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The Irish Council for Prisoners Overseas (ICPO): Campaigning on Behalf of Irish Prisoners Abroad

Ireland

1970s and 1980s

The entry on the Irish Council for Prisoners Overseas (1985–present) shows how the Irish state’s silence on the issue of Irish prisoners’ maltreatment in British prisons opened a wide space for Church activism on the issue.

Conclusion

There was broad agreement amongst the participants as to the issues of concern and the way forward. The organisers were asked to carry out the following tasks:

1 To establish a working group to examine the possible legal challenges to current practices in respect of the failure by the Home Office or the Northern Ireland Office to transfer prisoners in Britain back to Ireland.

To ask the working group to also examine any impediments and difficulties to ratification of the Council of Europe Treaty on the Transfer of Sentenced Prisoners by the Irish Government.

2 To produce:

(a) an informed view on the conditions in prisons in Britain and Ireland and to comment on the impact of transfer and repatriation on those conditions.
(b) to comment in relation to the overall problems posed by security matters, prison capacity, costs, numbers, political considerations and other relevant matters.

3 To encourage other practical support for families visiting their relatives in prisons in Britain and elsewhere, particularly in respect of accommodation and finance.

4 To discuss and meet with other organisations to decide on the most effective way of raising issues of transfer and repatriation, with a specific target of consolidating such views for the Human Rights Conference in 1991.

5 To meet with the Northern Ireland Of-

fice, Home Office, Dept. of Foreign Affairs and Dept. of Justice to make representations about the need for transfer and repatriation.

6 To reconvene the seminar within 15 months to examine any progress that has been made.

Those organisations and individuals who attended the seminar have also endorsed the following:

- We are committed to the principle of transfer to Ireland of all those prisoners who wish to be nearer their families and ask the Irish and British governments to do everything possible to ensure such transfers take place.

- We ask the Irish government to make any necessary representations to the British government to encourage them to allow transfer of prisoners from N. Ireland back to N. Ireland to be nearer their families where the prisoner so desires.

- We ask the government of the Republic of Ireland to ratify the Council of Europe Treaty on the Transfer of Sentenced Prisoners and to introduce the necessary enabling legislation to fulfill the government's responsibilities under this Treaty.

- We ask both the Irish and British governments to ensure that proper financial and consular support be made available for relatives of Irish prisoners, who are visiting prisoners held in other countries. Finally, the seminar would urge similar conditions be provided for prisoners of other countries, imprisoned in the Republic of

THE • TRANSFER • OF • PRISONERS

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Figure 22: N[uala] Kelly, ‘Conclusion’, in *Report on the Seminar on the Transfer of Prisoners*, Committee on the Administration of Justice; Irish Commission for Prisoners Overseas (a subsection of the Bishops’ Commission for Emigrants), National Association of Probation Officers, Northern Ireland Association for the Care and Resettlement of Offenders, held at Amalgamated Transport and General Workers Union Hall, 55/56 Middle Abbey Street, Dublin 1, on 8 February 1989 (Dublin: NIACRO, 1990), *Document 1*.

Document 1: ‘Report on the Seminar on the Transfer of Prisoners’, by Nuala Kelly

CONCLUSION

There was broad agreement amongst the participants as to the issues of concern and the way forward. The organizers were asked to carry out the following tasks:

To establish a working group to examine the possible legal challenges to current practices in respect of the failure by the Home Office or the Northern Ireland Office to transfer prisoners in Britain back to Ireland.

To ask the working group to also examine any impediments and difficulties to ratification of the Council of Europe Treaty on the Transfer of Sentence Prisoners by the Irish Government.

N[uala] Kelly, ‘Conclusion’, in *Report on the Seminar on the Transfer of Prisoners*, Committee on the Administration of Justice; Irish Commission for Prisoners Overseas (a subsection of the Bishops’ Commission for Emigrants); National Association of Probation Officers, Northern Ireland Association for the Care and Resettlement of Offenders, held at Amalgamated Transport and General Workers Union Hall, 55/56 Middle Abbey Street, Dublin 1, on 8 February 1989 (Dublin: NIACRO, 1990), 16–20, in English.

Document 2: Prevention of Terrorism (Temporary Provisions) Act 1974

1974 CHAPTER 56

An Act to proscribe organizations concerned in terrorism, and to give power to exclude certain persons from Great Britain or the United Kingdom in order to prevent acts of terrorism, and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: –

Prevention of Terrorism (Temporary Provisions) Act, 29 November 1974, in English.

Document 3: **Details of Treaty No.112**

Title	Convention on the Transfer of Sentenced Persons (ETS No. 112)
Reference	ETS No. 112
Opening of the Treaty	Strasbourg 21 March 1983 - Treaty open for signature by the member States and the non-member States which have participated in its elaboration and for accession by other non-member States
Entry into force	1 July 1985 (3 Ratifications.)
Summary	The Convention is primarily intended to facilitate the social rehabilitation of prisoners by giving foreigners convicted of a criminal offence the possibility of serving their sentences in their own countries. It is also rooted in humanitarian considerations, since difficulties in communication by reason of language barriers and the absence of contact with relatives may have detrimental effects on a person imprisoned in a foreign country. Transfer may be requested by either the State in which the sentence was imposed (sentencing State) or the State of which the sentenced person is a national (administering State). It is subject to the consent of those two States as well as that of the sentenced person. The Convention also lays down the procedure for enforcement of the sentence following the transfer. Whatever the procedure chosen

	by the administering State, a custodial sentence may not be converted into a fine, and any period of detention already served by the sentenced person must be taken into account by the administering State. The sentence in the administering State must not be longer or harsher than that imposed in the sentencing State.
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Convention on the Transfer of Sentenced Prisoners, 1985, in English.

Document 4: Appendix J: Submission to Mr Chris Flood from the Irish Commission for Prisoners Overseas

Introduction

The ICPO is now in its twenty-first year of service to Irish prisoners and their families. Over that time, it has acquired a considerable amount of experience in dealing with the problems faced by prisoners and their families. We welcome this Government research into the plight of Irish prisoners abroad and hope that it will result in the most comprehensive overview of this neglected and needy constituency. We hope too that in addition to facts and figures, the research will offer an insight into what life is like for those who find themselves in custody far from home. The strength of any such research lies in its findings and recommendations. We would hope that this piece of research would result in specific recommendations for improving the plight of prisoners and their families. To this end we have outlined below those areas of greatest concern to us with suggestions for improvement.

Appendix J: Submission to Mr Chris Flood from the Irish Commission for Prisoners Overseas Irish Prisoners Abroad, Report by Mr. Chris Flood to the Minister for Foreign Affairs Mr. Dermot Ahern, T.D.,

May 2007, 59–64, <https://www.dfa.ie/media/dfa/alldfawebsitemedia/newspress/publications/report-on-irish-prisoners-abroad.pdf>, in English.

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The Irish Commission for Prisoners Overseas (ICPO) was established in 1985 by members of the Irish Chaplaincy Scheme and the Irish Episcopal Commission on Emigration (IECE) (*Document 1*). It emerged during a period of heightened political unrest. While the Irish Emigrant Chaplaincy had long been involved with Irish emigrants in Britain, it became increasingly aware of the specific and serious needs of a particular cohort of Irish people in British prisons. The Irish Government was not speaking out for these people, and their situation rendered them invisible and voiceless despite the availability of official evidence of their mistreatment. The ill-treatment of suspects under interrogation had been identified by the 1971 Compton Report.¹ In 1976, the European Court of Human Rights had found the British Government guilty of using inhuman and degrading treatment, including ‘hooding’ and sleep deprivation.² In 1979, the Bennett Report³ confirmed allegations of mistreatment of prisoners. The official recognition of the mistreatment of prisoners fuelled the determination of members of the Chaplaincy and the IECE to become politicized around such issues. It utilized existing structures to take action. It mobilized existing Irish/ British allegiances to achieve change unlike the Irish and British Governments.

The Two-Island Liaison Committee between the Irish Bishops’ Conference and the Bishops’ Conference of England and Wales was established in the 1980s to address matters of concern to both jurisdictions, including emigration from Ireland to England and Wales. This was a very significant collaboration at the time. In 1984, the Annual Chaplains’ Conference in Dublin was

addressed by the Irish Primate, Cardinal Ó Fiaich. In his speech, the Cardinal referred to several issues pertaining to Irish prisoners, including the strip searching of women prisoners in Armagh. This emotive issue was ignored by both Irish and British governments. Cardinal Ó Fiaich spoke on the injustices associated with the Prevention of Terrorism Act (PTA) (*Document 2*) which was introduced following the IRA bombings in Birmingham in 1974.⁴ The Act extended the maximum detention of suspects from forty-eight hours to seven days. Those detained under the Act would ‘disappear’ with no family members being notified of their whereabouts. Furthermore, the Act led to a ban on members of political parties linked to paramilitaries entering ‘mainland’ Britain. In 1978, the Emergency Powers Act facilitated a legal basis for house searches and checkpoints. These were very ‘delicate’ subjects to speak about openly at the time. The 1980s was a period marked by hunger strikes. On 5 May 1981, Bobby Sands was the first of ten IRA people on hunger strike in Northern Ireland to die. Cardinal Ó Fiaich made representations to the British Prime Minister Margaret Thatcher regarding prisoners’ conditions. It is interesting to see a church leader take on such a political role. The 1980s were marked by bombing campaigns including the Harrods bombing in 1983 and the Brighton bombings during the Conservative Party Conference in 1984. It was a time when those with Irish accents were afraid to speak openly on public transport, and many Irish people living in Birmingham and Manchester were subject to verbal and physical abuse and many who had lived and worked there peacefully for decades were ostracized.

In 1985, in consultation with Fr PJ Byrne, Fr Bobby Gilmore established the ICPO to identify and respond to the particular needs of Irish prisoners abroad and their families, regardless of crime, status or religious belief. It was a response to the perceived plight of Irish prisoners in UK prisons (*Document 1*). Cardinal Ó Fiach, addressing the All-Ireland Chaplains conference stated: ‘[...] there is an obvious need for some group or agency which will disclose the hardship being caused

to the detainees and their families'.⁵ He was undoubtedly drawing attention to the silence from politicians and government officials. The ICPO was established with this objective. Mary McAleese (later to become President of Ireland) was one of the founders of the ICPO. It emerged in the midst of major political tensions, coinciding with several high-profile miscarriages of justice cases including the Birmingham Six, the Guildford Four, the Winchester Three and the Judith Ward Case. Fr Bobby Gilmore, whose name was synonymous with the organization for two decades, explained that '[...] the PTA was taking hold of the Irish community. Innocent people were being brought in'.⁶ He viewed the development of the ICPO in the context of worldwide involvement of diaspora communities in conflict, and he identified infringements of human rights and liberty and the need to monitor events, to lobby and to campaign. These values were not espoused by politicians.

ICPO personnel spoke out on behalf of Irish prisoners and their families and strove for justice and human rights, in line with the often-cited Gospel teaching: 'when I was in prison you visited me' (Mt 25:35). The ICPO's work led to the successful release of prisoners wrongly convicted. It made visible the injustices that were perpetrated on Irish people involved with the criminal justice system. It did so by high profile campaigns, expert use of the media and networking with religious, human rights and political organizations and others who were not willing to speak out publicly. The establishment of the ICPO was a departure from other work that had been undertaken with Irish emigrants abroad in that it focused on a very sensitive juncture where the criminal justice system, politics and terrorism came together. Up until then, the Irish Emigrant Chaplaincy had reached out in a pastoral approach to migrants working in construction, in the service industry and other non-controversial spheres and had highlighted issues like accessing social welfare entitlements and homelessness.

Ireland has long been recognized as a country of emigration. The 2022 *Census of Population* indicates the population of Ireland, at 5.1 million, is at its highest since 1861.⁷ Between 1951 and 1961, 412,000 people emigrated from Ireland.⁸ In response to the perceived needs of Irish emigrants in Britain, the Irish Emigrant Chaplaincy was established in 1957. The Irish Emigrant Chaplaincy reached out to emigrants from the whole island of Ireland. This was particularly significant on an island with a border separating the six counties in Northern Ireland from the 26 counties in the Republic. Irish emigrants and their chaplains were often met with discrimination, visible in such notices on accommodation and places of employment as: ‘No Blacks, No Dogs, No Irish’ (until outlawed by the Race Relations Act, 1976).⁹ In 1971, the Irish Episcopal Conference established Irish Episcopal Commission for Emigrants (IECE, now the Irish Emigrant Council) to cater for the spiritual needs of Irish emigrants. Its stated objective was:

‘[...] to express the concern and care of the Irish church for the spiritual and temporal needs of Irish people overseas in partnership with the local church; to develop and initiate services which will give practical expressions to these concerns; to research the ongoing needs of Irish emigrants and keep them before the Irish Church; to liaise with national and international bodies dealing with migrants and refugees’.¹⁰

The backlash following bombing campaigns on ‘mainland’ Britain led to the stereotype of Irish migrants as terrorists. The Chaplaincy and the IECE became increasingly involved in campaigning, advocacy and lobbying at national and international levels (*Document 1*). ICPO advocated for prisoners, a very sensitive topic at a particularly turbulent time in Irish/British relations. It focused on issues of social justice, the humanitarian aspects of imprisonment and it lobbied nationally and internationally using the networks already developed by the Catholic

Church. By remaining outside the structures of the state, it was able to highlight injustice and lobby and campaign without censure.

A principal focus of the ICPO was the repatriation of prisoners. The ICPO lobbied the Irish government to ratify the Council of Europe Convention on the Transfer of Sentenced Prisoners (*Document 3*) ‘out of humanitarian considerations and in the interest of their families’. The Irish Government had signed the Treaty on the 20th of August 1986 but had failed to ratify it. The ICPO launched a report on repatriation at a Seminar on Transfer of Sentenced Prisoners on 29 January 1989 (*Document 4*). The report was launched simultaneously at a highly publicized event in Dublin, where Bishop Casey was the main speaker, and in London by Lord Hylton (*Document 4*). THE ICPO highlighted the need to ratify the Convention in the interest of rehabilitating prisoners and for the welfare of their families. The Irish Government ratified the Treaty on the 31st of October 1995, and it came into force on the first of November of that year.

One of the greatest achievements of the IECE was the publication of *The Report on Irish Prisoners Abroad* (Flood Report) (*Document 4*) which was a direct result of the research commissioned by the IECE *Emigration and Emigrant Services: Research Project and Strategic Plan for 1998-2010* (Harvey Report).¹¹ As a consequence of that research, the Task Force on Emigrants¹² was established in 2001, and following the publication of its report, a research study on prisoners abroad was established. Within the report, Chris Flood stated:

‘I was conscious of the outstanding role that ICPO plays in regard to overseas prisoners. This country has a long and honourable tradition. It is my view that while the State has primary responsibility for looking after the welfare of our citizens imprisoned abroad, this should be carried out in partnership with NGOs, especially ICPO’.¹³

The Report's recommendations reflected the lobbying and campaigning by ICPO since it was established in 1985.

¹ *Report of the Enquiry into Allegations against the Security Forces of Physical Brutality in Northern Ireland Arising out of Events on the 9th of August 1971* (London: HMSO, 1971).

² The European Court of Human Rights (ECHR), Trial 'Ireland v. the United Kingdom' (1978, <https://hudoc.echr.coe.int/fre?i=001-181585>).

³ *Report of the Committee of Inquiry into Police Interrogation Procedures in Northern Ireland, presented to Parliament by the Secretary of State for Northern Ireland by Command of Her Majesty March 1979, Chairman: His Honour Judge H. G. Bennett, Q.C* (London: HMSO, 1979).

⁴ Patricia Kennedy, *Welcoming the Stranger, Irish Emigrant Welfare in Britain since 1957* (Kildare Ireland: Irish Academic Press, 2015), 159.

⁵ *Ibid.*, 159.

⁶ *Ibid.*, 160.

⁷ *Census of Population 2022-Preliminary Results*, <https://www.cso.ie/en/csolatestnews/presspages/2022/censusofpopulation2022-preliminaryresults/>.

⁸ 'Ireland', in *Census 1951, England and Wales: General Report*, table 49,104. (London: Office of Population Census, 1958).

⁹ *Ibid.*, 4.

¹⁰ Patricia Kennedy, *Welcoming the Stranger*, 127.

¹¹ Brian Harvey, *Emigration and Emigrant Services: Research Project and Strategic Plan for 1998–2010* (Dublin: IECE 1999).

¹² *Ireland and the Irish Abroad. Report of the Task Force on Policy Regarding Emigrants* (Dublin: Stationery Office, 2002).

¹³ *The Report on Irish Prisoners Abroad* (Dublin: Stationery Office, 2002), 13.

Patricia Kennedy