 2018* and about its commitment to implementing the widest spent convictions regime possible.**

17. Irish equality law does not provide explicit protection against discrimination on the basis of a criminal conviction.<sup>17</sup> Such discrimination is an ongoing and significant issue of concern: a small-scale survey conducted by IPRT in 2019 found that 81% (120) of respondents said that having a conviction had had a negative impact on their "getting a job".<sup>18</sup> There is potential for this to be addressed by the ongoing review of Ireland's equality legislation.<sup>19</sup>

**Issue: The Committee might ask Ireland about its plans to address discrimination on the basis of a criminal conviction in the employment sphere.**

## Article 10 - Protection of the Family

### G. Parenting Supports

18. While there is limited data available on the number of children who have a parent in prison in Ireland, estimates are that approximately 5,500 children have a parent in prison on any given day, with up to 10,000 experiencing parental imprisonment over any year.<sup>20</sup> Parental imprisonment is an identified Adverse Childhood Experience, which can impact on a child's outcomes in life. Despite this, there is no national strategy, policy or support service in Ireland for children experiencing parental imprisonment.<sup>21</sup>
19. The national policy framework 'Better Outcomes, Brighter Futures' (2014–2020) includes a commitment to ensure adequate access by children to an imprisoned parent, in a child-friendly setting (Action 3.22).<sup>22</sup> This has not been met. Since March 2020, due to prison visiting restrictions in response to the pandemic, children of prisoners have not been allowed any physical contact with their mother or father in prison.<sup>23</sup>

**Issue:** The Committee might ask Ireland its plans to develop a national policy on supporting children who have parents in prison.

## Article 11 - Right to Adequate Standard of Living

### C. Housing

20. Homelessness is a factor behind the increasing number of people detained in prison. In 2019, 7.8% of committals to prison declared they were of 'no fixed abode'.<sup>24</sup> One Irish study found that 17.4% of people were homeless on committal.<sup>25</sup> Homelessness is a particular issue for men in Cloverhill remand prison, with as many as one-third of prisoners affected.<sup>26</sup>
21. The CPT identified as a major concern the rising number of homeless people ending up in prison. The CPT observed that many of these persons could be granted bail by the courts but, because of their homeless status and the fact that they were therefore excluded from community mental health services, they were left instead to languish in prison.<sup>27</sup>

**Issue:** The Committee might ask Ireland what specific measures it is taking to ensure that no one is refused access to community hospital, physical or mental health services due to their homeless status.

## Article 12 - Right to Physical and Mental Health

22. The Department of Health does not currently govern prison healthcare in Ireland, and the national health inspectorate (HIQA) does not inspect prison healthcare. Therefore, there is no regular, independent, inspection of prison healthcare services.
23. A review of prison healthcare ('Healthcare Needs Assessment') to examine prisoners' health status, the need and demand for healthcare services, and the current level of healthcare service provision in prisons was conducted in 2020.<sup>28</sup> The report has not been published.

24. Prison Visiting Committee reports document poor healthcare services across the prison estate, including delays and cancellations of medical appointments outside the prison.<sup>29</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>30</sup> Prisoners with disabilities also struggle, with some relying on other prisoners to support them with daily tasks.<sup>31</sup>
25. Prison mental health and addictions services are under-resourced. In June 2019, there were 614 prisoners on a waiting list for psychology services.<sup>32</sup> In March 2021, there were 1,200 prisoners (30%) on the waiting list.<sup>33</sup> Over 500 prisoners were on a waiting list for addiction services. The lack of addiction counselling services has been highlighted by Prison Visiting Committees.<sup>34</sup>
26. A number of reports from the Office of the Inspector of Prisons (OiP)<sup>35</sup> and CPT<sup>36</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>37</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>38</sup>

**Issue: The Committee might ask when the State will complete and publish the prison Healthcare Needs Assessment. It might also ask the State its plans to improve Governance of prison healthcare, including the introduction of independent inspections of prison healthcare services.**

27. People with severe mental illness are detained in Irish prisons, sometimes for long periods.<sup>39</sup> 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>40</sup>
28. Vulnerable prisoners accommodated in Cloverhill prison are sleeping on floors.<sup>41</sup> Prison chaplains have described mentally-ill prisoners as being “*doubly punished*”.<sup>42</sup> The Inspector of Mental Health Services has described people who are mentally ill and have been accused or convicted of a criminal offence as having “*unequal access to mental health services compared to those who have not offended*”.<sup>43</sup> Many of these people end up in prison because of gaps in community mental health services.
29. 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>44</sup> Plans to increase capacity of the NFMHS facility to 130 secure beds<sup>45</sup> will not meet current or future demand.<sup>46</sup> One mentally ill man was held in prison on remand (pre-trial) for 14 months, with much of that time spent in isolation.<sup>47</sup>
30. 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>48</sup>

**Issue:** The Committee might ask for an update on Ireland’s plans to 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.

### Article 13 - Right to Education

31. Staff shortages and their impact on education closures are a regular feature of the Irish prison system.<sup>49</sup> Conditions during the pandemic have exacerbated the difficulties in providing in-person educational services within prisons, although efforts have been made to deliver education through alternative means (including through the use of digital technology).<sup>50</sup>

**Issue:** The Committee might ask Ireland about plans to implement the OiP recommendations relating to education (arising in the OiP’s recent Covid-19 Thematic Inspection Reports), as well as wider plans to address the effects of the significant interruptions to education within prisons seen during the pandemic.

### Conclusion

**IPRT would like to thank the Working Group for considering the issues above. IPRT can be contacted through the contact details on this submission.**

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<sup>1</sup> See: Irish Prison Service, *Annual Report 2019*, p.25, [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); and Probation Service, *Annual Report 2019*, p.55, [http://www.justice.ie/en/JELR/Probation\\_Service\\_Annual\\_Report\\_2019.pdf/Files/Probation\\_Service\\_Annual\\_Report\\_2019.pdf](http://www.justice.ie/en/JELR/Probation_Service_Annual_Report_2019.pdf/Files/Probation_Service_Annual_Report_2019.pdf).

<sup>2</sup> Irish Prison Service, *Sentenced Committals classified by Offence Group for Years 2007 to 2020*, p.1, [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/COMMITTALS-by-Offence-Group-Year-2007-to-Year-2020.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/COMMITTALS-by-Offence-Group-Year-2007-to-Year-2020.pdf).

<sup>3</sup> Oberstown Children Detention Campus, *Q1 2019 Profile of Young People in Detention* (2019), [https://www.oberstown.com/wp-content/uploads/2019/10/OBERSTOWN\\_Profile\\_of\\_Young\\_People\\_SEPT\\_2019\\_V3.pdf](https://www.oberstown.com/wp-content/uploads/2019/10/OBERSTOWN_Profile_of_Young_People_SEPT_2019_V3.pdf).

<sup>4</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), p.37, <https://rm.coe.int/1680a078cf>.

<sup>5</sup> Office of the Inspector of Prisons, *Annual Report 2019* (2020), at p.38, <https://www.oip.ie/wp-content/uploads/2021/03/OIP-Annual-Report-2019.pdf>.

<sup>6</sup> Department of Justice & Equality, *National Strategy for Women and Girls 2017-2020: creating a better society for all* (2017), Actions 2.12 & 2.13, p.46, [https://justice.ie/en/JELR/National\\_Strategy\\_for\\_Women\\_and\\_Girls\\_2017\\_-\\_2020.pdf/Files/National\\_Strategy\\_for\\_Women\\_and\\_Girls\\_2017\\_-\\_2020.pdf](https://justice.ie/en/JELR/National_Strategy_for_Women_and_Girls_2017_-_2020.pdf/Files/National_Strategy_for_Women_and_Girls_2017_-_2020.pdf).

<sup>7</sup> Irish Prison Service, *Irish Prison Service Monthly Information Note – October 2021* (2021), [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/October-2021.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/October-2021.pdf).

<sup>8</sup> Data provided by IPS to IPRT on 13<sup>th</sup> August 2020.

<sup>9</sup> Total committals for non-payment of fines in 2020 was 285. Of this figure, 23.2% (or 66.12) were female. This amounts to 10% of overall female committals (649). See, Irish Prison Service, *Irish Prison Service Annual Report 2020*, [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/IPS-Annual-Report-web-FINAL.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/IPS-Annual-Report-web-FINAL.pdf)

<sup>10</sup> See recent comments of the Minister for Justice, confirming that there are no plans to develop an open prison for women and indicating that new facilities at Limerick Prison will cater for 50 women: Houses of the Oireachtas, *Prison Building Programme Dáil Éireann Debate, Thursday - 22 October 2020. Presentation by the Minister for Justice and Equality* (2020), <https://www.oireachtas.ie/en/debates/question/2020-10-22/20/>. This compares to the 28 places that are currently available in Limerick female prison, see Irish Prison Service, *Prisoner Population on Thursday 6th January 2022*, p.1, [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/06-January-2022.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/06-January-2022.pdf).

<sup>11</sup> Probation Service, Irish Prison Service, *Joint Probation Service – Irish Prison Service strategy 2014 - 2016: an effective response to women who offend* (2014), <http://www.justice.ie/en/JELR/Joint%20Womens%20Strategy%20March%202014.pdf/Files/Joint%20Womens%20Strategy%20March%202014.pdf>

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- <sup>12</sup> United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), Rules 57-62.
- <sup>13</sup> Houses of the Oireachtas, *Prison Building Programme Dáil Éireann Debate, Thursday - 22 October 2020. Presentation by the Minister for Justice and Equality* (2020), <https://www.oireachtas.ie/en/debates/question/2020-10-22/20/>.
- <sup>14</sup> Department of Justice, *Research papers on spent convictions* (2020), p.23, [https://www.justice.ie/en/JELR/Spent\\_Convictions\\_Research\\_Report.pdf/Files/Spent\\_Convictions\\_Research\\_Report.pdf](https://www.justice.ie/en/JELR/Spent_Convictions_Research_Report.pdf/Files/Spent_Convictions_Research_Report.pdf).
- <sup>15</sup> IPRT, *IPRT Submission to Department of Justice: Penal and Policing Applied Policy Public Consultation on Spent Convictions* (2020), pp.3-4, [https://www.iprt.ie/site/assets/files/6813/iprt\\_submission\\_on\\_spent\\_convictions\\_november\\_2020.pdf](https://www.iprt.ie/site/assets/files/6813/iprt_submission_on_spent_convictions_november_2020.pdf).
- <sup>16</sup> See *Criminal Justice (Rehabilitative Periods) Bill 2018*, <https://www.oireachtas.ie/en/bills/bill/2018/141/>.
- <sup>17</sup> IPRT, *IPRT Submission to the Department of Children, Equality, Disability, Integration and Youth on the Review of the Equality Acts* (2021), p.3, [https://www.iprt.ie/site/assets/files/7029/iprt\\_submission\\_to\\_the\\_review\\_of\\_the\\_equality\\_acts\\_final.pdf](https://www.iprt.ie/site/assets/files/7029/iprt_submission_to_the_review_of_the_equality_acts_final.pdf).
- <sup>18</sup> IPRT, *IPRT Survey: Living with Convictions* (2019), Appendix I, [https://www.iprt.ie/site/assets/files/6810/iprt\\_submission\\_on\\_spent\\_convictions\\_november\\_2020.pdf](https://www.iprt.ie/site/assets/files/6810/iprt_submission_on_spent_convictions_november_2020.pdf).
- <sup>19</sup> Government of Ireland, *Consultation on the Review of the Equality Acts* (2021), <https://www.gov.ie/en/consultation/066b6-review-of-the-equality-acts/>.
- <sup>20</sup> See, for example, on 29 April 2021, there were 3,788 prisoners in custody, of whom 2,068 declared that they had children, and the total number of children declared was 5,150. See: Houses of the Oireachtas, *Prisoner Data Dáil Éireann Debate, Wednesday - 5 May 2021* (2021), <https://www.oireachtas.ie/en/debates/question/2021-05-05/466/>. See also the Action for Children & Families of Prisoners website, <https://www.actionforfamilies.ie/>.
- <sup>21</sup> IPRT, *Piecing it Together: Supporting Children and Families with a Family Member in Prison in Ireland* (2021), pp.5, 11-12, [https://www.iprt.ie/site/assets/files/6958/piecing\\_it\\_together\\_supporting\\_children\\_and\\_families.pdf](https://www.iprt.ie/site/assets/files/6958/piecing_it_together_supporting_children_and_families.pdf).
- <sup>22</sup> Department of Children, Equality, Disability, Integration and Youth, *Better Outcomes, Brighter Futures: The national policy framework for children & young people 2014 – 2020* (2019), p.82, <https://assets.gov.ie/23796/961bbf5d975f4c88adc01a6fc5b4a7c4.pdf>.
- <sup>23</sup> See Irish Prison Service news bulletins over the past 22 months, <https://www.irishprisons.ie/category/latest-news/>.
- <sup>24</sup> Irish Prison Service, *Annual Report 2019*, p.31, [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>25</sup> Gulati, G., Keating N., O'Neill, A., Delaunoy, I., Meagher D. and Dunne, C.P. (2018), "The prevalence of major mental illness, substance misuse and homelessness in Irish prisoners: Systematic review and meta-analyses," *Irish Journal of Psychological Medicine* (2019), Vol. 36, pp.35-45.
- <sup>26</sup> Department of Justice, *Annual Report 2017 from Cloverhill visiting Committee to the Minister for Justice Charles Flanagan* (2019), p.2, [http://www.justice.ie/en/JELR/Cloverhill\\_Prison\\_Visiting\\_Committee\\_Annual\\_Report\\_2017.pdf/Files/Cloverhill\\_Prison\\_Visiting\\_Committee\\_Annual\\_Report\\_2017.pdf](http://www.justice.ie/en/JELR/Cloverhill_Prison_Visiting_Committee_Annual_Report_2017.pdf/Files/Cloverhill_Prison_Visiting_Committee_Annual_Report_2017.pdf).
- <sup>27</sup> CPT, *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 (CPT) from 23 September to 4 October 2019* (2020), p.47, <https://rm.coe.int/1680a078cf>.
- <sup>28</sup> Department of Justice and Equality, *Parliamentary Question 115*, 13 June 2019, <http://www.justice.ie/en/JELR/Pages/PQ-13-06-2019-115>.
- <sup>29</sup> Department of Justice, *Prison Visiting Committee Annual Reports 2019*, <http://www.justice.ie/en/JELR/Pages/Prison-Visiting-Committee-Annual-Reports>.
- <sup>30</sup> IPRT, *"In Here, Time Stands Still" The Rights, Needs and Experiences of Older People in Prison* (2016), [http://www.iprt.ie/files/IPRT-Older\\_People\\_in\\_Prison\\_Report\\_web.pdf](http://www.iprt.ie/files/IPRT-Older_People_in_Prison_Report_web.pdf).
- <sup>31</sup> IPRT, *Making Rights Real for People with Disabilities in Prison* (2020), p.4, [https://www.iprt.ie/site/assets/files/6565/people\\_with\\_disabilities\\_in\\_detention\\_-\\_single\\_pages.pdf](https://www.iprt.ie/site/assets/files/6565/people_with_disabilities_in_detention_-_single_pages.pdf).
- <sup>32</sup> Kildare Street, *Written Answers, Department of Justice and Equality, Prison Medical Services*, 13 June 2019, <https://www.kildarestreet.com/wrans/?id=2019-06-13a.296>.
- <sup>33</sup> Department of Justice, *Parliamentary Question 181*, 11 March 2021, <http://www.justice.ie/en/JELR/Pages/PQ-11-03-2021-181>.
- <sup>34</sup> Department of Justice, *Annual Report 2017 from Cloverhill visiting Committee to the Minister for Justice Charles Flanagan* (2019), p.8, [http://www.justice.ie/en/JELR/Cloverhill\\_Prison\\_Visiting\\_Committee\\_Annual\\_Report\\_2017.pdf/Files/Cloverhill\\_Prison\\_Visiting\\_Committee\\_Annual\\_Report\\_2017.pdf](http://www.justice.ie/en/JELR/Cloverhill_Prison_Visiting_Committee_Annual_Report_2017.pdf/Files/Cloverhill_Prison_Visiting_Committee_Annual_Report_2017.pdf).
- <sup>35</sup> See e.g. Office of the Inspector of Prisons, *Investigation Report into the Circumstances Surrounding the Death of Mr. I* (2020), [http://www.justice.ie/en/JELR/Office\\_of\\_the\\_Inspector\\_of\\_Prisons\\_Death\\_in\\_Custody\\_Investigation\\_Report-Mr\\_I\\_2018.pdf/Files/Office\\_of\\_the\\_Inspector\\_of\\_Prisons\\_Death\\_in\\_Custody\\_Investigation\\_Report-Mr\\_I\\_2018.pdf](http://www.justice.ie/en/JELR/Office_of_the_Inspector_of_Prisons_Death_in_Custody_Investigation_Report-Mr_I_2018.pdf/Files/Office_of_the_Inspector_of_Prisons_Death_in_Custody_Investigation_Report-Mr_I_2018.pdf).
- <sup>36</sup> CPT, *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 (CPT) from 16 to 26 September 2014* (2015), p. 8, <https://rm.coe.int/1680696c9a>.



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- <sup>37</sup> Office of the Inspector of Prisons, *A report by the Inspector of Prisons Judge Michael Reilly into the circumstances surrounding the death of Prisoner F in the Mater Hospital on 26 July 2014 while in the custody of Mountjoy Prison* (2015), <https://www.oip.ie/wp-content/uploads/2020/03/Report-into-the-death-of-Prisoner-F-of-2014.pdf>.
- <sup>38</sup> Office of the Inspector of Prisons, *A report by the Inspector of Prisons Judge Michael Reilly into the circumstances surrounding the death of Prisoner F in the Mater Hospital on 26 July 2014 while in the custody of Mountjoy Prison* (2015), p.33, <https://www.oip.ie/wp-content/uploads/2020/03/Report-into-the-death-of-Prisoner-F-of-2014.pdf>.
- <sup>39</sup> See e.g. IPRT, *Progress in the Penal System (PIPS)* (2019), Standard 13, <https://pips.iprt.ie/progress-in-the-penal-system-pips/part-2-measuring-progress-against-the-standards/b-prison-conditions/13-mental-healthcare/>.
- <sup>40</sup> Houses of Oireachtas, *Joint Committee on Future of Mental Health Care debate*, 23 May 2018, Presentation of the Director General of the Irish Prison Service, [https://www.oireachtas.ie/en/debates/debate/joint\\_committee\\_on\\_future\\_of\\_mental\\_health\\_care/2018-05-23/3/](https://www.oireachtas.ie/en/debates/debate/joint_committee_on_future_of_mental_health_care/2018-05-23/3/).
- <sup>41</sup> Conor Gallagher, “Mental health among prisoners must be addressed, says Flanagan”, *The Irish Times*, 20 July 2019, <https://www.irishtimes.com/news/crime-and-law/mental-health-among-prisoners-must-be-addressed-says-flanagan-1.3961752>.
- <sup>42</sup> Conor Gallagher, “Prison is ‘wholly inappropriate’ for mentally ill people, say chaplains”, *The Irish Times*, 15 July 2019, <https://www.irishtimes.com/news/ireland/irish-news/prison-is-wholly-inappropriate-for-mentally-ill-people-say-chaplains-1.3956552>.
- <sup>43</sup> Mental Health Commission, *Access to Mental Health Services for People in the Criminal Justice System* (2021), p.5, <https://www.mhcirl.ie/publications/access-mental-health-services-people-criminal-justice-system>.
- <sup>44</sup> IPRT, *Progress in the Penal System (PIPS)* (2019), Standard 13, <https://pips.iprt.ie/progress-in-the-penal-system-pips/part-2-measuring-progress-against-the-standards/b-prison-conditions/13-mental-healthcare/>.
- <sup>45</sup> See Houses of the Oireachtas, *Dáil Éireann Debate - Mental Health Services Provision*, 5 February 2019, <https://www.oireachtas.ie/en/debates/question/2019-02-05/49/>.
- <sup>46</sup> Kennedy, H.G, Mohan, D. and Davoren, M. (2020), “Forensic psychiatry and Covid-19: accelerating transformation in forensic psychiatry”, *Irish Journal of Psychological Medicine* (2021), Vol.38, pp.145–153.
- <sup>47</sup> Conor Gallagher, “Gardaí in three-hour standoff with staff at gates of Central Mental Hospital Hospital refused to admit a mentally ill man sent there for treatment by court”, *The Irish Times*, 23 March 2021, <https://www.irishtimes.com/news/crime-and-law/garda%C3%AD-in-three-hour-standoff-with-staff-at-gates-of-central-mental-hospital-1.4517141>
- <sup>48</sup> CPT, *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 (CPT) from 23 September to 4 October 2019* (2020), at p.46, <https://rm.coe.int/1680a078cf>.
- <sup>49</sup> See e.g. Department of Justice, *Parliamentary Question 579*, 17 April 2018, <https://www.justice.ie/en/JELR/Pages/PQ-17-04-2018-579>.
- <sup>50</sup> IPRT, *Progress in the Penal System (PIPS): Assessing progress during a pandemic* (2021), pp.23, 65, <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2020.pdf>. See also the remarks of the Inspector of Prisons in respect of educational services provided in a number of prisons during Covid-19, available in the Inspector’s Covid-19 Thematic Inspection Reports, <https://www.oip.ie/publications/inspection-reports/thematic-and-functional-reports/>.