



(26 Upper Sherrard Street, Dublin 1, Ireland T: +353 (0) 1 855 6814, E: info@jcfj.ie)

Mr. Jens Modvig
Chairperson
Committee against Torture (CAT)
Human Rights Treaties Division
Office of the United Nations High Commissioner for Human Rights
CH-1201 Geneva
Switzerland

7 July 2017

SUBJECT: UN COMMITTEE AGAINST TORTURE – IRELAND, 61 Session (24 July – 11 August 2017) – ISSUES FOR THE COMMITTEE TO CONSIDER

Dear Mr Modvig,

The Jesuit Centre for Faith and Justice¹ has already had the opportunity to raise a number of issues with Irish NGOs attending the examination hearing of Ireland by the United Nations Committee Against Torture, in Geneva (27 July 2017). The concerns contained within this short submission provide additional information which the Jesuit Centre would like to bring to the attention of your Committee ahead of Ireland's review.

Overcrowding in Prison (Art. 11 and 16.)

Women in Ireland are detained in the Dóchas (meaning 'hope') Centre and Limerick women's prison. Both are closed prisons. Overcrowding has been a persistent problem in these two facilities. Currently, there are 121 in custody in the Dóchas Centre, which has a bed capacity of 105. It is therefore operating at 115 per cent capacity. There are 34 women in Limerick women's prison, which has a bed capacity set by the Inspector of Prisons of 24. It is therefore operating at 142 per cent capacity.

While significant progress was made in reducing the level of overcrowding (circa June 2012 to May 2013, see: http://www.jcfj.ie/images/stories/pdf/Making_Progress.pdf) in many prisons, our women's prisons have been chronically overcrowded for more than a decade.

The Committee may wish to ask why commitments in relation to overcrowding have not been met and what is planned to address overcrowding.

¹ The Jesuit Centre for Faith and Justice is dedicated to creating a better society for all by promoting social justice and policy reform through research, awareness raising and advocacy (see: www.jcfj.ie).

Degrading treatment (Art. 11 and 16)

The Jesuit Centre for Faith and Justice has learned that young adults in prison have been engaging in 'initiations', also referred to as 'hazing', when another young person arrives into prison. Practices include urinating in kettles, before tricking the young person into making a cup of tea, and defecating in a young person's bed. While this is not degrading treatment enacted by state institutions, it is degrading and an issue that needs to be tackled.

The Committee may wish to ask what measures are in place to prevent and challenge this behaviour.

Violence in prisons (Art. 11 and 16)

Violence continues to be an issue in prisons. Following the death of Gary Douche in 2006, the Jesuit Centre for Faith and Justice highlighted the need for a cell sharing risk assessment (see: http://www.jcfj.ie/images/stories/pdf/Making_Progress.pdf). A commitment was made by the Irish Prison Service to introduce such a tool in 2012-13. Last year, the Minister for Justice, Frances Fitzgerald, indicated that such a tool is being piloted (see: <https://www.kildarestreet.com/wrans/?id=2016-06-21a.147&s=cell+share+risk+assessment#g148.q>).

The Committee may wish to ask the government why a 2012-13 commitment to introduce a cell-share risk assessment tool across the prison estate has not been achieved.

Children in Detention (Art. 2, 11, 16)

Several reviews have been completed on Oberstown Children's Detention Campus, including an in-depth analysis by Barry Goldson (University of Liverpool) and Nick Hardwick (Chair of the UK Parole Board). Irish NGOs have been told that, for legal reasons, their report will not be published.

The Committee may find details in this report relevant to their examination of Ireland. The Committee may wish to challenge the decision not to publish their review, and recommend, at a minimum, that a redacted version of their report be published.

Other issues for consideration by the Committee

Need for special arrangements for young adults aged 18 to 25

Last year the Jesuit Centre for Faith and Justice (JCFJ) produced an in-depth report on the needs of young adults in prison in Ireland (see: <http://jcfj.ie/images/stories/pdf/Developing-Inside-June-2016.pdf>). The report highlighted that there is no special accommodation for young adults, including vulnerable young adults, within the Irish prison estate, despite the evidence that young adults are more similar to adolescents than older adults and therefore should be treated differently. While historically the state recognised young adults (up to 21) in detention as being distinct to older adults, this is no longer the case.

Two particular issues that concern the JCFJ are, firstly, that young adults are disproportionately represented on extended lock-up (some on 23 hour lock up) and, secondly, they are much more likely to be on the lowest regime level (Basic) when compared to older adults. Both situations result in restricted access to education, work and training for young adults.

Regime Levels (Incentivised Regimes Policy) is a behavioural management tool used by the Irish Prison Service to incentive people in prison to engage in positive activities. As the policy has not

being reviewed it is unclear as to its efficacy and legitimacy. The JCFJ, outlined within its report 'Developing Inside: Transforming Prison for Young Adults' (see page 31-32: <http://jcfj.ie/images/stories/pdf/Developing-Inside-June-2016.pdf>), that young adults are disproportionately on the 'Basic' level. As the report highlights, 'young adults in particular may have difficulty maintaining the behavioural standards necessary'. The impact for young adults on 'Basic' is that they have less access to family visits, telephone calls, gratuity, single-cells, education, work and training – all contrary to the needs of this cohort.

The JCFJ has previously expressed concern about visits being used as part of disciplinary measures (http://jcfj.ie/images/stories/pdf/Making_Progress.pdf, see page 14) arguing that access to family visits should not be considered a privilege, but a basic right. As stated in the UN Convention on the Rights of the Child, a child has the right to personal relations and direct contact on a regular basis with his or her parent (United Nations, 1989).

Therefore, access to family should not be a condition of a prisoners' behaviour. The Scottish Children's Rights organisation 'Together' in their submission to the UN Human Rights Universal Periodic Review said that prison 'visits are the right of the child rather than a privilege of the prisoner that can be withdrawn as a disciplinary measure.' (Together Scotland, 2012: 1).

The Committee may wish to question the Irish Government about measures being taken to provide for the specific needs of young adults. The Committee may also wish to highlight that visits and telephone calls are, de facto, being used in the gambit of behaviour management.

I hope that this information is of use to the Committee in the preparation of the list of issues prior to reporting and I remain at your disposal should you need any clarifications.

Yours sincerely,

Eoin Carroll
Deputy Director
Social Policy and Communications Co-ordinator