

Irish Penal Reform Trust

Annual Report 2005



IPRT

Irish Penal Reform Trust



# Chairperson's Report

I am pleased to present the Irish Penal Reform Trust's 2005 Annual Report.

This has been a busy year in which we have campaigned on a wide range of issues. We have maintained a prominent media presence, made submissions to Government and continued our involvement in a variety of international projects. On behalf of the Board, I am pleased to state that we achieved many of the objectives we set for ourselves in 2004.

One of the highpoints of the year was undoubtedly the success of the legal challenge in relation to the provision of psychiatric care in Mountjoy Prison. On 2nd September, the High Court vindicated the right of the IPRT, in tandem with two ex-prisoners, to seek a declaration that the Government has failed in its constitutional obligation to provide adequate psychiatric care. The decision is significant, not only for the IPRT and its co-plaintiffs, but for all NGOs wishing to take legal actions on behalf of those in our society who cannot make their voices heard and who are not in a position to assert their constitutional rights. Unfortunately, the State has now indicated its intention to appeal the decision to the Supreme Court and we await the outcome of that decision.

The IPRT published three important research reports in 2005.

In January, we released original research on sentencing in the District Court, highlighting the overuse of short custodial sentences and calling for the expanded use of alternatives to prison. In August, we released a report detailing the international evidence against private prisons that comprehensively dismantled the claimed benefits of privatisation. Finally, in November, we launched a groundbreaking report on immigration-related detention in collaboration with the Irish Refugee

Council and the Immigrant Council of Ireland which shone much needed light on this issue.

Turning to organisational matters, I am pleased with the way the Board has worked together and I would like to thank my colleagues for their support and dedication. In 2005, a new quarterly - rather than monthly - meeting structure was implemented. This has streamlined IPRT governance, allowing the full Board to focus on questions of political and organisational development while the Board's Executive Committee and the Executive Director oversee day-to-day managerial decisions.

Funding continues to be a challenge and, despite our many political successes, the absence of core funding necessarily acts as a brake on our effectiveness, particularly with regard to long term planning. This is a problem which has been tackled head on by our Executive Director, who, in addition to many other pursuits, has been successful in seeking out new sources of funding and securing small grants. We are currently pursuing several avenues with a view to hopefully attracting the core funding key to the IPRT's continued growth.

For the year ahead, the Board has identified the issue of alternatives to custody as our key overarching priority. The IPRT will also continue work on the legal challenge and to collaborate with the Irish Refugee Council and the Immigrant Council of Ireland to campaign on the recommendations of the immigration detention report.

There are indicators that our political and public debate on criminal justice and penal issues is going down the well trodden route of the US and UK Governments - that of super-prisons, privatisation, mandatory sentencing, increased police powers and a general erosion of the due process rights of the accused. In this atmosphere, the need for an organisation such as the IPRT in resisting this "appalling vista" has never been greater.

I would like to thank everyone who supported the IPRT in 2005. I would particularly like to express my appreciation to you, our members, for your continued support and commitment to our shared goals.



Claire Hamilton - IPRT Chairperson



# Executive Director's Report

“Pointy headed intellectuals.”

“Alice in Wonderland politics.”

“The politically correct self-appointed lay hierarchy who direct modern Ireland's Moral Inquisition.”

These are a few of the names used by the Minister for Justice to describe the IPRT and/or our friends working for social justice in 2005.

From my perspective, whenever the Minister is reduced to calling us names to avoid responding to the content of our critiques, it's evidence that we're doing our job well. And we certainly did in 2005.

Whether promoting alternatives to prison, immigration detention reform, sensible prison drugs policy, compassionate prison visiting regimes, juvenile justice reform, or prison syringe exchange or opposing massive prison expansion, electronic tagging, mandatory drug testing, mandatory sentencing and prison privatisation, the IPRT was active on a wider range of issues than ever before. Through our research and policy work, networking and coalition building, media work and outreach to elected officials, we were effective in challenging the publicity driven policy proposals of the Government, and in communicating our ideas and alternatives to the wider Irish public.

As a result, 2005 was a year in which we achieved some well-earned victories.

In September, the decision of the High Court giving the IPRT the right to press forward with a constitutional challenge against the State over inadequate mental health care in prisons was a ground-breaking victory not only for our organisation, but for public interest advocacy law in Ireland generally.

In December, the Government's announcement that it will bring forward legislation giving prisoners the right to vote came after nearly two years of IPRT campaigning on this issue.

Throughout 2005, the Coalition Against Anti-Social Behaviour Orders (ASBOs), of which the IPRT was a founding member, grew to national prominence and successfully re-framed public and political debate on the issue, resulting in a significant climb-down by the Government on key aspects of its originally proposed legislation.

In addition to these domestic victories, the strength of the IPRT's work was reflected in our continued international collaborations. Whether working with the United Nations Office on Drugs and Crime, the World Health Organization or with the numerous colleagues and sister organisations that invited us to participate in conferences and meetings around the world, the IPRT's profile and reputation for solid work continued to grow on the international stage.

A key element of our effectiveness in 2005 were our relationships with journalists and media outlets, and our regular contact with various Government and Opposition TDs and MEPs, in particular all the opposition Justice Spokespeople. I would like to extend our thanks to them for their interest in, and support for, our efforts.

I would also like to thank our funders, without whom the IPRT could not continue to function as an effective and independent voice for human rights and prison reform in Ireland.

Finally, I would like to extend my thanks to the volunteers and student interns who gave their time freely to the IPRT throughout the year, to our Board of Directors for their tireless dedication and most especially to our members whose moral and financial support is crucial to our continued effectiveness.



Rick Lines - Executive Director



# Activity Report 2005

## HISTORIC LEGAL VICTORY ON MENTAL HEALTH IN PRISONS

“Legal history was made yesterday after a prison reform group won the right to take court action against the State on behalf of mentally ill prisoners.” – Irish Examiner

On September 1st, in a major High Court victory, the IPRT won the right to sue the State on behalf of prisoners with mental health problems. The judgement was the latest development in a constitutional challenge initiated in 2001 by the IPRT and two ex-prisoners over inadequate psychiatric services and the use of padded cells in Mountjoy Prison.

In the ruling, Mr. Justice Gilligan stated it was almost indisputable that prisoners with psychiatric problems were among the most vulnerable and disadvantaged members of society. Many were ignorant of their rights and might fear retribution if they challenged the authorities. For this reason, he felt claims could be more effectively litigated by the IPRT, which was in a position to identify and analyse failings in the system. This is thought to be the first time that an NGO has won the right to represent prisoners, and the decision could have far-reaching implications for Irish human rights advocates and the Government.

Shortly following the decision, the Government announced its intention to appeal the case to the Supreme Court.

## COALITION AGAINST ASBOs

In March, the IPRT was among the founding members of the Coalition Against Anti-Social Behaviour Orders (ASBOs), a broad-based initiative determined to prevent the introduction ASBOs as part of the new Criminal Justice Bill.

From a small but committed core group - which also included the Children's Rights Alliance, the National Youth Council of Ireland, the Irish Society for the Prevention of Cruelty to Children and the Irish Council for Civil Liberties - the Coalition eventually grew to include over 50 NGOs, community/voluntary youth organisations, barristers, solicitors and academics from towns and cities across Ireland.

The Coalition's high profile campaign successfully re-framed the public debate on anti-social behaviour generally - and ASBOs specifically - in the media and the Dáil. Through a combination of detailed research, a strong media presence and a grassroots political lobbying effort, the Coalition was successful in forcing the Government to abandon much of its original ASBO plan.

Press conference of the Coalition Against ASBOs  
May 2005





## VICTORY ON PRISONER VOTING RIGHTS

“The Government plan is likely to be welcomed by the Irish Penal Reform Trust which has actively lobbied for prisoners to be offered the ability to vote.” – Irish Times

On December 15th, Tánaiste Mary Harney confirmed that the “Government has cleared the legislation to provide for prisoners’ voting by way of postal ballot in their own constituencies.”

This announcement came following more than 18-months of campaigning by the IPRT on the heels of a March 2003 decision by the European Court of Human Rights affirming prisoner voting rights. Our successful lobbying effort included communications with various Government ministers, meetings with Opposition spokespeople and a media campaign which included opinion pieces in both the Irish Times and the Irish Examiner.

The IPRT will continue to monitor the progress of this legislation through the Dáil in 2006, and its implementation in the next general election.

## NILS CHRISTIE DELIVERS IPRT ANNUAL LECTURE

In April, the IPRT welcomed the world-renowned criminologist, Nils Christie, to Dublin as our guest for the 2005 IPRT Annual Lecture.

Nils Christie is a Professor of Criminology in the Faculty of Law at the University of Oslo in Norway whose influential books include *Limits to Pain*, *Crime Control as Industry*, and *A Suitable Amount of Crime*. Over 70 people attended the lecture at European Union House entitled “Crime Policy as Cultural Policy”, making the 2005 Annual Lecture our most successful yet.

Nils Christie delivers the 2005 IPRT Annual Lecture

## PUBLICATIONS

### IMMIGRATION-RELATED DETENTION IN IRELAND

In November, the IPRT launched a ground-breaking report on the use of detention for immigration-related purposes. Commissioned jointly with the Irish Refugee Council and the Immigrant Council of Ireland, the report provides much needed focus on an issue of growing concern in Ireland.

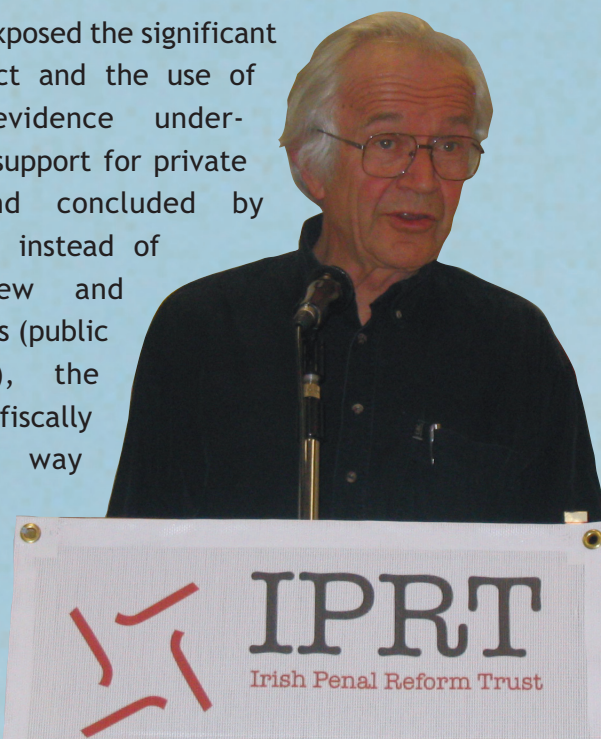
The report is the first time that an up-to-date synthesis of the law in the area of immigration detention has been published. It examines the formal legal safeguards that are offered to persons detained for immigration-related reasons and benchmarks these against international human rights standards. It also examines the conditions in which immigration detainees are held in Irish prisons. Finally, the report recommends legislative changes necessary to bring Irish law on immigration-related detention into conformity with international human rights standards.

The report is available on the IPRT website at [www.iprt.ie/iprt/1591](http://www.iprt.ie/iprt/1591)

### CHALLENGING THE CALL FOR PRIVATE PRISONS

In August, the IPRT published a detailed, evidence-based rebuttal of the Prison Inspector’s call for private prisons that challenged the plans of Justice Minister McDowell to introduce privatisation in Ireland.

The report exposed the significant errors in fact and the use of selective evidence underpinning the support for private prisons, and concluded by arguing that instead of building new and bigger prisons (public or private), the socially and fiscally sensible way forward is to reduce Ireland’s





over-reliance on incarceration by developing and resourcing effective non-custodial alternatives. **The report is available on the IPRT website at [www.iprt.ie/iprt/1466](http://www.iprt.ie/iprt/1466)**

## **SENTENCING IN THE DISTRICT COURTS**

In January, the IPRT published a piece of original research on patterns of sentencing in the District Court.

The purpose of this research was a) to identify how judges used the sentencing options open to them and whether any patterns were evident, and b) to determine how often reasons were given by judges for the sentences they imposed, particularly when these sentences were for periods of detention.

IPRT researchers observed more than 350 individual cases, and found that sentencing was inconsistent, the use of short custodial sentences (less than 6-months) frequent and alternatives to custody underused. The report makes a series of recommendations to increase the use of non-custodial sanctions. **The report is available on the IPRT website at [www.iprt.ie/iprt/1144](http://www.iprt.ie/iprt/1144)**

## **INTERNATIONAL WORK**

### **IPRT ASSISTS UN IN DRAFTING GLOBAL STRATEGY ON HIV IN PRISONS**

In 2005, IPRT Executive Director Rick Lines worked with the United Nations Office on Drugs and Crime as Team Leader in drafting a global strategy on HIV/AIDS prevention in prisons. Following consultation with a panel of international experts who met in Vienna in

February, a framework strategy was drafted detailing 100 actions necessary for Governments to implement a comprehensive and human rights-based response to HIV/AIDS in prisons.

The Framework as well as an accompanying Background Report will be published by UNAIDS in 2006.

### **IPRT ASSISTS EAST AFRICAN PRISON OFFICIALS**

In November, IPRT Executive Director Rick Lines travelled to Nairobi, Kenya to facilitate the Meeting of National Prison Authorities in Eastern Africa. The 3-day workshop focussed on developing HIV/AIDS and drugs policies in prison, and drafting a regional action and training plan. The meeting was organised by the United Nations Office on Drugs and Crime in Nairobi, and was attended by prison health officials from Kenya, Uganda, Mauritius and Tanzania.

While in Kenya, Mr. Lines also toured the Kamiti maximum-security prison in Nairobi, which houses over 4,000 men, where he met with prison officials, prison health staff and prisoners.

**Rick Lines (IPRT), Prof. Heino Stöver (University of Bremen, Germany) and Dr. Lars Moller (Health in Prisons Project, WHO) at the UN headquarters in Vienna February 2005**





## CONFERENCES AND PUBLIC EVENTS

In 2005, the IPRT participated in numerous public events and conferences in Europe, North America, Australia and Africa.

In Ireland, the IPRT was invited to speak before many audiences including the Summer Law Academy Dinner, the Trinity College Historical Society, the Fine Gael crime conference, the Rolestown/St. Margaret's Action Group and the 16th International Harm Reduction Conference (held in Belfast).

International highlights included presentations at conferences in Australia and Slovenia, as well as at meetings of the United Nations Office on Drugs and Crime in Vienna and Nairobi.

## ORGANISATIONAL DEVELOPMENTS

### IPRT IN THE NEWS

The IPRT continued to be a major media presence in 2005, and during the year we were cited in almost 200 reports covering all major television, radio and print outlets as well as the regional media. The success of our media work enabled the IPRT to promote our positions to a wide audience, and in many cases to frame the debate on prison and criminal justice issues.

## IPRT WEBSITE AND INTERNET BULLETIN CONTINUE TO GROW

Launched in 2004, the IPRT website is Ireland's most comprehensive internet resource on prisons, prisoners' rights and critical criminal justice, containing a searchable archive of over 1,500 documents. In 2005, the website received well over 20,000 individual visits.

In addition, circulation of the IPRT's free monthly eBulletin, "Voices Rising", continued to grow and now reaches over 750 subscribers.

## THANK YOU TO OUR FUNDERS

As a campaigning non-governmental organisation that receives no funding from Government, the IPRT's work would not be possible without the support of our members and our funders.

We would like to gratefully acknowledge the Joseph Rowntree Charitable Trust, the Allen Lane Foundation, the St. Stephen's Green Trust, the Community Foundation of Ireland, the Cork Street Fund and the Calouste Gulbenkian Foundation for their generous financial support in 2005.

## Board of Directors

Edward Boyne  
Patricia Brazil (Secretary)  
Monica-Anne Brennan  
Tony Geoghegan  
Claire Hamilton (Chair)  
Dr. Ursula Kilkelly  
Rúaidhrí McAuliffe  
Catherine Pierse (Vice Chair)  
Paula Swords (Treasurer)

Rick Lines (IPRT) with participants of the Meeting of  
National Prison Authorities in Eastern Africa  
Nairobi, November 2005





## Operating statement for the year ended 31 March 2005

	2005	2004
<b>INCOME</b>		
Grants	93,236	97,416
Donations	24,115	5,829
Subscriptions	3,008	4,244
Conferences & publications	889	1,204
Deposit interest	85	230
Other income		
Rowntree Trust re: legal challenge		
	<u>121,333</u>	<u>108,923</u>
<b>EXPENSES</b>		
Wages	66,090	80,711
Publications & reports		13,962
Rent	11,750	10,186
Staff pension	8,947	4,146
Stationery	193	3,903
Website	3,985	3,757
Telephone	3,134	2,885
Recruitment		2,798
Conferences	2,595	2,714
Audit	2,420	2,118
Annual report	1,617	1,458
Post	760	1,442
Newsletter	278	1,295
General expenses	2,326	1,093
Legal fees		805
Insurance		782
Professional fees		776
Equipment maintenance	603	761
Travel	5,375	483
Library		250
Temporary staff		200
Depreciation of equipment	2,057	2,057
	<u>112,130</u>	<u>85,485</u>
<b>Surplus/(Deficit) for year</b>	<u>9,203</u>	<u>(29,659)</u>

## Balance sheet at 31 March 2005

	2005	2004
<b>Assets Employed</b>		
Fixed Assets		
Tangible Assets	<u>1,583</u>	<u>3,640</u>
<b>Current Assets</b>		
Sundry debtors		750
Cash at bank	<u>26,420</u>	<u>30,020</u>
	<u>26,420</u>	<u>30,770</u>
<b>Creditors</b>		
Amounts falling due within one year	10,245	25,854
	<u>10,245</u>	<u>25,854</u>
<b>Net Current Assets</b>	<u>16,175</u>	<u>4,916</u>
	<u>17,758</u>	<u>8,556</u>
<b>Capital Employed</b>		
Revenue Reserves	<u>17,758</u>	<u>8,556</u>
	<u>17,758</u>	<u>8,556</u>

www.iprt.ie