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

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
   
(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


• CPT report on Ireland Jan 2011

• UN CAT, concluding observations June 2011
  IPRT Joint Shadow Report with ICCL

• UN HRC, concluding observations July 2008
  IPRT Joint Shadow Report ICCL & FLAC
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