



**NGO Submission to the
Cross Grade Working Group of the Consultation of
The Statement of Strategy for
The Department of Justice and Equality
2016-2019**

Submitting Stakeholder: Irish Penal Reform Trust

Established in 1994, the Irish Penal Reform Trust (IPRT) is Ireland's leading non-governmental organisation campaigning for rights in the penal system and the progressive reform of Irish penal policy. Our vision is one of respect for human rights in the penal system, with prison as a sanction of last resort. We are committed to respecting the rights of everyone in the penal system and to reducing imprisonment. We are working towards progressive reform of the penal system based on evidence-led policies and on a commitment to combating social injustice.

IPRT publishes a wide range of policy positions and research documents; we campaign vigorously across a wide range of penal policy issues; and we have established IPRT as the leading independent voice in public debate on the Irish penal system.

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Introduction

- i. IPRT welcomes the invitation from the Department of Justice and Equality for written submissions in relation to the Statement of Strategy 2016-2019. This submission is divided into two parts.
 - a. The first identifies 8 overarching proposals for inclusion
 - b. The second addresses specific areas identified in the Programme for Partnership relevant to our work

A. KEY PROPOSALS FOR INCLUSION

1. Public Sector Duty

- ii. In the first instance a general recognition of the centrality of human rights and equality duties for all those involved in the justice system should be placed front and centre of this strategy¹. In other words, there should be a clearly stated commitment to compliance with both domestic and international human rights obligations and best practice included as an overarching objective.
- iii. This Irish public sector duty is the first combined equality and human rights duty in the EU. Few departments or statutory agencies have yet actively developed detailed s.42 statements. An opportunity exists for the DJE to become an exemplar practice site in developing integrated and coherent approaches to addressing equality and human rights concerns.
- iv. This duty provides that public bodies shall in the performance of their functions, have regard to the need to
 - eliminate discrimination
 - promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and
 - protect the human rights of its members, staff and the persons to whom it provides services
- v. At s.42(2) the Act specifically requires that the public body² set out in its strategic plan *“an assessment of the human rights and equality issues it believes to be relevant to the functions and purpose of the body”* and *“the policies, plans and actions in place or proposed to be put in place to address those issues”*. It also requires the DJE to report in a manner that is accessible to the public on developments and achievements in that regard in its annual report.
- vi. In other words it requires the DJE to take proactive steps to actively promote equality, protect human rights and combat discrimination having regard to all of their functions

¹ Section 4 and 5 of this paper suggest an approach to tackling the public sector equality duty in practice: A New Public Sector Equality and Human Rights Duty, March 2015, Equality and Rights Alliance <http://www.eracampaign.org/uploads/A%20New%20Public%20Sector%20Duty%20March%202015.pdf>

² Having regard to the functions and purpose of the body and to its size and the resources available to it

and powers. The DJE is required to consider how they will advance equality for the grounds protected under equality legislation³ and how they will protect the human rights of all citizens they come in contact with in regard to the human rights obligations in the Constitution and in domestic legislation.

- vii. Such a duty requires that the DJE consider the human rights and equality impact of their policies, services, procedures and practice and to ensure that the promotion of equality and human rights becomes a core part of the way in which the Department operates and conducts its business, rather than an add-on or a reaction to incidents of discrimination or human rights violations that arise. Respect for human rights within the system is therefore more than a question of compliance with legal standards; but rather as being informed by a deeper commitment to the protection of all players within the system i.e. management, staff, agencies and those that come into contact with the criminal justice system.
- viii. As noted above IPRT suggests that in the first instance a general recognition of the centrality of human rights and equality duties for all those involved in the system should be placed front and centre of this strategy and that relevant outcomes in this respect might usefully include:
 - The development of effective structures for the promotion and protection of human rights including thorough and continuing equality and human rights training for all staff
 - An improved awareness of the human rights dimensions of the use of imprisonment and penal policy among staff and management
 - Measurable improvements in the level of protection of human rights in key areas,
 - Measurable improvements in meeting the needs of identified groups

Proposal 1: Recognition of the centrality of human rights and equality duties for all those involved in the justice system should be placed front and centre of this strategy

- ix. The following set of values are commonly proposed as a framework to implementing the duty in an integrated manner: autonomy; dignity; inclusion, necessity, relevance and proportionality as well as transparency, participation and non-discrimination. It should be noted that there is evidence that this approach delivers improved outcomes for employees in the public sector, including increasing productivity and innovation, reducing staff turnover and absenteeism and enhancing organisational commitment⁴. The Department may wish to reflect some or all of these values in its Statement of Strategy.

³ Gender, Civil status, Family status, Sexual orientation, Religion, Age, Disability, Race, Membership of the Traveller community

⁴ Ibid, page 5

2. Statement of Purpose and Objectives of Criminal Justice Policy

- x. The Programme for a Partnership Government provides a list of discrete initiatives without a set of coherent policy objectives in respect to penal policy. The lack of an identifiable penal policy does not serve the public, the community, victims of crime or the offender⁵. There is a need for a clear and coherent Irish penal policy, which sets out both the strategic goals of the criminal justice system and the function of each element of the system.
- xi. A model penal system in Ireland would be one that is led by evidence and innovation and not crisis-management. Penal policy should be underpinned by evidence of what has been demonstrated to be effective both in Ireland and in other jurisdictions. Effectiveness in this context is taken to mean the approaches to offending behaviour which reduce the risk of re-offending and which are seen to have the greatest social and economic benefits while minimising potential social and economic harm. A clear Government commitment to evidence-informed policy, grounded in data and evidence which is made available to the public, is key to achieving such a system. The Strategy should be guided by analysis of evidence, data, and statistics, and not engage in knee-jerk policy responses or in response to discrete events or types of offending.

Proposal 2: Include a clear statement of the purpose and objectives of criminal justice policy as a whole which focuses on rehabilitation, reintegration and reducing offending and underscores a commitment to innovative and evidence-informed policy

3. Strategic Review on Penal Policy 2014

- xii. The Final Report of the Strategic Review on Penal Policy was published by Minister for Justice and Equality, Frances Fitzgerald TD on 17 Sept 2014. The Strategic Review Group has clearly set out the core goals of an effective penal system as one that balances punishment with what actually works to address offending. The significance of this report is that it represents consensus across a range of expertise and backgrounds, including criminal justice agencies, victims groups, and civil society. IPRT endorses the majority of the recommendations, and urges the inclusion of a goal in the Strategic Plan to implement these recommendations in full (as was included in the previous Strategic Plan).

Proposal 3: Include an action to implement the recommendations of the Report of the Strategic Review of Penal Policy

4. Joint Committee on Justice, Defence and Equality Report on Penal Reform 2013

- xiii. Cross-party consensus was achieved in 2013 on what needs to change in the wider penal system in order to make the system effective, efficient and to reduce reoffending after release. The Oireachtas Sub-Committee methodically sifted through

⁵ See *Report of the Strategic Review on Penal Policy*, page 24-25

the evidence, looking at the entire penal process, from sentencing options to preparing for release, and arrived at a clear and coherent strategy for reforming the system.

Proposal 4: Include an action to implement the recommendations of the Joint Committee on Justice, Defence and Equality Report on Penal Reform 2013

5. Implementation mechanisms for domestic and international obligations and recommendations

- xiv. We note that “greater accountability” has been included as a value in the last Strategic Plan as well as reference to enhanced external oversight. We would suggest that including as an action the development of a system to methodically track recommendations and their implementation would strengthen the previous commitment to “seek to implement” the recommendations of the Inspector of Prisons and the European Committee for the Prevention of Torture.
- xv. Ireland has ratified a number of key international Treaties including the International Convention on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC) and the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW). Following consideration of the periodic report, the treaty body provides recommendations on how to better implement the human rights provisions contained in the relevant treaty in anticipation of the next periodic report presentation.
- xvi. However, it is clear that these concluding observations are not always implemented in a timely manner or even in time for the next session before the relevant Treaty monitoring body. Delays on submission of reports, implementation of recommendations or indeed failures to act reflect poorly on Ireland’s human rights record internationally.
- xvii. An integrated and cross-departmental mechanism for the implementation of these “concluding observations” and domestic recommendations is vital to ensure that there is a coordinated approach to ensuring the State meets these obligations. This will sometimes demand collaboration between Irish Prison Service, the Probation Service, the Department of Health, the Department of Education, and the Department of Children and Youth Affairs among others. The progress against each of these recommendations should be made public both so that citizens and affected persons can easily access information on the State’s action or inaction but also to make the expressed value of accountability to the public a practical reality.

Proposal 5: Include an action to create an integrated and cross-departmental mechanism for the implementation of both Inspector of Prisons recommendations and UN “concluding observations” and recommendations and regularly publish progress made on each of them

6. Implementation of the Jurisprudence of the European Court of Human Rights and the recommendations of the European Committee for the Prevention of Torture

- xviii. While the 2003 *European Convention on Human Rights Act* did not directly incorporate the Convention into Irish law, it does oblige the domestic courts to interpret laws in accordance with the State's obligations under the European Convention⁶ and that every organ of the State shall perform its functions in a manner compatible with the State's obligations under the Convention provisions'.⁷ This clearly requires the Department to undertake constant monitoring of the Court's jurisprudence as it relates to the penal system and to have a system of timely application of its interpretation of the Convention domestically.
- xix. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment makes specific recommendations directed towards the State following its visits. However, again there does not seem to be a time bound, cross departmental and coordinated approach to responding to those recommendations. For example, in its report following an inspection of Irish prisons in 1993, the Committee condemned the practice of slopping out, referring to the practice as 'degrading'.⁸ It urged a swift end to the practice, identifying it as a 'matter of the highest priority' for the State.⁹ Over 20 years later while the practice has been drastically reduced but has not yet been fully eliminated.

Proposal 6: Include an action to create an integrated and cross-departmental mechanism for the timely sharing of key ECHR jurisprudence and CPT recommendations with relevant stakeholders, specifying clear actions to be taken on foot of these, directing persons responsible and timelines for implementation.

7. Required Action under Convention on the Rights of the Child

- xx. Under Article 37 CRC, 'Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances.'¹⁰
- xxi. While closing St. Patrick's Institution marked significant progress, the State has yet to ensure the full vindication of this particular right for all children. Seventeen year olds

⁶ Section 2, *European Convention on Human Rights Act 2003*

⁷ Section 3, *Ibid.*

⁸ Paragraph 100, pg. 38, 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) available here: <http://www.cpt.coe.int/documents/irl/1995-14-inf-eng.pdf> [last accessed 07/09/2016]

⁹ Paragraph 101, pg. 39, *Ibid.*

¹⁰ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> [last accessed 07/09/2016]

still remain detained in Wheatfield Place of Detention, despite the fact that this is in direct contravention of the Convention on the Rights of the Child.

Proposal 7: Include a direct action/outcome on the transfer of all children from Wheatfield Place of Detention to Oberstown Child Detention School.

8. Ratify International Human Rights Treaties - OPCAT

- xxii. On 28 September, 1992, Ireland signed the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It later ratified the Convention on 11 April 2002. Under Article 2, State Parties 'shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.'¹¹ Under the optional protocol, States are obliged to establish National Preventive Mechanisms (NPM) for the prevention of torture at the domestic level which has also a mandate to inspect places of detention.¹²
- xxiii. Although Ireland has signed and ratified CAT, it is among the few remaining countries to have signed but not yet ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT)¹³. This is despite numerous recommendations to do so, most recently from almost 40 States at Ireland's Universal Periodic Review.

Proposal 8: Include a specific objective to ratify OPCAT in advance of Ireland's next hearing before the UN Committee Against Torture, scheduled for July 2017.

¹¹ Article 2, Convention against Torture

¹² Ibid.

¹³ Seventeen states have signed but have not yet ratified OP-CAT. Along with Ireland, they are Angola, Australia, Belgium, Cameroon, Chad, Republic of the Congo, East Timor, Ghana, Guinea, Guinea-Bissau, Iceland, Madagascar, Sierra Leone, South Africa, Venezuela, and Zambia.

B. SPECIFIC AREAS IDENTIFIED IN THE PROGRAMME FOR PARTNERSHIP RELEVANT TO OUR WORK

The call for submissions to the Statement of Strategy noted that the Strategy would focus primarily on commitments given in the Programme for Partnership (PfP). Below IPRT has included proposals relating to each of the areas within the Programme for Partnership relevant to our work.

| “TOUGHER” SENTENCES? OR MORE EFFECTIVE (AND COST EFFECTIVE) SANCTIONS? | | | |
|--|---|--|---|
| <p>The PfP proposes to extend the range of offenders who can receive “tougher sentences”¹⁴. This is presumably predicated on the erroneous assumption that longer sentences reduce crime and reduce re-offending. Over-dependence on imprisonment for less serious offences places disproportionate burden on a prison service that should instead focus its resources on more serious offenders. Community sanctions are proven to be more cost-effective and less damaging responses to less serious offending and the community benefits from the work carried out. Community sanctions particularly support the rehabilitation of offenders in that while they sanction the offending behaviour, they also ensure that an offender can maintain links with family, community, employment and education as the case may be¹⁵.</p> | | | |
| | GOALS | ACTIONS | EVIDENCE |
| 1. | Better value and more effective criminal justice sanctions with focus on reduction in offending and rehabilitation | <ul style="list-style-type: none"> • Commitment to resourcing of robust non-custodial responses to offending • Establishment of community courts • Investment in restorative justice strategies • Roll out of supported community sanction schemes nationwide • Ensure consistency in availability, use and operation of community sanctions nationwide • Commit to the development of a discrete strategy for young adults aged 18–24 years in conflict with the law • Ensure that Goal 5 of the National Policy Framework for | <ul style="list-style-type: none"> • Department of Justice and Equality: Strategic Review of Penal Policy(Recs. 4, 5, 6, 8, 9, 10, 11, 12, 14, 22, 24, 32)¹⁶ • Oireachtas Committee on Justice, Defence and Equality: Report on Community Courts¹⁷ • Irish Prison Service: Unlocking community |

¹⁴ See page 99

¹⁵ See Report on Strategic Review of Penal Policy at Chapters 4 and 8

¹⁶ <http://www.justice.ie/en/JELR/Strategic%20Review%20of%20Penal%20Policy.pdf/Files/Strategic%20Review%20of%20Penal%20Policy.pdf> [last accessed 18/08/2016]

¹⁷ http://www.oireachtas.ie/parliament/media/committees/justice/Community-Courts_Final-Report.docx [last accessed 18/08/2016]

| | | | |
|--|--|---|---|
| | | <p>Children & Young People 2014–2020, “Support Effective Transitions” is properly resourced and fully implemented</p> <ul style="list-style-type: none"> • Extend Garda youth diversion programmes to young people aged up to 24 | <p>Alternatives: A Cork Approach¹⁸</p> <ul style="list-style-type: none"> • Joint Irish Prison Service Probation Service Strategy 2014-2016: An Effective Response to Women who Offend¹⁹ • National Commission on Restorative Justice: Interim Report²⁰ • Probation Service: Restorative Justice Strategy²¹ • IPRT Position Paper 8: Community Sanctions²² • IPRT Position Paper 10: Women in the Criminal Justice System²³ • IPRT Report: Turnaround Youth – Young Adults in the Criminal Justice System (18-24) |
|--|--|---|---|

¹⁸ <http://www.irishprisons.ie/images/pdf/finalcorkplan.pdf> [last accessed 18/08/2016]

¹⁹ http://www.irishprisons.ie/images/pdf/women_strat_2014.pdf [last accessed 18/08/2016]

²⁰ http://www.justice.ie/en/JELR/RestorativeJustice_LR.pdf/Files/RestorativeJustice_LR.pdf [last accessed 18/08/2016]

²¹ [http://www.probation.ie/website/probationservice/websitepublishingdec09.nsf/AttachmentsByTitle/Probation+Service+Restorative+Justice+Strategy+2013/\\$FILE/Restorative+Justice+Strategy+November+2013.pdf](http://www.probation.ie/website/probationservice/websitepublishingdec09.nsf/AttachmentsByTitle/Probation+Service+Restorative+Justice+Strategy+2013/$FILE/Restorative+Justice+Strategy+November+2013.pdf) [last accessed 18/08/2016]

²² http://www.iprt.ie/files/IPRT_Position_Paper_8_-_Community_Sanctions.pdf [last accessed 18/08/2016]

²³ http://www.iprt.ie/files/IPRT_Position_Paper_on_Women_in_the_Criminal_Justice_System.pdf [last accessed 18/08/2016]

REFORM BAIL

The PfP proposes to enact new legislation to provide stricter bail terms for repeat serious offenders, strengthen Garda powers, and increase the use of curfews and introduce electronic tagging. Pre-trial detainees have accounted for 13-15% of the prison population over the past fifteen years, cost a significant amount of money and has serious implications on the right to liberty and the presumption of innocence enjoyed by accused persons. While there will be those cases where remand is appropriate, pre-trial detention should only be imposed only as an exceptional measure where other, less stringent measures have been considered and found to be insufficient to safeguard the individual or the public interest which might require that the person concerned be detained. That means that it does not suffice that the deprivation of liberty is in conformity with national law, it also must be necessary in the circumstances.

In fact, the most effective way to improve compliance with bail conditions, particularly where the accused person has a chaotic life and complex personal challenges, lies in the provision of bail supports and services that allow the accused to remain within their community and address offending-related behaviour in a familiar environment. Provision of bails services and supports in the community to women who might otherwise be remanded into custody due to the risk factors identified would reduce the need for high rates of custodial remand for women.

| | GOALS | ACTIONS | EVIDENCE |
|----|---|--|--|
| 2. | Provision of bail solutions that prevent offending and reduce the over-use of remand | <ul style="list-style-type: none"> • Introduce an evidence-based approach to provision for bail services and supports aimed at the prevention of offending on bail, ensuring appearance at court and reducing remands to custody to the essential minimum. • Any proposed scheme for pre-trial electronic tagging be reviewed for compliance with Council of Europe Recommendation CM/Rec(2014)4 before being introduced into legislation. | <ul style="list-style-type: none"> • IPRT Position Paper: Bail and Remand, November 2015 • IPRT Preliminary Submission on General Scheme of the Bail Bill, August 2015 |

STRENGTHEN SUPERVISION/INVEST IN REHABILITATION AND REINTEGRATION

The PfP commits to strengthening the supervision of "prolific repeat offenders" in the community on release from prison²⁴. Appropriate preparation for release and post-release support play an important role in the successful return of former prisoners to their families, communities and the wider society. Two elements should always be considered: preparation during the course of the sentence ('sentence-planning') and coordinated support post-release. IPRT believes that post-release support is crucial in the successful re-integration, and should link the former prisoner not only with potential employment opportunities but also with appropriate services in the community, for example with mental health services or substance abuse support groups. It should also consider support for prisoners' families. Initiatives to support relationships between prisoners and their families have proven to be among the most effective in terms of reducing reoffending and, equally importantly, of improving outcomes for prisoners' children. The fair and transparent use of a temporary release towards the end of a prisoner's sentence further supports the integration of a prisoner back into his or her family- from the family's perspective as much as the prisoner. This can only succeed as part of an inter-agency approach to managing prisoner release, involving prison, probation, housing, education, employment, health, and mental health services. Community supervision and supports form an important role in rehabilitation, along with provision of stable accommodation. In 2010, IPRT published a report *'It's like stepping on a landmine...' –Reintegration of Prisoners in Ireland*²⁵, which assessed the provision of reintegration services and support for prisoners before and after their release from prison. It identified key systemic failures, and made 14 clear recommendations for necessary improvements and can be accessed here <http://www.iprt.ie/contents/1685>

| | Goals | Actions | Evidence |
|----|--|--|--|
| 3. | Strengthen post release work with and support to former prisoners to prevent re-offending | <ul style="list-style-type: none"> • Impose a statutory obligation on relevant state agencies to co-operate around prisoner release • Commit to adequate resourcing of reintegration service and supports proven to be effective • Ensure that the Probation Service is adequately resourced to meet its expanding remit • Strengthen the inter-agency approach to managing prisoner release, involving prison, probation, housing, education, employment, health, and mental health services. | <ul style="list-style-type: none"> • IPRT, "It's like stepping on a landmine..." - Reintegration of Prisoners in Ireland, 2010 • IPRT, "Picking Up the Pieces": The Rights and Needs of Children and Families Affected by Imprisonment, 2012 |

²⁴ See page 100

²⁵ <http://www.iprt.ie/contents/1685> [last accessed 01/09/2016]

STRENGTHEN CLARITY AND CONSISTENCY IN SENTENCING

The PfP contains a proposal to ask the relevant Oireachtas Committee to consider the introduction of mandatory sentencing for robbery, with violence, in the home²⁶. This is despite the fact that the Minister herself has declared that *'minimum mandatory sentences did not actually have any measurable effect on reducing crime.'*²⁷ Her comments were in line with the evidence: the Law Reform Commission Report 2013 on Mandatory Sentences recommends that the presumptive minimum regimes applicable to drugs offences under the Misuse of Drugs Act 1977 and to firearms offences under Firearms legislation should be repealed. It further recommends that the use of presumptive minimum sentencing regimes should not be extended to other offences. The LRC also recommends that a more structured, guidance-based sentencing system would provide an appropriate alternative to these provisions.

IPRT would also be opposed to this proposal to expand mandatory sentencing for a number of reasons. Firstly, there is no evidence from Ireland or abroad that mandatory sentencing works effectively to address *any* category of offending. Secondly, this approach does not allow for the consideration of any aggravating or mitigating factors that may or may not be present in individual cases. The Strategic Review Group on Penal policy found that although there has been a general reduction in crime across nearly all categories in recent years, *"it is not possible to credit presumptive minimum sentences with reducing these crimes"* and *"the Review Group does not support the extension of this type of penalty to other offences"*. Currently, a prison space costs approx. €70,000 per person per annum. A significant increase in the prison population would have other financial implications too, including capital investment.

Instead, IPRT advocates for evidence-informed and effective responses to repeat offending, including joint agency initiatives, such as J-ARC and restorative justice strategies. It is also crucial that accurate and comprehensive crime data is regularly made available to the public in order to assess the accuracy of claims by media or others about "surges in crime".

According to the Department's culture charter, one way in which it realises the value of being trustful and respectful is by *'demonstrating where lessons have been learned from previous issues.'*²⁸ Recognising the failure of mandatory sentence would vindicate this value, saving a considerable amount of time and money by avoiding the pitfalls of a policy of mandatory sentencing, a policy that has ultimately been proven ineffective.

²⁶ See page 100

²⁷ <http://www.irishtimes.com/news/politics/minister-outlines-criminal-justice-inspectorate-plans-at-fg-ardfheis-1.2112627> [last accessed 16/08/2016]

²⁸ Department of Justice and Equality Culture Charter

| | Goals | Actions | Evidence |
|----|---|--|---|
| 5. | Strengthen Clarity and Consistency in sentencing | <ul style="list-style-type: none"> • Repeal current mandatory minimums • Do not introduce further mandatory sentences • Repeal the prohibition on temporary release for persons sentenced to the presumptive minimum sentence • Improve the availability of information on sentencing and precedents • Consider the introduction of sentencing guidelines | <ul style="list-style-type: none"> • Law Reform Commission Report on Mandatory Sentences 2013 • Recidivism, CSO Statistical Release, 12 December 2015 • Department of Justice and Equality: Strategic Review of Penal Policy |

EXPAND SPENT CONVICTIONS LEGISLATION

While Spent Convictions legislation has now been introduced, IPRT is of the firm conviction that the legislation does not go far enough towards achieving its goal in supporting the reintegration of former prisoners and reducing reoffending in the future. In the future, IPRT hopes that the provisions of the legislation will be expanded in the future to cover more than one offence (other than minor motoring and public order offences) and lengthen the terms of imprisonment permissible under the act from 12 months to 48 months, in order to give more people the chance to move forward in their lives, beyond their past convictions.

| | Goals | Actions | Evidence |
|----|---|--|--|
| 7. | Provide full support to the reintegration of former prisoners and reduce reoffending in the future | <ul style="list-style-type: none"> Expand current provisions of the Spent Conviction Legislation to cover offences other than minor motoring and public order offences Lengthen the convictions which may become spent under the act from 12 months to 48 months | <ul style="list-style-type: none"> IPRT Submission on Criminal Justice (Spent Convictions) Bill 2012 IHREC <i>Observations on the Criminal Justice (Spent Convictions) Bill 2012</i> |

STRENGTHEN ACCOUNTABILITY

Unlike the Programme for Government 2011-2016 (and although Garda accountability is referenced in the PfP) no commitments to strengthen prison accountability have been included in the Programme for Partnership Government published 11th May 2016.

Public confidence in the effectiveness of the prison system demands transparency and accountability. Independent oversight is crucial to ensuring human rights abuses do not occur out of sight behind prison walls, and the safety of prisoners and staff is strengthened through trusted complaints mechanisms, which reduce tension on prison landings.

Ireland received 37 recommendations from UN delegations to ratify OPCAT at the Universal Periodic Review in May 2016. The continuing lack of an independent complaints system for prisoners and the Government's continuing delay in ratifying the Optional Protocol to the UN Convention Against Torture (OP-CAT) reduces public confidence in the system.

While IPRT welcomed the extension of the general Ombudsman's remit to include prisoner complaints, this would depend on adequate resources in terms of finance and expertise – including an understanding of the impact that being in prison has on a person's ability to make a complaint. It is crucial that prison staff also have confidence in any external system of prisoner complaints. Robust and effective independent complaints systems make prisons safer.

| | Goals | Actions | Evidence |
|----|---|--|--|
| 8. | Strengthen Accountability in the Prison System | <ul style="list-style-type: none"> Establishment of an independent Office of Prisoner Ombudsman/extend remit of the general Ombudsman to investigate prisoners' complaints, Ratify without delay the Optional Protocol to the UN Convention against Torture, and to establish effective National Preventative Mechanisms (NPM) under the Protocol Strengthen Office of Inspector of Prisons Reform Prison Visiting Committees; Fulfil previous commitments to place the Parole Board on an independent statutory basis. | <ul style="list-style-type: none"> Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture from 16 to 26 September 2014 (para. 83) IPRT Position Paper 7: Complaints, Monitoring and Inspection in Prisons |