



**Universal Periodic Review Ireland  
39<sup>th</sup> Session of the UPR Working Group**

**UPR Info Pre-Session Statement by the Irish Penal Reform Trust (IPRT)**

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This statement is delivered by the Irish Penal Reform Trust. We have engaged in all three UPR cycles.<sup>1</sup> The statement addresses issues relating to detention and youth justice. I encourage all States to read our full submission.<sup>2</sup> I address four issues here.

**1. OP-CAT**

In 2016, Ireland accepted the recommendations of more than 20 countries to ratify the OP-CAT and establish a National Preventive Mechanism. This has not been implemented.

In 2011, during the first cycle, Ireland said legislation was being prepared to enable ratification of the OP-CAT. In 2016, Ireland said it will ratify the OP-CAT once the legislation has been enacted. Timelines for drafting this legislation, the *Inspection of Places of Detention Bill*, have not been met. In June 2020, the Irish Government committed to ratifying OPCAT by end December 2021.<sup>3</sup>

**Recommendation:**

**Ireland should publish the *Inspection of Places of Detention Bill* before end December 2021, ratify the OP-CAT, and establish a National Preventive Mechanism no later than July 2022.**

**2. Prison Conditions**

In 2016, Ireland accepted recommendations of 7 States on prison conditions and staff training. One State (Australia) recommended implementation of an Inspector of Prisons review, which was noted.

There was no inspection report of a closed prison published between Sept 2014 and July 2021.<sup>4</sup> Therefore, the true human rights situation for prisoners in Ireland is not known.

The Minister for Justice retains the power to publish and/or redact the Inspectorate's reports.

In August 2021, Covid-19 thematic inspection reports of four prisons were published.<sup>5</sup> Issues included slopping out in Limerick prison and long wait times for mentally-ill prisoners awaiting transfer to the Central Mental Hospital. One man had been waiting 305 days in Cloverhill (remand) Prison. In 2019, the CPT found prisoners with mental illness sleeping on floors in that prison.<sup>6</sup>

There is no data available on the lengths of time that prisoners are in solitary confinement.

**Recommendations:**

**Ireland should strengthen the powers of the Inspector of Prisons, including the power to publish reports directly.**

**Ireland should publish data on the lengths of time prisoners are held in solitary confinement and legislate for a maximum number of days permitted.**

### **3. Prisoner Complaints**

The Irish Government has not met commitments made since 2016 to introduce a new prisoner complaints system and extend access to the Ombudsman.<sup>7</sup>

**Recommendation:**

**Ireland should introduce the new internal prisoner complaints mechanism before the end of 2021 and ensure prisoners have access to the Ombudsman by July 2022.**

### **4. Youth Justice**

In 2016, Ireland noted the recommendations of two States to raise the age of criminal responsibility.

**Recommendation:**

**Ireland should undertake a review of the Children Act during 2022 and reinstate the provisions setting the age of criminal responsibility at 14.**

Thank you.

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**References:**

<sup>1</sup> See: [www.iprt.ie/iprt-submissions/](http://www.iprt.ie/iprt-submissions/)

<sup>2</sup> *Submission by the Irish Penal Reform Trust for the 39th Session of the UPR Working Group of the Human Rights Council* (March 2021), available at: [https://www.iprt.ie/site/assets/files/6892/iprt\\_submission\\_to\\_39th\\_session\\_upr\\_working\\_group\\_25th\\_march\\_2021.pdf](https://www.iprt.ie/site/assets/files/6892/iprt_submission_to_39th_session_upr_working_group_25th_march_2021.pdf)

<sup>3</sup> *Programme for Government: Our Shared Future* (June 2020, online October 2020), p. 86: <https://www.gov.ie/en/publication/7e05d-programme-for-government-our-shared-future/>

<sup>4</sup> See Office of the Inspector of Prisons, 'Inspection of Prisons Reports', available at: <https://www.oip.ie/thematic-and-functional-reports/>

<sup>5</sup> See Office of the Inspector of Prisons, Thematic and Functional Reports, available at: <https://www.oip.ie/thematic-and-functional-reports/>

<sup>6</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 (CPT) from 23 September to 4 October 2019* (November 2020), para 81, available at: <https://rm.coe.int/1680a078cf>

<sup>7</sup> Department of Justice, 'Tánaiste accepts recommendation to give Ombudsman a role in prison complaints' (June 2016), available at: <http://justice.ie/en/JELR/Pages/PR16000125>