



CPT/Inf (95) 14

**Report to the Irish Government
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 26 to 5 October 1993**

The Irish Government has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (95) 15.

Strasbourg/Dublin, 13 December 1995

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Copy of the letter transmitting the CPT's report

Strasbourg, 23 June 1994

Dear Mr Dunne,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I have the honour to enclose herewith the report to the Irish Government drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) after its visit to Ireland from 26 September to 5 October 1993. The report was adopted by consensus by the CPT at its twenty-first meeting, held from 6 to 10 June 1994.

I would draw your attention in particular to paragraph 202 of the report, in which the CPT requests the Irish authorities to provide an interim and a follow-up report on action taken upon its report. More generally, the CPT is keen to establish an on-going dialogue with the Irish authorities on matters of mutual interest, in the spirit of the principle of co-operation set out in Article 3 of the Convention; consequently, any other communication that the Irish authorities might wish to make would also be most welcome.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Finally, I would be grateful if you could acknowledge receipt of this letter.

Yours sincerely,

Claude NICOLAY
President of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment

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PREFACE

As the European Committee for the prevention of torture and inhuman or degrading treatment or punishment is a new institution, knowledge of its mandate and functions is inevitably limited. The CPT has therefore deemed it appropriate to begin the first of its reports to each Party by setting out some of the Committee's salient features. This should prove particularly helpful in differentiating the basis and aims of the CPT from those of two other Council of Europe supervisory bodies within the field of human rights: the European Commission and European Court of Human Rights.

Unlike the Commission and the Court, the CPT is not a judicial body empowered to settle legal disputes concerning alleged violations of treaty obligations (i.e. to determine claims ex post facto).

The CPT is first and foremost a mechanism designed to **prevent ill-treatment from occurring**, although it may also in special cases intervene after the event.

Consequently, whereas the Commission's and Court's activities aim at "conflict solution" on the legal level, the CPT's activities aim at "conflict avoidance" on the practical level.

This being so, the guiding maxim for the CPT when performing its obligations must be to "extend the widest possible protection against abuses, whether physical or mental" (quotation from the 1979 UN Code of conduct for law enforcement officials as well as from the 1988 Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, both adopted by the General Assembly).

The CPT's activities are based on the concept of co-operation (Article 3 of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment). The CPT's task is not to publicly criticise States, but rather to assist them in finding ways to strengthen the "cordon sanitaire" that separates acceptable and unacceptable treatment or behaviour. In fulfilling this task the CPT is guided by the following three principles:

- i) that the prohibition of ill-treatment of persons deprived of their liberty is absolute,
- ii) that ill-treatment is repugnant to the principles of civilised conduct, even if used in milder forms, and
- iii) that ill-treatment is not only harmful to the victim but also degrading for the official who inflicts or authorises it and ultimately harmful to the national authorities in general.

The CPT first of all explores the prevailing factual situation in the countries it visits. In particular it:

- i) examines the general conditions in establishments visited;
- ii) observes the attitude of law enforcement officials and other staff towards persons deprived of their liberty;
- iii) interviews persons deprived of their liberty in order to understand how they perceive (i) and (ii) and hear any specific grievances they may have;
- iv) examines the legal and administrative framework on which the deprivation of liberty is based.

Subsequently, the CPT reports to the State concerned, giving its assessment of all the information gathered and providing its observations. In this regard, it should be recalled that the CPT does not have the power to confront persons expressing opposing views or to take evidence under oath. If necessary, it recommends measures designed to prevent the possible occurrence of treatment that is contrary to what reasonably could be considered as acceptable standards for dealing with persons deprived of their liberty.

In carrying out its functions, the CPT has the right to avail itself of legal standards contained in not only the European Convention on Human Rights but also in a number of other relevant human rights instruments (and the interpretation of them by the human rights organs concerned). At the same time, it is not bound by the case law of judicial or quasi-judicial bodies acting in the same field, but may use it as a point of departure or reference when assessing the treatment of persons deprived of their liberty in individual countries.

To sum up, the principal differences between the CPT and the European Commission and European Court of Human Rights are:

- i) the Commission and the Court have as their primary goal ascertaining whether breaches of the European Convention of Human Rights have occurred. By contrast, the CPT's task is to prevent abuses, whether physical or mental, of persons deprived of their liberty from occurring; it has its eyes on the future rather than the past;
- ii) the Commission and Court have substantive treaty provisions to apply and interpret. The CPT is not bound by substantive treaty provisions, although it may refer to a number of treaties, other international instruments and the case law formulated thereunder;
- iii) given the nature of their functions, the Commission and the Court consist of lawyers specialising in the field of human rights. The CPT consists not only of such lawyers but also of medical doctors, experts in penitentiary questions, criminologists, etc;
- iv) the Commission and Court only intervene after having been petitioned through applications from individuals or States. The CPT intervenes ex officio through periodic or ad hoc visits;
- v) the activities of the Commission and Court culminate in a legally binding finding as to whether a State has breached its obligations under a treaty. The CPT's findings result in a report, and, if necessary, recommendations and other advice, on the basis of which a dialogue can develop; in the event of a State failing to comply with the CPT's recommendations, the CPT may issue a public statement on the matter.

I. INTRODUCTION

A. Dates of the visit and composition of the delegation

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the Convention"), a delegation of the CPT carried out a visit to Ireland from 26 September to 5 October 1993.

The visit formed part of the CPT's programme of periodic visits for 1993.

The delegation consisted of the following Committee members:

- Mr Bent SØRENSEN, First Vice-President of the CPT, (Head of delegation);
- Mr Jón BJARMAN;
- Mr Günther KAISER;
- Mr Petros MICHAELIDES;
- Mr Arnold OEHRYS.

The delegation was assisted by:

- Mrs Marianne KASTRUP, Head of the Department of Psychiatry at Hvidovre Hospital, Denmark (expert);
- Mr James McMANUS, Senior Lecturer in Law at the University of Dundee, United Kingdom (expert);
- Mr Roland HERMANN (interpreter).

The delegation was also accompanied by the following members of the CPT's Secretariat:

- Mrs Geneviève MAYER;
- Mr Mark KELLY;
- Mr Jan MALINOWSKI.

B. Establishments visited

2. The delegation visited the following places of detention:

Cork

- Cork Prison
- Anglesea Street Divisional Headquarters of the Garda Síochána
- Bridewell Garda Station

Dublin

- Mountjoy Prison
- St. Patrick's Institution
- Santry Divisional Headquarters of the Garda Síochána
- Bridewell District Headquarters of the Garda Síochána
- Finglas Garda Station
- Ronanstown Garda Station
- Holding Cells at Dublin Municipal Courts

Limerick

- Limerick Prison
- Henry Street Divisional Headquarters of the Garda Síochána

Shannon

- Immigration Service, Shannon Airport
- Shannon Garda Station

C. Consultations held by the delegation

3. The delegation held consultations with the national authorities and with representatives of non-governmental organisations active in the CPT's fields of interest, in addition to talks at local level with those responsible for the places visited.

A list of the authorities and organisations with which the delegation held talks is set out in Appendix 2 to this report.

D. Co-operation encountered during the visit

4. The CPT's delegation was received by the Minister for Justice, Mrs Máire Geoghegan-Quinn and the Minister for Health, Mr Brendan Howlin, together with certain of their senior officials. Those meetings were conducted in a spirit of full co-operation, as were the fruitful consultations held with senior officials of the Garda, Prisons and Immigration and Citizenship Divisions of the Ministry of Justice at the beginning and the end of the visit.

The CPT also wishes to express its gratitude for the assistance provided to its delegation by the Government's liaison officer, Mr Henry Mitchell.

5. Reference should also be made to the fact that the Minister for Justice and the Minister for Health provided members of the delegation with credentials setting out the Committee's task and explaining its powers. These facilitated the work of the delegation.

6. With two exceptions, the delegation received a satisfactory reception at the places visited and staff at those establishments appeared to have at least some knowledge of the CPT's task. The first exception occurred at the Bridewell District Headquarters of the Garda Síochána in Cork, where a delay was experienced in gaining access to places which the delegation wished to see within the police station. The second exception occurred at the Immigration Service, Shannon Airport. The two immigration officers on duty at the time of the delegation's visit claimed never to have heard of the CPT and added that, in any case, they were too busy to provide the delegation with the assistance which it sought.

In both cases those difficulties were resolved, at Cork with the assistance of the Garda "member in charge" of the police station and, at Shannon Airport, after the intervention of the Government's liaison officer. It should be added, however, that even after the immigration officers on duty at Shannon Airport had accepted the CPT's right to visit the Immigration Service, they continued to give evasive answers to questions put to them by the delegation.

7. It should also be mentioned that the delegation's visit to Finglas Garda Station in Dublin attracted a certain amount of coverage in the Irish press, apparently as result of representations made to the Ministry of Justice by the Garda Representative Association and the Association of Garda Sergeants and Inspectors. Some newspaper articles sought to cast doubt on the CPT's right to inspect the contents of drawers or lockers in police stations. It was also suggested, incorrectly, that the visiting delegation had not asked that the detectives who used the drawers or lockers in question be called to the station and/or that members of the delegation had themselves forced open lockfast places. The CPT is grateful to the Government's liaison officers and to the Garda Division of the Ministry of Justice for their tactful response to those reports, both during and after the visit.

8. In this respect, the CPT wishes to make clear its view that, having regard to Article 8, paragraph 2, sub-paragraphs c. and d. of the Convention, the Committee does enjoy a right of access to lockfast places in establishments where persons are deprived of their liberty. It should be added that the CPT only exercises this right when there is reason to believe that inspection of their contents may reveal matters of relevance to the Committee's mandate, which was the case at Finglas Garda Station.

Moreover, the procedures followed by its delegation on that occasion were fully in accordance with the CPT's policy that officers whose drawers or lockers are to be opened should have an opportunity to be present and that such places should be opened by the authorities in charge of the establishment visited. The Inspector in charge was requested, in particular, to telephone the detectives concerned and ask them to come to the police station in order to open the drawers and lockers with their own keys. This he refused to do, stating that he would rather break open the lockers than wake the detectives at 1 am. It was pointed out to the Inspector that it might be in the best interests of the officers concerned to be present when the contents of their drawers and lockers were examined; however, he insisted that he was prepared to take responsibility for forcing open the drawers and lockers. The locked drawers and lockers were then opened by the Inspector, in the presence of members of the delegation and another police officer.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Police (Garda Síochána) establishments

1. General information

9. The Garda Síochána¹ is a national police force, which falls under the authority of the Ministry of Justice. As indicated above, the CPT's delegation visited 8 Garda Síochána establishments - 3 Divisional Headquarters, 1 District Headquarters and 4 Garda Stations. In addition, the delegation visited the Immigration Service at Shannon Airport, which is staffed by immigration officers who are serving members of the Garda Síochána (cf. paragraphs 170 to 174).

10. The Criminal Justice Act 1984 provides that the period for which an arrested person may be detained by the police shall not exceed six hours from the time of his arrest². This period may be extended for a further six hours by a police officer of at least the rank of Superintendent, if he has reasonable grounds for believing an extension to be necessary for the proper investigation of the offence concerned. If the Garda "member in charge" of the police station is of the opinion that questioning of a detained person should be suspended in order to give him reasonable time to rest, and the detainee concerned consents in writing to such a suspension, a period falling between midnight and 8 am may be excluded from the calculation of that twelve-hour maximum. As a result, persons detained under the Criminal Justice Act may spend up to twenty hours in police custody.

11. Persons arrested under the Offences Against the State Act 1939, or in connection with offences which are "scheduled" under that Act³, may be detained at a Garda station "or some other convenient place" for a period of twenty-four hours from the time of arrest. That period may be extended by a police officer of at least the rank of Chief Superintendent for a further twenty-four hours.

The CPT would like to receive clarification of the meaning of the term "some other convenient place" used in the Offences Against the State Act 1939.

12. A range of legal safeguards is available to detained persons, in terms of the Criminal Justice Act 1984 and the 1987 Regulations issued under section 7 of that Act⁴. The Criminal Justice Act expressly provides that the safeguards (notification of custody, access to a lawyer) set out in its section 5 are to be made available to persons held under the Offences Against the State Act 1939. In practice, police officers also extended the more detailed and extensive safeguards contained in the 1987 Regulations to those detained under the 1939 Act, although there appears to be no express legal provision to that effect.

The CPT would like to be informed of whether the application of the full range of safeguards set out in the 1987 Regulations to persons detained under the Offences Against the State Act 1939 is a legal requirement.

1 "Garda Síochána" may be translated as "Guardians of the Peace".

2 cf. section 4 of the Criminal Justice Act 1984.

3 Including offences under the Firearms Acts, the Explosives Substances Act, the Malicious Damage Act and the Conspiracy and Protection of Property Act.

4 The Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987.

2. Ill-treatment of persons detained by the police

13. The CPT's delegation spoke to many people about their experiences in police custody in Ireland. The majority were persons held in the places of detention visited; however, they also included some persons currently at liberty who had recently been detained by the police.

A certain number of those interviewed alleged that they had been physically ill-treated whilst in police custody in Dublin. Their allegations were consistent as regards the forms of ill-treatment involved (slaps, punches and/or kicks by police officers).

With one exception, none of the above-mentioned persons bore marks consistent with their allegations of physical ill-treatment; however, given the time which had elapsed since the alleged ill-treatment, any injuries which they might have sustained would almost certainly have healed.

14. One person met by the delegation alleged that he had been severely ill-treated by police officers at Ronanstown Garda Station in Dublin, during the delegation's visit to Ireland. He said that, while held in a cell there, two uniformed officers had repeatedly punched him on his face, chest and left arm and kicked him on his shins. He also claimed to have been ill-treated by detective officers, who allegedly had punched him during an interrogation and, while gripping his shoulders, had banged his head against a filing cabinet.

15. Two medical members of the CPT's delegation examined the person in question and noted that he displayed, inter alia, the following injuries: on the head - tenderness at the back, slight ecchymosis on the right cheekbone, with a little swelling and tenderness; on the torso - on the right side of the chest from C II to Th. IV, an area measuring 9.5 x 7.5 cm discoloured, yellowish-green and a little blueish, leading to a smaller (2.5 x 1.5 cm) greenish coloured mark on the right torso. Further, 6 small discoloured, greenish spots from the sternum to the umbilicus; on the left arm - on the front of the humerus, a 1.5 x 1.5 cm blueish area, and at the outside, back side of the humerus, a 7.5 x 3.5 cm discoloured spot, and another 1.5 x 1.0 cm mark; on the left shoulder - at the top, a 0.5 x 0.5 cm mark. The above-mentioned injuries are consistent with the person's allegations of having been punched repeatedly.

The delegation's doctors also recorded injuries which were consistent with the person's allegations of having been grasped, shaken and kicked: on the back - on the right scapula, a 0.4 x 0.8 cm discoloured spot; on the left scapula region, diffuse swelling and slight discoloration; 5cm below the right crista iliaca, a round 2.0 x 1.5 cm greenish spot; on the neck - several ecchymoses (on the right side, supraclavicular, 2.2 x 0.9 cm, 2.3 x 1.5 cm, 2.8 x 0.9 cm) with a deep violet colour going to blue, and in some areas slightly brown to yellow; on the left deltoideus edge, similar spots 4.2 x 2.2 cm; a little triangular, and one small irregular spot over the right clavicle; similar ecchymoses (1.2 x 1.4 cm) on the front part of the right shoulder; on the left leg - on the lower front, a 2.8 x 3.0 cm swollen area, with greenish colour and a little scar covering a small wound.

16. The delegation subsequently visited Ronanstown Garda Station in order to examine the custody record in relation to the above-mentioned person. It found that, according to his custody record, he had been held there during the period to which his injuries could be ascribed and had no injuries on arrival at the police station. It might be added that his account of other events (visits, attendance of a lawyer etc.) which had taken place during his time in police custody was in accordance with the custody record.

17. Several of the allegations heard by the CPT's delegation related to Finglas Garda Station in Dublin. In consequence, the delegation decided to carry out a visit to that establishment. In the course of the visit, the delegation discovered a large number of non standard-issue weapons in the areas and, more particularly, in the desk drawers and lockers, used by the detective unit based there.

Those items included various home-made wooden batons (quite unlike ordinary police truncheons) and a variety of real and replica guns (e.g. two sawn-off shotguns, a pipe pistol, a bolt gun, a replica of a Beretta 9mm pistol) several hunting knives, and a short, leather-covered metal cosh.

18. It was advanced by police officers that the above-mentioned items had been confiscated from detainees and would be, or had been, produced in court as evidence. However, both the fact that none of those items bore labels or other means of identification, and the fact that they were found in drawers and lockers in different parts of the police station, undermines the credibility of that contention, as does the fact that certain other items, labelled as evidence, were found in a property store.

In this connection, **the CPT recommends that appropriate steps be taken to ensure, (i) that any weapons held on police premises as pieces of evidence are properly labelled and held in a secure and centralised location, and (ii) that no other non standard-issue weapons are held on police premises.**

19. The CPT also notes that, in November 1992, a person who alleged that he had been ill-treated by police officers from Finglas Garda Station received an out-of-court settlement of £375,000 (plus costs). The person in question had sustained brain damage, allegedly as a result of having been kicked and struck repeatedly with a baton. An investigation by the Garda Síochána Complaints Board (cf. paragraph 54), which had been suspended when the complainant began his civil action for damages, has apparently now been reactivated.

The CPT wishes to be informed of the findings of the Garda Síochána Complaints Board investigation into the case in question. Further, the Committee would like to be informed of the number of cases in 1991, 1992 and 1993 in which out-of-court settlements have been made on grounds of alleged assault by the police.

20. In the light of all the information at its disposal, the CPT has been led to conclude that persons held in certain police establishments in Ireland - and more particularly in Dublin - run a not inconsiderable risk of being physically ill-treated.

21. Irish law contains a number of provisions penalising ill-treatment by law enforcement officials. In addition, as already mentioned (cf. paragraph 12) a range of legal safeguards are available to arrested persons. Later in this report the CPT will propose some reinforcements of those safeguards (see paragraphs 38 et seq.). However, it should be emphasised that legal and other technical safeguards - while important - will never be sufficient; the best possible guarantee against ill-treatment is for its use to be unequivocally rejected by police officers. It follows that the provision of suitable education on human rights questions and of adequate professional training is an essential element of any strategy for the prevention of ill-treatment.

22. The CPT has taken note of the content of the Student/Probationer Education/Training Programme, which is taught at the Garda Síochána College over a two year period. Certain aspects of that programme (notably the, recently introduced, 30-session Police Ethics Course and the lecture on the Treatment of Persons in Custody Regulations 1987) have an important role to play in the prevention of ill-treatment. The inclusion of a communication studies course which recognises that "interpersonal and communication skills represent the fundamental core on which all other activities are based" is also most welcome. The possession of such skills will often enable police officers to defuse situations which might otherwise become violent.

Nevertheless, if education and professional training on human rights questions are to be fully effective, they should not be restricted to newly recruited police officers - they should exist at all levels of the law enforcement hierarchy, and be ongoing. **The CPT wishes to be informed of whether this is the case in Ireland.**

Furthermore, senior police officers should actively seek to reinforce the lessons learnt during induction and ongoing training; **the CPT recommends that senior police officers deliver to their subordinates the clear message that the ill-treatment of detained persons is not acceptable and will be the subject of severe sanctions.**

23. Naturally, one of the most effective means of preventing ill-treatment by police officers lies in the diligent examination of complaints of such treatment and the imposition of suitable penalties. In appropriate cases, disciplinary sanctions should be accompanied by criminal proceedings against the officers involved. This will have a very strong dissuasive effect on any police officers minded to ill-treat detained persons, who might otherwise have the impression that they could do so with legal impunity.

In this respect, **the CPT would like to receive the following information for the three year period 1991-1993:**

- **the number of complaints of ill-treatment by the police lodged and the number of disciplinary and/or criminal proceedings initiated as a result of those complaints;**
- **an account of the disciplinary/criminal sanctions imposed on the grounds of ill-treatment by the police.**

3. Conditions of detention in the police establishments visited

a) introduction

24. Custody by the police is in principle of relatively short duration. Consequently, physical conditions of detention cannot be expected to be as good in police establishments as in other places of detention where persons may be held for lengthy periods. However, certain elementary material requirements should be met.

All police cells should be of a reasonable size for the number of persons they are used to accommodate, and have adequate lighting (i.e. sufficient to read by, sleeping periods excluded) and ventilation; preferably, cells should enjoy natural light. Further, cells should be equipped with a means of rest (eg. a fixed chair or bench), and persons obliged to stay overnight in custody should be provided with a clean mattress and blankets.

Persons in custody should be allowed to comply with the needs of nature when necessary in clean and decent conditions, and be offered adequate washing facilities. They should be given food at appropriate times, including at least one full meal (i.e. something more substantial than a sandwich) every day. Persons held for extended periods (24 hours or more) should, as far as possible, be offered outdoor exercise every day.

b) situation in the establishments visited

25. The delegation observed conditions of detention in police establishments in Ireland which varied from very good to poor. In general, the cells seen were of an acceptable size and were adequately lit and ventilated.

26. In Cork, the **Anglesea Street Divisional Headquarters of the Garda Síochána** provided very good conditions of detention. There were four cells, each of which measured 8m² and was equipped with a sleeping platform, mattress, blankets, an asian style lavatory and a call system. Natural and artificial light were satisfactory, as was ventilation. A wash basin and shower were located in the area outside the cells. The cells had never been used and, according to police officers present, there were no plans to bring them into service because their location within the police station would make it difficult for police officers to supervise detainees.

In the view of the CPT, given that the conditions of detention seen by its delegation in the other police establishment visited in Cork were of a lower standard (cf. paragraph 27), it is regrettable that such modern facilities are not in service; **the Committee invites the Irish authorities to explore means of bringing into service the cells at Anglesea Divisional Headquarters.**

27. Conditions of detention at the **Bridewell Garda Station in Cork**, were somewhat more rudimentary. There were ten cells of varying sizes (the smallest being only 5m² and the largest, more than 14m²); the majority measured around 6m². All of the cells were equipped with a sleeping platform and an asian style lavatory, but not with a call system. Natural and artificial light were adequate and ventilation was satisfactory. Only certain cells were equipped with mattresses and blankets; however, the delegation was told by police officers that detainees held overnight would always be placed in cells which were so equipped. Wash basins were located in the corridor outside the cells.

Some cells were cleaner than others and there was a strong odour of urine in certain cells.

28. **Santry Divisional Headquarters of the Garda Síochána** was located near to Dublin Airport and, in addition to four cells, had a holding room for persons detained under the aliens legislation.

The cells were of a good size (8m²) and properly equipped (sleeping platform, mattress, blankets, asian style lavatory and call system). Natural and artificial light and ventilation were satisfactory.

29. The aliens holding room measured 11m² and contained a bed, table and chair. A lavatory and wash basin were located in a sanitary annex. Artificial light and ventilation were adequate; however, there was no natural light. The room was not equipped with a call system; however, it was located next to a room used by police officers.

The delegation was told that persons detained under the aliens legislation would generally be held for short periods of time, but in some cases had spent up to three days in the holding room. Although the material conditions could be considered appropriate for persons held for short periods, the lack of natural light in the room and the absence of exercise facilities at the Headquarters, rendered it hardly appropriate as accommodation for three days.

30. The **Bridewell District Headquarters in Dublin** were housed in a building which had functioned as a prison from when it first opened in 1902 until the late 1950's, when it was occupied by the Garda Síochána. It now serves as an administrative headquarters, a police station for central Dublin, and a detention area for inmates arriving from or returning to prison, before or after appearances in one of the three Dublin Metropolitan Courts, located nearby.

31. The detention area ("prison section") contained a total of nineteen cells - seven on a lower and twelve on an upper level. On the ground floor there were four single cells, (each of which measured more than 8m²) and 3 cells designed for occupancy by three persons (each of which measured over 27m²). Mattresses and blankets were provided to detainees and they could also have access to a wash area which contained five basins. The single cells contained concrete sleeping platforms and lavatories. The cells for three persons contained three concrete sleeping platforms and a lavatory located in a partitioned annex. All of the cells benefitted from adequate natural and artificial light and were fitted with an air extraction system. They were in a satisfactory state of repair.

Conditions in five of the single cells and the four triple cells on the first floor were similar in all respects; however, the delegation was concerned by the conditions observed in three other cells on that floor - numbers 9, 10 and 12. These cells were not fitted with air extractors, did not benefit from natural light, were dirty and in a poor state of repair. The delegation was told by police officers that they were not in use. The CPT welcomes this state of affairs; in their present condition, the cells are not fit places in which to hold detainees.

32. The delegation also examined conditions of detention in the four **holding cells located beneath the Dublin Municipal Courts**. The cells may be reached from the Bridewell Headquarters through a tunnel and are used to hold detainees for a morning and/or afternoon while they are waiting to appear in court. The two cells for men each measured approximately 30m² and the two for women, some 13m². All were equipped with benches and a lavatory located in a sanitary annex. Natural and artificial light were adequate, as was ventilation. The cells had been recently repainted and were in a good state of repair. That said, the delegation heard allegations that, on occasion, excessive numbers of persons were held in the cells. **The CPT would like to be informed of the maximum numbers of detainees who may be held in each of the cells under the Dublin Municipal Courts.**

33. Material conditions of detention at **Finglas Garda Station in Dublin** were poor. The detention area contained one holding room (measuring some 8m²), which was used to detain juveniles. It was equipped with a bench, benefitted from natural and artificial light and fan-ventilation. However, the floor in this area was filthy, the room smelt of urine and there were bloodstains on the walls.

There were three cells - A, B and C. Cell A measured 6.5m² and was equipped with a concrete sleeping platform, mattress and an asian lavatory which was out of order. Cell B was smaller (5m²) and contained the same equipment. The in-cell lavatory was blocked, with the result that, when it was flushed, the floor of the cell flooded with water. Cell C (measuring 8m²) contained the same equipment and, again, the lavatory did not operate. All of the cells were in a filthy condition, and it was clear that the detention area as a whole had not been cleaned for some considerable time. It should be added that, under the mattress in one cell, the delegation discovered an empty bubble pack of Temgesic (a controlled drug).

34. **Ronanstown Garda Station in Dublin** offered reasonably good material conditions of detention. There were two cells, each of which measured over 7m², equipped with a sleeping platform, mattress and asian style lavatory, but not with a call system. Natural and artificial light were adequate, as was ventilation. At the time of the visit, the cells were unheated; however, the delegation was told by police officers that there were plans to instal a heating system.

35. In Limerick, the delegation visited **Henry Street Divisional Headquarters of the Garda Síochána**, and found material conditions of detention to be, on the whole, acceptable. There was a total of 24 cells (16 designed for one person and 8 for two persons). The single cells measured between 7m² and 8m² and the double cells over 12m², and all were equipped with one or two sleeping platforms, mattresses, blankets and an asian style lavatory in a sanitary annex. Natural light and ventilation were adequate; however, in certain cells the only working artificial light was in the sanitary annex. There was an in-cell call system, but this had apparently been disconnected.

The establishment also had a small exercise yard, which police officers said was seldom used.

36. **Shannon Garda Station**, located in a village near Shannon International Airport, had four cells, which could be used to detain both criminal suspects and those held under the aliens legislation. The conditions of detention were good - 10m² cells equipped with sleeping platforms, mattresses, blankets and a call system. Two of the cells were equipped with lavatories and shower facilities were located nearby. The premises as a whole were scrupulously clean.

c) action proposed

37. **The CPT recommends the Irish authorities:**

- **to review the conditions of detention in the police establishments visited by the delegation, in the light of the remarks made in paragraphs 25 to 36;**
- **more particularly, to ensure that the aliens holding room at Santry Divisional Headquarters is not used to detain persons for other than short periods of time;**
- **to take appropriate steps to ensure that the conditions of detention in all police establishments meet the requirements indicated in paragraph 24.**

4. Safeguards against ill-treatment

a) introduction

38. The CPT attaches particular importance to three rights for persons detained by the police:

- the right of those concerned to have the fact of their detention notified to a close relative or third party of their choice,
- the right of access to a lawyer,
- the right to a medical examination by a doctor of their choice (in addition to any medical examination carried out by a doctor called by the police authorities).

The CPT considers that these three rights are fundamental safeguards against the ill-treatment of persons in detention, which should apply from the very outset of custody (i.e. from the moment when those concerned are obliged to remain with the police).

39. Furthermore, in the view of the CPT, persons taken into police custody should be expressly informed without delay of all their rights, including those referred to in paragraph 38.

b) notification of custody

40. The right of an arrested person to have a friend or relative informed of the fact and place of their detention is set out in section 5 of the Criminal Justice Act 1984 and developed in the 1987 Regulations issued under section 7 of that Act (at Regulation 9).

In cases where the arrested person is under 17, the Garda "member in charge" at the police station shall inform their parent or guardian "as soon as practicable" and request them to attend the police station "without delay" (Regulation 9(1)). An arrested person who is over the age of 17 may ask for a person "reasonably named by him" to be notified of his being in custody at the station concerned. In such cases, the member in charge shall notify that person as soon as practicable (Regulation 9(2)).

The CPT would like to receive clarification of the concept of a person reasonably named by an arrested person.

41. The CPT has also noted that, in terms of Regulation 11(4), "an arrested person may receive a visit from a relative, friend or other person with an interest in his welfare provided that he so wishes and the member in charge is satisfied that the visit can be adequately supervised and that it will not hinder or delay the investigation of crime." A detainee may, in addition, make a telephone call or send a letter (although such communications may be listened to, or read, by the member in charge).

c) access to a lawyer

42. Detained persons are entitled to request that a lawyer be informed of their detention. The lawyer should be notified by the Garda member in charge as soon as practicable (section 5 of the Criminal Justice Act 1984).

This right is developed in the 1987 Regulations, which provide that if the solicitor "cannot be contacted within a reasonable time or if the solicitor is unwilling to attend at the station, the person shall be given the opportunity to ask for another solicitor" who shall be notified, as soon as practicable, by the member in charge (Regulation 9(2)(a)(ii)). Further, in terms of Regulation 12(6), an arrested person who has asked for a solicitor is not to be asked to make a written statement in relation to an offence "until a reasonable time for the attendance of the solicitor has elapsed".

43. As regards the content of the right of access to a lawyer, arrested persons are to be given reasonable access to the solicitor of their choice and be enabled to communicate with him privately (Regulation 11(1)). Consultations with solicitors may take place in the sight, but not in the hearing, of a police officer (Regulation 11(3)).

In the CPT's opinion, the right of access to a lawyer should, in principle, include the right for a lawyer to be present during interrogations. The 1987 Regulations do not make provision for this and the Committee understands that it does not happen in practice. **The CPT recommends that the Irish authorities explore the possibility of providing arrested persons with the right to have a lawyer present during interrogations.**

44. Of course, the right of access to a lawyer should extend to those who may not have their own lawyer. The delegation was informed that, in practice, if a detainee did not know the name of a lawyer, police officers would provide him with a list of solicitors. In a report published in March 1990, a Committee appointed by the Minister for Justice⁵ recommended that the 1987 Regulations be amended to make this practice mandatory. The CPT concurs with that view and **wishes to be informed of any steps taken by the Irish authorities in this respect.**

⁵ The Committee to Enquire Into Certain Aspects of Criminal Procedure, (the "Martin Committee").

The CPT has also noted that the Incorporated Law Society of Ireland has expressed the view that Local Bar Associations/Law Societies should draw up panels of solicitors prepared to make themselves available for consultations at police stations. The CPT considers that this would be a desirable development **and wishes to be informed of any progress made towards the creation of such panels.**

45. Finally, if the right of access to a lawyer is to be fully effective in practice, appropriate provision should be made for those who are not in a position to pay for legal services. In this respect, the delegation was told that Criminal Legal Aid is not available for consultations between detained persons and lawyers at police stations.

The CPT wishes to be informed of whether this is indeed the case and, if so, invites the Irish authorities to review this restriction.

d) medical examination of detained persons

46. The 1987 Regulations contain detailed provisions on medical care for persons detained by the police. In particular, the right of a person in police custody to be examined by a doctor of his own choice is expressly guaranteed.

In terms of Regulation 21(4), "if a person in custody asks to be examined by a doctor of his own choice at his own expense, the member in charge shall, if and as soon as practicable, make arrangements accordingly". This wording suggests that police officers may decide that it is not practicable to contact a doctor of a detainee's own choice. **The CPT would like to be informed of the criteria employed by police officers in making such a decision.**

47. The Committee considers that:-

- all medical examinations of persons in police custody should be undertaken out of the hearing and, preferably, out of the sight of police officers (unless the doctor concerned requests otherwise);
- the results of every examination, as well as any relevant statements by the detainee and the doctor's conclusions, should be recorded in writing by the doctor and made available to the detainee and his lawyer.

The CPT wishes to be informed of whether the practice in Ireland is in accordance with the above considerations.

e) information on rights

48. The CPT has already stressed the importance which it attaches to people detained by the police being expressly informed without delay of all their rights (cf. paragraph 39 above) including those referred to in paragraphs 40 to 47 above.

The Criminal Justice Act 1984 provides for such information to be given, and the 1987 Regulations specify that this should be done both orally and in the form of a written notice (Regulation 8). Further, the detainee is called upon to certify on his custody record that he has been informed of his rights. However, the "information for persons in custody" form given to detained persons does not refer to the right of access to a medical doctor.

The CPT recommends that detained persons be expressly informed of their right to request a medical examination by a doctor, including one of their own choice.

49. It is not expressly stated that detainees should be informed of their rights in a language which they understand, and complaints were heard from some foreign detainees that they had not understood the oral or written information which was given to them. The delegation noted, in this respect, that the information form given to detainees was available only in English.

The CPT recommends that the Irish authorities take steps to ensure that persons in police custody are informed of their rights in a language which they understand and that the form setting out those rights is available in a variety of languages.

f) conduct of police interviews

50. The art of conducting interrogations will no doubt always be based, in large measure, on experience. Nevertheless, in the CPT's view it is essential for there to be a formal code of conduct for interrogations containing a clear prohibition of recourse to any form of ill-treatment and setting out in detail the procedures to be followed on a number of specific points. The existence of such a code can, inter alia, serve to underpin the lessons taught during police training.

Such a corpus of standards can be found in the 1987 Regulations, which deal inter alia with the following points: the systematic informing of the detainee of the identity (name and rank) of those present at the interrogation; the permissible length of an interrogation; rest periods between interrogations and breaks during an interrogation; places in which interrogations may take place; the questioning of persons who are under the influence of drugs, alcohol, medicine, or who are in a state of shock. It is also provided that a record be systematically kept of the time at which interrogations start and end, and of the persons present during each interrogation. The position of especially vulnerable persons (for example, the young, those who are mentally disabled or mentally ill) is the subject of specific safeguards.

The Regulations also contain the unequivocal statement that no police officer "shall subject a person in custody to ill-treatment of any kind or the threat of ill-treatment".

51. Further, the CPT considers that the electronic recording of police interrogations represents an important safeguard for detainees, as well as offering advantages for the police. In particular, it can provide a complete and authentic record of the interview process, thereby greatly facilitating the investigation of allegations of ill-treatment and the correct attribution of blame.

52. The CPT has noted that the above-mentioned Martin Committee has recommended, "as a safeguard towards ensuring that inculpatory admissions to the Garda Síochána are properly obtained and recorded, that the questioning of suspects take place before an audio-visual recording device."⁶ As a result, a Steering Committee chaired by a judge has been asked to make recommendations to the Minister for Justice on the creation and assessment of a pilot scheme on audio and audio/video recording of interrogations.

The CPT welcomes these developments **and would like, in due course, to receive a copy of the Steering Committee's recommendations to the Minister for Justice and to be informed of action taken upon them.**

g) custody registers

53. The CPT considers that the fundamental safeguards granted to persons in police custody can be reinforced (and the work of police officers facilitated) by the existence of a single and comprehensive custody record for each person detained. Such a custody record existed in Ireland and was used to record all relevant aspects of a detainee's custody and action taken regarding them (when deprived of liberty and reasons for that measure; when told of rights; signs of injury, mental illness, etc; when person to be notified and lawyer contacted and when visited by them; when offered food; when interrogated; when transferred or released, etc.).

The CPT's delegation observed that those records were completed diligently by police officers.

h) complaints and inspection procedures

54. In the view of the CPT, energetic action to follow up complaints of improper conduct by police officers can have an important preventive effect. In this respect, mention should be made of the Garda Síochána Complaints Board, which has a statutory duty to investigate complaints which could amount to a criminal offence or a breach of discipline⁷.

The nine members of the Board are appointed by the Government and include the Commissioner of the Garda Síochána, or an Assistant Commissioner nominated by him. Complaints are investigated by a police officer of at least the rank of Inspector, appointed by the Commissioner and supervised by the Board.

⁶ cf. p.36 of the Martin Committee Report.

⁷ The Board was established in 1987, under the terms of the Garda Síochána (Complaints) Act 1986.

Once a complaint has been investigated, the Board decides whether the conduct alleged could constitute a criminal offence, in which case it must be referred to the Director of Public Prosecutions (who may decide to bring criminal charges). In cases considered to involve breaches of discipline, the Board refers minor breaches to the Commissioner (who may advise, warn or admonish the officer concerned) and more serious breaches to a Tribunal (which may impose a range of disciplinary sanctions from a caution to dismissal). The Tribunal consists of two members of the Board who have not been involved in the case, and a police officer of at least the rank of Chief Superintendent, appointed by the Commissioner.

55. In order for a complaints procedure to be fully effective, it must be, and be seen to be, independent and impartial.

In this respect, the present composition of disciplinary tribunals appointed by the Board lends itself to criticism. A disciplinary tribunal of which one member is a senior officer in the police force to which the person facing charges belongs, and of which the other two members are drawn from the body which has referred the complaint to the tribunal, is unlikely to be considered as impartial by either complainants or police officers.

More generally, the presence of serving police officers amongst the members of the Complaints Board, and of disciplinary tribunals appointed by it, is capable of damaging public confidence in the capacity of the complaints system to deal objectively with complaints about police conduct.

The CPT invites the Irish authorities to reconsider the composition of the Garda Síochána Complaints Board and of disciplinary tribunals appointed by it, in the light of these remarks.

56. As regards inspection procedures, it should be noted that the responsibility of ensuring compliance with the standards set out in the 1987 Regulations falls upon the Garda "member in charge" of each police station, reporting to the Superintendent responsible for each policing district. The delegation was not convinced that this arrangement enabled senior officers adequately to supervise the work of "members in charge" and, through them, to monitor the conduct of other police officers. In particular, it appeared that senior officers only rarely made unannounced visits to police stations, during which they inspected custody records and spoke to detained persons.

The CPT recommends that the Irish authorities explore means of enhancing the supervision by senior police officers of the work of Garda Síochána "members in charge".

57. Further, as far as the CPT's delegation was able to ascertain, there were no arrangements for regular inspections of police establishments in Ireland by an independent body. In the view of the Committee, such inspections could play an important role in ensuring compliance by police officers with the standards set out in the 1987 Regulations.

The CPT recommends that the Irish authorities explore the possibility of introducing a system of independent inspection of police establishments.

B. Prisons and Places of Detention

1. Introduction

58. The CPT's delegation visited three prisons - Mountjoy, Limerick and Cork Prisons. It also visited St. Patrick's Institution in Dublin, which is a "place of detention"⁸ for young offenders. In addition, a sub-group of the delegation went to Wheatfield Place of Detention in Dublin, in order to interview one particular prisoner. All of the establishments visited fall under the authority of the Prisons Division within the Ministry of Justice.

59. **Mountjoy Prison** is located in Dublin and is the largest prison in Ireland. It accommodates adult male and female prisoners, both sentenced and on remand. On 24 September 1993, the prison was holding 582 male prisoners (494 sentenced and 88 on remand) and 33 female prisoners (26 sentenced and 7 on remand)⁹.

60. **Limerick Prison** holds sentenced and remand adult male prisoners from Limerick and the surrounding counties. It also accommodates male prisoners classified as "high security" and a small number of sentenced and remand adult female prisoners. The population on 24 September 1994 was 127 male prisoners (114 sentenced, 13 remand) and 13 female prisoners (10 sentenced and 3 remand).

61. **Cork Prison** accommodates adult male prisoners from the Southern region of Ireland. On 24 September 1993, it was holding 253 prisoners (228 sentenced and 25 on remand).

62. **St. Patrick's Institution** is used to detain male young offenders aged between 16 and 21, both sentenced and on remand. There were 118 such young offenders held there on 24 September 1993 - 79 sentenced and 39 on remand.

⁸ In terms of the Prisons Act 1970.

⁹ All population figures cited were provided to the CPT by the Department of Justice.

2. Ill-treatment of prisoners

63. A number of inmates at Mountjoy Prison alleged that they had been physically ill-treated (punched and/or kicked) by staff at that establishment. An examination of the prison's disciplinary records showed that the prison officers said to have been involved had, in turn, complained that they had been assaulted by those inmates. Nevertheless, in the context of the disciplinary proceedings against prisoners which followed, it was not uncommon to find that the Governor grade staff who had conducted the adjudications had decided to impose only nominal penalties (e.g. loss of evening association) on the prisoners concerned.

64. Further, certain inmates at Limerick Prison alleged that they had been roughly treated by prison officers at that establishment. The most serious allegation of ill-treatment heard by the delegation related to an incident said to have occurred there in the first half of 1992. The inmate in question, whom the delegation met at Mountjoy Prison, alleged that, on 9 April 1992, he was punched, kicked and thrown down two flights of stairs by a group of prison officers at Limerick Prison. In the course of the delegation's visit to Limerick Prison, the Governor confirmed that this incident had indeed taken place. He added that when one of his senior officers attempted to intervene to protect the prisoner concerned, he too had been assaulted by staff.

The CPT understands that the Garda Síochána were asked to investigate this incident and that a confidential report has been submitted to the Minister for Justice. In this respect, the Committee has taken note of a statement made by the Minister for Justice on 21 May 1993, before the Dáil¹⁰ Select Committee on Legislation and Security, to the effect that:

"I regret that a commitment to confidentiality was given If I could be assured from the legal advice available to me, and I haven't yet been assured, that I could proceed with action in relation to what happened at Limerick Prison, without having to release the confidential report, then I would have no hesitation in proceeding with disciplinary action".

The CPT wishes to receive a copy of the Garda Síochána report on the incident which took place in Limerick Prison on 9 April 1992, and to be informed of any disciplinary action which may subsequently have been taken against the prison officers alleged to have been involved in that incident.

65. It should also be said that the existence of ill-treatment of prisoners by prison staff at Mountjoy and Limerick Prisons was openly acknowledged by some of the senior staff in those establishments with whom the delegation spoke.

¹⁰ The Dáil is the Lower House of the Irish Parliament.

At Mountjoy Prison, the Governor told the delegation that there were some prison officers working in the establishment whose services he would prefer not to retain; however, he advanced that he had no effective control in matters of staff discipline and that, as a result, he had been unable to dispense with their services. At Limerick Prison, the Governor said that, in some cases, no action had been taken in over two years on his recommendations to the Ministry of Justice that disciplinary measures be taken against certain prison officers. He believed that, in consequence, a "hard core" of basic grade officers who had resorted to ill-treatment of prisoners had come to feel that they were "invincible and immune to any instruction" from management.

66. The delegation heard fewer allegations of ill-treatment of inmates by staff in **Cork Prison**.

A small number of allegations were heard that prisoners had been physically ill-treated in, or during transfer to, D Unit in that establishment. In this respect, the delegation was not convinced that the procedures adopted by prison officers to transfer inmates to D Unit were such as to minimise the risk of injury to prisoners (cf. paragraph 75).

Further, a number of allegations were heard that prisoners on landing C3 at Cork Prison (which housed inmates who were segregated from the main prison population for their own protection) were frequently subjected to abusive language by staff.

67. The delegation heard no allegations of physical ill-treatment of young offenders by staff in **St. Patricks Institution** and found no other evidence of the existence of such treatment. That said, a few inmates alleged that, on occasion, prison officers had treated them rather roughly.

68. Reference should also be made to the fact, that in the course of its visit to Mountjoy Prison, the delegation heard allegations that a prisoner in Wheatfield Place of Detention in Dublin had recently been ill-treated by prison officers in that establishment's Segregation Unit. A sub-group of the delegation went to Wheatfield Place of Detention in order to interview the inmate concerned and to examine certain of the establishment's records.

The prisoner in question alleged that, on the evening of 20 September 1993, when he had refused to move from the Segregation Unit (where he had been staying voluntarily) to another area of the prison, he was attacked by six prison officers, who kicked him on the head and body while he was lying on the floor. He stated that he was then forcibly stripped and placed in the padded cell in the Segregation Unit until the following day.

The prisoner's medical file showed that he was seen by a doctor for the first time on 22 September 1993. The doctor who carried out that examination had recorded the inmate's allegation that he had been assaulted by prison officers, and his medical findings - "periorbital ecchymoses, infraorbital nerve intact, tender on palpation of occipital protuberance" - showed that the prisoner had sustained injuries.

By contrast, the record of the prisoner's transfer to the padded cell, which had been completed by prison officers in the Segregation Unit, made no reference to injuries of any kind. Further, although that record stated that the reason for the transfer was an "assault on staff" by the inmate, the delegation could find no trace of any disciplinary action taken against the prisoner as a result.

69. The delegation informed the Governor of Wheatfield Place of Detention of these findings and asked him to investigate the incident and to provide the CPT with a report on any action taken by him. His report was forwarded to the Committee by the Government's Liaison Officer on 24 January 1994. It addresses both the inconsistency between the prisoner's medical record and the record for the padded cell and the lack of any disciplinary action taken against an inmate who, according to staff, had assaulted them.

In respect of the prisoner's injuries the Governor concluded: "I cannot say with any certainty that these injuries were inflicted deliberately or whether they were sustained in the course of restraining and removing him. What I can say, and have said publicly to the staff of Wheatfield and of other prisons where I have served as Governor, is that I will never tolerate the mistreatment of offenders in our care".

As regards the absence of a disciplinary report concerning the inmate, the Governor stated in his report that he was told by staff that a prison officer had prepared a disciplinary report on 20 September 1993, but had apparently left it in his locker "until his memory was refreshed when the investigation was launched". The Governor added that he is unhappy with that officer's handling of the disciplinary report and found it difficult to accept this explanation. In consequence, he had decided not to take any further action against the prisoner concerned.

70. It should be added that the particular prisoner to whom reference was made in paragraph 64 also alleged that, on 18 September 1993, he was attacked by a number of prison officers in Portlaoise Prison. He claimed that he had been walking with the aid of a crutch and was asked to move more quickly by prison officers. When he was unable to do so, the officers present allegedly responded by punching and kicking him. On examination by one of the delegation's doctors the inmate was found to display marks on his back consistent with his allegation.

71. From all of its on-site observations, the delegation was satisfied that the great majority of prison officers were attempting to deal in a humane manner with prisoners in their charge, a task which often was not facilitated by the poor material conditions of detention in which prisoners lived and staff worked (cf. paragraphs 77 et seq.). However, the information at the Committee's disposal indicates that, in at least some prisons in Ireland and, in particular, in Mountjoy and Limerick Prisons, there are certain officers who have a propensity to ill-treat prisoners.

72. As in the context of police misconduct, one of the most effective means of preventing ill-treatment by prison officers lies in the diligent examination of complaints of ill-treatment and the imposition of suitable penalties (cf. paragraph 54).

The information gathered by the CPT's delegation would indicate that the procedures in force at the time of the visit were not successfully rooting out the perpetrators of ill-treatment amongst prison staff. The delegation was informed, however, that a new Disciplinary Code for prison officers was planned.

The CPT would like to receive the comments of the Irish authorities on this subject, together with the following information for the three-year period 1991-1993:

- **the number of complaints of ill-treatment by prison officers lodged and the number of disciplinary and/or criminal proceedings initiated as a result of those complaints;**
- **an account of the disciplinary/criminal sanctions imposed on the grounds of ill-treatment by prison officers.**

The CPT also recommends that the relevant authorities in the Ministry of Justice, as well as Prison Governors, deliver the clear message that ill-treatment of inmates is not acceptable and will be dealt with severely.

73. The CPT also wishes to emphasise the great importance which it attaches to the education and professional training of prison staff. There is arguably no better guarantee against ill-treatment of a prisoner than a properly trained prison officer, capable of adopting an appropriate attitude in his relations with inmates. As already indicated (cf. paragraph 22) such training will be most effective if it exists at all levels of the law enforcement hierarchy, and is ongoing.

Further, particular attention should be given to training in the art of handling, and more especially of speaking to, prisoners i.e. to interpersonal communication skills. The possession of such skills can enable prison officers to deal with the difficult situations which may arise in prisons, without resort to violence.

74. In this respect, the Committee has noted that, in the budget for the Irish Prison Service, staff training appears only as an "incidental expense" and that, in the return of expenditure for the year ending December 1993, only £150,000 (from a total annual budget of some £95 million) had been spent on such training.

The Committee also learned that the induction training course for prison officers has recently been cut from 12 to 8 weeks, and that substantial numbers of prison staff (mainly those recruited in the mid to late 1970's) received no induction training whatsoever.

75. As regards in-service training, when this is available, it seems to concentrate on personal skills (e.g. printing; desk-top publishing and PC appreciation/Word Perfect courses) or on training in a narrow vocational sense (basic cooking skills; supervisory development and catering management). Human rights education and communications studies do not appear to be included.

It should also be mentioned that only a small number of staff had received any specialist training in restraining and moving prisoners or in controlling disturbances. In this respect, the CPT understands that the Irish authorities have recently produced an instruction manual for prison staff on the use of control and restraint techniques and that additional prison officers are to be trained as Control and Restraint Instructors. These measures have an important part to play in minimising the risk of injury to prisoners, in particular in situations where it may be necessary for inmates to be moved by force from one area of an establishment to another.

76. **The CPT recommends:**

- **that much greater priority be given to professional training, including an appropriate human rights element, for prison officers of all ranks and categories. Experts who are not employed by the Prison Service should be involved in this training;**
- **that an aptitude for interpersonal communication be a major factor in the process of recruiting prison officers and that, during the induction and in-service training of such officers, considerable emphasis be placed on acquiring and developing interpersonal communication skills;**
- **that training in control and restraint techniques be made more widely available to prison officers and that all prison officers be made aware of the contents of the recently-produced instruction manual on this subject.**

3. Conditions of detention in general

a) material conditions of detention

77. **Mountjoy Prison** dates from 1850 and is built to a radial design, with four main wings (A to D Divisions) and a separate "segregation unit" (E Division) located within the perimeter of the establishment. A Division accommodated long-term sentenced prisoners; B Division held remand and sentenced prisoners; C Division held sentenced prisoners and D Division, those on remand. E Division was used to accommodate inmates who were HIV+, and also contained two padded cells and three small holding cells - used to hold agitated/disturbed prisoners.

78. Material conditions of detention were poor in most areas of the prison. Cells in A to D Divisions measured around 9 m² and were usually occupied by two prisoners. Although of an adequate size for one prisoner, a cell of such dimensions represents cramped accommodation for two. In general, the cells were furnished with two beds, a cabinet, a table and a chair. Some cells had additional items of furniture, others were equipped only with beds. Their general state of repair left a good deal to be desired, as did that of the prison as a whole.

Conditions in E Division were somewhat better - the cells there measured around 8m² and were equipped with a bed, table, chair, cupboard and a call system. Single occupancy of cells was the norm. E Division was in the process of being redecorated and the building was brighter and cleaner than other areas of the establishment.

None of the cells seen in the areas for male prisoners was equipped with integral sanitation.

79. Conditions were particularly poor in three specific areas: the reception unit, the three small "holding" cells at the end of the segregation unit, and in one of the security cells in that unit.

80. The reception area was located adjacent to the visiting facilities. Although it had been constructed in 1985, many complaints were heard, from both prison officers and detainees, about the material conditions there. There were four cells in the reception area - two multiple occupancy and two smaller cells (used for prisoners who, for one reason or another, required to be segregated at the time of reception). When the delegation visited the reception area, eighteen prisoners were being held in the larger multiple occupancy cell, which measured some 14m². In the smaller multiple occupancy cell, which measured approximately 7m², fifteen inmates were waiting to be transferred to court. Such occupancy levels are quite unacceptable for other than very short periods of time.

81. The multiple occupancy cells were furnished with benches; natural and artificial light were adequate. However, the ventilation was very poor. Although at the time of the delegation's visit (in the early morning) the inmates seen there had been held only for a matter of an hour or so, the rooms were stuffy and the atmosphere was fetid. The delegation was thus very concerned to learn from staff in the unit that those cells could be used for up to eight hours or more and that, on occasion, prisoners had been obliged to spend the night there, on mattresses on the floor, if the prison was full. The delegation was also told by prison officers and inmates that conditions in the reception area were even worse in summer. This was apparently because the area had a metal roof, which was inadequately insulated. Several prisoners who had passed through the reception area in summer time told the delegation that they had felt as if they were being held in an oven.

82. Conditions in the two smaller cells in the reception unit were worse still. They were equipped only with a mattress on the floor and one of them did not benefit from natural light. One of the cells was occupied by a detainee awaiting a transfer to the Central Mental Hospital, who appeared to be somewhat distressed. It is axiomatic that it is highly undesirable for prisoners in need of psychiatric care to be held in such conditions, even for a short period of time. The other (empty) cell was equally airless and claustrophobic.

83. The CPT recommends that conditions in the reception area of Mountjoy Prison be substantially improved without delay, taking into account the above remarks. In particular, measures should be taken to improve the heat insulation capacity of the metal roofing, the ventilation in all of the cells should be improved and both of the two smaller cells should be provided with access to natural light and fitted with an appropriate means of rest. If such improvements were not to prove possible, the area should be taken out of service.

84. The three small holding cells located at the end of the segregation unit, were spartan, had no natural light, were unheated, and very small ($\pm 3\text{m}^2$). The delegation was told that those cells were used only for very short periods of time (usually for around one hour) before agitated/disturbed prisoners were moved to the security cells on the upper floors of the unit (cf. paragraph 85). However, certain inmates with whom the delegation spoke alleged that they had spent the night there. As no register was being kept of their use, it was not possible to verify these allegations.

Given the conditions of detention in the cells in question **the Committee recommends that they should not be used for other than short periods of time and that they should never be used to hold inmates overnight.**

85. The segregation unit also contained two security cells (known as "unfurnished rooms") - cells E4 and E5. One of these cells (E5) had been renovated and conditions there were quite acceptable. The cell measured 6m^2 and the natural and artificial light and ventilation were good. It was equipped with a fireproof mattress, pillow and blanket. Cell E4 was apparently due to be renovated but at the time of the visit was in a very dirty condition and poor state of repair (the vinyl covering the walls and floors being badly ripped). The CPT welcomes the plans to renovate cell E4 to the same standard as cell E5 **and wishes to receive confirmation that those improvements have now taken place.**

86. Women inmates at Mountjoy Prison were housed in one wing of the neighbouring St. Patricks Institution. Conditions of detention were markedly better than in the areas for men. The premises were not overcrowded - every inmate had her own 7.5m² cell, equipped with a bed, table, chair and bookshelves. Natural and artificial light were satisfactory; however; **the delegation found that the in-cell ventilation was rather poor.** All of the cells were equipped with wash basins and (partially partitioned) lavatories.

87. Material conditions of detention at **Limerick Prison** left a great deal to be desired. The establishment is the oldest prison in Ireland and, like Mountjoy, is built to a radial design. There are four main wings (A, B, D and E Divisions) and a smaller unit for women prisoners (C Division). At the time of the visit "high security" prisoners were being held on two landings of A Division and other sentenced prisoners on the remaining landing of that wing, and in B and E Divisions. D Division had been taken out of service some nine months before the delegation's visit.

88. Male prisoners were accommodated two to a cell in most areas of the establishment in cells which measured 8m², and contained two beds, two shelves and two chairs. As already indicated, a cell of such a size provides only limited living space for two prisoners. Natural and artificial light were satisfactory, as was ventilation; however, in certain cells on landing B3 the delegation noticed that panes of glass were missing from the windows.

There were also two four-man cells and one five-man cell in E Division. One of the two four-man cells on E2 measured approximately 20m² and contained four beds, three tables and two chairs. Natural and artificial light and ventilation were adequate. The other four-man cell on E2 measured 18m² and contained two double bunk beds, four shelves and three chairs. Artificial light and ventilation were adequate; however, natural light appeared to be more limited than in some other cells - producing a somewhat gloomy atmosphere.

The five-man cell on E1 had been constructed from three single cells. It measured 26m² and contained five beds, five tables and five chairs. Natural and artificial light were adequate, as was ventilation.

None of the above-mentioned cells was equipped with lavatories.

89. Conditions in C Division, which accommodated women prisoners, were a cause of particular concern to the delegation. The cells there were considerably smaller (around 5m²), and some women inmates were held two to a cell. The cells contained one double bunk bed, one shelf and two chairs. There was no room for any other furniture in the cells. It should also be noted that they were not fitted with lavatories.

90. A cell of 5m² is scarcely adequate as a living area for one person and it is entirely inappropriate to use such a cell to accommodate two people: a view with which the Governor agreed. The CPT understands that work on a new prison for women is to start in autumn 1994. This facility, which will apparently be located within the Mountjoy Prison complex, will provide sixty places for all women prisoners in Ireland.

The CPT recommends that a high priority be given to that plan and that, in the meantime, steps be taken immediately to ensure that women prisoners are not held two to a cell in C Division.

91. **Cork Prison** provided better material conditions of detention than those seen at Mountjoy or Limerick. The buildings were of more recent design (having been converted from a military establishment to their present use in 1972), and were in a far better state of repair. The functions of the prison were divided between 4 areas - A, B and C Classes and D Unit. A Class held sentenced prisoners; B Class, remand and sentenced prisoners and C Class held sex offenders and inmates segregated from the main prison population for their own protection. D Unit held prisoners, either from Cork or elsewhere in the Irish prison system, who were thought to be "disruptive" (cf. paragraphs 151 et seq.).

92. The cells in A to C Classes had been designed for single occupancy, but many were being used to hold two prisoners. Cells in A and B Classes measured 7.5 m² and those in C Class, 9 m². They were equipped with beds, tables, chairs and shelves, but not with lavatories. Most of the cells seen were clean, well-decorated and in good repair; however, lumps of plaster were flaking from the ceilings of certain cells on landing C3 and that landing as a whole was in a rather dirty condition.

93. **St. Patrick's Institution** is located within the same secure complex as Mountjoy Prison in buildings of a similar age. Prisoners were accommodated in four areas: B Wing and Annex 1 held remand and sentenced young offenders; D3 Class held sentenced young offenders and Annex 2 catered for young offenders who were segregated from the rest of the establishment's population for their own protection.

94. Material conditions of detention varied from one area of the establishment to another. Certain cells in B Wing and D3 Class measured between 6m² and 7m² and each held one prisoner. However, on Landing B1 cells which measured just over 6m² were being used to hold two young offenders. As the Committee has already had reason to note, cells of this size do not offer adequate living space for two persons.

There were also a number of cells (measuring 14m²) occupied by three young offenders and one, measuring some 15m², which was holding four inmates. All of the cells (with the exception of the last-mentioned) were equipped with lavatories and washbasins; however, those were only partly partitioned from the rest of the cells and, in some of the shared cells, were not partitioned at all. Artificial light and ventilation were acceptable, but natural light was somewhat limited (entering through rather narrow windows, set high in the cell walls).

Conditions in the cells in Annex 2 were of a somewhat superior standard; they were shared by three inmates and measured over 15m². The lavatories in those cells were located in sanitary annexes, quite distinct from the living areas. Both natural and artificial light were good, as was ventilation.

The standard of cell furnishings throughout the establishment left something to be desired. Some cells were equipped only with beds, others also had a rather motley selection of chairs, tables and/or cabinets.

95. The design and use of two other sets of cells were a cause of concern to the delegation. Firstly, the two small (4m²) "safety cells" on the ground floor of the annex were apparently used to hold disturbed prisoners if the establishment's padded cells were full. They were unsuitable for that purpose because of their size, poor natural lighting and the fact that, even although they were located behind double doors, they were not fitted with a call system.

The CPT recommends that the cells in question be renovated, without delay, in order to remedy the above-mentioned shortcomings, or, should that prove impracticable, that they be taken out of service.

Secondly, the two holding cells in the reception area, although larger (6m²) were sometimes used to hold up to 12 prisoners for periods of several hours. At that level of occupancy they would be unacceptably cramped for anything other than very short periods of time. Further, as at Mountjoy, prisoners were sometimes obliged to sleep overnight on mattresses on the floors of those cells if they arrived when the establishment was full. The CPT's delegation formed the view that those cells were not suitable places in which to hold detainees overnight.

The CPT recommends that the Irish authorities review the use made of the reception cells at St. Patricks Institution, in the light of the above remarks.

96. It should be added that St. Patricks Institution was in a dirty condition at the time of the visit, particularly in Annex 2. The bedsheets and blankets seen in cells were soiled, the floors were littered with debris, and an unwholesome smell pervaded the premises. Further, the delegation was told that the Annex (including the area used to accommodate women prisoners from Mountjoy Prison) was infested by mice. Some young offenders said that they were sometimes woken by mice dropping onto their beds while they slept and members of the delegation saw vermin faeces on cell floors.

The CPT recommends that steps be taken without delay to improve conditions of detention in St. Patrick's Institution; those steps should include measures to eradicate the problem of rodent infestation in Annex 2.

97. It is clear from the findings set out above that **overcrowding** was one of the most serious impediments to the creation of better conditions in the establishments visited, a view shared by officials, prison staff and inmates with whom the delegation spoke.

Overcrowding is a problem which bedevils many prison systems; however, the situation in Ireland was complicated by two additional factors - the lack of official capacity figures for prison establishments and the operation of the system of early release. As regards the former, the CPT's delegation learned that no official limits had been set for the maximum number of prisoners who might be held in each establishment.

Of course, even in the absence of official limits, it is physically impossible to hold more than a certain number of inmates in a given establishment at any one time. The Irish authorities have attempted to resolve this quandary by making daily use of the executive power of the Minister of Justice to order the early release of prisoners. The delegation was told that every evening each Governor is obliged to telephone the Department of Justice with the prison's population for the day. If that figure is over a limit determined by the Department, the Governor will be informed during the following morning of the prisoners whom the Department wishes to be released. The criteria used by the Department of Justice to determine which prisoners to release were not known to staff in the prisons visited and this system (which had become known as the "revolving door syndrome") was widely regarded as operating in an arbitrary fashion. It should be added that the fact that prisoners might be released at a day's notice made it more difficult for staff to plan regime activities (cf. further paragraphs 105 et seq.).

98. The Irish authorities are well aware that the system described above is far from satisfactory and are presently engaged in drafting a "Five Year Plan for Prisons" which is, in part, aimed at addressing the problem of overcrowding in a long-term way. The CPT welcomes this initiative.

The CPT recommends that a very high priority be given to measures designed to reduce overcrowding. In this connection it would like to receive, in due course, full details of the Five Year Plan referred to above.

Further, the CPT recommends that due consideration be given to introducing an enforceable ceiling on the inmate population of each prison.

The CPT has already recommended that steps be taken immediately to reduce overcrowding in C Division at Limerick Prison. More generally, pending the adoption of comprehensive measures to tackle the problem of overcrowding, **the CPT recommends that serious efforts be made to limit, as far as possible, the number of prisoners who are held two to a cell.**

99. With the exceptions of the cells for women at Mountjoy Prison and those in St. Patrick's Institution, none of the cells seen was equipped with **integral sanitation**. As a result, prisoners were forced to rely upon buckets or pots in their cells to meet the needs of nature. The buckets and pots were later "slopped out" by prisoners at fixed times - a process which was observed by the delegation in Mountjoy Prison. The negative effects of this system were particularly pronounced in those areas in establishments (such as C Division at Limerick Prison) where prisoners were obliged to share very small cells.

100. The CPT considers that the act of discharging human waste, and more particularly of defecating, in a bucket or pot in the presence of one or more other persons, in a confined space used as a living area, is degrading. It is degrading not only for the person using the bucket or pot but also for the person with whom he or she shares a cell.

The other consequences of the absence of integral sanitation - the hours spent in the presence of buckets or pots containing one's own excreta and that of others and the subsequent slopping out procedure - are scarcely less objectionable. The whole process is extremely humiliating for prisoners. Moreover, slopping out is also debasing for the prison officers who have to supervise it.

101. In the view of the CPT, either a toilet facility should be located in cellular accommodation (preferably in a sanitary annex) or means should exist enabling prisoners who need to use a toilet facility to be released from their cells without undue delay at all times (including at night).

The delegation was told that the above-mentioned "Five Year Plan" would include attention to the installation of integral sanitation in prisons.

The CPT recommends that this be treated as a matter of the highest priority; preferably the Plan should include a target date for the eradication of the practice of slopping out in Irish prisons.

The CPT would add that the unscreened lavatories seen in some cells in St. Patrick's Institution are a far from ideal system of in-cell sanitation - prisoners held in such cells were effectively living in a shared lavatory.

102. The provision of adequate **washing and bathing facilities** is of particular importance in establishments which are overcrowded and/or lack integral sanitation. In the CPT's view, access to such facilities at least once a week is an absolute minimum requirement in any prison (cf. also Rule 18 of the European Prison Rules); further, in establishments where prisoners do not have ready access to either toilet facilities or running water, weekly access to bathing facilities cannot be considered to be sufficient.

103. With the exception of the cells for women at Mountjoy Prison and those in St. Patrick's Institution, the cells seen were not equipped with wash basins.

In Mountjoy Prison, apart from on one landing of A Division, there were no showers on the wings. Prisoners were allowed one bath per week - taken in the establishment's communal bath house. At Limerick and Cork Prisons, shower facilities were located on the wings and inmates had access to them at least once a week (at Cork, twice a week).

The CPT recommends that bathing facilities for prisoners at Mountjoy Prison be upgraded and that efforts be made to improve prisoners' access to such facilities in all of the establishments visited.

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104. To sum up, a considerable number of prisoners in the establishments visited were obliged to share cramped accommodation without ready access to toilet or bathing facilities, in premises which were dirty and dilapidated. Such a situation is certainly degrading for the prisoners concerned.

b) regime

105. The negative effects of the poor material conditions in which prisoners were held, were palliated, to some extent, by reasonable out-of-cell time. Prisoners in all of the establishments visited were allowed to spend up to seven hours outside their cells; however, regime activities in the real sense of that term, were scarce in certain of the establishments visited, especially in Mountjoy Prison.

106. The number of work places for inmates at **Mountjoy Prison** was very limited. There were a total of 240 places, for an average population of around 600 prisoners.

There were opportunities for education at a variety of levels (Group, Intermediate and Leaving Certificate to Open University); however, these were taken up by comparatively few prisoners. The most recent Annual Report on Prisons and Places of Detention (for 1991) states that a total of some 100 prisoners took part in education courses at Mountjoy during that year; although over 4,200 prisoners were received in the establishment during the same period.

Each Division had its own exercise yard and recreation room. Many of the prisoners who did not work or take part in education, appeared to spend much of their out-of-cell time wandering aimlessly between those facilities. The majority of the prisoners had little to occupy them and appeared bored with, and disaffected by, their life in the establishment.

107. The CPT considers that prisoners should have access to programmes of activities which enable them to spend a reasonable part of the day (eight hours or more) outside their cells, engaged in purposeful activities of a varied nature (group association activities, education, sport, work with vocational value).

Further, the differing legal status and needs of convicted and unconvicted prisoners should be reflected in the regimes applied to them. Moreover, special attention should be paid to the regime requirements of prisoners who, for whatever reason, are especially vulnerable.

The CPT recommends that steps be taken to improve the regime activities offered to male inmates at Mountjoy Prison, in the light of these considerations.

108. The situation was somewhat better in the womens' area of Mountjoy Prison. There, all sentenced prisoners (26 out of 33) were employed, although the range of work provided was rather narrow (laundry, cooking, domestic work) and/or undemanding (making napkins and toys).

Educational activities were similar to those offered to male prisoners and included languages, history, geography, mathematics and computing. Apparently some of those courses were over-subscribed.

Sports facilities consisted of a small gymnasium, in which detainees could participate in aerobics, yoga and weight training. The outdoor exercise yard was occasionally used for sports, but this was unpopular with detainees, who said that, on such occasions, they would be subjected to verbal abuse by the young offenders in St. Patricks Institution.

109. At **Limerick Prison**, there were work places for the majority of sentenced prisoners. Workshops were housed in the "B annex" and included facilities for wood turning, furniture restoration and French polishing. However, those who were considered to be "high security" prisoners were not provided with work. The CPT recognises that it may be difficult to provide work for those inmates, given their security classification and the physical constraints imposed by the prison building. **Nonetheless, efforts should be made to provide high security prisoners who wish to work with the opportunity to do so, if necessary within the confines of A Division.** In this connection, consideration might usefully be given to the suggestions made in paragraph 87 of the Explanatory Memorandum to Recommendation No. R (82) 17 of the Committee of Ministers of the Council of Europe on Custody and Treatment of Dangerous Prisoners.

Education facilities were located in a school building adjacent to E Division. They included classrooms and a computer room equipped with five personal computers. There were separate education facilities for women in C Division and in A Division for high security prisoners. The delegation was impressed both by the range of courses available and by the evident commitment of the teaching staff at the establishment. These factors were reflected in the fact that, although attendance was voluntary, 90 out of an average population of 130 inmates were enrolled in classes.

110. Sports and recreational facilities varied according to the categories of prisoners concerned. Male sentenced and remand prisoners had access to exercise yards and to a gym on the upper floor of the B annex.

The high security prisoners held in A Division had their own recreation rooms, which included a common room equipped with satellite television and a video recorder; a computer room and a billiards room. They also had extensive access to a weights room fitted with an impressive selection of free-, and wire-weights, together with two bench presses. The delegation was told by staff that one of the inmates in A Division was a qualified weights instructor and that he was responsible for training other inmates in the use of those facilities and for the well-ordered condition in which the weights room was kept.

Women prisoners in C Division also benefitted from a recreation room equipped with satellite television and other audio-visual equipment. A neighbouring room contained sewing facilities. C wing also had its own, rather small, exercise yard.

111. At **Cork Prison**, there were three large workshops (joinery, metalwork and clothes-making) which, together with the prison's kitchen and general services, employed some 130 inmates. Prisoners held in Unit D did not have jobs (cf. paragraph 152) nor did those on remand. In addition a certain number of prisoners had refused to work.

Educational activities appeared to be adequate (including adult literacy, language courses, history, geography and computing) and around 45 inmates took part in courses which lasted for five hours a day, four-and-a-half days a week. Prisoners held on landing C3 had their own classroom and computer facilities. The establishment's sports facilities were impressive - the gymnasium was well-equipped and inmates could take part in football, volleyball, basketball or aerobics. However, prisoners on remand appeared to have much more restricted access to education and sports activities.

The CPT recommends that efforts be made to increase the number of work places offered to prisoners and, as regards remand prisoners, to improve the regime activities bearing in mind the remarks made in paragraph 107.

112. At the time of the visit to **St. Patrick's Institution**, two of the workshops (carpentry and metalwork) were being renovated. When reopened, each will offer between 12 and 20 workplaces. A printshop provided a further ten places; however, only three inmates were working there at the time of the visit. The majority of the inmates who had jobs (some 74 in total) were engaged in work which offered them little of interest, or vocational value (cleaning, laundry, gardening or kitchen duties).

Prisoners were offered a wide range of educational activities - both standard subjects (e.g. English, mathematics, history, geography) and more specialised courses (e.g. creative writing, guitar, drama and yoga). However, taking into account the ages of the young offenders concerned, the numbers of inmates taking part in educational activities were rather low. The delegation was told that, on a daily basis, only around 30 inmates (out of a population of over 100) attended classes.

As regards sporting activities, prisoners had access to a gymnasium on a daily basis. Other associative activities took place in one of two recreation rooms which were equipped with televisions and video recorders, table football and billiard tables. Those rooms were devoid of decoration and rather dirty.

113. To sum up, the regime activities at St. Patrick's Institution could not be said to be appropriate for the young offenders who were held there. The work offered was, in general, of a menial nature, take-up of educational opportunities was low and some of the facilities for association were drab and dingy. These deficiencies are likely to have particularly deleterious effects on young offenders, who should be kept fully occupied during their time in custody.

The CPT recommends that the Irish authorities take steps to improve the regime activities offered to young offenders at St. Patrick's Institution, in the light of the above remarks.

4. Medical services

a) introduction

114. The provision of a satisfactory level of health-care in a prison is always a demanding task; and when the prison concerned is overcrowded, unhygienic and has very few regime activities, that task is rendered all the more difficult. The physical and psychological well-being of a prisoner - already at risk by virtue of the very fact of incarceration - will be further prejudiced under such conditions. The health-care services of the prison will tend to become overwhelmed by day-to-day requests for medical attention and have no time to pursue a health policy of a preventive nature.

In the following paragraphs, a certain number of deficiencies in the medical services of the prison establishments visited will be highlighted. However, it will remain difficult to attain a satisfactory level of health care in those establishments until such time as the more general problems of overcrowding, poor hygiene and inadequate regime activities are resolved.

b) staff and facilities

115. It should be made clear, at the outset, that the doctors working in Irish prisons were independent general practitioners, who were employed, on a part-time basis, by the Prisons Division of the Ministry of Justice.

116. At **Mountjoy Prison**, medical staff provided services in three distinct sections - the male accommodation areas, the accommodation areas for women and the segregation unit for HIV+ prisoners. Each were staffed by two doctors, who provided around two hours of service per day on alternate weekdays. The delegation was told that a doctor working in each section would also visit the prison at weekends in order to see prisoners who were ill or had been newly admitted. Further, a 24 hour on-call service was provided in all three areas.

The doctors were assisted by a team of 16 "Medical Orderlies" - prison officers who had received six weeks paramedical training. There were no qualified nurses on the staff (although four of the medical orderlies had previously worked as psychiatric nurses).

The prison is located across the road from a major public hospital, which provided a range of specialist services on an in-, and out-patient basis.

117. Although the number of hours of service provided by doctors in the accommodation areas for women and in the segregation unit could be considered to be satisfactory, 2 hours per day is manifestly inadequate provision for the numbers of prisoners held in the male accommodation areas. Even although the direct support of a large general hospital was available, prisoners are entitled to expect that the prison's own health-care service will be able to provide regular and adequate out-patient consultations and emergency treatment. It is certainly unrealistic to expect a doctor to be able to respond adequately to even the basic demands of a prison population of over 550 inmates, in the space of a daily two hour session.

The Committee recommends that the Irish authorities take steps to provide at least the equivalent of the services of one full-time doctor for prisoners held in the male accommodation areas at Mountjoy Prison.

118. The complete absence of qualified nursing staff is also a cause for concern. The CPT recognises that, in order to ensure the presence of an adequate number of health-care staff, it may be necessary for certain paramedical duties to be performed by medical orderlies; nonetheless, the presence of such staff (however dedicated and experienced they may be) should never be seen as capable of replacing the services of a qualified nurse or nurses. On the contrary, nursing staff have an essential role to play not only in providing somatic and preventive health care to prisoners, but also in supervising the work of non-medical staff.

Taken as a whole, an establishment of the size of Mountjoy Prison would justify the provision of the equivalent of at least three full-time qualified nurses and **the CPT recommends that measures be taken to provide such a level of service in that establishment.**

119. The health-care team at **St. Patrick's Institution** comprised one doctor who attended the prison for 1½ hours daily. He also provided weekend cover. There were 6 medical orderlies. Given the numbers of young offenders held in St. Patrick's Institution and their general good health, the number of hours service provided by the doctor could be considered adequate. That said, it was regrettable that there was no nursing presence in the establishment. The CPT would recall, in this context, its remarks in paragraph 118.

120. At **Limerick Prison**, medical cover was provided by two doctors, of whom one called at the prison every morning for up to one-and-a-half hours. As at Mountjoy, the doctors provided an on-call service, on a 24 hour basis. They were assisted by 6 medical orderlies (3 of whom had also trained as psychiatric nurses). Specialist services were provided by a local hospital.

A doctor attended **Cork Prison** every morning, again for around an hour and a half. He also provided an on-call service, on a 24 hour basis. The doctor was assisted by a total of ten medical orderlies (of whom two had received training in psychiatric nursing). A local hospital provided specialist services. **The CPT recommends that, taking into account the size of the inmate populations at Limerick and Cork Prisons, the number of hours for which a doctor is present on those premises be increased.**

The CPT also recommends that the services of at least one full-time qualified nurse should be provided in both establishments.

121. More generally, the CPT's delegation noted that some of the medical orderlies in the prisons visited also worked as uniformed prison officers. The performance of this dual role is likely to cause difficulties for the officers concerned and **the CPT considers that it would be desirable to avoid this practice.**

122. It should also be noted that prisoners could call upon the services of qualified dentists in all of the establishments visited. No complaints were heard about the availability of those services.

123. The quality of the health-care facilities seen by the CPT's delegation in the establishments visited was acceptable, with the exception of the doctors' room in the male accommodation area of **Mountjoy Prison**. That room was poorly furnished, was not equipped with soap and tissues and was in an unhygienic condition.

The CPT recommends that the material conditions in this room be substantially improved and that particular attention be given to maintaining higher standards of hygiene.

124. It should be added that a new building, referred to as a "health-care unit" which had recently been opened within the Mountjoy Prison Complex. Material conditions there were very good (single-occupancy cells of more than 12 m², which included a lavatory and wash basin, and were well-lit and ventilated). Although the unit could provide accommodation for up to 57 prisoners, at the time of the visit it was holding only 9 vulnerable prisoners, who had been placed there for non-medical reasons. The delegation was told that neither the prison's health care staff, nor the management of the establishment had been made aware of the intended use of this unit.

In the view of the CPT, much more effective use could be made of this facility. **The Committee would like to receive further information from the Irish authorities about the use which they intend to make of the "health care unit" at Mountjoy Prison.**

c) equivalence of care

125. A prison health care service should be able to provide medical treatment and nursing care, as well as appropriate diets, physiotherapy, rehabilitation or any other necessary special facility, in conditions comparable to those enjoyed by patients in the outside community. Provision in terms of medical, nursing and technical staff, as well as premises, installations and equipment, should be geared accordingly.

It should be clear from the information set out above that health care services in Irish prisons are still some way from attaining the goal of equivalence of care with the outside community.

The CPT's delegation formed the view that this disparity was most marked in **Mountjoy Prison**, where many complaints were heard, from prisoners and prison staff, about the quality of the health-care service in the male accommodation areas. It was said, in particular, that the doctors there spent very little time on consultations and that a number of tasks which were properly those of a nurse (e.g. the preparation and administration of prescription drugs) were performed by unqualified medical orderlies.

126. As regards the time spent by doctors on consultations, the delegation's medical expert examined the log book which recorded the names of patients seen by the doctors on their daily rounds. It appeared that large numbers of prisoners were seen in comparatively short periods of time.

It should be added that the delegation's concerns about this matter were echoed and amplified by its discussions with the Director of Prison Medical Services, Dr. Enda Dooley. Dr. Dooley indicated that he was dissatisfied with the quality of the service provided by the doctors in question, and added that one of them had claimed to be able to see more than 50 prisoners in an hour.

127. On-the-spot observations by the delegation confirmed that a variety of nursing tasks had been entrusted to unqualified medical orderlies. Most notably, it was common for psychopharmacopic prescription drugs to be administered in suspension by medical orderlies. This meant that they were required to open and/or crush the capsules or tablets concerned. It is axiomatic that it is highly undesirable for such procedures to be carried out by unqualified staff.

128. The CPT considers that aside from the reinforcement of the number of hours of service provided by doctors (cf. paragraph 117), several measures are required to address this situation.

Firstly, the quality of the medical notation of doctors should be the subject of special attention. A medical file should be compiled for each patient, containing diagnostic information as well as an ongoing record of the patient's evolution and of any special examinations he had undergone. In the event of a transfer, the file should be forwarded to the doctors in the receiving establishment.

The Committee understands that a standard file (the Inmate Medical Record) which meets these requirements was introduced in Irish prisons in 1991. The file was being used by doctors in all of the establishments visited, with the notable exception of those working in the male accommodation areas at Mountjoy Prison. It was advanced by those doctors that completion of the file would be too time-consuming; consequently, they continued to record medical information in a log book which contained very limited notes.

The CPT recommends that the authorities ensure that the Inmate Medical Record File is used by all doctors working in prisons in Ireland.

129. Secondly, aside from the recruitment of qualified nursing staff (as already recommended by the CPT, cf. paragraph 118), the supervision of prison pharmacies and of the distribution of medicines should be enhanced. Further, the preparation of medicines should always be entrusted to qualified staff (e.g. a nurse or pharmacist).

In this respect, the Committee understands that, at the end of 1992, the Ministry of Finance gave approval for the creation of a new post for a pharmacist to work within the Irish prison service.

The CPT considers that this is a welcome and necessary development and **wishes to be informed if the post of pharmacist has now been filled.**

130. Thirdly, and more generally, it is the CPT's view that the smooth operation of a health-care service presupposes that doctors and nursing/para-medical staff are able to meet regularly and to form a working team under the authority of a senior doctor in charge of the service. This was not the case in Ireland at the time of the visit.

131. In 1990, a new post of Director of Prison Medical Services was created at a senior level within the Prisons Division of the Department of Justice. In theory, the holder of this post (who is himself a doctor) has responsibility for the provision of all medical (including psychiatric) services in Irish prisons and for liaison between prison-based and external medical services. He is also empowered to receive complaints from prisoners about the quality of medical services which they have received.

In practice, the Director of Prison Medical Services has no operational control over the work of doctors in prisons. This is apparently because such doctors do not have standard terms and conditions of employment. Doctors presently working in prisons do so under a variety of contracts (or, in some cases, apparently without a contract) and are not accountable to the Director of Prison Medical Services.

132. The Committee understands that a standardised contract of employment for doctors working in prisons has been drawn up, and was submitted to the Irish Medical Association for their approval in October 1992. The contract makes clear that the Director of Prison Medical Services has ultimate responsibility for the work of doctors in prisons. It also seeks to standardise and clarify the tasks of such doctors (which are to include: maintaining Inmate Medical Records; supervising the work of medical orderlies; ordering, controlling and dispensing medicines and preparing an annual report on the health and welfare of prisoners to be sent to both the Governor and the Director of Prison Medical Services).

In the view of the CPT, adoption of the proposed contract would be an excellent means of rendering doctors working in prisons accountable to an appropriate medical authority. **It recommends that all possible steps be taken to expedite its implementation.**

d) psychiatric services

133. In Ireland, psychiatric services in prisons were provided by hospital-, or community-based psychiatrists, who visited the establishments on a regular basis. Referrals to psychiatrists were normally made by the doctors working in those establishments.

At **Mountjoy Prison**, such services were provided for between six and nine hours per week by a team of three psychiatrists based in the Central Mental Hospital at Dundrum. This level of provision is quite inadequate for an establishment of the size of Mountjoy Prison and **the CPT recommends that it be reinforced.**

A psychiatrist attended **St. Patrick's Institution** for three hours, three times a week. **Limerick Prison** had the services of a psychiatrist for one session per week and **Cork Prison** for three hours, three times a week.

134. There was no specially-equipped psychiatric facility for prisoners within the Irish prison service. As a result, any prisoners who required to be hospitalised were transferred to the Central Mental Hospital at Dundrum. However, the delegation was told that it could take quite some time to arrange such transfers (periods of up to two weeks were not uncommon).

The delegation was also concerned to learn that the assessment of persons in respect of whom the courts had requested a psychiatric opinion took place in prison. If a psychiatrist so requested, a person undergoing assessment could be transferred to the Central Mental Hospital; however, in the majority of cases such persons would remain in prison for the duration of the assessment (which could be up to seven days). This was apparently because the courts have no power to remand an accused person to a psychiatric hospital for assessment or treatment.

Further, the delegation learned that the courts cannot order that a convicted person be sent directly to a psychiatric hospital for treatment. Apparently, a judge may do no more than annex a recommendation for psychiatric treatment to a sentence of imprisonment. As a result, such prisoners will invariably be taken from court to prison, where they must await a visiting psychiatrist's opinion that they should be transferred to the Central Mental Hospital.

As a result of all of these factors, at any one time, significant numbers of mentally ill inmates were being kept within the prison system.

135. The Irish authorities openly recognised that the situation described above creates many problems. Indeed, as long ago as 1978, an Interdepartmental Committee on Mentally-Ill and Maladjusted Persons (the "Henchy Committee") concluded that restrictions on the placement of remand or convicted prisoners in psychiatric institutions were "a grave defect in the present state of the criminal law".

The CPT has noted that, in a Green Paper published in June 1992, the Irish Government expressed its intention to introduce a wider range of powers for courts dealing with mentally ill prisoners, including a power of direct referral to appropriate psychiatric facilities. The Committee welcomes this development and **wishes to receive further details of the measures envisaged, together with an indication of the legislative progress which has been made in implementing those reforms.**

136. More generally, **the CPT wishes to emphasise that mentally ill prisoners should be kept and cared for in a hospital facility which is adequately equipped and possesses appropriately trained staff. That facility could be a civil mental hospital or a specially equipped psychiatric facility within the prison system.**

Whichever course is chosen, the accommodation capacity of the psychiatric facility in question should be sufficient to avoid prolonged waiting periods before necessary transfers are effected. The transfer of mentally ill prisoners to an appropriate psychiatric facility should be treated as a matter of the highest priority.

e) HIV+ prisoners

137. The delegation found that inmates in Ireland who were known to be HIV+ were segregated from the rest of the prison population, in the "segregation unit" at Mountjoy Prison (though many prisoners who were thought, but not known, to be HIV+ were living in the ordinary areas of prisons). Although the material conditions in the segregation unit were somewhat better than elsewhere in Mountjoy (cf. paragraph 78), to be isolated from other prisoners in this way is certainly a form of discriminatory treatment. **The CPT wishes to emphasise that there is no medical justification for the segregation of an HIV+ prisoner who is well.**

138. This matter has recently been the subject of detailed consideration by a Committee appointed by the Minister for Justice - the Advisory Committee on Communicable Diseases in Prisons. The CPT understands that the Advisory Committee has concluded that the policy of routine segregation of prisoners of the grounds of their known HIV positivity should be abolished. The CPT wholeheartedly agrees with this conclusion and **recommends that it be implemented without delay.**

139. Of course, the introduction of a policy of keeping HIV+ prisoners on normal location will require that prison staff and inmates are kept fully informed at regular intervals of the medical realities in this area. In this respect, the CPT wishes to commend the educational materials (How to Escape AIDs/HIV, and HIV/AIDs Information for Prisons: Inside and Out), which were produced in March 1992, on the advice of the Advisory Committee on Communicable Diseases in Prisons. **These materials should be given the widest possible distribution amongst prisoners and prison staff. In particular, copies should be given to all newly-admitted prisoners and newly-recruited staff.**

f) suicide prevention

140. Suicide prevention is another matter falling within the purview of a prison's health care service. It should ensure that there is an adequate awareness of this subject throughout the establishment, and that appropriate procedures are in place.

In this respect, the CPT has taken note with interest of the findings and recommendations of another Group set up by the Minister of Justice - the Advisory Group on Prison Deaths. In 1991, the Advisory Group concluded that there was a need to take a more positive approach to suicide prevention. To this end, the Group formulated 57 recommendations, of which around half had been implemented at the time of the delegation's visit in 1993. However, it appears that no action has yet been taken on some of the more important measures proposed by the Advisory Group.

141. Particular mention should be made of two of the Advisory Group's recommendations on reception procedures. These are, firstly, that: "the questionnaire for use in relation to all prisoners arriving in the reception area include questions in relation to suicide risk and that the completed questionnaire be used by the doctor in his examination of each newly arrived prisoner" (recommendation 3) and, secondly, that: "the arrangements for GP services in all prisons be reviewed by the DPMS¹¹ with a view to ensuring ... that all newly committed prisoners are seen by a doctor on the day of their committal or the next day (provided that the prisoner had gone through the reception process and been seen by the medical orderly)" (recommendation 20).

The Committee welcomes this recognition that medical screening on arrival, and the reception process as a whole, has an important role to play in the context of suicide prevention; performed properly, it can identify at least certain of those at risk and relieve some of the anxiety experienced by all newly-arrived prisoners.

The CPT recommends that implementation of these recommendations be given a high priority.

142. Further, the CPT wishes to stress that prison staff, whatever their particular job, should be made aware of (which implies being trained in recognising) indications of suicidal risk. A number of the Advisory Group's recommendations seek to address the need for enhanced staff training in this respect - for both custodial staff and medical orderlies.

The Committee wishes to be informed of any steps taken by the Irish authorities to implement those recommendations.

143. The physical conditions in which persons identified as suicide risks are kept can have an important bearing upon their well-being. Such persons should not have easy access to means of killing themselves (cell window bars, broken glass, belts or ties, etc). Further, a person identified as a suicide risk should, for as long as necessary, be kept under a special observation scheme. In Ireland, the names of such prisoners are placed on a Special Observation List and they are subject to enhanced supervision by staff.

144. Finally, the CPT wishes to stress that steps should also be taken to ensure a proper flow of information - both within a given establishment and, as appropriate, between establishments (and more specifically between their respective health care services) - about persons who have been identified as potentially at risk.

In this context, the Committee has noted that the Advisory Group recommended that an effective information system be provided in each prison to enable day staff going off duty to convey relevant information to night staff (recommendation 14). It also recommended that means be found to ensure that information on suicide risk which is available to Court, Hospital and Garda Síochána staff is transmitted to prison staff (recommendation 15).

The CPT considers that such measures have an important part to play in reducing the risk of suicides in prison and **wishes to receive information about any steps taken by the Irish authorities to implement these recommendations.**

¹¹ Director of Prison Medical Services

5. Other issues of relevance to the CPT's mandate

a) discipline

145. The imposition of disciplinary penalties on prisoners is governed by the 1947 Prison Rules. The Rules provide that the Governor may impose a variety of penalties for offences against the good order and discipline of the establishment. Solitary (or "close") confinement of up to three days is, in principle, the most severe punishment. Disciplinary sanctions also include the archaic provision that "ill-conducted and idle prisoners" may be placed on restricted diets for up to 14 days.

The CPT understands that the Department of Justice are at an advanced stage in drafting a new set of Prison Rules, in recognition of the fact that in the area of discipline, and in other important respects, the 1947 Rules have become outdated. The CPT welcomes this development and **would like to be informed of when it is envisaged that the new Rules will enter into force. The Committee would also like to receive a copy of the Rules in due course.**

146. More generally, the delegation was told that young offenders at St. Patrick's Institution might be deprived of access to education as a punishment. This would, in itself, be an entirely inappropriate disciplinary measure to take against young offenders. **The CPT wishes to be informed of whether this is the case and, if so, of the circumstances under which young offenders may be deprived of education as a punishment at St. Patrick's Institution.**

147. On the subject of procedural safeguards for prisoners who are accused of having committed offences against good order and discipline, Rule 67 of the 1947 Rules provides that:

"Before a report of misconduct against a prisoner is dealt with, he shall be informed of the precise nature of the offence for which he has been reported and shall not be punished until he has had an opportunity of hearing the evidence against him and being heard in his defence."

The CPT's delegation observed the conduct of a number of disciplinary hearings (or "adjudications") in which prisoners were accused of having committed disciplinary offences. The procedures applied during those adjudications are cause of concern to the Committee.

It appeared that prisoners had been given little advance notice of the charges against them and no notice in writing. Inmates were obliged to stand between two prison officers while being questioned by the Governor and, on occasion, other senior officers. The delegation was told by staff and prisoners that inmates were not allowed to call witnesses on their own behalf and could not cross-examine evidence against them or make statements in mitigation if found guilty by the Governor. In short, the procedures observed left a great deal to be desired.

148. The CPT trusts that the new Prison Rules will seek to develop the procedural safeguards offered to prisoners during disciplinary proceedings and **recommends that prisoners should be formally guaranteed the following rights:**

- **to be informed in writing of the charges against them and to be given sufficient time to prepare their defence;**
- **to call witnesses on their own behalf and to cross-examine evidence given against them;**
- **to be heard in mitigation of punishment, in cases where found guilty by the Governor;**
- **to remain seated during adjudications and to have facilities to take notes;**
- **to appeal to a higher authority against any sanctions imposed.**

Further, the Committee recommends that the new Prison Rules address the question of the right of prisoners to be legally represented in the context of disciplinary proceedings.

149. Prisoners subject to the sanction of close confinement were usually held in cells designated for that purpose in the accommodation areas of the establishments visited. The size, lighting and ventilation of these cells were adequate; however, the CPT's delegation observed that they were furnished in a very spartan manner. **It would be desirable for cells used for disciplinary purposes to be equipped with a table and chair, if necessary fixed to the floor.**

150. As already noted, prison Governors may impose solitary confinement as a disciplinary measure for a period not exceeding three days. However, rule 69 (1) (d) of the 1947 Rules also provides that a Governor may suspend any of a prisoner's privileges for a period of up to two months. The delegation observed that this latter provision was being exploited to hold inmates under conditions akin to solitary confinement for up to two months.

The prisoners concerned were being held in D Unit of Cork Prison.

151. D Unit was a recently-built block which stood apart from the rest of the prison. Prisoner accommodation was in ten single cells and there was also one padded cell. Material conditions in the cells were very spartan - the five cells on the ground floor contained only a bed and mattress and those on the first floor were equipped with only a mattress on the floor. Each of the cells measured over 8m² and had satisfactory artificial light and ventilation. Natural light was rather poor in cells on the first floor and quite inadequate in those on the ground floor, the windows of which had been fitted with a metal mesh.

152. Prisoners in D Unit were deprived of all privileges (visits, letters, work, recreation, smoking, radio, television and newspapers) for a period of up to two months. The regime to which they were subject consisted of two sessions of outdoor exercise per day (up to 1½ hours in the morning and two hours in the afternoon), which was the only time during which they came into contact with other prisoners. A small stock of library books were available for those prisoners who could read. Inmates were thus locked in their cells for 20 hours or more per day with little (or, in the case of illiterate prisoners, nothing) to occupy them, for periods of up to two months.

Perhaps the most striking feature of the regime to which they were subject was the complete denial of all contact with the outside world. Unless the Governor agreed to a special request to that effect, prisoners could not receive visits and could neither write nor receive letters.

153. In this respect, the CPT wishes to underline that, although in exceptional cases, the implementation of a regime under which prisoners are segregated from others for prolonged periods may be justified for reasons of order and security, the application of such a measure as a punishment is unacceptable.

Further, it is generally acknowledged that all forms of solitary confinement without appropriate mental and physical stimulation are likely, in the long term, to have damaging effects, resulting in deterioration of mental faculties and social abilities. The delegation found that the regime applied in Unit D at Cork Prison did not provide such stimulation.

The CPT recommends that the Irish authorities review the use made of Unit D at Cork Prison in the light of the above remarks. Further, the Committee recommends that the material conditions in Unit D be improved. In particular, the cells on the first floor should be equipped with beds and, with the exception of the padded cell, all of the cells should be fitted with a table and chair, if necessary fixed to the floor. Further, steps should be taken to improve access to natural light, in particular in the ground floor cells.

154. The Committee would add that whenever a prisoner being held (for whatever reason) under a solitary confinement-type regime asks for a medical doctor - or a prison officer asks for one on his behalf - such a doctor should be called without delay with a view to carrying out a medical examination of the prisoner. The results of this examination, including an account of the prisoner's physical and mental condition as well as, if need be, the foreseeable consequences of continued isolation, should be set out in a written statement to be forwarded to the competent authorities.

As far as the CPT's delegation was able to ascertain, the practice in Ireland was in accordance with these requirements.

b) complaints and inspection procedures

155. Effective complaints and inspection procedures are basic safeguards against ill-treatment in prisons. Prisoners should have avenues of complaint open to them, both within and outside the prison system, and be entitled to confidential access to an appropriate authority.

The CPT attaches particular importance to regular visits to all prison establishments by an independent body (for example, a visiting committee or a judge with responsibility for carrying out inspections) with authority to receive - and, if necessary, take action on - prisoners' complaints and to visit the premises.

156. The CPT notes that under the 1947 Prison Rules, prisoners may address complaints to the Governor of the establishment; however, they are not entitled to send confidential correspondence to any other authority (e.g. Department of Justice, the Chairman of the Prison Visiting Committee (cf. paragraph 157), the establishment's medical service, international intergovernmental bodies, etc.). **The CPT recommends that this lacuna be remedied. In this connection, the Committee invites the Irish authorities to consider including the President of the CPT in a list of authorities to whom confidential correspondence may be addressed.**

157. In Ireland, the Prisons (Visiting Committees) Act 1925 and its associated Orders¹² make provision for a Visiting Committee for each establishment, the members of which are appointed by the Minister for Justice. Such committees may visit the establishment at any time, inspect the premises and listen to complaints from prisoners. Each Visiting Committee draws up an annual report, setting out observations and recommendations based on its visits, which is submitted to the Minister for Justice.

In principle, the Visiting Committees are capable of playing an important part in the prevention of ill-treatment. However, complaints were heard from prisoners, prison staff and members of a Visiting Committee with whom the delegation met, to the effect that a number of factors served to compromise the ability of the Committees to effectively carry out their tasks.

It was said that the fact that members were appointed directly by the Minister for Justice resulted in a perception that they were less than fully independent. In this respect, it should be mentioned that the Minister had recently decided not to re-appoint all but one of the members of the Mountjoy Prison Visiting Committee - an action which apparently followed their publication of a report which was critical of conditions in that establishment. It was also suggested that the fact that the Secretary of each Visiting Committee was a serving prison officer served to undermine its reputation for impartiality. Further, there was a wide perception that the recommendations of Visiting Committees were often ignored by the Department of Justice. Members of the Visiting Committee with whom the delegation met themselves said that they felt they had little influence on the running of the prison.

¹² The Prisons (Visiting Committees) Orders 1925

In the view of the CPT, the effectiveness of prison Visiting Committees could be usefully enhanced in a variety of ways. The provision of appropriate training for new Committee members (who may have had little or no previous experience of prisons) would be one useful measure; however, consideration should also be given to ensuring that the members appointed represent a balance of interests, and to providing the Committees with administrative support from outside the prison service.

The CPT recommends that the Irish authorities carry out a review of the operation of prison Visiting Committees, in the light of the above remarks.

c) contact with the outside world

158. It is very important for prisoners to be able to maintain reasonably good contact with the outside world. Above all, they must be given the opportunity to preserve their relationships with their families and/or friends, and in particular with their spouse or partner and children. The maintenance of such relationships can be of critical significance for all concerned, particularly in the context of the prisoners' social rehabilitation. The guiding principle should be to promote contact with the outside world; any restrictions on such contacts should be based exclusively on security concerns of an appreciable nature or considerations linked to available resources. This is in the spirit of several recommendations of the European Prison Rules, in particular those set out in paragraph 43, sub-paragraph 1 and paragraph 65, item c.

159. The arrangements for visits were found to be less than satisfactory in certain of the establishments visited.

At **Mountjoy Prison**, there were three visiting rooms for open visits, each containing a table which ran the length of the room, separating prisoners from their visitors. Physical contact between prisoners and visitors was not permitted and each table was fitted with a barrier (some 15cm high) which was designed to impede such contact. The delegation noted that when the visiting rooms were full, they afforded no privacy whatsoever to prisoners or their visitors and, because of poor acoustics and ventilation, were both noisy and stuffy. Prisoners held in E Block had visits in one of two temporary buildings elsewhere in the establishment. Those rooms were in a rather poor state of repair.

There were similar deficiencies in the visiting arrangements at **Limerick Prison**. All of the visiting facilities seen were located in temporary buildings, which were in a poor state of repair. They did not provide sufficient space for the numbers of prisoners and visitors they were used to accommodate, a problem which was especially acute in the general visiting area for male prisoners.

Cork Prison provided somewhat better visiting facilities; however, the conditions under which closed visits took place left something to be desired. Prisoners were separated from their visitors by a solid screen, the upper portion of which was transparent. However, the chair provided on the prisoner's side of the visiting room was too low to permit an inmate of average height to see more than the top of the head of his visitor. In consequence, most prisoners opted to stand for the duration of the visit.

160. Visiting facilities which are noisy, crowded and badly ventilated present a considerable impediment to the maintenance of positive relationships between prisoners and their families and/or friends.

The CPT recommends that conditions in the visiting areas of the above-mentioned establishments be substantially improved in the light of these remarks. The aim of those improvements should be to ensure that prisoners and their visitors are able to converse in relative privacy, in physical conditions which are conducive to the maintenance of positive relationships. Further, the Committee recommends that the authorities take steps to ensure that those conditions are met in all other prisons in Ireland.

161. The length of visits offered in the establishments visited appeared to be adequate, though they could hardly be described as generous. In most cases remand prisoners were allowed one visit of 15 minutes every day and sentenced prisoners, one visit of half an hour every week. Governors appeared to take a flexible approach to this limit, e.g. prisoners from Dublin held in Limerick Prison were allowed to accumulate visiting time for use when relatives or friends travelled to see them.

The delegation also observed that certain categories of long-term prisoners were allowed to have longer and more open visits with their families. In the view of the CPT this is a positive measure which it would be desirable to make available to greater numbers of prisoners. The Committee further considers that granting prisoners the right to receive extended unsupervised visits in order to maintain family and personal (including sexual) relations would be a commendable step, provided that such visits took place in conditions which respected human dignity. **The CPT invites the Irish authorities to explore the possibility of introducing such a measure.**

162. Prisoners may send and receive letters; however, in terms of rule 63 of the 1947 Rules, all letters to or from a prisoner are read by a prison officer and may be censored or withheld altogether. There are no exceptions to this rule and, if letters refer to conditions in the prison, copies are placed in the prisoner's file.

163. In this context, the delegation was surprised to find copies of letters to, or from, prisoners' lawyers in their prison files. In principle, such letters are privileged under Article 8 of the European Convention on Human Rights.

The CPT would like to receive the comments of the Irish authorities on this matter.

164. More generally, the Committee appreciates that it may be necessary, in certain cases, to verify that letters do not contain prohibited items. In a smaller number of cases, where there is good reason to believe that a letter contains information which would prejudice the security of the establishment, it may be necessary for the prison authorities to read the letter. However, to routinely read all letters to, or from, a prisoner is almost certainly a wasteful use of staff resources.

The CPT invites the Irish authorities to consider abolishing the rule that all correspondence to, or from, a prisoner must be read by a prison officer.

165. Telephone calls can be an important way for prisoners to stay in touch with family and friends. Their importance is even greater to prisoners who are illiterate and/or whose families live at some distance from the establishment in which they are held. The delegation found that prisoners had rather restricted access to telephones. The general rule appeared to be that prisoners could make one telephone call of five minutes per week, having stated the reason for the call. It was advanced that the reason for this restriction was that the cost of the calls was defrayed by the State; however, many prisoners spoken to said that they would be happy to pay for additional calls themselves.

The CPT recommends that the Irish authorities take steps to provide prisoners with greater access to telephones. One way in which this might be achieved would be through the installation of card-operated telephones in areas used by prisoners.

d) staff-management relations

166. The maintenance of good relations between the staff and management in prisons can have an important bearing upon the well-being of persons deprived of their liberty. Disputes between prison staff and management can rapidly have negative effects on the regime which an establishment is able to offer (and thus on the quality of life enjoyed by prisoners). Moreover, if such disputes remain unresolved, the poorer working atmosphere which results may increase the risk of inmates being ill-treated by prison staff.

The CPT's delegation was not impressed by the quality of the industrial relations observed in certain of the establishments visited.

167. Relations between management and prison officers were particularly strained in Limerick Prison, a situation which apparently stemmed from a prolonged period of industrial action several years earlier.

Those tensions had been exacerbated by an incident on 9 April 1992 in which a prisoner and a senior prison officer apparently sustained injuries (cf. paragraph 64). Apparently, no action had been taken by the Department of Justice against the prison officers alleged to have been involved in that incident, despite the Governor's recommendation that certain officers should be disciplined. For their part, officers of the local branch of the Prison Officers Association (P.O.A.) said that they preferred to deal with the Prisons Division of the Department of Justice (through the P.O.A. Office in Dublin), rather than negotiate directly with the Governor. It was clear to the delegation that there was no effective dialogue between management and prison officers - an "us and them" mentality prevailed.

168. At Mountjoy Prison, the Governor told the delegation that he had almost no devolved budget - the most important aspects of the day-to-day management of the prison being decided by officials of the Prisons Division at the Ministry of Justice. As a result, he felt that he had only limited authority over staff employed in the establishment. This was apparently also the situation in the other establishments visited in Ireland.

169. In short, it appeared to the CPT's delegation that the gubernatorial role had, to a greater or lesser extent, become emasculated in the establishments visited. In the CPT's view, Governors who are deprived of the authority and/or the means effectively to manage their establishments are unlikely to be able to foster and maintain good relations with their staff. Even more seriously, in terms of the Committee's mandate, it is questionable whether Governors placed in such a position will be able to intervene effectively and decisively in situations which threaten the well-being of prisoners and/or staff.

The CPT considers that the enhancement of the management role of prison Governors could have a positive effect on the quality of life of inmates in the prisons visited, while reducing the risk that they may be subjected to ill-treatment by prison staff. Accordingly, **it recommends that the Irish authorities seek to ensure that prison Governors are provided with the necessary means to enable them effectively to manage the prisons of which they have charge.**

C. Immigration Service, Shannon Airport

170. As already mentioned, the Immigration Service at Shannon International Airport was staffed by serving members of the Garda Síochána. Their premises consisted of a number of offices on the "air side" of the international arrivals area. The delegation was told by the officers present that there were no secure detention facilities for immigrants at the airport - if there was a need to hold a newly-arrived person in custody they would be transferred to a police station in the village of Shannon (cf. paragraph 36).

171. The CPT's delegation spent some considerable time with the immigration officers on duty, in an attempt to understand the procedures applied to persons arriving at Shannon Airport. This task was complicated by the fact that the officers concerned were generally unco-operative and, in some cases, provided the delegation with answers which proved to be misleading or inaccurate.

It finally emerged that a distinction was drawn between those who were clearly seeking asylum and others who were attempting to enter Ireland illegally.

172. In respect of **asylum seekers**, an immigration officer would complete a form with details of name, address, passport etc. The Irish Red Cross would be contacted, as would a local guest house, to which the person would be transferred as soon as possible. Persons held in the guest house were not deprived of their liberty in the sense of the CPT's mandate. The Immigration and Citizenship Division at the Department of Justice was contacted and, in due course, would decide whether the person should be granted refugee status, in consultation with the United Nations High Commissioner for Refugees.

173. The situation was quite different as regards **persons attempting to enter the country illegally**. If an immigration officer decided that a person was in that category, he or she would be returned to the country from which they had travelled on the next available flight. Depending on the availability of that flight they might wait in the international transit zone (an area with duty free shops and restaurant facilities, but no accommodation), in the immigration officers' rooms or be taken to the Garda Station in Shannon. The delegation was told that, in any case, it was rare for a person to spend more than two or three hours before a return flight was available.

174. In the light of the delegation's on-site observations, the CPT feels it should stress that the task of determining whether a newly-arrived passenger is an asylum seeker or an illegal immigrant can be a delicate and complex one. It should be performed by specially trained officers who have both the sensitivity and the tact to communicate effectively with foreign nationals, some of whom may be in some considerable distress. Further, relevant information should be available in a range of languages and, if necessary, access to interpreters should be ensured.

The CPT recommends that the operation of the Immigration Service at Shannon Airport be reviewed in the light of the above remarks.

Further, the Committee would like to receive information on the practical arrangements which exist in order to ensure that persons are not returned to countries in which they face a risk of torture or inhuman or degrading treatment or punishment.

III. RECAPITULATION AND CONCLUSIONS

A. Police establishments

175. In the course of its visit to Ireland, the CPT's delegation interviewed a number of persons who alleged that they had been physically ill-treated whilst in police custody in Dublin. Their allegations were consistent as regards the forms of ill-treatment involved (slaps, punches and/or kicks by police officers).

With one exception, none of the persons seen bore marks consistent with their allegations of physical ill-treatment. That said, it should be noted that, given the time which had elapsed since the alleged ill-treatment, any injuries which they might have sustained would almost certainly have healed.

176. One person met by the delegation alleged that he had been severely ill-treated by police officers at Ronanstown Garda station in Dublin during the delegation's visit to Ireland. The person in question claimed that, while held in a cell there, two uniformed officers had repeatedly punched him on his face, chest and left arm and kicked him on his shins. He also claimed to have been ill-treated by detective officers, who allegedly had punched him during an interrogation and, while gripping his shoulders, had banged his head against a filing cabinet.

Upon examination by the delegation's doctors, he displayed injuries which were consistent with those allegations. The custody record at the police station confirmed that he had been held there during the period to which his injuries could be ascribed.

177. Amongst the other allegations of ill-treatment heard by the delegation, several related to Finglas Garda Station in Dublin. During its visit to that establishment, the CPT's delegation discovered a large number of non standard-issue weapons (home-made wooden batons, a variety of real and replica guns, several hunting knives and a short, leather-covered metal cosh) in the areas used by the detective unit based there. None of those items bore labels or other means of identification.

The CPT has also noted that, in November 1992, a person who alleged that he had been ill-treated by police officers from Finglas Garda Station received a substantial payment under the terms of an out-of-court settlement.

178. In the light of all the information at its disposal, the CPT has been led to conclude that persons held in certain police establishments in Ireland - and more particularly in Dublin - run a not inconsiderable risk of being physically ill-treated.

179. The CPT has emphasised the fundamental importance of universal and ongoing professional training for police officers, as an essential element of any strategy for the prevention of ill-treatment. Further, senior police officers should actively seek to reinforce the lessons learnt during that training; it has been recommended that such officers deliver the clear message to their subordinates that ill-treatment is unacceptable and that it will be severely punished.

180. The CPT has also examined the formal safeguards offered to persons detained by the police in respect of the prevention of ill-treatment (e.g. notification of custody, access to a lawyer, access to a doctor) which, on the whole, would appear to be adequate. Nevertheless, the CPT has made certain observations and recommendations in this area, concerning, for example, the information provided to persons on their rights and the presence of a lawyer during interrogations.

181. Naturally, one of the most effective means of preventing ill-treatment lies in the diligent examination of complaints of such conduct by a body which is, and is seen to be, independent and impartial. In this connection, the CPT has invited the Irish authorities to reconsider the composition of the Garda Síochána Complaints Board and of disciplinary tribunals appointed by it.

Further, the Committee has recommended that steps be taken to improve the procedures for inspection of police establishments, through enhanced supervision by senior police officers of the work of Garda Síochána "members in charge" and consideration of the possibility of introducing a system of independent inspection of police establishments.

182. **Conditions of detention** in the police establishments visited by the CPT varied from very good to poor. The filthy conditions seen at Finglas Garda Station in Dublin were a cause of particular concern.

It should also be mentioned that a room at Santry Divisional Headquarters of the Garda Síochána was used to hold persons detained under the aliens legislation for periods of up to three days. Given that the room lacked natural light and that the establishment was not equipped with exercise facilities, the CPT has recommended that it should not be used to detain such persons for other than short periods of time.

B. Prisons

183. The CPT's delegation heard a number of allegations that prisoners had been ill-treated by prison staff in **Mountjoy** and **Limerick Prisons**. In both establishments, the principal forms of ill-treatment alleged were punches and kicks. The CPT was also informed about a serious incident which apparently took place at Limerick Prison in April 1992. It is alleged that, on that date, an inmate was thrown down two flights of stairs by a group of prison officers, and that a senior prison officer who attempted to intervene to protect the prisoner was himself attacked. The Garda Síochána apparently drew up a report on this incident. The Committee has asked for a copy of the report, and to be informed of any disciplinary action which may subsequently have been taken against the prison officers alleged to have been involved.

Few allegations were heard of ill-treatment of inmates by staff at **Cork Prison**, although a small number of allegations were heard that inmates had been physically ill-treated in, or during transfer to, D Unit at that establishment. The delegation was not convinced that the procedures adopted by prison officers to transfer inmates to D Unit were such as to minimise the risk of injury to prisoners. The Committee has recommended, in this respect, that training in control and restraint techniques be made more widely available to prison officers and that all prison officers be made aware of the contents of the recently-produced instruction manual on this subject.

The delegation heard no allegations of physical ill-treatment of young offenders by staff in **St. Patricks Institution** and found no other evidence of the existence of such treatment. That said, a few inmates alleged that, on occasion, prison officers had treated them rather roughly.

184. Allegations were also received about ill-treatment in two other establishments - **Wheatfield Place of Detention** and **Portlaoise Prison**.

In the former case, a prisoner alleged that, on 20 September 1993, he was attacked by prison officers in the establishment's segregation unit. The staff involved claimed that the inmate concerned had assaulted them. A medical examination on 22 September 1993 revealed that the inmate had sustained injuries. The Governor of Wheatfield Place of Detention subsequently provided the CPT with a report on this incident, in which, inter alia, he concludes that: "I cannot say with any certainty that these injuries were inflicted deliberately or whether they were sustained in the course of restraining and removing him".

In the latter case, a prisoner who alleged that, on 18 September 1993, he had been punched and kicked by prison officers in Portlaoise Prison was seen, in Mountjoy Prison, by one of the delegation's doctors. He was found to display marks on his back consistent with his allegation.

185. The delegation was satisfied, from all of its on-site observations, that the great majority of prison officers were attempting to deal in a humane manner with prisoners in their charge. However, the information at the Committee's disposal indicates that, in at least some prisons in Ireland and, in particular, in Mountjoy and Limerick Prisons, there are certain officers who have a propensity to ill-treat prisoners.

186. As in the context of the police, one of the most effective means of preventing ill-treatment by prison officers lies in the diligent examination of complaints of ill-treatment and the imposition of suitable penalties. The Committee has asked for the comments of the Irish authorities on the present system for examining complaints against prison officers - the efficacy of which appeared to be open to question. It has also recommended that the relevant authorities in the Ministry of Justice, as well as Prison Governors, deliver the clear message that ill-treatment of inmates is not acceptable and will be dealt with severely.

More generally, the CPT has recommended that a much greater priority be given to professional training, including an appropriate human rights element, for prison officers of all ranks and categories. It has also recommended that an aptitude for interpersonal communication be a major factor in the process of recruiting prison officers and that, during the induction and in-service training of such officers, considerable emphasis be placed on acquiring and developing interpersonal communication skills.

187. As regards **material conditions of detention**, the deleterious effects of overcrowding were observed in at least certain parts of all of the establishments visited. Those effects were compounded by a lack of ready access to toilet facilities for prisoners - with the exceptions of the cells for women at Mountjoy Prison and those in St. Patrick's Institution, none of the inmate accommodation seen was equipped with integral sanitation.

The CPT has recommended that a very high priority be given to measures designed to reduce overcrowding and that due consideration be given to the introduction of an enforceable ceiling on the inmate population of each prison. The installation of integral sanitation in prisons should also be treated as a matter of the highest priority and the Committee has suggested that a target date be set for the eradication of the practice of slopping out.

188. Conditions were particularly poor in three areas of Mountjoy Prison - the reception unit (excessively cramped accommodation, inadequate ventilation etc.); the three small "holding" cells at the end of E Division (very small, unheated, no natural light) and in one of the security cells in E Division (dirty and dilapidated). The CPT has recommended that these deficiencies be addressed. The Committee has also recommended that the bathing facilities for prisoners be upgraded.

However, it should also be noted that conditions of detention for women prisoners at Mountjoy Prison were markedly better than those for men.

189. As regards Limerick Prison, the CPT was most concerned by conditions in C Division, where some women prisoners were required to share poorly-equipped cells which measured a mere 5m². The Committee has noted, in this respect, that there are plans to build a new prison for women and has recommended that they be given a high priority. Pending the implementation of those plans, it has recommended that steps be taken immediately to ensure that women prisoners are not held two to a cell in C Division.

190. Cork Prison provided better material conditions of detention than those seen at Mountjoy or Limerick, although - as in the latter two establishments - many of the (7.5m² to 9m²) cells designed for single occupancy were being used to hold two prisoners. The establishment was generally in good decorative order; however, landing C3 was in a rather poor state of repair.

191. The standard of cell furnishings throughout St. Patricks Institution left something to be desired, and two specific sets of cells were found to be inadequate for the purposes which they were called upon to serve. The two "safety cells" on the ground floor of the Annex did not offer appropriate conditions in which to hold disturbed persons, and the 6m² holding cells in the reception area were too small for the number of prisoners which they might be used to hold, and quite unsuitable as overnight accommodation (for which they were occasionally used).

The establishments as a whole was in an insalubrious condition, particularly in Annex 2, where bedsheets and blankets seen in cells were soiled and the floors were littered with debris. Moreover, the building was infested by mice.

192. All prisoners should have access to programmes of activities which enable them to spend a reasonable part of the day (eight hours or more) outside their cells, engaged in purposeful activities of a varied nature (group association activities, education, sport, work with vocational value).

In the light of those requirements, the CPT has, in particular, recommended improvements in the **regimes** offered to male prisoners at Mountjoy Prison; remand prisoners at Cork Prison and young offenders at St. Patrick's Institution. Regime activities at Limerick Prison were of a somewhat higher standard, nevertheless, the Committee has criticised the failure to provide high security prisoners with work.

193. In the **medical services** of the establishments visited the staffing levels observed left something to be desired. The CPT has recommended that the number of hours for which doctors are present at Mountjoy, Limerick and Cork Prisons be increased. As regards, more particularly, Mountjoy Prison, taking into account the number of prisoners held in the male accommodation areas, the Committee has recommended that steps be taken to provide at least the equivalent of the services of one full-time doctor in those areas.

The absence of qualified nursing staff in the establishments visited was also a matter of concern. The CPT has expressed the view that the presence of medical orderlies should never be seen as capable of removing the need for qualified nursing staff. On the contrary, nursing staff have an essential role to play not only in providing somatic and preventive health care, but also in supervising the work of unqualified health-care staff. The Committee has recommended that qualified nursing staff be employed in each of the establishments visited.

194. The health-care facilities seen by the CPT's delegation were acceptable, with the exception of the doctors' room in the male accommodation area of Mountjoy Prison, in respect of which the Committee has recommended improvements. The CPT has also requested information on the intended function of the recently-completed "health care unit" at Mountjoy Prison.

195. On the question of equivalence of care between prison health care services and those in the outside community, the CPT has remarked that this goal had not yet been attained in the establishments visited. This disparity was most marked in the male accommodation areas at Mountjoy Prison, where too few doctors spent too little time on consultations, about which they made inadequate notes. It was also highly undesirable that psychopharmacopic prescription drugs were prepared and administered by unqualified staff. The Committee has recommended a number of measures designed to address this situation.

196. The level of psychiatric services provided to prisoners was adequate, again with the exception of Mountjoy Prison, in respect of which the CPT has recommended that the current level of provision be reinforced.

More generally, the Committee has expressed concern about the holding of mentally-ill persons on prison premises. The CPT has asked for further details of legislative measures designed to address this problem and has commented that the transfer of mentally ill prisoners to an appropriate psychiatric facility should be treated as a matter of the highest priority.

197. Reference has also been made to two Advisory bodies appointed by the Minister for Justice - respectively on communicable diseases and prison deaths. The CPT agrees with many of the conclusions of those bodies and has recommended that their implementation be accorded a high priority.

198. The CPT has made a number of recommendations, comments and requests for information in respect of other matters of relevance to the CPT's mandate (discipline, complaints and inspection procedures, contact with the outside world and staff-management relations).

Of these, it attaches particular importance to its recommendations regarding the rights of prisoners in the context of disciplinary proceedings, and the need to improve material conditions in visiting areas.

The CPT has also recommended that the use made of Unit D at Cork Prison be reviewed. In that Unit, the delegation found prisoners being held as a punishment for prolonged periods, in spartan material conditions, under a regime akin to solitary confinement, which did not offer appropriate physical and mental stimulation. Such a situation is not acceptable.

C. Immigration Service, Shannon Airport

199. Finally, as regards the operation of the Immigration Service at Shannon Airport, the CPT has recommended that a review be carried out in order to ensure that newly-arrived passengers are treated with appropriate sensitivity and tact, and have effective access to relevant information about their situation. The Committee has also requested information on the practical arrangements which exist in Ireland in order to ensure that persons are not returned to countries in which they face a risk of torture or inhuman or degrading treatment or punishment.

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200. The CPT wishes to recall that, except for certain relatively minor delays encountered by its delegation during the visit to Ireland, the co-operation received from the Irish authorities (at both national and local) before, during and after the visit was quite satisfactory and entirely in accordance with the spirit of Article 3 of the Convention.

D. Action on the CPT's recommendations, comments and requests for information

201. The various recommendations, comments and requests for information formulated by the CPT are summarised in Appendix 1.

202. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the CPT requests the Irish authorities:

- i) to provide within six months an interim report giving details of how it is intended to implement the CPT's recommendations and, as the case may be, providing an account of action already taken (N.B. the CPT has indicated the urgency of certain of its recommendations);
- ii) to provide within twelve months a follow-up report providing a full account of action taken to implement the CPT's recommendations.

The CPT trusts that it will also be possible for the Irish authorities to provide in the above-mentioned interim report reactions to the comments formulated in this report that are summarised in Appendix 1 as well as replies to the requests for information made.

APPENDIX 1

SUMMARY OF THE CPT'S RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION

A. Police (Garda Síochána) establishments

1. General information

requests for information

- clarification of the meaning of the term "some other convenient place" used in the Offences Against the State Act 1939 (paragraph 11);
- whether it is a legal requirement to apply the full range of safeguards set out in the Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987 to persons detained under the Offences Against the State Act 1939 (paragraph 12).

2. Ill-treatment of persons detained by the police

(a) recommendations

- appropriate steps to be taken to ensure, (i) that any weapons held on police premises as pieces of evidence are properly labelled and held in a secure and centralised location, and (ii) that no other non standard-issue weapons are held on police premises (paragraph 18);
- senior police officers to deliver to their subordinates the clear message that the ill-treatment of detained persons is not acceptable and will be the subject of severe sanctions (paragraph 22).

(b) requests for information

- the findings of the Garda Síochána Complaints Board investigation into the case referred to in paragraph 19, together with details of the number of cases in 1991, 1992 and 1993 in which out-of-court settlements have been made on grounds of alleged assault by the police (paragraph 19);
- whether ongoing programmes of education and professional training on human rights questions exist at all levels of the law enforcement hierarchy (paragraph 22);
- for 1991 to 1993:
 - the number of complaints of ill-treatment by the police lodged and the number of disciplinary and/or criminal proceedings initiated as a result of those complaints;
 - an account of the disciplinary/criminal sanctions imposed on the grounds of ill-treatment by the police (paragraph 23).

3. Conditions of detention in the police establishments visited

(a) recommendations

- conditions of detention in the police establishments visited by the delegation to be reviewed in the light of the remarks made in paragraphs 25 to 36 (paragraph 37);
- the aliens holding room at Santry Divisional Headquarters not to be used to detain persons for other than short periods of time (paragraph 37);
- appropriate steps to be taken to ensure that the conditions of detention in all police establishments meet the requirements indicated in paragraph 24 (paragraph 37).

(b) comments

- the Irish authorities are invited to explore means of bringing into service the cells at Anglesea Divisional Headquarters (paragraph 26).

(c) requests for information

- the maximum numbers of detainees who may be held in each of the cells under the Dublin Municipal Courts (paragraph 32).

4. Safeguards against ill-treatment

(a) recommendations

- the possibility to be explored of providing arrested persons with the right to have a lawyer present during interrogations (paragraph 43);
- detained persons to be expressly informed of their right to request a medical examination by a doctor, including one of their own choice (paragraph 48);
- steps to be taken to ensure that persons in police custody are informed of their rights in a language which they understand and that the form setting out those rights is available in a variety of languages (paragraph 49);
- means to be explored of enhancing the supervision by senior police officers of the work of Garda Síochána "members in charge" (paragraph 56);
- the possibility to be explored of introducing a system of independent inspection of police establishments (paragraph 57).

b) comments

- if it is the case that Criminal Legal Aid is not available for consultations between detained persons and lawyers at police stations, the Irish authorities are invited to review that restriction (paragraph 45);
- the Irish authorities are invited to reconsider the composition of the Garda Síochána Complaints Board and of disciplinary tribunals appointed by it, in the light of the CPT's remarks in paragraph 55 (paragraph 55).

(c) requests for information

- clarification of the concept of a person reasonably named by an arrested person, as used in Regulation 9 of the 1987 Regulations (paragraph 40);
- details of any steps taken by the Irish authorities to make mandatory the practice whereby police officers provide a list of solicitors to detainees who do not know the name of a lawyer (paragraph 44);
- information on any progress made towards the creation of panels of solicitors prepared to make themselves available for consultations at police stations (paragraph 44);
- whether Criminal Legal Aid is available for consultations between detained persons and lawyers at police stations (paragraph 45);
- the criteria employed by police officers when deciding whether it is practicable to contact a doctor of a detainee's own choice (paragraph 46);
- whether it is the practice in Ireland that:
 - all medical examinations of persons in police custody are undertaken out of the hearing and, preferably, out of the sight of police officers (unless the doctor concerned requests otherwise), and that,
 - the results of every examination, as well as any relevant statements by the detainee and the doctor's conclusions, are recorded in writing by the doctor and made available to the detainee and his lawyer. (paragraph 47);
- a copy of the Steering Committee's recommendations to the Minister for Justice on the creation and assessment of a pilot scheme on audio and audio/video recording of interrogations, together with information about action taken on those recommendations (paragraph 52).

B. Prisons and Places of Detention

1. Ill-treatment of prisoners

(a) recommendations

- the relevant authorities in the Ministry of Justice, as well as Prison Governors, to deliver the clear message to prison staff that ill-treatment of inmates is not acceptable and will be dealt with severely (paragraph 72);
- much greater priority to be given to professional training, including an appropriate human rights element, for prison officers of all ranks and categories. Experts who are not employed by the Prison Service to be involved in that training (paragraph 76);
- an aptitude for interpersonal communication to be a major factor in the process of recruiting prison officers and, during the induction and in-service training of such officers, considerable emphasis to be placed on acquiring and developing interpersonal communication skills (paragraph 76);
- training in control and restraint techniques to be made more widely available to prison officers and all prison officers to be made aware of the contents of the recently-produced instruction manual on this subject (paragraph 76).

(b) requests for information

- a copy of the Garda Síochána report on the incident which took place in Limerick Prison on 9 April 1992, together with information on any disciplinary action which may subsequently have been taken against the prison officers alleged to have been involved in that incident (paragraph 64);
- the comments of the Irish authorities on the efficacy of the procedures used to investigate complaints of ill-treatment by prison officers and to impose suitable penalties (paragraph 72);
- for 1991 to 1993:
 - the number of complaints of ill-treatment by prison officers lodged and the number of disciplinary and/or criminal proceedings initiated as a result of those complaints;
 - an account of the disciplinary/criminal sanctions imposed on the grounds of ill-treatment by prison officers (paragraph 72).

2. Conditions of detention in general

(a) recommendations

- conditions in the reception area of Mountjoy Prison to be substantially improved without delay, taking into account the Committee's remarks in paragraphs 80 to 82. In particular, measures to be taken to improve the heat insulation capacity of the metal roofing, the ventilation in all of the cells to be improved and both of the two smaller cells to be provided with access to natural light and fitted with an appropriate means of rest. If such improvements were not to prove possible, the area to be taken out of service (paragraph 83);
- the three small holding cells located at the end of the segregation unit in Mountjoy Prison not to be used for other than short periods of time and never to be used to hold inmates overnight (paragraph 84);
- a high priority to be given to the plan for a new prison for women and, in the meantime, steps to be taken immediately to ensure that women prisoners are not held two to a cell in C Division at Limerick Prison (paragraph 90);
- the two small "safety cells" on the ground floor of the annex to St. Patrick's Institution to be renovated (enlarged, natural light improved, call system fitted) without delay, or, should that prove impracticable, to be taken out of service (paragraph 95);
- the use made of the reception cells in St. Patrick's Institution to be reviewed in the light of the Committee's remarks in paragraph 95 (paragraph 95);
- steps to be taken without delay to improve conditions of detention in St. Patrick's Institution, those steps to include measures to eradicate the problem of rodent infestation in Annex 2 (paragraph 96);
- a very high priority to be given to measures designed to reduce overcrowding (paragraph 98);
- due consideration to be given to introducing an enforceable ceiling on the inmate population of each prison in Ireland (paragraph 98);
- serious efforts to be made to limit, as far as possible, the number of prisoners who are held two to a cell (paragraph 98);
- implementation of measures designed to provide prisoners with ready access at all times to toilet facilities to be treated as a matter of the highest priority; preferably, a target date to be set for the eradication of the practice of slopping out in Irish prisons (paragraph 101);

- bathing facilities for prisoners at Mountjoy Prison to be upgraded and efforts to be made to improve prisoners' access to such facilities in all of the establishments visited (paragraph 103);
- steps to be taken to improve the regime activities offered to male inmates at Mountjoy Prison (paragraph 107);
- efforts to be made to increase the number of work places offered to prisoners at Cork Prison and, as regards remand prisoners, regime activities to be improved (paragraph 111);
- steps to be taken to improve the regime activities offered to young offenders at St. Patrick's Institution (paragraph 113).

(b) comments

- the in-cell ventilation in the accommodation for women prisoners at Mountjoy Prison was rather poor (paragraph 86);
- the standard of cell furnishings throughout St. Patrick's Institution left something to be desired (paragraph 94);
- efforts should be made at Limerick Prison to provide high security prisoners who wish to work with the opportunity to do so, if necessary within the confines of A Division (paragraph 109).

(c) requests for information

- confirmation that cell E4 in the segregation unit at Mountjoy Prison has been renovated to the same standard as cell E5 in that unit (paragraph 85);
- full details of the "Five Year Plan for Prisons" (paragraph 98).

3. Medical Services

(a) recommendations

- steps to be taken to provide at least the equivalent of the services of one full-time doctor for prisoners held in the male accommodation areas at Mountjoy Prison (paragraph 117);
- measures to be taken to ensure the provision of the equivalent of at least three full-time qualified nurses at Mountjoy Prison (paragraph 118);

- the number of hours for which a doctor is present at Limerick and Cork Prisons to be increased, taking into account the size of the inmate populations of those establishments (paragraph 120);
- the services of at least one full-time qualified nurse to be provided in Limerick and Cork Prisons (paragraph 120);
- the material conditions in the doctors' room in the male accommodation area at Mountjoy Prison to be substantially improved and particular attention to be given to maintaining higher standards of hygiene (paragraph 123);
- the authorities to ensure that the Inmate Medical Record File is used by all doctors working in prisons in Ireland (paragraph 128);
- all possible steps be taken to expedite the implementation of the standardised contract of employment for doctors working in prisons (paragraph 132);
- psychiatric services at Mountjoy Prison to be reinforced (paragraph 133);
- the policy of routine segregation of HIV+ prisoners to be abolished without delay (paragraph 138);
- a high priority to be given to implementation of recommendations numbers 3 and 20 of the Advisory Group on Prison Deaths, concerning the medical screening of newly-arrived prisoners (paragraph 141).

(b) comments

- it would be desirable to avoid the practice of medical orderlies also working as uniformed prison officers (paragraph 121);
- mentally ill prisoners should be kept and cared for in a hospital facility which is adequately equipped and possesses appropriately trained staff. That facility could be a civil mental hospital or a specially equipped psychiatric facility within the prison system. Whichever course is chosen, the accommodation capacity of the facility in question should be sufficient to avoid prolonged waiting periods before necessary transfers are effected. The transfer of mentally ill prisoners to an appropriate psychiatric facility should be treated as a matter of the highest priority (paragraph 136);
- there is no medical justification for the segregation of an HIV+ prisoner who is well (paragraph 137);
- the educational materials produced on the advice of the Advisory Group on Communicable Diseases in Prisons should be given the widest possible distribution amongst prisoners and prison staff. In particular, copies should be given to all newly-admitted prisoners and newly-recruited staff (paragraph 139).

(c) requests for information

- information about the use which the Irish authorities intend to make of the "health care unit" at Mountjoy Prison (paragraph 124);
- whether the new post of pharmacist for the Irish prison service has been filled (paragraph 129);
- details of the measures envisaged to provide courts with a power of direct referral to an appropriate psychiatric facility, together with an indication of the legislative progress which has been made in implementing those reforms (paragraph 135);
- details of any steps taken by the Irish authorities to implement the recommendations of the Advisory Group on Prison Deaths in respect of:
 - the enhancement of training for prison staff in recognising indications of suicidal risk (paragraph 142) and,
 - the improvement of the flow of information - both within and between establishments - about persons who have been identified as potential suicide risks (paragraph 144).

4. Other issues of relevance to the CPT's mandate

(a) recommendations

- prisoners facing disciplinary charges to be formally guaranteed the following rights:
 - to be informed in writing of the charges against them and to be given sufficient time to prepare their defence;
 - to call witnesses on their own behalf and to cross-examine evidence given against them;
 - to be heard in mitigation of punishment, in cases where found guilty by the Governor;
 - to remain seated during adjudications and to have facilities to take notes;
 - to appeal to a higher authority against any sanctions imposed (paragraph 148);
- the new Prison Rules to address the question of the right of prisoners to be legally represented in the context of disciplinary proceedings (paragraph 148);

- the use made of Unit D at Cork Prison to be reviewed, in the light of the Committee's remarks in paragraph 153 (paragraph 153);
- the material conditions in Unit D at Cork Prison to be improved - in particular, the cells on the first floor to be equipped with beds and, with the exception of the padded cell, all of the cells to be fitted with a table and chair, if necessary fixed to the floor. Further, steps to be taken to improve access to natural light, in particular in the ground floor cells (paragraph 153);
- prisoners to be entitled to send confidential correspondence to appropriate authorities (paragraph 156);
- a review of the operation of prison Visiting Committees to be carried out, taking into account the Committee's remarks in paragraph 157 (paragraph 157);
- conditions in the visiting areas of Mountjoy, Limerick and Cork Prisons to be substantially improved, with the aim of ensuring that prisoners and their visitors are able to converse in relative privacy, in physical conditions which are conducive to the maintenance of positive relationships. Further, steps to be taken to ensure that those conditions are met in all other prisons in Ireland (paragraph 160);
- steps to be taken to provide prisoners with greater access to telephones (paragraph 165);
- the Irish authorities to seek to ensure that prison Governors are provided with the necessary means to enable them effectively to manage the prisons of which they have charge (paragraph 169).

(b) comments

- it would be desirable for cells used for disciplinary purposes to be equipped with a table and chair, if necessary fixed to the floor (paragraph 149);
- the Irish authorities are invited to consider including the President of the CPT in a list of authorities to whom prisoners may address confidential correspondence (paragraph 156);
- the Irish authorities are invited to explore the possibility of introducing extended unsupervised visits in order to enable prisoners to maintain family and personal (including sexual) relations (paragraph 161);
- the Committee invites the Irish authorities to consider abolishing the rule that all correspondence to, or from, a prisoner must be read by a prison officer (paragraph 164).

- (c) requests for information
 - when it is envisaged that the new Prison Rules will enter into force; in due course, a copy of the Rules (paragraph 145);
 - whether it is the case that young offenders at St. Patrick's Institution may be deprived of education as a punishment and, if so, under what circumstances (paragraph 146);
 - the comments of the Irish authorities on the fact that copies of inmates' correspondence with their lawyers were found in their prison files (paragraph 163).

C. Immigration Service, Shannon Airport

- (a) recommendation
 - the operation of the Immigration Service at Shannon Airport to be reviewed in the light of the Committee's remarks in paragraph 174 (paragraph 174).
- (b) request for information
 - information on the practical arrangements which exist in order to ensure that persons are not returned to countries in which they face a risk of torture or inhuman or degrading treatment or punishment (paragraph 174).

APPENDIX 2

**LIST OF THE NATIONAL AUTHORITIES AND
NON-GOVERNMENTAL ORGANISATIONS WITH WHICH THE DELEGATION HELD
CONSULTATIONS**

A. National authorities

Department of Justice

Mrs Máire Geoghegan-Quinn T.D., Minister for Justice
Mr Tim Dalton, Secretary

Mr Val O'Donnell, Assistant Secretary, Garda Division
Mr P.J. Moran, Deputy Commissioner, Garda Síochána
Mr Edward O'Dea, Assistant Commissioner, Garda Síochána
Ms Vera Kelly, Principal Officer, Garda Planning
Mr Frank Broughton, Principal Officer, Garda Administration
Mr Tom Goff, Principal Officer, Crime
Mr Gerry Moloney, Assistant Principal Officer, Crime
Mr Noel O'Sullivan, Superintendent, Garda Síochána
Ms Una Murphy, Higher Executive Officer, Crime

Mr Frank Dunne, Assistant Secretary, Prisons Division
Dr Enda Dooley, Director of Prison Medical Services
Mr Henry Mitchell, Principal Officer, Building and Services to Offenders,
Liaison Officer to the CPT
Mr Tom Quigley, Principal Officer, Personnel and Training of Prison Officers
Mr Sean Aylward, Principal Officer, Treatment of Offenders
Mr Martin Tansey, Principal Probation and Welfare Officer
Mr Jim Woods, Governor, Operational Co-ordination
Mr Declan Rothwell, Assistant Principal Officer, Prisons Division

Mr Steve Magner, Assistant Secretary, Immigration and Citizenship Division
Mr William Byrne, Principal Officer

Department of Health

Mr Brendan Howlin T.D., Minister for Health
Mr John Hurley, Secretary
Mr Tom Mooney, Assistant Secretary

Dr Ruth Barrington, Principal Officer, Mental Health
Mr Brian Howard, Assistant Principal Officer, Mental Health
Dr Dermot Walsh, Inspector of Mental Hospitals
Dr Liam Hanniffy, Assistant Inspector of Mental Hospitals
Mr Michael Hughes, Psychiatric Nursing Advisor

B. Non-governmental organisations

The Irish Commission for Justice and Peace
The Irish Council for Civil Liberties
The Irish Prison Officers' Association