



IPRT Submission to the Department of Justice on the Review of the Prison Visiting Committees

22nd August 2022

About IPRT

Established in 1994, the Irish Penal Reform Trust (IPRT) is Ireland's leading non-governmental organisation campaigning for the rights of everyone in the penal system and the progressive reform of Irish penal policy, with prison as a sanction of last resort. We are committed to respecting the rights of everyone in the penal system, and to reducing the use of imprisonment. IPRT publishes a wide range of evidence-informed policy positions and research documents; we campaign 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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1. Introduction:

1. Prison Visiting Committees (PVCs) can play a crucial role in ensuring that people in prison are treated appropriately and afforded their human rights. As far back as 1985, the Whitaker Report highlighted Issues with PVCs recommending that *“steps should be taken to bring about greater confidence in Visiting Committees by altering their method of appointment, their procedures and their duties”*.¹ IPRT has been pushing for a reform of the PVCs for many years now,² noting a number of issues with PVCs such as: a lack of transparency in recruitment, membership, function and operation; issues with the PVCs’ reporting process; and a lack of awareness of, and trust in, PVCs by people in prison.
2. It is for the above reasons that IPRT welcomes the Department of Justice’s ongoing review of the PVCs, as well as the opportunity to make a written submission to this review. This review marks a landmark opportunity for Ireland to address the current problems with how PVCs operate and - in conjunction with the recently published General Scheme of the Inspection of Places of Detention Bill and upcoming ratification of OPCAT³ – work towards becoming a leader of best practice in inspection and monitoring of prisons.
3. It is important to note at the outset that there is a significant lack of publicly available information on PVCs in Ireland. However, using the information that is publicly available, alongside information obtained by IPRT through our engagements with key stakeholders, this submission will address the following key issues:
 - Powers, Duties and Training of the Prison Visiting Committees
 - Publication of Reports
 - Resourcing of the Prison Visiting Committees
 - Diversity/Representation on the Prison Visiting Committees
 - Awareness of the Prison Visiting Committees

¹ The Report of the Committee of Inquiry into the Penal System (1985) Government of Ireland, Dublin, p. 16

² See, [Progress in the Penal System 2017](#). P.63

³ See the recent publication of the [General Scheme of the Inspection of Places of Detention Bill 2022](#)

2. Powers, Duties and Training of the Visiting Committees:

2.1 Powers

4. IPRT reiterates the need to review the powers of the PVCs and work towards establishing the Committees as independent monitors.
5. Under the Prisons (Visiting Committees) Act 1925 ('the 1925 Act'), while the PVCs can visit prisons and hear complaints directly from prisoners, they have no power to resolve the complaints or make recommendations directly to prison governance. Therefore, the PVCs are somewhat limited in their role as an oversight body and cannot be considered an independent complaints mechanism. While the PVCs must report any abuses directly to the Minister for Justice, the Minister for Justice holds the final power to publish these reports.⁴ This undermines the independence of the PVCs.
6. Ireland has recently made steps towards the ratification of the Operational Protocol to the Prevention Against Torture (OPCAT) through the publication of the General Scheme of Inspection of Places of Detention Bill.⁵ While it does not appear that the PVCs will be designated as a National Preventive Mechanism (NPM) in this Bill,⁶ IPRT is clear that PVCs should be as independent as possible whatever form they take. Some of the measures taken in the UK to ensure the independence of their Independent Monitoring Boards (IMBs) are potentially instructive in this regard including the appointments process and publishing reports in their own name.⁷

Recommendation 1. The Department of Justice should consider international models, such as the Independent Monitoring Boards in the UK, with the view to enhancing the powers of the Prison Visiting Committees and establishing them as an independent oversight body.

⁴ See, [PQ on PVCs, 3 February 2021](#)

⁵ See, [Department of Justice Press Release on publication of the General Scheme of the Inspection of Places of Detention Bill, 24 June 2022](#)

⁶ For more information on IPRT's position in this regard, see, [IPRT Submission to the Joint Committee on Justice on the General Scheme of the Inspection of Places of Detention Bill 2022](#), at paras.60-62

⁷ See, [Protocol between UK Ministry of Justice and Independent Monitoring Boards, 2019](#). (Para.3)

2.2 Duties

7. There is scarce publicly available information on the PVCs, making it very difficult to ascertain what their duties are and how they carry out these duties. The bulk of the information that is available on the duties of the PVCs is contained in the 1925 Act and the Prisons (Visiting Committees) Order 1972.⁸ While the Government's website provides a summary of information about the PVCs,⁹ there is not enough detail to establish their exact duties and how they are carried out. Furthermore, even though the PVCs are considered an important resource to people in prison, limited information about the Committees is provided on the Irish Prison Service website under the list of 'Prisoner Services'.¹⁰ Furthermore, it is not clear how the content of PVC annual reports are communicated to people in prison, if at all.

Recommendation 2. The Department of Justice should ensure that detailed information about the Prison Visiting Committees is made publicly available online through a dedicated website or microsite.

2.3 Training

8. As is the case with information about the duties of PVCs, there is no publicly available information about the training of members. Thus, it is difficult to determine whether or not members receive training and for how long, who carries out the training, and what the training requirements are. While the IMBs in the UK do not provide a breakdown of the training modules provided to board members, they do make it clear that members are provided with training and mentoring during the first 12 months of the post. This training includes formal training modules and on the job training in the form of shadowing an experienced board member. It also includes opportunities for Continuous Professional Development.¹¹ There is a need for transparency around the training, if any, provided to PVC members. This would allow for external scrutiny of training practices as well as promote interest and confidence in applying to become a member amongst the general community.

⁸ See, [Prisons \(Visiting Committees\) Act, 1925 and Prisons \(Visiting Committees\) Order 1972](#)

⁹ See, [Information about PVCs on Government of Ireland website](#)

¹⁰ The only information available relates to the PVC reports and is very limited in detail, see [Visiting Committee Reports](#)

¹¹ See, [FAQ on IMB Website on Training of Board Members](#)

Recommendation 3. The Department of Justice should:

- a. ensure that compulsory training is provided to Prison Visiting Committee members inclusive of an induction period which includes both formal training and shadowing of experienced members;
- b. engage with both the Office of Inspector of Prisons as well as current Prison Visiting Committee members to identify training requirements for members;
- c. ensure that information about the type and frequency of training for PVC members is made publicly available.

3. Publication of Reports:

9. IPRT has repeatedly highlighted significant delays in the publication of PVC annual reports.¹² Delays in the publication of reports undermine public scrutiny and accountability as well as the ability to respond in a timely and effective manner to the issues arising from the reports.
10. Since 2018, IPRT's annual report, *Progress in the Penal System (PIPS)* has highlighted significant delays in the publication of PVC reports.¹³ In *PIPS 2020*, IPRT expressed concern about the May 2020 publication date of the reports pertaining to 2018 and upheld that "*It would be all but purposeless to publish information on prison conditions during the height of the Covid-19 pandemic on a similar timeline, which would be May 2022.*"¹⁴ It was therefore regrettable that the reports pertaining to 2020 were subsequently published in March 2022.¹⁵ Despite the Minister for Justice stating in 2021 that the Department will be "*engaging proactively with the 12 Visiting Committees in 2021 to ensure a more streamlined and timely finalisation of the reports for the reporting next cycle,*"¹⁶ the publication was again delayed.
11. During this period, it appears that the PVCs' visits took place in the earlier part of the pandemic in 2020, and it is unclear whether or not the PVCs had access to the prisons during the rest of the pandemic period and if so, how often they had access. This is particularly concerning given that people in prison during this time faced harsh COVID-19 restrictions and thus were most at-risk to disproportionate punishment and human rights violations. The flow of information from prison to the public sphere was even more crucial during this time when visits were stopped completely.

¹² See *Progress in the Penal System 2019 & 2021*

¹³ See *Progress in the Penal System 2018*, P.51

¹⁴ *Progress in the Penal System 2020*, P.89

¹⁵ See, *Department of Justice Prison Visiting Committee Annual Reports 2020*

¹⁶ See, *PQ on Prison Visiting Committees, 3 February 2021*

12. As well as there being ongoing issues with the timing of PVC annual reports, IPRT has also flagged a number of issues with the consistency of reports, notably inconsistencies in quality, length and format from prison to prison and year to year.¹⁷
13. The table below (Table 1) highlights the length (in pages) of PVC annual reports by prison from 2016 to 2020 as published on the Department of Justice website. The table highlights significant inconsistencies in the length of reports with Cloverhill PVC producing the longest annual reports (on average 19 pages) and Limerick PVC producing the shortest (on average 4 pages). The difference in length can perhaps be attributed to the amount of information provided in the reports with the Cloverhill PVC annual report providing detailed information about issues that arose throughout the visits, and how complaints and issues were followed up by the PVC,¹⁸ in contrast to the Limerick PVC annual report providing only a two-page bulletin of key issues/information.¹⁹
14. A particular concern is the length of the Dóchas Centre PVC annual reports, at an average of only seven pages. While the Office of Inspector of Prisons (OIP) carried out thematic inspections of all prisons during COVID-19,²⁰ the last time a full general inspection report was published on the Dóchas Centre was 2013.²¹ The Minister for Justice has also recently announced that the OIP's three-day monitoring report and section 31(2) investigation report relating to the Dóchas Centre will not be published.²² There is a significant lack of transparency around life for women and prison in Ireland that a longer, more comprehensive, PVC report would assist in addressing.

¹⁷ See, [IPRT Press Release 2020](#). See also, *Progress in the Penal System 2019*. P.17 & [2021](#). P.13

¹⁸ See, [Cloverhill Prison Visiting Committee Annual Report 2020](#)

¹⁹ See, [Limerick Prison Visiting Committee Annual Report 2020](#)

²⁰ See, [Office of the Inspector of Prisons \(OIP\), COVID-19 Thematic Inspection Reports](#)

²¹ See, [Interim report on the Dóchas Centre By the Inspector of Prisons Judge Michael Reilly, October 2013](#)

²² See, [PQ on the publication of the Dochas Centre Inspection Report, 26 April 2022](#)

Table 1: Length of PVC Annual Reports 2016-2020 (figures include cover pages)

| PVC Annual Reports | 2016 | 2017 | 2018 | 2019 | 2020 | Average Length in Pages |
|--------------------|------|------|------|------|------|-------------------------|
| Arbour Hill | 9 | 9 | 9 | 9 | 12 | 10 |
| Castlerea | 5 | 5 | 6 | 5 | 5 | 5 |
| Cloverhill | 18 | 13 | 38 | 19 | 23 | 22 |
| Cork | 13 | 20 | 17 | 31 | 16 | 19 |
| Dóchas Centre | 10 | 10 | 5 | 5 | 7 | 7 |
| Limerick | 6 | 8 | 3 | 2 | 2 | 4 |
| Loughan House | 5 | 4 | 5 | 10 | 16 | 8 |
| Midlands | 14 | 11 | 12 | 16 | 9 | 12 |
| Mountjoy | 19 | 21 | 20 | 20 | 17 | 19 |
| Portlaoise | 4 | 4 | 4 | 4 | 8 | 5 |
| Shelton Abbey | 13 | 16 | 17 | 22 | 21 | 18 |
| Wheatfield | 11 | 11 | 12 | 14 | 15 | 13 |

15. As well as inconsistencies in the length of the PVC annual reports, the stark differences in formatting, structure and content of the reports suggests that there is no clear policy or guidance on how these reports should be presented or what they should include. According to the Department of Justice / Irish Prison Service Oversight Agreement 2022-2024, the PVCs should focus on issues such as the quality of accommodation, catering, medical care, education, welfare, and recreational facilities.²³ However, it is clear from reading the reports that these issues are not always addressed.

16. The discrepancies in the quality and depth of information presented in the PVC annual reports is particularly problematic given that information from PVCs is used to shape priority areas for inspection by the OIP (as detailed under its 2020 Inspection Framework).²⁴

Recommendation 4. The Department of Justice should set a deadline for the completion of the Prison Visiting Committee annual reports and should ensure that they are published as soon as possible thereafter. A time delay means there is no insight into the *current* situation in prisons, which undermines the functions of the Committees.

²³ See, [Department of Justice and Irish Prison Service Oversight Agreement 2022-2024](#). P.7

²⁴ See, [Office of Inspector of Prisons – A framework for the Inspection of Prisons in Ireland, 2020](#). P.72

Recommendation 5. The Department of Justice should:

- a. develop and make available guidelines and a template for the drafting of reports to Prison Visiting Committees;**
- b. set out a requirement for the reports to make recommendations to relevant prisons and/or the Irish Prison Service.**

4. Resourcing of Prison Visiting Committees

17. According to the 1925 Act, every PVC should consist of at least six and not more than twelve members.²⁵ There is currently no up-to-date publicly available breakdown on the number of members on PVCs in Ireland.²⁶ In 2019, in response to a parliamentary question, the then Minister for Justice Charlie Flanagan TD provided a breakdown of the number of people on each of the PVCs but did not provide any further information about these members. He detailed that in 2019, there were only 56 PVC members and a total of 17 vacancies with every effort being made *“to fill vacancies as quickly as possible”*.²⁷
18. The Department of Justice website provides some outdated information about PVCs²⁸ and the 2020 PVC annual reports (excluding the Limerick PVC report)²⁹ contained information on the number of Committee members for each prison although these lists of names is not an official breakdown of the number of members.
19. Based on the names listed on the 2020 PVC annual reports, it is clear that many of the PVCs were insufficiently resourced to carry out their function: many PVCs had less than six members as required under the 1925 Act and only two of the PVCs had more than the minimum threshold of six members (see Table 2 below).

²⁵ See, [Prisons \(Visiting Committees\) Act, 1925](#)

²⁶ The [Department of Justice website](#) lists names of PVC members, however, this list is out of date

²⁷ See, [PQ on Prison Visiting Committees, 23 July 2019](#).

²⁸ See information about PVCs on [Department of Justice website](#)

²⁹ See, [Limerick Prison Visiting Committee Annual Report 2020](#)

Table 2 - No. of Members Listed on PVC 2020 Annual Reports by Prison

| Visiting Committee | No. of Members |
|--------------------|----------------|
| Arbour Hill | 6 |
| Castlerea | 6 |
| Cloverhill | 4 |
| Cork | 7 |
| Dóchas Centre | 4 |
| Limerick | Not Listed |
| Loughan House | 4 |
| Midlands | 6 |
| Mountjoy | 5 |
| Portlaoise | 7 |
| Shelton Abbey | 5 |
| Wheatfield | 5 |

Recommendation 6. The Department of Justice should:

- a. make publicly available on an annual basis, the number of members on each Prison Visiting Committee;
- b. ensure that each Visiting Committee is adequately resourced to carry out their duties;
- c. ensure that in line with the 1925 Act, each Visiting Committee maintains a minimum threshold of six members at all times.

5. Diversity/Representation of Prison Visiting Committees

20. While there is no formal requirement for any specific qualifications to be a PVC member, applicants should “*have an interest in the wider criminal justice sector or related fields and have a desire to contribute to society*”.³⁰ While there seems to be relatively open and simple criteria for membership, it is not clear how an individual can apply to become a member of a PVC. This creates significant barriers for people from communities across Ireland to participate. In contrast, the UK IMBs have a designated website for the public with information on vacancies on specific IMBs, how to apply and a list of relevant FAQs.³¹ The IMB also run useful public information events for potential volunteers.³²

21. As well as there being a lack of transparency in how recruitment is carried out, it is also unclear whether or not the PVCs are representative of the prison populations which they visit and support, and whether they are diverse in terms of gender, age, ethnicity and sexual

³⁰ See, [PQ on Prison Visiting Committees, 20 October 2020](#)

³¹ See, [Independent Monitoring Boards UK Website](#)

³² See, [Independent Monitoring Boards UK Website](#)

orientation. It is also unclear whether members have lived experience of the penal system themselves and whether experience of imprisonment would exclude a person from being eligible for membership of a PVC.

22. IPRT welcome the provision in the Draft General Scheme of the Inspection of Places of Detention Bill under Head 13 that *“members shall be appointed to Prison Visiting Committees on the recommendation of the Public Appointments Service following a public advertisement for expressions of interest.”*³³

23. However, it is important to emphasise that recruitment of PVC members must take into account the diversity of the prison population in Ireland and ensure the PVC membership reflects this diversity through targeted recruitment campaigns.

Recommendation 7. The Department of Justice should:

- a. broadly advertise opportunities to become a member of a Prison Visiting Committee as well as ensure targeted recruitment campaigns through the Public Appointments Service as envisaged in the Draft General Scheme of the Inspection of Places of Detention Bill to ensure people from all walks of life have the opportunity to become members;**
- b. ensure that all relevant agencies in the criminal justice sector introduce systemised, comprehensive, and routine equality monitoring to understand who is detained in Irish prisons and who is on the PVCs (so as to ensure PVC members are representative of the prison population).**

6. Awareness of Prison Visiting Committees

24. While there is great potential and value in PVCs from a prisoner welfare point of view, PVCs can only work if people in prison are aware of and trust in them. In a 2020 report on oversight organisations in Irish prisons, it was found that 7 out of every 10 prisoners had heard of the PVCs, only 2 out of every 10 prisoners had ever contacted the PVCs and only 3 out of every 10 prisoners had met with the PVCs.³⁴ This report also found that prisoners had trouble identifying “who is who” in prison as there are many different external bodies entering the

³³ See, [Draft General Scheme Inspection of Places of Detention Bill June 2022](#)

³⁴ See, [Van Der Valk, S \(2020\). Prisoners tell how they experience inspections and the complaints system.](#)

prison. This meant that it was not always obvious to prisoners who was coming in from the PVC.³⁵

25. It is important that people in prison receive regular and up-to-date information about the membership and role of PVCs, as well as how to access them. While IPRT acknowledges that people in prison generally receive this information on entry to prison,³⁶ the reality is that committal to prison can be very overwhelming and distressing and people receive a lot of information that they may quickly forget afterwards. It is therefore imperative that ongoing and accessible information is provided to prisoners on the PVCs.

Recommendation 8. The Department of Justice should:

- a. require members of Prison Visiting Committees to have an identifying badge so that people in prison are aware of their presence on the ground;**
- b. ensure that people in prison are fully informed about the role and duties of Prison Visiting Committees on entry to prison and repeatedly thereafter, and that such information is provided in a variety of formats.**

7. Concluding Remarks

26. Finally, IPRT reiterates the importance of this review of the Prison Visiting Committees and welcomes the opportunity to make a written submission to this review. This consultation process brings about a great opportunity to make necessary and long-awaited reforms to the PVCs which can contribute to placing Ireland at the forefront of best practice in prison oversight. IPRT would be happy to further assist and engage with the Department of Justice in its work on bringing about these necessary reforms.

³⁵ Ibid

³⁶ [Irish Prison Service Prisoner Information Booklet](#)

8. Summary of Recommendations

Recommendation 1. The Department of Justice should consider international models, such as the Independent Monitoring Boards in the UK, with the view to enhancing the powers of the Prison Visiting Committees and establishing them as an independent oversight body.

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