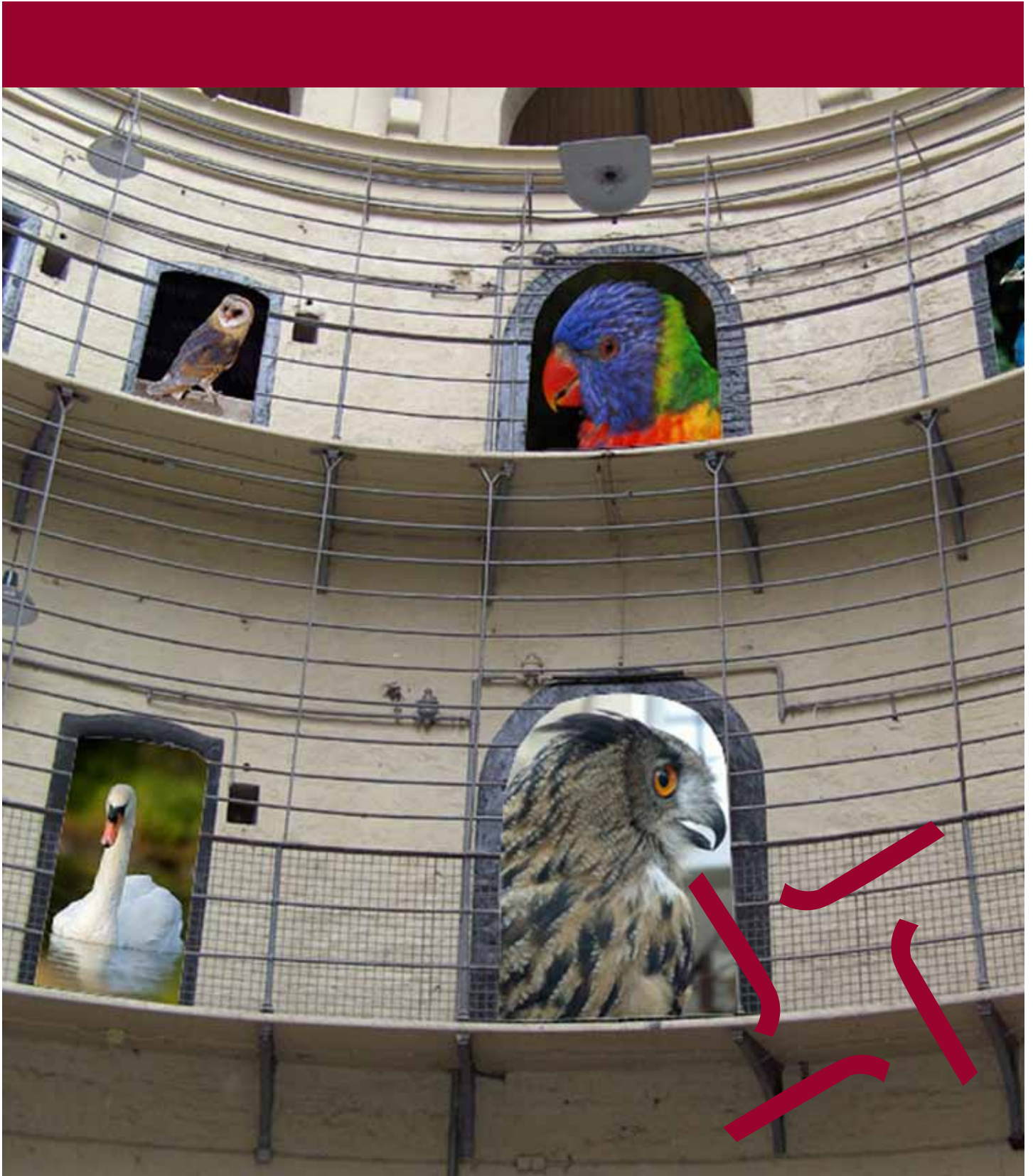




IPRT
Irish Penal Reform Trust

Irish Penal Reform Trust
Annual Report 2011



The Irish Penal Reform Trust (IPRT) is Ireland's leading non-governmental organisation campaigning for the rights of everyone in the penal system, with prison as a last resort. IPRT is committed to reducing imprisonment and the progressive reform of the penal system based on evidence-led policies. IPRT works to achieve its goals through research, raising awareness, building alliances and growing our organisation.

Through its work, IPRT seeks to stimulate public debate on issues relating to the use of imprisonment, including on sentencing law and practice in Ireland.

IPRT's Vision

Respect for rights in the penal system with prison as a last resort.

IPRT's Mission Statement

IPRT is 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 will achieve our goals through affecting changes in policy, in practice, in law and through influencing public opinion.

IPRT's Values

Respect for human rights and a commitment to combating social injustice

Advocacy based on research and evidence-led policies

Working constructively with others in the penal system

Message from IPRT Chairperson

The past year has seen IPRT make considerable progress in achieving its objectives. Many aspects of prison policy and prison administration continue to need significant reform, but we have been encouraged by some significant shifts in policy direction during 2011 - most notably those penal reform commitments included in the Programme for Government and in the Thornton Hall Review Group report. IPRT believes that its approach, nurtured over a number of years, of developing a strong research base, developing links with policy-makers, and public campaigning has been pivotal in the developments we have seen. IPRT will monitor activities in these policy areas to ensure that the fruits of policy change are seen within our prisons and for the benefit of us all.



IPRT is keenly aware of many issues on which we have not seen progress. In particular, we remain most concerned about current conditions in many prisons, the absence of an independent complaints mechanism, and an understanding of the place of prison in wider debates about social policy. IPRT will continue to pursue its ways of working, which have resulted in policy change elsewhere, in order to see reform in these areas.

The altered policy landscape has been contributed to in large measure by IPRT's sustained and considered campaigning on its four priority areas of work: human rights within the prison system; imprisonment as a last resort; prison policy and social policy; and youth justice. IPRT has worked hard to create considered and detailed proposals for reform, based on the best possible research evidence and conforming with our values. IPRT has also put significant effort into bringing these proposals to policy-makers, and to articulating clearly and critically areas which policy-makers need to take urgent action upon.

In all of this, IPRT fiercely guards its political independence. We receive no State funding and deal with politicians from all parties and none, as well as with civil servants. We consider ourselves an organisation that influences policy-makers, but is not influenced by them.

The past year has also seen us welcome two new Board members: Professor Joe Barry and Niall Walsh joined at our AGM in July 2011. Their expertise has assisted us in articulating the links between prison policy and broader social policy, and to improve our ability to engage more directly with those most affected by imprisonment. We have maintained robust governance structures in order to implement our *Strategic Plan 2011-2015* and maintained our stable funding position. The past year has also seen IPRT put a formal Fundraising and Sustainability Strategy in place. IPRT is keenly aware of the need to diversify our funding base and to secure our position in the medium to long term. At a time of change in prison policy and the emergence of developments we have long campaigned for, it is essential that IPRT's voice is present in policy debates and for IPRT to be able to monitor progress, speak up on issues which remain of concern, and contribute to ensuring that policy change translates into practical improvements.

I would like to thank Liam Herrick and the staff of IPRT for their ongoing dedication and commitment to IPRT and its objectives. I am grateful to our members and funders for their support for the cause of penal reform.

Dr. Mary Rogan, Chairperson. Irish Penal Reform Trust - July 2012



Message from IPRT Executive Director

The year 2011 witnessed a number of major policy achievements for IPRT and demonstrated our growing influence on penal policy, as evidenced by our influence on the content Programme for Government and the Thornton Review Group report. Having the Minister for Justice and Equality present his vision for

penal reform at IPRT's Annual Lecture in September 2011 was evidence of how IPRT has become established at the centre of penal policy-making.

The significance of many of these policy achievements has become even more evident in the first half of 2012 as we have seen a succession of Government decisions on ending imprisonment of children, independent investigations of deaths in custody, and the ending of slopping out. The establishment of a Sub-Committee on Penal Reform, under the Joint Committee on Justice, also shows how we have succeeded in placing penal reform at a new level of prominence on the political agenda.

Throughout the year, we were able to maintain the high quality and volume of our policy output. This included direct engagement with international human rights bodies, most notably the UN Human Rights Council, and was achieved partly through our partnerships with the academic sector.

IPRT retained its high media profile during the past year, with regular appearances on national television and radio, and prominent press coverage of our work and of penal reform issues more generally. We are able to maintain our high public profile by judicious and authoritative communications work, including our use of social media and the IPRT website.

In the areas of prisoner engagement and effecting change through the law, we continue to innovate and find ways of partnering with peer organisations such as the Public Interest Law Alliance to respond to acute human rights issues and to build the capacity of the legal professions to represent prisoner clients.

More generally, we have worked to increase our capacity by closer partnerships with other organisations and institutions, and also with the huge support we have received from our volunteer interns who play a critical role in all of our activities. As always our key asset and resource remains our staff team. We have retained the same core staff over the year, supplemented by Áine Kilgallon as fundraising consultant, which has contributed to the high output of the office over this time.

Perhaps the most important reflection on a year that we hope will come to be seen as a turning point for the Irish penal system, is that in 2011 we began to reap the dividend of the policy and campaigning work of IPRT over several previous years. When policy-makers finally began to show signs of openness to new ideas in this area, IPRT was able to bring forward plausible and considered answers to the questions that were being asked.

Liam Herrick, Executive Director, Irish Penal Reform Trust - July 2012

Irish Prisons in 2011 - at a glance

January	<ul style="list-style-type: none"> • 4,369 in prison custody (10th Jan 2011) • <i>Criminal Justice (Community Service) (Amendment) Bill 2011</i> is published (12th Jan 2011) • Dóchas Centre is operating at 60% over design capacity, with 143 women in prison designed for 85 (25 Jan 2011) • 4,541 in prison custody (25th Jan 2011)
February	<ul style="list-style-type: none"> • Ombudsman for Ireland calls for extension of the Office's remit to include prisons (4th Feb 2011) • Ombudsman for Children publishes <i>Young People in St Patrick's Institution</i> (9th Feb 2011) • CPT Report is published, and is highly critical of prison conditions in Ireland (10th Feb 2011)
March	<ul style="list-style-type: none"> • New Programme for Government includes proposals for reform in the areas of sentencing and prison policy (7th March 2011) • <i>Criminal Justice (Community Service)(Amendment)(No. 2) Bill 2011</i> reaches the second stage (24th March 2011) • Mountjoy prison (male) holds 710 prisoners in a prison which should hold no more than 517 prisoners, according to the Inspector of Prisons (8th March 2011)
April	<ul style="list-style-type: none"> • 4,587 in prison custody (12th April 2011) • Minister for Justice Alan Shatter announces that a committee will be established to review Thornton Hall • Inspector of Prisons publishes his report on Mountjoy Prison; the report discloses serious problems with how complaints are investigated (5th April 2011) • Inspector of Prisons publishes <i>Guidance on Best Practice relating to the Investigation of Deaths in Custody</i> (5th April 2011)
May	<ul style="list-style-type: none"> • 4,495 in prison custody (4th May 2011) • Ireland is examined under the UN Convention against Torture; serious concerns raised regarding the lack of independent complaint mechanisms; chronic overcrowding; use of special cells; high prevalence of drug use (23rd and 24th May 2011) • Inspector of Prisons <i>Annual Report 2010</i> is published; it emphasises need for drug free units in all prisons (30th May 2011) • Inspector also publishes <i>Guidance on Physical Healthcare</i>, which outlines the high numbers of mentally ill prisoners being held in inappropriate accommodation (30th May 2011)
June	<ul style="list-style-type: none"> • UN Committee against Torture publishes its Concluding Observations on Ireland's compliance with UNCAT, expressing serious concern over overcrowding, slopping out, complaints mechanisms and imprisonment of children (6th June 2011) • The media reports on TB outbreaks in three Irish prisons (6th June 2011) • There are 41 children imprisoned in St Patrick's Institution, which is in breach of human rights law (15th June 2011) • 4,433 in prison custody (22nd June 2011)
July	<ul style="list-style-type: none"> • <i>Annual Report</i> of The Probation Service is published, showing positive community service reforms (26th July 2011) • Thornton Hall Project Review Group Report recommends that the prison be built but on a smaller scale; the report emphasises that prison building will not end overcrowding (28th July 2011) • <i>Criminal Justice (Community Service)(Amendment)(No. 2) Bill 2011</i> is passed (28th July 2011)
August	<ul style="list-style-type: none"> • Minister for Justice announces proposals for early-release scheme of prisoners serving longer sentences (8th Aug 2011) • Irish Prison Service <i>Annual Report 2010</i> published, detailing 14.9% increase in sentenced committals and a 10% increase in the daily prison population (25th August 2011)
September	<ul style="list-style-type: none"> • 4,269 in prison custody (15th Sept 2011) • <i>Report of the Council of Europe Commissioner of Human Rights</i> is published; Commissioner expresses serious concern about imprisonment of children in St Patrick's Institution (15th Sept 2011) • Minister Shatter delivers the 2011 IPRT Annual Lecture in which he commits to early-release schemes, among other key reforms (16th Sept 2011)
October	<ul style="list-style-type: none"> • 4,257 in prison custody (5th Oct 2011) • Ireland's first hearing under the UN Universal Periodical Review (UPR) takes place; 17 countries put prison-related questions to Ireland's Minister for Justice (6th Oct 2011) • UPR Outcome Report published; Irish Government urged to address overcrowding, lack of effective prisoner complaint mechanisms, violence and slopping out (10th Oct 2011) • For the first time in the history of the State, prisoners vote in a presidential election (27th Oct 2011)
November	<ul style="list-style-type: none"> • Plan to put in-cell sanitation in Mountjoy B and C wings announced in <i>Exchequer Framework</i>; there are no plans to address lack of in-cell sanitation in Cork Prison (10th Nov 2011) • Visiting Committee report on the Dóchas Centre published, detailing serious human rights violations (18th Nov 2011) • There are 178 'protection' prisoners on 23-hr lock-up; 63 of these are in Wheatfield Prison (21st Nov 2011) • Construction of new prisons at Thornton Hall and Kilworth is deferred (22nd Nov 2012)
December	<ul style="list-style-type: none"> • 7,514 committals for non-payment of court-ordered fines in 2011. • Budget 2012 announcements reveal that funding for the Justice sector will be cut by over €100m • Following the death of a prisoner on suicide watch at Cloverhill Courthouse, IPRT restates its calls for an independent system for the investigation of deaths in prisons (22nd Dec 2011)

Who we are



IPRT Board of Directors

Dr. Mary Rogan, Chair
Eddie D'Arcy, Vice-Chair
Paddy Richardson, Treasurer
Claire O'Regan, Secretary
Prof Joe Barry
Johnny Connolly
Kathleen Leader
Christine Littlefield
Niall Walsh

Back row L-R: Theo Dorgan, Liam Herrick; front row L-R: Dr Mary Rogan, Paula Meehan, Senator Ivana Bacik. Photo: Derek Speirs

Patrons of IPRT

Paula Meehan, poet
Peter Sheridan, author and director
John Lonergan, former Governor of Mountjoy Prison
Senator Ivana Bacik

President Michael D Higgins was patron of IPRT until his election as President of Ireland in October 2011.



IPRT Staff

Liam Herrick, Executive Director
Mary Gaffney, Office Manager
Fiona Ní Chinnéide, Campaigns & Communications Officer
Jane Mulcahy, Research & Policy Officer
Áine Kilgallon, Fundraising Consultant (from July 2011)

IPRT Interns

Judith McGimpsey (until Feb 2011)
Stephen Moffatt (until Feb 2011)
Colette Barry (Feb-May 2011)
Maggie Coughlan (Feb-June 2011)
Nóra Ní Loinsigh (July-August 2011)
Sarah Lynch (from Sept 2011)
Lisa Mannion (from Sept 2011)

Back row L-R: Mary Gaffney, Áine Kilgallon, Martin Quigley, Colette Barry; front row L-R: Sarah Lynch, Fiona Ní Chinnéide, Maggie Coughlan, Jane Mulcahy. Photo: Derek Speirs

Human Rights in Prison

IPRT advocates for the respect of the human rights of everyone in the penal system. We work towards this through engagement with the political process, with the legal system, with national and international human rights monitoring processes, and through public discourse. Throughout 2011, IPRT continued to advocate for the strong accountability mechanisms – including an independent complaints system for prisoners – which are so critical to the protection of human rights.

As part of IPRT's success in securing key commitments for reform, a number of important targets regarding the most serious human rights issues facing the prison system were included in the new Programme for Government:

- A commitment to putting the Office of the Inspector of Prisons on a statutory footing and to removing restrictions on publication by the Inspector of Prisons of his/her reports.
- A commitment to reviewing the proposal to build a new prison at Thornton Hall and to consider alternatives, along with the stated recognition of the need to provide in-cell sanitation to all prisons and to upgrade prison facilities.

Throughout 2011, IPRT prioritised an intense programme of engagement with international human rights mechanisms to advance our campaigning work on key human rights issues within the prison system. Following substantial submissions to the UN Committee against Torture, the Universal Periodic Review Process and the Council of Europe Commissioner on Human Rights, IPRT secured a significant body of strong recommendations to the Irish Government on its key areas of concern.

Through supporting and working with the domestic human rights infrastructure (notably the Inspector of Prisons), these international recommendations have been reinforced with recommendations at national level, setting benchmarks and timelines for improvement of prison conditions.

Our submission to the Thornton Hall Project Review Group was perhaps the most significant piece of work undertaken by IPRT in this regard, where we recommended that the capital priorities of the Government shift from prison building to renovating existing prison spaces – a view that is now becoming established as Government policy.

Crucially, the Irish Government made progress during 2011 in addressing the two key issues of prisoner complaints and slopping out: the Government ring-fenced funds to continue renovation work at Mountjoy prison, including the installation of in-cell sanitation in Blocks C and B; and the Department of Justice and Equality began work on proposals for a revised system of complaints.

However, despite welcome progress in these areas, there remain acute and urgent human rights issues across the prison system, particularly in Cork and Limerick prisons, which IPRT continues to highlight. And we continue to work closely with the Inspector of Prisons, the Irish Human Rights Commission, the Ombudsman, the Prison Officers Association and the Northern Ireland Prisoner Ombudsman on strengthening accountability in the Irish penal system.

Key Issues

Imprisonment as a Last Resort

A core goal of IPRT is to have the principle of imprisonment as a last resort established at the centre of Government policy. 2011 saw continued progress to this end, with commitments by the outgoing Government amplified by the incoming Government in commitments for reform regarding diversion away from prison, along with commitments on remission and on mandatory sentencing. This followed substantial engagement between IPRT and the two coalition parties in the period before and after the election. The new Programme for Government included commitments to:

- ensure that prison is reserved for violent offenders and other serious offenders, while shifting towards less costly non-custodial options for non-violent and less serious offenders.
- fully implement the *Fines Act 2010* and extend the use of Community Service Orders by requiring judges to consider the appropriateness of Community Service Orders as an alternative to imprisonment.
- review mandatory sentencing laws in the context of an overall review of drugs policy.

IPRT also welcomed that Fine Gael pre-election proposals to merge the Irish Prison Service and The Probation Service and to end automatic remission were removed. A commitment to reviewing the workings of the *Prison Act 2007* in relation to incentivising engagement with rehabilitative services in prison was also included in the Programme for Government.

Having secured these significant commitments in the Programme for Government towards reducing imprisonment, IPRT then maintained pressure on issues of imprisonment for fine default and the use of community service orders.

On the introduction of the *Criminal Justice (Community Service) (Amendment) No. 2 Bill* in April, IPRT circulated briefings to all members of the Oireachtas and IPRT's position was referred to by many speakers in the Second Stage debate. The Bill passed through both houses in July 2011.

We continued to push on the issue of imprisonment for fines throughout 2011 and, crucially, Government ring-fenced funds for putting in place the necessary ICT facilities to allow payment of fines by installment in 2012.

Another significant shift in policy during 2011 followed the publication of the *Thornton Hall Project Review Group Report*, which acknowledged that prison building would not address overcrowding. This led to Government recognition of the need for 'back-door' strategies to reduce prison numbers, and the introduction of a pilot structured early release scheme in autumn 2011. Such a measure was a cornerstone of the analysis in IPRT's submission to the Thornton Hall Review Group.

IPRT also supported the establishment of the Oireachtas Sub-Committee on Penal Reform, which was proposed by IPRT Patron Senator Ivana Bacik, and which will seek to develop further reform proposals for the structured release of prisoners.

The most significant indicator of all in 2011 was the levelling off in the numbers in prison custody, after rocketing rates of increase in recent years. While prison numbers were as high as 4,587 in April 2011, numbers had stabilised at around 4,260 by the end of 2011.

All of these developments during 2011 marked a general shift in emphasis towards imprisonment as a last resort, and potential for wider sentencing law reform in 2012 and beyond.

Penal Policy and Social Policy

IPRT believes that crime cannot be viewed as a problem in isolation from deeper social and economic issues, and in 2011 we continued to build on our work in this area, making clear the links between prison and crime policy and wider social policy, with particular emphasis on the social and economic benefits of prevention and early intervention strategies.

Opportunities to influence structural aspects of penal policy directly were presented by the election of a new Government. Directly in response to IPRT submissions, the Programme for Government committed to enhancing the operation of the Prison Visiting Committees (rather than abolishing them as proposed in the Fine Gael manifesto) by bringing them within the remit of the Inspector of Prisons. The Government also made a commitment to enhance cooperation between the key criminal justice agencies (rather than merging the Irish Prison Service and The Probation Service, as previously mooted) towards the creation of an integrated offender management programme.

At a wider level, the new Minister for Justice and Equality reflected IPRT's position that there is a need for an overarching and coherent crime policy, and there are some early signs of a deeper understanding at a Government level of the relationships between crime policy and wider social policy.

Towards the end of 2011, IPRT completed work on a position paper which draws links between penal policy and other areas of social policy, *The Vicious Circle of Social Exclusion and Crime: Ireland's Disproportionate Punishment of the Poor*. This publication was launched at a joint seminar with social justice NGOs in early 2012.

Key Issues

Youth Justice

During the first half of 2011, Ireland came under intense national and international pressure for continuing to detain children in St Patrick's Institution, which is in breach of international human rights standards. IPRT had formally submitted its concerns to a number of these international monitoring mechanisms – including the CPT, the UPR and the UNCAT – in advance of Ireland's examinations, the outcomes of which were strong recommendations to act with urgency to end the imprisonment of children in Ireland.

In February 2011, the Ombudsman for Children published a report, *Young People in St Patrick's Institution*, which highlighted a number of critical issues not least the detained children's lack of access to an independent complaints system. IPRT had advised on earlier drafts of this important report.

While the new Programme for Government included a (re-)commitment to end the use of St. Patrick's Institution for children, there was little concrete development during 2011 and capital funding estimates released towards the end of 2011 did not include any provision for the building of the new National Children Detention Facility at Oberstown, Lusk.

In 2011, the functions of the Irish Youth Justice Service transferred to the new Minister for Children and Youth Affairs, presenting a new opportunity to influence the future development of youth justice policy and to hopefully facilitate a shift in Government thinking on youth justice as a children's rights issue. To this end, IPRT worked closely with a range of partners throughout the year to identify opportunities for youth justice reform that may be achievable in the current economic context. These include proposals for reducing the numbers of children detained through remand reform, and proposals for strategic oversight of youth justice policy.

Towards the end of 2011, IPRT increased its lobbying and alliance-building work around the use of St. Patrick's Institution for the detention of children and on wider youth justice reform. Activities included the coordination of a common policy position, and public and private lobbying activities between a range of actors in this area, including the Ombudsman for Children, the Children's Rights Alliance and Barnardos. IPRT also liaised with the Department of Justice and Equality, the Department of Children and Youth Affairs, the Irish Prison Service and the Irish Youth Justice Service on these issues.

At the end of 2011, IPRT was very positive that there would be an announcement on St. Patrick's Institution in early 2012.

Engagement with Prisoners and their Families

Since 2009, IPRT has actively sought to increase our direct engagement with prisoners and prisoners' families through a number of new initiatives and activities. The number of prisoners and ex-prisoners and their families who have become members of IPRT increased by a third during 2011.

IPRT uses our policy and legal expertise to provide support and resources to agencies working directly with prisoners, and creates structures and opportunities for former prisoners, family members and relevant key service providers to regularly feed into IPRT's work. Among the key activities we have initiated to develop this work are:

Responding to Queries from Prisoners and Prisoner Families

IPRT continues to receive an increasing number of queries from prisoners and prisoners' families regarding legal or administrative concerns about the prison system. We continue to deal with such queries on an ad-hoc basis (per request). We undertake visits to prisoners as requested or as deemed necessary and have negotiated with the Irish Prison Service to secure professional visit status for those visits.

An analysis of all IPRT case-files was submitted to the Irish Human Rights Commission, the Inspector of Prisons and the Public Interest Law Alliance in September 2011. As of November 2011, there were approximately 50 open cases where IPRT has directly supported or referred a prisoner or family member.

Key issues identified through such contacts include: procedures within IPS for transfer between prisons, including transfer requests for reasons of protection; physical conditions of detention; provision of meaningful activities for prisoners on protection; mental health care in prison; access to families; lack of clarity around temporary release decision-making; and information on how to access the community return scheme. It is clear that there is significant unmet demand for an independent complaints mechanism and advocacy services for prisoners.

Prison Consultative Group

In 2011, IPRT established a Prison Consultative Group to advise us on our work from a prisoner and prison service perspective, to provide IPRT's legal and policy expertise to service providers and to "proof" some of our key policy work with experts working within the system. Membership of the group includes a former prison officer who now works as director of a rehabilitation service, a prison chaplain, a former prisoner, and a representative of the Samaritans. We have extended invitations to key regional service providers in Dublin, Limerick and Cork. We have also been involved in supporting the establishment of a community prisoner reintegration project in Dublin.

Know Your Rights – Your Rights as a Prisoner

During the second half of 2011, IPRT developed prisoners' rights materials, in conjunction with ICCL's Know Your Rights project. The Prison Consultative Group was closely involved in the development of the materials, and a full draft of the booklet was submitted to the Irish Prison Service in November 2011 for comment. We aim to launch the booklet in early 2012.

Research and Policy

IPRT's advocacy work is underscored by research and evidence-led policies. Having developed a comprehensive base of research and policy documents during 2009 and 2010, the focus shifted in 2011 to submissions supported by this established evidence base.

Submissions to International Monitoring Bodies

- *Universal Periodic Review (UPR)*

The IPRT submission to the United Nations Universal Periodic Review (March 2011) focused on the protection and promotion of human rights in Irish prisons, and examined some of the most pressing issues in relation to human rights in Irish prisons; stopping out and cell conditions; shortcomings regarding complaints mechanisms for prisoners; the continuing imprisonment of children in St. Patrick's Institution; the effect of a history of imprisonment as a barrier to employment; and overcrowding. The need for the prompt establishment of a Prisoner Ombudsman was also emphasised.

IPRT also made a submission to the Irish Human Rights Commission UPR Report, as well as contributing to the *Your Rights, Right Now* Irish Civil Society Coalition (cross-sectoral) report, led by the Irish Council for Civil Liberties.

- *UN Committee against Torture*

On 23 and 24 May 2011, Ireland was reviewed for the first time by the UN Committee against Torture (UNCAT) to assess whether the State is meeting its international human rights obligations to prevent torture or ill-treatment.

In advance of the hearing, IPRT, in conjunction with the Irish Council for Civil Liberties, submitted the *Joint Shadow Report to the First Periodic Review of Ireland under the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*. The Joint Shadow Report made 50 clear recommendations to Government on action required to meet the State's obligations under this treaty. The product of over a year's research and consultation by the ICCL and IPRT with the Irish NGO community, the report was endorsed by 31 Irish NGOs.

Position Papers and Briefings

- *IPRT Briefing on the Criminal Justice (Community Service) (Amendment) (No. 2) Bill* was published in April 2011, and distributed to all TDs and Senators in preparation for the debates in each house. An amendment suggested by IPRT to require judges to give in writing their reasons for handing down a custodial sentence instead of a community service order was not accepted.
- *IPRT Briefing on Sanitation and Slopping Out* was published in January 2011.
- *IPRT Briefing on Women in Detention* was published in August 2011.
- *IPRT Briefing on Overcrowding in Irish Prisons* and *IPRT Briefing on the Detention of Children in St. Patrick's Institution* were updated in October and November 2011, respectively.

Policy Submissions

- During 2011 IPRT made a series of submissions to the Department of Justice and Law Reform's Consultation Process towards a White Paper on Crime (3 - *Organised and White Collar Crime* and 4 - *The Community and the Criminal Justice System*).
- IPRT made a submission to the Review Group on Thornton Hall, which was tasked by the Minister for Justice and Equality to assess whether building of the proposed super-prison should proceed, in May 2011. The IPRT submission focused on the wider needs of the prison system and, crucially, the overall objectives of crime policy and wider social policy.



Communications

Keeping prisoners and penal reform issues in the spotlight is a core aim of IPRT communications activities, whilst consistently challenging the demonisation of offenders. Through the combined use of social and traditional media, IPRT extends the reach of our message, and nurtures increased interaction with the issues at stake and those affected.

Media

IPRT is now well established with the media as a helpful, informative and authoritative resource on prisons-related information and analysis. IPRT is regularly contacted for comment by the main daily broadsheets, along with other local and national papers. IPRT also contributes regularly on high profile radio news and talk-shows, across national and regional radio stations, with frequent appearances on national TV news.

IPRT also contributes opinion and other articles to trade magazines reaching key audiences including the *Law Gazette*, *Public Affairs Ireland*, *Emergency Services Ireland* and the *Medical Independent*. We have also forged new relationships with online publications thejournal.ie and politico.ie

During 2011, IPRT's communications work was marked in particular by in-depth involvement in TV documentaries on relevant issues, including TV3's 'Behind Bars' series; TG4's 'Idir Mná' documentary on women offenders; and an RTÉ Prime Time item on the imprisonment of fine defaulters. In each case, IPRT was involved during the development stage in terms of provision of information, research, contacts and case-studies, alongside the broadcast interviews.

In 2011, much of our media work centred on three international human rights monitoring processes, namely the publication in February 2011 of the CPT report on its visit to places of detention in Ireland in 2012; Ireland's first examination under the UNCAT in May 2011; and Ireland's first Universal Periodic Review hearing in October 2011. The high levels of attention drawn to prison issues both in media reporting and in the human rights processes themselves, demonstrate the combined impact of our activities in the areas of research, advocacy and media – not to mention the amplification of IPRT's voice through close collaboration with other civic sector actors, including the Irish Council for Civil Liberties.

Indeed, throughout the year there was a sustained media focus on substandard prison conditions, in particular slopping out and overcrowding. IPRT also fully utilised the opportunities that arose around the publication of a number of key reports, including those issued by the Inspector of Prisons, the Irish Prison Service and the Thornton Hall Project Review Group, to further drive home our core messages of respect for human rights of prisoners and imprisonment as a last resort.

Other prominent issues which received much attention during 2011 included sentencing, alternatives to custody, the detention of children in St Patrick's Institution, women offenders, imprisonment for fines default, and the need for independent investigations of prison deaths.



Website & Online Presence

www.iprt.ie

The IPRT website is an established 'first port of call' for media, researchers, political representatives, organisations and others. We continue to ensure that the website is up to date not only with IPRT news, activities and publications, but also international news and initiatives with the goal of stimulating informed and lively debate on penal reform issues.

www.twitter.com/iprt

IPRT uses Twitter to alert followers of latest news, publications, and broadcast appearances, and also as an information resource for new international reports and initiatives. It has proven especially useful in terms of raising our profile and forging relationships internationally.

www.facebook.com/irishpenalreformtrust

IPRT uses Facebook to stimulate debate among those interested in the area of penal reform and criminal justice more generally; we use this platform to share and comment on developments, both positive and negative, from Ireland and around the world.

Webcasting

We entered the new world of webcasting in 2011, broadcasting live from Geneva Ireland's hearing before the UN Committee against Torture, and later webcast a presentation from the Prison Law Office in San Quentin, CA and a Prison Law Seminar in Dublin. These are available to watch on: <http://www.ustream.tv/channel/iprt>

E-bulletins

Six ebulletins were issued to members and stakeholders in 2011.



Top: Liam Herrick (IPRT) on RTÉ Prime Time 'The trials and tribulations of fine-defaulters', broadcast on 27th Sept 2011; still from TV3's 'Behind Bars' series, broadcast May 2011.
Bottom: Jane Mulcahy (IPRT) on RTÉ Six One News, 8th August 2011; TV3 'Midweek' panel discussion on imprisonment for fines, 29th June 2011.

Seminars & Events

Strategic Juvenile Justice Litigation - the U.S. Experience

IPRT and PILA co-hosted an inspiring seminar with speaker Marsha Levick on the experience of strategic juvenile justice litigation in the United States, on Monday 10th January 2011. Marsha spoke to a packed house in Distillery Buildings, Dublin 7 on the experiences of her work as co-founder and Deputy Director of the Juvenile Law Center in Philadelphia, a nationally recognised leader in juvenile law in the U.S. Catherine Ghent, solicitor and children's rights advocate, responded from the Irish perspective.

Breaking the Record - Spent Convictions & Discrimination

On 10th May 2011, IPRT hosted Bobby Cummines OBE, Chief Executive of UNLOCK - the National Association of Reformed Offenders (UK) for a series of events focusing on obstacles experienced by those with a criminal record who wish to move on from their offending past. These included an Oireachtas seminar and a public forum, at which a number of people voiced their frustration at the lack of spent convictions legislation in Ireland, which in effect means a lifelong obstacle to work, education, training, insurance, and more. Esther Lynch, Legal & Social Affairs Officer with the ICTU and Erin Gavin, TEO with the BITCI Linkage Programme, also spoke at this valuable event.

IPRT Annual Lecture 2011: Minister for Justice, Equality and Defence, Mr Alan Shatter, TD

The Minister for Justice, Equality and Defence, Mr Alan Shatter TD, presented IPRT's Annual Lecture on 16th September 2011 at an event which was extremely well attended by agencies and individuals working in the criminal justice system along with those working in marginalised communities.

In his paper, the Minister set out a broad and ambitious programme of penal reform, many elements of which reflect longstanding IPRT's policy goals, recognising that overcrowding and slopping out amounted to breaches of prisoners' human rights. He also made a commitment to consider introducing an independent component to the complaints system for prisoners in 2012. The Minister further announced that he was appointing Liam Herrick to a new Strategic Reform Group on Penal Policy, and nominating Dr Mary Rogan as one of three shortlisted candidates for the Council of Europe Committee for the Prevention of Torture (CPT).

The panel, which was chaired by Judge Catherine McGuinness, included Brian Purcell, Secretary General of the Department of Justice and Equality; Tom Cooney, Special Advisor to the Minister for Justice, Equality, and Defence; Liam Herrick, Executive Director of IPRT; and Mary Rogan, Chairperson of IPRT. Colm Ó Mongáin, presenter of RTÉ's 'This Week', chaired the Q&A.

The event was kindly sponsored by KOD/Lyons.



Oireachtas All-Party Penal Reform Seminars

IPRT held three Oireachtas Seminars for the All-Party Penal Reform Group at Leinster House during 2011:

- **Spent Convictions** with Bobby Cummines OBE of UNLOCK, Dr Shane Kilcommmins of UCC, and a former prisoner (10th May 2011).
- **Priority Penal Reform Issues and Legislation** with Liam Herrick, IPRT Executive Director and Senator Ivana Bacik (27th September 2011).
- **Detention of Children and St Patrick's Institution** with Prof. Harry Kennedy of the Central Mental Hospital and Emily Logan, Ombudsman for Children (15th November 2011).

Prison Law Seminar Series

IPRT co-hosts the Prison Law Seminar Series with the Dublin Solicitors Bar Association and the Irish Criminal Bar Association. In 2011 we hosted the seventh and eighth seminars in this series, both of which enjoyed high attendances. The presentations were captured and broadcast on Ustream:

- **Prison Conditions as a Constitutional Issue** with Michael O'Higgins SC, and Don Specter (Director) and Sara Norman (Managing Attorney) of the Prison Law Office, San Quentin CA. (21st July 2011)
- **Creative Use of Legal Instruments** with Caoilfhionn Gallagher BL, chaired by Paul McDermott SC. (8th December 2011)



Top: Niall Walsh, Board member of IPRT and Minister for Justice, Equality and Defence, Mr Alan Shatter at the IPRT Annual Lecture 2011 on 16th Sept 2011 - photos: Derek Speirs.

Bottom: Bobby Cummines OBE (UNLOCK) and Erin Gavin (BITCI) at 'Breaking the Record' on 10th May 2011 - photo: Derek Speirs; Catherine Ghent (Solicitor), Marsha Levick (JLC), Larry Donnelly (PILA) and Liam Herrick (IPRT) at 'Strategic Juvenile Justice Litigation - the U.S. Experience' - photo: Tom Innes.

Alliances

IPRT's relationships with the key agencies and actors in the penal system are fundamental to our ability to influence change. Given our limited capacity, we also seek to increase our impact through working in partnership and in alliance with other organisations to achieve our policy goals. Some of the key organisations with which we developed our relationships in 2011 include the Prevention and Early Intervention Network, the Irish Youth Justice Service and Dublin City Council.

Oireachtas

The period around the General Election in February 2011 saw intense contact with all of the main political parties; and subsequent to the election, IPRT also made a number of submissions to the two parties who were negotiating the Programme for Government. This bore fruit not only in the inclusion of most of IPRT's main campaigning goals in an ambitious section on Penal Reform in the Programme, but also in the omission from that Programme of a number of problematic elements of both parties' election manifestoes.

IPRT hosted three seminars of our cross-party Oireachtas Penal Reform Group in 2011, and in the months following the General Election, we also had direct meetings with Sinn Féin, Fianna Fáil and the Technical Group (of smaller parties and independent TDs). We were especially satisfied to see the establishment of a Sub-Committee of the Joint Oireachtas Justice Committee dedicated specifically to the subject of Penal Reform. The proposal for the setting up of this Committee was the initiative of IPRT patron Senator Ivana Bacik. IPRT made its first submission and appearance before the Sub-Committee in November 2011.

Government

One of the first decisions of the new Minister for Justice and Equality, Mr Alan Shatter TD was to set up the Thornton Hall Project Review Group, tasked with reviewing the proposed prison building programme. IPRT made a detailed submission to the Group and met directly with them in May. The final report of the Group reflected many of our key proposals including recommendations to reduce the prison population, to create incentivised regimes, and to prioritise the renovation of the intolerable conditions at Cork and Mountjoy Prisons. At the same time, we were critical of the proposal to advance with a smaller prison at Thornton Hall. In November, the proposal to build at Thornton Hall was postponed and instead Government allocated funding for renovation work at Mountjoy and Cork, and committed to the structured release of prisoners to ease overcrowding.

Statutory

In the early part of 2011, our level of contact with the Prison Service (IPS) dropped off, following critical statements made by IPRT in response to a number of reports released by the Inspector of Prisons and the Committee for the Prevention of Torture (CPT). However, our working relationship with the IPS was re-established after a short period, and a number of prison visits for IPRT staff were facilitated. Since his appointment in November 2011, IPRT has had a number of meetings with the new Director General of the IPS.

(Statutory contd.)

In 2011, we had close contact with the Irish Youth Justice Service, who facilitated a visit by IPRT staff to the Oberstown Children Detention School complex at Lusk, Co. Dublin. IPRT also participated in the Lord Mayor's consultation process on Anti-Social Behaviour, and continued to work closely with the Inspector of Prisons, the Ombudsman for Children, and the Irish Human Rights Commission (IHRC).

NGO Cooperation

- IPRT played a leading role in the development of the Prevention and Early Intervention Network, with Liam Herrick participating in the Steering Group of the Network between January and November 2011.
- IPRT also played a leading role in coordinating the work of the main statutory and community organisations concerned with the ongoing situation for children detained at St. Patrick's Institution, including the Ombudsman for Children, the Children's Rights Alliance and Barnardos.
- IPRT collaborated with the NGO community around a number of international human rights monitoring processes during 2011. IPRT collaborated with the ICCL on the *Joint Shadow Report to the First Periodic Review of Ireland under the UNCAT*; the product of over a year's research and consultation by the ICCL and IPRT with the Irish NGO community, the report was endorsed by 31 Irish NGOs. IPRT was also a member of the UPR Cross-Sectoral steering Group. (See Research & Policy, pgs 10-11, for more details.)
- During 2011, IPRT continued to participate in the Association for Criminal Justice Research and Development, the Community Platform, the Network of Ex-Offender Voluntary Associations (NEVA), the Public Interest Law Alliance, the Equality and Rights Alliance, and the Children's Rights Alliance.

Northern Ireland

Devolution of justice powers in Northern Ireland and the publication of a review of the Northern Ireland Prison Service present new opportunities for collaboration with colleagues in Belfast. IPRT met with the new Director of CAJ (Committee on the Administration of Justice), the Northern Ireland Prison Ombudsman, has made contact with a former prison governor in Northern Ireland, and is committed to continuing to work closely with colleagues in Belfast.

International

In September 2011, Liam Herrick and Mary Rogan travelled to London to meet with the International Centre for Prison Studies, the Howard League for Penal Reform and the Prison Reform Trust with a view to learning from their methods of work and building alliances.

IPRT also travelled to Geneva in May 2011 in advance of Ireland's hearing under the UNCAT to present key findings of the *Joint Shadow Report* to the UN Committee against Torture alongside the ICCL and Amnesty International.



IPRT Annual Lecture 2011, 16th Sept 2011 in the Presidents' Hall, Law Society of Ireland, Blackhall place, Dublin. L-R: Judge Catherine McGuinness; Dr Kevin Warner, former Head of the Prison Education Service; John Clinton, General Secretary of the Irish Prison Officers Association. Photos: Derek Speirs

Effecting Change through the Law

While IPRT does not currently have a formal legal representative role for prisoners and their families, we believe that the legal system presents an important arena for advancing prisoners' rights. To this end, we engage in a number of activities to develop this work outside of direct litigation, including our Prison Law Seminar Series and the IPRT Legal Bulletin.

Prison Law Seminars

Our joint seminar series with barristers and solicitors remains a key avenue for IPRT to build a constituency of prison lawyers and to encourage litigation on behalf of prisoners. In July 2011, we streamed a presentation by U.S. prison lawyers involved in the Supreme Court case on Californian prison overcrowding in tandem with a presentation by Michael O'Higgins SC on recent Irish case-law. In December 2011, leading prison law practitioner Caoilfhionn Gallagher BL spoke on a number of high-profile and sensitive prison cases on which she had recently acted.

Legal Bulletin

The quarterly IPRT Prison Law bulletin is a new initiative, which seeks to stimulate increased prison litigation and equip lawyers in prison law cases. The first bulletin was issued in May 2011 and summarised interesting penal law developments in Ireland, the UK, and ECtHR decisions. Four were issued during 2011, available online at: <http://www.iprt.ie/prison-law>

Supporting Legal Action

IPRT continues to be contacted by both solicitors and barristers for advice or expertise in a variety of cases. Actions taken by IPRT include providing legal research, providing information on prison procedures, and acting as a liaison with prison agencies. In 2011, IPRT prepared an expert report on inter-prisoner violence, incorporating an analysis of recent violent incidents reported in the media, to an individual fighting extradition in the UK. This is the fourth such report IPRT has provided, and IPRT continues to submit expert reports in UK extradition cases. Research was also conducted and an affidavit prepared for a legal case involving 'slopping out' and freedom of religion at Cork prison.

Partnership with Public Interest Law Alliance (PILA)

Both PILA and IPRT are strongly committed to working together to support and stimulate prisoner litigation. In 2011, a joint PILA/IPRT research project was established whereby lawyers agreed to research topics including reform of the parole process, earned early release and remission rates in other jurisdictions; this work then provided the basis for an IPRT policy submission to the Oireachtas Sub-Committee on Penal Reform.

Strategy & Governance

Board of Directors

At the IPRT AGM in July 2011, Ursula Kilkelly and Ruaidhrí McAuliffe stood down from the IPRT Board. Both Ursula and Ruaidhrí had made an enormous contribution to IPRT's work during their time on the Board, for which we expressed deepest thanks.

Two new Board members joined the board at the AGM: Professor Joe Barry, Chair of Population Health Medicine at the Department of Public Health & Primary Care, Trinity College Dublin; and Niall Walsh, a graduate of Trinity College Dublin and the National University of Ireland, Maynooth, who is involved with prison education and the education and support of prisoners post-release.

Patrons

In 2011, John Lonergan, former governor of Mountjoy Prison, and then-presidential candidate Michael D Higgins, accepted invitations to become patrons of IPRT. They joined existing IPRT patrons poet and playwright Paula Meehan, author and director Peter Sheridan, and Senator Ivana Bacik.

Staff and Internships

Áine Kilgallon was employed as a fundraising consultant from July 2011 to assist us in developing our fundraising capacity.

Our work in 2011 was greatly supported by interns Stephen Moffat and Judith McGimpsey who worked with us until end January 2011; Maggie Coughlan and Colette Barry who worked with us until summer 2011; Nóra Ní Loinsigh who worked on a summer placement; and Sarah Lynch and Lisa Mannion who began work with IPRT in autumn 2011. IPRT continues to attract very skilled and knowledgeable individuals to the internship programme.

IPRT Patrons

(L-R) John Lonergan; Peter Sheridan; Paula Meehan; Senator Ivana Bacik.



All photos taken at the IPRT Annual Lecture 2011, apart from Peter Sheridan who is pictured at 'The Old Triangle' IPRT event in February 2012. Photos: Derek Speirs

Finance

The Finance Committee of the IPRT Board meets in advance of each Board meeting, approximately six times per annum. In 2011, the Finance Committee met in July, September and November. The audited accounts are prepared by Garland McDonald & Sons; the 2010 accounts were approved at the IPRT AGM in July 2011 and submitted to the Companies Registration Office. The 2011 accounts are for approval at the IPRT AGM in July 2012. (See appendix.)

Fundraising/Sustainability

IPRT is fortunate to have the financial and other support of two main philanthropic funders: The Atlantic Philanthropies and Joseph Rowntree Charitable Trust. We also rely on individual donations and other smaller grant givers. IPRT does not receive any Government or State funding, which we believe is critical to maintaining the independence of our voice on prisons and penal reform issues.

At the end of our previous grant from The Atlantic Philanthropies in late 2010, IPRT successfully applied for a second grant to cover a period of three years for a total amount of €800,000. This grant has allowed us to sustain our current level of operation during 2011 and ensures the sustainability of IPRT to the end of 2013. We continue to be grateful to Joseph Rowntree Charitable Trust for their longstanding support of the organisation. The grant received in 2010 will support IPRT until the end of 2012.

We also secured grant funding from the Irish Research Council for the Humanities and Social Sciences (joint project with the Dublin Institute of Technology) towards the end of 2010, which enabled IPRT to commence a major knowledge exchange project on prisoner's rights whilst serving their sentence and also on deaths in prison custody. The majority of this work will be published in 2012. We also received grant funding in 2011 at a total of €2,049.

In 2011, IPRT made the decision to seek sponsorship for our annual lecture and we were very grateful to KOD Lyons and A&L Goodbody for their very generous sponsorship on this occasion. We were also able to generate income from a number of our activities, including research reports commissioned by lawyers in prison litigation and fees for lectures given by IPRT staff. The total income from activities and sponsorship came to €4,688. Membership and individual donations remain important to IPRT and in 2011 they contributed €3,217.

DRAFT FINANCIAL STATEMENTS & DATASET 31st December 2011

Irish Penal Reform Trust Limited
(A Company Limited by Guarantee and not having a Share Capital)

Detailed income and expenditure account
for the year ended 31st December 2011

	2011		2010	
	€	€	€	€
Income				
Atlantic Philanthropies	290,000		220,000	
Joseph Rowntree	72,500		47,500	
Membership & Donations	3,217		5,092	
Additional Grants	2,049		16,000	
Grantee Activities	2,909		4,653	
Deposit Interest	242		267	
Miscellaneous Corporate	1,779		-	
		372,696		293,512
Expenditure				
Wages and salaries	224,595		220,998	
Staff pension costs	3,458		3,130	
Rent payable	24,583		25,625	
Light and heat	2,237		1,670	
Printing and stationery	4,362		3,764	
Telephone	4,920		4,435	
Courier costs	211		254	
Post	-		402	
General expenses	1,581		611	
Consultancy fees	11,075		19,473	
Insurance	1,315		1,354	
Computer costs	694		381	
Website	841		369	
Repairs and Maintenance	352		905	
Subscriptions	164		-	
Charitable donations	200		100	
Advertising and promotions	248		-	
Public Events	2,555		13,249	
Conferences	1,127		-	
Travel	3,443		2,087	
Publication and reports	8,229		8,845	
Research Costs	4,310		1,833	
Audit	3,065		3,630	
Bank charges	343		291	
Depreciation on website costs	2,313		2,313	
Depreciation on Equipment	2,621		2,380	
		308,842		318,099
Surplus/(deficit) for the year		63,854		(24,587)

