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Criminal Detention in the EU: Conditions and Monitoring

Update of FRA's Criminal Detention Database
(FRANET)

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Part I: National standards

1. Cells

a. Cell space

The Prisons Act 2007¹ and the Prisons Rules 2007² make up the legislative framework for Irish Prisons. Rule 18 of the Rules³ requires that prisons “certify that all such cells or rooms therein as are intended for use in the accommodation of prisoners are, in respect of their size, and the lighting, heating, ventilation and fittings available in the cells or rooms in that prison or that part, suitable for the purposes of such accommodation.” Exceptionally, under Rule 19⁴, a prisoner may be accommodated in non-certified cells. The Rules do not specify the actual size that cells should be.

The Inspector of Prisons has recommended that single occupancy cells should be at least 7m² with at least 2m between the walls. For each additional prisoner, there should be an additional 4m².⁵

The Inspector also recommended that long-term prisoners should be accommodated in single cells.⁶ The Irish Penal Reform Trust has also been advocating the use of single cells.⁷ The Prison Service, however, considers single-cell occupancy “in absolute terms [as] neither a goal nor appropriate in all circumstances”, but accepts that providing such occupancy where it is the preference of the prisoner has become an achievable goal given both the increase in prison capacity and the decline in the number of prisoners.⁸

In 2019, the Supreme Court took note of the Jurisprudence of the European Court of Human Rights as regards cell size, noting that an allocation of less than 3m² per prisoner would create a presumption of a violation of Article 3 of the European Convention on Human Rights.⁹

There is no reference in the decision to the Dorobantu decision or any jurisprudence from the Court of Justice of the European Union. However, the Dorobantu decision has been noted by the High Court in several decisions concerning European Arrest Warrants.¹⁰

¹ Government of Ireland, *Prisons Act*, 2007.

² Government of Ireland, *Prison Rules*, 2007.

³ *Prison Rules*, 2007, Rule 18.

⁴ *Prison Rules*, 2007, Rule 19.

⁵ Office of Inspector of Irish Prisons, *The Irish Prison Population – an examination of duties and obligations owed to prisoners, 2010*, section 2.3.

⁶ Office of Inspector of Irish Prisons, *An Assessment of the Irish Prison System*, 2013, section 2.9.

⁷ Irish Penal Reform Trust, *Progress in the Penal System: Assessing progress in a pandemic, 2020*, p. 20.

⁸ Irish Prison Service, *Capital Strategy 2016-2021*, 2016, p. 21.

⁹ *Simpson v. Governor of Mountjoy Prison* [2019] IESC 81, para. 72.

¹⁰ *Minister for Justice and Equality v. Dicu* [2020] IEHC 607; *Minister for Justice and Equality v. Iancu* [2020] IEHC 316; *Minister for Justice and Equality v. Gheorghe* [2020] IEHC 618; *Minister for Justice and Equality v. Pal* [2020] IEHC 143.

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In its most recent report on Ireland (2019), the European Committee for the Prevention of Torture reported that in Cork, Cloverhill, Midlands and Mountjoy Prisons (which hold roughly two-thirds of Irish prisoners), single cells were of adequate size (between 8m² and 11m²) and were well furnished.¹¹ Single cells in Arbour Hill were more cramped at 6m². Multi-prisoner cells were not so good, however. In Cloverhill Prison, for example, the majority of cells are designated as triple occupancy, but measure only 11m², so each prisoner has less than 4m² living space each. The Committee recommended that such cells be refurbished such that no more than two prisoners will be accommodated therein.¹² The next report on Ireland by the European Committee for the Prevention of Torture has not yet been published.

Despite this in the most recent Annual Report (2022) by the Office of the Inspector of Prisons, it was found that a significant number of people in Mountjoy Prison were “being obliged to sleep on mattresses on the floors of cells designed for single occupancy”.¹³ At the time of the inspection, an average of some 38 men per day were being kept in these conditions, often with minimal out-of-cell time. The cause of this problem is the rising number of people being held in prison in Ireland. The projected rises in the prison population suggest that unless urgent action is taken, the situation observed in Mountjoy Prison will become a problem for the prison system as a whole.

The most recent figures from the Irish Prison Service (January, 2024) indicate that only 1,943 prisoners out of 4,748 (41%) were in single cells.¹⁴ A further 2,152 prisoners, or 45% of the total, were in double cells. The Irish Penal Reform Trust reported that some prisoners are still occasionally without proper beds: December 2022, there were 2,408 sleeping on mattresses.¹⁵ This suggests that overcrowding is still an issue in Irish prisons. The Chief Inspector of Irish Prisons stated in the 2022 annual report that there are establishments in which the Irish Prison Service is currently unable to offer a proper bed to everyone in its custody.¹⁶

It might be noted that the Inspector of Prisons has specifically recommended that prisoners held on remand be detained where possible in single cells and be separated from sentenced prisons.¹⁷ Male remand prisoners are held in Castlerea and Cloverhill Prisons, the latter of which is designed as a remand prison. Female remand prisoners are held at the Dóchas Centre in Dublin.

The Office of the Inspector of Prisons made recommendations in 2021 to Wheatfield, Cloverhill, and Limerick prisons that that prisoners in isolation must be provided with a daily change of clothing and a weekly change of bedding.¹⁸ Limerick Prison responded that it was not possible to provide clean clothing daily due to limited capacity of the laundry, Cloverhill gave the same response but planned to allocate

¹¹ Council of Europe, European Committee for the Prevention of Torture, *Report to the Government of Ireland on the visit to Ireland from 23 September to 4 October 2019*, CPT/Inf (2020) 37, para. 65.

¹² Council of Europe, European Committee for the Prevention of Torture, *Report to the Government of Ireland on the visit to Ireland from 23 September to 4 October 2019*, CPT/Inf (2020) 37, para. 39.

¹³ Office of Inspector of Prisons, *Annual Report 2022*, 2023 p. 5.

¹⁴ Irish Prison Service, *Census Prison Population January 2024 – Cell Occupancy – In-Cell Sanitation*, 2024.

¹⁵ Irish Penal Reform Trust, *Progress in the Penal System: A Framework for Penal Reform (2022)*, 2023.

¹⁶ Office of Inspector of Prisons, *Annual Report 2022*, 2023, p. 5.

¹⁷ Office of the Inspector of Prisons, *Standards for the Inspection of Prisons in Ireland*, 2009, Standard 22.

¹⁸ Office of the Inspector of Prisons, *Investigation Recommendation and Status Update*, Recommendation ID: CHCT14, LMCT14, and WFCT14, 2022.

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funding to meet this recommendation. Both Cloverhill and Wheatfield stated that all prisoners are provided with a weekly change of bedding as recommended.

The Office of the Inspector of Prisons also reminded Cloverhill prison in 2021 that under Rule 22 of the Irish Prisons Rules 2007, prisoners are to be issued with bedding that is adequate for warmth and health,¹⁹ and recommended Cloverhill care out full inspections of all mattresses and pillows.²⁰ Cloverhill carried out a quality audit on all bedding.

The Office of the Inspector of Prisons in 2021 recommended that the Irish Prison Service engages with the Department of Justice to maximise all opportunities available for reducing the prison population.²¹ The Minister for Justice has since approved amendments proposed by IPS to the Community Return Scheme and Community Support Scheme to allow for prisoners to be considered for both schemes at an earlier stage of their sentence. It should be noted that prison Governors are required by law to accept all prisoners into their custody who have been committed to prison by the Courts. The Irish Prison Service therefore has no control over the numbers committed to custody at any given time.

The Prisons Act prohibits specific forms of punishment for breach of prison discipline including placement of the prisoner in restraint, sensory deprivation, and confinement in a special observation cell.²²

b. Access to natural light and fresh air, cell equipment, furniture, and facilities

The Irish Prison Rules, at Rule 22(1)²³, provide that “Each prisoner shall be issued with separate bedding adequate for warmth and health, which shall be cleaned regularly.”. Further, Rule 22(2)²⁴ prohibits requiring a prisoner to sleep without a mattress.

The European Committee for the Prevention of Torture complained in 2019 of one prisoner who had spent a month sleeping on a mattress on the floor, there being no bed available for him. The Committee also noted that this occurred to another prisoner, a foreign national who suffered from Parkinson’s Disease.²⁵

In 8 reports, the Office of the Inspector of Prisons has recommended that prisoners in quarantine / isolation have at least 1 hour in the open air on a daily basis²⁶

c. Video-surveillance of cells

The Irish Prison Service has established a CCTV Surveillance Policy Document which was updated in April 2023.²⁷ This document provides, at section 3.1.7, “Areas may be monitored or reviewed by Governors

¹⁹ *Prisons Rules*, 2007, 22.

²⁰ Office of the Inspector of Prisons, *Investigation Recommendation and Status Update*, Recommendation ID: CHCT6, 2021.

²¹ Office of the Inspector of Prisons, *Investigation Recommendation and Status Update*, Recommendation ID: CHCT7, WFCT5, PLCT7, SACT7, AHCT9, CKCT8, MDCT9. CRCT8, DOCT12, 2021.

²² *Prison Rules*, 2007, 13(7).

²³ *Prison Rules*, 2007, Rule 22(1).

²⁴ *Prison Rules*, 2007, Rule 22(2).

²⁵ Council of Europe, European Committee for the Prevention of Torture, *Report to the Government of Ireland on the visit to Ireland from 23 September to 4 October 2019*, CPT/Inf (2020) 37, para. 66.

²⁶ Office of Inspector of Prisons, *Annual Report 2021*, 2022, p. 18.

²⁷ Irish Prison Service, *CCTV Surveillance Policy*, 2023

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or CCTV Managers to ensure that required tasks are being carried out in line with the Prison Rules 2007, such as checks on special observation cells, for health, safety and welfare of inmates.”²⁸

Section 3.2.2, adds that cameras “will not be installed in areas where people have a reasonable expectation of privacy such as toilets, shower rooms, staff canteens, prison cells with the exception of holding cells.”.²⁹

The Office of the Inspector of Prisons inspection of Mountjoy Men's Prison led to recommendations to the Irish Prison Service about the quality control for CCTV monitoring, “staff who monitor CCTV footage are trained and competent to fulfil all their duties and take any action necessary to remedy deficient practice.”, in response the Irish Prison Service has started a training program for CCTV managers on each site to manage the large amount of cameras under their control.³⁰

d. NPM assessment

There is no active NPM in Ireland at this time. The relevant oversight body for prisons is the [Office of Inspector of Prisons](#).

“Periods of COVID-19 related quarantine and isolation have negatively impacted on people in custody, with a lack of meaningful human contact, long periods in cells (isolation periods of up to 14 days did not permit any out-of-cell-time) and limited engagement with services.”³¹

“In 10 reports, the OIP recommended that prison authorities create opportunities to reduce the prison population to reduce the risk of COVID-19 transmission”³²

“We are preparing for the transformation of the Office into the Inspectorate of Places of Detention (OIPD), with an expanded monitoring mandate including detention by An Garda Síochána, detainee transport and court holding cells.”³³

“During the visit to Mountjoy Prison, our team was shocked to find that a significant number of people were being obliged to sleep on mattresses on the floors of cells designed for single occupancy. The size and design of many of these cells meant that mattresses had to be wedged at an angle next to the in-cell lavatories. At the time of the inspection, an average of some 38 men per day were being kept in these conditions, often with minimal out-of-cell time. These conditions of detention could be considered degrading. Of course, the root cause of this problem is the rising number of people being held in prison in Ireland, Mountjoy Prison for Men is not the only establishment in which the Irish Prison Service is currently unable to offer a proper bed to everyone in its custody. Projected rises in the prison population suggest that unless urgent action is taken, such as imposing an enforceable ceiling on the number of people who can be held in each prison, the dramatic situation observed by my team in Mountjoy Prison for Men will become a grave problem for the prison system as a whole.”³⁴

²⁸ Irish Prison Service, *CCTV Surveillance Policy*, 2023, section 3.1.7.

²⁹ Irish Prison Service, *CCTV Surveillance Policy*, 17 April 2023, section 3.2.2.

³⁰ Office of the Inspector of Prisons, *Investigation Recommendation and Status Update*, Recommendation ID: 2018K8, 2020.

³¹ Office of Inspector of Prisons, *Annual Report 2021*, 2022, p. 16.

³² Office of Inspector of Prisons, *Annual Report 2021*, 2022, p. 18.

³³ Office of Inspector of Prisons, *Annual Report 2022*, 2023, p. 4.

³⁴ Office of Inspector of Prisons, *Annual Report 2022*, 2023, p. 5.

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2. Allocation of detainees

a. Geographical allocation

There is no legal right for prisoners to serve a sentence in a prison of their choice. However prisoners can apply to the Governor for transfer with good reason. Detainees are committed in the first instance to the prison named for the court area in which they were prosecuted. In most cases, the Irish Prison Service will allocate prisoners to a prison close to their home.

There are 12 institutions in the Irish prison system. Ten are traditional closed facilities and 2 are open centres with reduced security measures. There are only two women's prison in Ireland, in Dublin and Limerick. There is one high-security prison for male prisoners, in Portlaoise. There is no high-security prison for women. In Mountjoy Prison, the Training Unit (a semi-open prison) was converted to a prison for older prisoners. Offenders convicted for sexual offences are largely sent to one prison, which as a result has an older profile.

b. Allocation within detention facilities

Prisoners sentenced for organised crime and terrorism-related offences are allocated to the high-security prison at Portlaoise. Within Portlaoise, E block is allocated for prisoners sentenced for terrorism-related offences.

Prisoners sentenced for sexual offences are separated from other prisoners.

c. NPM assessment

There is no active NPM in Ireland at this time. The relevant oversight body for prisons is the [Office of Inspector of Prisons](#).

No comment has been made by the OIP on allocation.

3. Hygiene and sanitary conditions

a. Access to toilets

The Prison Rules 2007, in Rule 24(1)³⁵, requires the provision of sanitary and washing facilities in a prisoner's cell insofar as practicable. Where this is not the case, Rule 24(2)³⁶ requires prisoners to have reasonable access to sanitary and washing facilities. And under Rule 25(3)³⁷, prisoners should be provided with such toiletries as are necessary for health and cleanliness, and additional toiletries should be available for purchase.

The Inspector of Prisons recommended in 2010 and again in 2013 that single cells should have in-cell screened toilets; in multi-prisoner cells, in-cell sanitation facilities should be required, and in all cases such toilets should be screened.³⁸

³⁵ *Prison Rules, 2007*, Rule 24(1).

³⁶ *Prison Rules, 2007*, Rule 24(2).

³⁷ *Prison Rules, 2007*, Rule 25(3).

³⁸ Office of Inspector of Prisons, *The Irish Prison Population – an examination of duties and obligations owed to prisoners*, 2010, section 2.3

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The Supreme Court in 2019 awarded damages to a prisoner who had to share a cell that had no in-cell sanitation and had to slop out each morning.³⁹ The Court noted that the conditions under which the appellant had been held “fell substantially below the standards to be expected of an Irish prison in the year 2013”.⁴⁰

The most recent census of prisoners indicates that 2,714 prisoners (57.2%) in January 2024 must use toilet facilities in the presence of others, 2,027 prisoners (42.7%) have 24-hour access to a toilet, while 7 prisoners (0.1%) were still required to “slop-out”.⁴¹ The slopping-out takes place only in Portlaoise Prisons as of 2022.⁴² In 2016 the Prison Service considered the elimination of slopping-out as the “single most pressing objective of estate modernisation in recent times”.⁴³

The Office of the Inspector of Prisons in 2021 highlighted the commitment in the Irish Prison Service Strategic Plan that the Irish Prison Service should actively progress plans to eliminate the practice of slopping out in E block of Portlaoise Prison.⁴⁴ As of 2023 there are only 8 prisoners, accommodated in the Portlaoise Prison E Block who do not have access to toilet facilities in their cell and must "slop out" on a daily basis. Works on the construction of a sample cell at E Block have taken place and the outcome of these works has been examined to determine the feasibility of installing in-cell sanitation to the Block. Given the historical nature and condition of the building, the low and reducing number of prisoners, and the likely scale of costs involved it is now considered not feasible to provide in-cell sanitation throughout the block.

The Office of the Inspector of Prisons reiterated to Wheatfield and Castlerea prisons during 2021 that in prisons and other places of detention, all prisoners should have availability of sufficient quantities of safe water and handwashing supplies, as stated in guidance issued by the WHO (2021) Preparedness, prevention and control of COVID-19.⁴⁵ This recommendation was followed, with new components to regulate the water being installed on a repair and replace basis.

The Office of the Inspector of Prisons recommended in 2021 that Limerick prison should take steps to ensure prisoners have daily access to shaving equipment that is hygienic and safe and supports prisoners in the maintenance of personal hygiene and appearance.⁴⁶ 190 electric razors were purchased and are issued to prisoners by the class officers daily.

³⁹ *Simpson v. Governor of Mountjoy Prison* [2019] IESC 81. Note that this case related to conditions in Mountjoy Prison in 2013.

⁴⁰ *Simpson v. Governor of Mountjoy Prison* [2019] IESC 81, para. 86.

⁴¹ Irish Prison Service, *Census Prison Population January 2024 – Cell Occupancy – In-Cell Sanitation*, 2024.

⁴² Irish Prison Service, *Annual Report 2022*, 2023, p. 12.

⁴³ Irish Prison Service, *Capital Strategy 2016-2021*, 2016, p. 21.

⁴⁴ Office of the Inspector of Prisons, *Investigation Recommendation and Status Update*, Recommendation ID: PLCT6, 2021.

⁴⁵ Office of the Inspector of Prisons, *Investigation Recommendation and Status Update*, Recommendation ID: CRCT9 and WFCT8, 2021.

⁴⁶ Office of the Inspector of Prisons, *Investigation Recommendation and Status Update*, Recommendation ID: LMCT19, 2021.

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b. Access to showers and warm and running water

The Prison Rules 2007, at Rule 25(2)⁴⁷, provide that prisoners are entitled to take a hot shower or bath “as often as is reasonably practicable” but is entitled to do so at least once per week. Rule 25(1)⁴⁸ also requires that all prisoners keep his or her person clean.

The Irish Penal Reform Trust reported in 2020 that there were 849 in-cell showers across the prison estate, compared to a prison population of some 3,800.⁴⁹

The Irish Prison Service introduced a new Standard Operating Procedure (10/08/2022) setting out the correct procedures for the showering of prisoners in quarantine/isolation. It was agreed to allow prisoners up to 2 showers in a seven day period.⁵⁰

c. Access to sanitary products

Under Rule 25(3)⁵¹, prisoners should be provided with such toiletries as are necessary for health and cleanliness, and additional toiletries should be available for purchase.

d. Hygienic conditions in cells

There are no standards specific to sanitary facilities, but there is a general obligation on all prisoners to keep their facilities clean described under Rule 20(1)⁵²

e. NPM assessment

There is no active NPM in Ireland at this time. The relevant oversight body for prisons is the [Office of Inspector of Prisons](#).

The OIP Annual Report 2021 noted that “The majority of prisoners in isolation for COVID-19 were not permitted to shower.”⁵³ At Mountjoy prison, “The cells do however facilitate in cell sanitation. All prisoners confined to their cell for the purpose of quarantine have access to hot water and soap to maintain adequate hygiene.”⁵⁴

The OIP Annual Report 2022 made no comment on sanitation or hygiene, except in relation to the overcrowding in Mountjoy Prison, which has been addressed through prisoners sleeping on “mattresses on the floors of cells designed for single occupancy. The size and design of many of these cells meant that mattresses had to be wedged at an angle next to the in-cell lavatories.”⁵⁵

⁴⁷ *Prison Rules*, 2007, Rule 25(2).

⁴⁸ *Prison Rules*, 2007, Rule 25(1).

⁴⁹ Irish Penal Reform Trust, *Progress in the Penal System: Assessing progress in a pandemic*, 2020, p. 54.

⁵⁰ ⁵⁰ Office of the Inspector of Prisons, *Investigation Recommendation and Status Update*, Recommendation ID: CHCT13, 2021 – Update 1 September 2022.

⁵¹ *Prison Rules*, 2007, Rule 25(3).

⁵² *Prison Rules*, 2007, Rule 20(1).

⁵³ Irish Prison Service, *Annual Report 2021*, 2022, p. 16.

⁵⁴ Office of the Inspector of Prisons, *Investigation Recommendation and Status Update*, Recommendation ID: MJCT12, 2022.

⁵⁵ Office of Inspector of Prisons, *Annual Report 2022*, 2023, p.35.

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4. Nutrition

a. Quality and quantity of food

Rule 23(1)⁵⁶ of the Prison Rules 2007 requires prisoners to receive a sufficient quantity of properly prepared wholesome and nutritious food.

The current used 28-day nutritionally advised menu cycle across the estate is currently being updated and tested, and is expected to be ready for implementation in early Q2 2023.⁵⁷

The Office of the Inspector of Prisons has made the recommendation to all prisons in Ireland that scheduling around mealtimes be amended to ensure meals are served at reasonable intervals and at usual times reflected in the community: breakfast (morning), lunch (midday) and dinner (evening).⁵⁸ The Irish Prison Service identified the review of prisoner mealtimes as a priority action in the Public Service Agreement 2021/2022 and continues to engage with the staff representative association in this regard. The Irish Prison Service will continue to engage with the staff representative association about the alteration of the existing prisoner meal schedule. The alteration to meals was completed in Mountjoy and Castlerea in 2022.⁵⁹

The Office of the Inspector of Prisons in 2021 requested that the Dóchas Centre women's prison consider feedback provided by women in custody and review in consultation with the women key aspects of food provision such as quality, portion size, and choice.⁶⁰ The review of the menu commenced in September 2022 and consideration is to be given to specific menus for female offenders as recommended. No conclusion of this review has been provided at the time of writing this report.

b. Drinking water

Rule 23(4)⁶¹ requires that each prisoner have available sufficient clean drinking water.

c. Dietary requirements

Rule 23(2)⁶² requires prison authorities, in so far as practicable, to prepare food in accordance with the dietary practices of any religion or culture professed by the prisoner. Rule 23(3)⁶³ provides that where the prison doctor so advises, special provision should be made in relation to dietary needs of a prisoner who suffers from a medical condition the treatment of which requires adherence to a special diet.

d. NPM assessment

There is no active NPM in Ireland at this time. The relevant oversight body for prisons is the [Office of Inspector of Prisons](#).

⁵⁶ *Prison Rules*, 2007, Rule 23(1).

⁵⁷ Irish Penal Reform Trust, *Progress in the Penal System: A Framework for Penal Reform (2022)*, 2023, p.41.

⁵⁸ Office of the Inspector of Prisons, *Investigation Recommendation and Status Update*, Recommendation ID: CHCT3, WFCT3, LMCT4, PLCT3, SACT3, AHCT3, CKCT3, MDCT5, LHCT2, 2021.

⁵⁹ Office of the Inspector of Prisons, *Investigation Recommendation and Status Update*, Recommendation ID: MJCT3.

⁶⁰ Office of the Inspector of Prisons, *Investigation Recommendation and Status Update*, Recommendation ID: DOCT4, 2021.

⁶¹ *Prison Rules*, 2007, Rule 23(4).

⁶² *Prison Rules*, 2007, Rule 23(2).

⁶³ *Prison Rules*, 2007, Rule 23(3).

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“Meal times in many of the prisons did not align with the usual order of meals in the general community. Many prisoners reported feeling hungry as a result of being provided a lunchsize meal at 16:00 each day.”⁶⁴

5. Time spent outside the cell and outdoors

a. Time spent outdoors

At a minimum, a prisoner will generally be permitted to spend at least two hours out of his or her cell “with an opportunity during that time for meaningful human contact”.⁶⁵ This period will include any periods out-of-cell in which the prisoner engaged in any authorised activity which offers the opportunity for meaningful human contact.⁶⁶ Meaningful human contact is defined to mean “interaction between a prisoner and another person of sufficient proximity so as to allow both to communicate by way of conversation”.⁶⁷ Further, prisoners “shall be allowed to spend as much time each day out of his or her cell or room as is practicable”, and at the Governor’s discretion, to associate with other prisoners.⁶⁸

Early in the pandemic, a restricted regime was the norm in Irish prisons, with the general population being locked up for an average of 19 hours per day.⁶⁹ An assessment of the progress of the penal system during the pandemic in 2020 established a significant regress on the out of cell time for the prison population due to Covid-19 restrictions and reduced daily out-of-cell time for the general prison population averaging six hour per day.⁷⁰ In addition, there were one hundred twenty seven people on restricted regime of at least 22 hours per day, including medical related isolation in April 2020.⁷¹ A 2021 annual report by the Office of the Inspector of Prisons also established that there was lack of meaningful human contact for people in custody and the long periods spent in cells, particularly 14 days isolation periods did not allow for out-of-cell time.⁷² Another 2022 report on prison conditions during the pandemic also established that prisoners in quarantine had little or no time out of their cells.⁷³

Recent figures from the Irish Prison Service indicate that in April 2023 a total of 776 prisoners were subject to a restricted regime.⁷⁴ That represents about 16.9% of the total prison population, which was 4,586 at the time of the census. The following table shows the breakdown:⁷⁵

⁶⁴ Irish Prison Service, *Annual Report 2021, 2022*, p. 17.

⁶⁵ *Prison Rules*, 2007, Rule 27(1)(a), as inserted by *Prison (Amendment) Rules 2017*, SI No. 276/2017

⁶⁶ *Prison Rules*, 2007, Rule 27(1A).

⁶⁷ *Prison Rules*, 2007, Rule 27(4).

⁶⁸ *Prison Rules*, 2007, Rule 27(1)(b).

⁶⁹ Irish Penal Reform Trust, *Progress in the Penal System: Assessing progress in a pandemic*, Dublin 2020, p. 54.

⁷⁰ Irish Penal Reform Trust, *Progress in the Penal System (PIPS) Assessing progress during a pandemic (2020)*, 2020, p.11.

⁷¹ Irish Penal Reform Trust, *Progress in the Penal System (PIPS) Assessing progress during a pandemic (2020)*, 2020, p.11.

⁷² Office of Inspector of Prisons, *Annual Report 2021, 2022*, p. 16.

⁷³ Office of the Inspector of Prisons, *Summary of inspection reports: Prison conditions during the COVID-19 pandemic*, 2022, p. 3.

⁷⁴ Irish Prison Service, *Census of Restricted Regime Prisoners April 2023*, 2023, p. 1.

⁷⁵ Irish Prison Service, *Census of Restricted Regime Prisoners April 2023*, 2023, p. 3.

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23 Hours in Cell	22 Hours in Cell	21 Hours in Cell	20 Hours in Cell	19 Hours in Cell	Total
4	43	577	42	110	776

Of these prisoners, the vast majority (717 or 92%) were on a restricted regime at their own request. 27 prisoners were subject to restricted regime on grounds of order while 2 were restricted due to medical reasons.

Regarding visits, prisoners should be assigned to a prison as close to their homes as possible, in order that prisoners maintain contact with their families.⁷⁶ All prisoners should receive at least one thirty-minute visit per week.⁷⁷ The Inspector of Prisons has recommended that generally remand prisoners should be entitled up to six visits per week, but at least three, and the visits should be of at least fifteen minutes in duration.⁷⁸ In September 2021, the Irish Prison Service (IPS) began implementing a Framework for the Unwinding of the Prison Restrictions developed in June 2021 and meant to phase out the restrictions that were put in place due to Covid-19⁷⁹. The Irish Prison service announced the recommencement of physical visits across all prisons following a complete vaccination programme in all prisons.⁸⁰ Some of the changes under the new regulations included: one physical family visit per fortnight of not more than 20 minutes in duration.⁸¹ Alternatively, the prisoners could opt for two 20 minutes video visits if they preferred that option.⁸² However, the prisoners who opted for physical visit were also entitled to one video visit of not more than 20 minutes per fortnight. The physical visits were also limited to two visitors comprised of one adult and one child (under 18 years of age).⁸³

An inspection report published in January 2024 by the office of the Inspector of Prisons of the Mountjoy Female Prison revealed that there were some challenges with the virtual visits such as serve upgrades and identification of suitable locations within the prisons for the handset.⁸⁴ In addition, on the users side, the challenges included calls dropping due to poor network in some regions and lack of understanding on how to book and access the visits.⁸⁵

b. Time spent indoors

According to Irish Prison Amendment Rules, each prisoner is allowed to spend a minimum period of 2 hours outside his or her cell for meaningful human contact⁸⁶. In addition, at the discretion of the

⁷⁶ Office of the Inspector of Prisons, *Standards for the Inspection of Prisons in Ireland*, 2009, Standard 93.

⁷⁷ Office of the Inspector of Prisons, *Standards for the Inspection of Prisons in Ireland*, 2009, Standard 95.

⁷⁸ Office of the Inspector of Prisons, *Standards for the Inspection of Prisons in Ireland*, 2009, Standard 97.

⁷⁹ Houses of the Oireachtas, *Prison Service, 15 June 2021*, 2021

⁸⁰ Irish Prison Service, *The Recommencement of Physical Visits*, 2021.

⁸¹ Irish Prison Service, *The Recommencement of Physical Visits*, 2021.

⁸² Irish Prison Service, *The Recommencement of Physical Visits*, 2021.

⁸³ Irish Prison Service, *The Recommencement of Physical Visits*, 2021.

⁸⁴ Office of the Inspector of Prisons, *Inspection Report Oversight Monitoring Visit During Covid-19 Pandemic. Mountjoy Female Prison (Dochas centre)*, August 2020, 2024, p. 20.

⁸⁵ Office of the Inspector of Prisons, *Inspection Report Oversight Monitoring Visit During Covid-19 Pandemic. Mountjoy Female Prison (Dochas centre)*, August 2020, 2024, p. 20.

⁸⁶ *Prison Rules*, 2007, Rule 27(1)(a), as inserted by *Prison (Amendment) Rules 2017*, SI No. 276/2017

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Governor, the prisoner can come into contact with other prisoners with this stipulated time.⁸⁷ Meaningful human contact refers to “interaction between a prisoner and another person of sufficient proximity so as to allow both to communicate by way of conversation”.⁸⁸ Furthermore, at the discretion of the Governor, each prisoner is allowed to spend as much time during the day outside his or her cell room as is practicable, to associate with other prisoners in the prison.⁸⁹

Early in the pandemic, a restricted regime was the norm in Irish prisons, with the general population being locked up for an average of 19 hours per day.⁹⁰ An assessment of the progress of the penal system during the pandemic in 2020 established a significant regress on the out of cell time for the prison population due to Covid-19 restrictions and reduced daily out-of-cell time for the general prison population averaging six hour per day.⁹¹ In addition, there were one hundred twenty seven people on restricted regime of at least 22 hours per day, including medical related isolation in April 2020.⁹² A 2021 annual report by the Office of the Inspector of Prisons also established that there was lack of meaningful human contact for people in custody and the long periods spent in cells, particularly 14 days isolation periods did not allow for out-of-cell time.⁹³ Another 2022 report on prison conditions during the pandemic also established that prisoners in quarantine had little or no time out of their cells.⁹⁴

Recent figures from the Irish Prison Service indicate that in April 2023 a total of 776 prisoners were subject to a restricted regime.⁹⁵ That represents about 16.9% of the total prison population, which was 4,586 at the time of the census. The following table shows the breakdown:⁹⁶

23 Hours in Cell	22 Hours in Cell	21 Hours in Cell	20 Hours in Cell	19 Hours in Cell	Total
4	43	577	42	110	776

Of these prisoners, the vast majority (717 or 92%) were on a restricted regime at their own request. 27 prisoners were subject to restricted regime on grounds of order while 2 were restricted due to medical reasons.

c. Recreational facilities

According to the Rule 27(2) of the Irish Prison Rules 2007, and subject to Rule 72 on authorised structured activity, while in prison, each prisoner may engage or take part in structured activity as may

⁸⁷ *Prison Rules*, Rule 27(1)(a), as inserted by *Prison (Amendment) Rules 2017*, SI No. 276/2017

⁸⁸ *Prison Rules*, 2007, Rule 27(4).

⁸⁹ *Prison Rules*, 2007, Rule 27(1)(b).

⁹⁰ Irish Penal Reform Trust, *Progress in the Penal System: Assessing progress in a pandemic*, Dublin 2020, p. 54.

⁹¹ Irish Penal Reform Trust, *Progress in the Penal System (PIPS) Assessing progress during a pandemic (2020)*, 2020, p.11.

⁹² Irish Penal Reform Trust, *Progress in the Penal System (PIPS) Assessing progress during a pandemic (2020)*, 2020, p.11.

⁹³ Office of Inspector of Prisons, *Annual Report 2021*, 2022, p. 16.

⁹⁴ Office of the Inspector of Prisons, *Summary of inspection reports: Prison conditions during the COVID-19 pandemic*, 2022, p. 3.

⁹⁵ Irish Prison Service, *Census of Restricted Regime Prisoners April 2023*, 2023, p. 1.

⁹⁶ Irish Prison Service, *Census of Restricted Regime Prisoners April 2023*, 2023, p. 3.

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be authorised by the Governor.⁹⁷ These activities include work, vocational training, education, or programmes intended to ensure that a prisoner, when released from prison, will be less likely to re-offend or better able to re-integrate into the community. In addition, Rule 27(3) state that, each convicted prisoner should engage in the structured activities for at least five hours on each of five days per week in so far as that is practicable.⁹⁸ However, based on the direction from the Governor, a prisoner may not be permitted to take part in the structured activity or communal recreation.⁹⁹

According to Prison Rule 35(2)(d), the Minister may make rules for the provision of facilities and services to prisoners, which include educational facilities, medical services and services relating to the prisoners' moral and physical welfare.¹⁰⁰ Prisoners in Irish Prisons can take part in a variety of recreational activities which include, watching television, table games, library facilities, gym activities and outdoor games. While undertaking such activities, specially trained officers are always present to supervise the prisoners.¹⁰¹ The Governor is required to "provide such facilities as he or she considers appropriate, to enable a prisoner to be kept informed in relation to current affairs and developments outside the prison of a sporting, cultural or other nature and such facilities may include newspapers and other periodicals, radio and television".¹⁰²

The Irish Prison Service has committed to facilitate purposeful activity to enhance healthcare, rehabilitation, education, pathways to employment and resettlement.¹⁰³ In the Inspector of Prisons' most recent report (for 2023), the need for an audit of provision for education work training and other activities by the Irish Prison Service was highlighted as a way of ensuring that the cumulative options available have enough capacity for the size of the population of each prison. In addition, the Irish Prison Service and the managements of each prison should develop a strategic plan to address the issues such as capacity, quality and safety and security, and ensure prioritization of the rights, welfare and needs of students in decision making.¹⁰⁴

d. Educational activities

Rule 27(2) of the Prison Rules 2007 provides that a prisoner may engage in authorised structured activity as may be authorised by the Governor, "including work, vocational training, education, or programmes intended to ensure that a prisoner, when released from prison, will be less likely to reoffend or better able to reintegrate into the community". Further, each prisoner should be engaged as far as practicable in such activity for at least five hours on each of five days each week (Rule 27(3)).¹⁰⁵ In its most recent published strategy statement, the Irish Prison Service stated that they "ensure that prison regimes provide for appropriate out-of-cell time and sufficient constructive activities are provided during periods of unlock".¹⁰⁶

⁹⁷ *Prison Rules*, 2007, Rule 27(2).

⁹⁸ *Prison Rules*, 2007, Rule 27(3).

⁹⁹ *Prison Rules*, 2007, Rule 62(1).

¹⁰⁰ *Prison Rules*, 2007, Rule 35(2)(d).

¹⁰¹¹⁰¹ Citizens Information, *Prison Conditions*.

¹⁰² Irish Statute Book, *S.I. No. 252/2007 - Prison Rules, 2007*, Rule 48(1).

¹⁰³ Irish Prison Service, *Irish Prison Service Strategy 2023-2027*, p. 15.

¹⁰⁴ Office of the Inspector of Prisons, *Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men's Prison & Arbour Hill Prison April - June 2022*, 2023, p. 63.

¹⁰⁵ Irish Statute Book, *S.I. No. 252/2007 - Prison Rules, 2007*.

¹⁰⁶ Irish Prison Service, *Strategic Plan 2016-2018*, 2016, p. 5.

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The Inspector of Prisons commented in 2010 that it was reasonable to assume that a prison would have sufficient services for the population it was intended to accommodate.⁹⁸ The provision of services would be inadequate, however, in prisons experiencing overcrowding. He also pointed out that the provision of services did not necessarily mean that those services were available to prisoners. As an example, he referred to workshop facilities in Portlaoise Prison which had been built but not commissioned.⁹⁹

The precise facilities vary from prison to prison. The Inspector of Prisons noted in 2010, for example, in Arbour Hill Prison (in which most prisoners have been convicted of sexual offences), prisoners had educational facilities, a library a gym, a variety of workshops, and various work details.¹⁰⁰ Castlereagh Prison, consisting of three different blocks, had different facilities in each. In the older parts, prisoners theoretically had access to educational classes, a library, a gym, workshops and work details, but in many cases the workshops and the library were closed.¹⁰¹ The Inspector concluded that, at least in 2010, Castlereagh Prison did not have adequate relevant structured activity for its population.¹⁰²

The Office of the Inspector of Prisons 2022 Annual Report indicated that there were about 1,411 engaged in education and work trainings in Wheatfield (569), Mountjoy (712), and Arbour Hill (130) prisons.¹⁰⁷ This number represented about one third of the total prison population at that time. A 2023 report on education and work training lists the four essential work areas in prisons which include catering, laundry, waste management and cleaning adding that there were 126 workshops in the entire Prison system.¹⁰⁸ A 2020/2021 review by the Irish Prison Service found that the current was not the most effective use of resources and there is need for integration of work and training data with that which exists in the Prisoner Education Management System for better understanding of prisoner engagement in structured activity while in custody.¹⁰⁹ However, the 2023 inspection report by the Office of the Inspector of Prisons showed that the entitlement of the minimum five hours of authorised structured activity in each of the five days per week was not guaranteed to a majority of prisoners in Wheatfield Prison and Mountjoy Men's Main Prison.¹¹⁰ Note that the Inspector of Prisons has recommended that, in addition to the general requirements for prisons, remand prisoners be granted appropriate facilities to allow them to prepare their defence and to meet with their lawyers.¹¹¹

On education, the 2023 inspection report notes that there is no Irish Prison Service policy on delivery, resourcing, and organisation of education and training in prisons.¹¹² In Mountjoy Main Prison and Wheatfield Prison specifically, there are challenges with student access to schools, unpredictability of the academic calendar and inaccessible accommodation.¹¹³ These challenges highlighted also impacted

¹⁰⁷ Office of Inspector of Prisons, Annual Report 2022, 2023, p. 13.

¹⁰⁸ Office of the Inspector of Prisons, Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men's Prison & Arbour Hill Prison April - June 2022, 2023, p. 10.

¹⁰⁹ Irish Prison Service, Irish Prison Service Review of Work Training Areas 2020/2021. ("IPS Work Training Review")

¹¹⁰ Office of the Inspector of Prisons, Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men's Prison & Arbour Hill Prison April - June 2022, 2023, p. 29.

¹¹¹ Office of the Inspector of Prisons, Standards for the Inspection of Prisons in Ireland, 2009, Standard 51

¹¹² Office of the Inspector of Prisons, Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men's Prison & Arbour Hill Prison April - June 2022, 2023, p. 31.

¹¹³ Office of the Inspector of Prisons, Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men's Prison & Arbour Hill Prison April - June 2022, 2023, p. 31.

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the student outcomes differently as there was very good outcomes in Arbour Hill prison and Progression Unit in Mountjoy prisons, while in Mountjoy main prison and Wheatfield Prison schools, there was negative outcomes mainly due to substance abuse among students and access to school.¹¹⁴ The quality of education offered at the prison schools was, however, established to be very good with qualified and innovative teachers.¹¹⁵

The Irish Prison Service has accepted the need to provide facilities for education, work training, recreation and faith as part of the Service's obligation to provide prisoner care.¹¹⁶ However, the Service indicates that there has been a trade-off between the provision of these facilities and the provision of sufficient capacity and the development of in-cell sanitation, with the latter taking priority.¹¹⁷

The Prison (Amendment) Rules 2020 was enacted to empower prison authorities to take steps to restrict prisoner entitlements in order to prevent the spread of Covid-19.¹¹⁸ A new Rule 32A empowers the Director General of the Irish Prison Service or the governor of an individual prison to restrict a prisoner's entitlement to physical recreation, exercise or training to prevent or limit the spread of an infectious disease. They can do so, however, only on the advice of the Department of Health, the Health Service Executive, the Director of Prison Healthcare Services or a prison doctor. Covid 19 impacted the provision of education, work and training activities in prisons in ways such as: demotivation of prisoners from engaging in education, work and training due to restrictions¹¹⁹, suspension of extra-curricular activities in the evenings which also impeded the access to vital additional support to some prisoners¹²⁰, and staff shortages for the learning programs.¹²¹

e. NPM assessment

There is no active NPM in Ireland at this time. The relevant oversight body for prisons is the [Office of Inspector of Prisons](#).

Between April and June 2022, the OIP and Department of Education Inspectorate carried out a Thematic Inspection of Education and Work Training in Wheatfield Prison, Mountjoy Men's Prison and Arbour Hill Prison. The population of the three prisons comprised more than one-third of the entire prisoner population. Under the Rehabilitation & Development Focus Area, this inspection evaluated provision of education and work training in the prisons, with a particular focus on quality of education provision and access to rehabilitation services in the prisons. The findings are published in the Thematic Inspection on

¹¹⁴ Office of the Inspector of Prisons, [Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men's Prison & Arbour Hill Prison April - June 2022](#), 2023, p. 32.

¹¹⁵ Office of the Inspector of Prisons, [Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men's Prison & Arbour Hill Prison April - June 2022](#), 2023, p. 31.

¹¹⁶ Irish Prison Service, [Capital Strategy 2016-2021](#), 2016, p. 22.

¹¹⁷ Irish Prison Service, [Capital Strategy 2016-2021](#), 2016, p. 22.

¹¹⁸ [Prison Rules](#), 2007, Rule 32A, inserted by the [Prison \(Amendment\) Rules 2020](#), SI 250/2020, Rule 3.

¹¹⁹ Office of the Inspector of Prisons, [Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men's Prison & Arbour Hill Prison April - June 2022](#), 2023, p. 44.

¹²⁰ Office of the Inspector of Prisons, [Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men's Prison & Arbour Hill Prison April - June 2022](#), 2023, p. 68.

¹²¹ Office of the Inspector of Prisons, [Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men's Prison & Arbour Hill Prison April - June 2022](#), 2023, p. 70.

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Education & Work Training.¹²² The need for an audit of provision for education work training and other activities by the Irish Prison Service was highlighted as a way of ensuring that the cumulative options available have enough capacity for the size of the population of each prison. In addition, the Irish Prison Service and the managements of each prison should develop a strategic plan to address the issues such as capacity, quality and safety and security, and ensure prioritization of the rights, welfare and needs of students in decision making.¹²³

6. Solitary confinement

a. Placement in solitary confinement

Section 13(1)(c) of the Prisons Act 2007 explicitly allows for a prisoner who is found by the Governor to have committed a breach of prison discipline to be confined to a cell (other than a special observation cell) for up to three days.¹²⁴ However, as the Irish Penal Reform Trust points out, other sanctions can be applied to prisoners for longer periods the effect of which is akin to solitary confinement.¹²⁵ The European Committee for the Prevention of Torture made a similar observation, noting that some prisoners were being held in de facto solitary confinement but whose situation was not being recorded as such.¹²⁶

Rule 62 of the Prison Rules 2007 governs the implementation of an isolation regime on a prisoner. This Rule permits a prison governor to direct that a prisoner be prohibited from:

- Engaging in authorized structured activities generally,
- Participating in communal recreation, or
- Associating with other prisoners.

The governor's decision must be based upon information such as to cause him or her to reasonably believe that allowing the prisoner would otherwise constitute a "significant threat to the maintenance of good order or safe and secure custody".¹²⁷ The order may remain in force for longer than is necessary to secure these objectives,¹²⁸ and must be reviewed at least every seven days.¹²⁹ The governor must inform the prisoner in writing of the reason for the order, and of the result of any review of the order.¹³⁰ In complying with this provision, the governor must give actual reasons: in *Paget v. Governor of Midlands Prison*, the governor had invoked Rule 62 in respect of the applicant,

¹²² Office of the Inspector of Prisons, Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men's Prison & Arbour Hill Prison April - June 2022, 2023, p. 63.

¹²³ Office of the Inspector of Prisons, Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men's Prison & Arbour Hill Prison April - June 2022, 2023, p. 63.

¹²⁴ Irish Statute Book, Prisons Act, 2007.

¹²⁵ Irish Penal Reform Trust, *'Behind the Door': Solitary Confinement in the Irish Penal System*, 2018, p. 33. The Trust points to a variety of prohibitions such as restricting structured or recreational activities, receiving visits, sending or receiving letters, and using the telephone.

¹²⁶ Council of Europe, European Committee for the Prevention of Torture, Report to the Government of Ireland on the visit to Ireland from 23 September to 4 October 2019, CPT/Inf (2020) 37, para. 39.

¹²⁷ Prison Rules, 2007, Rule 62(2).

¹²⁸ Prison Rules, 2007, Rule 62(3).

¹²⁹ Prison Rules, 2007, Rule 62(4).

¹³⁰ Prison Rules, 2007, Rule 62(5).

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and the reasons given simply restated the wording of Rule 62.¹³¹ The High Court found this to be inadequate and provided not even a minimal explanation for the decision.¹³² The governor is also obliged to inform the prison doctor and a chaplain of the prisoner's denomination, both of whom may visit the prisoner.¹³³ The doctor is obligated to visit the prisoner as soon as possible and to keep his medical condition under review.¹³⁴ If the order is to remain in force for more than twenty-one days, the governor must provide a full report to the Director General of the Prison Service, which includes the prisoner's views, and the Director General must authorise any continuation of the order.¹³⁵ In *Killeen v. Governor of Portlaoise Prison*, the High Court ruled that periods of segregation that come within Rule 62(9) must be kept under review even though Rule 62(9) does not mention such reviews.¹³⁶

The power set out in Rule 62 is expressly subject to Rule 32, which entitles all prisoners to at least one hour of exercise in the open air per day. The new minimum requirement of two hours out of cell each day is expressly made subject to the requirements of prison discipline covered by Part 4 of the Prison Rules 2007 (which includes Rule 62).¹³⁷ The Irish Prison Service has made the following commitment:

b. Monitoring of detainees

According to Prison Rule 62, the Governor is expected to review his or her direction on solitary confinement at least once in every seven days to determine whether the direction might be revoked considering all circumstances.¹³⁸ In addition, the Governor is required to "inform the prison doctor, and the prison doctor shall, as soon as may be, visit the prisoner and, thereafter, keep under regular review, and keep the Governor advised of, any medical condition of the prisoner relevant to the direction".¹³⁹ The Governor is also required to "inform a chaplain of the religious denomination, if any, to which the prisoner belongs of such a direction and a chaplain may, subject to any restrictions under a local order, visit the prisoner at any time".¹⁴⁰

Where there is a need for continued solitary confinement of a prisoner beyond 21 days, the Governor is required to submit a report to the Director General with the views of the prisoner included, explaining why that should continue. "Thereafter, any continuation of the extension of the period of removal must be authorised, in writing, by the Director General".¹⁴¹

c. NPM assessment

There is no active NPM in Ireland at this time. The relevant oversight body for prisons is the [Office of Inspector of Prisons](#).

¹³¹ *Paquet v. Governor of Midlands Prison* [2019] IEHC 514.

¹³² *Paquet v. Governor of Midlands Prison* [2019] IEHC 514, para. 53.

¹³³ *Prison Rules*, 2007, Rule 62(7) and (8).

¹³⁴ *Prison Rules*, 2007, Rule 62(7).

¹³⁵ *Prison Rules*, 2007, Rule 62(9). The procedure to be followed is set out in Circular OPS/20/2013, appended to Irish Prison Service, *Policy Document: Elimination of Solitary Confinement*, 2017.

¹³⁶ *Killeen v. Governor of Portlaoise Prison* [2014] IEHC 77, para. 6.5.

¹³⁷ *Prison Rules*, 2007, Rule 27(1), as inserted by *Prison (Amendment) Rules 2017*, SI No. 276/2017.

¹³⁸ *Prison Rules*, 2007, Rule 62(4).

¹³⁹ *Prison Rules*, 2007, Rule 62(7).

¹⁴⁰ *Prison Rules*, 2007, Rule 62(8).

¹⁴¹ *Prison Rules*, 2007, Rule 62(9).

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[Office of the Inspector of Prisons, Annual report, 2022.](#)

“The names of those on special observation (in prisons) should be recorded in the relevant Class Journal signed and dated by both the Officer handing over the list and the Officer receiving the list to ensure there is no doubt as who is subject to checks at 15 minute intervals”.¹⁴²

[Office of the Inspector of Prisons, Annual report, 2021.](#)

“Periods of COVID-19 related quarantine and isolation have negatively impacted on people in custody.”¹⁴³

7. Work and education of detainees to promote social reintegration

a. General measures to promote social reintegration

Rule 27 (2) states: “Subject to Rule 72 (*Authorised structured activity*), each prisoner may, while in prison, engage or participate in such structured activity as may be authorised by the Governor (in these Rules referred to as “authorised structured activity”) including work, vocational training, education, or programmes intended to ensure that a prisoner, when released from prison, will be less likely to re-offend or better able to re-integrate into the community.”¹⁴⁴

The duties of the Governor explicitly include reference to supports for reintegration into society. The Prison Rules 2007-2020 outline the important role the Prison Governor plays in the rehabilitation process. Under Rule 75(3)(ii): “The Governor shall assist and encourage prisoners in: (a) coping with their imprisonment, (b) achieving their personal development (c) taking responsibility for their lives including offending behaviour, and (d) preparing for reintegration into society after release.” Rule 75(6) highlights the role of the Governor in the co-ordination of the delivery of services: “The Governor shall co-ordinate the delivery of all services to prisoners and ensure, in so far as is practicable, the preparation and implementation of sentence management plans incorporating plans for their reintegration into society. The Governor shall endeavour to ensure that the persons engaged in the delivery of such services and the preparation and implementation of such plans co-operate with one another in such delivery, preparation and implementation.”

The role of the prison officer is also fundamental in the rehabilitation process as outlined under Rule 85(3)(c)(iv) of the Prison Rules 2007-2020: “A prison officer shall –at all times conduct himself or herself and perform his or her functions in such a manner as to-contribute to the rehabilitation and reintegration into the community and general welfare of, and prisoners [...]

Rehabilitation is identified as a core aim of the Irish Prison Service.¹⁴⁵The Care and Rehabilitation Directorate of the Irish Prison Service is responsible for rehabilitation services. These include (but are not limited to) prison education, work and training, library services and sentence management.¹⁴⁶

¹⁴² Office of Inspector of Prisons, [Annual Report 2022](#), 2023, p. 18.

¹⁴³ Office of the Inspector of Prisons, [Annual Report, 2021](#), p. 16.

¹⁴⁴ [Prison Rules](#), 2007, Rule 85(3).

¹⁴⁵ Irish Prison Service, [Care and Rehabilitation](#)

¹⁴⁶ Office of the Inspector of Prisons, [Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men’s Prison & Arbour Hill Prison April - June 2022](#).

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b. Access to work

Rule 28 of the Prison Rules sets out the conditions under which convicted prisoners will undertake work within the prison consisting of the performance of tasks necessary for the maintenance and operation of the prison.¹⁴⁷ Rule 29 sets out the eligibility of prisoners for gratuity, varying by prison, class of prisoners and level of engagement in authorised structured activities.

Rule 30 sets out the conditions for the employment of prisoners, including approved employment and comparable pay. Rule 31 excludes certain forms of employment including discipline, service of a prison officer, or education of other prisoners.

In 2011, the Inspector of Prisons recommended that prison work be available to prisoners as a “positive aspect of prison regimes”, and should not be considered a form of punishment.¹⁴⁸ This work should help to prepare prisoners for work when released from prison.¹⁴⁹ This work should be paid.¹⁵⁰ Remand prisoners should not be required to work, but they should have the same opportunity to work as other prisoners and be paid at the same rate.¹⁵¹ However, the lack of payment for participating in education for prisoners act as a disincentive and contravenes the Rule 28.4 and Rule 105.4 of the Revised European Prison Rules.¹⁵²¹⁵³

In 2020, the Department of Justice launched a new strategy entitled Working to change – Social Enterprise & Employment Strategy 2021-2023, which set out planned developments for supporting employment options, coordinating the various supports already in place for those in custody, those preparing for release and for those engaging in Probation funded projects in the community.¹⁵⁴

An inspection of 3 prisons in 2022 by the Office of the Inspector of Prisons focused on education and work training defined “Work Training” as both essential work in the prison (e.g., kitchen work, landing cleaning, waste management), attendance at workshops (e.g., joinery, welding, fabric) and work initiatives that are championed by prison staff and may be funded through the Prisoner Initiative Development Fund (PIDF). Each prison was assessed across three areas: i. Access to Work Training ii. Work Training Certification iii. Sustainability of Work Training Initiatives.¹⁵⁵

There are four essential work areas in each prison: catering, laundry, waste management, and cleaning. There are 126 workshops across the entire prison system.⁵ At any given time between 2016 and 2020,

¹⁴⁷ *Prison Rules*, 2007.

¹⁴⁸ Office of the Inspector of Prisons, *Standards for the Inspection of Prisons in Ireland*, 2011, Standard 153.

¹⁴⁹ Office of the Inspector of Prisons, *Standards for the Inspection of Prisons in Ireland*, 2011, Standard 155.

¹⁵⁰ Office of the Inspector of Prisons, *Standards for the Inspection of Prisons in Ireland*, 2011, Standard 156.

¹⁵¹ Office of the Inspector of Prisons, *Standards for the Inspection of Prisons in Ireland*, 2011, Standard 157.

¹⁵² Office of the Inspector of Prisons, *Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men’s Prison & Arbour Hill Prison April - June 2022*, 2023, p. 30.

¹⁵³ Council of Europe, *Recommendation Rec(2006)2-rev of the Committee of Ministers to member States on the European Prison Rules*, 2020.

¹⁵⁴ Department of Justice, *Working to Change: Social Enterprise and Employment Strategy 2021-2023*, 20 November 2020

¹⁵⁵ Office of the Inspector of Prisons, *Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men’s Prison & Arbour Hill Prison April - June 2022*.

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approximately 30% of the prison population was engaged in work training activity.¹⁵⁶ In March 2022, 325 of a total 371 Work Training Officer positions were filled across the prison estate.¹⁵⁷

The Office of the Inspector of Prisons noted that according to a spending review of work training in prisons carried out by the Government in 2021 (“Government Work Training Spending Review”), costs associated with work and training in prisons for 2020 were €23.8 million, or 5.8% of the Irish Prison Service overall budget.⁸ This figure includes the costs of redeploying Work Training Officers to posts other than work training posts.

In 2020/2021, the Irish Prison Service conducted a review of Work Training Areas (“IPS Work Training Review”).¹⁵⁸ The purpose of the review was to identify “suitable work areas for the cohort of prisoners accommodated at each prison.” The report found that the current work training model was not the most effective use of resources. A number of recommendations were made in the report, including the development of a prisoner progression plan for each category of prisoner which would provide a pathway for progression through the prison system. The stated aim of the progression plan is to prepare prisoners for reintegration into society while maintaining the Irish Prison Service’s mission of providing safe and secure custody.¹⁵⁹

c. Access to education

The Prison Rules 2007 state that a broad and flexible programme of education shall be provided in each prison to meet the needs of prisoners, through helping them (a) cope with their imprisonment, (b) achieve personal development, (c) prepare for life after their release from prison, and (d) establish the appetite and capacity for lifelong learning. In particular, the education programme “shall encourage prisoners to participate in educational activities organised in the prison, and give special attention to prisoners with basic educational needs, including literacy and numeracy needs.”¹⁶⁰

The Prison Rules also provide that, “subject to the maintenance of good order and safe and secure custody, each prisoner shall, in so far as is practicable, be permitted to participate in education as provided in the prison; and the Governor, Prison Officers and all persons employed or engaged in the provision of services to prisoners shall actively encourage and facilitate participation in education as provided in the prison.”

Prison Education in Ireland is delivered in partnership between the Irish Prison Service and Education and Training Boards Ireland (ETBI). The Education and Training Boards Act 2013 includes in section 10, the planning, provision and co-ordination of education and training in prisons, as a defined function of

¹⁵⁶ Government of Ireland, Spending Review October 2021 (“Government Work Training Spending Review”) p.15., Cited in Office of the Inspector of Prisons, Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men’s Prison & Arbour Hill Prison April - June 2022, p. 10.

¹⁵⁷ Care and Rehabilitation Directorate in the Joint Oireachtas Committee on Justice, Defence & Equality. Rehabilitative Opportunities within the Prison System: Discussion, 29 March 2022, cited in Office of the Inspector of Prisons, Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men’s Prison & Arbour Hill Prison April - June 2022, p.10.

¹⁵⁸ Irish Prison Service, Irish Prison Service Review of Work Training Areas 2020/2021. (“IPS Work Training Review”), cited in Office of the Inspector of Prisons, Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men’s Prison & Arbour Hill Prison April - June 2022, p.11.

¹⁵⁹ Office of the Inspector of Prisons, Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men’s Prison & Arbour Hill Prison April - June 2022, p.11.

¹⁶⁰ Prison Rules, 2007, Rule 110.

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the ETBs, including education and training for the purpose of employment. The most recent joint strategy, covering 2019-2022 has not been updated.¹⁶¹ In 2022, 32.45% of the total prison population attended education classes, compared to the 28% attendance rate reported for 2021.¹⁶²

The provision of a broad-based, flexible, relevant education service is designed to cater for the complex educational needs of persons in custody, covering a wide spectrum from Basic Education to Third Level programmes. It balances the need for practical, up-to-date accredited learning and learning for personal development within a philosophy of Second Chance, Continuing or Adult Education. Programmes are adapted to take account of the diversity of the prisoner population and the complex nature of prison life, including segregation requirements and high levels of prisoner turnover. Educational courses and curricula which are based on individuals participating in one or more subject areas for an academic year and then sitting examinations are only appropriate for a small number of prisoners. The state second-level (Junior and Leaving Certificate) courses are made available. A more flexible curriculum with multiple entry and exit points (including APEL) is facilitated by Quality and Qualifications Ireland (QQI) accreditation with assessment by portfolio compilation.¹⁶³

There are notable challenges to the provision of education on a consistent basis within prisons, as described by the Office of the Inspector of Prisons in their thematic inspection on education and work training.

In 2022, the Irish Prison Service commenced work with Dublin City University (DCU) to conduct an audit of literacy and numeracy across the prisoner population.¹⁶⁴

d. NPM assessment

There is no active NPM in Ireland at this time. The relevant oversight body for prisons is the [Office of Inspector of Prisons](#).

In 2022, the Office of the Inspector of Prisons made a number of recommendations in relation to work/training:

- The Irish Prison Service should develop an individual risk-based approach to determining maximum attendance numbers in work training activities.¹⁶⁵
- The Irish Prison Service should ensure that all prisoners have access to externally accredited qualifications in all work training areas. Certification offered to prisoners should be labour market tested and should be recognised by employers to improve employment prospects upon release.¹⁶⁶

¹⁶¹ Irish Prison Service, [Joint Irish Prison Service/ Education And Training Boards Ireland Prison Education Strategy 2019-2022](#).

¹⁶² Irish Penal Reform Trust, [Progress in the Penal System: A Framework for Penal Reform \(2022\)](#), 2023, p.60

¹⁶³ Irish Prison Service, [Joint Irish Prison Service/ Education And Training Boards Ireland Prison Education Strategy 2019-2022](#).

¹⁶⁴ Irish Penal Reform Trust, [Progress in the Penal System: A Framework for Penal Reform \(2022\)](#), 2023, p.60

¹⁶⁵ Office of the Inspector of Prisons, [Investigation Recommendation and Status Update, Recommendation no. HWEDWT3](#), 23 December 2022.

¹⁶⁶ Office of the Inspector of Prisons, [Investigation Recommendation and Status Update, Recommendation no. HWEDWT7](#), 23 December 2022.

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- Given the role of the Irish Prison Service in deciding what proposed initiatives are to be funded, it should place more emphasis on strategically identifying, in collaboration with prison staff, Governors and people in prison, initiatives that can be implemented across the prison-estate. Where applicable, the Irish Prison Service should also consult with ETBs and Further Education and Training (FET) to identify areas for collaboration, especially in relation to certification and sustainability of initiatives.¹⁶⁷
- In order to provide a consistent approach to managing education provision across the prison estate, the IPS should develop a policy on education and training in collaboration with all of the relevant stakeholders.

In 2023, the Office of the Inspector of Prisons observed in its inspection of 3 men’s prisons that there was no work training policy at the organizational level to guide the sustainable implementation of work training initiatives.¹⁶⁸

Additionally the OIP noted the impact of other issues in the prisons on the availability of education programmes and access to learning materials, making the following recommendations:

- “It was evident during the inspection that additional factors were impacting the operation of the schools in Mountjoy Main Prison and Wheatfield Prison. These factors included enduring IPS Industrial Relations issues and substance use amongst students. IPS Headquarters and respective prison managements, in discharging their duty of care, should develop a strategic plan to resolve these issues and ensure that the rights, welfare, and needs of students are prioritised in decision making.”¹⁶⁹
- “In the prisons where there are significant issues in relation to student access to the school, teachers are faced with a more challenging work environment. The challenges are due to having to deal with the unpredictability of the opening of the school, the erosion of the start and finishing times, the inaccessibility of accommodation and resources, and difficulties in providing outreach support for the most vulnerable students. While it is accepted and understood that safety and security are prioritised, a plan should be developed and put in place, to ensure that the teachers are facilitated to do their work without impediment, for as much of the school day as possible.”¹⁷⁰
- “It is recommended that further access to technology for learning should be provided for students in their cells. IT is currently being used successfully as a learning tool in prisons in other jurisdictions, this experience could be researched by IPS and ETBs as a potential support to implementing this recommendation.”¹⁷¹

¹⁶⁷ Office of the Inspector of Prisons, [Investigation Recommendation and Status Update, Recommendation no. HQEDWT8](#), 23 December 2022.

¹⁶⁸ Office of the Inspector of Prisons, [Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men’s Prison & Arbour Hill Prison April - June 2022](#), 2023, p. 31.

¹⁶⁹ Office of the Inspector of Prisons, [Investigation Recommendation and Status Update, Recommendation no. HWEDWT12](#), 23 December 2022.

¹⁷⁰ Office of the Inspector of Prisons, [Investigation Recommendation and Status Update, Recommendation no. HWEDWT13](#), 23 December 2022.

¹⁷¹ Office of the Inspector of Prisons, [Investigation Recommendation and Status Update, Recommendation no. HWEDWT14](#), 23 December 2022.

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8. Healthcare

a. Access to healthcare

Rule 33(1)¹⁷² of the Prison Rules, 2007 provides that “each prisoner shall be entitled, while in prison, to the provision of healthcare of a preventative, curative and rehabilitative nature ... that is, at least, of the same or a similar standard as that available to persons outside of prison who are the holders of a medical card”. Healthcare professionals are required under Rule 100 to “treat prisoners with the same dignity and respect as would be afforded to any patient who is not a prisoner”, and to deal with a prisoner’s healthcare information in the same way as for non-prisoners.¹⁷³ Prisoners have a general right to refuse medical treatment and tests unless such procedures are required under the Prison Rules 100(1) and 33(3).¹⁷⁴

The Irish courts have confirmed that prisoners have a constitutional right to bodily integrity, which requires that the executive – in whose care prisoners reside – must protect their health as well as practicable.¹⁷⁵ This has been held to include psychological health.¹⁷⁶

In 2011, the Irish Prison Service published its Health Care Standards which are intended to “guide the provision of healthcare services to prisoners”.¹⁷⁷ All prisoners are to be medically assessed upon reception into prison, which will involve a clinical assessment within the first 24 hours.¹⁷⁸ Prisoners have the right to refuse the examination and will be required to sign a disclaimer to that effect.¹⁷⁹ The Standards reiterate the statutory requirement to provide prisoners with a standard of healthcare equal to that available in the general community.¹⁸⁰ To that end, suitable and properly equipped accommodation and facilities will be provided, and “[a]ccess to specialist services appropriate to the health care needs of prisoners will be provided within the prison”.¹⁸¹ Access to such specialist services will also be on the same basis as would apply to anyone holding Medical Cards.¹⁸² Standard 2.2 provides that “prisoners will be referred to external specialist services as clinically indicated”. If emergency attendance at an external hospital is required, it will be “effected with appropriate urgency”.¹⁸³ Standard 8 provides that prisoners will have access to the services of a qualified dentist.¹⁸⁴ Any prisoner requesting treatment should be seen within a reasonable period of time. Prisons will make suitable arrangements for the “provision of appropriate mental health services, including consultant psychiatric and other related services”.¹⁸⁵ And prisons are required to “provide

¹⁷² *Prison Rules*, 2007, Rule 33(1).

¹⁷³ *Prison Rules*, 2007, Rule 100(1)(c) and (d).

¹⁷⁴ *Prison Rules*, 2007, Rule 100(1)(g) and Rule 33(3)

¹⁷⁵ *Mulligan v. Governor of Portlaoise Prison* [2010] IEHC 269.

¹⁷⁶ *Kinsella v. Governor of Mountjoy Prison* [2010] IEHC 235.

¹⁷⁷ Irish Prison Service, *Healthcare Standards*, 2011.

¹⁷⁸ Irish Prison Service, *Healthcare Standards*, 2011, Standard 1.

¹⁷⁹ Irish Prison Service, *Healthcare Standards*, 2011, Standard 1.1.8.

¹⁸⁰ Irish Prison Service, *Healthcare Standards*, 2011, Standard 2.

¹⁸¹ Irish Prison Service, *Healthcare Standards*, 2011, Standard 2.

¹⁸² Irish Prison Service, *Healthcare Standards*, 2011, Standard 2.3.2.

¹⁸³ Irish Prison Service, *Healthcare Standards*, 2011, Standard 2.2.5.

¹⁸⁴ Irish Prison Service, *Healthcare Standards*, 2011, Standard 8.

¹⁸⁵ Irish Prison Service, *Healthcare Standards*, 2011, Standard 3.1.1.

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clinical services for the assessment, treatment, and care of substance misusers comparable to those available in the community”.¹⁸⁶

The Office of the Inspector of Prisons during 2021 reiterated the requirement for appropriate care and treatment for persons who are detained in Cloverhill Prison who require mental health care and treatment in an appropriate therapeutic environment.¹⁸⁷ Cloverhill staff support and training modules re-commenced in November 2022. Currently the Psychology and Psychiatry teams provide inputs, and the GP input is to commence shortly.

February to March 2023, the Office of the Inspector of Prisons worked with a small team of international mental health experts to inspect psychiatric care in Irish prisons.¹⁸⁸ The inspection focused on the treatment and needs of people with serious mental health disorders in prisons. The inspection team visited seven prisons: Mountjoy Men’s Prison, the Dóchas Centre, Cloverhill Prison, Cork Prison, Limerick Prison, Portlaoise Prison and Midlands Prison. Key findings were, people in prisons felt safe, staff supported people in prison with mental disorders, and that there were good relationships between prison officers and people with mental disorders under their care. Concerns were raised about there not being enough staff, the prison environment not being appropriate for mental health treatment, people with serious mental health disorders not receiving appropriate care, and the very limited ‘care pathways’.

The Health Needs Assessment for the Irish Prison Service has made recommendations to improve access to healthcare in prisons, such as employing full-time GPs in most prisons, development of E-Health resources, access to mental health in-patient facilities, increased mental health nursing capacity, simplification of referrals to mental health services, and a review of prisoner’s rights on matters including access to specialised medication.¹⁸⁹

b. Availability of medical staff

Rule 99(1), requires the Minister for Justice and Equality to arrange for the provision of healthcare to prisoners. To that end, the Minister is required to appoint a Director of Prison Healthcare Services,¹⁹⁰ and to engage such and such number of registered medical practitioners as he or she considers necessary to perform the functions of prison doctors.¹⁹¹

The Prison Service’s Healthcare Standards, 2011, provides that healthcare in the prison’s estate will be provided “by staff trained in relevant aspects of clinical practice and health promotion or by outside specialists/external agencies with relevant expertise”.¹⁹²

The European Committee for the Prevention of Torture provided a breakdown of the healthcare coverage for Arbour Hill, Cork and Midlands prisons which account for one third of the prisoners in Irish

¹⁸⁶ Irish Prison Service, Healthcare Standards, 2011, Standard 9.

¹⁸⁷ Office of the Inspector of Prisons, Investigation Recommendation and Status Update, Recommendation ID: CHCT10, 2021.

¹⁸⁸ Office of the Inspector of Prisons, Thematic Inspection: An Evaluation of the Provision of Psychiatric Care in the Irish Prison System, February 2024.

¹⁸⁹ Irish Prison Service, Health Needs Assessment for the Irish Prison Service: Final Report, 2022, 2023, p. 50-59.

¹⁹⁰ Prison Rules, 2007, Rule 99(2).

¹⁹¹ Prison Rules, 2007, Rule 99(3).

¹⁹² Irish Prison Service, Healthcare Standards, 2011, Standard 5.1.1.

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prisons.¹⁹³ Arbour Hill has a health care manager and six nurses; a doctor visits three mornings each week; a dentist and a psychiatrist visit once a week; and two psychiatric nurses each hold one session per week. Cork Prison employs a nursing manager, a care assistant and ten nurses; a dentist visits once per week; a psychiatrist holds three half-day sessions each week; a mental health nurse visits four times per week; a chiropodist and an optometrist visit on a monthly basis. The Midlands Prison has twenty-one nurses and several care assistants; there is a fulltime general practitioner with support from two others, and others provide out-of-hours coverage. The Committee found the three prisons to be well equipped and generally adequately staffed, although they had some suggestions for improving the out-of-hours coverage in the Midlands Prison.¹⁹⁴

c. Medical examination upon admission

Rule 11(1)¹⁹⁵ of the Prison Rules 2007 requires all prisoners to be given a medical examination by a doctor on the day of his or her committal. If a doctor is not then available, a nurse should conduct a preliminary examination, to be followed by a full examination when the doctor becomes available. The purpose of this medical examination is to diagnose any physical or mental illnesses, to isolate a prisoner who may have a communicable disease, to determine the prisoner's fitness for work, to note any medical condition that might impede the prisoner's integration into the prison community, to note any indication of recent injuries, and to record any prescribed medication for the prisoner.¹⁹⁶

The same rule applies to a prisoner being transferred to another prison - they should be medically examined at the first scheduled visit of the doctor to the prison.¹⁹⁷

In addition to the Prison Rules 2007, the Prison Service's Healthcare Standards, 2011, provide that all prisoners will receive a full medical examination by a doctor within 24 hours of committal.¹⁹⁸ The Standards also require that a doctor be available either in person or by telephone to deal with any urgent clinical issues arising from a newly committed prisoner.¹⁹⁹

The Standards also allow for a prisoner refusing the initial examination – the refusal is to be noted on the prisoner's file, and medical personnel should continue to offer an examination.²⁰⁰ How this Standard meets the requirement of an initial medical examination mandated by the Prison Rules is unclear: Part of the reason for the mandatory examination is to determine the existence of a communicable disease, so it is difficult to see how such an examination could be at the discretion of the prisoner.

The Office of the Inspector of Prisons in 2021 highlighted to Castlerea Prison that they must ensure full compliance with Rule 11 of the Irish Prison Rules,²⁰¹ in which all prisoners are to be seen by a doctor on

¹⁹³ Council of Europe, European Committee for the Prevention of Torture, *Report to the Government of Ireland on the visit to Ireland from 23 September to 4 October 2019*, CPT/Inf (2020) 37, at para. 73.

¹⁹⁴ Council of Europe, European Committee for the Prevention of Torture, *Report to the Government of Ireland on the visit to Ireland from 23 September to 4 October 2019*, CPT/Inf (2020) para 37.

¹⁹⁵ *Prison Rules*, 2007, Rule 11(2).

¹⁹⁶ *Prison Rules*, 2007, Rule 11(1).

¹⁹⁷ *Prison Rules*, 2007, Rule 11(3).

¹⁹⁸ Irish Prison Service, *Health Care Standards*, 2011, Standard 1.1.7.

¹⁹⁹ Irish Prison Service, *Health Care Standards*, 2011, Standard 1.1.6.

²⁰⁰ Irish Prison Service, *Health Care Standards*, 2011, Standard 1.18.

²⁰¹ *Prison Rules*, 2007, Rule 11.

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the day of admission to prison.²⁰² Recruitment options are being reviewed. In the interim, a full-time locum GP service has been available to Castlereagh to support compliance with Rule 11.

d. Preventive care

Irish Prison Healthcare Standards Section 6 addresses communicable diseases and outlines conditions that require vaccinations such as Hepatitis or Influenza, all programmes of immunisation offered to prisoners will be in line with national guidelines recommended by the Department of Health & Children or by local Health Boards.²⁰³

e. Specialised care

The Healthcare Standards require, in Standard 2.3.2²⁰⁴, that prisoners be referred to specialist healthcare on the same basis as would apply to individuals holding Medical Cards in the general community". Standard 2.3.3 requires prison governors to ensure that prisoners keep external appointments, while Standard 2.3.4 provides that visiting specialists will be accommodated in the prisons.²⁰⁵

Standard 3²⁰⁶ commits the Irish Prison Service to providing treatment of prisoners suffering from a mental disorder. In prisons in Dublin and in Portlaoise, the Central Mental Hospital provides consultant psychiatrist led sessions.²⁰⁷ In other prisons around the country, visiting psychiatrists provide a similar service. If residential mental health treatment is required, the Prisons Service has access to a limited number of places at the Central Mental Hospital.

The European Committee for the Prevention of Torture visited the Mountjoy Prison unit and a similar six-bed unit in Cork Prison in 2019, and noted the lack of structured activities for the prisoners housed in these units.²⁰⁸ Additionally, Cloverhill Prison has the largest unit which consists of fifteen single cells and five double cells. The Committee noted that mentally ill prisoners in Cloverhill are frequently accommodated in two Special Observation Cells and four Close Supervision Cells. The Committee noted that overcrowding is not uncommon, and this results in prisoners sleeping on mattresses on the floor.²⁰⁹ Further, waiting lists to access psychology services are long; as of January 2024, 1,804 prisoners were on those lists.²¹⁰

As regards drug-addicted prisoners, the Irish Prisons Service issued a drugs policy document in 2005 that put drug rehabilitation as a core element of its policy.²¹¹ To that end, the Service has identified three key elements: identifying and engaging drug misusers, providing treatment options, and ensuring throughcare.²¹²

²⁰²Office of the Inspector of Prisons, [Investigation Recommendation and Status Update](#), Recommendation ID: CRCT10, 2021.

²⁰³ Irish Prison Service, [Health Care Standards](#), 2011, Standard 6.

²⁰⁴ Irish Prison Service, [Health Care Standards](#), 2011, Standard 2.3.2.

²⁰⁵ Irish Prison Service, [Health Care Standards](#), 2011, Standard 2.3.3 and Standard 2.3.4.

²⁰⁶ Irish Prison Service, [Health Care Standards](#), 2011, Standard 2.3.3 and Standard 3.

²⁰⁷ Irish Prison Service, [Mental Health Services](#), n.d.

²⁰⁸ Council of Europe, European Committee for the Prevention of Torture, *Report to the Government of Ireland on the visit to Ireland from 23 September to 4 October 2019*, CPT/Inf (2020) 37, para. 80.

²⁰⁹ Council of Europe, European Committee for the Prevention of Torture, *Report to the Government of Ireland on the visit to Ireland from 23 September to 4 October 2019*, CPT/Inf (2020) 37, para. 81.

²¹⁰ Minister for Justice & Equality, [Prison Service](#), Dáil Éireann Debate, 25 January 2024

²¹¹ Irish Prison Service, *Keeping Drugs Out of Prison: Drugs Policy and Strategy*, 2005.

²¹² Irish Prison Service, *Keeping Drugs Out of Prison: Drugs Policy and Strategy*, 2005, p. 10.

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The Irish Prison Service Drug Strategy 2023-2026²¹³ builds on the commitments of the 2005 Drugs Strategy.²¹⁴ The Irish Prison Service seeks to confront the issue of substances of abuse in prisons with the key aims of; Detect & Reduce, Support & Treat, Inform & Educate. This new drug strategy provides practical measures to be implemented by the Irish Prison Service in addressing the issue of illicit drug use over the next three years.

The Service provides a variety of services to prisoners. In particular, methadone substitution treatment is available in 11 out of the 14 prisons in Ireland (covering 80 percent of Irish prisoners).²¹⁵ Mountjoy Prison has nine places specifically allocated for a drug free programme. Cloverhill and Wheatfield Prisons have a consultant-led addiction service, and other prisons also offer an addiction specialist GP service. The Committee for the Prevention of Torture noted that drug misuse is prevalent in most Irish prisons and recommended that the Service continues to pursue its policy vigorously.²¹⁶

f. Treatment of the detainee's choosing

There are no standards regarding elective medical treatments. A recent case, *Cantwell -v- The Governor of Castlerea Prison & Anor*²¹⁷ concerned a prisoner's preference to be treated with drugs previously prescribed by his GP instead of drug-free alternatives. The Court found that the clinical judgement of the prison healthcare service was valid and the prisoner's preference did not override this.

g. NPM assessment

There is no NPM in Ireland at this time. The relevant oversight body for prisons is the Office of Inspector of Prisons.

Letters from Prisoners reported by the Office of the Inspector of Prisons in 2021 and 2022 covered a variety of issues with health issues (physical and mental) and access to health care being two of the most common.²¹⁸

Covid-19 related mental health care issues were found in all prisons across Ireland in 2021, "52% of respondents thought the number of prisoners requiring mental healthcare service had increased during COVID-19".²¹⁹ "In 12 reports, the OIP recommended that measures be taken to provide psychological support to prisoners both during and after quarantine/isolation".²²⁰

9. Prevention of violence and ill-treatment

a. Protection from violence by prison staff

The general rules of the criminal law, including those concerning unlawful violence, apply within prisons to the same extent as in the general community. Therefore, anyone who commits an act of violence

²¹³ Irish Prison Service, [Drug Strategy 2023-2026](#), 2023.

²¹⁴ Irish Prison Service, *Keeping Drugs Out of Prison: Drugs Policy and Strategy*, 2005.

²¹⁵ Irish Prison Service, [Drug Treatment Services](#), n.d.

²¹⁶ Council of Europe, European Committee for the Prevention of Torture, *Report to the Government of Ireland on the visit to Ireland from 23 September to 4 October 2019*, CPT/Inf (2020) 37, para. 78.

²¹⁷ IEHC 39, 2024.

²¹⁸ Office of Inspector of Prisons, [Annual Report 2022](#), 2023, p. 25; Office of Inspector of Prisons, [Annual Report 2021](#), 2022, p. 30.

²¹⁹ Office of Inspector of Prisons, [Annual Report 2021](#), 2022, p. 21.

²²⁰ Office of Inspector of Prisons, [Annual Report 2021](#), 2022, p. 18.

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against a prisoner – be it another prisoner or a Prison Officer – commits an offence that can result in a criminal prosecution. In addition, the Prison Rules indicate that each prison cell “shall be fitted with a mechanism by which a prisoner locked inside may attract the attention of a prison officer and such mechanism shall be capable of being operated by such a prisoner at all times”.²²¹

The Prison Rules impose various obligations on prison officers as regards the security of prisoners. All prison officers are duty-bound to respect the dignity and human rights of prisoners.¹⁸⁵ The Rules prohibit individual prison officers from imposing punishment on prisoners without authorisation.²²² There are also restrictions on the use of force by prison officers. Rule 93 provides that only such force as is reasonably necessary and proportionate to maintain or restore good order or safe/secure custody. Striking a prisoner is expressly prohibited unless necessary to prevent injury to himself or another.²²³ Where force has been used, the officer in question must make a written report to the prison governor,²²⁴ and the prisoner must be seen by a doctor as soon as reasonably practicable.²²⁵

Rule 57A of the Prison Rules requires that any allegation from a prisoner as to an incident that might constitute a criminal offence be reported to the Governor and the Gardaí.¹⁹⁰ The Governor is required to take a record of the allegation, and to preserve possible evidence for the Gardaí. A separate rule exists in relation to allegations of assault, excessive force against a prisoner, or ill treatment, racial abuse, discrimination, intimidation, threats or any other conduct against a prisoner “of a nature and gravity likely to bring discredit on the Irish Prison Service”.¹⁹¹ This Rule places an obligation on all members of the Irish Prison Service and prisoners to whom a complaint of such an incident is made to notify the prison Governor.¹⁹² The Governor is obliged to preserve relevant evidence, to arrange for a medical examination of the prisoner in question and to record and photograph physical force, and to record the names of all potential witnesses.¹⁹³ The Governor must also notify the Director General of the Irish Prison Service and the Inspector of Prisons.¹⁹⁴ The Director General will appoint an investigation team from outside the prison in question unless the Director General is satisfied that the complaint is vexatious.¹⁹⁵ The purpose of the investigation is to determine whether there are grounds for the complaint and to make recommendations for the future management of such complaints.¹⁹⁶ All members of the Irish Prison Service are obliged to fully cooperate with the investigation.¹⁹⁷ The investigation should result in the production of a report, generally within three months.¹⁹⁸

The European Committee for the Prevention of Torture 2019 visit to Ireland reported that prisoners had told that “the vast majority of prison officers treated them correctly, and relations between staff and prisoners could be categorised as respectful in most of the prisons visited”.²⁰¹ Nevertheless, the Committee recommended that prison officers be reminded of their obligations, and that they receive refresher training courses on the use of control and restraint techniques. Training in de-escalation and communication skills would also be useful.²⁰²

²²¹ *Prison Rules*, 2007, Rule 18(4).

²²² *Prison Rules*, 2007, Rule 93.

²²³ *Prison Rules*, 2007, Rule 93(2)

²²⁴ *Prison Rules*, 2007, Rule 93(4)

²²⁵ *Prison Rules*, 2007, Rule 93(3)

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In 2019, the Irish Penal Reform Trust (IPRT) reported 110 incidents of prisoner-staff assaults.²²⁶ No recent data is available for violence against prisoners by prison staff. 8 letters to the Inspector of Prisons in 2022 referred to “Concerns around violent behaviours on the part of prison staff and fellow prisoners”, but there is no breakdown of these by staff.²²⁷ Category A complaints under Rule 57(B) relate to allegations of a serious nature, such as assault or use of excessive force against a prisoner or ill treatment, racial abuse, discrimination, intimidation, threats, and these are notified to the Inspector, but there is no published breakdown of complaints that relate to violence against prisoners by staff.²²⁸

b. Protection from violence by other detainees

In the Irish Prison Service, prisoners repeatedly engaged in serious violence are managed under the Violently Disruptive Prisoner (VDP) policy at the National Violence Reduction Unit (NVRU) which is in operation since 2018. It is based in the Midlands Prison, but operates separately as a National Unit. It is a co-led unit, jointly managed by an Assistant Governor (Operational Lead) and Senior Psychologist (Clinical Lead). The NVRU was established in order to provide an enhanced, psychologically-informed service to those people in custody who are typically experiencing high levels of psychological / mental distress and who display high levels of violence and disruptive behaviour in particular circumstances in custody. At 4 July 2023, there were six prisoners detained at the Unit.²²⁹

The Irish Prison Service (IPS) VDP policy defines violent and disruptive prisoner behaviour as that which: (a) involves serious repetitive violence towards staff and/or other prisoners (b) poses a significant risk of violence towards others (c) poses particular operational issues for the prison system. A recent review found that prisoners said that being managed under the policy was "surreal, with feelings of humiliation, isolation, and fear being predominant, and prisoners' overall wellbeing negatively impacted". Prisoners viewed their experiences negatively, highlighting the restrictive nature of the regime, which involved limited out-of-cell time in an enclosed environment, with prisoners experiencing a lack of privacy, routine, and autonomy. They also said it was "incredibly solitary, involving minimal human contact in an isolated environment", while prison officers emphasised that the regime was not appropriate for prisoners with mental illness.²³⁰

In February 2018, the Minister for Justice and Equality pointed to a variety of measures taken by the Irish Prison Service to reduce the possibility of prison violence: use of hand-held metal detectors, netting over prison yards, “boss chairs”, and security screening machines to detect and prevent weapons from entering the prisons.¹⁸⁴ By 2021 there was a noticeable decrease (by more than 50%) in the number of contraband weapons seized annually since 2018.²³¹

Prisoner-on-prisoner assaults decreased significantly between 2012 and 2021 according to figures

²²⁶ Gallagher, O., Regan, E. E., & O'Reilly, G. (2022). Serious violence in the Irish Prison Service: exploring the experiences of prison officers and prisoners under the Violently Disruptive Prisoner policy. *Psychology, Crime & Law*, 1–28. <https://doi.org/10.1080/1068316X.2022.2096885>

²²⁷ Office of Inspector of Prisons, *Annual Report 2022*, 2023, p. 25.

²²⁸ Office of Inspector of Prisons, *Annual Report 2022*, 2023, p. 20.

²²⁹ Oireachtas, *Prison Service*, Debate 11 July 2023.

²³⁰ Gallagher, O., Regan, E. E., & O'Reilly, G. (2022). Serious violence in the Irish Prison Service: exploring the experiences of prison officers and prisoners under the Violently Disruptive Prisoner policy. *Psychology, Crime & Law*, 1–28. <https://doi.org/10.1080/1068316X.2022.2096885>

²³¹ Office of Inspector of Prisons, *Annual Report 2021*, 2022, p. 12.

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published by the Irish Prison Service.²³² No figures have been published for 2022 and 2023.

The Irish Prison Service publishes data on contraband seizures.²³³ The roll out of the Anti-Drone Technology was extended to six prisons in total in 2021. The Irish Prison Service saw significant seizures of contraband in prisons across the estate in 2021 with the number of seizures of illegal drugs and mobile phones being double the rate from 2016.²³⁴

Rule 64 of the Prison Rules 2007 states, a prisoner shall be accommodated in a special observation cell only if “it is necessary to prevent the prisoner from causing imminent injury to himself or herself, or others and all other less restrictive methods of control have been or would, in the opinion of the Governor, be inadequate in the circumstances.” There are two types of special observation cell: Close Supervision Cell and Safety Observation Cell. In 2010 and again in 2019, the Committee for the Prevention of Torture raised questions about the use of these cells, including confusion among staff about the operation of new SOPs, and in 2019, requested a wholesale review of the use of both Close Supervision and Safety Observation Cells.²³⁵

c. NPM assessment

There is no NPM in Ireland at this time. The relevant oversight body for prisons is the Office of Inspector of Prisons.

No comment has been made by the Office of Inspector of Prisons in their annual reports. No general inspection reports have been published since 2017 although safety of prisoners has been the subject of recent unpublished general inspections.²³⁶

10. Contact with the outside world

a. Visits

According to Prison rules, and as part of the contact with outside community, a convicted prisoner aged above 18 years is entitled to not less than one visits each week from family members or friends of at least 30 minutes duration.²³⁷ For a convicted prisoner aged less than 18 years is entitled to not less than two visits each week from family members or friends and lasting not less than 30 minutes duration. On the other hand, based on Rule 35(3) of the Prison Rules, an unconvicted prisoner is entitled to “one visit per day from relatives or friends of not less than 15 minutes in duration on each of six days of the week, where practicable, but in any event, on not less than on each of three days of the week”.²³⁸ However, according to Rule 35(4), the Governor may allow a prisoner to receive more visits than stipulated under the law or allow visits to last longer than the required duration.²³⁹ Other restrictions include the

²³² Irish Prison Service, Assault Figures, 2021.

²³³ Irish Prison Service, Contraband Seizures, 2022.

²³⁴ Office of Inspector of Prisons, Annual Report 2021, 2022, p. 12.

²³⁵ Government of Ireland, Response of the Government of Ireland to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Ireland from 23 September to 4 October 2019, p.42

²³⁶ Office of Inspector of Prisons, Annual Report 2022, 2023..

²³⁷ Prison Rules, 2007, Rule 35.

²³⁸ Irish Statute Book, S.I. No. 252/2007 - Prison Rules, 2007.

²³⁹ Irish Statute Book, S.I. No. 252/2007 - Prison Rules, 2007.

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governor restricting the “persons allowed visit any individual prisoner to persons nominated for the time being by the prisoner” and restricting the number of persons allowed to visit any prisoner to not more than three persons.²⁴⁰

Regarding visit by legal representatives, according to Rule 38(1), a prisoner is entitled to receive visit at any “reasonable time for the purposes of consulting in relation to any matter of a legal nature in respect of which the prisoner has a direct interest, and any such visit shall take place within the view of, but out of the hearing of a prison officer”.²⁴¹ Furthermore, and at the discretion of the Governor, a prisoner is entitled to “receive a visit at any reasonable time from a legal adviser or from any other person approved of by that legal adviser who is assisting in making preparations on behalf of a party to proceedings before the courts whether criminal or civil in nature”, and such a visit shall take place within the view and hearing of a prison officer, except where the prisoner or the visitor requests otherwise.²⁴²

On visits by social workers, probation and welfare officers are entitled to visit a prisoner at “any reasonable time for the purpose of preparing a report for a court or other report relevant to a matter in which the prisoner has an interest”.²⁴³ Such visits should take place within the view of a prison officer and unless the probation or welfare officer requests, out of hearing of the prison officer as well.²⁴⁴ For visits by medical practitioners, the Governor can permit a registered medical practitioner or registered dental practitioner concerned to attend at the prison and examine and provide treatment to an unconvicted prisoner who requests the services of a registered medical practitioner or dental practitioner other than the prison doctor and the dentist provided by the Minister.²⁴⁵ In addition, with the consent of the Governor, a prison doctor may request a consent of a registered medical practitioner from outside the prison to treat a prisoner.²⁴⁶ Prisoners particularly women, should be assigned to a prison as close to their homes as possible, in order that prisoners maintain contact with their families.²⁴⁷

In September 2021, the Irish Prison Service (IPS) began implementing a Framework for the Unwinding of the Prison Restrictions developed in June 2021 and meant to phase out the restrictions that were put in place due to Covid-19²⁴⁸. The Irish Prison service announced the recommencement of physical visits across all prisons following a complete vaccination programme in all prisons.²⁴⁹ Some of the changes under the new regulations included: one physical family visit per fortnight of not more than 20 minutes in duration.²⁵⁰ Alternatively, the prisoners could opt for two 20 minutes video visits if they preferred that option.²⁵¹ However, the prisoners who opted for physical visit were also entitled to one video visit

²⁴⁰ Irish Statute Book, S.I. No. 252/2007 - Prison Rules, 2007, Rule 35(5).

²⁴¹ Irish Statute Book, S.I. No. 252/2007 - Prison Rules, 2007, Rule 38(1).

²⁴² Irish Statute Book, S.I. No. 252/2007 - Prison Rules, 2007, Rule 38(2).

²⁴³ Irish Statute Book, S.I. No. 252/2007 - Prison Rules, 2007, Rule 40(1).

²⁴⁴ Irish Statute Book, S.I. No. 252/2007 - Prison Rules, 2007, Rule 40(2).

²⁴⁵ Irish Statute Book, S.I. No. 252/2007 - Prison Rules, 2007, Rule 73(1).

²⁴⁶ Irish Statute Book, S.I. No. 252/2007 - Prison Rules, 2007, Rule 106(1).

²⁴⁷ Office of the Inspector of Prisons, A Framework for the Inspection of Prisons in Ireland, 2020, p. 21.

²⁴⁸ Houses of the Oireachtas, Prison Service, 15 June 2021, 2021

²⁴⁹ Irish Prison Service, The Recommencement of Physical Visits, 2021.

²⁵⁰ Irish Prison Service, The Recommencement of Physical Visits, 2021.

²⁵¹ Irish Prison Service, The Recommencement of Physical Visits, 2021.

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of not more than 20 minutes per fortnight. The physical visits were also limited to two visitors comprised of one adult and one child (under 18 years of age).²⁵²

An inspection report published in January 2024 by the office of the Inspector of Prisons of the Mountjoy Female Prison revealed that there were some challenges with the virtual visits such as server upgrades and identification of suitable locations within the prisons for the handset.²⁵³ In addition, on the users side, the challenges included calls dropping due to poor network in some regions and lack of understanding on how to book and access the visits.²⁵⁴

b. Correspondence

According to Prison Rules, a prisoner is entitled “to send letters to his or her family or friends, and to receive as many letters as are sent to him or her by his or her family or friends”.²⁵⁵ However, in addition to being entitled to sending letters to family and friends, an unconvicted prisoner is entitled to send and receive letters from other persons “as reasonably necessary for the purposes of the management of his or her property or business affairs”.²⁵⁶ Where a prisoner has sent seven letters in one week, for any other more letters sent that same week, the prisoner may be required to pay for postage and writing materials.²⁵⁷ Additionally, a prisoner is entitled to send and receive letters from persons or bodies such as:

- a) his or her legal adviser,
- b) a member of the visiting committee,
- c) the Minister,
- d) the Chief Justice, the President of the High Court, The President of the Circuit Court, the President of the District Court or the Presiding Judge of the Special Criminal Court,
- e) the European Court of Human Rights,
- f) the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, known as CPT,
- g) the Parole Board,
- h) the Inspector of Prisons,
- i) the Irish Human Rights Commission,
- j) the International Committee of the Red Cross.²⁵⁸

At the discretion of the Governor, a prisoner is also entitled to send and receive letters from a person he or she might receive a visit from, which relates to legal advice or court appearance.²⁵⁹ An e-

²⁵² Irish Prison Service, The Recommencement of Physical Visits, 2021.

²⁵³ Office of the Inspector of Prisons, Inspection Report Oversight Monitoring Visit During Covid-19 Pandemic. Mountjoy Female Prison (Dochas centre), August 2020, 2024, p. 20.

²⁵⁴ Office of the Inspector of Prisons, Inspection Report Oversight Monitoring Visit During Covid-19 Pandemic. Mountjoy Female Prison (Dochas centre), August 2020, 2024, p. 20.

²⁵⁵ Prison Rules, 2007, Rule 43(1).

²⁵⁶ Prison Rules, 2007, Rule 43(2).

²⁵⁷ Prison Rules, 2007, Rule 43(3).

²⁵⁸ Prison Rules, 2007, Rule 44(1).

²⁵⁹ Prison Rules, 2007, Rule 44(2).

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correspondence has been rolled out in Mountjoy Prison, Cloverhill Prison, and Midlands Prison, which allows for more timely distribution of correspondence.²⁶⁰

Regarding the telephone calls “the Governor may permit a prisoner to communicate with members of his or her family or his or her friends by means of telephone calls, for such period or periods of time and in accordance with such procedures, as the Governor shall determine”.²⁶¹ Convicted prisoners above 18 years are entitled to make at least one telephone calls per week to family and friends, while those aged less than 18 years are entitled to make at least two telephone calls to family and friends, subject to availability of facilities.²⁶² On the other hand, an unconvicted prisoner is entitled to make at least five telephone calls per week to family and friends, and as many calls as reasonable and necessary to manage his business or property affairs.²⁶³ However, the Governor or a prison officer authorised by the Governor may terminate a telephone call if there is a reasonable ground to believe that the call:

- a) is threatening in nature,
- b) could cause serious offence or distress to the recipient of the call
- c) could cause an interference with the course of justice,
- d) the recipient of the call has informed either the Minister or the Governor that he or she does not wish to receive telephone calls from the prisoner,
- e) would facilitate or encourage the commission of a criminal offence or hamper the prevention, detection, investigation or prosecution of a criminal offence,
- f) could give rise to a legal action by a third party against the Governor or the Minister,
- g) is contrary to the interests of national security,
- h) is contrary to the interests of the security, good order and government of the prison or
- i) infringes the rights and freedoms of another person (including the right to privacy of another prisoner).²⁶⁴

According to Prison Rules, as an alternative to a visit, the Governor may “permit a prisoner and persons outside the prison to communicate by means of a device capable of transmitting simultaneously sounds and visual images for such period or periods of time as the Governor shall determine”.²⁶⁵ Such communication shall take place with the consent of the prisoner concerned and within the view and hearing of a prison officer, unless it is a communication with legal adviser, relating to court appearance, or by member of the Garda Síochána.²⁶⁶ Moreover, such communications may be charged to a prisoner or a person, and the Governor of a prison is required to ensure that prisoners are informed of such charges and the methods of payment.²⁶⁷

According to standards for the inspection of prisons, contact between women prisoners with their children “shall be fostered, encouraged and facilitated”.²⁶⁸ In this regard, prison visits involving children,

²⁶⁰ Office of the Inspector of Prisons, Investigation Recommendation and Status Update.

²⁶¹ Prison Rules, 2007, Rule 46(1).

²⁶² Prison Rules, 2007, Rule 46(2) and (3).

²⁶³ Prison Rules, 2007, Rule 46(4).

²⁶⁴ Prison Rules, 2007, 46(8).

²⁶⁵ Prison Rules, 2007, Rule 42(1).

²⁶⁶ Prison Rules, 2007, Rule 42(2) and (3).

²⁶⁷ Prison Rules, 2007, Rule 42(5).

²⁶⁸ Inspector of Prisons, Standards for the Inspection of Prisons – Women Prisoners’ Supplement, 2011, 2020, p. 12.

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contact between mother and child is allowed in an appropriate surrounding subject to maintenance of order, safe and secure custody.²⁶⁹ Moreover, taking the best interest of the child into consideration, contact between women prisoners and their children is not considered as a disciplinary action.²⁷⁰ Additionally, women prisoners who are in prisons far from their home and cannot be visited regularly by their children and immediate family members are allowed longer visits or telephone calls when feasible as a compensation for lack of regular visits.²⁷¹

c. NPM assessment

There is no NPM in Ireland at this time. The relevant oversight body for prisons is the Office of Inspector of Prisons.

[Office of the Inspector of Prisons, Annual Report, 2021](#)

“Restrictions on in-person visits have resulted in many people in custody not seeing their families for more than a year. No person in custody has been able to engage in physical contact with family since the beginning of the pandemic”.²⁷²

“Periods of COVID-19 related quarantine and isolation have negatively impacted on people in custody, with a lack of meaningful human contact, long periods in cells (isolation periods of up to 14 days did not permit any out-of-cell-time) and limited engagement with services. The majority of prisoners in isolation for COVID-19 were not permitted to shower.”²⁷³

“Postal communications in many of the prisons have experienced delays, with the office tasked with processing post often being understaffed in many prisons.”²⁷⁴

“Remote courts have assisted in ensuring people in custody are able to attend court sessions, but many prisoners reported feeling disengaged during the process, and did not feel as though they could communicate with their legal representation during remote court sessions”.²⁷⁵

11. Special measures for female detainees

a. General conditions of detention for women and girls

The Inspector of Prisons published a set of standards specific to female prisoners in 2011, noting that treating male and female prisoners in the same way would not constitute equality.²⁷⁶ Standard 260 provides that prison staff dealing with female offenders should receive specific training in doing so.²⁷⁷ In particular, they should be trained to identify vulnerable women and how to deal with incidents of

²⁶⁹ Inspector of Prisons, [Standards for the Inspection of Prisons – Women Prisoners’ Supplement](#), 2011, 2020, p. 12.

²⁷⁰ Inspector of Prisons, [Standards for the Inspection of Prisons – Women Prisoners’ Supplement](#), 2011, 2020, p. 12.

²⁷¹ Inspector of Prisons, [Standards for the Inspection of Prisons – Women Prisoners’ Supplement](#), 2011, 2020, p. 12.

²⁷² Office of the Inspector of Prisons, [Annual Report, 2021](#), p. 16.

²⁷³ Office of the Inspector of Prisons, [Annual Report, 2021](#), p. 16.

²⁷⁴ Office of the Inspector of Prisons, [Annual Report, 2021](#), p. 17.

²⁷⁵ Office of the Inspector of Prisons, [Annual Report, 2021](#), p. 17.

²⁷⁶ Inspector of Prisons, [Standards for the Inspection of Prisons – Women Prisoners’ Supplement](#), 2011, para. 2.8.

²⁷⁷ Inspector of Prisons, [Standards for the Inspection of Prisons – Women Prisoners’ Supplement](#), 2011, Standard 260.

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self-harm.²⁷⁸ Further, prisons should put in place clear protocols on staff dealing with female prisoners in order to protect both groups against false allegations.²⁷⁹ Only female officers should be permitted to conduct searches of female prisoners, and must respect their dignity.²⁸⁰ In particular, female prisoners should not generally be required to remove their underwear during a search.²⁸¹

Standards 250-255 deal with female prisoners being able to maintain contact with their children and families.²⁸² Contact between the prisoner and their families should be fostered and encouraged, and subject to good order, prison visits involving children should allow for physical contact between mother and children. Contact with children should not be withdrawn as a punishment. Female prisoners should be able to participate as far as possible in parental decisions relating to their minor children. If the prisoner is being held in a prison that is far from her home, this should be compensated for by allowing longer visits from children and immediate family or giving additional phone calls.

In September 2020 a chaplain of the Dóchas women's prison resigned from their post, quoting a culture of "fear, indifference, hostility, and ineptitude".²⁸³ The chaplain stated that women in custody report living in fear, and cited a request to allow a prisoner a phone call to her partner, also a prisoner, following the death of the latter's father went unaddressed. The Chaplain's resignation followed the Irish Examiner publishing details of the Chaplain's 2019 report, which stated that women in the Dóchas were subjected to chronic overcrowding, xenophobic and threatening abuse, and that they find it next to impossible to book visits.²⁸⁴ These issues were not discussed in either the Report of the Dóchas Visiting Committee 2021²⁸⁵ or in the Inspection Report Oversight Monitoring Visit 2020.²⁸⁶ The Irish Penal Reform Trust has noted that Ireland's two female prisons (the Dóchas Centre in Dublin and Limerick Female Prison) are consistently the most overcrowded in the state. With three exceptions, the prison with the highest occupancy rate at the beginning of each month during 2022 was Limerick Female Prison.²⁸⁷ Ireland's newest women-only prison in Limerick as reported to be 27% over capacity in 2024, hosting 71 inmates while only having capacity for 56.²⁸⁸

²⁷⁸ Inspector of Prisons, [Standards for the Inspection of Prisons – Women Prisoners' Supplement](#), 2011, Standard 261.

²⁷⁹ Inspector of Prisons, [Standards for the Inspection of Prisons – Women Prisoners' Supplement](#), 2011, Standard 262.

²⁸⁰ Inspector of Prisons, [Standards for the Inspection of Prisons – Women Prisoners' Supplement](#), 2011, Standard 258.

²⁸¹ Inspector of Prisons, [Standards for the Inspection of Prisons – Women Prisoners' Supplement](#), 2011, Standard 259.

²⁸² Inspector of Prisons, [Standards for the Inspection of Prisons – Women Prisoners' Supplement](#), 2011, Standard 250-255.

²⁸³ Clifford M., 'Chaplain takes leave from role citing 'toxic environment' in women's prison', *Irish Examiner*, 25 September 2020.

²⁸⁴ Clifford M., 'Internal report reveals overcrowding and verbal abuse at women's prison', *Irish Examiner*, 8 September 2020.

²⁸⁵ Minister for Justice, [Report of the Dóchas Visiting Committee](#), 2021

²⁸⁶ Department of Justice, [Inspection Report Oversight Monitoring Visit During COVID-19 Pandemic Mountjoy Female Prison \(Dóchas Centre\) 2020](#), 2024.

²⁸⁷ Irish Penal Reform Trust, [Progress in the Penal System: A Framework for Penal Reform \(2022\)](#), 2023, p. 19.

²⁸⁸ Brennan, C., Female-only prison operating at 27% above stated capacity, *Irish Examiner*, 15th February, 2024.

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In a joint strategy document for 2014-16, the Irish Probation Service and Irish Prison Service acknowledged that as most sentenced offenders are men, there is a “tendency to provide generic offender-based services to women offenders designed for men in the first instance”.²⁸⁹

As of January 2024, women made up just over 4.9% percent of the prison population (235 of 4,748).²⁹⁰

In 2014, the Irish Prison Service committed itself to maintaining a “woman centric focus and ethos for female prisoner by upholding positive practices and standards from the committal stage and throughout sentence management”.²⁹¹ The Service also committed to exploring the development of an “open centre/open conditions” for low risk women offenders.²⁹² There is no specific mention of this commitment or any Gender focused goals in the new Irish Prison Service Strategy 2023-2027.²⁹³

The Service’s *Annual Report* for 2019 pointed to a programme of refurbishment at Limerick Prison that will provide a “more appropriate, rehabilitative and open environment for female prisoners”.²⁹⁴ This refurbishment was completed in 2022, creating a standalone facility capable of independent operation, consisting of 42 rooms and eight self-contained apartments.²⁹⁵

The 2020 Annual Report mentions the Outlook Women’s Programme, established 2019, providing accommodation and support services for female offenders operating at full capacity, while Tus Nua at the Abigail Centre, supporting women with a range of complex needs, leaving custody or on probation supervision.²⁹⁶ Also, a gender-informed training programme, Working with Women in Custody, had been developed and commenced for some staff working with female offenders. Further training was delayed by COVID-19 restrictions and planned for 2021.²⁹⁷

b. Separation from men

The Prison Rules 2007 state at Rule 52(1) that male and female prisoners must be accommodated “in separate areas to which prisoners of the opposite gender do not normally have access”, and should generally be kept apart.²⁹⁸ Rule 52(2), however, makes allowance for male and female prisoners to engage together in structured activities.²⁹⁹ There are two facilities for female prisoners in Ireland. The primary detention facility for women is the Dóchas Centre, a medium security prison for up to 146 female offenders located at Mountjoy Prison, Dublin.³⁰⁰ Limerick Prison can also accommodate up to 28

²⁸⁹ Irish Probation Service and Irish Prison Service, [Strategy 2014-2016: An Effective Response to Women who Offend](#), 2014, p. 5. The Inspector of Prisons had earlier made the same point. See Office of the Inspector of Prisons, [Standards for the Inspection of Prisons in Ireland – Women Prisoner’s Supplement](#), 2011, para. 2.3.

²⁹⁰ Irish Prison Service, [Census of Prison Population January 2024 – Cell Occupancy – In-Cell Sanitation](#), 2024, Table 1

²⁹¹ Irish Probation Service and Irish Prison Service, [Strategy 2014-2016: An Effective Response to Women who Offend](#), 2014, p. 8.

²⁹² Irish Probation Service and Irish Prison Service, [Strategy 2014-2016: An Effective Response to Women who Offend](#), 2014, p. 8.

²⁹³ Irish Prison Service, [Strategic Plan 2023-2027](#), 2023.

²⁹⁴ Irish Prison Service, [Annual Report 2019](#), 2020, p. 4.

²⁹⁵ Irish Prison Service, [Annual Report 2022](#), 2023, p. 12.

²⁹⁶ Irish Prison Service, [Annual Report 2020](#), 2021, p. 57.

²⁹⁷ Irish Prison Service, [Annual Report 2020](#), 2021, p. 57.

²⁹⁸ [Prison Rules](#), 2007, Rule 52(1).

²⁹⁹ [Prison Rules](#), 2007, Rule 52(2).

³⁰⁰ Irish Prison Service, [Annual Report 2022](#), 2023, p. 39.

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female prisoners.³⁰¹ The Prison’s Visiting Committee has highlighted a problem with overcrowding at both facilities across several annual reports.³⁰² The Irish Prison Service’s in-cell census for January 2024 shows 167 female prisoners in the Dóchas Centre, and 68 at Limerick Prison.³⁰³

c. Hygiene

The Inspector of Prisons has recommended that provision be made in women’s prisons for the sanitary needs of female prisoners, and that such provision respects the privacy of the prisoners.³⁰⁴ Further, if a female prisoner has suffered any form of abuse, her particular needs should be provided for under Standard 239.³⁰⁵

The Office of the Inspector of Prisons in 2021 reiterated to the Dóchas Centre and Limerick prison the Irish Prison Service’s commitment to providing free period products, and highlighting that the Irish Prison Service should take positive measures to respect the dignity of women by ensuring that all women have access to gender-specific and period products.³⁰⁶ Supply issues were addressed and an officer was assigned to the task of ensuring prisoners have access to feminine hygiene products.

d. Healthcare

The Inspector Prisons’ Standard 236 requires that “gender specific healthcare facilities and services for women prisoners” be available in women’s prisons. Those facilities and standards should be “equivalent to those available to women in the community”.³⁰⁷ Standard 241 provides that pregnant prisoners should receive a level of care equivalent to that available in the community.³⁰⁸

Standard 237 provides that female prisoners should, where possible, have access to a female doctor and/or a female nurse”.³⁰⁹ A female member of staff should be present if a male medical practitioner conducts an examination when the prisoner has requested a female practitioner.

Standard 240 provides that female prisoners should not be placed in any restraints, including handcuffs, while undergoing any medical procedure.³¹⁰ This requirement is expressly subject to security

³⁰¹ Irish Prison Service, [Annual Report 2022](#), 2023, p. 37.

³⁰² Prison Visiting Committee, [Annual Report 2018 Dóchas Centre](#), 2019, p. 4; [Annual Report 2019 Dóchas Centre](#), 2020, p. 4; [Annual Report 2020 Dóchas Centre](#), 2021, p. 5; [Annual Report 2018 Limerick Prison](#), 2019, p. 2; [Annual Report 2019 Limerick Prison](#), 2020, p. 1.

³⁰³ Irish Prison Service, [Census of Prison Population January 2024 – Cell Occupancy – In-Cell Sanitation](#), 2024, at Table 1.

³⁰⁴ Inspector of Prisons, [Standards for the Inspection of Prisons – Women Prisoners’ Supplement](#), 2011, Standard 238.

³⁰⁵ Inspector of Prisons, [Standards for the Inspection of Prisons – Women Prisoners’ Supplement](#), 2011, Standard 239.

³⁰⁶ Office of the Inspector of Prisons, [Investigation Recommendation and Status Update](#), Recommendation ID: DOCT7 and LMCT7, 2021.

³⁰⁷ Inspector of Prisons, [Standards for the Inspection of Prisons – Women Prisoners’ Supplement](#), 2011, Standard 236.

³⁰⁸ Inspector of Prisons, [Standards for the Inspection of Prisons – Women Prisoners’ Supplement](#), 2011, Standard 241.

³⁰⁹ Inspector of Prisons, [Standards for the Inspection of Prisons – Women Prisoners’ Supplement](#), 2011, Standard 237.

³¹⁰ Inspector of Prisons, [Standards for the Inspection of Prisons – Women Prisoners’ Supplement](#), 2011, Standard 240.

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considerations. If a prison officer is accompanying the prisoner, he or she must be mindful of medical confidentiality and must respect the prisoner’s privacy and dignity.

As regards giving birth, Standard 242 prohibits the use of restraints during labour, during birth or immediately after giving birth.³¹¹ Additionally, Prison Rules 2007 state pregnant female prisoners are to be facilitated in giving birth outside the prison.³¹²

The Health Needs Assessment for the Irish Prison Service had made recommendations to strengthen delivery of healthcare services, including access to a female GP at Limerick Prison, prison-based cervical screening, and development of gender-focused housing and community services pathways following release.³¹³

e. Pregnancy and women with babies or young children

Between 2017 and 2022, a total of 10 babies were born to women in custody.³¹⁴ Standard 243 of the Inspector of Prisons’ Standards provides that a prisoner who has just given birth shall not be returned to prison unless authorised by a doctor. Standard 244 requires that the best interests of the child should be the basis of the decision as to whether a baby can stay with his or her mother. If the baby is to remain with the mother, then Standard 246 provides that the healthcare facilities and services must be appropriate for babies and should be equivalent to those available in the community. If the mother and baby are to be separated, this should be planned in advance, and all necessary supports should be provided to the mother. If babies are to be accommodated, then Standard 248 requires that a clear and comprehensive child protection policy should be in place. Relevant programmes designed for pregnant women, nursing mothers and women with babies in prison should be available.³¹⁵

Standard 247 suggests that consideration be given to the provision of a mother and baby unit in any women’s prison where mothers and babies are to be accommodated.³¹⁶ Such a unit has been established at the Dóchas Centre.³¹⁷ All mothers in the unit have their own room after giving birth, and necessities including a cot, baby food, nappies are provided. There is no similar unit in Limerick Prison, so any female prisoner there can be transferred to the Dóchas Centre.³¹⁸ The purpose behind the unit is to minimise disruption to the bonding of mother and child.³¹⁹ The Dóchas Centre Visiting Committee stressed the importance of this policy in its 2017 and 2018 Reports.³²⁰ The Committee

³¹¹ Inspector of Prisons, [Standards for the Inspection of Prisons – Women Prisoners’ Supplement](#), 2011, Standard 242.

³¹² [Prison Rules](#), 2007, Rule 33(2).

³¹³ Irish Prison Service, [Health Needs Assessment for the Irish Prison Service: Final Report 2022](#), 2023, p.52-53.

³¹⁴ Minister for Justice and Equality, [Prisoner Data](#), Dáil Éireann debate, 1 October 2019; Minister for Justice and Equality, [Prison Service](#) Dáil Éireann Debate, 10 March 2022; Minister for Justice and Equality, [Written Answers Nos. 1025-1042](#), 18 April 2023.

³¹⁵ Inspector of Prisons, [Standards for the Inspection of Prisons – Women Prisoners’ Supplement](#), 2011.

³¹⁶ Inspector of Prisons, [Standards for the Inspection of Prisons – Women Prisoners’ Supplement](#), 2011, Standard 247.

³¹⁷ Minister for Justice and Equality, [Prison Service](#), Dáil Éireann Debate, 18 April 2023.

³¹⁸ Minister for Justice and Equality, [Prison Service](#), Dáil Éireann Debate, 18 April 2023.

³¹⁹ Ireland, Minister for Justice and Equality, [Answer to Parliamentary Queries 130, 133 and 134 from Deputy Clare Daly T.D.](#), 11 April 2017.

³²⁰ Dóchas Centre Visiting Committee, [Annual Report for 2017](#), 2018, p. 3.; Dóchas Centre Visiting Committee, [Annual Report for 2018](#), 2019, p. 3.

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noted the high quality of the Unit and that it was well stocked.³²¹ The next assessment of the Mother and Baby unit came in the 2021 report, the Governor and staff were praised for the arrangements made with considerations for Covid restrictions.³²² The Committee also noted in 2017, however, that some women and their babies had been removed from the Unit to ordinary rooms as a disciplinary measure.³²³ Noting the impact that such a move might have on the child, the Committee demanded that this practice be ended and that the women be returned to the Unit.

f. NPM assessment

There is no NPM in Ireland at this time. The relevant oversight body for prisons is the [Office of Inspector of Prisons](#).

No specific comment has been made on women's imprisonment conditions in the OIP Annual Report 2022.

12. Special measures for foreign nationals

a. General measures for foreign nationals

Based on the Prison rules, a foreign national is entitled to be provided with a consul, while asylum seekers are entitled to be provided with the means to contact:

- a) the United Nations High Commissioner for Refugees or the Representative in Ireland of the High Commissioner, and
- b) subject to such limitation as to numbers as the Governor may reasonably impose, national or international authorities and organisations whose principal object is to serve the interests of refugees or stateless persons or to protect the civil and human rights of such persons.³²⁴

In addition, the foreign national is also to be informed in particular about his or her entitlements to a visit by a legal adviser or relating to court appearance.³²⁵ A foreign national is also entitled "to receive a visit from his or her consul at any reasonable time or where he or she is a stateless person the consul of a state of his or her choosing who is willing to visit him or her".³²⁶ Asylum seekers are also entitled to a visit at any reasonable time from the following entities:

- a) such national or international authorities or organisations, as may be designated by the Minister, whose principal object is to serve the interests of refugees or stateless persons, and
- b) a consul of a state of his or her choosing.³²⁷

Unless the Governor directs otherwise, all visits to foreign nationals at a prison take place in the hearing and view of a prison officer. Moreover, the visits have to take place in "a part of the prison designated for that purpose, but the Governor may permit a visit to take place in a part of the prison other than a part so designated, where,

³²¹ Dóchas Centre Visiting Committee, [Annual Report for 2017](#), 2018, p. 2. This was in contrast to the rest of the Centre; the Committee noted that it was in urgent need of an upgrade.

³²² Dóchas Centre Visiting Committee, [Annual Report for 2021](#), 2022, p. 7.

³²³ Dóchas Centre Visiting Committee, [Annual Report for 2017](#), 2018, p. 3.

³²⁴ [Prison Rules, 2007](#), Rule 16(1).

³²⁵ [Prison Rules, 2007](#), Rule 16(2).

³²⁶ [Prison Rules, 2007](#), Rule 39(1).

³²⁷ [Prison Rules, 2007](#), Rule 39(2).

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- a) a prisoner is certified by a prison doctor to be too ill to attend a visit in that part of the prison designated, or
- b) in the Governor's opinion it would not be appropriate for the visit to take place in the part so designated.³²⁸

In addition, foreign nationals are entitled to make telephone calls, and send and receive a letter from a person whom he or she is entitled to receive a visit from.³²⁹³³⁰ On telephone calls, a convicted prisoner who is a foreign national and above 18 years of age is entitled to make “not less than one telephone call per week to a member of his or her family or to a friend” subject to the availability of facilities.³³¹ However, a convicted foreign national who is less than 18 years is “entitled to make not less than two telephone calls per week to a member of his or her family or to a friend” subject to availability of facilities.³³² For unconvicted prisoner who is foreign national, they are entitled to make:

- a) not less than five telephone calls per week to a member of his or her family or to a friend, and
- b) as many telephone calls as are reasonably necessary for the purpose of enabling him or her to manage his or her property or business affairs, subject to such reasonable limitations as the Governor may impose in the interest of the effective management of the prison and to the maintenance of good order and safe and secure custody.³³³

If practicable and based on good order, safe and secure custody, the Governor is required to enable a prisoner “who is a foreign national to be kept informed in relation to current affairs in the state of which he or she is a citizen or spent the greater part of his or her life, as may be appropriate” by providing facilities which he or she considers appropriate.³³⁴ Furthermore, and taking into account the views of the prisoner, the Governor is required to seek the assistance of the following persons or the bodies to enable the prisoner be informed of the “developments in that state of a sporting, cultural or other nature” :

- a) such national or international authorities and organisations, as may be designated by the Minister, whose principal object is to serve the interests of foreign persons or foreign prisoners or refugees or stateless persons or to protect the civil rights of such persons, and
- b) the consul of the state of which the prisoner is a citizen or such other consul as the prisoner nominates.³³⁵

However, a 2022 study conducted by the Irish Penal Reform Trust (IPRT) established that only a few of the serving foreign national prisoners had any interaction with any outside organisations that are concerned with their welfare.³³⁶ The report further states that the introduction of Netflix in prisons has provided foreign nationals prisoners with opportunity to access non-English media content by extending

³²⁸ Prison Rules, 2007, Rule 36(6).

³²⁹ Prison Rules, 2007, Rule 43(4).

³³⁰ Prison Rules, 2007, Rule 46(5).

³³¹ Prison Rules, 2007, Rule 46(2).

³³² Prison Rules, 2007, Rule 46(3).

³³³ Prison Rules, 2007, Rule 46(4).

³³⁴ Prison Rules, 2007, Rule 48(2).

³³⁵ Prison Rules, 2007, Rule 48(2).

³³⁶ Irish Penal Reform Trust, “SOMETIMES I’M MISSING THE WORDS”. The rights, needs and experiences of foreign national and minority ethnic groups in the Irish penal system, 2022, p. 47.

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their choices.³³⁷ Regarding family visits the study established that geography and finances negatively impact the frequency with which a foreign national prisoner receives a visit from family and friends.³³⁸ The report states that “maintaining familial links is inevitably more problematic for FNPs than national prisoners because their families are frequently living abroad, sometimes in very difficult circumstances, and therefore visits from family members are unlikely”.³³⁹ Moreover, the introduction of video calls was noted to be of great benefit to prisoners, especially during the Covid-19 pandemic restrictions as it reduced the cost of travel and had “a little bit more of a natural environment when compared to screened visits, with the ability to see a larger number of family members and friends at once”.³⁴⁰ Poor network and technical errors were however noted as challenges to the virtual visits and “had an enormously negative effect on some prisoners and a devastating effect on their children”.³⁴¹

Finally, according to prison standards for women, “consideration should be given, at the earliest possible opportunity during their prison sentence, to the transfer of non-resident foreign national women prisoners to their home country (particularly those who have minor children in their home country) provided a successful application has been made, the prisoner consents and relevant protocols have been put in place with the receiving country”.³⁴²

b. Interpretation and translation

According to Prison rules, at the request of a prisoner, the Governor may allow the attendance of an interpreter to a visit of the prisoner by legal adviser or any other person approved by the legal adviser “where the lack of such services during such visit would cause the prisoner substantial difficulty in communicating with the person visiting”.³⁴³ In addition, in relation to a visit by a probation and welfare officer, at the request of a prisoner, probation and welfare officer, the Governor may allow the attendance of an interpreter to such visit, “where the lack of such services during such visit would cause the prisoner substantial difficulty in communicating with the Probation and Welfare Officer”.³⁴⁴ Finally, under Rule 67, where necessary and practicable, the Governor is required to “arrange for the provision of the services of an interpreter to a prisoner during the conduct of an inquiry into a breach of prison discipline”.³⁴⁵

According to a 2022 report by the Irish Penal Reform Trust (IPRT), there is a lack of translated information on the prison laws and regulations.³⁴⁶ The lack of interpreter was also experienced by

³³⁷ Irish Penal Reform Trust, “SOMETIMES I’M MISSING THE WORDS”. The rights, needs and experiences of foreign national and minority ethnic groups in the Irish penal system, 2022, p. 47.

³³⁸ Irish Penal Reform Trust, “SOMETIMES I’M MISSING THE WORDS”. The rights, needs and experiences of foreign national and minority ethnic groups in the Irish penal system, 2022, p. 47.

³³⁹ Irish Penal Reform Trust, “SOMETIMES I’M MISSING THE WORDS”. The rights, needs and experiences of foreign national and minority ethnic groups in the Irish penal system, 2022, p. 47.

³⁴⁰ Irish Penal Reform Trust, “SOMETIMES I’M MISSING THE WORDS”. The rights, needs and experiences of foreign national and minority ethnic groups in the Irish penal system, 2022, p. 50.

³⁴¹ Irish Penal Reform Trust, “SOMETIMES I’M MISSING THE WORDS”. The rights, needs and experiences of foreign national and minority ethnic groups in the Irish penal system, 2022, p. 50.

³⁴² Office of the Inspector of Prisons, Standards for the Inspection of Prisons in Ireland - Women Prisoners’ Supplement, 2011, 2020, p. 12.

³⁴³ Prison Rules, 2007, Rule 38(3).

³⁴⁴ Prison Rules, 2007, Rule 40(3).

³⁴⁵ Prison Rules, 2007, Rule 67(12).

³⁴⁶ Irish Penal Reform Trust, “SOMETIMES I’M MISSING THE WORDS”. The rights, needs and experiences of foreign national and minority ethnic groups in the Irish penal system, 2022, p. 36.

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prisoners during Covid-19 pandemic when in person services were restricted. As such, non-English speaking prisoners had to rely on fellow prisoners to translate their communication with prison officers.³⁴⁷ Based on the report, “there are currently no standards in the training, accreditation and testing of legal interpretation providers in Ireland”.³⁴⁸ The findings of 2022 report by the Irish Penal Reform Trust were similar to those highlighted by the 2020 report by Committee for the Prevention of Torture (CPT), which underscored the need for translation of medical notes of vulnerable foreign national prisoners.³⁴⁹

c. NPM assessment

There is no NPM in Ireland at this time. The relevant oversight body for prisons is the Office of Inspector of Prisons.

[Office of the Inspector of Prisons, Annual Report 2022](#)

“Of 143 letters received by the OIP (in 2022), 18 were responded to outside the 20 working day target. This was due to delays in translation (14 letters required translation in 2022, and 12 fell outside the 20-day target) and further information being sought for reply”.³⁵⁰

[Office of the Inspector of Prisons, Annual Report, 2021](#)

“Prisoners entering quarantine, in the majority of prisons, were not provided with written information, in a language and form they can understand, about the quarantine process”.³⁵¹

“The OIP developed an Information Booklet for Prisoners (in eight languages), which was distributed to prisoners at the outset of every COVID-19 Thematic Inspection”.³⁵²

“Digital copies of the (prison information) booklets were provided to prisons (in 2021) to be shared with prisoners upon committal. An OIP information video was also prepared for dissemination on in-cell TV channels”.³⁵³

13. Special measures relating to detention of children and young adults/juvenile detention regime

a. Age groups

A child is defined in section 3 of the Children Act 2001 as a person under the age of 18.³⁵⁴

³⁴⁷ Irish Penal Reform Trust, “SOMETIMES I’M MISSING THE WORDS”. The rights, needs and experiences of foreign national and minority ethnic groups in the Irish penal system, 2022, p. 37.

³⁴⁸ Irish Penal Reform Trust, “SOMETIMES I’M MISSING THE WORDS”. The rights, needs and experiences of foreign national and minority ethnic groups in the Irish penal system, 2022, p. 36.

³⁴⁹ 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, 2022, p, 43.

³⁵⁰ Office of Inspector of Prisons, Annual Report 2022, 2023, p. 33.

³⁵¹ Office of the Inspector of Prisons, Annual Report, 2021, 2022, p. 21

³⁵² Office of the Inspector of Prisons, Annual Report, 2021, 2022, p. 21

³⁵³ Office of the Inspector of Prisons, Annual Report, 2021, 2022, p. 21

³⁵⁴ Government of Ireland, Children Act, 2001, section 3(1).

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b. General measures for detained children and young adults

The Children Act 2001, which is the guiding legislation when dealing with juvenile offenders, defines a child as a person under the age of 18.³⁵⁵ Section 156 of the Act prohibits a court from passing a sentence of imprisonment upon any child.³⁵⁶ Instead, section 142 allows a court to pass a sentence of detention on a child, which results in a child offender being detained in a children detention school.³⁵⁷ Section 96(2), however, requires that detention in such a school be considered the sanction of last resort.³⁵⁸

Juveniles, whether on remand or on foot of a detention order, are detained at Oberstown.³⁵⁹ This campus is under the control of the Minister for Children and Youth Affairs rather than the Minister for Justice and Equality. In 2022, Oberstown was authorised to accommodate a maximum of 40 boys and six girls at any one time.³⁶⁰

c. Separation from adults

Since 2017, no child will be accommodated in an adult prison. Children sentenced to detention, or held on remand, will be sent to the Oberstown Children Detention Campus in Lusk, Co. Dublin.

d. NPM assessment

The relevant oversight body regarding the detention of children and young people is [the Health Information and Quality Authority](#).

During the 2023 inspection of Oberstown Inspectors found that the young people appeared to be comfortable and relaxed in the company of staff and conversation flowed easily.³⁶¹ Almost all young people felt that staff listened to their views and that their views impacted on decision-making. Over two thirds of young people surveyed felt that they were helped to understand their offending behaviour. Two young people told inspectors that low staffing levels impacted on their care. One parent told inspectors that their child said that they were stuck in their bedroom because there was not enough staff. Parents and guardians generally spoke positively about the impact that the service was having on the young person.

Both external professionals that spoke with inspectors felt that the young people were cared for, safe and the visiting facilities were good quality.³⁶² However, they expressed Page 9 of 35 concern that there were delays in accessing offending behaviour programmes and therapeutic support.

³⁵⁵ Government of Ireland, [Children Act, 2001](#), section 3(1).

³⁵⁶ Government of Ireland, [Children Act, 2001](#), section 156.

³⁵⁷ Government of Ireland, [Children Act, 2001](#), section 142.

³⁵⁸ Government of Ireland, [Children Act, 2001](#), section 96(2).

³⁵⁹ HIQA, [Report of Oberstown Detention Campus, 2023](#), p. 2.

³⁶⁰ Oberstown Children Detention Campus, [Annual Report 2022](#), 2023, p. 8.

³⁶¹ HIQA, [Report of Oberstown Detention Campus, 2023](#), p. 6.

³⁶² HIQA, [Report of Oberstown Detention Campus, 2023](#), p. 8.

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14. Special measures to protect detainees with disabilities or serious medical conditions

a. Care in detention

Neither the Prison Rules nor the Prisons Act address disability or other serious medical conditions directly. However, there are provisions that are relevant to people with disabilities in prison. The Prison Rules Section 33(1) note that prisoners are entitled to “the provision of healthcare of a diagnostic, preventative, curative and rehabilitative nature that is, at least, of the same or a similar standard as that available to persons outside of prison who are holders of a medical card.”³⁶³ The Irish Prison Service Healthcare Standards, while not legally binding, require that prisoners’ health needs must be assessed within the first 24 hours of admission.³⁶⁴ The Prison Rules also allow for ancillary treatment “where a prison doctor certifies that a prisoner requires remedial physical education or therapy”.³⁶⁵ The Prisons Act prohibits specific forms of punishment for breach of prison discipline including placement of the prisoner in restraint, sensory deprivation, and confinement in a special observation cell.³⁶⁶ However, the Prison Rules permit restraint subject to specific conditions in cases where there is urgent necessity to prevent a prisoner from harming themselves or others, or significant damage to property.³⁶⁷

The Criminal Law (Insanity) Act 2006 provides for transfers of prisoners with psychosocial disabilities to a psychiatric hospital where; a relevant officer certifies in writing that a prisoner is suffering from a mental disorder for which he or she cannot be afforded appropriate care or treatment within the prison in which the prisoner is detained, and the prisoner voluntarily consents to be transferred from the prison to a designated centre for the purpose of receiving care or treatment for the mental disorder.³⁶⁸ In the event that a person is not consenting to be transferred out of the prison, forced treatment of the prisoners in a psychiatric hospital is still permissible.³⁶⁹

The Irish Prison Service College delivers training on disability awareness to Irish Prison Service staff as part of recruit training and continuous professional development.³⁷⁰ The classes include Mental Health Awareness Training, Working with Older Prisoners, Learning Styles and Learning Difficulties, Effects of Addiction, and the health needs of groups including the health of incarcerated women, juveniles, Travellers, older prisoners and the chronically ill.

The age profile of the prison population is increasing and is projected to continue to increase. The number of older people (over 50) in custody has doubled over the past 10 years.³⁷¹ They face a wide range of different issues from those of the general prison population.; mental health needs, mobility problems, the need for social and personal care, bullying and victimisation, difficulties accessing prison programmes, and issues regarding release and resettlement. Towards facilitating these different needs, the Prison Service has repurposed a unit in Mountjoy Prison to accommodate older male prisoners.³⁷²

³⁶³ *Prison Rules*, 2007, 33(1).

³⁶⁴ Irish Prison Service, *Healthcare Standards*, 2011, sections 1.1.7, 1.3.1 and 1.3.4

³⁶⁵ *Prison Rules*, 2007, 32(4).

³⁶⁶ *Prison Rules*, 2007, 13(7).

³⁶⁷ *Prison Rules*, 2007, 65(3).

³⁶⁸ Government of Ireland, *Criminal Law (Insanity) Act, 2006*, section 15(1).

³⁶⁹ Government of Ireland, *Criminal Law (Insanity) Act, 2006*, section 15(2).

³⁷⁰ Irish Prison Service, *Annual Report 2022*, 2023, p 18.

³⁷¹ Irish Prison Service, *Irish Prison Service Strategy 2023-2027*, p 6.

³⁷² Irish Prison Service, *Irish Prison Service Strategy 2023-2027*, p 4.

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This includes a Prison School ran in conjunction with the Educational Training Board which operates a timetable more suited to its older population such as Wellness, Literacy, Computers, Choir, Arts and Crafts, Book Club, Bridge, Decoupage and Mosaic.³⁷³

The profile of the population in Arbour Hill Prison is older than other prisons in Ireland, the last published inspection (2021) found that 35% of the prison population were aged 61 years or older.³⁷⁴ This older demographic is due to the prison population largely being comprised of prisoners serving long sentences. Consequently, a recent general inspection of Arbour Hill Prison focused on the health and welfare needs of older prisoners as well as on the steps being taken to prepare for their successful re-integration into the community, this inspection concluded March 25th, 2024, with a report to follow.³⁷⁵

The Irish Penal Reform Trust has previous made a series of recommendations on accommodations for older prisoners, such as developing and implementing an Older Prisoner Strategy, dedicated health services and staff for older people, allocated cells or units with age-friendly design, measures to protect older prisoners from bullying and victimisation, and prison programmes aimed at older prisoners.³⁷⁶

b. Continuity of care

The Irish Prison Service Health Care Standards outline release and throughcare in section 4.3.³⁷⁷ The standards state that prior to release all prisoners shall have their healthcare records reviewed by a Doctor, prisoners on prescribed medication will be provided with a prescription to maintain treatment until able to consult a General Practitioner, need for continuing care will be communicated to the relevant agencies (GP/Hospital/Clinic), prisoner at the time of release with pending hospital appointments will be given written notice of these on release, and a discharge summary will be prepared as necessary by the Prison Doctor, given to the prisoner on release for their GP.³⁷⁸

The Irish Prison Service works with the Merchants Quay Ireland (MQI) to provide prison-based addiction services to prisoners with a history of substance abuse, in terms of continuing this service, "Prisoners who are closer to release are regularly prioritised and MQI aim to identify available services in the community to ensure there is continuity of care and that a release plan and harm reduction information can be imparted prior to departure."³⁷⁹

c. Reasonable accommodation and accessibility

The Disability Act 2005 places a statutory obligation on public service providers, including the Irish Prison Service to support access to services and facilities for people with disabilities.³⁸⁰ The Access Officer is responsible for providing, arranging or co-ordinating assistance to persons with disabilities who wish to

³⁷³ Joint Committee on Disability Matters, Visit to Mountjoy Prison Training Unit, December 2023, p.5.

³⁷⁴ Office of the Inspector of Prisons, Covid-19 Thematic Inspection of Arbour Hill Prison, 2021, p. 7.

³⁷⁵ Office of the Inspector of Prisons, Unannounced Full Inspection of Arbour Hill Prison, Press Release, 26th March 2024

³⁷⁶ Irish Penal Reform Trust, The Rights, Needs and Experiences of Older People in Prison, 2016, p. 4-6.

³⁷⁷ Irish Prison Service, Healthcare Standards, 2011, section 4.3.

³⁷⁸ Irish Prison Service, Healthcare Standards, 2011, sections 4.3.1 to 4.3.5.

³⁷⁹ Minister of Justice, Prison Service, Dáil Éireann Debate, 7 November 2023.

³⁸⁰ Government of Ireland, Disability Act, 2005

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access the services provided by the Irish Prison Service in accordance with Section 26(2) of the Disability Act.³⁸¹

All prisons must follow the guidelines set out in Technical Guidance Document M as part of the as part of the Building Regulations 2010 – this includes the provision of level access, handrails, internal ramps and aids to communication.³⁸²

The Prison Rules define a special observation cell as “a cell so constructed and designed, and incorporating such exceptional safety features, furnishings and methods of observation, as to afford enhanced safety for the prisoner accommodated therein, including safeguarding against self-harm.”³⁸³

The Office of Inspector of Prisons in 2021 requested Loughan House must ensure reasonable accommodations are provided for prisoners with disabilities, line with Article 14(2) of the UNCRPD, Section 42 of the Public Sector Duty and Rule 16 of the Mandela Rules.³⁸⁴ Improvement work was carried out on Loughan house, including works to the disabled access shower, consisting of the installation of handrails and a more appropriate shower seat.

The Office of Inspector of Prisons in 2021 reminded Arbour Hill Prison, that Section 42 of the Public Sector Duty and Rules 15 and 16 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules),³⁸⁵ a shower screen and extractor fan should be installed in in-cell showers for cells that accommodate prisoners with physical disabilities.³⁸⁶ Arbour Hill prison management has reviewed the introduction of privacy screens, with plans to undertake remedial work to install privacy screening.

d. NPM assessment

There is no NPM in Ireland at this time. The relevant oversight body for prisons is the Office of Inspector of Prisons.

“Prisoners entering quarantine, in the majority of prisons, were not provided with written information, in a language and form they can understand, about the quarantine process.”³⁸⁷

15. Specific measures to protect detainees with special needs or other vulnerabilities

a. Protection of LGBTI detainees

The general rules of the criminal law are applicable with respect to LGBTI prisoners. None of the Prison Rules are specific to LGBTIQI prisoners, but Rule 63 applies to the protection of vulnerable prisoners.³⁸⁸ Rules 63(1) empowers a prison governor to keep a vulnerable prisoner separate from other prisoners,

³⁸¹ Government of Ireland, Disability Act, 2005, section 26(2).

³⁸² Government of Ireland, Building Regulations, 2010, Technical Guidance Document M.

³⁸³ Prison Rules, 2007, 2.

³⁸⁴ Office of the Inspector of Prisons, Investigation Recommendation and Status Update, Recommendation ID: LHCT4, 2021; United Nations, Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), p. 6.

³⁸⁵ United Nations, Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), p. 6.

³⁸⁶ Office of the Inspector of Prisons, Investigation Recommendation and Status Update, Recommendation ID: AHCT6, 2021.

³⁸⁷ Office of Inspector of Prisons, Annual Report 2021, 2022, p. 16.

³⁸⁸ Prison Rules, 2007, 63.

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either at the prisoner’s request or at the discretion of the governor.³⁸⁹ Such prisoners may engage in structured activities with prisoners in a similar category if the governor considers that such activities will be beneficial to the prisoner’s welfare. The governor is required to record all Rule 63 decisions, including the grounds on which the Rule was invoked. Rule 63 results in prisoners being released from their cells for only short daily periods, and such prisoners made up the vast majority of prisoners in January 2024 (732 out of 758, 687 of their own request).³⁹⁰

It is also worth mentioning Rule 64 which allows for the use of Special Observation Cells if the governor considers that a prisoner is in danger of harming himself or herself or others, and other restrictions are inadequate.³⁹¹ Any such prisoner must be seen by a doctor as soon as possible, and will be observed by a prison officer at least once every fifteen minutes. Generally, prisoners should not be placed in SOC’s for more than 24 hours, but Rule 64 does allow for extensions in exceptional circumstances.

In 2016, the Irish Prison Service committed itself to providing a “safe and inclusive environment for all minority groups”.³⁹² Specifically, the Service promised to establish a working group to prepare a new policy for LGBT prisoners,³⁹³ taking account of a 2016 report on the issue from the Irish Penal Reform Trust.³⁹⁴ This report recommended that the Service develop policies “to protect LGBT prisoners from harm”.³⁹⁵ However in 2018, the Irish Penal Reform Trust condemned the Irish Prison Service for its failure to publish such a policy.³⁹⁶

In 2021 the Irish Prison Service published their Code of Ethics, which included commitment to “Identifying and removing barriers which are likely to discriminate against any person” on the basis of many examples including sexual orientation and gender non-conformity.³⁹⁷

In 2019, the Department of Justice and Equality published a *LGBTQ Inclusion Strategy*.³⁹⁸ The strategy included an Action Plan, as part of which the Department and the Irish Prison Service committed themselves to “develop a placement and accommodation policy to reflect and build upon existing good practice in the accommodation of vulnerable prisoners including LGBTI+ people”.³⁹⁹ In that same year, a pioneering LGBTQ awareness course was launched at Wheatfield Prison.⁴⁰⁰ A shadow report on the National LGBTI+ Inclusion Strategy⁴⁰¹ stated that, in terms of progress on a placement and accommodation policy, most progress cited by the Department of Justice refers to Rule 63.⁴⁰² However,

³⁸⁹ *Prison Rules*, 2007, 63(1).

³⁹⁰ Irish Prison Service, *Census of Restricted Regime Prisoners January 2024*.

³⁹¹ *Prison Rules*, 2007, 64.

³⁹² Irish Prison Service, *Strategic Plan 2016-2018*, 2016, Goal 2.8.

³⁹³ Irish Prison Service, *Strategic Plan 2016-2018*, 2016, Goal 2.8.

³⁹⁴ Irish Penal Reform Trust, *Out on the Inside: The Rights, Experiences and Needs of LGBT Persons in Prison*, Dublin, 2016.

³⁹⁵ Irish Penal Reform Trust, *Out on the Inside: The Rights, Experiences and Needs of LGBT Persons in Prison*, Dublin, 2016, p 36.

³⁹⁶ Quinn T., ‘Irish Prison Service slammed for not protecting LGBT prisoners’, *Irish Mirror*, 11 June 2018.

³⁹⁷ Irish Prison Service, *Code of Ethics*, 2021, p 12.

³⁹⁸ Government of Ireland, *National LGBTQI+ Inclusion Strategy 2019-2021*, 2019.

³⁹⁹ Government of Ireland, *National LGBTQI+ Inclusion Strategy 2019-2021*, 2019, Action Plan Point 13.3.

⁴⁰⁰ Lavery C., ‘Prisoners to start round-breaking LGBT awareness course’, *Herald.ie*, 19 June 2019.

⁴⁰¹ LGBT Ireland, *Progress Made. Renewed Efforts Required: A Shadow Report of Ireland’s First National LGBTI+ Inclusion Strategy*, 2024, p 58.

⁴⁰² *Prison Rules*, 2007, 63.

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a new extension to Limerick Prison has opened with enhanced accommodation for female prisoners and specifically the LGBTI+ community.⁴⁰³

b. Protection of trans detainees

In 2016, the Irish Prison Service committed itself to providing a “safe and inclusive environment for all minority groups”.⁴⁰⁴ Specifically, the Service promised to establish a working group to prepare a new policy for LGBT prisoners,⁴⁰⁵ taking account of a 2016 report on the issue from the Irish Penal Reform Trust.⁴⁰⁶ This report recommended that the Service develop policies “to protect LGBT prisoners from harm”.⁴⁰⁷ However in 2018, the Irish Penal Reform Trust condemned the Irish Prison Service for its failure to publish such a policy.⁴⁰⁸

The most recent Irish Prison Service Annual Report (2022) stated that work continued on the development of an overarching policy for the management of transgender prisoners and stakeholder engagement was continued in this regard.⁴⁰⁹ Until this policy is published, allocation of trans detainees is at the discretion of the Governor, who may make recommendations on the “appropriate placement within the prison system for the person concerned, taking into consideration good order, security and operational issues, protection issues, available accommodation and the healthcare needs and human rights of the prisoner”.⁴¹⁰

During 2021 the Dóchas Women’s Prison had a transgender woman in custody. In the absence of an IPS policy, the Governor put a Standard Operating Procedure (SOP) in place on her arrival.⁴¹¹ In practice this includes extensive use of Rule 63 for the protection of vulnerable prisoners.⁴¹² This resulted in extended periods of isolation and reduces access to education and recreation. It was the view of the Governor at the time that, long term, having transgender prisoners across the three prisons (Dóchas, Limerick & Midlands) will force the conversation Nationally within the service.⁴¹³ This visiting committee strongly urged the development of a Transgender policy as a priority.

In the past year the sentencing of a Trans-woman to Dóchas Women’s Prison led to protests⁴¹⁴, with protesters stating Dóchas would be in breach of Rule 11 of the UN Mandela Rules which states that

⁴⁰³ LGBT Ireland, *Progress Made. Renewed Efforts Required: A Shadow Report of Ireland's First National LGBTI+ Inclusion Strategy*, 2024, p 58.

⁴⁰⁴ Irish Prison Service, *Strategic Plan 2016-2018*, 2016, Goal 2.8.

⁴⁰⁵ Irish Prison Service, *Strategic Plan 2016-2018*, 2016, Goal 2.8.

⁴⁰⁶ Irish Penal Reform Trust, *Out on the Inside: The Rights, Experiences and Needs of LGBT Persons in Prison*, Dublin, 2016.

⁴⁰⁷ Irish Penal Reform Trust, *Out on the Inside: The Rights, Experiences and Needs of LGBT Persons in Prison*, Dublin, 2016, p 36.

⁴⁰⁸ Quinn T., ‘Irish Prison Service slammed for not protecting LGBT prisoners’, *Irish Mirror*, 11 June 2018.

⁴⁰⁹ Irish Prison Service, *Annual Report 2022*, 2023, p 71.

⁴¹⁰ Minister of Justice, *Gender Recognition*, Dáil Éireann Debate, 2 February 2023.

⁴¹¹ Department of Justice, *Report of the Dóchas Visiting Committee 2021*, 2022.

⁴¹² *Prison Rules*, 2007, 63.

⁴¹³ Department of Justice, *Report of the Dóchas Visiting Committee 2021*, 2022, p. 6.

⁴¹⁴ Pownall, S., Protest takes place as violent transgender inmate held at women's prison in Dublin, *Irish Mirror*, 10 September, 2023.

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"men and women shall so far as possible be detained in separate institutions"⁴¹⁵. Previously in 2023, Taoiseach, Leo Varadkar, and other politicians have discussed keeping Trans-women convicted of violent crimes in men's prisons, following the lead set by the Scottish Government.⁴¹⁶

c. Protection of other vulnerable detainees

See sections 15.A above.

As of March 2024, there are 657 people in prison for sexual offences, representing over 15 per cent of the total prisoner population.⁴¹⁷ The rise in people serving sentences for sexual offending has been identified as one of the factors driving overcrowding across the prison estate.

In 2009 the Sex Offender Management Policy: 'Reducing Re-offending, Enhancing Public Safety' was published.⁴¹⁸ Arbour Hill Prison is designated as the national centre for imprisoned sex offenders with a full range of therapeutic interventions available. In order to protect the therapeutic environment offenders who are not willing to engage with services will be transferred from the National Centre.⁴¹⁹

d. NPM assessment

There is no NPM in Ireland at this time. The relevant oversight body for prisons is the [Office of Inspector of Prisons](#).

During a thematic inspection of Limerick women's prison, inspectors addressed the experiences of and supports for 2 transgender women prisoners.⁴²⁰

"The experience of imprisonment for the women concerned does not align with the general population experience; this does not comport with Yogyakarta Principle 9 which requires that protective measures involve no greater restriction of their rights than is experienced by the general prison population."

The inspectorate recommended that the Irish Prison Service

"develop, in partnership with relevant civil society organisations, transgender people in prison and other relevant stakeholders, a national policy regarding the safe custody of transgender women and men".

16. Specific measures to address radicalisation in prisons

a. General measures to prevent radicalisation

There are no published standards to address radicalisation.

In 2023, the Minister for Justice announced that an agreement was recently signed between An Garda Síochána (the Irish police service), the Irish Prison Service, and the Probation Service "which provides

⁴¹⁵ United Nations, Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), p. 5.

⁴¹⁶ Gallagher, C., Transgender prisoners: where should they be housed?, The Irish Times, 3 June, 2023.

⁴¹⁷ Irish Prison Service, [Monthly Information Note – March 2024](#), p.2.

⁴¹⁸ Irish Prison Service, [Sex Offender Management Policy: 'Reducing Re-offending, Enhancing Public Safety](#), 2009.

⁴¹⁹ Irish Prison Service, [Sex Offender Management Policy: 'Reducing Re-offending, Enhancing Public Safety](#), 2009, p. 9.

⁴²⁰ Office of the Inspector of Prisons, [COVID-19 Thematic Inspection of Limerick Prison 6 - 7 April 2021](#)

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for collaboration and cohesive communication..., especially regarding prisoners due for release.”⁴²¹ This was a commitment in the Action Plan for the Joint Management of Offenders 2019-21.⁴²²

b. Risk assessments

There are no published requirements for risk assessments.

Terrorism and terrorism-related offences are heard in the Special Criminal Court. Male offenders are directed from there to high-security Portlaoise Prison, where they are housed separately to other offenders in E-block, and accommodated within that block in separate wings according to their group affiliation. This is a legacy of the Northern Ireland conflict. Special privileges apply to these prisoners (a legacy of the 1970s, Lynch notes), including extended out of cell time, a choice of recreation activities, access to additional supplies, and fewer limitations on their day-to-day regime. Each group also has a spokesperson on their wing, with direct access to the Governor. There are no high security prisons for women, who are accommodated in a medium-security prison.⁴²³

c. Training of staff

In 2019, a comparative study of EU prisons noted that a small number of Irish Prison Service officers had received training on radicalisation.⁴²⁴ The Department of Justice stated that the Irish Prison Service had developed an initiative for training of prison staff by specialist personnel to help staff identify any evidence of radicalisation and prevent it, and had been incorporated in the security training package for all new recruits.⁴²⁵

d. Deradicalisation measures

The legacy of the Northern Ireland conflict has meant that counter extremism is viewed differently from elsewhere in Europe, Lynch has noted, and there are no counter extremism programmes in place for individuals incarcerated for terrorism offences connected with this conflict, since the focus is on promotion of non-violence rather than any ideological change.⁴²⁶ This has meant that the focus in Ireland of counter extremism work is aimed specifically at minority ethnic communities, namely Muslim communities. This has produced a two-tiered system.

e. NPM assessment

There is no NPM in Ireland at this time. The relevant oversight body for prisons is the Office of Inspector of Prisons.

No comment has been made on this issue by the Office of the Inspector of Prisons or by CPT in the reference period.

⁴²¹ Houses of the Oireachtas, Anti-Terrorism Measures, Dáil Éireann Debate, 10 October 2023.

⁴²² Department of Justice and Equality, The Probation Service, and Irish Prison Service (2019) Action Plan for the Joint Management of Offenders 2019-21. 8 December 2019.

⁴²³ Lynch, O. (2023) Counter Extremism in Ireland: An Overview of the Landscape. *Journal of Contemporary Criminal Justice*, Vol. 39(1), 58-74, at p.66-7.

⁴²⁴ Paul, A, and I. Acheson (2019) Guns and glory: Criminality, imprisonment and jihadist extremism in Europe. *Terrorism & radicalisation*. Brussels: Counter Extremism Project (CEP) and European Policy Centre (ECP).

⁴²⁵ Irish Legal News (2019) Prison officers to receive counter-radicalisation training, 1 April 2019.

⁴²⁶ Lynch, O. (2023) Counter Extremism in Ireland: An Overview of the Landscape. *Journal of Contemporary Criminal Justice*, Vol. 39(1), 58-74, at p.68.

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17. Inspections and monitoring

a. Inspections

Under Section 31 of the Prisons Act 2007 the Chief Inspector of Prisons is obliged to carry out regular inspections of prisons and for this purpose may:

- at any time enter any prison or any part of a prison,
- request and obtain from the Governor a copy of any books, records, other documents or extracts from such documents, and,
- in the course of an inspection or arising out of an inspection bring any issues of concern to the notice of the governor of the prison concerned, the Director General of the Irish Prison Service or the Minister as the Chief Inspector considers appropriate. The Chief Inspector may, and must if he receives a request from the Minister, investigate any matter arising out of the management or operation of a prison and shall submit to the Minister a report on any such investigation.

Governors, prison officers, other persons employed in prisons and prisoners, must as far as reasonably practicable, comply with any request for information that the Inspector may make in the performance of his or her functions.

Since 2012, the Chief Inspector has been tasked by the Minister with the investigation into the circumstances of all deaths in custody and those within one month of temporary release from custody.

In addition to the legislative authority derived from the Act, the Inspector has specified functions under Prison Rules 2007-2013 in relation to the Irish Prison Service Prisoner Complaints Procedure (Rule 57B) and letters from prisoners (Rule 44(1)(h)).

The Office of the Inspector of Prisons launched a new Framework for the Inspection of Prisons in Ireland in 2020.⁴²⁷ The framework is informed by international human rights standards. There are five focus areas of inspection including: safety and security, respect and dignity, health and wellbeing, rehabilitation and development, and resettlement. The Framework includes a commitment to engage with both prisoners and staff through surveys and interviews.

Inspection reports are published by the Minister for Justice and shared on the OIP website for public use. There have been no published reports of general inspections since 2017.⁴²⁸ During the Covid-19 pandemic, the Inspector of Prisons continued visiting prisons. All prisons received a one-day visit with specific emphasis on out-of-cell time and provision of meaningful contact.⁴²⁹ Twelve thematic Covid-19 inspection reports were published in 2021 and 2022, as well as 1 thematic inspection report on Education and Work Training.⁴³⁰

In line with the [Office of the Inspector of Prisons' Policy on the Monitoring of Recommendations](#) (2021), the implementation of recommendations and corresponding Action Plans

⁴²⁷ Office of the Inspector of Prisons, [A Framework for the Inspection of Prisons in Ireland](#), 2020.

⁴²⁸ Office of the Inspector of Prisons, [Inspection of Prison Reports](#)

⁴²⁹ COVID-19 Law and Human Rights Observatory Blog (8 June 2020), [Ask an Expert: Monitoring of Prisons during the COVID-19 pandemic, with Patricia Gilheaney, Inspector of Prisons, Ireland](#)

⁴³⁰ Office of the Inspector of Prisons, [Thematic and Functional Reports](#)

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by the Irish Prison Service (IPS) are monitored by the OIP through (i) twice-yearly IPS Self-Assessments, and (ii) OIP inspection assessments. The OIP also maintains a public online [Inspections Recommendation Monitoring](#) database that tracks these.

In 2022, the Office of the Inspector of Prisons carried out a thematic inspection across three prisons, and commenced a programme of unannounced full general inspections of prisons, in line with A Framework for the Inspection of Prisons in Ireland (2020).⁴³¹ A full general inspection of Mountjoy Men’s Prison in 2022 was the first unannounced prison inspection in decades. It also marked the first time the Inspectorate utilised anonymous digital prisoner and prison staff surveys to capture experiences of living and working in the prison. The digital and ‘real-time’ nature of survey data directly informed findings over the course of the inspection. At the end of 2022, the inspection report on Mountjoy Men’s Prison was in the process of being drafted in preparation for submission to the Minister for Justice in early 2023. It has not yet been published by the Minister.⁴³²

Ireland signed the OPCAT in October 2007 but has yet to ratify it.⁷¹ Similarly, Ireland has yet to establish a National Preventive Mechanism as required by OPCAT. The General Scheme of the Inspection of Places of Detention Bill, intended to ultimately ratify OPCAT, was published in 2022.⁴³³ It establishes a new Inspectorate of Places of Detention (IPD) as a National Preventive Mechanism (NPM). The IPD replaces and expands the remit of the Office of the Inspector of Prisons. The bill also revises the framework for Prison Visiting Committees (PVCs). The Bill received parliamentary oversight during prelegislative scrutiny conducted in October 2022.⁴³⁴ The Joint Committee published their report and recommendations for changes in March 2023.⁴³⁵ These include that the legislation should guarantee the functional and financial independence’ of NPMs, and establish an Ombudsman for Prisons and Places of Detention, which would handle and investigate complaints

b. Access to detention facilities by national authorities

In addition to the access granted to the Office of the Inspector of Prisons described above, access to prisons is also guaranteed to members of statutory visiting committees. A Visiting Committee is appointed to each prison under the [Prisons \(Visiting Committees\) Act, 1925](#) and Prisons (Visiting Committees) Order, 1925. Members are appointed by the Minister for Justice for a term not exceeding three years. The function of Prison Visiting Committees is to visit at frequent intervals the prison to which they are appointed and hear any complaints which may be made to them by any prisoner. They report to the Minister for Justice, Equality and Defence any abuses observed or found by them in the prison and any repairs which they think may be urgently needed (S.3, 1925 Act). The Visiting Committee members have free access either collectively or individually to every part of their prison (S.3.2). The Programme for Government committed to review the existing functions, powers, appointment

⁴³¹ Office of the Inspector of Prisons, [A Framework for the Inspection of Prisons in Ireland](#), 2020.

⁴³² Correct up to 3 June 2024.

⁴³³ Ireland, Department of Justice, [‘Minister for Justice publishes General Scheme of the Inspection of Places of Detention Bill’](#), 24 June 2022

⁴³⁴ Houses of the Oireachtas, [‘Joint Committee on Justice: General Scheme of the Inspection of Places of Detention Bill 2022’](#) (18 October 2022)

⁴³⁵ Oireachtas, Joint Committee on Justice, [Report on Pre-Legislative Scrutiny of the General Scheme of the Inspection of Places of Detention Bill 2022](#) March 2023

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procedures, and reporting processes of Prison Visiting Committees, and in 2023 the Minister for Justice published the government's report on this review.⁴³⁶

There is no automatic right of access for parliamentarians to access prisons, however they can request access by writing to the Governor of the Prison.

c. Access to detention facilities by international bodies

There is no automatic right of access for CPT members or European parliamentarians to prisons, however they can request access by writing to the Governor of the Prison.

Ratification of OPCAT and the enactment of the Places of Detention Bill is to allow both international and national inspection bodies to freely access facilities and information and engage with people in prison and staff working in prisons. However the Office of the Inspector of Prisons noted that in the draft general scheme of the bill, Head 15 does not provide for privileges and immunities of members of international bodies, as required by OPCAT Article 35 and the UN Convention on Privileges and Immunities (Sections 22 and 23).⁴³⁷

d. NPM assessment

There is no NPM in Ireland at this time. The relevant oversight body for prisons is the Office of Inspector of Prisons.

No immediate recommendations are made by the OIP in respect of inspections during this period. The resumption of general inspections was noted in the 2022 report as a welcome development.

Additionally the OIP made comment on the Places of Detention Bill and its impact on inspections.

"In the near future, the Office of the Inspector of Prisons is to be designated as a National Preventive Mechanism (NPM) under the Optional Protocol to the United Nations Convention Against Torture (OPCAT). The Draft General Scheme of the Inspection of Places of Detention Bill (June 2022) envisages that the Inspectorate will become the Inspectorate of Places of Detention with a mandate to inspect places of detention across the justice sector, including: prisons; Garda Síochána Stations; any vehicle used by An Garda Síochána or the Irish Prison Service to transport a detainee from one location to another; and any place where a person is detained in custody immediately before and after the production of the person to a court (including a place within the environs of the court concerned). In August 2022, the OIP submitted observations on the draft General Scheme of the Inspection of Places of Detention Bill, which noted two primary concerns: i. The General Scheme does not guarantee the functional independence of the Office of the Inspectorate of Places of Detention; ii. The full range of future functions of the Office of the Inspectorate of Places of Detention should be clarified."⁴³⁸

⁴³⁶ Minister for Justice, Report on a review of Prison Visiting Committees 2023.

⁴³⁷ Office of the Inspector of Prisons, Submission to the Houses of the Oireachtas Joint Committee on Justice Draft General Scheme of the Inspection of Places of Detention Bill 15 August 2022

⁴³⁸ Office of Inspector of Prisons, Annual Report 2022, 2023.

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18. Access to remedy

a. Legal remedies

All prisoners are entitled to defend their constitutional and statutory rights through the courts. In *Simpson v. Governor of Mountjoy Prison*, the Supreme Court made the following observation:

*The fact of imprisonment necessitates a restriction on freedom and other fundamental rights; but this does not mean that all of a detainee's personal constitutional protections are abrogated. In addition to the fundamental constitutional rights which, subject to necessary limitations, continue to apply, statutory provisions such as the Prisons Act 2007 ... and the Prison Rules, 2007 ... not only set out specific disciplinary procedures and principles governing prison conditions, but also outline the obligations of administrators toward those under their care and supervision.*⁴³⁹

The *Simpson* case concerned a constitutional challenge brought by a protected prisoner who shared a cell that did not have in-cell sanitation and was required to slop out each morning. As a protected prisoner under Rule 63 (see below) of the Prison Rules 2007, he was confined to the cell for 23 hours per day. MacMenamin J., for the Supreme Court, decided that the appellant had been exposed to humiliating and distressing conditions that infringed his personal rights under the Constitution, especially his right of privacy, and contravened the constitutional values of dignity and autonomy. The appellant was awarded €7,500 in damages.

Prisoners are also entitled to bring an application for judicial review to the High Court seeking to challenge the decisions or decision-making procedures of administrative bodies such as the Irish Prison Service or prison governors. Applicants can seek an Order of Certiorari or an Order of Mandamus to quash a decision or to compel the performance of an obligation, respectively. The Courts Service provides a basic overview of the process on its website.⁴⁴⁰ There are numerous examples of prisoners making use of this procedure. In *Murray v. Ireland*, Finlay J. held that in making its decision, a court cannot strike down a decision merely because the court would have come to a different conclusion.²³ In *Nash v. Irish Prison Service*, in the context of a challenge to refuse a transfer to another prison, the High Court pointed out that prisoners “cannot expect or demand bespoke arrangements for where they serve their sentences”.²⁴ The court went on to hold that the courts should not attempt to micro-manage criminal detention arrangements, and should interfere with such matters as little as possible. Judicial review should be granted if the decision or the decision-making process was arbitrary or capricious. In *Cantwell v Governor of Castlerea Prison* a prisoner brought an unsuccessful application for judicial review in respect of the quality of the healthcare provided in prison.⁴⁴¹

More recently, the Courts have considered the application of the Assisted Decision-Making Act 2015 to prisoners and the extent to which the Governor of Prison is directed by its application in the provision of ‘basic care’.⁴⁴² This is likely to be an issue which is explored in more depth by the Courts in the coming

⁴³⁹ *Simpson v. Governor of Mountjoy Prison* [2019] IESC 81, at para. 2.

⁴⁴⁰ For details see: www.courts.ie/judicial-review.

⁴⁴¹ Ireland, High Court, *Cantwell -v- The Governor of Castlerea Prison & Anor*, IEHC 39, 2024.

⁴⁴² Ireland, High Court, *Governor of A Prison -v- X.Y.*, IEHC 361, 2023.

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years as the implementation of the Act is recent and awareness of the Act amongst public institutions and the public is growing.

Attempting to enforce non-statutory documents such as Irish Prison Service policy documents or Inspector of Prisons' reports is more difficult as they do not have statutory force. In *PMcD v. Governor X Prison*, the Court of Appeal considered a claim from a prisoner for damages in respect of an alleged breach of the Prison Service's Complaints Policy.²⁵ The Court of Appeal described the policy as aspirational in nature and dependent on proper resourcing, and noted that it had no statutory force. Nor did the policy create a common law duty of care (a prerequisite for a negligence claim). Thus, the prisoner's claim for damages failed.

b. Legal assistance

The Legal Aid – Custody Issues Scheme covers fees for a solicitor and barrister to represent people who cannot afford to pay the fees. The scheme covers:

- Applications for bail in the High Court, Court of Appeal or the Supreme Court
- Judicial review proceedings about criminal matters or matters where the liberty of the person is at issue
- Applications under the Extradition Act 1965 and the European Arrest Warrant Act 2003
- Habeas Corpus applications (where a person claims that they are being unlawfully detained by the State)

A prisoner can request legal aid by contacting the Governor of the prison to get the necessary forms.

c. Request and complaints

The Prison Rules set out an extensive grievance procedure as an aspect of Part 3 (treatment of prisoners) for breach of the Rules. Under Rule 55(1), the prison governor will meet with a prisoner. At such a meeting, the prisoner may make a complaint and the Governor is obliged to notify the prisoner of his decision as soon as possible. Prisoners are also entitled to request a meeting with the Inspector of Prisons, and the Governor is obliged to forward that request without undue delay.⁴⁴³ Alternatively, a prisoner may seek a meeting with an officer of the Minister for Justice and Equality, and again the Governor is obliged to forward that request without delay. A ministerial officer, nominated by the Director General of the Irish Prison Service, will meet the prisoner as soon as possible,⁴⁴⁴ and this meeting will take place within the view but out of the hearing of prison staff.⁴⁴⁵ The ministerial officer may make a recommendation to the Governor,⁴⁴⁶ who must notify the Minister of his reasons if he refuses to give full effect to the recommendation.⁴⁴⁷

The Prison Rules (Amendment) 2013 introduced a further procedure to enable a prisoner to make a

⁴⁴³ *Prison Rules*, 2007, Rule 56.

⁴⁴⁴ *Prison Rules*, 2007, Rule 57(2).

⁴⁴⁵ *Prison Rules*, 2007, Rule 57(3).

⁴⁴⁶ *Prison Rules*, 2007, Rule 57(4).

⁴⁴⁷ *Prison Rules*, 2007, Rule 57(5).

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complaint about a criminal offence.⁴⁴⁸ Any allegation of a crime by a prisoner shall be notified to both the Governor and An Garda Síochána.⁴⁴⁹ The Governor is obliged to keep a detailed record of the complaint, and to assemble relevant evidence including CCTV recordings, and to arrange for the prisoner to be interviewed and a record kept of any injuries.⁴⁵⁰ Further, a specific procedure exists in the event of a complaint of assault or excessive force against a prisoner, or ill treatment, racial abuse, discrimination, intimidation, threats or other misconduct likely to bring discredit upon the Prison Service.⁴⁵¹ All evidence must be secured,⁴⁵² and the complaint and evidence must be referred within seven days to the Director General of the Prison Service and notified to the Inspector of Prisons.⁴⁵³ The Director General will appoint an investigating team unless he is satisfied that the complaint is vexatious.⁴⁵⁴ The purpose of the investigation is to determine whether there are grounds for the complaint.⁴⁵⁵ All prison staff are duty-bound to cooperate with the investigation.⁴⁵⁶ The resulting report will be sent to the Governor and the Director General, with a copy being sent to the Inspector of Prisons.⁴⁵⁷ The prisoner has a right of complaint if he is dissatisfied with the conclusion of the report.⁴⁵⁸

Prisoners have the right to make a complaint to any prison staff member either verbally or in writing at any time. To implement these complaints procedures, the Irish Prison Service issued a Prisoner Complaints Policy document in 2015.⁴⁵⁹ Under this policy, a standard complaints form should be freely available in all prisons, which can be placed in complaints post boxes which should be located in prisoner-accessible locations throughout the prisons. These boxes are to be emptied every day, the complaint forms are to be stamped and copied with a copy returned to the prisoner in a sealed envelope. The Policy also sets out an investigation policy, distinguishing between different categories of complaints. Under the Irish Prison Service Complaints System there are 6 categories of complaints depending on the seriousness of the complaint. The most serious is Category A which covers complaints alleging assault, use of excessive force, ill treatment, racial abuse, discrimination, intimidation or threats. Category A complaints are investigated by people from outside the Prison Service.

The most serious complaints (Category A) are to be investigated according to Rules 57A and 57B (see above). The complaints' categories are as follows:⁴⁶⁰

- Category A = complaints from prisoners alleging serious ill treatment, use of excessive force, serious intimidation/discrimination or threats by a member of staff;
- Category B = mid-range complaints from prisoners in terms of seriousness, including

⁴⁴⁸ Prison Rules (Amendment) 2013, SI No. 11/2013. These new rules were introduced as a result of two reports from the Inspector of Prisons. See also Inspector of Prisons, Guidance on Best Practice relating to Prisoners' Complaints and Prison Discipline, 2010 and Suggested Prisoner Complaints Model for Irish Prisons, 2012.

⁴⁴⁹ Prison Rules, 2007, Rule 57(A), as inserted by the Prison Rules (Amendment) 2013, Rule 2.

⁴⁵⁰ Prison Rules, 2007, Rule 57(A)(2).

⁴⁵¹ Prison Rules, 2007, Rule 57(B)(1).

⁴⁵² Prison Rules, 2007, Rule 57(B)(3).

⁴⁵³ Prison Rules, 2007, Rule 57(B)(4).

⁴⁵⁴ Prison Rules, 2007, Rule 57(B)(5).

⁴⁵⁵ Prison Rules, 2007, Rule 57(B)(6).

⁴⁵⁶ Prison Rules, 2007, Rule 57(B)(7).

⁴⁵⁷ Prison Rules, 2007, Rule 57(B)(10).

⁴⁵⁸ Prison Rules, 2007, Rule 57(B)(11).

⁴⁵⁹ Irish Prison Service, Policy for Prisoner Complaints, 2015.

⁴⁶⁰ Irish Prison Service, Policy for Prisoner Complaints, 2015, pp. 4-15.

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discrimination, verbal abuse by staff, inappropriate searches, etc.;

- Category C = service level complaints such as complaints about visits, phone calls, missing clothing, delayed post, not getting appropriate exercise, etc.;
- Category D = complaints against professionals such as dentists, doctors, etc.; and,
- Category E = complaints made by visitors to the prison; and,
- Category F = complaints against decisions made by the Prison Service centrally such as decision relating to transfer requests.

In 2022, the the Inspectorate of Prisons received notification of 75 Category A complaints. The Inspectorate is to be notified within 7 days of these complaints. The Inspectorate noted, “Delays in the appointment of investigators to investigate Category A complaints remain a concern, with a fall from 63% to 46% from 2021-2022.”⁴⁶¹ In 2021, the IPS developed an automatic notification system to assist with their compliance with Rule 57(B).

In 2023, the Irish Prison Service said they are concerned about long delays in dealing with the most serious of complaints made by the incarcerated. They said this was down to a shortage of suitably qualified investigators as well as a backlog built up during the Covid-19 pandemic when prisoners could not always be interviewed face-to-face. More than a third of the Category A complaints in 2022 came from a single prison, the Midlands Jail in Co Laois, from where there were 25 individual complaints logged. Only one of the seventy had been upheld.⁴⁶²

In a 2016 review, the Inspector of Prisons concluded that there had been a “litany of failures” at all levels of the Irish Prison Service which rendered the procedure ineffectual.⁴⁸ In its *Annual Report* for 2019, the Inspector of Prisons concluded again that there were “serious deficiencies” in the operation of the complaints’ procedure, not least instances of non-compliance with the law.⁵⁶ In the *Annual Report* for 2020, the Inspector reiterated its concern at “the poor adherence by the IPS to the law in relation to prisoner complaints”.⁵⁹ The Annual Report for 2021 said that the office was concerned about some cases where an independent investigator appointed by the Irish Prison Service (IPS) found grounds for a prisoner’s complaint, but the governor assigned to review the findings did not uphold them.⁴⁶³ The Annual Report for 2022 noted, “Deficiencies relating to the operation of the prisoner complaints procedure have been noted and commented upon in previous reports. That continued to be the case during 2022.”⁴⁶⁴

The UN Human Rights Committee stated in 2022 that Ireland should ‘ensure that all persons deprived of their liberty have access to an independent and effective complaints mechanism to investigate allegations of torture and ill-treatment’.⁴⁶⁵ The Office of the Inspector of Prisons (OIP) labelled the system as not fit for purpose in its three most recent annual reports.⁴⁶⁶

⁴⁶¹ Office of Inspector of Prisons, Annual Report 2022, 2023, p.22.

⁴⁶² Irish Prison Service, Response to FOI request, 2023.

⁴⁶³ Office of Inspector of Prisons, Annual Report 2021, 2022.

⁴⁶⁴ Office of Inspector of Prisons, Annual Report 2022, 2023, p.23.

⁴⁶⁵ UN Human Rights Committee, ‘Concluding observations on the fifth periodic report of Ireland’, Jan 2023.

⁴⁶⁶ Office of the Inspector of Prisons, Annual Reports.

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The Irish Prison Service committed in 2016 to taking into account the Mandela Rules in its prisons.⁶⁰ In a later Strategic Policy, the Irish Prison Service asserted that they had strengthened the complaints mechanism through a review of the complaints procedure “with a view to introducing a greater involvement and oversight by an independent body, the Ombudsman”.⁶¹ The Policy itself committed the Service to implementing the recommendations of the Inspector of Prisons arising from an audit of the complaints system.⁶² The Service also committed itself to the introduction of a system of internal review and an external independent appeal system, again utilising the good offices of the Ombudsman.⁶³ These commitments grew from the Service’s human rights public sector duty; recognising that the Service did not always meet its own commitments, prisoners must have a right to make a complaint to the prison authorities and to independent bodies. Prisoners must “have access to a credible and independent complaints system that deals with genuine complaints in an open, transparent and independent way and provides appropriate redress”.⁶⁴

The Court of Appeal held in 2020 that the Complaints Policy “provides a framework within which prisoners can make complaints which will be dealt with confidentially, properly investigated and with procedural fairness”.⁶⁵ The court went on to hold, however, that the Policy is “aspirational in nature and ... [is] dependent to a significant degree on having the resources to implement it.”⁶⁶ As such it did not create a duty of care towards prisoners, and thus could not give rise to a claim for damages based in negligence. Nor was the Policy itself actionable, not having any statutory authority.

A new complaints system was committed to in 2020 but this was not implemented. As of early 2023, drafting of the Regulations necessary to embed the revised complaints system is at ‘an advanced stage’.⁴⁰⁰ ⁴⁶⁷Once finalised, it is estimated that work to implement the new Regulations will take roughly 16-18 weeks to complete.⁴⁰¹ However, there remains concern about the rollout timetable.⁴⁶⁸. The former Inspector of Prisons noted that ‘failure to replace the current system is indicative of the priority it is receiving’.⁴⁶⁹ The Irish Prison Service Strategy 2023-2027 again commits to an upgrade of the complaints process.⁴⁷⁰

The Prison Rules provide, in Rule 44(1)(h), that prisoners are permitted to communicate confidentially with the Inspector of Prisons (among other bodies).⁴⁷¹ In 2022, the Inspector received 143 letters from 74 prisoners in 10 prisons.⁴⁷² The most common issue raised was Mental and Physical Healthcare concerns, including access to services and delays in treatments (17 prisoners).

The main issues in 2022 Rule 44 letters:⁴⁷³

Issue Raised by Prisoner	Number of Letters
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⁴⁶⁷ Oireachtas, ‘Prison Service’ (15 February 2023)

⁴⁶⁸ Irish Penal Reform Trust, *Progress in the Penal System: A Framework for Penal Reform (2022)*, 2023.

⁴⁶⁹ Office of Inspector of Prisons, *Annual Report 2021, 2022*

⁴⁷⁰ Irish Prison Service, *Strategy 2023-2027*, p.23

⁴⁷¹ Rule 44 also allows prisoners to communicate with a lawyer, a member of prison’s visiting committee, the Minister for Justice and Equality, senior Irish judges, the European Court of Human Rights, the European Committee on the Prevention of Torture, the parole board, the Irish Human Rights and Equality Commission and International Committee of the Red Cross.

⁴⁷² Office of Inspector of Prisons, *Annual Report 2022, 2023*, p.24

⁴⁷³ Office of Inspector of Prisons, *Annual Report 2022, 2023*, p. 25.

Mental and Physical Healthcare concerns, including access to services and delays in treatments	17	
Dissatisfaction with the IPS complaints process	12	
Requests to meet with OIP Staff	11	
Concerns around violent behaviours on the part of prison staff and fellow prisoners	8	
Concerns around Visits	7	

d. Independent authority

The Office of the Inspector of Prisons does not deal with complaints from, or on behalf of individual prisoners although the Inspector may examine the circumstances surrounding a complaint in the course of carrying out an inspection and/or investigation.

The Prisons Act 2007 specifies that a complaint about a prison and or its staff is made to the Irish Prison Service who are required to investigate all such complaints. Rule 57B of the Prison Rules 2007-2017 applies to any complaint made by any person alleging assault or use of excessive force against a prisoner, or ill-treatment, racial abuse, discrimination, intimidation, threats or any other conduct against a prisoner of a nature and gravity likely to bring discredit on the Irish Prison Service. These complaints are made to the Irish Prison Service and they are referred to as Category A complaints. Certain legal obligations are placed on Governors of Prisons and the Director General of the Irish Prison Service in terms of notifications and the provision of reports and reasoned decisions to the Inspector of Prisons in relation to such complaints. The Inspector of Prisons has oversight of all Category A investigations and must be given access to any relevant material and she may investigate any aspect that she considers relevant.⁴⁷⁴

In 2016, the Government committed to giving a greater role to the Ombudsman in respect of prison complaints.⁴⁷⁵ In an opening statement to a Joint Oireachtas Committee in late 2021, the former Ombudsman stated that bringing prison complaints under the jurisdiction of the Office of the Ombudsman has been ‘painfully slow’ and ‘needs to be concluded as soon as possible’.⁴⁷⁶ Drafting of new regulations to update the Prison Rules commenced in 2023 in respect of complaints and introducing a role for the Office of the Ombudsman.⁴⁷⁷

Outside of the ‘formal’ complaints system, Prison Visiting Committees also have a role in hearing individual complaints from prisoners.⁴⁷⁸ However, there is no available information about the operation of this function during 2022.⁴⁷⁹

⁴⁷⁴ Office of the Inspector of Prisons, What We do

⁴⁷⁵ Department of Justice, ‘Tánaiste accepts recommendation to give Ombudsman a role in prison complaints’ (DoJ, 8 June 2016).

⁴⁷⁶ Office of the Ombudsman, Statement by Mr Peter Tyndall, Ombudsman, to the Joint Committee on Public Petitions (Houses of the Oireachtas 2021)

⁴⁷⁷ Oireachtas, Parliamentary Questions, Prison Service, Wednesday, 15 February 2023

⁴⁷⁸ Prison Rules, 2007, Rule 56.

⁴⁷⁹ Irish Penal Reform Trust, Progress in the Penal System: A Framework for Penal Reform (2022), 2023.

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e. NPM assessment

There is no NPM in Ireland at this time. The relevant oversight body for prisons is the Office of Inspector of Prisons.

The OIP annual report for 2020, said: “An effective complaints system is an essential tool in the armoury of human rights protections. The introduction of an effective complaints system must be identified as a priority for action.”⁴⁸⁰ This was the third successive year making this comment on the complaints system. It was described as ‘inadequate and unreliable’. A new prisoner complaints system was first promised by the end of 2019, and then by the end of 2020, but has yet to be introduced.

In 2021, the OIP report stated that it was unable to provide information on the breakdown of categories of complaints by prison because it had not been provided with that information by the Irish Prison Service. The report stated: “It is unacceptable that people in prison in Ireland are denied a fair, effective complaints system. Failure to replace the current system is indicative of the priority it is receiving.”⁴⁸¹

The 2022 report stated that deficiencies in the complaints system continued during 2022. The Inspectorate received 50 Category A prisoner complaint investigation reports during 2022, 38 of which related to earlier complaints. The Inspectorate noted the completion timeframe involved with the investigation process is lengthy. The length of time taken to appoint an investigator is also a point of concern.⁴⁸²

The UN Human Rights Committee stated in 2022 that Ireland should ‘ensure that all persons deprived of their liberty have access to an independent and effective complaints mechanism to investigate allegations of torture and ill-treatment’.⁴⁸³

⁴⁸⁰ Office of the Inspector of Prisons, 2020 Annual Report, October 2021.

⁴⁸¹ Office of the Inspector of Prisons, 2021 Annual Report, October 2022.

⁴⁸² Office of Inspector of Prisons, Annual Report 2022, 2023..

⁴⁸³ UN Human Rights Committee, ‘Concluding observations on the fifth periodic report of Ireland, 26 January 2023.

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Part II: National case-law

Ireland, Supreme Court, *McGee v Governor of Portlaoise Prison*, IESC 14, 2023

Thematic area	<i>Access to legal remedy</i>
Decision date	May 25, 2023
Reference details	https://courts.ie/view/judgments/db04a14e-0b9b-4c56-978c-d37e3ab059e0/ae2cf951-de8a-4535-934a-6d0c2de4efbf/2023_IESC_14.pdf/pdf
Key facts of the case	Applicant detained in Portlaoise Prison for a period of four years during that time that he had to use a bucket with a specially designed lid for toileting purposes. The practice was deemed a breach of a prisoner's human rights under Art. 40.3 of the Constitution in another case. The applicant instituted proceedings claim for damages.
Main reasoning/ argumentation	The defence argued that claim was statute barred . The reply was that it was not a claim in tort and therefore not barred – s. 11(2) of the Statute of Limitations 1957 . The issue is to examine whether claim is statute barred – plaintiff's action herein is for breach of constitutional rights under Art. 40.3 of the Constitution.
Key issues (concepts, interpretations) clarified by the case	The issue is to examine whether claim is statute barred – plaintiff's action herein is for breach of constitutional rights under Art. 40.3 of the Constitution Is a pure Meskell (i.e. constitutional tort) action an “action founded on tort” within the meaning of s. 11(2)(a) of the Statute of Limitations 1957, such that the six-year limitation period generally applicable to tort claims will apply in the same way to pure Meskell claims?
Results (sanctions) and key consequences or implications of the case	The action is for damages founded on tort. It falls within s. 11(2) of the Statute of Limitations 1957. The Plaintiff's claim is statute barred on the grounds that: (1) the action for damages is founded on a tort; and (2) the plaintiff was aware that he had engaged in this practice while in prison, and was not suffering from a disability or otherwise prevented from pursuing his action against such practices.
Key quotation in original language and translated into English with reference details	79 [...]If an action to vindicate the good name of a citizen is properly analysed as founded upon tort for the purposes of s. 11 of the 1957 Act, and as a civil wrong, and as some act done by the defendant whereby, he has without just cause or excuse caused some form of harm to the plaintiff (as per Keane J., in <i>McDonnell</i> at p. 157), then the claim in this case is properly characterised in the same way and can properly be said to be founded upon tort.

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Ireland, Court of Appeal, Murray -v- The Governor of Midlands Prison, IECA 42, 2024.

Thematic area	<i>Other – disciplinary measures</i>
Decision date	22 February 2024.
Reference details	[2024] IECA 42 https://courts.ie/view/judgments/8a30424b-caa3-4ba0-a771-5416f10b86ef/8171152f-98ea-4a1c-b503-01c6ba8acd91/2024_IECA_42.pdf/pdf
Key facts of the case	The appellant was tried and convicted in respect of certain offences. He was sentenced to a term of 15 years and on appeal his sentence was increased to one of 19 years. While serving that lengthy prison sentence, the appellant was convicted of separate offences by a jury before the Circuit Court. During the sentencing hearing, the appellant threw a bible at the sentencing judge. The judge decided not to impose any sanction under the law of contempt and proceeded to impose sentence. The appellant was subsequently the subject of a disciplinary hearing in prison in respect of his behaviour in court and a sanction of 40 days’ loss of privileges was imposed. The process was started by service of a P19 which alleged that he had offended against discipline in contravention of Schedule 1 of the Prison Rules 2007 which included misconduct 3 (threatening behaviour), misconduct 7 (intentionally or recklessly endangering any person), misconduct 8 (assaulting any person) and misconduct 32 (offending against good order and discipline).
Main reasoning/ argumentation	The question raised is whether a convicted person is liable to the disciplinary offences and sanctions in the Prison Rules 2007 (S.I. 252/2007) in respect of his misconduct in a courtroom during his sentence hearing. The appellant submits that, contrary to what was found by the High Court judge, the Prison Rules do not apply in that situation at all and that it is solely for the sentencing judge to decide whether or not to deal with the matter by way of the contempt of court jurisdiction. He challenged the decision by way of petition under s.14 of the Prison Act 2007, and the decision to sanction was affirmed. He then brought judicial review proceedings and sought <i>certiorari</i> to quash both the original decision and the decision affirming it; a declaration that the discipline of a prisoner for conduct while in the custody of a court is not provided for by the Prison Rules 2007 or Prison Act 2007; and if necessary an order of <i>mandamus</i> compelling the Prison Service to provide him with ordinary privileges.
Key issues (concepts, interpretations) clarified by the case	The court confirmed that the appellant was at all times in the custody of the Governor on foot of the 19-year sentence and that he did not cease to be in that custody while he was in the courtroom for the purpose of the second set of criminal proceedings. Therefore he clearly fell within the definition of “prisoner” in s.2 of the Act and Rule 2(2) of the Prison Rules even when he was produced in court for further criminal proceedings. the primary purpose of the discipline-related aspects of the Prisons Act 2007

	and the Prison Rules is probably to deal with alleged misconduct within the <i>physical</i> prison setting, it cannot be said that this is the sole purpose of those provisions. It is clear from the inclusion, in s.2 of the Act, of a person “ <i>who is in lawful custody outside a prison</i> ” within the definition of prisoner that its scope is directed towards people who are in the <i>custody</i> of the prison governor and not physically <i>on the premises</i> in a prison. The same point can be made with regard to s.35(2) which refers to breaches “ <i>committed by prisoners while inside a prison or outside it in the custody of a prison officer or prisoner custody officer</i> ”.	
Results (sanctions) and key consequences or implications of the case	The appeal was dismissed. The Prison rules apply to prisoners at all times that they are in the custody of the prison governor. The Prison Governor was free to apply disciplinary sanctions even in a case where the Judge opted not to do so.	
Key quotation in original language and translated into English with reference details	“it accords with common sense that misconduct outside the physical prison setting may well have an impact on the running of the prison itself (the example given by the Respondent of the staffing implications for escorting a dangerous prisoner to a hospital being very apt). There is no inconsistency in an interpretation which focusses on the prisoner being in the custody of a prison officer rather than the one which was contended for by the appellant, namely one which conceptualises it as primarily location-based (the prison building) with limited exceptions.”	

Ireland, High Court, Cantwell -v- The Governor of Castlerea Prison & Anor, IEHC 39, 2024.

Thematic area	8 Healthcare
Decision date	30 January 2024.
Reference details	[2024] IEHC 39 https://courts.ie/view/judgments/b1580440-bd8f-417c-96f4-342b142f6990/d9694d3d-a785-4323-85f1-8b7724db1537/2024_IEHC_39.pdf/pdf
Key facts of the case	The judicial review proceedings arise out of a complaint by the applicant that he is being denied the benefit of a medication, i.e. Pregabalin, otherwise known as Lyrica, while detained in Castlerea Prison. The applicant states that he had previously been prescribed this medication by his general practitioner to address pain management in relation to nerve damage in his wrist.
Main reasoning/ argumentation	It was argued that the clinical judgement of prison health services is unequal to national public health services.

Key issues (concepts, interpretations) clarified by the case	The case raises the question of whether the prison service can or should refuse medication on the basis of its own clinical judgements. The court held “It is lawful for the prison authorities to have regard to the addictive nature of Pregabalin and the applicant’s previous dependence on opioids and his poly substance abuse. The prison authorities have taken steps to prescribe alternative medication [...] The prison authorities have also taken reasonable steps to ensure that the applicant is referred to relevant specialists.”	
Results (sanctions) and key consequences or implications of the case	Leave to apply for judicial review refused	
Key quotation in original language and translated into English with reference details	“9. I am satisfied that the Irish Prison Service is providing the applicant with healthcare services equivalent to those provided to individuals entitled to General Medical Services in the community.”	

Ireland, High Court, Governor of A Prison -v- X.Y., IEHC 361, 2023.

Thematic area	8 Healthcare
Decision date	22 June 2023
Reference details	https://courts.ie/view/judgments/2f99aafb-3642-4ed3-bd87-04c3586ada8e/0e49fae1-88d2-4f2e-abcc-ec8b22363253/2023_IEHC_361.pdf/pdf
Key facts of the case	<p>The case concerns a prisoner who made numerous statements to the prison authorities that he or she did not wish to consume any food or fluids. The stated intention of the prisoner was to end his or her life. The prisoner dictated a note stating that he or she intended to end his or her life by refusing food and fluids. The prisoner executed two advance healthcare directives. The Governor of the prison commenced proceedings seeking orders essentially to give effect to the prisoner’s wishes and permitting the Governor not to feed or provide fluid to the prisoner against his or her wishes, not to force-feed the prisoner or to provide any medical intervention to the prisoner against his or her wishes and to give effect to the prisoner’s AHD in accordance with the provisions of Part 8 of the Assisted Decision-Making (Capacity) Act 2015. A range of different orders were sought by the Governor in the proceedings.</p>
Main reasoning/ argumentation	<p>The prisoner was assessed to have full capacity in line with the provisions of the Act.</p> <p>S. 85(2) of the Act outlines the circumstances in which a directive would not be “<i>applicable</i>”. That subsection provides that an advance healthcare directive is “<i>not applicable</i>” if:</p> <p>“(a) at the time in question the directive-maker still has capacity to give or refuse consent to the treatment in question,</p>

	<p><i>(b) the treatment in question is not materially the same as the specific treatment set out in the directive that is requested or refused, or</i></p> <p><i>(c) at the time in question the circumstances set out in the directive as to when the specific treatment is to be requested or refused, as the case may be, are absent or not materially the same.”</i></p> <p>However the AHD signed by the prisoner on 13th May 2023 also contains an express statement that it is to apply <i>“to life-sustaining treatment even if [the prisoner’s] life is at risk”</i>. The AHD is, therefore, applicable to life sustaining treatment in the case of the prisoner.</p>	
<p>Key issues (concepts, interpretations) clarified by the case</p>	<p>As the prisoner has full capacity, the AHD was <i>“not applicable”</i>. The applicability of the AHD would only arise if the prisoner were to lose capacity to give or refuse consent to the treatment outlined in the AHD. Since that has <i>not</i> occurred in this case, the AHD is <i>“not applicable”</i>. It might become applicable were the prisoner to lose capacity and provided that the other disapplying factors contained in subparas. (b) and (c) do not apply.</p> <p>As long as the prisoner has full capacity, in relation to the provisions of s. 85(4), the subsection that deals with the provision of <i>“basic care”</i> to the decision maker, the question was raised as to whether in light of the clearly expressed decision and wish of the prisoner not to accept food and fluids, there would be any obligation on the prison authorities to provide <i>“oral nutrition”</i> or <i>“oral hydration”</i>, against the wishes of the prisoner.</p> <p>The provision of food or fluids against the prisoner’s clearly expressed decision and wishes would be fundamentally inconsistent with the entire objective of Part 8 of the 2015 Act as set out in ss. 83(1) and (2).</p>	
<p>Results (sanctions) and key consequences or implications of the case</p>	<p>This is the first case in which the court has had to consider the provisions of Part 8 of the Assisted Decision-Making (Capacity) Act 2015.</p> <p>The prisoner had and continued to have capacity to make the relevant decisions to refuse food and fluid and medical intervention and that the prison authorities’ decision not to force-feed the prisoner or to forcefully provide medical intervention to the prisoner was lawful. The advance healthcare directive made by the prisoner on 13th May 2023, was valid and that the Governor was entitled to give effect to that directive in relation to the matters set out in it and that the directive should remain operative in the event that the prisoner was to lose capacity or become unconscious or incapable of making a decision to accept food or fluids or medical intervention.</p> <p>The Governor’s decision not to force-feed the prisoner or to provide medical intervention against the prisoner’s wishes in the event that the prisoner was to lose capacity or to become unconscious was lawful.</p>	

<p>Key quotation in original language and translated into English with reference details</p>	<p>97. Since the formal requirements for an advance healthcare directive contained in Part 8 of the 2015 Act have been complied with and since neither of the factors which might deprive the directive of validity applies, I have concluded that the AHD made by the prisoner on 13th May 2023 is valid.</p> <p>100. [...] the AHD made by the prisoner on 13th May 2023, was valid under s. 85(1) but had not become “<i>applicable</i>” under s. 85(2) since the prisoner still had capacity to give or refuse consent to the treatment outlined in the directive.</p> <p>104. [...]I would tend to the view that force-feeding or forcibly providing hydration to a person would probably amount to “<i>artificial nutrition</i>” or “<i>artificial hydration</i>” as those terms are used in s. 85(4)(b). A definitive decision on that point should await a case on which the issue directly arises.</p> <p>105. In short, in my view there is nothing in s. 85(4) which would impose any obligation on the prison authorities in this case to force-feed or forcefully provide hydration to the prisoner.</p>	