

2000



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

CPT/Inf (2000) 8

**Follow-up report
of the Irish Government in response
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Ireland**

from 31 August to 9 September 1998

The Irish Authorities have requested the CPT to publish this follow-up report. The CPT's report on its visit to Ireland (CPT/Inf (99) 15) and the response of the Irish Government (CPT/Inf (99) 16) were made public on 17 December 1999.

Strasbourg/Dublin, 18 May 2000

**Follow-up report
of the Irish Government in response
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Ireland**

from 31 August to 9 September 1998

CONTENTS

	Page
Introduction	5
Police (Garda Síochána) Establishments	7
Prison Establishments	9
The Central Mental Hospital	13
Treatment of Foreign Nationals Under Aliens Legislation	14

INTRODUCTION

A delegation from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), visited Ireland during the period 31 August to 9 September 1998. The CPT's Report, together with the Irish Government's Interim Response were published on 17 December, 1999.

The Government's Interim Response was in the form of a Progress Report on the Committee's findings. This report represents the Government's follow-up report as requested by the CPT. It indicates the further progress that has been made in dealing with the main concerns of the CPT in relation to the Garda Síochána, the Prison Service, the Central Mental Hospital and the Treatment of Foreign Nationals under Aliens Legislation.

A. POLICE (GARDA SÍOCHÁNA) ESTABLISHMENTS.

Seven Day Detention under Drug Trafficking and Offences Against the State Legislation - paragraphs 10 and 11 of CPT Report, page 8 of Interim Response.

When a Chief Superintendent gives evidence before the Courts seeking an extension of the relevant detention period under the Drug Trafficking or Offences Against the State legislation they are always closely questioned by the court regarding the sanitary conditions in the custody area, facilities for washing, exercise, and the amount of exercise given to the prisoner already. The Judge weighs this as part of the overall decision-making on whether a further extension will be granted.

Garda Welfare Service - Paragraph 15 of CPT Report, Page 16 of Interim Response

The number of Welfare Officers available to Gardaí has been increased from four to eight including a Chief Welfare Officer.

Garda Complaint's Board - Paragraph 16 of CPT Report, Pages 16-18 of the Interim Response

On completion of the review of the Garda Síochána (Complaints) Act, 1986 the Minister for Justice, Equality and Law Reform hopes to obtain approval from the Government for legislative changes as soon as possible in 2000.

On 1 March 2000 Garda Management introduced a two-day training initiative. The course covers all the matters raised in the CPT report and was given to Gardaí in Dublin's South Central Division who care for persons in custody.

The Garda Síochána Annual Policing Plan 2000 commits the Gardaí to do all they can to reduce complaints made both to the Complaints Board and to the Gardaí. The plan further commits the Force to protect the rights of individuals by implementing the Garda Human Rights Initiative 2000; by upholding the Constitution as well as National and International laws and conventions and by increasing training on the rights of the individual.

Criminal Legal Aid Scheme - Paragraph 24 of CPT Report, Pages 29 and 30 of the Interim Response

The Committee reviewing the Criminal Legal Aid Scheme published its first report in February 2000 which dealt with its examination of the possibility of introducing a Public Defender System. The Department of Justice, Equality and Law Reform requested the Committee to bring forward an Interim Report on the provision of legal aid for consultations between detained persons and lawyers at Garda Stations, as raised by the CPT. This report was received in the Department in mid-April 2000, and now falls to be considered.

Custody Record Keeping Practices - Paragraph 27 of CPT Report, Pages 32-34 of Interim Response

PULSE the new Garda IT programme will provide a range of services which will improve many of the essential information systems required within the Gardaí. The Prisoners Log will track persons in custody and provide an additional record to the written custody record. The PULSE Court Presenters System which will be released later in 2000 will record information on juveniles, parent details, address for notification and the name of a person who witnessed a charge being preferred.

Conditions of Detention in Police Establishments Visited - Paragraph 30 of CPT Report, Pages 34-37 of Interim Response

Funds for Garda building improvements have been increased to £4.1m (approx.) for 2000. This will ensure that where detention facilities need repair or upgrading the work will be expedited.

The present position in regard to work at Henry Street, Limerick, Fitzgibbon Street and Finglas Stations, Dublin is as follows:

Henry Street Divisional Headquarters Limerick

There are 24 cells, 12 of which are in continuous use for the detaining of prisoners. All of these cells are having the panic button replaced, and three of the cells are getting new doors. When this work is completed, all twelve cells will be at the required standard. This work is being given priority. It is proposed to create a drugs isolation cell and a seven day detention facility in this block.

Finglas Garda Station, Dublin

The review of the cellular accommodation has been completed. The doors of the cells need to be replaced, this work has been sanctioned and will be carried out immediately.

Fitzgibbon Street Station, Dublin

The Office of Public Works have estimated the cost of the work to be done on the cellular accommodation. The work has been prioritised and will commence this year.

B. PRISON ESTABLISHMENTS.

Prison Rules - Paragraph 31 of the CPT Report, Page 39 of the Interim Response

Intensive work is at present ongoing in relation to the new prison rules. It is intended to have the regulations made in the third quarter of 2000 and in force as soon as practicable thereafter.

Prisons Authority - Paragraph 32 of the CPT Report, Page 40 of the Interim Response

It is hoped to have the Prison Service Bill published before the end of 2000. The staff of the Interim Prisons Authority is being expanded and the Management Structure developed. Recruitment of a Financial Director and a Human Resources Director is taking place at present.

Multifaceted Strategy to End Overcrowding in Prison - Paragraph 59 of the CPT Report, Pages 54-59 of the Interim Response

A number of points were made in the interim response to illustrate the multifaceted approach to reducing prison overcrowding. Updates are provided on four of these areas: the National Drugs Strategy, the establishment of Drug Courts, a proposed White Paper on Crime and the Children Bill, 1999.

In relation to the National Drug Strategy the number of local Drug Task Forces has increased from thirteen to fourteen as Bray, Co. Wicklow has now been designated as a 'local Drugs Task Force Area'. In addition, a consultant has been appointed to co-ordinate and oversee the evaluation of over 200 projects. A panel of consultants is being set up, to undertake the evaluation of individual projects, at local Drug Task Force level. This is with a view to funding successful projects on an ongoing basis through relevant State Agencies, in line with agreed protocols.

The Drug Courts Planning Committee has submitted a report to the Minister for Justice, Equality and Law Reform. This report is being considered and it is hoped that it will facilitate the implementation of the Drug Court system over the coming months.

The Minister for Justice, Equality and Law Reform has indicated that his Department will produce a white paper on crime. The consultation process on this issue is underway.

The Children Bill 1999 has commenced its passage through the Houses of the Oireachtas.

Renovation of Mountjoy Male Prison - Paragraph 60 of the CPT Report, Page 60 of the Interim Response

Plans for the refurbishment of the main cell blocks at Mountjoy are progressing. A multidisciplinary group is reviewing the requirements. This group includes Governors, Architects, Education experts, Probation and Welfare Staff, Psychologists, a Work-Training expert, a representative from a non-governmental organisation and officials from the Department of Justice, Equality and Law Reform. As well as considering the building requirements the group is formulating policy in relation to the regime to be operated in the refurbished prison. It is intended to reduce the number of prisoners detained at Mountjoy from the present level of 750.

The Dochas Centre (Mountjoy Female Prison)

The Dochas Centre is now a fully operational prison. All the female prisoners in the Mountjoy complex are detained there. At present it accommodates up to 80 prisoners.

Limerick Prison - Paragraph 60 of the CPT Report, Page 60 and 61 of the Interim Response

It is planned to refurbish part of E Block to provide a self-contained unit to accommodate 10 - 12 women prisoners currently held in C Block. It is also intended to demolish C Block and replace it with a purpose designed, modern cell block with other appropriate facilities. It is also intended to provide new medical surgeries in the new blocks (Paragraph 67 CPT, Page 65 IR). Progress on the planning of this work is at an advanced stage. The commencement of the phased tendering process is imminent.

Medical Services - Paragraph 65 of the CPT Report, Page 65 of the Interim Response

In November 1999 the Minister for Justice, Equality and Law Reform announced the establishment of an Expert Group to carry out an Independent Review of the Structure and Organisation of Prison Health Care Services. This review includes a review of the psychiatric services and of the structure and organisation of primary medical and nursing services. The Review Group recently commenced its work and it is hoped to report with recommendations by Summer 2001.

Recruitment of Nurses - Paragraph 66 of the CPT Report, Page 65 of the Interim Response

The programme to recruit qualified nurses is ongoing. To date 38 nurses have been recruited. Difficulties in this area relate to the overall shortage of nurses in the general community rather than prison related issues.

Recruitment of Psychologists - Page 52 of the Interim Response.

Recruitment to the Psychology Service has continued. There are now nine psychologists employed with a further one expected to take up duty shortly.

Medical Doctors at Mountjoy Prison - Paragraph 71 of the CPT Report, Page 66 of the Interim Response.

The impasse in regard to the two doctors involved culminated in an independent mediation hearing in September 1999. Protracted negotiations followed and agreement was eventually reached and the matter concluded with the resignation of both doctors in early March 2000.

As a result of this the Department of Justice, Equality and Law Reform is endeavouring to reorganise the medical services in Mountjoy so as to ensure an adequate and satisfactory level of medical care.

Psychiatric Services - Paragraphs 74 and 76 of the CPT Report, Pages 66, 67 and 68 of the Interim Response

The Independent Review of Prison Health Care Services (see under reply to paragraph 65 of the CPT report above) will include a review of the structure and organisation of psychiatric services and one area to be taken into account is changes in service provision generally.

A Consultant Forensic Psychiatrist has been appointed by the Eastern Regional Health Authority and is expected to take up duty in Spring 2000. The consultant will provide sessional psychiatric care to the Central Mental Hospital and the Prison Service.

An additional £1.35m has been allocated to the health boards in 2000 to significantly improve forensic psychiatric services in Dublin, Limerick and Cork. It is envisaged that these funds will provide for two additional consultant forensic psychiatrists in Dublin and one each in Limerick and Cork. The Department of Health and Children has commenced discussions with the relevant health boards regarding the implementation of these proposals.

Prisons Inspectorate / Visiting Committees - Paragraph 79 of the CPT Report, Pages 71 and 72 of the Interim Response

The Prisons Service Bill (referred to previously) will contain provisions in relation to a Prisons Inspectorate and Visiting Committees.

Prisoners with Drug Abuse Problems - Paragraph 82 of the CPT Report, Page 73 and 74 of the Interim Response

A steering group has recently been set up under the Chairmanship of the Director General of the Prison Service, with the task of implementing the recommendations outlined in the Action Plan (previously supplied to the CPT). They will also address the issue of facilitating ongoing drug treatment to prisoners on release from custody. The group has representatives from the Prison Service, the Eastern Regional Health Board and the Probation and Welfare Service.

Special Unit at Portlaoise Prison - Paragraph 92 and 93 of the CPT Report, Pages 74, 75, 76, 77 and 78 of the Interim Response

The following is the up-to-date position. Only 3 of the prisoners involved in the hostage - taking incident in Mountjoy Prison remain in the D Block. One of the prisoners has been transferred to the Base area. As stated in the interim response one prisoner is integrated into the main prison regime with other prisoners. The 3 remaining prisoners are accommodated in cells with large windows. The cells with the small windows are now used as study rooms. These prisoners are allowed the use of the main prison gymnasium. As a result the old gym in D Block is now used as a recreation hall. Since 26 January 2000, the prisoners may use this hall together. The prisoners are only handcuffed if they are leaving the D Block area, as is the case with internal prison movements of medium/high security prisoners in other prisons. The four prisoners have been receiving, for some time now, open visits as distinct from one visit per week behind a screen.

C. THE CENTRAL MENTAL HOSPITAL, DUNDRUM.

Staffing Issues - Paragraph 98 of the CPT Report, Page 79 of the Interim Report.

The working group established by the Eastern Health Board to examine, review and report on the future direction and development of services in the Central Mental Hospital is currently finalising its work. Its report is expected by April / May 2000.

Patients Living Conditions - Paragraph 8 of the CPT Report, Pages 81 and 82 of the Interim Report.

The Eastern Health Board has commissioned an architect to examine the old building at the Central Mental Hospital and to report on possible options for its refurbishment. This study will include drawing up plans and costs associated with:

1. The installation of in-room sanitation.
2. Up-grading of the individual unit's and facilities.
3. Repairs to the roof.
4. Up-grading of the central heating system and electrical system.

The Board expects to have the architect's report within the next few months.

1990 Guilty but Insane Case - Paragraph 115 of the CPT Report, Pages 87 and 88 of the Interim Report.

The phased parole programme has continued in this case.

New Mental Health Bill - Paragraph 118 of the CPT Report, Page 85 of the Interim Report.

The new Mental Health Bill was published in December 1999. It is expected that it will be enacted this year. (copy forwarded to CPT).

Transfer of Patients - Paragraph 119 of the CPT Report, Page 89 and 90 of the Interim Report.

The Department of Health and Children is engaged in ongoing discussions with health boards with a view to seeking a resolution of the difficulties in this area

D. TREATMENT OF FOREIGN NATIONALS UNDER ALIENS LEGISLATION - Paragraphs 120 and 123 of the CPT Report, Pages 91 to 99 of the Interim Response.

In relation to the implementation of the Refugee Act, 1996, the Minister for Justice, Equality and Law Reform has made a commencement order bringing into effect the bulk of the amendments to the Refugee Act made by way of the Immigration Act 1999, and it is expected that the Refugee Act (as amended) itself will be implemented in May, 2000. The necessary secondary legislation required for the commencement of the Refugee Act is also well advanced.

Ireland does not have a policy of detaining asylum seekers generally. Detention provisions are laid out in sections 9 and 10 of the Refugee Act. Regulations to cover the very small numbers detained under these sections are scheduled to come into force in May 2000. The regulations for persons detained in Garda stations will be modelled closely on the Criminal Justice Act, 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations, 1997 but with appropriate adaptations to take account of the special position and requirements of asylum seekers. Detention in a garda station shall not be for a period greater than 48 hours when, if necessary, the detainee will be moved to more suitable longer term accommodation in the prison service.

In relation to those asylum seekers detained in prison, it is intended to apply the existing and any future prison rules applicable to prisoners generally. It is further intended - under a review of the prison rules - to make special provision in relation to foreign nationals generally and to asylum seekers in particular, in recognition of the difficulties which may be experienced by these categories in prison.