

IHRC/Law Society Conference:
Ireland's Human Rights Record Under the Spotlight
22nd October 2011

***Human Rights in Prison
(and Places of Detention)***

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Outline of Presentation

1. Prison and Human Rights: Principles & Concepts
2. International Human Rights and Prisons
3. Contemporary Issues in Irish Prisons
4. UPR 2011 and Ireland
5. Where to now???

About IPRT

Founded in 1994; Independent (receives no government funding); 4 staff; Charity with Special Standing before UN

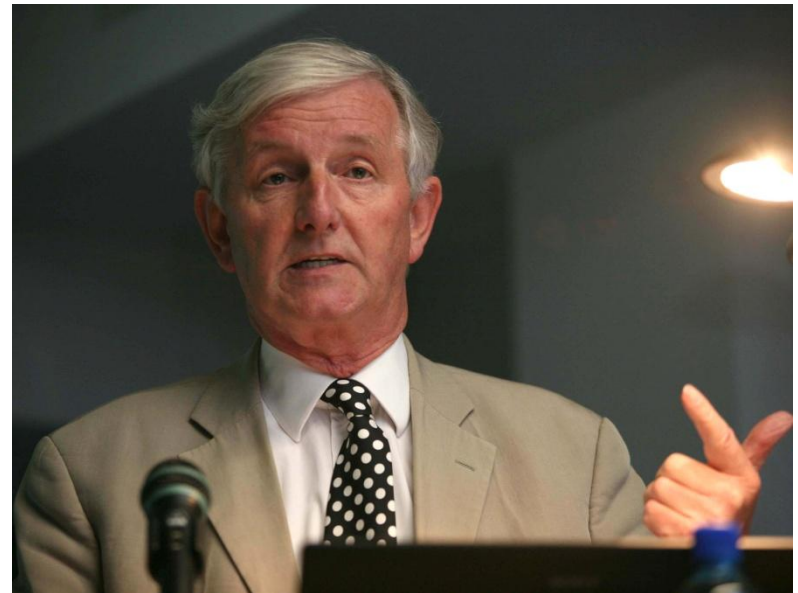
***“Respect for Rights in the Penal System
with Prison as a Last Resort”***

- **Human Rights in Prison**
- **Imprisonment as a Last**
- **Youth Justice**
- **Penal Policy and Social Policy**



IPRT Activities

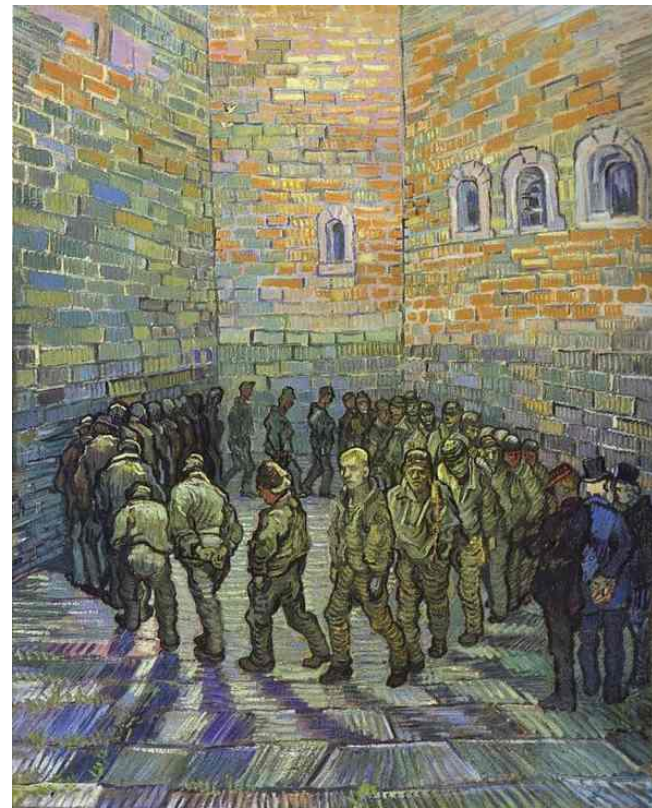
1. Research & Policy
2. Raising Awareness
3. Campaigning & Building Alliances
4. Effecting Change Through Law
5. Prisoners and Prisoners' Families



Prof Andrew Coyle speaks at the IPRT Open Forum, 18 June 2009

1. Prison and Human Rights: Principles

1. Prison *as* Punishment –
not *for* Punishment
2. Prisoners have rights –
State has Duty of Care
3. Detention should have a
purpose?



Prisoners Rights: Some Key Concepts

1. Torture and Inhuman and Degrading Treatment
2. Accountability, Oversight and Effective Remedy
3. Equality of Treatment & Equivalence of Care



2. International HR and Prison

- UDHR
- ICCPR
- CRC
- CEDAW
- ICESCR
- **ECHR**
- CoE Commissioner for Human Rights
- **UNCAT**
- CPT
- OPCAT
- Euro. Prison Rules
- UN Standard Minimum Rules
- Bangkok Rules

3. Contemporary Issues in Irish Prisons



Key Human Rights Issues

1. Overcrowding-Conditions
2. Accountability
3. Detention of Children

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- (4. Spent Convictions)
 - (5. Deaths in Custody)
 - (6. Mental Health)
 - (7. Privacy and Family Life)
 - (8. Racism)
 - (9. Health – Disease, Drugs)



Overcrowding

- Inspector's Reports 2009-10
- CPT 2007/2011- Unsafe
- McMorrow Inquiry (Douch)
- Prison expansion (13% pa)
- Doubling-Up now as Norm



Cell Conditions

- Old antiquated buildings at Cork, Mountjoy, Limerick, Portlaoise
- Lack of in-cell sanitation – 850-1000 prisoners
- Heat, cold, vermin, disease



Accountability

- No Independent Complaints
- Evidence of mistreatment
- **New Inspection System**
- CPT found complaints not investigated (2007, 2011)
- Inspector found “culture of impunity developing – (Report Mountjoy, Apr ’11)



Children in Prison

Pats condemned as unsafe

Lusk project on hold

St. Pats – Avg. of 39 x 16/17 year olds

High Rate on remand – less than half
sentenced on hearing

20% on 23-hr protection



4. Universal Periodic Review 2011

- IPRT Submission
- YRRN - CSSG
- Prison raised 17/48 States
- State accepted rec. on:
 - OPCAT (105.2)
 - Conditions, including sanitation (105.36-48)
- State will Examine
 - OCO and Pats (106.11)
 - Women Prison(106.38)



5. Where to now?

1. Prison Conditions
2. Accountability
3. Detention of Children

Conditions – wouldn't start from here

- Thornton Hall Review
- Strategic RG on Penal Policy
- Capital Spending 2012?
- Renovation at Mountjoy
- Cork/Kilworth???
- Litigation (slopping out)



Accountability: “Independent Element”

- Inspector’s Report on Complaints and Annual Report 2010
- Revised Prison Rules 2011 for “Serious Cases”
- Deaths in Custody?
- Remit of Ombudsman
- OPCAT Bill?
- Prison Ombudsman



Detention of Children

- Ryan Implementation
- OCO Report on Pats
- Redevelopment of Lusk
- IYJS to DCYA
- “Phased transfer”
- On-going Impact on “ultra-high-risk” children
- Rates of Remand
- Remit of OCO?



Resources – all at www.iprt.ie

- IPRT Position Paper on Human Rights In Prison at www.iprt.ie/contents/1405
- Herrick, L. (2009) 'Prisoners' Rights' in Kilkelly, U (ed) (2009) *ECHR and Irish Law*, Bristol: Jordan Publishing Ltd.
- CPT report on Ireland Jan 2011
- UN CAT, concluding observations June 2011
- UN HRC, concluding observations July 2008

IPRT Joint Shadow Report with ICCL

IPRT Joint Shadow Report ICCL & FLAC



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